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Human Dignity from the Beginning of Life:
German and Indian Moral Theological Perspectives
In an Attempt at Dialogue with Hinduism

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Dedicated to all the unborn

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GENERAL INTRODUCTION

The past decade has seen rapid development of Medical Science. In the name of scientific progress, human embryos have been used as objects of medical research. These experiments are having a serious effect and strikes at the core of the human being. The vulnerable human embryos are at stake. On the one hand, scientists voice their opinion, namely, that the life of an embryo can be risked considering the benefit to the whole humanity, because they are only a lump of cells. On the other hand, voices are raised against them from other quarters, such as philosophers and theologians, who consider the embryo as a human, and therefore, cannot be endangered for the benefit of the society. In the wake of a heightened appreciation of the dignity of the human person, which has become the hallmark of this century, these opinion and voices have raised a fierce debate in many countries and in the Catholic Church. Meanwhile, the concept of human dignity has deeply pervaded biomedical ethics and has become one of the most significant current topic of debate. The debatable questions are, is a human embryo a human being, a human person? Does it have a right to life right from the beginning or at a later stage? Does human life have an inviolable dignity and an inherent worth from the beginning of its existence?

The use of the last phrase, “beginning of life or beginning of its existence” with regard to an embryo, is problematic. The question arises as to whether, the beginning of life is at: (a) fertilization, (b) nidation, (c) formation of the primitive streak, (d) beginning of the formation of the neocortex, (e) viability, or (f) birth?¹ These questions often remain debated without a clear-cut answer. Therefore, the phrase, “beginning of life” is preferred, in order to leave the question open, i.e., whether human life begins “from the moment of human conception” or at a later period.²

The discussion above therefore revolves around two important questions. First, is a human embryo (in order to be very specific, namely, what is handled here is about an embryo arising out of the result of human fertilization process and not of other species), human? Second, if so, does it have human dignity from the beginning of life, or at a later stage? Therefore, the challenge set forth in this research is to construct a foundation of human dignity as a moral principle, which is acceptable universally and to determine whether the inviolability of human life and thereby its inherent dignity could be assured from the very beginning of its existence. The problem is even larger. The issues involved in deciding the fate of an embryo lies not only with medicine but also with philosophy, anthropology, law and theology. The concept of human dignity “has deep roots in the theology of many religions, moral and political philosophy and anthropology” besides legal discourse.³ From a religious perspective, the Catholic Church has

¹ Cf. Hans-Martin SASS, “Asian and Western Bioethics: Converging, Conflicting, Competing?”, in: *Eubios Journal of Asian and International Bioethics* 14 (2004) 12-22; 20.

² The phrase “beginning of life” is used at least 6 times in various ways in the CONGREGATION FOR THE DOCTRINE OF FAITH, *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation. Donum Vitae. Replies to Certain Questions of the Day* (22 February 1987), Pauline Books and Media, Boston, Massachusetts 1987. *Donum Vitae* will hereafter be referred to as *DV*.

³ David KRETZMER/Eckart KLEIN, (ed.), *The Concept of Human Dignity in Human Rights Discourse*, Kluwer Law International, The Hague/London/New York 2002, vi.

shown its keen interest and centred herself on the theme of human dignity from the beginning of life in its recent Instruction on certain Bioethical Questions, *Dignitas Personae*⁴.

This research seeks to address the question of human dignity from the beginning of life by turning to German Moral Theological perspectives, who are forerunners in this issue. This research explores moreover, the Indian Moral Theological perspectives, in order to compare and contrast the issue of human dignity as conceived by them. Since, as elucidated above, the issue is to be seen at a broader level, i.e., to be more universal, Hinduism is chosen, which is a representative of the world's third largest religion after Christianity and Islam and the largest religion in India. Since, Catholic Theology and Hindu Theology stem from different philosophical backgrounds, a comparison in this situation is out of question. However, a dialogue with each other is possible to find common grounds for a universal application of human dignity from the beginning of life.

Outline of Structure of the Research

In order to facilitate the research, it has been divided into four parts. Part I deals with the General Concepts to lay a basic foundation for the other parts. Part I will deal with deriving a working definition of human dignity, the historical and philosophical foundation of human dignity, the theological foundation of human dignity, the Bioethical foundations of human dignity and finally the question of the ensoulment of an embryo. Part II will engage with the Catholic German Moral Theological Perspectives on the issue of human dignity from the beginning of life. Here, the bioethical foundations of human dignity in German Moral Theology, human dignity in the teachings of the Catholic Church in Germany, the Concept of Person from a German Perspective, and finally, human dignity and beginning of life issues will be discussed. Part III will look into the Catholic Moral Theological Perspectives from India. This Part will also deal with the same topics as in the previous part, but from an Indian perspective. The last Part IV addresses the Hindu Perspectives from a dialogue point of view. This Part will deliberate on the basic notions of classical Hinduism, bioethical foundations in classical Hinduism, the new Hindu theological systems, contemporary Hindu view on human dignity and finally the contemporary praxis with regard to beginning of life issues in India today. Each Part will begin with an introduction and end with a conclusion.

Methodology of the Research:

The method of research will be comparative. Although, the field of research is in a restricted area of Bioethics in Moral Theology, ample use of the literature from other sources, like philosophy, anthropology and medicine, will be applied in order to substantiate the research. A descriptive method will outline at the outset the basic notions on human dignity. Based on these findings, the different Catholic Moral Theological perspectives of human dignity in Germany and India would be examined critically and analytically, in order to find a common ground for a dialogue with Hinduism. A comparative study between Catholic Moral Theology in Germany

⁴ CDF, *Instruction Dignitas Personae on Certain Bioethical Questions* (8 September 2008), Carmel International Publishing House, Trivandrum, Kerala 2008. *Dignitas Personae* will be referred hereafter as *DP*.

and India will be carried out in Part III and the outcome will be compared with Hinduism in Part IV. As far as possible, a gender inclusive language will be used.⁵

One can identify similarities between the moral status of human embryos and the supposedly foundational status of adult humans only when the moral status of adult humans has been determined. Whether human embryos have the same human dignity that speaks of an unconditional right to life as adults, can be judged only if it is clear in what way the ownership of this right is found in adult human beings.⁶ Therefore, the methodology in this research will begin first with the human dignity of an adult in a general way and then apply that to human dignity from the beginning of life within the field of Bioethics in Catholic Moral Theology and Hinduism. This basic pattern will be followed in all Parts of this research.

Significance of the Study:

The scope of the term “dignity” and furthermore “human dignity” is quite large. Therefore, it is not within the scope of this work to deal with the complete history of the development of the concept of these terms. The attempt in this research is to highlight those key events that shaped bioethics to adopt human dignity as its fundamental principle.⁷ The emergence of the respect for human life and its protection arose gradually in the phases of the history of Europe and America. Therefore, one can validly ask, is the respect, worth and dignity of human life, a universal concept, or is it only a “western” concept? In an age of globalization, one needs to become aware and clarify the significance of human dignity that can be applied to the human race universally. Therefore, it becomes relevant to study the notion as perceived in another part of the world, namely, India and especially in Hinduism.

The Limitations

Any comparative study has certain limitations. The ideas and concept that exist in one tradition, culture or philosophy may not match or be found exactly in another. So also, to look into different perspectives of this research and do a comparative study of human dignity between Germany and India has certain limitations. As already mentioned, the idea of human dignity as it is understood today is claimed to be universal. Therefore, in order to find roots of this concept in an Indian tradition certain key concepts and variables are required – like worth, value,

⁵ This research follows a “gender inclusive language”. However, it is to be noted that several Church documents use the term ‘man’ more extensively and it refers to ‘the human person’ rather than the gender. For example, *GS 12* begins with the question: “But what is man?” Wherever direct quotations are involved, the intention of the author is repeated, without any offence to anyone. The same problem applies also to works related to Hinduism written in English. For a brief discussion on the topic, see Alan GEWIRTH, “Human Dignity as the Basis of Rights”, in: Michael J. MEYER/William A. PARENT, *The Constitution of Rights. Human Dignity and American Values*, Cornell University Press, Ithaca and London 1992, 10-28; 18 at fn. 15. It should also be noted that both the British and American spelling will be used when it is a question of direct quotations by an author. Otherwise, the British spelling is preferred. As an example: An author may use the term fetus and fetal instead of foetus or foetal. The latter is preferred unless they are used in direct quotations.

⁶ Cf. Rainer ENSKAT, „Pro Identitätsargument. Auch menschliche Embryonen sind jederzeit Menschen“, in: Gregor DAMSCHEN/Dieter SCHÖNECKER (Hg.), *Der moralische Status menschlicher Embryonen. Pro und contra Spezies-, Kontinuums-, Identitäts- und Potentialitätsargument*, de Gruyter, Berlin 2003, 101-127; 101.

⁷ Cf. Johannes REITER, „Bioethik“, in: Klaus ARNTZ/Marianne HEIMBACH-STEINS/Johannes REITER/Herbert SCHLÖGEL, *Orientierung finden. Ethik der Lebensbereiche*, Theologische Module, Band 5, Herder, Freiburg im Br./Basel/Wien 2008, 7-60; 7-8.

respect, sacredness of human life, etc. To a certain extent, this problem has been taken care of by laying a basis for the research in Part I of this work. Other parts will clarify the variables in their contexts. One can find voluminous literature with regard to human rights and human dignity. However, there is no one common author or book to which this research is confined and the literature is limited to the concept of human dignity in the field of Bioethics in Catholic Moral Theology and Hinduism, especially to issues concerning the beginning of life.

PART I

Human Dignity from the Beginning of Life: General Concepts

The aim of the introductory Part I is to focus and lay the foundation for the research on facts that are essential for the parts that follow, namely, Parts II, III and IV. Based on the grounds that will be established, other parts of the research can be compared. The objective is to highlight only those issues that are pertinent to the field of Bioethics when dealing with the question of human dignity from the beginning of life. At the outset, it must be remembered that there is ample literature available on the topics. However, the research will restrict itself only to those that are relevant to the topic of research within the field of Catholic Bioethics.

The main issues addressed in Part I are: 1) To arrive at a working definition of human dignity, 2) A brief study on the historical and philosophical foundation of human dignity, 3) A short theological understanding of human dignity, 4) Bioethical foundations of human dignity, and 5) When is a soul infused in an Embryo?

CHAPTER 1

ARRIVING AT A WORKING DEFINITION OF HUMAN DIGNITY

1.1 INTRODUCTION

Human dignity is not a direct theological concept and does not belong to the biblical language. It is more a secular concept.⁸ Human rights are based upon or derived from human dignity.⁹ Although in modern times the concept of human dignity has become a powerful, evocative and widely used concept, the precise meaning and requirement is elusive. It is difficult to define the term human dignity.¹⁰ Therefore, in this Chapter, the concepts and the meaning contained in the term “dignity of the human person” will be clarified in order to arrive at a working definition of human dignity. The Chapter will further view human dignity in its historical, philosophical, theological and bioethical understanding.

1.2 THE MULTIFACETED MEANING OF THE TERM “HUMAN DIGNITY”

The word ‘dignity’ derived from the Latin root *dingus* and *dignitas* means something similar to “worthiness of honour and esteem”.¹¹ It also means ‘intrinsic worth’. Lewis and Short define the Latin noun *dignitas* as literally meaning “being worthy, worth, worthiness, merit, desert”; and, used metonymically, “dignity, greatness, grandeur, authority, rank.” The adjective *Dignus* is defined as “worthy, deserving (in a good or ill sense), of things, suitable, fitting, becoming, proper”; and the verb *dignor* as “to deem worthy or deserving”.¹² Thus, the Latin noun *dignitas*, the adjective *dingus* and the verb *dignor*; all these in general refer to worth. It is from the Latin word *dignitas* that the two International Diplomatic expressions *human dignity* and *dignité humaine* find their source.¹³ Although in Ancient Rome there was a strong awareness of *dignitas*, they did not vouchsafe the dignity of all men and women. *Dignitas* in Rome was first

⁸ Cf. Manfred BALKENOHL, „Menschenwürde und Lebensrecht“, in: DERS./Roland RÖSLER, (Hg.), *Handbuch für Lebensschutz und Lebensrecht*, Bonifatius, Paderborn 2010, 77-82; 77. See also Herbert SCHLÖGEL, „Zum Menschenwürdeargument in der Theologischen Ethik (2002)“, in: DERS., *Wie weit trägt Einheit? Ethische Begriffe im evangelisch-katholischen Dialog*, Ethik im theologischen Diskurs. Ethics in Theological Discourse, Bd. 9, Lit, Münster 2004, 84-91, 84.

⁹ Cf. GEWIRTH, “Human Dignity as the Basis of Rights...”, 10.

¹⁰ Cf. M. Douglas MEEKS, “Introduction”, in: Jürgen MOLTSMANN, *On Human Dignity. Political Theology and Ethics*, tr. by M. Douglas MEEKS, SCM Press Ltd., London 1984, ix-xiv; ix. Cf. John KUSUMALAYAM, *Human Rights. Individual or/and Group Rights? An Attempt towards a Holistic Understanding of Human Rights Based on the Christian Concept of the Human Person as the Imago Trinitas*, St. Pauls, Mumbai 2008, 181-182.

¹¹ Cf. Audrey R. CHAPMAN, “Human Dignity, Bioethics, and Human Rights”, in: *Amsterdam Law Forum* 3/1 (2011) 3-12; 5. The English word “dignity” comes from the Middle English word, “dignite”, which is a derivative from Old French word, “dignite”. This word and the Anglo-French word “dignité” have their roots in the Latin “dignitas”, “dignus”, which basically mean being worthy. See C. ONIONS (ed.), *Oxford Dictionary of English Etymology*, Oxford University Press, Oxford 1996, 267-268. In the German language, the word “Würde”, which is translated as “dignity” in English, has the basic meaning of being worthy. For other etymological derivations of the word “dignity” in Latin and Greek, see Mette LEBECH, *On the Problem of Human Dignity. A Hermeneutical and Phenomenological Investigation*, Königshausen & Neumann, Würzburg 2009, 30-42.

¹² Charlton T. LEWIS/Charles SHORT, *A Latin Dictionary*, Clarendon Press, Oxford 1980, 578.

¹³ Cf. Heike BARANZKE, „Menschenwürde und Menschenrechte. Vom Anspruch der Freiheit in Recht, Ethik und Theologie“, in: DERS./Christof BREITSAMETER/Ulrich FEESER-LICHTERFELD/Martin HEYER/Beate KOWALSKI, *Handeln verantworten. Grundlagen-Kriterien-Kompetenzen*, Theologische Module. Band 11, Herder, Freiburg i. Br./Basel/Wien 2010, 47-93; 63.

of all a political concept with the claim of respect of a person belonging to a noble family, or as the holder of an office or status given to a dignitary. This form of dignity was the recognition of the social status and honour owing to the personal performance of the dignitary. In a moral sense, as a moral virtue, the generosity and magnanimity that accompanied *dignitas* was gained by the dignitary through appropriate lifestyle, the manner of conducting oneself, for example, using a restrained voice and serious speech, as well as in an expression of aesthetic life-style.¹⁴ Even today in political, social and aesthetic fields these aspects of dignity remain as reminiscences. But the dignity of this type is unequally distributed and can be lost with the loss of one's office. While these types of dignities expressed in contingent forms and accidental dignities are in plural, it is always in spoken of in singular with regard to the *dignitas hominis*, that is, the dignity of human beings. It is here that *dignitas* belongs to all human beings in an equal manner which cannot be acquired or lost but can only be injured. In contrast to the Ancient Roman *dignitas*, the universal dignity of all people is inherent or intrinsic.¹⁵

Thus the term "human dignity" attributed to the human person, is an expression of a very fundamental value or ideal, universally recognized without requiring any independent support.¹⁶ Accordingly, Berma Klein Goldewijk is of the opinion that "Dignity is inherent to each and every person simply because of his or her being human. As such, dignity is a category of *being*, not just of *having*".¹⁷ It follows that human dignity is not something that one achieves or appropriates from one's status, nationality, ethnicity or any other form of power or privilege. Basically, it belongs to their *being* human. Though it can be severely damaged, it cannot be taken away.¹⁸

The term "Human Dignity" usually translated into German as "Menschenwürde"¹⁹ is not an exact English equivalent. It is used widely in German philosophy, political science and ethics. In general, the word "Menschenwürde" apart from its correspondence to "Human Dignity",

¹⁴ Cf. Viktor PÖSCHL/Panajotis KONDYLIS, „Würde“, in: Otto BRUNNER/Werner CONZE/Reinhart KOSELLECK (Hg.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, Band 7, Klett-Cotta, Stuttgart 1992, 637-677; 636.

¹⁵ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 63-64. The development of human dignity as inherent and intrinsic to human beings will be developed later in this chapter.

¹⁶ Cf. KUSUMALAYAM, *Human Rights...*, 181. See also Oscar SCHACHTER, "Human Dignity as a Normative Concept", in: *American Journal of International Law* 77 (1983) 848-854; 848-849.

¹⁷ Berma Klein GOLDEWIJK, "From Seattle to Porto Alegre: Emergence of a New Focus on Human Dignity and the Implementation of Economic, Social and Cultural Rights", in: Berma Klein GOLDEWIJK/Adalid CONTRERAS BASPINEIRO/P. César CARBONARI (ed.), *Dignity and Human Rights. The Implementation of Economic, social and Cultural Rights*, Intersentia, Antwerp/Oxford/New York 2002, 3-16; 6. Cf. also KUSUMALAYAM, *Human Rights...*, 182.

¹⁸ Cf. KUSUMALAYAM, *Human Rights...*, 182. However, Douglas Meeks is of the opinion that "dignity", which denotes the honor of rank or referred to the status of a dignitary and therefore a privilege or prerogative or even simply a sense of decorum, is gained by action or status. It is only after the Enlightenment that the word "dignity" has gained the meaning of worth of being human. See MEEKS, "Introduction...", ix.

¹⁹ This translation is found in *Oxford-Duden German Dictionary*, Oxford University Press, New York 2005, 491.

sometimes refers to “sanctity of life”, or “security of person”, or “personal security”²⁰ denoting the inalienable autonomy of human beings.²¹ In ethical discourse, especially in social and political ethics, the term “Human Dignity” is quite generally used. While not really being the case, bodies such as: a) politicians, b) International Commission of Jurists, c) numerous Constitutions (that have arisen since the end of the Second World War), so also, d) International Conventions that have followed the United Nations Declaration of Human Rights (UDHR) 1948, e) groups and agencies affiliated to the United Nations, use the term “Human Dignity” as though it were an ethical technical term with a distinct meaning. However, the term “Human Dignity” conveys only partially and more or less the meaning of “Menschenwürde” in the German language.²²

It is important to note here that even though the word “dignity” was analyzed etymologically, one should not be pedantic or fall into the error of settling for semantics. When one speaks about the dignity of the human person, then one is speaking of the worth or value of the concrete existing human being. By the phrase “dignity of the human person”, it is implied that human beings have a value or worth qualitatively different from anything else. It also implies that the dignity of the human person is inalienable, that is, it can never be lost, and is never permissible to merely use or abuse a human being to attain some end or purpose.²³

Having examined the etymology of the word and its multifaceted meaning, the next section will pay attention to the ambiguity of language entailed in the concept.

1.3 THE AMBIGUITY OF LANGUAGE INVOLVED IN THE CONCEPT OF HUMAN DIGNITY?

The term “human dignity” or the “dignity of the human person” speaks of the dignity proper to the human person. Immediately, several questions come to the mind. Who is a “human” or who is a “human person” about whom the dignity is acknowledged? Does it carry the same meaning when referring to a human individual as a human being or a human person?²⁴ One can anticipate similar problem when it comes to the German word “Menschenwürde”. The word “Mensch” in this compound word when translated in English can mean either “a human”, “a human being”,

²⁰ Legal scholar Roscoe Pound uses the term “personal security” in the *Philosophy of Law*. See Roscoe POUND, *Introduction to the Philosophy of Law*, 8th Edition, Yale University Press, Yale 1966, 32. Cf. Martin HAILER/Dietrich RITSCHL, “The General Notion of Human Dignity and the Specific Arguments in Medical Ethics”, in: Kurt BAYERTZ (ed.), *Sanctity of Life and Human Dignity*, Kluwer Academic Publishers, Dordrecht/Boston/London 1996, 91-106; 91. The United Nations Declaration of Human Rights (UDHR) 1948, in its Article 3 recognizes dignity as the “security of person”.

²¹ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 91.

²² Cf. *ibid.* Cf. also Konrad HILPERT, “Die Idee der Menschenwürde aus der Sicht christlicher Theologie”, in: Hans Jörg SANDKÜHLER, (Hg.), *Menschenwürde. Philosophische, theologische und juristische Analysen*, Philosophie und Geschichte der Wissenschaften. Studien und Quellen, Bd. 64, Peterlang, Frankfurt a. M. 2007, 41-55; 41.

²³ Cf. John C. DWYER, “Person, Dignity of”, in: Judith A. DWYER (ed.), *The New Dictionary of Catholic Social Thought*, The Liturgical Press, Collegeville, Minnesota 1994, 724-737; 724. Cf. Lucas THUMMA, “Human Person, Human Dignity and Human Society: Biblical Foundations and Theological Perspectives in the Social Teaching of the Church”, in: *Indian Theological Studies* 39 3/4 (2002) 219-256; 219-220.

²⁴ Cf. Norman M. FORD, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science*, Cambridge University, New York 1991, 11. Ford is of the opinion that in ordinary discourse they are inter-changeable terms but not so on the lips of all philosophers. Cf. *ibid.*

“a man” or “a person”.²⁵ The reason for raising the above mentioned questions is that in contemporary bioethical debate, the crux of the argument is based on the fact that one cannot be a human person without first being a human individual.²⁶ Interestingly in the day-to-day the terms ‘self’, ‘individual’, ‘human being’ and ‘human person’ are very often interchangeably used; all meaning more or less the same thing. Are they really the same?²⁷ The problem at hand is that although the above terms are interrelated, yet in Bioethics each of those terms have gained a different or distinct meaning.²⁸

Therefore, in order to clarify these terms, Indian Moral theologian John Kusumalayam begins with the definition of an individual to derive the other terms. He quotes Catherine McCall’s definition of an individual. She says, “The term *individual* is used to refer to the single entity which is the subject of cognition in various modes. An individual may be perceived as a self-conscious being, as a person, as a human being, jointly or separately, but it is maintained here that there exists one entity, however many different ways there may be of understanding or of perceiving such a being.”²⁹ In this definition, McCall uses the terms “person” and “human being”. While these two terms themselves need a further clarification, the definition is not so useful.³⁰ Therefore, another definition given by Louis M. Guenin, who is an ethicist in the Department of Microbiology and Immunobiology at the Harvard Medical School, is preferred. He says, “I define a *human individual* as an individual of *humankind*, understood as a natural kind identical to or corresponding to the species *homo sapiens*. Human individuals could exist at developmental stages from activated oocyte to adult. This is an ontological observation, not a moral claim.”³¹ Owing to its open-endedness, one can accept this definition of human individual in the field of Bioethics, which perhaps may be acceptable to all.

In order to refer to the individual as a biological entity, the term *human being* is generally used. It means that the human being is a member of a certain species, growing and living according to the biological laws, which govern such processes. Thus, if a human individual possesses the biological characteristics of a member of the species *Homo sapiens*, then the individual is identified as a *human being*.³²

²⁵ Interestingly the German language has “Mensch” as a word for the generic human being and “Mann” for the specific male human being unlike in English, which is “man” for both generic and specific term. Cf. GEWIRTH, “Human Dignity as the Basis of Rights...”, 18 at fn. 15.

²⁶ Cf. Archie GONSALVES, *How did I begin? A Pro-Life Approach to Western and an Indian Perspective*, Dhyanavana Publications, Mysore 2002, xlvi.

²⁷ Cf. KUSUMALAYAM, *Human Rights...*, 35.

²⁸ Melbourne Ethicist Norman Ford, for example, discusses about the various connotations of these terms that are derived in the context of Bioethics and concludes about the fusion of human ovum and human sperm and the resultant human life in these words: “This human life could very well be an individual human being, a person – but this cannot be taken for granted”. FORD, *When Did I Begin?...*, 11.

²⁹ Catherine MCCALL, *Concepts of Person. An Analysis of Concepts of Persons, Self and Human Being*, Gower Pub., Aldershot 1990, 12. Emphasis in the original. Cf. KUSUMALAYAM, *Human Rights...*, 35-36.

³⁰ Another problem can be foreseen with the definition, namely, McCall uses the term “subject of cognition in various modes” for an individual. This raises a question with regard to the individuality of an embryo because the fertilized ovum cannot be said to be a possessor of cognition in various modes.

³¹ Louis M. GUENIN, “The Nonindividuation Argument Against Zygotic Personhood”, in: *The Royal Institute of Philosophy* 82 (2007) 463-503; 463-464. Emphasis in the original.

³² Cf. MCCALL, *Concepts of Person...*, 15. Cf. KUSUMALAYAM, *Human Rights...*, 36.

Any system of moral reflection has to turn finally to some point of reference for defining its most fundamental terms.³³ Therefore, the next query is: Are all human individuals also human persons?

Ford claims that although there is an agreement that all human persons are human individuals, there is no unanimity that all human individuals are also human persons.³⁴ If this is the case, one is faced with another problem namely, the question of right to life and human dignity of the human individual. Lucose Chamakala, a Moral Theologian from India, enumerates this problem. In deliberating over human life and human person he cites the views of the Australian philosopher and bioethicist Helga Kuhse. Contrary to the above view, Kuhse, while agreeing with Ford, is of the opinion that not all living human beings are human persons but only those who have a right to life. A person is neither identical with being a member of the species *Homo sapiens* nor to be identified with a species-based boundary. Persons are beings who are capable of understanding that they are continuing selves. This means that human persons are those who are self-aware, rational, autonomous, purposeful, moral beings, with hopes, ambitions, preferences, life purposes, and ideals. Consequently, if one accepts these facts then according to Kuhse human fetuses, human infants and humans with severe retardation or brain damage are not persons, and hence do not have a right to life.³⁵

H. Tristram Engelhardt, a philosopher and bioethicist, too holds a similar view as Kuhse. According to Engelhardt, the above described characteristics of a human person is not possessed by embryos or those who do not have them any more (the sick in persistent vegetative state [PVS]), or those who will never have them (anencephalopathics). According to Engelhardt, they are not persons in the strict sense. They are social persons, whose guardianship is subordinated to the 'usefulness' and interests of the moral subjects. Engelhardt in his book, titled *The Foundations of Ethics*, mentions:

Not all human beings are persons. Foetuses, infants, the profoundly mentally retarded and the hopelessly comatose provide examples of non-human persons. Such entities are members of the human species... They do not have a status in themselves and for themselves nor a standing in the moral community [...]. One speaks of persons in order to identify entities one can warrant blame and praise [...]. For this reason it is nonsensical to speak of respecting the autonomy of foetuses, infants, or profoundly retarded adults who have never been rational. They are not primary participants in the moral enterprise. Only human persons have this *status*.³⁶

³³ Cf. Joseph SELLING, "The human person", in: Bernard HOOSE (ed.), *Christian Ethics. An Introduction*, Cassell, London 1998, 95-109; 95.

³⁴ Cf. FORD, *When Did I Begin?*..., 11. Cf. also Armin G. WILDFEUER, „'Person' und 'Mensch'“, in: Eberhard SCHOCKENHOFF/Alois Johannes BUCH/Matthias VOLKENANDT/Verena WETZSTEIN (Hg.), *Medizinische Ethik im Wandel. Grundlagen-Konkrete Perspektiven*, Schwabenverlag, Ostfildern 2005, 86-96; 86. Wildfeuer also mentions about similar attitude present in bioethical discussions.

³⁵ Cf. Helga KUHSE, *The Sanctity-of-Life Doctrine in Medicine. A Critique*, Oxford University Press, New York 1987, 14, 211-212. Cf. Lucose CHAMAKALA, *The Sanctity of Life vs. The Quality of Life*, Dharmaram Publications, Bangalore 2005, 69 & 102. The distinction between human individual and human person is important here. Later on when the moral status of the embryo will be dealt, the question arises as to whether an embryo is a person or not. For example, *Donum Vitae* raises the question: "how could a human individual not be a human person?" (*DVI*, I and *DPI*, 5).

³⁶ H. Tristram ENGELHARDT, *The Foundations of Bioethics*, Oxford University Press, Oxford 1996², 107-108.

Therefore, according to Engelhardt, PVS patients are not human persons, they are mere entities of the human species; they are social persons. They can be subordinated to the “usefulness” and interests of the moral subjects. They have no autonomy of their own.³⁷ It is important to mention here that theory of Engelhardt on personhood fails to take into account that the human person has a capacity and openness to knowledge and love of other persons. This capacity is something innate, neither vested upon by others nor on their acceptance.³⁸

This brings us to the question once again, who then is a human person who has a right to life and dignity? It is interesting to note how the English social anthropologist Alfred Reginald Radcliffe Brown – who developed the theory of Structural Functionalism – interprets a human being. Every human being, according to Radcliffe-Brown, living in society is both an individual and a person. As an individual, he or she is a biological organism, consisting of a vast number of molecules organized in a complex structure, and during its lifetime, there occur physiological and psychological actions and reactions, processes and changes. As a person, the human being is a complex of social relationships. He further states:

If you tell me that an individual and a person are after all really the same thing, I would remind you of the Christian creed. God is three persons, but to say that He is three individuals is to be guilty of heresy for which men have been put to death. Yet the failure to distinguish individual and person is not merely a heresy in religion; it is worse than that; it is a source of confusion in science.³⁹

This brings us to the question: How are ‘individuals’ and ‘persons’ related? According to social scientist and educationist Ralph Ruddock, an individual is ontologically a field of experience. On the one hand, an individual develops as a person insofar as personhood is imputed to him by others, and by himself. On the other hand, an individual continues to exist, if the personhood is not socially developed due to non-recognition or functional incapacity, while experiencing non-normal, non-egoic states of consciousness. It is possible that even in the normal person; non-egoic states constantly interchange with egoic states. However, it is ethically imperative, in all cases, that a recognizable human individual should be accorded the status of a person.⁴⁰ To state this in another way: An individual acquires a special status when he/she is termed as a ‘person’. One’s attitude towards a person, according to Ninian Smart, a professor of Religious Studies in the University of Lancaster would be: “[...] recognizing an individual as a person involves being prepared to act towards him in certain ways.”⁴¹ This idea is important for us

³⁷ The concept of “autonomy”, being a philosophical concept needs further explanation and will be taken up in the next Chapter (See Chapter 2.3. below)

³⁸ Cf. Benedict ASHLEY/Kevin D. O’ROURKE, *Health Care Ethics. A Theological Analysis*, Georgetown University Press, Washington D.C. 1997⁴, 9.

³⁹ Alfred Reginald RADCLIFFE-BROWN, *Structure and Function in Primitive Society: Essays and Addresses*, Cohen and West Ltd., London 1952, 188-204; 194. Cf. Dan GOWLER, “On the Concept of the Person. A Biosocial View”, in: Ralph RUDDOCK (ed.), *Six Approaches to the Person*, Routledge & Kegan Paul, London/Boston 1972, 37-69; 38. Cf. KUSUMALAYAM, *Human Rights...*, 36.

⁴⁰ Cf. Ralph RUDDOCK, “Concluding Commentary”, in: RUDDOCK (ed.), *Six Approaches, op. cit.*, 199-203; 203. Ruddock also distinguishes between two meanings of the term “person”. One is the complex of rights and duties imputed to the human individual, embodied in ethical prescriptions and cultural value systems. This meaning is in principle universal. The other is the freely acting participant in a social system, whose capacity for such action has developed based on some attribution to personhood. See *Ibid.* Cf. KUSUMALAYAM, *Human Rights...*, 36.

⁴¹ Ninian SMART, “Creation, Persons, and the Meaning of Life”, in: RUDDOCK (ed.), *Six Approaches op. cit.*, 13-36; 23. Cf. KUSUMALAYAM, *Human Rights...*, 36.

here. Insofar as one recognizes an individual as a person one can acknowledge human dignity due to that person and consequently his/her rights.

It is interesting to note that Louis Janssens makes a distinction between human person and the human being as an individual.⁴² On the one hand, the human person is the ontological principle which penetrates and synthesizes the activity of the whole, constituting in his or her totality, the human being. The individual, on the other hand, is that aspect of the human being by its position in time and space. Therefore, the person is an ‘extended and intensified’ individuality.⁴³ This distinction between human person and individual is important in order to acknowledge human dignity in a person.

Further, in contemporary usage a human being may be referred to as a “person” in three different ways. First, the word refers to the distinct, unique and incommunicable selfhood of the individual. Second, a person is a subject of rights and duties and consequently an end and never a means. Third, a person is, as a consequence of consciousness and moral sense, one who is capable of meaningfully experiencing and influencing the environment. These three elements are also important for understanding human dignity. In contemporary discussions on human rights and of the dignity on which they are based, the concept of “person” is anthropocentric. That is, the human being is understood as the independent, autonomous subject whose independence must be safeguarded from all violations.⁴⁴ Moreover, it is to be noted that the “rationalism of Enlightenment placed this autonomous subject at the center of a world that had been stripped of mystery and in which God was at best a somewhat benign if distant observer of the human scene.”⁴⁵

The above nuance of the human person who is endowed with human dignity also has problems in the field of Bioethics. If one limits the human person with the three different ways in which he/she is to be understood as enumerated above, could one then include an embryo too as a possessor of these characteristics? Thus, one can go on adding nuances and clarifying problems but never come to a consensus about the ambiguities involved in the terms so far enumerated. In the last analysis, McCall’s observations are recalled here about human person and human being⁴⁶:

[...] whilst the concept of person and the concept of human being can be distinguished, in that they describe individuals under different sets of properties and characteristics, it would seem that an adequate account of the concept of person should make it clear that human beings are persons. The ordinary notion of what a person is refers to everyday people who are invariable human beings.⁴⁷

Further nuances and connotations that the terms human persons and human dignity entails, will be taken up in Part II and III specifically from the perspective of German Moral Theologians and Indian Moral Theologians respectively. In conclusion to this section, the following

⁴² Cf. Louis JANSSENS, *Personne et Société. Théories actuelles et essai doctrinal*, Gembloux, J. Duculot 1939, 224-227 as cited in Dolores L. CHRISTIE, *Adequately Considered. An American Perspective on Louis Janssens’ Personalist Morals*, Louvain Theological and Pastoral Monographs, 4, Peeters Press/Grand Rapids/Eerdmans, Louvain 1990, 33. Cf. KUSUMALAYAM, *Human Rights...*, 38.

⁴³ Cf. *ibid.*

⁴⁴ Cf. DWYER, “Person, Dignity of...”, 724-725. Cf. THUMMA, “Human Person...”, 219-221.

⁴⁵ DWYER, “Person, Dignity of...”, 725. Cf. THUMMA, “Human Person...”, 221.

⁴⁶ Cf. KUSUMALAYAM, *Human Rights...*, 38.

⁴⁷ MCCALL, *Concepts of Person...*, 102. Cf. KUSUMALAYAM, *Human Rights...*, 38.

statement as proposed by Archie Gonsalves, an Indian Moral Theologian, can be accepted unquestionably. According to him, “every human individual is necessarily a human person”.⁴⁸ So also, another Indian Moral theologian Thomas Pazhayampallil acknowledges, “Personhood is a quality which belongs inherently to the human being. It is given with human nature. At every stage of life, from beginning to end, whatever the condition, an individual human being is a person.”⁴⁹ This means that every human individual has human dignity.

1.4 THE DIGNITY OF THE HUMAN PERSON – TOWARDS A WORKING DEFINITION:

The task in this section is to draw out a working definition of human dignity that could form a basis for further research. As mentioned in the introduction, it is difficult to define the term human dignity. The reason is that it has various shades of meanings. For some it refers to the essential and inalienable core of human nature; while for others it is debated over what entails exactly the distinguishing feature of human nature. For the human rights theorists human dignity refers to the intrinsic worth and respect of all human beings. The flaw however, in this approach, is that the content of the requirements of human dignity has not been defined, although it is possible to draw them. There are others, who ground themselves on the ethical obligations owed to the human person. Then again, there are varying interpretations as to the scope of these duties as well as the identification of the duty-bearer(s). Therefore, it is necessary under such circumstances to remove the confusion with regard to the term human dignity and the multiplicity of meanings it conveys. It should also be acknowledged that although many international documents uphold human dignity, none of them clearly or explicitly defines the term human dignity. It is left to an intuitive understanding or an assumed shared understanding of the reader.⁵⁰

Having said that, it must once again be acknowledged that although it is difficult to spell out exactly what is meant by human dignity, it is possible to describe some of its salient features. Job Kozhamthadam, a Jesuit Indian scientist and philosopher enumerates these salient features. They are:

Human dignity means that humans have a special status, a certain intrinsic value, a certain preciousness, and deserve to be treated as such. They enjoy a certain uniqueness based not merely on the complexity of their being ... but on the simple fact that they are humans. It is a matter of being, rather than of having.⁵¹

At the outset, it must be understood that although the term “human dignity” is difficult to define, yet it has content.⁵² The content entails a collection of inalienable and non-forfeitable rights. Therefore, to respect human dignity of a human person is to respect at least certain minimal

⁴⁸ GONSALVES, *How did I begin?...*, xlvi.

⁴⁹ Thomas PAZHAYAMPALLIL, *Pastoral Guide. Moral-Canonical-Liturgical. A Text Book. Revised Fourth Edition According to the Latin and Oriental Codes of Canon Law. Vol. II. Sacraments and Bioethics*, Kristu Jyoti Publications, Bangalore, India 2004, 1394.

⁵⁰ Cf. MEEKS, “Introduction...”, 3-4. See also KUSUMALAYAM, *Human Rights...*, 181 and SCHACHTER, “Human Dignity...”, 849.

⁵¹ Job KOZHAMTHADAM, “Genetic Revolution and Science-Religion Dialogue”, in: *Satya Nilayam: Chennai Journal of Intercultural Philosophy* 7 (2005) 13-28; 21. This view is similar to Goldewijk. See Chapter 1.2 at fn.17 above.

⁵² Cf. SCHACHTER, “Human Dignity...”, 849f.

rights.⁵³ What are these rights? The German philosopher and ethicists Dieter Birnbacher categorizes these rights into four components which are minimal “basic goods” that no one should be deprived. They are: “1. provision of the biologically necessary means of existence, 2. freedom from strong and continued pain, 3. minimal liberty, 4. minimal self-respect [...]”. Deprivation has to be understood in this context as comprising both action and omission.⁵⁴ Although human dignity is frequently used in a purely negative sense, the principle also works both positively and negatively. Birnbacher specifies what he means by the principle of human dignity:

It sets a minimal standard of acceptability both to what is done to people and to what people are allowed to suffer. It sets a limit to inhuman treatment (like torture, slavery, capital punishment), but also to inhuman omissions (like letting others starve, or allowing them to be humiliated or persecuted as members of racial, ethnic or religious minorities).⁵⁵

When the rights due to a human person are meted out then human dignity has been acknowledged. Although the rights claimed by human dignity are only minimal, yet the efforts required to implement their effective protection may be considerable.⁵⁶

Thus far, in trying to define the term human dignity, various variable terms such as respect for person and life, value of a person and life, inner/intrinsic worth of a person, inviolability of human life, sanctity of life etc., are being employed. Although each of these terms has their own specific meaning, they do not convey all that the term human dignity could convey. Nevertheless, since these terms have been often employed, it would be worthwhile to explore the possibility of their contribution to the definition of the term human dignity.

In what was described above, a common thing that underlies these terms can be found, namely, that human life is important. Why is it so? It is because human life is inviolable. Human life may not be taken arbitrarily because it is a basic gift and good and the foundation of the enjoyment of all other goods. According to Felix Podimattam, an Indian Moral Theologian, by the term “human life” is meant life beginning from the time of fertilization of human ovum and human sperm.⁵⁷

Moral Theologian from Maryland, Germain Grisez, points out four important points concerning human life. First, life is intrinsic to the human person. Second, life permeates the whole person because it enables the human organism to exist. Third, life transcends the individual person and unites human beings with each other and with the natural world. Fourth, human life is a sharing in the sanctity, the holiness of the divine.⁵⁸ How do these four characteristics help in understanding human dignity?

⁵³ Cf. Dieter BIRNBACHER, “Ambiguities in the concept of Menschenwürde”, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity...*, 107-121; 110. Cf. KUSUMALAYAM, *Human Rights...*, 182.

⁵⁴ BIRNBACHER, “Ambiguities...”, 110.

⁵⁵ *Ibid.*, 110. Cf. KUSUMALAYAM, *Human Rights...*, 182.

⁵⁶ BIRNBACHER, “Ambiguities...”, 110.

⁵⁷ Cf. Felix PODIMATTAM, *Medical Ethics (Vol. 4). Abortion and Sex Therapy*, Media House, Delhi 2004, 27. Podimattam also warns that the term “human life” used in this sense here should not be mixed with “human person”. It is because the word “person” muddies moral decision. Cf. *ibid.* Cf. also Richard A. MCCORMICK, *How Brave a New World?*, Doubleday Company, New York 1981, 357. See also IDEM, *Health and Medicine in the Catholic Tradition. Tradition in Transition*, ed. by M.E. MARTY/K.L. VAUX, The Crossroad Publishing Company, New York 1987, 131. Cf. CHAMAKALA, *The Sanctity of Life...*, 114-115.

⁵⁸ Cf. Germain GRISEZ, “The Value of Life. A Sketch”, in: *Philosophy in Context* 2 (1973) 7-15: 11-13. Cf. CHAMAKALA, *The Sanctity of Life...*, 16-17.

According to Grisez, respect for human life is firmly based on the natural law. Respect for human life is primarily a moral principle, because each human person by nature desires to preserve her or his own life. No one can reasonably expect others to respect her or his life except on the basis that there is a universal principle that human life has dignity and consequently the demand to be respected.⁵⁹

In the above statements one finds that Grisez is speaking of human life having human dignity which is something that is assumed as being inherent and therefore worthy of respect. In other words, human dignity is inherent because human life is intrinsic to the human person. This is just an example of one author among many who often use the term “respect/respect for life” and connect it with human dignity.

1.5 THE SANCTITY OF LIFE AND HUMAN DIGNITY

There have also been attempts to identify sanctity of life and human dignity. Perhaps this attempt has arisen due to the fact that the term “sanctity of life” in the contemporary discussion is actually used in the sense of “inviolability” or “untouchability” of human life (“Unantastbarkeit des Lebens”).⁶⁰

In this context, it must be noted that the contemporary discussion about sanctity of life does not focus on an ethics pertaining to any religion. The discussion about sanctity of life was triggered after the publication of their books by Australian philosophers, namely, Peter Singer’s book *Practical Ethics* and Kuhse’s *Sanctity of Life Doctrine in Medicine*.⁶¹ The sustained public interest came from the Singer in the mid-1970s in his book *Animal Liberation*. There, following the view that “it is always wrong to take an innocent human life”; he presented the doctrine of “sanctity of life” and explained⁶²:

People who take this view oppose abortion and euthanasia. They do not usually, however, oppose the killing of nonhumans – so perhaps it would be more accurate to describe this view as the “sanctity of *human* life” view. The belief that human life, and only human life, is sacrosanct is a form of speciesism.⁶³

Introducing the sanctity of life as a speciesist term, Singer puts the expression into a polemical relationship with animal ethics while particularly criticizing the human-related dimensional value of the expression. In doing so, he brings in an equal moral evaluation on both human beings and animals, of similar protection and care to both, while undermining the universality of human dignity proper only to human beings and devoid of any inviolable human dignity and

⁵⁹ Cf. GRISEZ, “The Value of Life...”, 11-13. Cf. CHAMAKALA, *The Sanctity of Life...*, 17.

⁶⁰ Cf. Volker von LOEWENICH, “Sanctity of Life and the Neonatologist’s Dilemma”, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity...*, 229-239; 229.

⁶¹ Peter SINGER, *Practical Ethics*, Second Edition, Cambridge University Press, Cambridge 1993 and Third Edition 2011. KUHSE, *The Sanctity-of-Life Doctrine...*, *op. cit.* Helga KUHSE/Peter SINGER, *Should the Baby Live? The problem of handicapped infants*, Oxford University Press, Oxford 1985. Cf. LOEWENICH, “Sanctity of Life...”, 229.

⁶² Cf. Heike BARANZKE, „Heiligkeit des Lebens. Eine Spurensuche“, in: Konrad HILPERT/Dietmar MIETH (Hg.), *Kriterien biomedizinischer Ethik. Theologische Beiträge zum gesellschaftlichen Diskurs*, Quaestiones Disputatae, Bd. 217, Herder, Freiburg i. Br./Basel/Wien 2006, 87-111; 87.

⁶³ Peter SINGER, *Animal Liberation. A New Ethics of our Treatment of Animals*, New York Review Book, New York 1975, 20. Emphasis in the original. Cf. also KUHSE/SINGER, *Should the Baby Live?...*, 119.

inalienable human rights in a preferential utilitarian ethics, and criticized as morally unjustified anthropocentric ideology.⁶⁴

Before proceeding further, the above objection needs to be clarified. Though this research is not dealing with animals (being outside the scope), yet in order to make the position clear here, the position held by Birnbacher is recommended. His position with regard to respect for humans and animals is:

Menschenwürde is an inclusive, not an exclusive [stet] concept. To accept the principle of Menschenwürde does not mean to privilege the human species over against other species. On the contrary, so far as its contents are applicable to other biological species as well it does not foreclose but rather invites (though under another name) the extension of the same amount of minimal protection to other species. There is no incoherence in the moral stance that postulates that humans should be given a certain minimal protection simply because they are humans, i.e., irrespective of their merits and qualities, and that sentient animals should be given an analogous protection simply because they are sentient animals, irrespective of any value or disvalue they might have for humans.⁶⁵

Eberhard Schockenhoff, a German Moral Theologian, clarifies the confusion regarding the use of the term sanctity of life. According to him, the Protestant and Anglican commentators were the ones who objected that sanctity of life surrenders theological anthropology to suspicions of “vitalism in Christian garb” or a “mysticism of nature”. In fact, the formula of the sanctity of life is insufficiently protected against such associative overtones, such as shown in their spread in fundamentalist circles and in a civil religious language. Lately, the preferable use of this term in the language of the Magisterium can lead one to a misunderstanding. To avoid such misinterpretations, it is strongly reminded that the expression of the sanctity of life can only be properly understood if it neither means a mystifying exaggeration of natural phenomena of life, nor the displacement of the signs of death or the nearing of death, which characterizes the creaturely life of man. From its original meaning, “sanctity” means belonging to God, from which is derived the commission of dignity corresponding to life.⁶⁶

In conclusion, about the concept of sanctity of life, one can say that the term does not help in clarifying the concept of human dignity, and cannot be included in a working definition of human dignity. However, it is in another sense that the concept of sanctity of life (understood in the sense of sacredness or inviolability of life) is important (as will be seen later), that is to say, in the religious sense. This will be highlighted in Parts II, III and IV.

The principle of human dignity enumerated so far has evolved through centuries. The Swedish Diplomat Jan Mårtenson has rightly expressed this evolution of the concept:

Human dignity, while the most revolutionary of the concepts, is not the invention or creation of any one society, culture, philosophy, or religious approach to life. It is certainly not a 20th century invention. Rather, the imperative of respect for the dignity of the human person is visible in the traces of civilization going back to the dawn of recorded history. The quest for

⁶⁴ Cf. BARANZKE, „Heiligkeit des Lebens...“, 87-88.

⁶⁵ BIRNBACHER, „Das Dilemma des Personenbegriffs...“, 114.

⁶⁶ Cf. Eberhard SCHOCKENHOFF, *Ethik des Lebens. Grundlagen und neue Herausforderungen*, Herder, Freiburg i. Br./Basel/Wien 2013, 258-259.

a definition of the essential dignity of the human person and ways of ensuring protection for that dignity can be seen throughout the story of humankind.⁶⁷

Thus, in order to explicate the ambit of human dignity, one needs to keep in mind that the task of defining it must be multidisciplinary, multi-religious and multicultural.⁶⁸ However, one finds that the problem of defining human dignity is multi-fold. First, the present understanding of the concept is of a Western Origin. Second, one cannot sum up all that has enriched the concept through centuries within the scope of this research. Third, this research deals with human dignity from a bioethical perspective and needs to be confined within these limits. Fourth, this research also deals with a dialogue between Catholic and Hindu perspectives, which seem to be diverse. Given these contexts, one needs to envisage a cosmic understanding that can transcend cultural, linguistic, philosophical or religious colouring. In order to overcome these difficulties in a dialogue, one can only suggest by learning to negotiate the meanings and values that the concept of human dignity has inspired through centuries in order to arrive at a working definition that is communicable across those barriers.⁶⁹ Human dignity is often dependent on one's *Weltanschauung*, one's worldview, which is like all worldviews not fully rationally analysable.⁷⁰

1.6 WORKING DEFINITION OF HUMAN DIGNITY

Aware of the above limitations and its wide scope that was discussed above (Chapter 1.2 –1.5), the following working definition of human dignity is proposed that could be applied in the field of Bioethics and perhaps acceptable in an attempt at a dialogue with Hinduism (Part IV):

Independent of the sex, origin, country, society, class, caste, profession, religion, culture or family every human individual, because of being human, has an inviolable intrinsic worth recognized throughout one's human life and respected but not granted; that cannot be lost, taken

⁶⁷ Jan MÄRTENSON, "The Preamble of the Universal Declaration of Human Rights and the UN Human Rights Programme", in: Asbjørn EIDE/G. ALFREDSSON/G. MELANDER/L.A. REHOF/A. ROSSAS (ed.), *The Universal Declaration of Human Rights. A Commentary*, Scandinavian University Press, Oslo, Norway 1992, 17-29; 17-18.

⁶⁸ Cf. John WITTE JR., "Rights", in: Erwin FAHLBUSCH *et al.* (ed.), *The Encyclopedia of Christianity*, Vol.4, Wm. B. Eerdmans Publishing Company, Grand Rapids, Michigan 2005, 701-709; 708.

⁶⁹ Cf. Linda HOGAN/John D'ARCY MAY, "Constructing the Human. Dignity in Interreligious Dialogue", in: *Concilium* 2/2 (2003) 78-89; 87.

⁷⁰ Cf. KOZHAMTHADAM, "Genetic Revolution...", 22.

away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.⁷¹

1.7 CONCLUSION

Although it is obvious that all of us have human dignity simply because of the fact that we are human, it is not acceptable to all. The concept of human dignity is very profound. To capture its depth is difficult because one can only describe its salient features. Moreover, it is a concept that is difficult to define. Therefore, it was necessary to see the multifaceted meaning of the concept and the problem of ambiguity of language involved in its explication. It was also necessary to examine who can qualify as an individual, as a human being or as a human person. It was also derived that every human individual is necessarily a human person. In addition, these terms themselves are notoriously difficult to define in the field of Bioethics. In spite of the difficulties involved and the limitations one is faced with, an attempt at a definition was done. Having derived a working definition, the next venture is to see how the concept of human dignity developed historically and philosophically. This will be carried out in the next chapter.

⁷¹ Cf. Johannes REITER, „Die Menschenwürde und ihre Relevanz für die Biotechnik und Biomedizin“, in: *IKaZ* 35 (2006) 132-148; 135. The German Moral Theologian Johannes Reiter explains: „Die Würde des Menschen ist mit seiner Existenz gegeben und Gegenstand nicht einer Zuerkenntnis, sondern Anerkenntnis. Die Würde ist der Existenz eines Menschen immanent, dem Leben eines Menschen „koextensiv“, sie ist nicht teilbar, in keiner Phase seines Lebens ist der Mensch ohne sie. Die zeitliche Folge von Lebensphasen eines Subjekts (Embryo, Fetus, Kind, Erwachsener) darf nicht in eine Aufeinanderfolge verschiedener Subjekte umgedeutet werden.“ *Ibid.* Cf. Sanjay, JOSHI, „The Right to Equality, Life and Liberty under the Constitution of India“, in: Abdulrahim P. VIJAPUR/Kumar SURESH (ed.), *Perspectives on Human Rights*, Manak Publications, New Delhi 1999, 82-102; 83, Lukman HAREES, *The Mirage of Dignity on the Highways of ‘Human Progress’ – the bystanders perspective*, AuthorHouse, Bloomington, Indiana 2012, 83 and Ludger HONNEFELDER, „Der Streit um die Person in der Ethik“, in: *Philosophisches Jahrbuch* 100 (1993) 246-265, 252. Cf. also Sylvia D. STOLBERG, „Human Dignity and Disease, Disability, Suffering. A Philosophical Contribution to the Euthanasia and Assisted Suicide Debate“, in: *Humane Medicine* 11/4 (1995) 144-147. At the present juncture, not all the elements that are contained in the above definition are deliberated. However, the Chapters that follow will bring to light the intricacies of the definition.

CHAPTER 2

HISTORICAL-PHILOSOPHICAL FOUNDATION OF HUMAN DIGNITY

2.1 INTRODUCTION

The concept of human dignity had a long history. In this Chapter a brief historical and philosophical development of the concept will be explored. Since dignity is to do with a human person, it will also be necessary to see the historical and philosophical development of the concept of human person in this context in the second part of this Chapter. However, a comprehensive historical account is beyond the scope of this work. An episodic account of the same will follow.

2.2 THE HISTORICAL-PHILOSOPHICAL FOUNDATION OF HUMAN DIGNITY

To understand how human dignity is understood today, one needs to go back historically to the way that the occidental world understood the concept.⁷² This is necessary in order that one may not degrade the multifaceted concept, to an empty formula. Thus it necessitates to look back into its historical complexity and its methodological meaning in ethical argumentation.⁷³

Already around 442 B.C., human beings were praised for their greatness of their thinking faculty as found in the famous text of Sophocles in his *Antigone*, “There are in the world many marvels but none greater than man [...]. Speech, thought swift like the wind, aspiration whence are born cities; all that he taught to himself as well as he could, while making shelters for himself”.⁷⁴ From this passage, it becomes clear that it is the thought that makes human being’s greatness, or in other words, it is the technical and political human thought that raises buildings and creates organized republics.

A similarity can also be found in the *Protagoras* of Plato (427-347 B.C.) and its famous myth of *Epimetheus* and *Prometheus*. However, it is in *The Republic* that Plato manifests the full complexity of the human excellence. It is not only an education to political values but a comprehension of the ideals that even the state is to be a subject. “The excellence and thus the ‘dignity’ of men cannot be maintained by a bare political art but only by a political art axed upon the absolute Good which is the object of philosophical contemplation [...]. The human dignity is thus fed on the divine Excellence.”⁷⁵

According to Aristotle (384-322 B.C.) it is the dignity of political excellence which confers on a citizen a share in the democratic government of the city that excludes foreigners and slaves.⁷⁶ The Latin translators of Aristotle translated both ἀξίωμα (*axioma* = axiom, that of which one is

⁷² A helpful and concise summary of the historical development may be found in R. P. HORSTMANN, „Menschenwürde“, in: Joachim RITTER/Karlfried GRÜNDER (Hg.), *Historisches Wörterbuch der Philosophie*, Band 5, Schwabe & Co. AG, Basel/Stuttgart 1980, 1124-1127.

⁷³ Cf. Jean-Pierre WILS, „Zur Typologie und Verwendung der Kategorie ‚Menschenwürde‘“, in: Manfred P.H. WOLFF/Jean-Pierre WILS/Dietmar MIETH (Hg.), *Ethik ohne Chance? Erkundungen im technologischen Zeitalter*, Attempto-Verlag, Tübingen 1991, 130-157; 130.

⁷⁴ As quoted in Richard V. DE SMET, “Materials toward an Indo-Western Understanding of the Dignity of the Human Person”, in: *JDh* 21 (1996) 39-46; 40.

⁷⁵ DE SMET, “Materials toward an Indo-Western Understanding...”, 41.

⁷⁶ *Ibid.*

thought worth and so, esteem, reputation, rank) and ἀξία (*axia* = the worth or value of a thing, of person, worth, rank) somewhat systematically as *dignitas*.⁷⁷

The Stoics, from the school of philosophy in ancient Greece and Rome antiquity, believed in dignity as a genuine possibility for all human beings, regardless of their circumstances, social standing, or accomplishments.⁷⁸ The philosophy of the Stoics was quite different from the basic ideals of Plato and Aristotle. For them the concepts of society were distinctly non-egalitarian.⁷⁹ Thus, a universal notion of dignity appears with the Stoics, according to whom the estimable ἀξίος (*axios* = the worth or value of a thing; of person) are those who conform to human nature and consequently to the great whole which bestows dignity (ἀξία) to a human person.⁸⁰ The Stoics considered human beings to have dignity by the mere fact that they possess reason. One who chooses to live in a thoughtful or reflective way has chosen the best life that is in accordance with the nature.⁸¹ Thus Heike Baranzke, a German moral theologian, concludes from this that the Stoics held *dignitas* as inherent because according to them leading a life of reason is in accordance with the natural human life.⁸²

Thus one finds that in ancient philosophy the word “dignity” was used in two different contexts. First, the word “dignity” signified a social position under a particular rank in the society. In this sense, a person had dignity insofar as one was vested with dignity. Second, the word signified a term which meant an extraordinary distinction of human beings as against other creatures which bestowed on persons an inherent dignity.⁸³

Both these applications are found for the first time in Marcus Tullius Cicero – the Roman speaker, politician and author (106-43 B.C.) – in his philosophical writings titled: “On duties” (*De officiis*), which is one of the most influential Roman works of ethical theory. Cicero uses the Latin word *dignitas* to refer to public office or social standing. In *De officiis* I 105-106, one finds the following:

But it is essential to every inquiry about duty that we keep before our eyes how far superior man is by nature to cattle and other beasts: they have no thought except for sensual pleasure and this they are impelled by every instinct to seek; but man’s mind is nurtured by study and meditation; he is always either investigating or doing, and he is captivated by the pleasure of seeing and hearing. Nay, even if a man is more than ordinarily inclined to sensual pleasures, provided, of course, that he be not quite on a level with the beasts of the field (for some people are men only in name, not in fact) [...]. From this we see that sensual pleasure is quite unworthy of the dignity of man [*dignam hominis*] and that we ought to despise it and cast it from us; but if someone should be found who sets some value upon sensual gratification, he must keep strictly within the limits of moderate indulgence. One’s physical comforts and

⁷⁷ Cf. ARISTOTLE, “Posterior Analytics”, in: Hugh TREDENNICK/E. S. FORSTER (tr.), *The Loeb Classical Library* 391, William Heinemann, London 1960, I, VII (75a38-75b3), I,X (76b13-15) and IDEM, “Nicomachean Ethics”, in: H. RACKHAM (tr.), *Loeb Classical Library*, Vol. 73, Harvard University Press, Cambridge 1990, IV,3 (1123a34-25a31). Cf. LEBECH, *On the Problem of Human Dignity*..., 31.

⁷⁸ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 64-65.

⁷⁹ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 95.

⁸⁰ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 40.

⁸¹ Cf. Charles Davis JAMES, “Human Dignity or Freedom of Research? An Ethical Debate on the Embryonic Stem Cell Research”, in: *Jnanadeepa Pune Journal of Religious Studies* 11/2 (2008) 114-136; 129.

⁸² Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 64-65.

⁸³ Cf. Hartmut KREß, *Menschenwürde im modernen Pluralismus. Wertedebatte – Ethik der Medizin – Nachhaltigkeit*, LVH, Hannover 1999, 13.

wants, therefore, should be ordered according to the demands of health and strength, not according to the calls of pleasure. And if we will only bear in mind the superiority and dignity of our nature [*natura excellentia et dignitas*], we shall realize how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and how right it is to live in thrift, self-denial, simplicity, and sobriety.⁸⁴

One can only conclude from the above passage that Cicero had moved further away from the Ancient Roman *dignitas* which had a political and religious covering to the special status which is due to the superior mind of humans in contrast to animals which bestows in turn an inherent dignity to the humans. In doing so, Cicero universalizes the Ancient Roman *dignitas*; in that, it applies not only to some people in high social status but to everyone. The universal dignity of the human nature is situated within the context of Cosmo-centric framework of antiquity. In this context humans have a special place in the cosmos similar to gods insofar as they are equipped with a reason, because there is nothing more divine than reason.⁸⁵

Although Cicero makes a categorical distinction between humans and animals and attributes to humans by reason of their intellect a higher aspect of nature, there is no suggestion that all human beings possess or even potentially have *dignitas*. This is substantiated by the fact where Cicero writes: “some people are men only in name, not in fact [*sunt enim quidam homines non re, sed nomine*]”.⁸⁶ However, why only some achieve this *dignitas* and not all and also the fact why *dignitas* is not something inherent in all humans are not clear here. Perhaps a further deliberation is necessary.

The Cynics and the Stoics in particular, during the Hellenistic times, continued to hold this special position of the human beings in the cosmos by affirming the homogeneity and relationship of all people on the basis of their reason. All people are homogeneous citizens in the cosmos, and therefore, cosmopolitans. Cicero connected these Greek-Hellenistic ideas with the Ancient Roman *dignitas*. Thus for him the contingent political-social *dignitas* is somewhat lesser than the quintessential universal inherent dignity of the human being, namely, the *dignitas hominis*.⁸⁷

It is in this context that the role of virtues becomes important when it came to the question of achieving dignity rather than its inherent presence in humans. Based on virtue ethics, Baranzke comes to this conclusion that the key question that *dignitas hominis* served was: How must I live in order that I may be happy? It was held that virtue is sufficient for happiness. Virtue, which alone produced happiness, is achieved through one's responsibility for one's life and the

⁸⁴ Marcus T. CICERO, “De Officiis“, in: Walter, MILLER (tr.), *The Loeb Classical Library*, Vol. 21, Harvard University Press, London 1913/Reprint 1975, 107 and 109. Addition by author. The Latin text reads: *Sed pertinent ad omnem officii questionem semper im promptu habere, quantum natura hominis pecudibus reliquisque beluis antecedit; illae nihil sentient nisi voluptatem ad eamque feruntur omni impetus, hominis autem mens discendo alitur et cogitando, semper aliquid aut anquirit aut agit videndique et audiendi delectatione ducitur. Quin etiam, si quis est Paulo ad voluptates propensior, modo ne sit ex pecudum genere (sunt enim quidam homines non re, sed nomine) [...]. Ex quo intellegitur corporis voluptatem non satis esse dignam hominis praestantia eamque contemni et reici oportere, sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse eius fruendae modum. Itaque victus cultusque corporis ad valitudinem referatur et ad vires, non ad voluptatem. Atque etiam, si considerare volumus, quae sit in natura excellentia et dignitas, intellegemus, quam sit turpe diffluere luxuria et delicate ac molliter vivere, quamque honestum parce, continenter, severe, sobrie. Ibid., 106 and 108.*

⁸⁵ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 64-65

⁸⁶ CICERO, *De Officiis*, op. cit., 105.

⁸⁷ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 64-65.

building of a character. For Cicero – like Socrates, Plato or Aristotle – happiness lies not in slavery to pleasure, but in mastery over it. Human dignity, according to Cicero commits the human being to lead his/her life in accordance with his/her position in the cosmos, by letting reason rule over the emotions and instincts, in contrast to animals who are controlled by instincts.⁸⁸

Perhaps one can conclude that the role of virtues in human beings make them eligible for human dignity and can only be achieved by some who practice disciplined self-control through “study and meditation” as seen in Cicero’s passage above (*De Officiis* I, 105). Achieving dignity is different from inherently possessing it. It is to be noted that the emphasis on dignity as something inherent in human persons followed later.

A distinction was made between Natural Law and Laws of the Republic (which was the basic law of the Romans) in ancient times. That all people are naturally equal and therefore the possessor of human dignity comes from the idea of Natural Law (*ius naturale*) and not from the Laws of the Republic (*ius gentium*). In other words, insofar as natural law is concerned all are equal and therefore they are the inherent possessor of human dignity. However, according to public law this is not the case. Therefore, in order to include the concept of human dignity and to make it applicable to all people the State has to recognize it. This has been done only in the Twentieth Century.⁸⁹

It is also to be noted that though Cicero was a Stoic, he was not an egalitarian. In Cicero’s time slavery was accepted. It is a contradictory idea to the Stoics to hold for slavery in an egalitarian society. A classic example is that of Seneca, who in his famous 47th Letter to Lucilius sees slavery as an inherent part both of human experience and of Roman society. Seneca wishes that the slaves be treated kindly and on affable terms. However, the abolition of the social institution of slavery or a human right to freedom was not demanded in antiquity, not even in the name of *dignitas hominis*.⁹⁰

In the Middle Ages, Cicero was considered in high esteem and regarded as a proto-Christian writer. Thomas Aquinas incorporated into his definition of personhood from Boethius and with that of Cicero’s twin definition of dignity and justice. Thus, for Thomas, a person meant an individual substance of rational nature and was identified with self-evident, autonomous importance, namely, *dignity* whether morally or logically considered. Thomas insisted that the subject is distinguished by dignity because of its rational or intelligent nature.⁹¹

In the historical development of the concept of human dignity, the next big leap in forwarding the concept came from the Christian quarters, namely, both in Antiquity and in the Middle Ages, through the concept of human beings created in the image of God (*Imago Dei*), in their

⁸⁸ Cf. *ibid.*, 65-66. For a detailed study on the role of virtue that produces happiness through reason in the context of dignity, see Hans Michael BAUMGARTNER/Thomas HEINEMANN/Ludger HONNEFELDER/Wolfgang WICKLER/Armin G. WILDFEUER, „Menschenwürde und Lebensschutz. Philosophische Aspekte“, in: Günter RAGER (Hg.), *Beginn, Personalität und Würde des Menschen*, Karl Alber, Freiburg/München. 2009, 333-441; 343-345.

⁸⁹ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 66.

⁹⁰ Cf. *ibid.*, 66-67.

⁹¹ Cf. LEBECH, *On the Problem of Human Dignity...*, 76.

relationship with God and confirmed through the incarnation of Jesus Christ.⁹² Christians could feel an affinity with the Stoics on this account and made use of their philosophy. However, Christianity introduced a greater change in the notion of dignity, namely, that every human, free or slave, is a creature “in the image and likeness” of God, being assured salvation through Jesus Christ and equally worthy of a fundamental worthiness that the world cannot give.⁹³

The early and Middle Ages confirmation of human dignity stays within the framework of Stoics, above all on the Ciceronian ideas that was mentioned above. Along with this, the opinion that human beings are endowed with reason and freewill and also that human beings are made in God’s image were integrated already during this time.⁹⁴ A much related term to *dignitas hominis* was the term *dignitas conditione humana* (that is, the dignity of human condition or creation) used in theological circles by Ambrose⁹⁵ and Bernhard von Clairvaux⁹⁶ and later by Thomas⁹⁷ as *dignitas* in the sense of payment of worship and honor to persons in positions of dignity in the society.⁹⁸

The concept of human dignity was however indissolubly linked with the humanism of Italian Renaissance. The humanism of Renaissance too based themselves on the concept of human beings made in God’s image and of their exceptional position grounded in the Incarnation. Much of the information comes from the philosopher and humanist Giovanni Pico della Mirandola (1463-1494) in his famous *Oratio de dignitate hominis* (1486).⁹⁹ For Mirandola, men and women are hybrid beings who freely choose the blueprint of their existence.¹⁰⁰ As Mirandola would acclaim: “Thou, constrained by no limits, in accordance with thine own free will, in whose hand We have placed thee, shalt ordain for thyself the limits of thy nature.”¹⁰¹ With regard to human beings made in God’s image, the conclusion arrived by Mirandola in the following statement is surprising.¹⁰²

⁹² Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 133. See also Cf. HORSTMANN, „Menschenwürde...“, 1124.

⁹³ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 41. These developments will be taken up in the next chapter on the theological foundation of human dignity.

⁹⁴ WILS, „Zur Typologie...“, 142. See also BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 345.

⁹⁵ Cf. AMBROSIUS, Mediolanensis, *De dignitate conditionis humanae*, PL 17, 1015-1018; PL 40, 1213-1214 (exc.); PL 100, 565-568. Cf. also “Clavis Patristica Pseudegraphica Medii Aevii IIB”, in: CCL, Brepols, Turnholt 1994, 683, No. 3008. Ambrose opens his treatise with these words: “*Faciamus hominem ad imaginem et similitudinem nostrum* (Gen 1,26). Tanta itaque dignitas humanae conditionis esse”. See PL 1015.

⁹⁶ Cf. AMBROSIUS, *De cognitione humanae conditionis*, in: PL 184, 485-508.

⁹⁷ Cf. Thomas AQUINAS, *Summa Theologiae* II-II, 102, 1, in: Thomas de AQUINO, *S. Thomae Aquinatis doctoris Angelici Summa Theologiae cum textu ex recensione Leonina*, cura et studio Pietro, CARAMELLO, Marietti, Romae 1948. All Latin quotations are from this work. The English tr. is from Thomas AQUINAS, *The “Summa Theologica” of St. Thomas Aquinas. Part II-II. QQ. CI-CXL*, Literally translated by Fathers of the English Dominican Province, Second and Revised Edition, Burns Oates & Washbourne Ltd, London 1922, 10-12.

⁹⁸ Cf. WILS, „Zur Typologie...“, 142.

⁹⁹ Cf. *ibid.*, 142-143.

¹⁰⁰ Cf. *ibid.*, 143.

¹⁰¹ «*Tu, nullis angustiis coercitus, pro tuo arbitro, in cuius manu te posui, tibi illam praefinies.*» Giovanni Pico della MIRANDOLA, *De hominis dignitate. Über die Würde des Menschen*, übersetzt von Norbert BAUMGARTEN, hg. v. August BUCK, Felix Meiner Verlag, Hamburg 1990, 6. English tr. from Giovanni Pico della MIRANDOLA, “Oration on the Dignity of Man”, in: Ernst CASSIRER/Paul Oscar KRISTELLER/John Herman RANDALL JR. (ed.), *The Renaissance Philosophy of Man: Petrarca, Valla, Ficino, Pico, Pomponazzi, Vives*, tr. by Elizabeth Livermore FORBES, University of Chicago Press, Chicago and London 1969, 225.

¹⁰² Cf. WILS, „Zur Typologie...“, 144.

Whatever seeds each man cultivates will grow to maturity and bear in him their own fruit. If they are vegetative, he will be a plant. If sensitive, he will become brutish. If rational, he will grow into a heavenly being. If intellectual, he will be an angel and the son of God. And if, happy in the lot of no created thing, he withdraws into the center of his own unity, his spirit, made one with God, in the solitary darkness of God, who is set above all things, shall surpass them all. Who would not admire this our chameleon? ¹⁰³

In the above passage, one can find the human possibilities reaching their highest existence from vegetative to spiritual. Moreover, one can also find a rising scale of values, i.e., from a rational being to being sons of God. However, creation of human as such does not lead to the centre of this existence. A self-reflection (*reflectio*) confronts him or her with the dark depths of existence and causes him or her to merge with God as spirit. Thus, Mirandola's spirit-anthropology – which is based on theology – undergoes an inversion while shifting the cornerstone of human dignity's eternal nature being created in God's image. There is a paradigmatic shift from creation-theology into the immanent existential condition of the subject. The self-assertion, that is, the inward reflection, is the only sure and certain place for "chameleon-like" existence, which cannot be shaken even by God's intervention.¹⁰⁴

Theological Ethicist Jean-Pierre Wils commenting on the above given text says, "The interpretation of human dignity as a consequence of the radical insecurity of human existence is a sign of the self-stabilization of man in a world destabilized by the Fall."¹⁰⁵ He further adds that Mirandola formulates three moral imperatives which give dignity an expression, although abstract, but still programmatic: "μηδὲν ἄγαν, that is, "Nothing too much"[...] γνώθι σεαυτόν, that is, "Know thyself" [...] and εἶ, that is, "Thou art".¹⁰⁶

As a consequence of the humanism of Renaissance the concept of *dignitas* in the pre-modern traditions has – if not radically, at least significantly – changed in such a way that the concept of 'dignity' is now no longer a central category in a logocentric anthropology, in which cosmology and theology are integrated. Rather, in the expression of Bruno Schüller¹⁰⁷, human dignity has become a self-attribution, a "legitimizing name" able to pass judgment, which stresses the moral blue-print character of human existence.¹⁰⁸

Hence, Mirandola's intervention demonstrates the humanist tradition which emphasizes the important role that the human dignity plays and the undeniable place that humans occupy in the

¹⁰³ « [...] quae quisque excoluerit illa adolescent, et fructus suos ferent in illo. Si vegetalia, planta fiet. Si sensuality, obrutescet. Si rationalia, caeleste evadet animal. Si intellectualia, angelus erit et Dei filius, et si nulla creaturarum sorte contentus in unitas centrum suae se receperit, unus cum Deo spiritus factus, in solitaria Patris caligine qui est super Omnia constitutes omnibus antestabit. Quis hunc nostrum chamaeleonta non admiretur?» MIRANDOLA, *De hominis dignitate*; op. cit., 6. English tr. from MIRANDOLA, "Oration on the Dignity of Man", op. cit., 225.

¹⁰⁴ Cf. WILS, „Zur Typologie...“, 144.

¹⁰⁵ „Die Deutung der Menschenwürde als Folge der radikalen Ungesicherheit menschlicher Existenz ist Signum der Selbststabilisierung des Menschen in einer durch den Sündenfall destabilisierten Welt.“ WILS, „Zur Typologie...“, 144. English tr. from Jean-Pierre WILS, "The End of 'Human Dignity' in Ethics?" in *Concilium* 203/3 (1989) 39-54, 45.

¹⁰⁶ «μηδὲν ἄγαν, idest ne quid nimis [...] γνώθι σεαυτόν, idest cognosce te ipsum [...] εἶ, idest es dicentes.» MIRANDOLA, *De hominis dignitate*; op. cit., 26. English tr. from MIRANDOLA, "Oration on the Dignity of Man", op. cit., 235.. Cf. WILS, „Zur Typologie...“, 145.

¹⁰⁷ Cf. Bruno SCHÜLLER, *Der menschliche Mensch. Aufsätze zur Metaethik und zur Sprache der Moral*, Patmos-Verlag, Düsseldorf 1982, 100-119.

¹⁰⁸ Cf. WILS, „Zur Typologie...“, 145.

visible nature through the blue-print character it imposes on human existence. It is to be noted here that there is no notion in Mirandola or Renaissance humanism, which corresponds to the innate, universal dignity used in contemporary language. This expression took roots later as described below.

Partly due to the dissolution of the humanist movement and partly because of its theological bias, the concept of *dignitas* – which was brought in for the first time in modern application in the context of secular natural law – did not attain that status to which it could have been entitled from the object.¹⁰⁹

There was also an attempt to ground human dignity in a social milieu by Thomas Hobbes (1588-1679), the English political philosopher, who defined *dignitas* not as a legal but a moral entity.¹¹⁰ He says:

The public worth of a man, which is the value set on him by the commonwealth, is that which men commonly call DIGNITY. And this value of him by the commonwealth is understood by offices of command, judicature, public employment; or by names and titles introduced for distinction of such value.¹¹¹

Thus for Hobbes, human dignity is basically governed by the price and value which is determined ultimately by the commonwealth. This price is determined by the circumstances and not by any inherent dignity. This leads to a valid question. If the value bestowed on human persons rests on commonwealth, who becomes the arbitrator when commonwealth itself does not respect the dignity of the person?

In modern philosophy, the concept of reason stood in focal point. This helped in clarifying the concept of dignity. One such example is of Blaise Pascal (1623-1662), a French mathematician and philosopher. He gave a central position to reason from which stems the concept of human dignity when he affirms: “Man is obviously made to think. It is his whole dignity and his whole merit”.¹¹² Pascal then reflects on the transient and fragile nature of man. Then he juxtaposes this fragility of man with the capacity to think and says: “Man is but a reed, the most feeble thing in nature; but he is a thinking reed [...]. All our dignity consists, then, in thought.”¹¹³ Thus, the capacity to think in turn asserts human dignity. Pascal then adds, “A thinking reed. – It is not from space that I must seek my dignity, but from the government of my thought.”¹¹⁴ Once again, Pascal juxtaposes the situation of man in empty space with the awareness that the capacity to

¹⁰⁹ Cf. PÖSCHL/KONDYLIS, „Würde...“, 663.

¹¹⁰ Cf. *ibid.*

¹¹¹ Thomas HOBBS, *Leviathan*. With selected variants from the Latin edition of 1668, ed. by Edwin CURLEY, Hackett Publishing Company, Inc., Indianapolis/Cambridge 1994, 52. Emphasis in the original.

¹¹² «L'homme est visiblement fait pour penser; c'est toute sa dignité et tout son mérite.» Blaise PASCAL, *Pensées et opuscules. Publiés avec une introduction, des notices et des notes*, Hachette, Paris 1967, Fragment 146. English tr. from IDEM, *Pensées*, tr. by W. F. TROTTER, Dover Publications Inc., Mineola, New York 2003, 45.

¹¹³ «L'homme n'est qu'un roseau, le plus faible de la nature; mais c'est un Roseau pensant... Toute notre dignité consiste donc en la pensée.» PASCAL, *Pensées et opuscules, op cit.*, Fragment 347. English tr. from IDEM, *Pensées, op. cit.*, 97.

¹¹⁴ «Roseau pensant. – Ce n'est point de l'espace que je dois chercher ma dignité, mais c'est du règlement de ma pensée.» PASCAL, *Pensées et opuscules, op cit.*, Fragment 348. English tr. from IDEM, *Pensées, op. cit.*, 97.

think provides him dignity. Therefore, he says, “Thought. – All the dignity of man consists in thought.”¹¹⁵

Thus, Pascal based human dignity on the fact that human beings do not just exist unconsciously, but consciously through their thinking. The idea that human beings are rational thinking beings became fundamental to almost the entire spectrum of Modern philosophy.¹¹⁶

As a further development, it is necessary to mention briefly here about the German natural law Philosopher Samuel Freiherr von Pufendorf (1632-1694). Pufendorf took both the elements of the Ciceronian philosophy as well as the Renaissance humanism into natural law in establishing human dignity.¹¹⁷ Pufendorf in contrast to Hobbes defined the concept of *dignitas* as price or honour in both social and political sense.¹¹⁸ For Pufendorf – whose writings were well known among the leading American colonialists in Massachusetts – human dignity was a central concept, because the dignity of all people was rooted in the moral liberty to do either good or evil.¹¹⁹ Pufendorf explains:

Now the dignity of man far outshines that of beasts by virtue of the fact that he has been endowed with a most exalted soul, which, by its highly developed understanding can examine into things and judge between them, and by its remarkable deftness, can embrace or reject them.¹²⁰

This distinguishing moral faculty of the human beings as rational beings to do good entitled them by reasons of natural law both to equality as well as protection of their liberty. Consequently, slavery was contrary to the moral nature of the human being, and therefore, not justified. At the same time, however, human dignity made the individual human being to esteem duty (*aestimatio sui*) and along with this the respect for all people was also interconnected.¹²¹ Many factors unite to intensify self-esteem, but according to Pufendorf: “[...] its primary source is, apparently, human nature. For indeed the word ‘man’ is felt to have a certain dignity [...]”.¹²² Since human nature belongs equally to all, “it follows, as a precept of natural law, that ‘Every

¹¹⁵ «*Pensée. – Toute la dignité de l’homme est en la pensée.*» PASCAL, *Pensées et opuscules, op cit.*, Fragment 365. English tr. from IDEM, *Pensées, op. cit.*, 100. Cf. HORSTMANN, „Menschenwürde...“, 1125, WILS, „Zur Typologie...“, 145, and Johannes REITER, „Über die Ethik der Menschenwürde“, in: Albert RAFFELT (Hg.), *Weg und Weite. Festschrift für Karl Lehmann*, Herder, Freiburg i. Br. 2001, 443-454; 446.

¹¹⁶ Cf. Kurt BAYERTZ, “Human Dignity. Philosophical Origin and Scientific Erosion of an Idea”, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity...*, 73-90, 75.

¹¹⁷ Cf. WILS, „Zur Typologie...“, 145. Pufendorf argues for the equality of all human beings based on the fact that they are endowed with universality of reason and immortality of soul. See Samuel von PUFENDORF, *De iure naturae et gentium*, Knoch, Frankfurt a.M. 1706, II, 1 § 5. See also BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 346 and BARANZKE, „Menschenwürde und Menschenrechte...“, 53.

¹¹⁸ Cf. Samuel von PUFENDORF, *De jure naturae et gentium Libri Octo*, Vol.2, The Translation of the Edition of 1688, by C.H. OLDFATHER/W.A. OLDFATHER, Oceana Publications Inc., New York 1964, 8, 4 § 13. Cf. PÖSCHL/KONDYLIS, „Würde...“, 663.

¹¹⁹ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 53.

¹²⁰ «*Ex hoc igitur dignitas hominis prae brutis maxime elucet, quod iste nobilissima praeditus est anima, quae et insigni lumine circa cognoscendas et diiudicandas res., et exquisita mobilitate circa easdem adpetendas aut reiiciendas pollet.*» Latin text from Samuel von PUFENDORF, *De jure naturae et gentium Libri Octo*, Minerva GmbH, Frankfurt 1967, 1, 3 § 1. The English translation is from IDEM, *De jure naturae et gentium Libri Octo*, Vol.2, *op. cit.*, 1, 3 § 1.

¹²¹ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 53.

¹²² «*primum tamen eius fundamentum videtur ipsa humana natura. In ipso quippe hominis vocabulo indicatur inesse aliqua dignatio.*» PUFENDORF, *De jure naturae...*, 3, 2 § 1. The English translation is from IDEM, *De jure naturae et gentium Libri Octo*, Vol.2, *op. cit.*, 3,2 § 1.

man should esteem and treat another man as his equal by nature, or as much as a man as he is himself.”¹²³ In other words, Pufendorf says that from the self-esteem follows the respect for the other and the respect for all members of the society. In this regard, Pufendorf says that the more one respects oneself, the more faithfully will one follow the laws of socialness (*leges socialitatis*) in respecting the other.¹²⁴ In its conscious contrast to the thought construction of Hobbes, this shows how narrow the bond is (also) to the secular concept of *dignitas* in a rational anthropology.¹²⁵

Both Pascal and Pufendorf see dignity in the freedom of human beings, which through reason recognizes the choice and does accordingly.¹²⁶

Later on, the Enlightenment philosopher Immanuel Kant will expressly handle the connection shown by Pufendorf between self-esteem and the respect shown for the human dignity of another.¹²⁷

It is also interesting to note that probably Pufendorf's emphasis on the mandatory nature of human dignity kept away the American Constitutional Fathers from a reference to the idea of human dignity.¹²⁸ However, Pufendorf's teaching surely had an influence on the American Declaration of Human Rights (1776), which combined the idea of freedom and the role of reason along with equality of all people, because all people are entitled to this characteristic.¹²⁹ It should also be noted that it is not just rationality and freedom alone that give value to human life. However, human dignity itself, as German Philosopher Otfried Höffe would acknowledge, is the “highest moral and legal principle, which gives the human being an absolute value against other highlighted natures of rationality and freedom”.¹³⁰

2.3 THE CONTRIBUTION OF IMMANUEL KANT TO HUMAN DIGNITY

Taking a step further against this background, an important contribution to the development of the concept of human dignity is surely to be attributed to Immanuel Kant (1724-1804). The German philosopher Immanuel Kant based his arguments on universal human dignity on a purely philosophical foundation. Following the Stoics, for Kant, dignity is the intrinsic worth that belongs to all human beings. It is because of the rational autonomy that all humans possess dignity. In other words, the capacity for free obedience to the moral law of which they themselves are author gives humans their dignity.

¹²³ «*Humana porro natura, cum omnibus hominibus aequae competat, [...] inde consequitur, iure naturali praeceptum esse: Ut quisque alterum hominem aestimet atque tractet, tanquam naturaliter sibi aequalem, seu ut aequae hominem.*» See *Ibid.* Cf. also PÖSCHL/KONDYLIS, „Würde...“, 664 and BARANZKE, „Menschen-würde und Menschenrechte...“, 53.

¹²⁴ Cf. PUFENDORF, *De jure naturae*..., 2, 4 § 1. Cf. PÖSCHL/KONDYLIS, „Würde...“, 664.

¹²⁵ Cf. *ibid.*

¹²⁶ REITER, „Die Menschenwürde und ihre Relevanz ...“, 133.

¹²⁷ Cf. PÖSCHL/KONDYLIS, „Würde...“, 669 and BARANZKE, „Menschenwürde und Menschenrechte...“, 53.

¹²⁸ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 53. Cf. also REITER, „Über die Ethik der Menschenwürde...“, 446.

¹²⁹ Cf. IDEM, „Die Menschenwürde und ihre Relevanz ...“, 133.

¹³⁰ Otfried HÖFFE, *Medizin ohne Ethik*, Band 2245, Suhrkamp, Frankfurt a.M. 2002, 49. Cf. JAMES, “Human Dignity...”, 129.

It is in Kant that the concept of dignity became a central concept of ethics, especially in his *Grundlegung zur Metaphysik der Sitten* (GMS = Fundamental Principles of the Metaphysics of Ethics).¹³¹

The definition of human dignity given by Kant in GMS IV, 434 is:

In the kingdom of ends everything has either value or dignity. Whatever has a value can be replaced by something else which is equivalent; whatever, on the other hand, is above all value, and therefore admits of no equivalent, has a dignity.¹³²

Thus, Kant makes a distinction in human nature between dignity (*Würde*, which according to him is a human or moral value) and price (*Preis*, which is a material value). For Kant, man understood as a human being, is worthy of dignity and is priceless. In other words, dignity is something that is unquantifiable and incalculable, because it flows from the very fact that we are human beings.

According to Kant, only a being which is able to set oneself an end, as the last point of reference, is what characterizes humanity. The reason that human nature has dignity, is because of the autonomy of man, that is, the ability to be subject to a law of freedom, and therefore to be moral (*sittlich*).¹³³

This “inherent value” or “intrinsic value” for respect could be violated either by the person himself or herself to his or her own humanity or it could be denied by other persons. However, in both cases, the dignity that is inherent or intrinsic to being a human person cannot be annulled. From this, it follows that the recognition of human dignity is neither bound to nor dependent on special qualities or characteristics of the human person. The very fact of belonging of a living being to the human species forms the basic condition for the concrete acknowledgement of human dignity.¹³⁴

But how is it possible to acknowledge human dignity? Three problems arise here.

¹³¹ Cf. JAMES, “Human Dignity...”, 134. Cf. HORSTMANN, „Menschenwürde...“, 1125. Cf. also WILS, „Zur Typologie...“, 145.

¹³² GMS IV,434: „Im Reiche der Zwecke hat alles entweder einen *Preis*, oder eine *Würde*. Was einen Preis hat, an dessen Stelle kann auch etwas anderes, als *Äquivalent*, gesetzt werden; was dagegen über allen Preis erhaben ist, mithin kein *Äquivalent* verstattet, das hat eine *Würde*.“ Citations to Kant are from: Immanuel KANT, „Grundlegung zur Metaphysik der Sitten“, in: *Kants gesammelte Schriften. Band IV*, hg. v. der Königlich Preussischen Akademie der Wissenschaften, Georg Reimer, Berlin 1911, 387-463, 434. Emphasis by the author. In the above text, the volume is given in Roman numeral and the page number in Arabic numerals. English tr. from Immanuel KANT, *Fundamental Principles of the Metaphysics of Morals*, tr. by Thomas Kingsmill ABBOTT, Arc Manor, Rockville, Maryland 2008, 52. In this paragraph, ‘intrinsic value’ translates *Würde*, which in the Kantian literature generally, as well as here, is translated as ‘dignity’. Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 85 and IDEM, „„Strapazierte Menschenwürde“. Bedeutung und Problematik eines zentralen Begriffs in der biopolitischen Auseinandersetzung (2003)“, in: DERS., *Wie Weit trägt Einheit?...*, 92-102; 97.

¹³³ Cf. Immanuel KANT, „Die Metaphysik der Sitten“, in: *Kants gesammelte Schriften. Band VI, op. cit.*, 1914, 203-491; 462. Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 134. Cf. also Kathrin BRAUN, „Die besten Gründe für eine kategorische Auffassung der Menschenwürde“, in: Mathias KETTNER (Hg.), *Biomedizin und Menschenwürde*, Suhrkamp, Frankfurt a. M. 2004, 81-99. Cf. also WILS, „Zur Typologie...“, 146. and Cf. HORSTMANN, „Menschenwürde...“, 1125.

¹³⁴ Cf. Robert SPAEMANN, „Menschenwürde und menschliche Natur“, in: *IKaZ* 39 (2010) 134-139. For English version, cf. Robert SPAEMANN, “Human Dignity and Human Nature”, in: Robert SPAEMANN (ed.), *Love and the Dignity of Human Life. On Nature and Natural Law*, Wm. Eerdmans Publishing Co., Grand Rapids, Michigan 2012, 27-44.

First, one can see that the basic problem of any interpretation lies in the fact that the word dignity is a concept which is difficult to define, as was already mentioned.¹³⁵

According to Kant's definition as already stated, man understood as a human being, is worthy of dignity and is priceless.¹³⁶ Nevertheless, Regina Ammicht-Quinn criticizes the above definition and says that although the definition is theoretically illuminating, it is difficult to give it a basis in the postmodern society.¹³⁷

Second, the above definition does not itself clarify how dignity is intrinsic.

Third, it is to be noted that Kant used the concept of dignity of humans (*Würde der menschlichen Natur, Würde der Menschheit*) only four times in the *Metaphysics of Morals* and only once the term human dignity (*Menschenwürde*) in the context of the vice of arrogance.¹³⁸

So how does Kant come to his conclusion? Five reasons can be given.

First, for Kant, dignity is that which is incomparable and without equivalent value, incalculably valuable thing in human existence, and an end in itself¹³⁹:

[...] but that which constitutes the condition under which alone anything can be an end in itself, this has not merely a relative worth, i.e., value, but an intrinsic worth, that is, dignity.¹⁴⁰

However, in what exactly dignity as a highest worth consists of remains unclear. It is only under the condition of morality that human beings are an end in themselves.¹⁴¹ So Kant says: "Thus, morality, and humanity as capable of it, is that which alone has dignity".¹⁴² But what guarantees the moral value?

Second, morality is guaranteed on the presupposition that human beings have the capacity first of all, to subject one's maxims to the general validity of natural laws and second, to free one's purpose of actions from subjective motivations and inclinations. Insofar as one is capable of legislating for oneself (autonomy), dignity becomes valid. In other words, according to Kant it is the autonomy of a person that makes possible in freedom to set a law for oneself, or the capability to be moral (*sittlich*) is the basis of dignity of the human nature¹⁴³

¹³⁵ See Chapter 1.5 at fn. 67 above.

¹³⁶ Cf. Regina AMMICHT-QUINN, "Whose Dignity is Inviolable? Human beings, Machines and the Discourse of Dignity", in: *Concilium* 2/2 (2003) 35-45; 40.

¹³⁷ Cf. *ibid.* German Ethicist Ammicht-Quinn raises here the problem of the post-modern society to accept human dignity which itself is questionable, for example, with regard to the status of the embryo as a person, the rationality of the person ill with dementia, the freedom of the dying and so forth.

¹³⁸ „Er ist vom Stolz (animus elatus), als Ehrliche, d.i. Sorgfalt, seiner Menschenwürde in Vergleichung mit anderen nichts zu vergeben...“ KANT, „Die Metaphysik der Sitten...“, 465. "It differs from pride proper (animus elatus), which is love of honor, that is, a concern to yield nothing of one's human dignity in comparison with others..." English tr. from IDEM, *The Metaphysics of Morals*, tr. by Mary GREGOR, Cambridge University Press, Cambridge *et al.* 1991, 257.

¹³⁹ WILS, „Zur Typologie...“, 146. Cf. also REITER, „Die Menschenwürde und ihre Relevanz ...“, 134.

¹⁴⁰ GMS IV,435: „Das aber, was die Bedingung ausmacht, unter der allein etwas Zweck an sich selbst sein kann, hat nicht bloß einen relativen Wert, d.i. einen Preis, sondern einen inneren Wert, d.i. *Würde*.“ KANT, „Grundlegung zur Metaphysik der Sitten...“, 435. English tr. from IDEM, *Fundamental Principles of the Metaphysics of Morals...*, 52.

¹⁴¹ WILS, „Zur Typologie...“, 146.

¹⁴² GMS IV,435: „Also ist Sittlichkeit und die Menschheit, sofern sie derselben fähig ist, dasjenige, was allein Würde hat.“ KANT, „Grundlegung zur Metaphysik der Sitten...“, 435. English tr. from IDEM, *Fundamental Principles of the Metaphysics of Morals...*, 52-53.

¹⁴³ WILS, „Zur Typologie...“, 146. Cf. also REITER, „Die Menschenwürde und ihre Relevanz ...“, 134 and Cf. HORSTMANN, „Menschenwürde...“, 1125.

Third, in order to understand Kant one needs to see his emphasis on duties which are derived from categorical imperatives, which is ultimately Kant's formulation of the moral law. For Kant the derivative of the practical imperative is: "So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only".¹⁴⁴ This practical imperative restates Kant's fundamental principle of morality, namely, the categorical imperative, emphasizing the respect for persons.

Fourth, a truly moral action is derived from the respect for moral law. However, in Kant's system these formalistic details are ultimately based on his claim that all rational beings have an intrinsic, objective and unconditional dignity based on their capacity for autonomous choice. Kant explains these ideas:

Kant explains the relation between dignity and legislation in these words:

Now the legislation itself which assigns the worth of everything must for that very reason possess dignity, that is an unconditional incomparable worth; and the word respect alone supplies a becoming expression for the esteem which a rational being must have for it. Autonomy then is the basis of the dignity of human and of every rational nature.¹⁴⁵

Autonomy, for Kant, is self-legislation of reason as an expression of the inner freedom of the will to bind itself to a rational action intention and in turn demands for freedom of action as a sign of indefensible external freedom. Therefore for Kant, it follows that from the self-reflexive knowledge – the subject of responsibility for action even as claimed by its own reason (this subject he calls "person") – flows the moral obligation to recognize the same moral subjectivity and thus respect the dignity of others.

Fifth, the philosophical basis for the principle of dignity that Kant held demands equal respect for all persons (MS VI, 434-435).¹⁴⁶ It forbids the use of another person merely as a means to one's own ends.¹⁴⁷ The prohibition against instrumentalization reads:

But man regarded as a *person*, that is, as the subject of a morally practical reason, is exalted above any price; for as a person (*homo noumenon*) he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a *dignity* (an absolute inner worth) by which he exacts *respect* for himself from all other rational beings in the world. He can measure himself with every other being of this kind and value himself on a footing of equality with them.¹⁴⁸

¹⁴⁴ GMS IV,429: „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 brauchst“. KANT, „Grundlegung zur Metaphysik der Sitten...“, 429. English tr. KANT, *Fundamental Principles of the Metaphysics of Morals...*, 47.

¹⁴⁵ GMS IV,436: „Die Gesetzgebung selbst aber, die allen Wert bestimmt, muss eben darum eine Würde, d.i. unbedingten, unvergleichbaren Wert haben, für welchen das Wort *Achtung* allein den geziemenden Ausdruck der Schätzung abgibt, die ein vernünftiges Wesen über sie anzustellen hat. *Autonomie* ist also der Grund der Würde der menschlichen und jeder vernünftigen Natur.“ KANT, „Grundlegung zur Metaphysik der Sitten...“, 436. Emphasis in original. English tr. from IDEM, *Fundamental Principles of the Metaphysics of Morals...*, 53.

¹⁴⁶ IDEM, „Die Metaphysik der Sitten...“, 434-435.

¹⁴⁷ IDEM, „Grundlegung zur Metaphysik der Sitten...“, 429. Cf. JAMES, „Human Dignity...“, 129-130.

¹⁴⁸ MS VI,434: „Allein der Mensch, als Person betrachtet, d. i. als Subject einer moralisch-praktischen Vernunft, ist über allen Preis erhaben; denn als ein solcher (*homo noumenon*) ist er nicht bloß als Mittel zu anderer ihren, ja selbst seinen eigenen Zwecken, sondern als Zweck an sich selbst zu schätzen, d.i. er besitzt eine Würde (einen absoluten inneren Werth), wodurch er allen andern vernünftigen Weltwesen Achtung für ihn abnöthigt, sich mit jedem Anderen dieser Art messen und auf den Fuß der Gleichheit schätzen kann.“ KANT, „Die Metaphysik der Sitten...“, 434. English tr. from IDEM, *The Metaphysics of Morals*, tr. by Mary GREGOR, Cambridge University Press, Cambridge *et al.*, 1991, 230.

The prohibition forbids the use of another person merely as a means to one's own ends. Here, according to Kant, dignity stands in the context of the human being as an end in itself; from which it follows the prohibition against total instrumentalization. This definition explains how Kant makes a distinction between dignity (*Würde*) and value (*Wert*). The former is intrinsic but the latter may be added by the society. This definition perhaps gives a better stand for the intrinsic dignity of a person. It is once again to be reiterated that Podimattam finds that this argument can be extended to include the respect to all individuals without alluding to religious convictions.¹⁴⁹

As mentioned above, taking the cue from Pufendorf – who held for the respect for others which is connected with self-esteem or self-respect –, Kant now states that the ability to be morally responsible as a respect for the dignity forbids the intention to treat self as well as others as instruments.¹⁵⁰ Hence, according to Kant, the doctrine of human dignity demands equal respect for all persons.

The importance that Kant gave to human autonomy and prohibition of the “instrumentalization” of human subjects has had an enormous impact both on modern ethical thought and Bioethics in particular. The demands, therefore of the dignity of the human person is such that we never treat another as a *thing*, as a *means*, even to accomplish greatest good. In other words, another person is a *subject* and neither is he/she an *object*, nor an “*it*”. In treating another as an “*it*”, his/her reality as a person is threatened. It only cuts myself off from the rich reality of this other person and so impoverishes me.¹⁵¹

Thus, one can conclude two things from what has been discussed so far. First, Kant makes a distinction in human nature between dignity (*Würde*) as “an intrinsic worth” which according to him is a human or moral value and price which is a material value (*Wert*). The former is intrinsic but the latter may be added by the society.¹⁵² Second, dignity stands in the context of the human being as an end in itself; from which it follows the prohibition against total instrumentalization.

In the last analysis, it is to be admitted that there is a basic problem of interpretation of the above facts and one comes back to square one, namely, that the term human dignity is a concept which is difficult to define. Nonetheless, taking autonomy and reason – the two concepts that are foundations of human dignity as envisaged by Kant – the working definition (See Chapter 1.6 above) can be modified to read:

Independent of the sex, origin, country, society, class, caste, profession, religion, culture or family every human individual, because of being human, has an inviolable intrinsic worth owing to his/her autonomy and endowed with reason recognized throughout one's human life and respected but not granted; that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.

¹⁴⁹ Cf. Felix M. PODIMATTAM, *Why be Moral?*, Media House, Delhi 2005, 53-54.

¹⁵⁰ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 75-76.

¹⁵¹ Cf. Helen Marie BEHA, *Living Community*, Bruce Publishing Company, Milwaukee, 1967, 25-26. Cf. JAMES, “Human Dignity...”, 130.

¹⁵² Cf. *ibid.*

2.4 HUMAN DIGNITY IN INTERNATIONAL CONSTITUTIONS/DECLARATIONS

A major leap in history would be to see how the roots, of all that has been said above, which shaped human dignity, can be traced to the modern Constitutions/Covenants. These Constitutions/Covenants make explicit, for example, the biblical and Natural Law concepts in the U.N. Definitions and a combination of biblical and Kantian concepts in the German Constitution. Thus, at least thirty-seven national constitutions and instruments ratified since 1945 make reference to human dignity, such as the opening words of the determination of the UN Charter, 1945¹⁵³, the Preamble to the UDHR 1948¹⁵⁴ and including the *Basic Law* (*Grundgesetz*) of the Federal Republic of Germany (1949).¹⁵⁵ Although the meaning, content, and foundations of human dignity are never explicitly defined in these instruments, yet human dignity plays the role of a supreme value on which all human rights and duties are said to depend.¹⁵⁶

The determination of the United Nations as stated in the second paragraph of the Preamble of the Charter of the United Nations (1945), which was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and which came into force on 24 October 1945, reads, “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, [...]”¹⁵⁷

Similarly, the Preamble of the Universal Declaration of Human Rights (UDHR 1948) that was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, affirms human dignity in these words, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world [...]”¹⁵⁸ Further, the First Article of UDHR makes explicit that: “All human beings are born free and equal in dignity and rights.”¹⁵⁹ Article 22 declares, “Everyone, as a member of society, has the right to [...] of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”¹⁶⁰

¹⁵³ “We the peoples of the United Nations determined [...] to reaffirm faith in fundamental human rights, in the dignity and worth of the human person”. See UNITED NATIONS ORGANIZATION, “Relevant Provisions of the United Nations Charter, 1945”, in: Ian BROWNLIE/Guy S. GOODWIN-GILL (ed.), *Basic Documents on Human Rights*, Oxford University Press, New York 2006⁵, 1-13; 3.

¹⁵⁴ UNITED NATIONS GENERAL ASSEMBLY, “Universal Declaration of Human Rights, 1948”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 23-28; 24. Henceforth the abbreviation UDHR will be used to refer to this document.

¹⁵⁵ BUNDESMINISTERIUMS DER JUSTIZ, *Grundgesetz für die Bundesrepublik Deutschland* vom 23. Mai 1949 (BGBl. S. 1), zuletzt geändert durch das Gesetz vom 11. Juli 2012 (BGBl. I S. 1478). Henceforth, the word *Grundgesetz* will be used to refer to this document. English tr. from GERMAN FEDERAL MINISTRY OF JUSTICE, “German Federal Republic. Basic Law of the Federal Republic of Germany. May 8, 1949, as amended to January 1, 1966”, in: Amos Jenkins PEASLEE (ed.), *Constitutions of Nations. Volume III – Europe*, Revised 3rd Edition, prepared by Dorothy PEASLEE XYDIS, Martinus Nijhoff, The Hague, Netherland 1974, 361-398.

¹⁵⁶ Cf. JAMES, “Human Dignity...”; 130.

¹⁵⁷ UN ORGANIZATION, “Relevant Provisions of the United Nations Charter, 1945...”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 1.

¹⁵⁸ UN GENERAL ASSEMBLY, “Universal Declaration of Human Rights, 1948...”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 24.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*, 27.

Research on these International Constitutions has shown that the concept of human dignity, both explicit as well as implicit in the above texts, is based on biblical as well as Natural Law concepts, which is ultimately based on ideas from Stoic philosophy.¹⁶¹

The very fact that humans have human rights comes from the fact that they have inherent dignity. The relation between human dignity and human right is stated explicitly in the Preambles of International Covenant on Economic, Social and Cultural Rights, 1966 and International Covenant on Civil and Political Rights, 1966. Both of them state: “These [human] rights derive from the inherent dignity of the human person.”¹⁶²

The German Constitution, which came into effect on 23 May 1949, makes commitment to the key function of the concept of human dignity and becomes even more explicit than in the UDHR. The opening words in the *Grundgesetz* affirm the dignity of the human being as the greatest value and basic principle of the Constitution. It affirms: “Human Dignity is inviolable. To respect and protect it shall be the duty of all state authority” (Art. I, 1).¹⁶³ The Constitution follows a clear logic, namely, that the recognition of human right follows the basic fact of human dignity. It is also a positive law which means that human rights can be claimed in court. “Here Human Dignity clearly serves as a basic frame reference for Human Rights and for anything that follows in the constitution.”¹⁶⁴

In the above instruments, what mattered was to ensure a practical solution than a theoretical foundation for the worst atrocities inflicted on large populations during the war, so that they may never be repeated. “The inviolability of human dignity was enshrined in at least some of these documents chiefly in order to prevent a second Holocaust.”¹⁶⁵ This liberal principle of “respect for person” did resolve many ethical problems and the rights and freedom of all were respected equally, even though the spelling out too clearly of the ground of that assertion was not done.¹⁶⁶

The above international laws paved in ways for subsequent promulgation of other Conventions and Declarations in the field of Bioethics. In 1993, the International Bioethics Committee (IBC) of UNESCO was constituted in order to ensure respect for human dignity and human rights. In the same year, the World Conference on Human Rights was held and as an outcome of the

¹⁶¹ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 100. Hailer and Ritschl warn here of the difficulties that would affect the later decades because of such grounding. For example, the Communists States who preferred an interpretation of human dignity in terms of social rights. Similarly, a number of nations in the Southern hemisphere and in East Asia cannot see much value or convincing power in the originally Western interpretation of the Greek and biblical interpretations. See *ibid.*

¹⁶² UNITED NATIONS GENERAL ASSEMBLY, “International Covenant on Economic, Social and Cultural Rights, 1966”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 348-357; 348 and UNITED NATIONS GENERAL ASSEMBLY, “International Covenant on Civil and Political Rights, 1966”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 358-374; 358. Addition by author. Cf. GEWIRTH, “Human Dignity as the Basis of Rights...”, 10.

¹⁶³ „Die Würde des Menschen ist unantastbar. Sie zu achten und zu schützen ist Verpflichtung aller staatlichen Gewalt.“ Artikel 1, 1, *Grundgesetz für die Bundesrepublik Deutschland*, *op. cit.* English tr. from GERMAN FEDERAL MINISTRY OF JUSTICE, “German Federal Republic. Basic Law...”, 361. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 101.

¹⁶⁴ *Ibid.*

¹⁶⁵ JAMES, “Human Dignity...”, 130.

¹⁶⁶ Cf. *ibid.*, 130-131.

conference the “Vienna Declaration and Programme of Action” was issued on 25 June 1993.¹⁶⁷ The Declaration recognized and affirmed:

[...] that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms [...].¹⁶⁸

Of particular interest on Bioethics is the following assertion in this Declaration in Part I, No. 11 and paragraph 3:

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.¹⁶⁹

The IBC prepared an international instrument on the human genome known as the Universal Declaration on the Human Genome and Human Rights and was adopted by the General Conference of UNESCO in 1997. It was endorsed by the General Assembly of the United Nations in 1998. The General Conference in its introduction says:

Recognizing that research on the human genome and the resulting applications open up vast prospects for progress in improving the health of individuals and of humankind as a whole, but *emphasizing* that such research should fully respect human dignity, freedom and human rights, as well as the prohibition of all forms of discrimination based on genetic characteristics¹⁷⁰

It also proclaimed those Principles on which it is based and adopted in its Article 1 that: “The human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity. In a symbolic sense, it is the heritage of humanity.”¹⁷¹ In its Article 2, the General Conference makes it even clearer that respect for dignity should override any genetic characteristics. It says:

- (a) Everyone has a right to respect for their dignity and for their rights regardless of their genetic characteristics.
- (b) That dignity makes it imperative not to reduce individuals to their genetic characteristics and to respect their uniqueness and diversity.¹⁷²

In the same year the Council of European Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine uses the word “dignity” four times in its

¹⁶⁷ UNITED NATIONS ORGANIZATION, “World Conference on Human Rights. Vienna Declaration and Programme of Action, 1993”, in: BROWNIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 138-163.

¹⁶⁸ *Ibid.*, 138.

¹⁶⁹ *Ibid.*, 142.

¹⁷⁰ UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, “Universal Declaration on the Human Genome and Human Rights, 1997”, in: BROWNIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 1178-1184; 1179. Emphasis in the original.

¹⁷¹ *Ibid.*, 1179-1180.

¹⁷² *Ibid.*, 1180.

Introduction and Article 1.¹⁷³ Of importance, is the introduction, wherein the Convention is convinced of the need to respect the dignity of the human being. The statement also uses the terms, human being, individual and member of human species (of course, without defining them): “*Convinced* of the need to respect the human being both as an individual and as a member of the human species and recognizing the importance of ensuring the dignity of the human being.”¹⁷⁴

The latest global instrument drafted by IBC and adopted by UNESCO is the Universal Declaration on Bioethics and Human Rights, 2005.¹⁷⁵ Here too the Declaration uses 9 times the word “dignity” and emphasizes especially the fact that respect to the dignity of the human person is fundamental in the question of Bioethics that includes medical ethics while reflecting on societal changes and global balances brought about by scientific and technological developments.

All the above references point to the fact that human dignity does play an important role in bioethical contexts.

Having seen the historical and philosophical development of the concept of human dignity, the development of the concept of human person will be treated historically and philosophically in the next section.

2.5 HUMAN PERSON

The concept of human person is very closely related to the concept of human dignity. When one speaks of the dignity of a human being, then one uses the term “dignity of the human person”. It is about the human person that one acknowledges his/her dignity.

Thus, it is seen that any system of moral reflection has to turn finally to some point of reference for defining its most fundamental terms.¹⁷⁶ In a constantly changing scenario of the world, realities too are constantly evolving. Not only the human species have become more complex, but also other realities surrounding them are involved in the process of a change. Concepts too are involved in this change. However, in this constant changing world, is there a possibility of discovering fundamental truths that do not change? In other words, what makes one human that does not change with time? What is it to be a human person?¹⁷⁷

This section will deal with this question and the historical development of the concept of person, its relationship with dignity, the modern view of the concept of person and various new definitions of person as well as the modern view according to the German Philosopher Robert Spaemann. The last section will deal with the concept of person and its use in Bioethics.

¹⁷³ COUNCIL OF EUROPE, “European Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine), 1997”, in: BROWNIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 1185-1195; 1185-1186.

¹⁷⁴ *Ibid.*, 1185. Emphasis in original.

¹⁷⁵ UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, “Universal Declaration on Bioethics and Human Rights, 2005”, in: BROWNIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 1233-1241.

¹⁷⁶ Cf. SELLING, “The human person...”, 95.

¹⁷⁷ Cf. FEDERATION OF ASIAN BISHOP’S CONFERENCE: OFFICE OF THEOLOGICAL CONCERNS, “On Being Human in the Changing Realities of Asia 2011”, in: *FABC Papers*, No.133, FABC Office, Manila 2011, 1-64; 29. Hereafter this document will be referred to as *FABC Papers*, No.133.

2.5.1 Historical Development of the Concept of Person

The term ‘human dignity’ historically, emerged rather slowly. Probably, the concept of ‘person’ also in its current usage gained importance quite late for similar reasons as the term ‘human dignity’.

Therefore, at the very outset, it must be said that the concept of “person” in fundamental Catholic Moral theology is less discussed as compared to the role that the concept plays in bioethical discussions.¹⁷⁸

The origin of the word “person” is of pre-Christian antiquity. It stems from the Greek word *πρόσωπον* (*prósopon*), which means, “face” or “countenance”. The Hebrew word פָּנִים - *pānīm* can mean both face and person. Originally, the meaning that the word designated is for the mask that an actor wore while in a play. The Latin word *persona* has to do with the societal role with which it was associated. Both *πρόσωπον* and *persona* became designated for an individual in late Hellenism.¹⁷⁹ However, it is to be noted that the etymology of the word “person” has often been disputed. The word may not necessarily mean a human being such as in the case of a legal system, trust, an association, a company, a body corporate, an association of persons, a partnership firm, a society and the government, etc., where the reference to “persons” is in the sense of having rights and duties. “In law a distinction is drawn between natural persons (human beings) and artificial persons (corporations, trade unions, colleges and the like).”¹⁸⁰ The natural person is referred to here in the discussion.

Historically seen, the concept of person developed from an early formulation by Boethius. The classical definition of a person according to Boethius is, “A person is an individual substance of a rational nature.”¹⁸¹ The term “individual” here refers to that which is undivided in itself, that which cannot be further subdivided. “Individual” is also to be understood as “of unique value” or “with self-identity”. The term “substance” is used to exclude accidents, and is to be understood as “insistence” or “subsistence in self” calling for “ek-sistence” or openness to others and the world. The term “of a rational nature” – which is the most important part of the definition – indicates that person is predicated only of intellectual beings.¹⁸²

Ambrose in his *De dignitate conditionis humanae* uses *dignitas* and *persona* interchangeably.¹⁸³ Following Boethius who defined person as “*naturae rationalis individua substantia*”,¹⁸⁴ both Albert and Thomas also defined a person as *hypostasis distincta proprietate distincta ad*

¹⁷⁸ Cf. Herbert SCHLÖGEL, „Unterschiedliche Zugangsweisen zum Personenverständnis. Ein Beitrag zur ökumenischen Ethik (1998)“, in: DERS., *Wie Weit trägt Einheit?...*, 73-83; 79.

¹⁷⁹ Cf. PODIMATTAM, *Why be Moral?...*, 47.

¹⁸⁰ Jenny TEICHMAN, *Social Ethics: A Student's Guide*, Blackwell, Cambridge/Oxford, 1996, 36. Cf. also KUSUMALAYAM, *Human Rights...*, 37.

¹⁸¹ “*Persona est naturae rationalis individua substantia*”. BOETHIUS, *Contra Eutychen et Nestorium*, 3. BOETHIUS, *The Theological Tractates. De Consolatione Philosophiae*, tr. by H. F. STEWART/E. K. RAND, Harvard University Press, Cambridge 1968, 85.

¹⁸² Cf. PODIMATTAM, *Why be Moral?...*, 47. Cf. L. W. GEDDES/W. A. WALLACE, “Person (in Philosophy)”, in: Berard L. MARTHALER (ed.), *New Catholic Encyclopedia*, XI, The Catholic University of America Press, Washington 2003³, 146-148; 146. Cf. Max MÜLLER/Alois HALDER, “Person”, in: Karl RAHNER *et al.* (ed.), *Sacramentum Mundi*, Vol. 3, Herder, Freiburg 1969, 1115. See also for a similar view in George V. LOBO, *Guide to Christian Living. A New Compendium of Moral Theology*, Christian Classics, Inc., Westminster, Maryland 1985², 94.

¹⁸³ See AMBROSE, *De dignitate conditionis humanae*, PL 1016.

¹⁸⁴ BOETHIUS, *Contra Eutychen et Nestorium*, 3..., 85.

dignitatem pertinente. Perhaps both Albert and Thomas used Ambrose as an anonymous scholar in defining a person as “*hypostasis distinct by reason of dignity*” – *ST I*, 29, 3, ad 2).¹⁸⁵ The predicate dignity here qualifies and identifies the subject, namely, the person. Thomas thus joins *dignity* of humans with their status as *persons* and understands both the expressions as equal formulation. It also means that not only those persons who are recognized by the society as befitting dignity, but every individual of rational nature.¹⁸⁶ Moreover, a *person* can be defined through three distinguishing characteristics: Distinction (Individuality), self-subsistence (Substance) and by having dominion over their own actions (Reason-giftedness).¹⁸⁷

According to the definition above, it is dignity that characterizes the person at the deepest possible level.¹⁸⁸ In other words, the concept *dignitas* is contained in the word and concept of *person* and can be predicated of every individual of a rational nature. However, Thomas explained the definition of Boethius practically in a new way.¹⁸⁹ It was further refined by later scholastics. Thomas writes, “And because subsistence in a rational nature is of high dignity, therefore every individual of the rational nature is called a *person*”.¹⁹⁰ As individuals of rational substances they have above all a dominion over their own actions (*dominium sui actus* – (*ST I*, 29, 1).¹⁹¹ It is also important to note that in *ST I*, 21, 1, Thomas connected the theme of human person with dignity when he spoke about distributive justice: “justice is to give to everyone according to dignity”.¹⁹²

For Thomas, “individual substance” is that, which is complete, subsists by itself, and is separated from others (*ST III*, 16, 12 ad. 2).¹⁹³ To this understanding, when the remainder of Boethius’ definition is added, one can add five notes that go to make up a person. They are: 1) *substance* (which excludes accidents); 2) *complete* (either actually or aptitudinally with a nature

¹⁸⁵ ALBERTI MAGNI, *Summa Theologiae Sive De Mirabili Scientia Dei Libri I Pars I Quaestiones 1-50A, Tractatus 10*, Monasterii Westfalorum, Aschendorff 1978, Q. 44, 2. Albert says, “*Quarta Magistralis est, haec scilicet: ‘Persona est hypostasis distincta incommunicabili proprietate ad dignitatem pertinente’*”. Thomas uses Albert’s phrase, “*persona est ‘hypostasis proprietate distincta ad dignitatem pertinente’*”. English tr. from AQUINAS, *The “Summa Theologica”. Part I. QQ. XXVII-XLIX, op. cit.*, 33. Emphasis in original.

¹⁸⁶ Cf. BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 345-346.

¹⁸⁷ Cf. Gilles EMERY, „Einheit und Vielheit in Gott. Trinitätslehre (S.th, I, qq.27-43)“, in: Andreas SPEER (Hg.), *Thomas von Aquin. Die Summa Theologie. Werkinterpretationen*, Walter de Gruyter, Berlin-New York 2005, 77-99; 92. „Die Person wird also durch drei Kennzeichen definiert: Unterschiedenheit (Individualität), Existieren durch sich selbst (Substanz) und freies Handeln durch sich selbst (Vernunftbegabtheit).“ See *ibid.*

¹⁸⁸ Cf. LEBECH, *On the Problem of Human Dignity*..., 76.

¹⁸⁹ *ST I*, 29, 1. For English rendering, see AQUINAS, *The “Summa Theologica”. Part I. QQ. XXVII-XLIX, op. cit.*, 25-28. It should be noted here that Thomas used the notion of “person” in order to comprehend the Trinity.

¹⁹⁰ *ST I*, 29, 3, ad.2: «*Et quia magnae dignitatis est in rationali natura subsistere, ideo omne individuum rationalis naturae dicitur persona, ut dictum est.*» English tr. AQUINAS, *The “Summa Theologica”. Part I. QQ. XXVII-XLIX, op. cit.*, 33. Emphasis in original.

¹⁹¹ Cf. BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 345-346.

¹⁹² *ST I*, 21, 1: «*iustitia [...] dat unicuique secundum suam dignitatem.*» Cf. LEBECH, *On the Problem of Human Dignity*..., 77.

¹⁹³ *ST III*, 16, 12 ad. 2: “*Ad secundum dicendum quod substantia individua quae ponitur in definitione personae, importat substantiam completam per se subsistentem separatim ab aliis. Alioquin, manus hominis posset dici persona cum sit substantia quaedam individua, quia tamen est substantia individua sicut in alio existens, non potest dici persona.*” The English rendering is: “The individual substance, which is included in the definition of a person, implies a complete substance subsisting of itself and separate from all else; otherwise, a man’s hand might be called a person, since it is an individual substance; nevertheless, because it is an individual substance existing in something else, it cannot be called a person”. English tr. from AQUINAS, *The “Summa Theologica”. Part III. QQ. I-XXVI, op. cit.*, 260. Emphasis in original.

which is complete and not part of something); 3) *subsistent by itself* (existing in and for himself/herself, the ultimate possessor of his/her nature and all its acts, the ultimate subject of predication of all his/her attributes; 4) *separate from others* (excluding the universal notion of second substance, having no existence apart from the individual); and 5) *of a rational nature* (excluding all *supposits* that lack rationality).¹⁹⁴

Richard de Smet, an Indian Philosopher, gives some instances from Thomas, which designates the privileged status of the human person,¹⁹⁵ Thomas writes:

Further still, in a more special and perfect way, the particular and the individual are found in the rational substances which have dominion over their own actions; and which are not only made to act, like others; but which can act of themselves; for actions belong to singulars. Therefore also the individuals of the rational nature have a special name even among other substances; and this name is *person*.¹⁹⁶

Moreover, according to Thomas, “*Person* signifies what is most perfect in all nature - that is, a subsistent individual of a rational nature”.¹⁹⁷

Speaking about the excellence of human beings as intellectual creatures, Thomas in his *Summa Contra Gentiles III*, 111-112 further elaborates about the special status they hold. He states:

For they do stand out above other creatures, both in natural perfection and in the dignity of their end. In the order of natural perfection, only the rational creature holds dominion over his acts, moving himself freely in order to perform his actions [...]. And in the dignity of their end, for only the intellectual creature reaches the very ultimate end of the whole of things through his own operation, which is the knowing and loving of God [...] the very way in which the intellectual creature was made, according as it is master of its acts [...] intellectual creatures are so controlled by God, as objects of care for their own sakes [...] the intellectual creature is by nature free.¹⁹⁸

From what has been said above, one may conclude that Thomas, following Augustine, directed his attention increasingly to intellectual consciousness and the various acts of the intellect and

¹⁹⁴ Cf. *ibid.* Cf. also PODIMATTAM, *Why be Moral?*..., 47. Cf. GEDDES/WALLACE, “Person (in Philosophy)...”, 146. The *first substance* is the concrete substance as existing in the individual and the *second substance* is the substance conceived abstractly as existing in the genus and the species. The generic term that includes all individual existing substances is *supposit*. Supposits can be rational or irrational, living or non-living individuals. A person is a particular type of *supposit*, namely, one with a rational nature.

¹⁹⁵ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 44-45.

¹⁹⁶ ST I, 29, 1, resp.: “*Sed adhuc quodam specialiori et perfectiori modo invenitur particulare et individuum in substantiis rationalibus, quae habent dominium sui actus, et non solum aguntur, sicut alia, sed per se agunt, actiones autem in singularibus sunt. Et ideo etiam inter ceteras substantias quoddam speciale nomen habent singularia rationalis naturae. Et hoc nomen est persona.*” English tr. from AQUINAS, *The “Summa Theologica”*. Part I. QQ. XXVII-XLIX, op. cit., 25-26. Emphasis in original.

¹⁹⁷ ST I, 29, 3, resp. It reads: “*persona significat id quod est perfectissimum in tota natura, scilicet subsistens in rationali natura.*” English tr. from AQUINAS, *The “Summa Theologica”*. Part I. QQ. XXVII-XLIX, op. cit., 32. Emphasis in original.

¹⁹⁸ Thomas AQUINAS, *Summa Contra Gentiles III*, 111-112. It reads: “*Praecellunt enim alias creaturas et in perfectione naturae, et in dignitate finis. In perfectione quidem naturae, quia sola creatura rationalis habet dominium sui actus... In dignitate autem finis, quia sola creatura intellectualis ad ipsum finem ultimum universi sua operatione pertingit, scilicet cognoscendo et amando Deum... ipsa conditio intellectualis naturae, secundum quam est domina sui actus [...] Disponuntur igitur a Deo intellectuales creaturae quasi propter se procuratae... sola intellectualis natura libera est.*” Latin-English parallel text from Thomas AQUINAS, *Summa Contra Gentiles. Book Three: Providence. Part II: Chapters 84-163*, tr. by Vernon J. BOURKE, University of Notre Dame Press, Notre Dame, London 1975, 114-116. Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 44-45.

will. It is these attributes that give the human person a privileged status among all other creatures.¹⁹⁹

Moving ahead historically, it is also observed that the concept of ‘person’ used in philosophy has a confusingly variety of meanings. The spectrum of meanings is wide.²⁰⁰ At one extreme of the spectrum there is John Locke’s Political philosophical concept of person, according to which a human being is a person only in certain phases of his/her existence (neither an infant nor an old man in an advanced state of dementia is a person). Moreover, in his/her lifetime (the one who is responsible for his/her actions) he/she is successively represented by different persons. It is self-consciousness that forms the basis for the identity of the subject.²⁰¹ At the other end of the spectrum is the concept of person held by some Catholic moral theologians, according to whom the concept of person is applied to an already fertilized human ovum: For them in order to be a person, it is enough that a living individual possesses the characteristic of the human genome.²⁰²

2.5.2 Relation between the terms Person & Dignity

From a philosophical perspective, Jürgen Habermas, a German Philosopher, identifies three stages of development of the relationship between the individual person and human dignity. According to him, in antiquity, there was already a close connection established between *dignitas* and *persona*.²⁰³ It was only in the medieval discussions – owing to the fact of human being’s created in the image and likeness of God – that the individual person was given importance and as it were liberated from a set of social roles that the concept of *dignitas* at that time conveyed. The next stage to set up individualization came from the Spanish scholastics who sought to distinguish between subjective rights from the objective system of natural law. Finally, the key parameters were set by moralization of the concept of individual liberty in Hugo Grotius and Pufendorf. Kant radicalized this understanding into a deontological concept of autonomy. By bringing a relationship between rational beings, Kant introduced the determination by the reciprocal recognition of the legislating will of each person.²⁰⁴ This is exemplified by the Practical Imperative, that was already noted, namely, “So act as to treat

¹⁹⁹ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 45.

²⁰⁰ Cf. Dieter BIRNBACHER, „Das Dilemma des Personenbegriffs“, in: Peter STRASSER (Hg.), *Personsein aus bioethischer Sicht. Tagung der Österreichischen Sektion der IVR in Graz, 29. und 30. November 1996*, Steiner, Stuttgart 1997, 9-25; 11. Birnbacher informs that the concept of person in typical bioethical discussions has been applied as a mixed normative concept, that is, having both descriptive and prescriptive components.

²⁰¹ Cf. John LOCKE, *An Essay Concerning Human Understanding*, Dover Publication, New York 1959, Book II, Chapter 27. Cf. BIRNBACHER, „Das Dilemma des Personenbegriffs...“, 10-11.

²⁰² Cf. *ibid.*, 11.

²⁰³ Cf. Jürgen HABERMAS, „Das Konzept der Menschenwürde und die realistische Utopie der Menschenrechte“, in: *Deutsche Zeitschrift für Philosophie* 58/3 (2010) 343-357; 351. An English translation of the article may be found in: IDEM, “The Concept of Human Dignity and the Realistic Utopia of Human Rights”, in: *Metaphilosophy* 41/4 (2010) 464-480; 465.

²⁰⁴ Cf. HABERMAS, „Das Konzept der Menschenwürde...“, 351-352. Habermas finds it interesting to note that it is only after the end of the Second World War that the concept of human dignity, which already existed in the ancient world and acquired its present version in Kant, has found its way into the International as well as recent National Constitutions. Cf. *ibid.*, 344.

humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only”.²⁰⁵

Thus, one can see that an evolution of the concept of human dignity is ultimately linked to human persons as individuals and in relationship with one another, where each one is to treat the other as an end and never merely as a means. From a legislative perspective, the concept of human rights plays an important role in the treatment of others. Human rights themselves are based on the moral claim of human dignity. Therefore, human dignity is to do with human person in the first place. This brings us once again to the foundation of human dignity. When do human beings become human persons so that from that moment one could claim human dignity? In a bioethical context, the question concerned can be rephrased: Can an embryo be considered as a person in the first place to be accorded human dignity? This question crops up in the context of some philosophers who began to separate the human being from the human person rendering the previously mentioned claim of relation between person and dignity to be sceptical. Historically seen, it was Locke, who for the first time had separated the being of a person from human being. He considered “personality as one particular characteristic of human beings, a characteristic that need not always be present”.²⁰⁶ As already mentioned, Singer draws on this theory of Locke and claims that embryos are not persons. Owing to the philosophical development over the controversy of separating the concept of human being from human person, it becomes relevant in this discussion to consider further on the understanding of the concept of human person.

2.5.3 Modern Views of the Concept of Person

This section will deal with the modern view of the concept of person. It will include modern definitions of person and modern view according to Spaemann.

2.5.3.1 Modern Definitions of the Concept of Person

One way of defining a human person is to see the human person different from other created beings or to find what is unique to the human person. Historically seen, there have been other ways that the human person was defined based on certain criteria. However, all these definitions have undergone changes. Some of the ways in which the human person has been defined, is as follows:²⁰⁷

Joseph Fletcher (who is well known for his book *Situation Ethics*²⁰⁸) in his book *Humanhood: Essays in Biomedical Ethics*²⁰⁹ used the *cognitive criteria* to define the human person.²¹⁰ He based his definition on a tentative list of 20 propositions of a person, of which fifteen are

²⁰⁵ GMS IV,429: „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 brauchst“. KANT, „Grundlegung zur Metaphysik der Sitten...“, 429. English tr. from IDEM, *Fundamental Principles of the Metaphysics of Morals...*, 47. Cf. HABERMAS, “Das Konzept der Menschenwürde...“, 351-352.

²⁰⁶ Robert SPAEMANN, “Is every human being a person?”, in: *The Thomist* 60 (1996) 463-474; 465.

²⁰⁷ Cf. *FABC Papers*, No.133, 29-30.

²⁰⁸ Joseph FLETCHER, *Situation Ethics. The New Morality*, Westminster John Knox Press, Louisville, Kentucky 1966. Cf. *FABC Papers*, No.133, 30.

²⁰⁹ Joseph FLETCHER, *Humanhood. Essays in Biomedical Ethics*, Prometheus Books, Buffalo, New York 1979.

²¹⁰ Cf. *FABC Papers*, No.133, 30.

positive and five are negative. It describes, “What it means to be a truly human being”.²¹¹ Some of the positive propositions included were minimal intelligence, self-awareness, self-control, a sense of time, a sense of futurity, a sense of past, the capacity to relate to others, concern for others, communication, curiosity, and neocortical function. Later on, he condensed these criteria into four, namely, self-consciousness, potential for relationship, happiness and neocortical function. The negative points were man is not non- or anti-artificial, man is not essentially parental, man is not essentially sexual, man is not a bundle of rights and man is not a worshipper.²¹² His conclusion was, “neocortical function is the key to humanness, the essential trait, the human *sine qua non*”.²¹³

Other criteria, like the *physical criteria* were proposed to define the human person. That is to say, essential physical features such as fingers, eyes, arms, hands, feet, etc., are needed to define a person.²¹⁴

There were also attempts to define the human person based on *sensory criteria*, which is the presence of the five senses; taste, smell, hear, see and feel.²¹⁵

Further based on the need of a person, the *need criteria* were also proposed. Five essential needs that define the human person are biological needs, psychological needs, spiritual needs, social needs, transcendental need.²¹⁶

Then there are those who define the human person based on relationships (*relational criteria*). The definition is based in terms of the relationship of the person within the community and is sometimes extended further to include nature and environment.²¹⁷

Various attempts to define the human person still leaves one wondering about the ultimate question based on the above criteria, namely, “Are we human because of unique traits and attributes not shared with either animal or machine?”²¹⁸

The modern Personalistic Philosophy of Martin Buber in Western Europe is another strand of thought that has contributed to the existentialist colouring of the understanding of the human person. This is typified in the stance:

The Thou meets me through grace—it is not found by seeking. But my speaking of the primary word to it is an act of my being, is indeed the act of my being [...]. The primary word I-Thou can be spoken only with the whole being. Concentration and fusion into the

²¹¹ Joseph FLETCHER, “Indicators of Humanhood. A Tentative Profile of Man”, in: *The Hastings Center Report* 2/5 (1972) 1-4. Cf. *FABC Papers*, No.133, 30.

²¹² FLETCHER, *Humanhood*..., 12-18.

²¹³ Joseph FLETCHER, “Four Indicators of Humanhood - The Enquiry Matures”, in: *The Hastings Center Report* 4/6 (1974) 4-7; 6. Emphasis in original. Cf. *FABC Papers*, No.133, 30.

²¹⁴ Cf. *ibid.*

²¹⁵ Cf. *ibid.*, 30-31.

²¹⁶ Cf. *ibid.*, 31.

²¹⁷ Cf. *ibid.*

²¹⁸ *Ibid.*

whole being can never take place through any agency, nor can it ever take place without me. I become through my relation to the Thou; as I become I, I say Thou.²¹⁹

Fundamentally, this would mean that the responsibility and freedom of being a human person is itself a response. In other words, we are actual persons even before we are confronted with the possibilities of personal existence. “One of the basic thrusts of such an approach is that the human person and therefore, human life can and should never be instrumentalized.”²²⁰

From the foregoing discussions, one can conclude that trying to define the concept of human person is not as simple as it seems.

2.5.3.2 Robert Spaemann: Modern View of the Concept of Person

Spaemann clarifies the terms “human” and “person” in his book, *Personen: Versuche über den Unterschied zwischen ‚etwas‘ und ‚jemand‘*²²¹ and in two articles that he published, one titled, “Is every human being a person?”²²² and the other, „Wann beginnt der Mensch Person zu sein?“²²³

Spaemann is of the opinion that a separation between human beings and human persons makes no sense on rational grounds and much less on religious ones.²²⁴ For Spaemann the concept of person is fundamental and he demonstrates in his previously mentioned book that every human being is a person.

Spaemann clarifies the various nuances of the term “Person”. He says:

Person is not a *sortal* term, not the term for any species, sort, or group that would subsume individuals of a certain class of objects and thus identify them as examples of this sort [...]. Neither does *person* refer to a genus, like mammal, under which we could subsume a variety of species. As Thomas Aquinas puts it, *person* is rather a *nomen dignitatis*. To call someone

²¹⁹“Das du begegnet mir von Gnaden – durch Suchen wird es nicht gefunden. Aber dass ich zu ihm das Grundwort spreche, ist Tat meines Wesens, meine Wesenstat [...]. Das Grundwort Ich-Du kann nur mit dem ganzen Wesen gesprochen werden. Die Einsammlung und Verschmelzung zum ganzen Wesen kann nie durch mich, kann nie ohne mich geschehen. Ich werde am Du: Ich werdend spreche ich Du.“ Martin BUBER, *Ich und du*, Verlag Lambert Schneider, Heidelberg 1974, 18. English tr. from IDEM, *I and Thou*, tr. by Ronald Gregor SMITH, T&T Clark, Edinburgh 1950, 11. Cf. FEDERATION OF ASIAN BISHOP’S CONFERENCE: OFFICE OF THEOLOGICAL CONCERNS, “Respect for Life in the Context of Asia”, in: *FABC Papers*, No.120, FABC Office, Manila 2007, 1-51; 42. Hereafter this document from the FABC will be referred to as *FABC Papers*, No.120.

²²⁰ *Ibid.*, 42.

²²¹ Robert SPAEMANN, *Personen. Versuche über den Unterschied zwischen ‚etwas‘ und ‚jemand‘*, Klett-Cotta, Stuttgart 1996. For an English translation see: Robert SPAEMANN, *Persons. The Difference between “Someone” and “Something”*, tr. by Oliver O’DONOVAN, Oxford University Press, Oxford 2006 (1996).

²²² SPAEMANN, “Is every human being a person?...” , 463-474.

²²³ Robert SPAEMANN, „Wann beginnt der Mensch Person zu sein?“ , in: Manfred SPIEKER (Hg.), *Biopolitik. Probleme des Lebensschutzes in der Demokratie*, Ferdinand Schöningh, Paderborn (u.a.) 2009, 39-50. The original English article appeared in Robert SPAEMANN, “When does the human being to be a person?”, in: Elio SGRECCIA/Jean LAFFITTE (Hg.), *Human Embryo before implantation. Scientific Aspects and Bioethical Considerations. Proceedings of the 12 Assembly of the Pontifical Academy for Life. Vatican City 27 February-1 March 2006*, Libreria Editrice Vaticana, Vatican 2007, 298-307.

²²⁴ Cf. SPAEMANN, “Is every human being a person?...” , 463-474; 465.

a person means to acknowledge for this someone a certain status, indeed the status of being one's own goal.²²⁵

He also gives arguments on the nuances of the term person that have changed over time. Spaemann, drawing on authors like the German philosopher Max Scheler²²⁶ as well as others, mentions of inwardness in human beings as a characteristic mark of personality such as, "self-consciousness, memory, a relation to one's life as a whole, an interest in one's life [...] persons as the subjects of a *variety* of intentional acts".²²⁷ On the other hand, there have also been attempts to understand the social character of personal existence. Spaemann articulates: "There are only *persons*, in the plural. Persons are not persons merely on the basis of some specific difference that marks them out. Mutual recognition is determinative. The status of personal existence depends on a communicative event."²²⁸ However, in recent years there is a shift in paradigm: From theoretical and academic character, from *nomen dignitas* (since Boethius); from a fundamental concept owing to Kant in the foundation of human rights; to a function that has been reversed. This has led to a theory that only human beings can have human rights and this is possible only if they are persons. Spaemann draws out their part of the argument:

The argument then runs: but not all human beings *are* persons; and those that are, are not persons in every stage of life or in every state of consciousness. They are not persons if from the first moment of their lives they are refused admission to the community of recognition, for that is what makes human beings persons [...]. Small children are not persons, for example; neither are the severely handicapped and the senile. In the view of Derek Parfit, by far the most unflinching adherent of this line of thought, one ceases to be a person when asleep or temporarily unconscious. There is no reason to ascribe such a thing as 'right to life' to human beings in such conditions; that would even be immoral, a kind of unjust partisanship

²²⁵ „‘Person‘ ist nicht ein sortaler Ausdruck, durch den Individuen einer bestimmten natürlichen Klasse von Gegenständen subsumiert und als Exemplare eben dieser Art identifiziert werden können [...]. ‘Person‘ ist aber auch kein Gattungsbegriff, wie z. B. der des Säugetiers, unter den eine Vielzahl von Artbegriffen subsumiert wird. ‘Person‘ ist vielmehr, wie Thomas von Aquin schreibt, ein *nomen dignitas*. Jemanden eine Person nennen, heißt, ihm einen bestimmten Status zuerkennen, und zwar den Status eines Selbstzwecks.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?“, 39. English tr. from IDEM, "When does the human being to be a person?...", 298. Emphasis in original. The word "sortaler" in German is translated in the English version as "classificatory". By the term "sortal" (classificatory), Spaemann means the terms such as "human being" or "man" (which is the name of a species of living beings) employed by philosophers of language that mark off a kind of entity, such as the terms "elephants" or "oak tree" or "spider" do. These terms pick out or "sort out" one of the many species of things in the world including human beings or men. Cf. SPAEMANN, *Personen...*, 14-19; 25. English tr. from IDEM, *Persons...*, 6-10; 16. Cf. also Robert SOKOLOWSKI, "The Christian Difference in Personal Relationships", in: Craig Steven TITUS (ed.), *On Wings of Faith and Reason. The Christian Difference in Culture and Science*, The Catholic University of America Press, Washington D.C. 2008, 68-84; 69.

²²⁶ Max SCHELER, *Formalism in Ethics and Non-Formal Ethics of Value*, tr. by Manfred S. FRINGS/Roger L. FUNK, Northwestern University Press, Evanston, Ill 1973, 382-383. For the original German version, see Max SCHELER, *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, Gesammelte Werke Bd. 2, 6. Auflage, Francke Verlag, Bern 1971, 382f. Cf. SPAEMANN, *Personen...*, 9. Tr. from IDEM, *Persons...*, 1-2.

²²⁷ „Selbstbewusstsein, Erinnerung, ein Verhältnis zum eigenen Leben als Ganzem, ein Interesse an diesem Leben [...]. Personen als Subjekte verschiedener Arten intentionaler Akte [...]" SCHELER, *Formalism in Ethics...*, 382-383. Cf. SPAEMANN, *Personen...*, 9. Tr. from IDEM, *Persons...*, 2. Emphasis in English tr.

²²⁸ „Personen gibt es nur im Plural. Das gegenseitige Anerkennungsverhältnis ist für Personen konstitutiv. Personen sind nicht aufgrund bloßer Artmerkmale Personen, Personsein ist ein Status, der sich einem Kommunikationsgeschehen verdankt.“ SPAEMANN, *Personen...*, 9. Tr. from IDEM, *Persons...*, 2. Emphasis in English tr.

for one's own species which has become known, in the disparaging term coined by Australian animal-rights Philosopher Peter Singer, as 'speciesism'.²²⁹

After framing the above background, Spaemann goes to answer the question, "Are all human beings person?"²³⁰ What follows below are his arguments.

Human beings are not just members of a species, just as "something" belongs to a particular species. Human beings are persons who do not immediately instantiate a species.²³¹ Although we name individuals of a certain species as "persons" based on a number of certain properties, yet "the concept of person is not a predicate by which we name an individual as one instance of a concept and thus subsume it under a certain class."²³² One needs to know in advance what class an individual belongs before classifying it, as for example, whether it is a human being, or an angel or a rational being of an unknown species. The question that is to be raised is: "If there are certain specific characteristics by which we describe certain beings as persons, then are those individuals of this species still persons, even if they do not possess these characteristics?"²³³

Considering the above question, Spaemann says that perhaps the recognition of human beings as persons should depend upon the actual presence of those characteristics that define personality. Such claims have been made in the recent decades. The demand has been so articulated that the concept of human dignity be replaced with that of the personal dignity in the constitutions of European countries and in the documents of United Nations. Perhaps, one could find support in the European tradition even though opposed by the great revolutionary Kant. Perhaps, it can claim support in the view of Thomas, who held that apart from Jesus Christ, all human beings have in their first cycle of their embryonic existence an animal soul before it is replaced by a direct divine creation of a human and thus a personal soul. However, this last view has no longer many defenders because of scientific reasons.²³⁴

Moreover, Spaemann argues: "The actual presence of the typical traits of persons is not in fact the condition of personhood."²³⁵ He further says that normality is the condition for human beings to develop properties characteristic to them. This normality is developed primarily in a relationship between the mother and child. The mother treats the child as a small person. This

²²⁹ „Nicht alle Menschen aber und nicht Menschen in jedem Stadium ihres Lebens und in jeder Verfassung ihres Bewusstseins sind, so wird uns gesagt, Personen. Sie sind es zum Beispiel nicht, wenn ihnen von Anfang an die Aufnahme in die Anerkennungsgemeinschaft verweigert wurde, durch die Menschen erst zu Personen werden [...]. Kleine Kinder zum Beispiel, schwer Debile, auch Altersdebile, sind keine Personen, und nach David Parfit, dem bei weitem gründlichsten Denker dieser Richtung, sind es auch Schlafende und vorübergehend Bewusstlose nicht. Es gibt keinen Grund, diesen Menschen einen Rechtsanspruch etwa auf Leben zuzugestehen; dies wäre sogar eine unmoralische Parteilichkeit zugunsten der eigenen Spezies, „Speziesismus“, wie der diskriminierende Ausdruck des australischen Tierschutz-philosophen und Ethikers P. Singer lautet.“ SPAEMANN, *Personen...*, 10. Tr. from IDEM, *Persons...*, 2-3. Emphasis in English tr. Cf. Derek PARFIT, *Reasons and Persons*, Oxford University Press, Oxford 1984 and SINGER, *Practical Ethics...*, especially 48-70.

²³⁰ „Sind alle Menschen Personen?“ SPAEMANN, *Personen...*, 11. Tr. from IDEM, *Persons...*, 3.

²³¹ Cf. SPAEMANN, *Personen...*, 16.

²³² Cf. IDEM, "Is every human being a person?...", 465.

²³³ *Ibid.*, 466.

²³⁴ Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...", 40-41.

²³⁵ „Dass das tatsächliche Vorliegen der typischen Merkmale von Personen nicht die Bedingung von Personalität ist [...]“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...", 42. English tr. from IDEM, "When does the human being to be a person?...", 302.

is essential for the child to become that which he or she was and considered from the beginning to be so. Then Spaemann emphatically adds:

Whoever severs the personhood of human beings from their being alive severs as well the bonds of interpersonality, within which person can first become what they are. Persons are found only in the plural. Even the use of the word person of God makes full sense only in the context of the doctrine of the Trinity.²³⁶

One may raise a question as to what characterizes human beings as persons. In response, Spaemann argues there is something in human beings that characterizes them as “persons”, because of an “inner difference” (self-differentiation).²³⁷ Spaemann approaches this “inner difference” from three different angles:

First, when one considers the word “human”, it becomes apparent that this word is used both as a normative and descriptive term. In one sense, “human” are things that human do, especially those peculiar atrocities that they do, which are unthinkable in animals. However, we do not use the word in that sense. We usually use it as a normative term, for those definite actions that we approve in contrast to those that we disapprove. Sometimes, however, we reverse the use of the language in a strange way. We call some actions “human” though we might gently disapprove of them and make excuse for them by saying: “to err is human”. However, this conduct is a breach of the norm and we attribute it to our weakness.²³⁸

Second, Spaemann analyses the way one refers to oneself with the personal pronoun ‘I’. When one utters ‘I’, he/she actually *is*, he/she actually exists. This utterance is what Descartes mentions as: *cogito ergo sum*. When one uses ‘I’, one does not mean either to identify the qualitative characteristics or to situate it as a member of a kind by the use of a sortal (classificatory) term. “I” merely refers to the speaker irrespective of what the speaker may be.²³⁹ He clarifies this by referring to the common use of personal pronouns, *I* and *you*. For example, we say, “I was born in such and such a year and place” and “I was conceived in the city such and such”. However, the being that was conceived and born could not yet say *I*.²⁴⁰ Spaemann specifies the use of *I* in these words:

The personal pronoun, *I*, does not refer to *the Ego*. *The Ego* in this sense is the invention of philosophers. The personal pronoun, *I*, refers rather to a living being that only sometime later began to say *I*. The identity of this living being is independent of that about which it has actual memory.²⁴¹

²³⁶ „Wer das Personsein des Menschen von seinem Lebendigsein trennt, schneidet das Band der Interpersonalität durch, innerhalb dessen Personen erst werden können, was sie sind.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 43. English tr. from IDEM, “When does the human being to be a person?...”, 302.

²³⁷ Cf. SPAEMANN, *Personen...*, 16. Cf. IDEM, *Persons...*, 8.

²³⁸ Cf. IDEM, *Personen...*, 16. Cf. IDEM, *Persons...*, 8.

²³⁹ Cf. SPAEMANN, *Personen...*, 17-19. Cf. IDEM, “Is every human being a person?...”, 466. Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...“, 40.

²⁴⁰ Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...“, 42. Cf. IDEM, “When does the human being to be a person?...”, 302.

²⁴¹ „Das Personalpronomen ‚ich‘ bezieht sich nicht auf ‚ein ich‘ – ‚das Ich‘ ist eine Erfindung von Philosophen – sondern auf ein Lebewesen, das später irgendwann einmal ‚ich‘ zu sagen begann. Und die Identität dieses Lebewesens ist unabhängig von dem, woran es sich faktisch erinnert.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 43. Tr. from IDEM, “When does the human being to be a person?...”, 302. Emphasis in original.

Spaemann's conclusion is that it is counter-intuitive and incompatible with the common use of the language used by normal human beings when one attempts to isolate personhood from vitality and existence of the human organism.²⁴²

From a theoretical point of view, "I" distinguishes a person and his/her qualitative appearance and manifestation. For instance, fairy tales such as Ovid's *Metamorphosis* and our own dream experience provide illustrations of this usage.²⁴³ One can dream to be transformed into other beings such as a frog, a tree or a jaguar. In these instances, it is interesting to note that only a human being are capable of undergoing metamorphosis into an animal or something else and still keep their identities intact. They may later change back or be 'set free' from the metamorphosis. It points to the fact that we can assume between person and properties or characteristics and yet remain the same identical person.²⁴⁴ From this Spaemann analyses:

The point is simply that though the abstraction is possible only because human beings have qualitative attributes, qualitative attributes do not define personal identity. *Who* we are is not simply interchangeable with *what* we are.²⁴⁵

As a third important angle, Spaemann points out to the inner difference between what a living creature (*Lebewesen*) *properly* is, and what it *actually* is. This is the difference that Aristotle makes between *zēn* and *eu zēn*, between living and living well.²⁴⁶ Apparently, it is unique to human beings of being conscious of this difference. Consequently, human beings are not just mere instantiations of their species, even though they obviously belong to some natural species. Spaemann clarifies, "Persons do in fact invariably belong to some natural species, but they do not belong to it in the same way that other individual organisms belong to their species".²⁴⁷ Moreover, the nature of human beings is such that they, "exist by distinguishing their being from their specific way of being, their specific 'nature'. Their nature is not what they *are*, pure and simple; their nature is something that they *have*. And this 'having' is their being. To be a person is the form in which 'rational natures' exist."²⁴⁸

²⁴² Cf. *ibid.*

²⁴³ Spaemann is here making use of the discussion introduced by Harry Frankfurt regarding "secondary volitions". Persons can have secondary volitions such as, e.g., make promises. Here they determine their future volition by granting others a claim upon it. Cf. Harry G. FRANKFURT, "Freedom of the Will and the Concept of Person", in: *The Journal of Philosophy* 68 (1971) 5-21. For the German tr., see Harry G. FRANKFURT, "Willensfreiheit und der Begriff der Person", in: Peter BIERI (Hg.), *Analytische Philosophie des Geistes*, Athenäum, Frankfurt a.M. 1981, 287-302; Harry G. FRANKFURT, "Identification and Externality", in: A. OSKENBERG RORTY (ed.), *The Identity of Persons*, University of California Press, Berkeley 1976, 239-252. Cf. SPAEMANN, *Personen...*, 17-19. Cf. IDEM, "Is every human being a person?...", 466. Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...“, 40.

²⁴⁴ Cf. IDEM, *Personen...*, 17-19. Cf. IDEM, "Is every human being a person?...", 466.

²⁴⁵ „Worauf es ankommt, ist, dass wir personale Identität nicht durch qualitative Merkmale definieren, wenngleich es qualitative Merkmale der Spezies Mensch sind, die uns diese Abstraktion möglich machen. *Wer* wir sind, ist offenbar nicht einfachhin identisch mit dem, *was* wir sind.“ SPAEMANN, *Personen...*, 19. Emphasis in original. Tr. from IDEM, *Persons...*, 11.

²⁴⁶ ARISTOTLE, *De anima*, 434b, 21. Cf. SPAEMANN, *Personen...*, 21. IDEM, *Persons...*, 12.

²⁴⁷ „Personen gehören immer irgendeiner natürlichen Art an, aber sie gehören ihr anders an, als andere Individuen ihrer Art angehören.“ SPAEMANN, *Personen...*, 25. Tr. from IDEM, *Persons...*, 16.

²⁴⁸ „Menschen hingegen existieren, indem sie Sein unterscheiden von ihrer bestimmten *Weise* zu sein, also von einer bestimmten ‚Natur‘. Sie *sind* nicht einfach ihre Natur, ihre Natur ist etwas, das sie haben. Und dieses Haben ist ihr Sein. Personsein ist das Existieren von ‚rationalen Naturen‘.“ SPAEMANN, *Personen...*, 40. Emphasis in original. Tr. from IDEM, *Persons...*, 31.

Moreover, the word ‘person’ unlike ‘human being’, “is not a generic term, but a ‘generalizable proper noun’”.²⁴⁹ ‘Person’ presupposes the identification of a given being as a human being.²⁵⁰ It is not because of certain qualitative attributes that persons are persons. Qualitative attributes do not make a person a person because “to conceive of personal identity as constituted wholly by self-consciousness and memory” is one of the mistakes for which Locke is responsible.²⁵¹ Viewed from this philosophical perspective, the concept of person as understood by the sciences, which only objectify a person, is thus ultimately challenged by eliciting a different but fundamental epistemology. In this way, Spaemann prepares his response to those who deny personhood based on certain definite properties by traversing through several series of reflections ranging from intentionality, transcendence, time, fiction, religion, souls, conscience recognition and freedom among others. He does this in order to illuminate the difference between ‘someone’ and ‘something’. Thus, he makes it clear that a person need not be defined in terms of certain criteria. One can define oneself only in relation to other persons. He calls this reference as “an act of free recognition”.²⁵²

Spaemann returns once again to the rhetorical question, “Are *all* human beings persons?”, in his last Chapter.²⁵³ Alongside this question, it also becomes necessary to question whether the rights of persons are the same as human rights. This questioning becomes necessary in the wake of what has recently been suggested, namely that we exclude a portion of the human race from the sphere of persons and in doing so abandon the term ‘human rights’ altogether.²⁵⁴ Nevertheless, when one does so, it is a paradox. Because, on the one hand, in this argument, one assumes a nominalist view that, “recognizes universal predicates such as ‘self-consciousness’ and ‘rationality’, and so ascribes a generic meaning to the concept of person.”²⁵⁵ On the other hand, however, there is a denial of universal human nature without any content other than a genealogical connection among individuals. However, the genealogical connection too is considered self-evidently irrelevant to what they are as individuals. There is also no basis provided as a basis for the community of persons.²⁵⁶ Therefore, Spaemann argues: “One does not enter that community by being begotten or born, only by becoming self-aware and being co-opted by other members.”²⁵⁷

²⁴⁹ „Person‘ ist daher nicht ein Klassenbegriff, sondern ein ‚allgemeiner Eigenname‘“. SPAEMANN, *Personen...*, 41. Tr. from IDEM, *Persons...*, 32.

²⁵⁰ Cf. *ibid.*

²⁵¹ „Es gehört zu den Irrtümern, die auf Locke zurückgehen, dass die Identität der Person sich ausschließlich über das eigene Bewusstsein und über die eigene Erinnerung konstituiert.“ SPAEMANN, *Personen...*, 44. Tr. from IDEM, *Persons...*, 35.

²⁵² „Sein Personsein aber ist wesentlich das nie Gegebene, sondern in freier Anerkennung Wahrgenommene.“ SPAEMANN, *Personen...*, 193-194. “[...] the personal existence of the other is not construed like that, but ‘noticed’ by an act of free recognition.” IDEM, *Persons...*, 183.

²⁵³ „Sind *alle* Menschen Personen?“ SPAEMANN, *Personen...*, 253. Tr. from IDEM, *Persons...*, 238. Emphasis in original.

²⁵⁴ Cf. IDEM, *Persons...*, 238. Cf. IDEM, *Personen...*, 253-254.

²⁵⁵ „Dieser Einwand ist mit Bezug auf natürliche Arten nominalistisch. Zwar erkennt er Prädikate wie ‚selbstbewusst‘ und ‚rational‘ als Universalien an und beansprucht ebenso für den Begriff der Person eine allgemeine Bedeutung.“ SPAEMANN, *Personen...*, 254. Emphasis in original. Tr. from IDEM, *Persons...*, 238.

²⁵⁶ Cf. IDEM, *Personen...*, 254. Cf. IDEM, *Persons...*, 238.

²⁵⁷ „In diese Gemeinschaft soll man nicht durch Zeugung oder Geburt eintreten, sondern eher durch Selbstbewusstsein und Kooptation durch die anderen Mitglieder dieser Gemeinschaft.“ SPAEMANN, *Personen...*, 254. English tr. from IDEM, *Persons...*, 238.

As a climax to the above reflections, Spaemann offers six reasons, which verify that every human being is a person without considering any factually possessed characteristics. These six reasons are closely knit together and when taken as a whole strongly suggests, “[T]hat all human beings are persons”²⁵⁸ and that, “The rights of persons are human rights”.²⁵⁹

The first reason is the ethical fact of the genealogical relation of each human being to a community of human beings that is constitutive of a community of persons.²⁶⁰ Spaemann explains:

‘Humanity’, unlike ‘animality’, is more than an abstract concept that identifies a category; it is the name of a concrete community of persons to which one belongs not on the basis of certain precise properties objectively verified, but by a genealogical connection with the ‘human family’[...]. Belonging to the human family cannot depend on empirically demonstrated [stet] properties.²⁶¹

Perhaps, the above argument can be used not only for adult and mature persons, but also to embryos, fetuses, and those who are in a comatose stage. This argument is of utmost importance here. The basis for the status of the person, according to Spaemann, goes beyond recognition, to that of the biological descent.²⁶²

Second, the recognition as a person does not *make* a person. When we take the example of the relationship between a mother and her child, we find that the mother has oriented herself towards the child as “someone”, as a person in encounter. However, the mother does not intend to “make” a person. Nevertheless, in turning her attention towards someone, towards a person, she gives this person the possibility of developing gradually those characteristics, which she/he manifest as persons.²⁶³ Spaemann then says, “We never consciously ‘make’ persons. Personal existence is in the highest sense existing ‘out of one’s origin’, something unsusceptible to external inducement.”²⁶⁴ Since we treat others as ‘somebody’ because of the belongingness to a community of persons, there is no gradual transition from ‘something’ to ‘someone’. It is only with human beings that we always and from the start treat human beings as ‘someone’ and not as ‘something’. In so treating them, they actually develop the properties that justify the way they are as ‘someone’.²⁶⁵

The third reason Spaemann gives is one of the characteristics of personality, namely, intentionality. Intentionality is different from mere propositional attitudes or merely doing something without intentions, which can also be ascribed to animals. When we engage in

²⁵⁸ „[...] , dass alle Menschen Personen sind.“ SPAEMANN, *Personen...*, 254. Emphasis in original. Tr. from IDEM, *Persons...*, 238.

²⁵⁹ „Personenrechte sind Menschenrechte.“ SPAEMANN, *Personen...*, 264. Tr. from IDEM, *Persons...*, 248.

²⁶⁰ Cf. IDEM, *Personen...*, 254-256. Cf. IDEM, *Persons...*, 238-240.

²⁶¹ „‘Menschheit’ ist nicht, wie ‘Tierheit’, nur ein abstrakter Begriff zur Bezeichnung einer Gattung, sondern ist zugleich der Name einer konkreten Personengemeinschaft, der jemand nicht angehört aufgrund bestimmter faktisch feststellbarer Eigenschaften, sondern aufgrund des genealogischen Zusammenhangs mit der ‘Menschheitsfamilie’... Bei der Zugehörigkeit zur Menschheitsfamilie kommt es auf empirische Eigenschaften gar nicht an.“ SPAEMANN, *Personen...*, 256. Tr. from IDEM, *Persons...*, 240.

²⁶² Cf. IDEM, *Personen...*, 255-256.

²⁶³ Cf. *Ibid.*, 256-258. Cf. IDEM, “Is every human being a person?...” , 467.

²⁶⁴ „Wir haben nie das Bewusstsein, Personen zu *machen*. Personsein ist vielmehr im eminenten Sinn Existieren-aus-eigenem-Ursprung, das allem Herstellen von außen entzogen ist.“ SPAEMANN, *Personen...*, 257. Emphasis in original. Tr. from IDEM, *Persons...*, 241.

²⁶⁵ Cf. IDEM, *Personen...*, 258, Cf. IDEM, *Persons...*, 242.

immediate personal communication, we are certain that intentional acts are present. However, we cannot have the same degree of assurance in deciding about the absence of such acts. The intentionality of the treatment is recognizable even through the partial rationality of the other and sometimes without the observer recognizing it.²⁶⁶

The fourth reason is the fundamental difference between ‘someone’ and ‘something’.²⁶⁷ Singer may respond in argument that the partisanship for one’s own species is merely a kind of racism, or “species-ism” for the human race and species. Although, for example, the seriously impaired lack certain characteristics or unable to coordinate their movements or even infants who have not yet learned so, yet we view and treat them as someone, irrespective of the absence of these characteristics. They are perceived as patients or as infirm. They stand in a relationship as someone who is in need of help. Yet we do not consider them merely as “something”. “The severely disabled are not, as animals are, at one with their nature, their mode of existence. They ‘have’ a nature; but because their nature is defective, so is their way of having it.”²⁶⁸ Insofar as we live with human beings who lack certain characteristics, we acknowledge them in the human community. It is really an acknowledgement of their selves. It means the recognition of the *Selbstsein* (selves) of persons.²⁶⁹

The fifth reason is the inappropriateness of the term “potential persons”.²⁷⁰ Nominalism argues that small children are only potential persons and in order to become persons they need to be first co-opted into the community through mutual recognition and acknowledgement. However, according to Spaemann, the recognition is not a question of co-optation by other members. Spaemann brings in this argument especially in the context of those who bind personhood with the actual presence of certain properties. By doing so, one not only transforms the act of acknowledgment into an act of co-opting but would also subject those who arrive later to the arbitrary demands - especially the properties - of those who already mutually acknowledge one another. This attitude is reflected among some scientists and philosophers who would want to let the protection of life begin from the third month of pregnancy, at birth or even later, that is, six weeks after birth. Singer would deny that children under two years have a right to life. When other members of the species *Homo sapiens* abandon some others, which is the sole criterion of belonging to the species, then it is a question of displaying power as to which human beings are granted personal rights and which ones are not.²⁷¹ Spaemann argues: “It belongs, however, to the very dignity of the person that she assume her rightful place within the community of

²⁶⁶ Cf. IDEM, *Personen...*, 258, Cf. IDEM, *Persons...*, 242. Cf. IDEM, “Is every human being a person?...” , 468.

²⁶⁷ Cf. IDEM, *Personen...*, 259-261, Cf. IDEM, *Persons...*, 242-244. Cf. IDEM, “Is every human being a person?...” , 468, Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...“ 42.

²⁶⁸ „Schwer Debile sind nicht, wie Tiere, eins mit ihrer Natur, mit ihrem Sosein. Auch sie *haben* eine Natur. Aber weil ihre Natur defekt ist, ist auch das Haben der Natur defekt.“ SPAEMANN, *Personen...*, 259. Emphasis in original. Tr. from IDEM, *Persons...*, 243.

²⁶⁹ Cf. IDEM, *Personen...*, 259-261, Cf. IDEM, *Persons...*, 244. Cf. IDEM, “Is every human being a person?...” , 468-470.

²⁷⁰ Cf. IDEM, *Personen...*, 261-262, Cf. IDEM, *Persons...*, 245-246. Cf. IDEM, “Is every human being a person?...” , 470.

²⁷¹ Cf. IDEM, „Wann beginnt der Mensch Person zu sein?...“ , 44. English tr. from IDEM, “When does the human being to be a person?...” , 302-303.

persons not as a co-opted or voted in by others but as a native member.”²⁷² Personhood does not depend on certain criteria or characteristics.

There are no potential persons. On the other hand, persons possess potentialities and persons can develop themselves. “But nothing develops *into* a person. You don’t become some-one from being something.”²⁷³ The person is not the outcome of a change - as Aristotle’s substances - but is a generation. “The person is substance, because the person is the mode in which the human being exists. The person does not begin its existence after the human being, nor does it end its existence before the human being.”²⁷⁴ Spaemann further specifies, “Persons are or they are not. If they are, they are actual, *semper in actu*”.²⁷⁵

The sixth reason is the absurdity of trying to assign conditions to what are unconditional. To acknowledge personhood is to acknowledge or recognize an unconditional claim. It would be an illusion if the unconditional claim were made dependent upon fulfilling empirical preconditions that remain hypothetical. If that were the case, the word “unconditional” would be degraded to a mere rhetorical flourish.²⁷⁶

Further, Spaemann specifies that the concept of person is not the concept of species but rather a way by which individuals of the species “human” are. Spaemann clarifies:

‘Person’ is not a generic term; it is the way in which individuals of human genus exist. Each of these individuals occupies an irreplaceable position in the community of persons that we call ‘mankind’. As the occupant of this position they can be taken seriously as persons by another occupant. If we make the ascription of this position depend on certain prior qualitative conditions, we have done away with the unconditional demand. No one occupies the position by co-optation, only by being born to membership of the human race.²⁷⁷

Spaemann then emphatically concludes: “There can, and must, be one criterion for personality, and only one; that is biological membership of the human race.”²⁷⁸ In support of this claim, he approves of the British moral philosopher and metaphysician David Wiggins’s definition of

²⁷² „Es gehört zur Würde der Person, dass sie nicht als kooptiertes, sondern als geborenes Mitglied ihren Platz innerhalb der universalen Personengemeinschaft einnimmt.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 44. English tr. from IDEM, “When does the human being to be a person?...”, 303.

²⁷³ „Aber es kann sich nicht etwas zur Person entwickeln. Aus etwas *wird nicht* jemand.“ SPAEMANN, *Personen...*, 261. Emphasis in original. Tr. from IDEM, *Persons...*, 245. Emphasis in original.

²⁷⁴ „Sie *ist* Substanz, weil sie die Weise ist, wie ein Mensch *ist*. Sie beginnt nicht später als der Mensch zu existieren und hört nicht früher auf.“ SPAEMANN, *Personen...*, 261. Emphasis in original. Tr. from IDEM, *Persons...*, 245. See also IDEM, “Is every human being a person?...”, 470 and IDEM, „Wann beginnt der Mensch Person zu sein?...“, 42.

²⁷⁵ „Personen sind, oder sie sind nicht. Aber *wenn* sie sind, sind sie immer aktuell, *semper in actu*.“ SPAEMANN, *Personen...*, 262. Emphasis in original. Tr. from IDEM, *Persons...*, 246. See also IDEM, “Is every human being a person?...”, 471.

²⁷⁶ Cf. IDEM, *Personen...*, 262. Cf. IDEM, *Persons...*, 246. See also IDEM, “Is every human being a person?...”, 471-472.

²⁷⁷ „Person ist kein Artbegriff, sondern die Weise, wie Individuen der Art „Mensch“ sind. Sie sind so, dass jeder von ihnen in der Personengemeinschaft, die wir „Menschheit“ nennen, einen unverwechselbaren Platz einnimmt, und nur als Inhaber dieses Platzes werden sie als Personen von jemanden, der selbst einen solchen Platz einnimmt, wahrgenommen. Wenn wir die Zuerkennung eines solchen Platzes von der vorherigen Erfüllung bestimmter qualitativer Bedingungen abhängig machen, haben wir die Unbedingtheit des Anspruchs schon zerstört. Wer diesen Platz einnimmt, nimmt ihn ein als geborenes, nicht als kooptiertes Mitglied der Menschheit.“ SPAEMANN, *Personen...*, 263. Tr. from IDEM, *Persons...*, 247. See also IDEM, “Is every human being a person?...”, 473.

²⁷⁸ „Es kann und darf nur ein einziges Kriterium für Personalität geben: die biologische Zugehörigkeit zum Menschengeschlecht.“ SPAEMANN, *Personen...*, 264. Tr. from SPAEMANN, *Persons...*, 247.

‘person’, a definition that sets the criterion for personality, namely, the biological belongingness to the human species:

A person is any animal *the physical make-up of whose species constitutes the species’ typical members* thinking intelligent being, with reason and reflection, and *typically* enables them to consider themselves the same thinking things, in different times and places.²⁷⁹

Thus, personal existence is given through biological descent. “The question of the person’s beginning and end is decided on the same terms as that of the biological beginning and end of human life.”²⁸⁰ Spaemann can thus categorically say:

An embryo is the child of his or her parents from the first moment of existence. As a member of the human community he or she is a member of the community of persons, and as a member of the community of persons he or she is person, quite independently of any properties.²⁸¹

Thus, Spaemann argues through the above six reasons, both individually and collectively, that it is an intuitively held belief that all human beings are persons. Therefore, the rights of persons are human rights because of the fact of being born into the community of persons, freely recognized and accepted.²⁸²

2.5.4 Concept of Person in Bioethics

The above discussions, especially from Spaemann, raises several questions that were already raised in the last chapter (see Chapter 1.3 above) about the moral status of an embryo²⁸³: When exactly does human life begin? What is the quality of life of this embryo? Or, is an embryo a human? Is an embryo a “person” both in the moral and legal sense of the word? Does an embryo develop as a human being or as a person? Most importantly, is the embryo at an early stage of life worthy enough to receive protection and be treated with human dignity?

It is the last referred question above, concerning the human dignity of the human embryo, that needs reflection: When is a human being a person? Although the concept falls under the jurisdiction of ethics within the normative disciplines such as anthropology or metaphysics, the concept of person is debated whether it is a prescriptive concept, i.e. as a right and duty

²⁷⁹ David WIGGINS, *Sameness and Substance*, Basil Blackwell, Oxford 1980, 188. See SPAEMANN, *Personen...*, 264, at fn.6, 274-275. See also IDEM, „Wann beginnt der Mensch Person zu sein?...“, 42. Here referring to the phrase “thinking things”, Spaemann clarifies that none among us would call a thinking being a thing. Cf. *ibid.*

²⁸⁰ „Zuständig für die Frage nach Anfang und Ende der Person sind deshalb diejenigen, die zuständig sind für die Frage nach dem biologischen Anfang und Ende des menschlichen Lebens.“ SPAEMANN, *Personen...*, 264. Tr. from IDEM, *Persons...*, 248. Spaemann is actually arguing here “by defending the thesis that personhood is not a property but rather the *being* of the person”. This means, “the person does not begin later than the existence of a new human life no longer identical with parental organism.” IDEM, „Wann beginnt der Mensch Person zu sein?...“, 42. Tr. from IDEM, “When does the human being to be a person?...”, 301. The context to this affirmation comes from the background of brain death, which claimed, “that the death of the person precedes the death of the human being”. *Ibid.* See also IDEM, „Wann beginnt der Mensch Person zu sein?...“, 42.

²⁸¹ „Ein Embryo ist Kind seiner Eltern vom ersten Augenblick seiner Existenz an. Als Mitglied einer menschlichen Familie aber ist er Mitglied einer Personengemeinschaft, als Mitglied einer Personengemeinschaft aber ist er Person, ganz unabhängig von irgendwelchen Eigenschaften.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 44. English tr. from IDEM, “When does the human being to be a person?...”, 303. At a later stage when the status of the embryo will be dealt, the arguments of Spaemann in that regard will be taken up.

²⁸² Cf. SPAEMANN, *Personen...*, 264, IDEM, *Persons...*, 248.

²⁸³ The topic on moral status of the embryo will be dealt with separately later. Here the topic is introduced in order to deliberate the questions on the personhood of the embryo.

description, similar to the concept of human dignity.²⁸⁴ For some authors the concepts “human being” and “persons” are synonymous. According to them, all human beings are persons and all persons are human beings. Since all human beings have the moral status of person, only they have moral claims and rights. Birnbacher calls this school of thought as “Equivalence Doctrine”. He explains:

It is advocated in Europe especially by theologians and philosophers who are influenced by Christianity. For many of these authors, the statement, “Man is a person”, qualifies so axiomatically that they use the concepts of “human dignity” and “personal dignity” interchangeably.²⁸⁵

In contemporary philosophy, the concept of person as a genuinely practical attributive term is used to earmark the moral status of a human being: One is attributed personhood insofar as he/she has the capacity as a moral agent, a being whose nature in principle and independent of actual execution, has the ability and the competence to determine freely through reason to act, to enter in a conscious relationship with himself/herself (self-relation, self-consciousness), with others and the environment, to take responsibility and obligations in order to pursue the purposes and interests as well direct his/her life in the consciousness of the past and the future to a unique unmistakable distinctive future.²⁸⁶

However, if one were to accept all the above characteristics, then the question remains: Is an embryo – devoid of these characteristics at least explicitly – a person worthy of respect and protection of life and therefore worthy of human dignity? This is a question that stays at the background of this research. Further deliberations in this Part I as well as in Part II, III and IV will clarify the question in depth.

2.6 CONCLUSION

The concepts of human dignity and human person have had their own history. The aim in this Chapter was to show how the concept of human dignity gained its popularity today. It began with the importance given to human beings from Sophocles onwards and the understanding of dignity by Cicero as the origin of rights and duties.

Historically seen, the concept of person has been variously answered using different criteria, such as cognitive, physical, sensory, need and relational. Martin Buber, through his I-Thou relationship, saw the possibility of actual persons even before being confronted with the possibilities of personal existence.

Since it is difficult to define the concept of human person, the traditional definition by Boethius and Thomas was explored. Thomas, who followed Augustine, gave importance to intellectual consciousness and the various acts of the intellect and will and therefore, the privileged status of the human person in his writings.

²⁸⁴ BIRNBACHER, „Das Dilemma des Personenbegriffs...“, 10.

²⁸⁵ „Sie wird in Europa vor allem von Theologen und christlich geprägten Philosophen vertreten. Vielen dieser Autoren gilt die Aussage „Der Mensch ist Person“ so axiomatisch, dass sie etwa die Begriffe „Menschenwürde“ und „Personwürde“ austauschbar verwenden.“ BIRNBACHER, „Das Dilemma des Personenbegriffs...“, 11. Tr. by author. The German Judge and legal philosopher Ernst-Wolfgang Böckenförde for example uses both these terms interchangeably. See e.g. Ernst-Wolfgang BÖCKENFORDE „Menschenwürde und Lebensrecht am Anfang und Ende des Lebens“, in: *StZ* 226 (2008) 245-258; 248.

²⁸⁶ See Konrad HILPERT, „Person, Personalität“, in: *LThK*³ (Sonderausgabe) 8 (2009) 42-52; 42. In this article Hilpert discusses the concept of person from a historical, philosophical and theological background.

The philosophical contribution of Kant, adds further nuances to the concept of person. He acknowledged the nobility and inherent dignity, which finds its contemporary usage in legal and constitutional instruments of different States of the world and United Nations. One common thread that runs through history and philosophical development of the concept of human dignity is that human beings are endowed with reason and so it is reason that plays an important role in the development of the concept. “Human dignity”, in the last analysis, belongs to the quality of being human. According to Kant, it belongs to the quality of being the “determining subjects”.²⁸⁷ Autonomy and reason were given due importance by him in order to substantiate dignity. Based on these facts, the working definition of human dignity was modified. The difficulty of defining the concept still remains. It becomes troublesome especially when one attributes the characteristics that contemporary philosophy claims, such as the capacity as a moral agent to determine freely, engaging in a conscious relationship, responsibly pursuing the purposes and interests to a unique unmistakable distinctive future. Further, the contemporary understanding of philosophy does pose a problem when dealing with the question of dignity of the human person from the beginning of life. Can one ascribe all the characteristics to an embryo? Does an embryo have a right to life only when such characteristics become manifest? As an answer, according to Spaemann’s claim, every human being is a person. Neither the qualitative attributes and qualities or characteristics define persons, nor the actual presence of the typical traits of persons as the condition of personhood. One can define oneself only in relation to other persons as “an act of free recognition”. Although personal existence reveals itself gradually, yet it is present from the beginning and is unsusceptible to external inducement. There is also an unqualified certainty of the presence of intentionality in persons, which sometimes go unrecognized. It was also acknowledged that the single criterion for personality is the biological membership of the human race.

At this critical juncture, one could only acknowledge that these characteristics are potentially present in an embryo and it is only a matter of time before they will be manifested. The next chapter will highlight the development of the concept of human dignity from a theological perspective.

²⁸⁷ Cf. Jürgen MOLTSMANN, “Human Rights, the Rights of Humanity and the Rights of Nature”, in: *Concilium* /2 (1990/2) 120-135, 122. German tr.: IDEM, “Menschenrechte, Rechte der Menschheit und Rechte der Natur“, in: *Conc(D)* 26 (1990) 165-174; 166. Cf. KUSUMALAYAM, *Human Rights...*, 182.

CHAPTER 3

THEOLOGICAL UNDERSTANDING OF HUMAN DIGNITY

3.1 INTRODUCTION

It was already mentioned that the term human dignity is a secular concept. It is neither primarily a theological concept; nor does it belong to the biblical terminology. However, theological foundations can be identified in the concept.²⁸⁸ It is not a constitutive question whether human dignity is founded on secular or religious grounds. A secular reason which is based on Kant does not disagree with the religious foundation or puts religious truths in question.²⁸⁹

However, the religious explanation is deeper and more forceful; in that it connects the privileged status of people with their background and their transcendent future.²⁹⁰ With this background in mind, the theological development of the concept of human dignity will be dealt with in this Chapter. The scriptural basis, a short historical-theological development, and the Church documents that support the concept of human dignity will be analyzed.

3.2 THE DIGNITY OF THE HUMAN PERSON IN THE OT

It was mentioned in the last Chapter that the historical-philosophical development of the concept of human dignity had a great influence from the Christian quarters through the concept of human beings created in the image of God (*Imago Dei*). The Biblical teaching about creation of human beings in the “image of God” provides the kernel of the catholic view of human person and consequently the dignity of the human person and the intrinsic value of human life.²⁹¹ The basic statements of belief about the human dignity stays on the front pages of the Bible: Human person is created by God in His own image and likeness (Gen 1, 26-27).²⁹² Considering the impact that this passage has, in the light of the effective history behind the priestly account, one can call the statements made there as a *central anthropological statement*.²⁹³ The fact that

²⁸⁸ Cf. BALKENOHL, „Menschenwürde und Lebensrecht...“, 77. See also SCHLÖGEL, „Zum Menschenwürdeargument...“, 91.

²⁸⁹ Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 136.

²⁹⁰ Cf. *ibid.* Here, Reiter uses a quotation referring to Benedict XVI’s address to the Participants at the 12th General Assembly of The Pontifical Academy For Life And Congress on “The Human Embryo in the Pre-Implantation Phase” delivered on 27 February 2006. It makes the above point clear: “Indeed, the human person has been endowed with a very exalted dignity, which is rooted in the intimate bond that unites him with his Creator: a reflection of God’s own reality shines out in the human person, in every person, whatever the stage or condition of his life.” BENEDICT XVI, “Discourse to the Participants of its 12th General Assembly of the Pontifical Academy for Life. Clementine Hall 27 February 2006”, in: Elio SGRECCIA/Jean LAFFITTE (ed.), *Proceedings of the Twelfth Assembly of the Pontifical Academy for Life*, Libreria Editrice Vaticana, Vatican 2007, 6-8; 7. Original in Italian version reads: “All’uomo, infatti, è donata un’altissima dignità, che ha le sue radici nell’intimo legame che lo unisce al suo Creatore: nell’uomo, in ogni uomo, in qualunque stadio o condizione della sua vita, risplende un riflesso della stessa realtà di Dio.” BENEDICTI PP. XVI, “*Allocutiones. Ad Generalem Coetum Pontificiae Academiae pro vita tuenda 27 Februarii 2006*”, in: AAS 98 (2006) 263-266; 264.

²⁹¹ Cf. Thomas SRAMPICKAL, “The Catholic View of Human Life and Abortion”, in: Joseph ALENCHERRY/Scaria KANNIYAKONIL (ed.), *Bioethical Issues and the Family*, Cana Publications, Thiruvananthapuram, Kerala 2005, 81-99; 82. See also IDEM, “Abortion and its Evil”, in: Baiju JULIAN/Hormis MYNATTY (ed.), *Catholic Contributions to Bioethics. Reflections on Evangelium Vitae*, Asian Trading Corporation, Bangalore 2007, 218-245, 218-219. Cf. also THUMMA, “Human Person...”, 236.

²⁹² Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 136.

²⁹³ Cf. Christoph DOHMEN, „Zwischen Gott und Welt. Biblische Grundlagen der Anthropologie“, in: Erwin DIRSCHERL/Christoph DOHMEN/Rudolf ENGLERT/Bernhard LAUX, *In Beziehung leben. Theologische Anthropologie*, Theologische Module, Bd. 6, Herder, Freiburg i. Br. 2008, 7-45; 25.

human beings are created in the image of God is what makes them distinct in the plan of creation. It is one of the key concepts that undergirds and symbolizes the understanding of the uniqueness of the human being in the OT. For the OT this concept of “image of God” is not merely a religious overlay on natural humanity, but something fundamental to authentic humanity.²⁹⁴ Human being created in the “image of God” is directly referred to only in three passages in the OT: Gen 1,26-27; 5,1-3; and, 9,5-6; all belonging to the Priestly Tradition. These passages reiterate the truth that the human being, in his/her relationship with God, has been imbued with a unique dignity as a responsible spiritual being.²⁹⁵ As is evident in the interpretation of Gen 5,1-3 and Gen 9,6, the image of God found in humanity is not something in the abstract, or only shared by the first man, but by every single human being. This has consequences for the relationship between human beings. By the very fact that everyone is a representative of God, each one shares in the “grand” dignity. The dignity of every human being is concretized in the relationship between people as a relation of equality. They are in this biblical perspective compelled to acknowledge as equals.²⁹⁶

The author of Genesis with majestic simplicity proclaims:

Then God said, “Let us make humankind in our image, according to our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth.” So God created humankind in his image, in the image of God he created them; male and female he created them (Gen1,26-27).²⁹⁷

It is interesting to note here that everything God created before the creation of human beings, He used the command “let there be”. However, when it came to creating man and woman this routine was broken by God and He expressed an intention and resolve of doing something special and then created man and woman in His image and likeness.²⁹⁸ Connecting the concept of the image of God with the concept of human person, Ray S. Anderson (Professor of theology and ministry at Fuller Theological Seminary, California) attests to the fact that:

[The concept of *imago Dei*] is the foundational concept for understanding the biblical teaching concerning the nature and value of the human personhood. In taking up the question of what the *imago Dei* means for the human personhood, we address an issue that touches virtually every other tenet of Christian belief [...]. It is not too much to say that the core of the theological curriculum itself is contained in the doctrine of the *imago Dei*.²⁹⁹

The Hebrew words for “image and likeness” (Gen 1,26-27) are: *צֶלֶם* – *ś'lem* and *דְּמוּת* – *d'mût*. Modern scholarship agrees that both these words can be used interchangeably without any

²⁹⁴ Cf. *FABC Papers*, No.120, 33.

²⁹⁵ Cf. *ibid.*, 34.

²⁹⁶ Cf. Bernhard LAUX, „Von der Anthropologie zur Sozialethik – und wieder zurück“, in: DIRSCHERL u.a., *In Beziehung leben...*, 90-130; 101.

²⁹⁷ Quotation from *The Holy Bible: New Revised Standard Version*. Catholic Edition, Oxford University Press, Oxford, New York 1999.

²⁹⁸ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 83. Thomas Srampickal, an Indian Moral theologian, mentions in his footnote to this passage that the picturesque manner in which the psalmist describes the creation of human beings in Ps 139,13-17 is very touching. See *ibid.*, 99, at fn. 2.

²⁹⁹ Ray S. ANDERSON, *On Being Human. Essays in Theological Anthropology*, Grand Rapids, Michigan 1982, 70. Emphasis in the original. Addition by author. Cf. KUSUMALAYAM, *Human Rights...*, 189. For a detailed study of the concept of the human person made in the “image of God” from a substantialist, functional and relational understanding See *ibid.*, 189-200.

substantial difference in their meanings.³⁰⁰ The word “image” refers more to an exterior representation, a visible figure or physical reproduction. “Likeness” refers more to similarity, resemblance or imitation, having a more subtle or broader meaning. These words therefore, can render the meanings of image, likeness, statue, sculpture, representation, reflection, correspondence, etc. However, neither could the author of Genesis have meant it as physical image or representation of God going against the transcendental idea of God in the OT, nor would he been satisfied with the idea of a generalized resemblance either. Perhaps, because of this he conjoins “likeness” to “image” in order to mitigate the idea of “physical image” and ward off any misunderstanding that man or woman is God’s physical image, however, at the same time affirming the human being’s special relationship with God.³⁰¹ In the phrase “in our image and likeness”, the synonymous use of the preposition describes the manner and end of the particular creation. Adam is “modelled” on אֱלֹהִים – *’ēlōhîm* and consequently a model of *’ēlōhîm*. “The intention is to describe a resemblance of *adam* to God which distinguishes *adam* from all other creatures – and has consequence for *adam*’s relationship to them.”³⁰² Thus, the value of human life is understood in its full depth when the human person is seen as the image and child of God.³⁰³

The awareness of this human dignity concept contained in the image of God likeness in human persons breaks ground in the OT when the superior position of human person is emphatically described in Psalm 8³⁰⁴:

What are human beings that you are mindful of them, mortals that you care for them? Yet you have made them a little lower than God, and crowned them with glory and honor. You have given them dominion over the works of your hands; you have put all things under their feet. (Ps 8,4-6)³⁰⁵

Although there is no direct reference to the “image of God”, still the psalmist in Psalm 8 alludes to a beautiful meditation on the dignity of man and woman created “in his own image and likeness” (cf. Gen 1,26). The portrayal of the glory and wonder with which God has crowned man and woman in this Psalm is thought provoking.³⁰⁶

Here appears the final reason for the dignity of human person made in the image of God, which is in the immediacy of him/her to God, a partnership with God, ultimately expressed in friendly union with God. It is in their creation as human persons by God that they are justified for the ultimate ground of their personal dignity.³⁰⁷

³⁰⁰ Cf. Maurice P. HOGAN, *The Biblical Vision of the Human Person. Implications for a Philosophical Anthropology*, European University Studies, Frankfurt a. M. 1994, 95. Cf. KUSUMALAYAM, *Human Rights...*, 190.

³⁰¹ Cf. John L. MCKENZIE, *Dictionary of the Bible*, Geoffrey Chapman, London 1968, 385, George KARAKUNNEL, *The Christian Vision of Man. A Study of the Theological Anthropology in Gaudium et Spes of Vatican II*, Asian Trading Corporation, Bangalore 1984, 80-81 and ANDERSON, *On Being Human...*, 216-217. See also SRAMPICKAL, “The Catholic View of Human Life ...”, 83.

³⁰² Phyllis A. BIRD, “‘Male and Female He Created Them’. Gen 1,27b in the Context of the Priestly Account of Creation”, in: *HTThR* 74/2 (1981) 129-159; 138 at fn. 20. Cf. KUSUMALAYAM, *Human Rights...*, 190.

³⁰³ Cf. LOBO, *Guide to Christian Living...*, 67.

³⁰⁴ Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 136-137.

³⁰⁵ Quotation from *The Holy Bible: New Revised Standard Version*. There is a slight difference in quotation number when compared to the German Einheit Edition. In the German Edition the verses correspond to Ps 8,5-7.

³⁰⁶ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 99 at fn. 2.

³⁰⁷ Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 137. See also HILPERT, „Die Idee der Menschenwürde...“, 44.

The Wisdom Books too continue to portray the image of God in human beings. For example, the Book of Sirach makes reference to the human being created in the image of God: “He endowed them with strength like his own, and made them in his own image” (Sir 17,3).³⁰⁸ The Book of Sirach also conveys to an integral understanding of the image of God, namely, that the human person has been endowed with spiritual faculties that are distinctively human, such as reason and will. “He filled them with knowledge and understanding, and showed them good and evil” (Sir 17,7).³⁰⁹ Yet another reference is found in the Book of Wisdom. Here the author of the Book affirms that being created in the image of God, the human being is much more than mere existence in time, and involves a call towards fullness of life that transcends the limits of time. “for God created us for incorruption, and made us in the image of his own eternity” (Wis 2,23).³¹⁰

Together with the above idea is the idea of relationality of the human being with one another which is expressed as, “God placed the first human beings in relation to one another, each with a partner of the other sex. The Bible affirms that man exists in relation with other persons, with God, with the world, and with himself. According to this conception, man is not an isolated individual but a person – an essentially relational being.”³¹¹ In addition, a biblical understanding of the concept human person gains further nuance in the OT when God reveals himself to Abraham, Moses and Isaiah in a way which is totally different from a Platonic idea of a reality of being that can be approachable only by Gnostic elite. His revelation is manifested in ways that are personal, namely, as one who speaks, loves, and is able to enter into covenant with other persons.³¹²

This image of human persons created in the image of God applies to all persons; meaning that there is no difference in the quality of human beings, considered from their cultural, ethnical or societal background from which they originate.³¹³ The biblical exegete Claus Westermann attests to the universal line of vision of Gen 1,26 that all human beings – no matter which religion they belong to and in every area of life, or even where the religions are no longer recognized – are created in the image of God.³¹⁴

³⁰⁸ Quotation from *The Holy Bible: New Revised Standard Version*.

³⁰⁹ *Ibid.*

³¹⁰ *Ibid.* Cf. *FABC Papers*, No.120, 35.

³¹¹ INTERNATIONAL THEOLOGICAL COMMISSION, “Communion and Stewardship: Human Persons created in the Image of God (July 23rd 2004)”, in: *La Civiltà Cattolica* 4 (2004) 254-286; No.10. The German translation can be found in: INTERNATIONALE THEOLOGISCHE KOMMISSION, „Gemeinschaft und Dienstleistung. Die menschliche Person – geschaffen nach dem Bilde Gottes (2004)“, Arbeitshilfen 223, hg. v. Sekretariat der Deutschen Bischofskonferenz, Bonn 2008, Nr. 10. Cf. *FABC Papers*, No.120, 36. The *FABC Papers* No.120 referred here uses the expression for relational being as “cosmotheandric” being. This expression was used by Raimundo Panikkar. “The cosmotheandric vision of Panikkar is shaped by a fusion between the theandric vision of Christianity and the theocosmic vision of the Hindu religion.” See Cheriyan MENACHERRY, *Christ. The Mystery in History. A Critical Study on the Christology of Raymond Panikkar*, Peter Lang, Frankfurt a. M./New York 1996, 119.

³¹² Cf. PODIMATTAM, *Why be Moral?...*, 46.

³¹³ Cf. HILPERT, „Die Idee der Menschenwürde...“, 44. See also Eberhard SCHOCKENHOFF, „Lebensbeginn und Menschenwürde. Eine Begründung für die lehramtliche Position der katholischen Kirche“, in: HILPERT/MIETH (Hg.), *Kriterien biomedizinischer Ethik...*, 198-232; 202.

³¹⁴ Cf. Claus WESTERMANN, *Genesis, I-II*, Neukirchener Verl., Neukirchen-Vluyn 1974, 218. Cf. SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 203.

That every human person has value or worth must be taken into consideration by the health care system. Theologically speaking this is precisely expressed by the fact that every person is created in the image of God.³¹⁵

However according to Schockenhoff, although these theological ideas had developed independently of one another in comparison to a secular understanding of human dignity, one cannot perhaps harmonize or prematurely bridge a link between the historically interpreted image of God in human beings with its inner theological interpretations and a secular philosophical-ethical concept of human dignity.³¹⁶

It is also important to note that the whole human being is seen as created in the image of God, not just located in one or another aspect of human nature. Thus, the OT presents a holistic vision of the human being. According to biblical anthropology, there is no dichotomy between body and soul. The whole man or woman is body, and the whole man or woman is spirit. He/she is a totality, a living soul. “Flesh” (בָּשָׂר – *bāśār*) in biblical Hebrew meant the concrete man or woman as the source of bodily and non-bodily phenomena. The “soul” or “spirit” (נֶפֶשׁ – *nepes*) is distinctively human mode of bodily existence. The totality applies also to the different parts of the body. So too, in the NT “body” (σῶμα), “flesh” (σὰρξ) “soul” (ψυχή) and “spirit” (πνεῦμα) refer to the whole person. There is no implication that there are two parts in a human person, soul and body.³¹⁷

The Hebrew term which generally translated “life” are several and varied. In the OT, the Hebrew word חַיִּים – *hayyîm* meaning “life” (probably an abstract plural) often connotes the span of human existence (Gen 23,1), sometimes it refers to the circumstances of life (Job 10,1). Its cognate חַי – *hayyâ* means, “Living thing”. Other Hebrew terms, which was mentioned above, include נֶפֶשׁ – *nepes* “soul”, “life”, that makes a being alive.³¹⁸ In no way does the Hebrew vocabulary point to an anthropological dualism but toward an understanding of the human person as a psychosomatic unity. Thus, in Ps 63,1, the psalmist would declare that his *nepes* “thirsts” for God and his *bāśār* “faints” for God (see also Ps 84,2).³¹⁹

Human life created in the image of God is sacred. The Scriptures holds for the sacredness of human life due to the fact that life is created by God (Gen 2,7).³²⁰ Moreover, when one stands before human life or any type of life for that matter, one stands before a mystery. When human life is approached, there is a sense of awe and wonder. The psalmist powerfully portrays this sense of wonder in the expression, “For it was you who formed my inward parts; you knit me together in my mother’s womb. I praise you, for I am fearfully and wonderfully made.

³¹⁵ Cf. Bernhard LAUX, „Zwischen Würde und Preis“, in: Thorsten KINGREEN/Bernhard LAUX (Hg.), *Gesundheit und Medizin im interdisziplinären Diskurs*, Springer, Berlin-Heidelberg 2008, 3-23; 10.

³¹⁶ Cf. SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 203-204 and Eberhard SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven“, in: RAGER (Hg.), *Beginn, Personalität und Würde des Menschen*, op. cit., 445-533, 460. Schockenhoff quotes Hilpert in favour of his argument. See Konrad HILPERT, *Die Menschenrechte. Geschichte-Theologie-Aktualität*, Patmos-Verl., Düsseldorf 1991, 189.

³¹⁷ Cf. LOBO, *Guide to Christian Living*..., 86.

³¹⁸ Cf. David Noel FREEDMAN (ed.), *Eerdmans Dictionary of the Bible*, William B. Eerdmans Publishing Company, Grand Rapids, Michigan/Cambridge, U.K. 2000, 809.

³¹⁹ Cf. Allen VERHEY, *Reading the Bible in the Strange World of Medicine*, Wm. B. Eerdmans Publishing Co., Grand Rapids, Michigan 2003, 82.

³²⁰ Cf. Scaria KANNIYAKONIL, *Fundamentals of Bioethics. Legal Perspectives and Ethical Approaches*, Oriental Institute of Religious Studies India, Kottayam, Kerala 2007, 253.

Wonderful are your works” (Ps 139,13-14). One can find the foundation for the value and sacredness of human life in these biblical descriptions.³²¹ The main idea of this teaching, as mentioned earlier, is contained in the Bible and is based on the fact that the human being is created in the image of God (Gen 1,26-27; Ps 139, 13-18).³²²

According to Podimattam, the concept of “sacredness” becomes even more important because among many principles that guide ethical reflection, one that is rather deep is the principle of the sanctity of human life. For Christians, the ground on which the reflection on sanctity of human life is based depends on a number of doctrines. For example, “Man as the image of God, Man as one Almighty God actually needs, Man as God’s partner in love, Man as one spoken to by God in love, Man as co-creator with God, Man as a god, and so on”.³²³ Being made in the image of God, God himself treats human life as sacred and demands a respect for life’s sanctity from all men and women. This is reflected in Gen 9,5-7.³²⁴

However, according to Baranzke, the identification of sanctity of life with human dignity – which has become a customary debated question in Bioethics – is itself questionable. She gives three reasons for this: 1. the biblical foundation of the idea of the sanctity of life is Lev 19.2 (“You shall be holy, for I the LORD your God am holy”³²⁵); and not the image of God in Genesis 1, 26f; 2. Historically seen, the concept of sanctity of life pertains always to constitutive and positive impact on created nature and corporeality, while the image of God concept, especially during the Hellenistic period, was portrayed as *dignitas* in the form of the intellectualized immortal spiritual soul; and therefore, 3. The “sanctity of life” in modern Christian tradition was much less evoked as human dignity but rather “based on the theme of human rights” as the physical concretization of human dignity.³²⁶

Paulachan Kochappilly, a moral theologian in India, is of the opinion from another point of view. For him, the OT stresses the value of bodily life. For example, by the very fact that human beings are made in the “image and likeness” of God and moreover, because they breathe the “life-giving breath” of God (Gen 2,7), their life is holy. Consequently, a long life is regarded as a priceless blessing. It is the desire of Israel that all may be well with them, that Yahweh may give them life (Dt 6,24; Ps 34,13). Thus in the OT the concept of sanctity of life can be seen as

³²¹ Quotation from *The Holy Bible: New Revised Standard Version*. Cf. Agnelo Rufino GRACIAS, “Dignity of Human Procreation and Value of Human life. Moral Foundation and Theological Perspectives” in CATHOLIC BISHOPS’ CONFERENCE OF INDIA: HEALTH COMMISSION, *Reproductive Health. Catholic Ethics and Praxis in India*, ed. by Alex VADAKUMTHALA, Media House, New Delhi 2007, 22-35; 23-24.

³²² Cf. ALENCHERRY/KANNIYAKONIL, “General Introduction”, in: IDEM (ed.), *Bioethical Issues and the Family*..., xxv-xxx; xxvi-xxvii.

³²³ Cf. Felix M. PODIMATTAM, “Sanctity of Human Life. Basis and Issues”, in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics*..., 19-45, 19.

³²⁴ Germain GRISEZ, *The Way of the Lord Jesus. Vol. 2. Living a Christian Life*, Franciscan Press, Illinois 1993, 461. Cf. CHAMAKALA, *The Sanctity of Life*..., 57.

³²⁵ Quotation from *The Holy Bible: New Revised Standard Version*.

³²⁶ Cf. BARANZKE, „Heiligkeit des Lebens...“, 109. Cf. also Dietmar MIETH, *Was wollen wir können? Ethik im Zeitalter der Bioethik*, Herder, Freiburg/Basel/Wien 2002, 27. Mieth says: „das Leben ist heilig und der Mensch ist Gottes Ebenbild. Aber wenn man zeigen will, was die Heiligkeit des Lebens aussagt, muss man vorher geklärt haben, was Leben ist.“ “Life is holy and man is made in God’s image. However, if one wants to demonstrate the sanctity of life, then one must first define what life is.” Tr. by author.

a close bond between God and the human being. The summit, the fullness and the holiness of life is due to its linking with the Divine.³²⁷

Besides the above nuances of human life as created in the image of God and its sacredness, the OT also teaches that human life begins in the womb (Gen 16,11; 25,21-26; Ex 21,22; Is 7,14; 44,2.24; 46,3; 49,1-2; 53,6; Jo 3,11-16; 10,8-12; 31,15; Ps 22,9-10; 139,13-16; Ecc 5,15; 11,5). It also teaches that human life begins at conception: “remember, I was born guilty, a sinner from the moment of conception” (Ps 51,5).³²⁸ Human life is the plan of God and even before creation He knew them (Jud 13,3-7 – a prophecy to the wife of Manoah about the birth of Samson). Similarly, in Jeremiah one finds: “Before I formed you in the womb I knew you; before you came to birth I consecrated you” (Jer 1,5).³²⁹

Owing to the value and worth of human life, God himself does not favour death of the living as the book of Wisdom 1,13 acclaims: “For God did not make Death, he takes no pleasure in destroying the living”.³³⁰ Although OT narrates that Cain killed his brother Abel, yet violence to human life is against God’s plan. Anger, envy and murder, which proceed from human beings, destroy the image of God. Therefore, the Decalogue proclaims a strong divine commandment against killing: “You shall not murder” (Ex 20,13). Thus, the Scriptures prohibit the killing of the innocent and righteous (Ex 23,7). It is a grave crime to kill the innocent which is contrary to the dignity of the human being (Dt 27,25; Jer 7,6; 22,17; Ps 106,37-38; Prov 6,16-19).³³¹

Human beings are also presented with the responsibility for life, that is, to be fruitful and to multiply (Gen 1,28). The concept of health and sickness is also related to human life. For instance, sickness and infertility are considered as curse (Ps 107,17; Ez 26, 14-22; 1Kg 14,1-4; Gen 20,17-18). God is the healer and he bestows health (Gen 20,17; Ex 15,16). The prophets continue the healing ministry (2 Kg 5,3-14; 20,1-7), especially Nathan (2 Kg 25,12-14) and Elijah (2 Kg 1,14).³³² The Bible also presents human life as a gift from God (Gen 1,26ff; Job 2,4; Eccl 7,17; 11,8-9).³³³ Human life is also a gift of God in a sublime way because of the very fact of its creation in God’s own image. Hence, human life is a good because God is good. Bruno Maggioni points out this fact, “God is the Living, and life is the most precious gift pouring out of His free and faithful love [...]. The word life is always connected with verbs showing God’s saving action: to give, to redeem, to preserve, to provide and to do”.³³⁴ This

³²⁷ Cf. Paulachan P. KOCHAPPILLY, “Celebration of Old Age. Care of the Old People”, in: *Jeev* 31/186 (2001) 452-464; 455.

³²⁸ Quotation from: *The New Jerusalem Bible*, ed. by Henry Wansrough, Doubleday, Garden City, New York 1999. Cf. Brian Clowes, *The Facts of Life. An Authoritative Guide to Life and Family Issues*, Human Life International, Virginia 2001, 206. Cf. Kanniyakonil, *Fundamentals of Bioethics...*, 250.

³²⁹ Quotation from: *The New Jerusalem Bible*. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 250.

³³⁰ Quotation from: *The New Jerusalem Bible*. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 250.

³³¹ Cf. *ibid.* See also George V. LOBO, *Current Problems in Medical Ethics. A Comprehensive Guide to Ethical Problems in Medical Practice*, Third Revised and Enlarged Edition, St. Paul Publications, Allahabad 1980², 61.

³³² Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 251.

³³³ Cf. *ibid.*, 253.

³³⁴ Bruno MAGGIONI, “God Speaks about Life”, in: Juan de Dios Vial CORREA/Elio SGRECCIA (ed.), *The Culture of Life: Foundations and Dimensions. Proceedings of the Seventh Assembly of the Pontifical Academy for Life. Città del Vaticano. 1-4 Marzo 2001*, Libreria Editrice Vaticana, Vaticano 2002, 14-17; 14. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 249.

aspect of the human person as a gift from God becomes even more explicit in the NT. This will be described in the next section.

3.3 THE DIGNITY OF THE HUMAN PERSON IN THE NT

The affirmation of human beings in the OT to have fundamental value by the fact that they are made in the image and likeness of God is further made concrete in the NT through the incarnation of the Son of God as man and consequently restored through his death and resurrection. “It is because humanity is considered to exist in the image and likeness of God that this reflexive likeness can be taken as a criterion for human dignity.”³³⁵ The doctrine of creation in the Christian Tradition has brought out the personal worth of every human being through the fact that each one of us is made in the image of God and of the final destiny in reaching fulfilment with that God of Jesus Christ.³³⁶ To express it in Indian Moral Theologian George V. Lobo’s words: “it is Christianity above all that has brought to light the inherent dignity of the human person made in the image of God and called to sonship of God in Christ.”³³⁷ Thus, in the NT, the concept of *imago Dei* attains Christological significance.³³⁸ Although there is no explicit reference to the “image of God” in the NT attributed to human persons, the NT plumbs the image of the human being created in the image of God in all its theological depth. The image of God is mentioned nearly a dozen times and in three main senses: First, to describe the unique dignity and sonship of Jesus Christ (2 Cor 4,4; Col 1,15; Heb 1,3). Second, to describe the likeness of God into which believers enter through faith in Jesus Christ (Rom 8,29; Col 3,10). Third, to describe the humanity of the human being. It is through the sacraments that the transformation of the believer into the image of Christ is accomplished. The NT admits that every human being has the possibility of becoming a child of God.³³⁹ The deepest significance of being made in the image of God is the idea of being children of God. This is also the fundamental theological definition of a human person.³⁴⁰

While in the OT the thrust was about “who” the human being is, namely, the image of God, the NT adds a new intensity and thrust bringing into focus: “who the human being is called to be”.³⁴¹ Thus, one can derive from what is said about human beings in the OT and apply it to Paul’s letter to the Ephesians: “Blessed be the God and Father of our Lord Jesus Christ, who has blessed us in Christ with every spiritual blessing in the heavenly places, just as he chose us in Christ before the foundation of the world...” (Eph 1,3-4). Even before God created anything else in the world, He already has each one of us in his mind. Each one of us is a gift of God –

³³⁵ Mette LEBECH, “What is Human Dignity?” in *Maynooth Philosophical Papers* 2 (2003) 59-69; 66.

³³⁶ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 99.

³³⁷ George V. LOBO, *Moral and Pastoral Questions*, Gujarat Sahitya Prakash, Anand, India 1997², 238.

³³⁸ For an elaborate study on the “image of God doctrine” in the Scripture, see John Romus DEVASAHAYAM, *Human Dignity in Indian Secularism and in Christianity. Christianity in Dialogue with Indian Secularism*, Claretian Publications, Bangalore 2007, 240-270; 253.

³³⁹ Cf. *FABC Papers*, No.120, 39.

³⁴⁰ Cf. Edward SCHILLEBEECKX, *God and Man*, tr. by Edward FITZGERALD/Peter TOMLINSON, Sheed and Ward, New York 1969, 214-222. Cf. PODIMATTAM, “Sanctity of Human Life...”, 29.

³⁴¹ Cf. *ibid.*, 39-40.

unique, irreplaceable, never-to-be-repeated history – to the world, to the Church and to his Kingdom.³⁴²

Again, in Paul one can find the instance where he affirms Christ as new Adam, who is the “image of the invisible God” (Col 1,15). Here Paul speaks of Jesus Christ as portrayal of God not only in terms of his humanity, but also in terms of his pre-existence: he is the image that comes from invisible God himself.³⁴³ Jesus Christ restored the likeness of God in human beings lost by original sin. Consequently, human nature regains the lost dignity.³⁴⁴ Paul thus emphasizes both the universality of Christ’s redeeming work while reflecting the true image of God, as well as humankind, which is predestined to be conformed to the image of Christ. Above all, in Pauline writings the concept of the image of God attains a Christological, soteriological and an eschatological significance.³⁴⁵

That the image of human persons created in the image of God applies to all persons; without meaning any difference in the quality of human beings in their cultural, ethnical or societal background from which they originate, is confirmed by Paul in Gal 3,28.³⁴⁶

Just like OT described about the sacredness and sanctity of life, the NT also endorses it. The ultimate basis for the human body’s sacredness is because of the Incarnation of the divine Word becoming flesh. Therefore, because of its link to God, every human person should be treated with reverence.³⁴⁷ Thus, in the Christian tradition the values and rules that they embody in the understanding of humans and their dignity is, in the last analysis, grounded on the person of Jesus Christ who took flesh and blood. “That meaning and that dignity reveals human person sharing the otherness (holiness) of God by being called to share in sonship or daughtership of the Father, in brotherhood or sisterhood of Jesus and of one another.”³⁴⁸

Human life is treasured, tendered and triumphed in and through the human body, making it holy and honourable. The human person is not a pure spirit imprisoned in the body or just united with body, but an embodied spirit or animated body. Our bodies are “temples of the Holy Spirit” (1Cor 6,19). This understanding of the human life invites us to live life with dignity and integrity involving the whole person. Life is much more than mere physiological processes. Lobo brings out this idea clearly when he writes: “So human life is not mere vital existence or merely physical and biological reality; it is an ethical and religious reality whose health and vigour ultimately depend upon integration of the human will with the divine will.”³⁴⁹

³⁴² Quotation from *The Holy Bible: New Revised Standard Version*. Cf. PODIMATTAM, *Why be Moral?...*, 61. Cf. also *FABC Papers*, No.120, 39. Here Jesus is described as the gift of God to the world and the value of human life is measured against the value of this gift.

³⁴³ Cf. Erwin DIRSCHERL, „Über spannende Beziehungen nachdenken. Der Mensch als Geschöpf, als Ebenbild Gottes und seine Ambivalenz als Sünder“, in: DERS. u.a., *In Beziehung leben...*, 46-89; 63.

³⁴⁴ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 357-358. Cf. Joseph RATZINGER, “The Dignity of the Human Person”, in: Herbert VORGRIMLER *et al.* (ed.), *Commentary on the Documents of Vatican II*, Vol. V, Herder and Herder, New York 1969, 115-163.

³⁴⁵ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 254.

³⁴⁶ Cf. HILPERT, „Die Idee der Menschenwürde...“, 44. See also SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 202.

³⁴⁷ GRISEZ, “The Value of Life...”, 13. Cf. CHAMAKALA, *The Sanctity of Life...*, 57.

³⁴⁸ PODIMATTAM, *Medical Ethics (Vol. 4)...*, 29-30.

³⁴⁹ LOBO, *Current Problems in Medical Ethics...*, 39. Cf. also KOCHAPPILLY, “Celebration of Old Age...”, 455.

These three aspects, namely, being made in the image of God, the Word becoming incarnate, and our bodies as the temple of the Holy Spirit, reflects in some way the Trinitarian life in us. From a Christian perspective, God is a Trinity. It means, human beings who are created in God's image are *imago Trinitas*. Consequently, one can call the human person as the image of the Trinity. As Donald Juvenal Merriell clarifies: "Far from excluding the possibility of the image of the Trinity, reason shows that we should expect to find the image of the Trinity wherever we find that image of God, if we accept that God is Trinity."³⁵⁰ This is also in concurrence with the Christian concept of the body, which is the temple of God. As Paul would say, "For God's temple is holy, and you are that temple." (1Cor 3,17).³⁵¹

Life, according to the NT, is given to us as a sacred trust. The fullness of life is eternal life. Bodily life is extremely precious.³⁵² Both the words and works of Jesus express the concept of sanctity of life; as the Gospel of John portrays that the "son of the father was made flesh" (cf. Jn 1,14). This points both to the fact that Jesus has "taken human life in its full reality" and to the fact of the dignity of human life. Since the basis of life of a human being is rooted in God's free love, the dignity of human life is inalienable and unreserved.³⁵³

Two Greek words are used in NT for life, namely, βίος – *bíos* and ζωή – *zōē*. βίος – *bíos* refers to the natural order, life as a stronger ethical content and manner of life and ζωή – *zōē* to God's life, as vital, natural force, entailing also the salvation of eternal life. The equivalent to *bíos*, when used in Latin is *Vivere*, which denotes the concept of life.³⁵⁴

Other texts in the Bible that highlight the teachings of the sanctity of life are: Life is eternal (Mt 25,46; 2 Tim 1,10); human life is the very life of God (Jn 5,26; 6,57; 10,10). Life culminates in resurrection (Rom 14,9; 5,17-18; Gal 2,20; 2 Cor 5,15; Gal 5,22). Human life is unique and superior to all other types of life.³⁵⁵

One can thus find that the focus of Christian ethics can be none other than on life, if that is the purpose of Jesus' coming. "Life is the fountain, force, and focus of Christian ethics, which is for its protection, preservation, and promotion. Life is the fundamental good and hence recognition of life, respect for life, and response to life is inevitable. This demands reverence for life in all its forms, spheres, and stages."³⁵⁶ The statement of Jesus attests the importance given to life: "I came that they may have life, and have it abundantly" (Jn 10,10). Moreover,

³⁵⁰ Donald Juvenal MERRIELL, *To the Image of the Trinity. A Study in the Development of Aquinas' Teaching*, Pontifical Institute of Mediaeval Studies, Studies and Texts, 96, Toronto 1990, 199. Cf. KUSUMALAYAM, *Human Rights...*, 201. Kusumalayam's research is based on this aspect of the human person as the *imago Trinitas* that has implications and consequences for human life, especially in understanding human rights in the context of the emerging group rights. Cf. *ibid*.

³⁵¹ Quotation from *The Holy Bible: New Revised Standard Version*.

³⁵² Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 248.

³⁵³ MAGGIONI, "God Speaks about Life...", 33. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 251.

³⁵⁴ Cf. FREEDMAN, (ed.), *Eerdmans Dictionary...*, 809. Cf. H. G. LINK, "Life" in Colin BROWN (ed.), *The New International Dictionary of New Testament Theology*, Vol. II, Paternoster Press and Grand Rapids, Exeter 1976, 474-477; 474. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 251.

³⁵⁵ See, KANNIYAKONIL, *Fundamentals of Bioethics...*, 253.

³⁵⁶ Paulachan P. KOCHAPPILLY, *Life in Christ. Eastern Perspectives on Christian Ethics*, Dharmaram Publications, Bangalore 2010, 13.

the respect for life of the human person at the time of the conception is attested to in the NT (Lk 1,35-36; Mt 1,18-20).³⁵⁷

The concept of human person attains even further nuance in the NT. Christ is revealed as a person, as the Second Person of the Trinity, as the Son of God. Hence, one can sum up Christianity as a person-centred and person-oriented, at the same time Christo-centric. From its beginning Christianity was a community of persons having an inner dynamic of love for one another. What is innermost in reality and at the root of all meaning and giver of all meaning is the person. The person is not for the world, but the world is for the person.³⁵⁸

God's life expresses, as the NT states, the concept of communion and dialogue. This is revealed in the unity of the Trinity. Human life participates in this communion and dialogue when love is shared among one another. As John writes: "We know that we have passed from death to life because we love one another" (I Jn 3,14).³⁵⁹ Apart from this, by the very fact that Jesus went through his passions, shared temptations, failure, suffering etc., the life of the human persons has been assumed by him.³⁶⁰

Since life is sacred, the NT too, similar to the OT, prohibits taking away life. Thus, in the sermon on the mount, Jesus recalls and extends the 5th commandment (Mt 5,21-39,44).³⁶¹

Having seen the dignity of the human person and other nuances connected with that theme in the Scriptures; next, the historical development of the concept will be discussed.

3.4 HISTORICAL-THEOLOGICAL DEVELOPMENT OF THE CONCEPT OF HUMAN DIGNITY

Christianity, which arose as a religion of liberation, provided the most secure basis for the respect of the human person made to the image of God. During the Patristic and medieval periods, this respect for the human person was elaborated into a high idea combining biblical inspirations with valid insights from Greek and Roman philosophy and jurisprudence. However, in the same breath it is also to be admitted that down the Church's history the thought has not been promoted or defended with sufficient clarity or energy.³⁶²

Of remarkable impression made in the history of the Church is the famous dictum of Irenaeus, bishop of Lyons. The dictum emphatically portrays the value of human life that is expressed in the inherent dignity of the human person, namely, "For the glory of God is a living man; and the life of man consists in beholding God." (*Gloria enim Dei vivens homo, vita autem hominis visio Dei*).³⁶³ Irenaeus was the first among the Fathers of the Church who brought together the

³⁵⁷ KANNIYAKONIL, *Fundamentals of Bioethics*..., 252. Quotation from *The Holy Bible: New Revised Standard Version*.

³⁵⁸ Cf. PODIMATTAM, *Why be Moral?*..., 46.

³⁵⁹ Quotation from *The Holy Bible: New Revised Standard Version*. Cf. MAGGIONI, "God Speaks about Life...", 33. Cf. KANNIYAKONIL, *Fundamentals of Bioethics*..., 251-252.

³⁶⁰ Cf. MAGGIONI, "God Speaks about Life...", 34. Cf. KANNIYAKONIL, *Fundamentals of Bioethics*..., 252.

³⁶¹ Cf. *ibid*.

³⁶² Cf. PONTIFICAL COMMISSION FOR JUSTICE AND PEACE, "The Church and Human Rights. Working Paper No.1. 2nd Edition", Pontifical Commission «*Justitia et Pax*», Vatican City 2011, 16. Cf. LOBO, *Moral and Pastoral Questions*..., 127.

³⁶³ *Adversus Haereses*, IV, 20, 7. See IRENAEUS LUGDUNENSIS, *Adversus Haereses*, in: Philip SCHAFF (ed.), *Ante-Nicene Fathers*, Volume I, Christian Classics Ethereal Library, Wm. B. Eerdmans Publishing Company, 2001, 513-979; 819.

doctrine of the image of God and tied it with human dignity. His influence had a lasting impact on later thinkers. For Irenaeus the divine image in human beings meant the divine bestowal of human nature endowed with reason and freedom.³⁶⁴

This influenced later Christian thinkers who held that reason, freedom and moral responsibility are the essential qualities of being human, rooted in the soul, i.e., rooted in the bestowal of image of God in human beings.³⁶⁵

The emphasis on the dignity of human person as image of God becomes even more explicit in Irenaeus' Christocentric anthropology. Against the Gnostics he writes:

And then, again, this Word was manifested when the Word of God was made man, assimilating Himself to man, and man to Himself, so that by means of his resemblance to the Son, man might become precious to the Father. For in times long past, it was said that man was created after the image of God, but it was not [actually] shown; for the Word was as yet invisible, after whose image man was created, Wherefore also he did easily lose the similitude. When, however, the Word of God became flesh, He confirmed both these: for He both showed forth the image truly, since He became Himself what was His image; and He re-established the similitude after a sure manner, by assimilating man to the invisible Father through means of the visible Word.³⁶⁶

Irenaeus held that as God's image the whole of human person is precious to God and therefore, destined for redemption. "This is one of his valuable and enduring contributions to the value of human dignity in Christian thought."³⁶⁷ The term "image of God" or *imago Dei* has a variety of meanings within Christian theology. For example, for Augustine, the term "image of God" is used of human beings due to their rational nature. Therefore, for Augustine the divine image in us orients our spirits towards contemplative union with God.³⁶⁸

Besides the theme of the human being made in the image of God and its connection with the concept of human dignity, the concept of human person came to the light of theological thinking right from the time of Tertullian. It was he, at the end of the second century and the beginning of the third century, who introduced first the term *persona* in his doctrine of the Trinity as he was thinking about God in the context of biblical history. He used the word *persona* as a label for the distinctive identities of the Father, Son and Spirit. In the course of the Trinitarian debate the word was refashioned. "[...] just as one cannot think of the 'person' of Father or Son or Spirit without the others, so one cannot think of the human person without others, as if human personhood were prior to and independent of community. Human persons too are persons-in-relation. And it is in and as bodily beings that we are in relation to others and to God".³⁶⁹

³⁶⁴ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 273.

³⁶⁵ Cf. J. H. WALGRAVE, "Man's Self-understanding in Christian Theology", in: *Louvain Studies* 5 (1974) 48-58; 49. Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 274 at fn. 127.

³⁶⁶ *Adversus Haereses*, V, 15, 2. See IRENAEUS LUGDUNENSIS, *Adversus Haereses*, in: *Ante-Nicene Fathers*, op. cit., 914. Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 276.

³⁶⁷ *Ibid.*

³⁶⁸ *De Trinitate* 14:15. See AUGUSTINE, *De Trinitate*, in: W. J. MOUNTAIN/F. GLORIE (ed.), *CCL 50A*, Brepols Editores Pontificii, Turnholt 1968. Cf. PODIMATTAM, *Why be Moral?...*, 57. See also for a similar argument in PODIMATTAM, "Sanctity of Human Life...", 20.

³⁶⁹ See A. VERHEY, *Reading the Bible...*, 93. For a further work on the Trinity and the notion of persons, see Alan J. TORRANCE, *Persons in Communion. An Essay on Trinitarian Description and Human Participation*, T&T Clark, Edinburgh 1996.

In contrast to all visible creatures, in God's plan and creation, human beings stand in a special relationship with God, and He finds His rest in them. As Ambrose exclaims: "The sixth day is finished and the creation of the world ends with the formation of that masterpiece which is man [...]."³⁷⁰ Commenting on this passage, Srampickal says: "This unique relationship with God 'constituting the vertical dimension of his existence' is the key aspect of man's divine image, though other aspects of this special relationship and status can be perceived."³⁷¹

Because of the relationship with God and others, Augustine sees human persons in the image of the trinity of divine persons. He finds a variety of trinities within soul (*De Trinitate* Books 9-15). *De Trinitate* describes a summary of the trinities in a person. Augustine writes:

For if we refer ourselves to the inner memory of the mind by which it remembers itself, and to the inner understanding by which it understands itself, and to the inner will by which it loves itself, where these three always are together, and always have been together since they began to be at all, whether they were being thought of or not; the image of this trinity will indeed appear to pertain even to the memory alone; but because in this case a word cannot be without a thought (for we think all that we say, even if it be said by that inner word which belongs to no separate language), this image is rather to be discerned in these three things, viz. memory, intelligence, will (*De Trinitate* 14.7.10).³⁷²

Augustine thus speaks of a triple power in the human person, namely, memory, understanding, and will or love; a trinity which pertains to the inner person. Augustine also says, "And hence each individual man, who is called the image of God, not according to all things that pertain to his nature, but according to his mind alone, is one person, and is an image of the Trinity in his mind. But that Trinity of which he is the image is nothing else in its totality than God, is nothing else in its totality than the Trinity" (*Ibid.* 15.7.11).³⁷³ Here Augustine is telling that it is in the mind that memory, understanding and will reside in one single person in the image of the Trinity, because he/she is made in the image of God.

Moreover, Leo the Great (440-461) exhorts the Christians of their lofty dignity that allows them to participate in the divine nature through their dignified behaviour. He says, "Acknowledge,

³⁷⁰ *Hexameron* VI, 75-76. See AMBROSE, *Hexameron*, in: C. SCHENKL (ed.), *Corpus Scriptorum Ecclesiasticorum Latinorum*, F. Tempsky, Vienna 1896. Cf. also *Evangelium Vitae* 35. See also SRAMPICKAL, "The Catholic View of Human Life ...", 83.

³⁷¹ *Ibid.*, 83..

³⁷² *De Trinitate*; 14.7.10. AUGUSTINE, "The Trinity", in: J. E. ROTELLE (ed.), *The Works of Saint Augustine. A Translation for the 21st Century*, Vol. I/5, intro., tr. and notes by Edmund HILL, New City Press, New York 1991. The Latin text reads, «*Nam si nos referamus ad interiorem mentis memoriam qua sui meminit, et interiorem intelligentiam qua se intellegit et interiorem uoluntatem qua se diligit, ubi haec tria simul sunt et simul semper fuerunt ex quo esse coeperunt siue cogitarentur siue non cogitarentur, uidebitur quidem imago illius trinitatis et ad solam memoriam pertinere. Sed quia ibi uerbum esse sine cogitatione non potest (cogitamus enim omne quod dicimus etiam illo interiore uerbo quod ad nullius gentis pertinet linguam), in tribus potius illis imago ista cognoscitur, memoria scilicet, intellegentia, uoluntate.*» AUGUSTINE, *De Trinitate*, op. cit. See Sheri KATZ, "Person", in: Allan D. FITZGERALD (ed.), *Augustine through the Ages. An Encyclopedia*, Wm. B. Eerdmans Publishing Co., Grand Rapids, Michigan 1999, 647-650; 649. Cf. DIRSCHERL, „Über spannende Beziehungen nachdenken...“, 66.

³⁷³ *De Trinitate*; 15.7.11. AUGUSTINE, "The Trinity...", . The Latin text reads: «*Quapropter singulus quisque homo qui non secundum omnia quae ad naturam pertinent eius sed secundum solam mentem imago dei dicitur una persona est et imago est trinitatis in mente. Trinitas uero illa cuius imago est nihil aliud est tota quam deus, nihil aliud est tota quam trinitas.*» IDEM, *De Trinitate*, op. cit. See KATZ, "Person...", 649. Cf. DIRSCHERL, „Über spannende Beziehungen nachdenken...“, 66.

you Christian, your lofty dignity (dignitatem): You have been made to share in the divine nature, so do not return old baseness by unworthy behaviour.”³⁷⁴

In order to fit into the Aristotelian system, Thomas adopted what Augustine had taught about *imago Dei* making it more explicit in intellectual and psychological terms.³⁷⁵ Thomas using the theory of analogy of being held that God is being, and therefore all created beings image him in a certain degree, while excluding non-rational beings. The image of God in human consists in their intellectual nature.³⁷⁶ Although Thomas used the concept of dignity and person interchangeably, it is to be noted here that the term dignity of human (*dignitate humana*) was used by him only once in *Summa Theologiae*. It reads, “By sinning man departs from the order of reason, and consequently falls away from the dignity of his manhood [...]”³⁷⁷ Here he argues that human beings can lose their human dignity if they depart from the order of reason through sin.³⁷⁸

Thomas claimed that the human person has a special dignity because he/she represents the most perfect creature in all of nature. The special excellence consists in having dominion over one’s own activity.³⁷⁹ The human person is also a single free intelligent creature silently touched by God’s grace and more valuable than all the galaxies.³⁸⁰

It was Mirandola, based on his considerations that human beings are created in the image of God, who emphasized that human dignity consists in their freedom to choose between possibilities.³⁸¹

Aelred of Rievaulx gave another shade of meaning to the *imago Dei*. According to him, the image of God is a constitutive element of the soul’s nature and hence indestructible.³⁸² Aelred thus affirms in his *De anima*: “Each human soul, created in Gods image, is eternal; and because body and soul form one person, the human body must be eternal too. So, even though in many

³⁷⁴ LEO THE GREAT, *Sermon 21*, in: A. CHAVASSE (ed.), *CCL 138*, Brepols Editores Pontificii, Turnholt 1973, 88. Cf. LEBECH, *On the Problem of Human Dignity*..., 60-61 and at fn.41.

³⁷⁵ For an elaborate study on the “image of God doctrine” in the Tradition, see DEVASAHAYAM, *Human Dignity in Indian Secularism*..., 270-311; 280-281. See also for a similar treatment of the doctrine of *imago dei* in DIRSCHERL, „Über spannende Beziehungen nachdenken...“, 63-69.

³⁷⁶ Cf. *ST I*, 93, 2. For an English rendering see AQUINAS, *The “Summa Theologica”*. Part I. *QQ. LXXV-CII*, *op. cit.*, 284-286. Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism*..., 281.

³⁷⁷ *ST II-II*, 64, 2, ad. 3: «*quod homo peccando ab ordine rationis recedit, et ideo decedit a dignitate humana* [...]» English tr. from AQUINAS, *The “Summa Theologica”*. Part II-II. *QQ. XLVII-LXXIX*, *op. cit.*, 199.

³⁷⁸ Cf. LEBECH, *On the Problem of Human Dignity*..., 78.

³⁷⁹ *ST I*, 29, 1: “Further still, in a more special and perfect way, the particular and the individual are found in the rational substances which have dominion over their own actions; and which are not only made to act, like others; but which can act of themselves ; for actions belong to singulars. Therefore also the individuals of the rational nature have a special name even among other substances; and this name is *person*.” English tr. from AQUINAS, *The “Summa Theologica”*. Part I. *QQ. XXVII-XLIX*, *op. cit.*, 26-27. Emphasis in original. Cf. PODIMATTAM, *Why be Moral?*..., 46.

³⁸⁰ Cf. *ST I-II*, 113, 9, resp. For an English rendering see AQUINAS, *The “Summa Theologica”*. Part I-II. *QQ. XC-CXIV*, *op. cit.*, 399. Cf. PODIMATTAM, *Why be Moral?*..., 46.

³⁸¹ Cf. HORSTMANN, „Menschenwürde...“, 1124-1125.

³⁸² Cf. *Speculum Caritatis*, 1.4. AELREDI RIEVALLENSIS, *Speculum Caritatis*, in: A., HOSTE/C. H. TALBOT (ed.), *CCM, I, Opera Omnia*, Typographi Brepols, Turnholt 1971, 2-161; 14. English tr. IDEM, *The Mirror of Charity*, tr. by E. CONNOR, Cistercian Fathers Series 17, Cistercian Publications, Kalamazoo 1990. Cf. PODIMATTAM, *Why be Moral?*..., 57.

respects the bodies of animals are better than ours, in the final analysis ours are more holy than theirs, for ours (unlike theirs) will rise again.”³⁸³

The wonderful truth, that is, “*to have value (dignity) is to be loved by God*”³⁸⁴ comes from the fact that God infinitely and unconditionally loves every human being and forms the basis of human dignity. That human persons are precious to God is the most important discovery of his/her intrinsic dignity and worth, irrespective of achievements and accomplishments.³⁸⁵

Mathew Illathuparampil, an Indian Moral Theologian, sums up that human dignity is a concept biblically rooted and theologically nourished right from the time of the fathers of the church like Origen, Athanasius, Ambrose and Augustine, besides Irenaeus. Bernard of Clairvaux and Thomas added new shades of meaning to this understanding. This was followed by *Catechismus Romanus* introduced by Pius V in 1556 and the *Catechism* of 1992 that contributed to the rich significant development of the concept of human dignity.³⁸⁶

Having deliberated on the scriptural and general theological development of the understanding of the concept of human dignity, the next section will deal with how these ideas are made explicit in the documents of the Catholic Church.

3.5 CATHOLIC TEACHING ON HUMAN DIGNITY

In this section the aim is not to do an exhaustive study of the texts but only a limited selection of what is relevant to the research. First some of the prominent teachings with regard to human dignity will be treated and thereafter certain teachings concerning Bioethics.

3.5.1 General Catholic Teachings on Human Dignity

In 1961 John XXIII in his encyclical *Mater et Magistra* (MM)³⁸⁷, which celebrates the seventieth anniversary of the publication of *Rerum Novarum* (RN)³⁸⁸, spoke of the preservation and development of human dignity through the power to participate in political processes. There John XXIII speaks about the entire modern tradition of Catholic Social Teaching that “is always dominated by one basic theme – an unshakable affirmation and vigorous defense of the dignity and rights of the human person”.³⁸⁹ *Mater et Magistra* also affirms of the primacy of the human

³⁸³ *De anima* 2,20. AELREDI RIEVALLENSIS, *De anima*, in: HOSTE/TALBOT (ed.), *CCM, I, op. cit.*, 683-754; 713. English tr. IDEM, *Dialogue on the soul*, tr. by C. H. TALBOT, Cistercian Fathers Series 22, Cistercian Publications, Kalamazoo 1981, 82.

³⁸⁴ PODIMATTAM, *Why be Moral?*..., 56. Emphasis in the original.

³⁸⁵ Cf. *ibid.*

³⁸⁶ Cf. Mathew ILLATHUPARAMPIL, “Promotion of Life. Claims on Economic Welfare”, in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics*..., 96-118; 97-98.

³⁸⁷ The references to *Mater et Magistra* are taken from JOHN XXIII, “Encyclical Letter. *Mater et Magistra*”, in: Michael WALSH/Brian DAVIES (ed.), *Proclaiming Justice and Peace. Documents from John XXIII to John Paul II*, Theological Publications in India, Bangalore 1985, 1-44. The Latin text is published in IOANNIS PP. XXIII, “*Litterae Encyclicae. Mater et Magistra*”, in: AAS 53 (1961) 401-464. *Mater et Magistra* will hereafter be referred to as MM.

³⁸⁸ LEO XIII, “*Rerum Novarum. Encyclical of Pope Leo XIII on Capital and Labor May 15, 1891*” in Claudia, CARLEN (ed.), *The Papal Encyclicals. Vol. 2, 1878-1903*, Consortium Books, McGrath Publishing Company, Wilmington, North Carolina 1981, 241-262. The Latin text in: LEONIS PP XIII, “*Litterae Encyclicae. Rerum Novarum*”, in: ASS 23 (1890-91) 641-670. *Rerum Novarum* will hereafter be referred to as RN.

³⁸⁹ David HOLLENBACH, *Claims in Conflict. Retrieving and Renewing the Catholic Human Rights Tradition*, Paulist Press, New York 1979, 42. Cf. Arokiasamy SOOSAI, *Human Dignity and Human Rights in the Catholic Social Teaching in Relation to the Church in India*, unpublished paper given as a talk during the Symposium conducted by the Conference of Catholic Bishops of India, April 8, Mumbai 2008, 1-18; 1.

person over society: “the individual is prior to society and society must be ordered to the good of the individual” (MM 109).³⁹⁰ Thus, the centrality of human persons in all economic, political, legal and cultural domains was further asserted (cf. MM 219, Cf. RN 7).³⁹¹ Speaking about the role of the Church’s social teaching, *Mater et Magistra* acknowledges: “On this basic principle, which guarantees the sacred dignity of the individual, the Church constructs her social teaching.” (MM 220). The *Compendium of the Social Doctrine of the Church* (Com.)³⁹² paraphrases this sentence as: “The whole of the Church’s social doctrine, in fact, develops from the principle that affirms the inviolable dignity of the human person” (Com. No.107).³⁹³ John XXIII was also aware “that both inside the church and outside of it the modern world is deeply concerned with affirming and defending the concrete dignity of the human person”.³⁹⁴ Two years later John XXIII, in the course of the Second Vatican Council, published in 1963 his encyclical *Pacem in Terris* (PT)³⁹⁵, which was addressed to “all men of good will”. The fundamental starting point considered in this encyclical is that a human being is a “person”.³⁹⁶ The Pope also describes the universal rights and duties of people inherent in their nature as persons.³⁹⁷ *Pacem in Terris* says:

Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable.

When, furthermore, we consider man’s personal dignity from the standpoint of divine revelation, inevitably our estimate of it is incomparably increased. Men have been ransomed by the blood of Jesus Christ. Grace has made them sons and friends of God, and heirs to eternal glory (PT 9-10).³⁹⁸

John XXIII in the above passage calls rights as natural rights because of their ontological roots in the nature of the person. With regard to human dignity, the encyclical considers it from two points. First, there is a strong emphasis on personalist approach to human dignity because of the centrality given to the human person. Second, into the scheme of human dignity is introduced the Christological principle through the Paschal mystery of Christ. This thereby enhances the dignity of the human person because every human person is precious in the sight of God.³⁹⁹

The Pontiff also interprets the image of God doctrine in personalist language. By the fact that human beings are created in the image of God (PT 3) they are persons and hence participate in

³⁹⁰ Cf. SOOSAI, *Human Dignity and Human Rights*, op. cit., 4.

³⁹¹ Cf. *ibid.*, 4.

³⁹² PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *Compendium of the Social Doctrine of the Church*, Pauline Publications, Mumbai 2004. The *Compendium* will hereafter be referred to as *Com.*

³⁹³ Cf. SOOSAI, *Human Dignity and Human Rights* ..., op. cit., 1. It is interesting to note that while *Mater et Magistra* uses the term “sacred dignity”, the *Compendium* uses the term “inviolable dignity”.

³⁹⁴ DWYER, “Person, Dignity of...”, 726.

³⁹⁵ JOHN XXIII, “Encyclical Letter. *Pacem in Terris*”, in: *Proclaiming Justice and Peace*, op. cit., 45-76. The Latin text is published in: IOANNIS PP. XXIII, “*Litterae Encyclicae. Pacem in Terris*”, in: AAS 55 (1963) 257-304. *Pacem in Terris* will hereafter be referred to as *PT*.

³⁹⁶ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 295.

³⁹⁷ Cf. *ibid.*

³⁹⁸ JOHN XXIII, “Encyclical Letter. *Pacem in Terris*...”, 49.

³⁹⁹ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 296.

the dignity of God which is the *summum bonum* (PT 38). The immediate consequence of being created in the image of God is that all men and women are born equal in dignity (PT 44 & 89).⁴⁰⁰ The encyclical also asserted a need for social and economic rights and not just political and legal rights. The encyclical also emphasized the context, namely, life in community where human dignity can be protected and expanded.⁴⁰¹

A significant advance in the understanding of human dignity comes from the Second Vatican Council⁴⁰² that met from 1962 to 1965 in two respects. These two aspects are embodied in *Gaudium et Spes*, the 1965 Pastoral Constitution on the Church in the Modern World. First, the Council affirmed that human dignity could be defended only if one recognizes that human institutions and *human persons* are not static but develop and change in history. Second, it opted for an explicitly theological point of view in identifying human dignity of finite beings called to absolute transcendence. Thus, human dignity is presented positively as the right to share in the decisions that structure political, social, and economic life.⁴⁰³

The Second Vatican Council holds in *Gaudium et Spes* an integral understanding of the image of God – with the human person endowed with spiritual faculties, distinctively human, such as reason and will. It says that human person alone – among all other earthly creatures – who is created in the image of God, “is capable of knowing and loving his/her Creator” (cf. GS 12).⁴⁰⁴ In a like manner, *Gaudium et Spes* also states that the very dignity of the body necessitates that one should glorify God in his/her body (cf. GS 14).⁴⁰⁵

It is also interesting to note that the Second Vatican Council, after centuries of misunderstanding, portrays the fact of the oneness of the body and soul and gives a holistic view of the Bible⁴⁰⁶:

Though made of body and soul, man is one. Through his bodily composition he gathers to himself the elements of the material world. Thus they reach their crown through him, and through him raise their voice in free praise of the Creator. For this reason man is not allowed to despise his bodily life, rather he is obliged to regard his body as good and honorable since God has created it and will raise it up on the last day. Nevertheless, wounded by sin, man experiences rebellious stirrings in his body. But the very dignity of man postulates that man glorify God in his body and forbid it to serve the evil inclinations of his heart (GS 14).

Such an understanding of the human person in his/her wholeness has led to a Personalistic and Existentialist current of modern thoughts presenting the basic Christian moral message. Thus, *Gaudium et spes* understands the human person as a whole. “...it remains each man’s duty to

⁴⁰⁰ Cf. *ibid.*, 299.

⁴⁰¹ Cf. DWYER, “Person, Dignity of...”, 726. Cf. also Peter J. HENRIOT/Edward P. DEBERRI/Michael J. SCHULTHEIS/James E. HUG, *Catholic Social Teaching. Our Best Kept Secret*, Orbis Books, Maryknoll, New York 2002, 22.

⁴⁰² SECOND VATICAN ECUMENICAL COUNCIL, Pastoral Constitution on the Church in the Modern World. *Gaudium et Spes*, in: Walter, M. ABBOT (ed.), *The Documents of Vatican II. All Sixteen Official Texts Promulgated by the Ecumenical Council 1963-1965. Translated from the Latin*, tr. by Joseph GALLAGHER, Geoffrey Chapman, London/Dublin/Melbourne 1967, 199-308. All references to the Second Vatican Council documents are taken from this edition unless otherwise stated. *Gaudium et Spes* will hereafter be referred to as *GS*.

⁴⁰³ Cf. DWYER, “Person, Dignity of...”, 726.

⁴⁰⁴ *FABC Papers*, No.120, 35.

⁴⁰⁵ Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 248.

⁴⁰⁶ Cf. LOBO, *Guide to Christian Living...*, 87.

preserve a view of the whole human person in which the values of intellect, will, conscience and fraternity are pre-eminent (GS 61).⁴⁰⁷

Human dignity presupposes that the person acts according to the knowledge and free choice from within and without mere external pressure or from a blind impulse (GS 17; *Com.* 135). The exercise of freedom includes knowing, knowing the truth and values and capacity to respond to them. That is why freedom and responsibility go hand in hand. In a sin-broken world, freedom needs to be liberated. Through the Word, we are called to be children of God. As Paul says in his letter to the Galatians: “For freedom Christ has set us free” (5,1). Freedom of the children of God is our dignity.⁴⁰⁸

Gaudium et spes also gives a basic reason for human dignity which flows from the relationship with God, when it affirms: “An outstanding cause of human dignity lies in man’s call to communion with God. From the very circumstance of his origin, man is already invited to converse with God” (GS 19). This is an affirmation of what Leo XIII in *Rerum Novarum* had already attested about the reverence attributed to the human person: “No one may with impunity outrage the dignity of man, which God Himself treats with great reverence” (RN 57).⁴⁰⁹

Although the image and likeness of God in human beings was lost by original sin, Christ restored back what was lost. Consequently, human nature is bestowed a dignity through the incarnation of Christ and reveals the purpose of being created in the image of God (cf. GS 22).⁴¹⁰ Christian Catholic view of the proper understanding of human persons is not confined to biological anthropology alone, but also to an ‘integrated vision’ inspired and guided by theological anthropology. So the Church affirms that “human person is the only creature on earth that God has willed for its own sake” (GS 24).⁴¹¹

Gaudium et spes thus sums up the various social teachings so far developed and sees the human person as the integrating concept about whom his/her dignity is acknowledged. In mentioning the human person, the focus turns on to the intrinsic dignity and inherent worth of every human person. This is spelt out by *Gaudium et spes*, “there is a growing awareness of the exalted dignity proper to the human person since he, and his rights and duties are universal and inviolable” (GS 26).⁴¹²

The Second Vatican Council also felt the need for emphasizing the social aspects of morality, because the person finds his/her fulfilment in society, although at times they are impeded from attaining perfection through adverse social factors. The social aspect is not something added to the human person but he/she is essentially social.⁴¹³ The Church understands this when she affirms the centrality of the human person in every aspect of society and life in common. As *Gaudium et spes* formulates: “Hence the social order and its development must invariably work

⁴⁰⁷ Cf. *ibid.*, 20. See also *FABC Papers*, No.120, 42.

⁴⁰⁸ Cf. SOOSAI, *Human Dignity and Human Rights*, *op. cit.*, 7.

⁴⁰⁹ Cf. PODIMATTAM, “Sanctity of Human Life...”, 28-29.

⁴¹⁰ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 357-358. Cf. RATZINGER, “The Dignity of the Human Person...”, 115-163.

⁴¹¹ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 88.

⁴¹² Cf. SOOSAI, *Human Dignity and Human Rights*, *op. cit.*, 8.

⁴¹³ Cf. LOBO, *Guide to Christian Living...*, 20-21.

to the benefit of the human person, since the order of things is to be subordinate to the order of persons, and not the other way around” (GS 26. Cf. also GS 63, MM 219 and Com. 132).⁴¹⁴

Gaudium et spes also expresses its reverence for the human person while enumerating those activities that are opposed to life itself, those that violate the integrity of the human person, those that insult human dignity and those that cause disgraceful working conditions and calls all of them as infamies. It says:

Furthermore, whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia or wilful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where men are treated as mere tools for profit, rather than as free and responsible persons; all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are supreme dishonor to the Creator (GS 27).

Gaudium et spes expresses emphatically the foundation of the radical equality of all persons and people regardless of their ethnicity, nation, culture or class, etc. (Com. 144): “Since something of the glory of God shines on the face of every person, the dignity of every person before God is the basis of dignity of man before other men” (GS 29).⁴¹⁵

Gaudium et spes speaks of the help which the Church strives to bring to individuals by affirming that the universal promotion of human rights is more effective way of recognizing human dignity.⁴¹⁶ It reads:

[...] the Church can anchor the dignity of human nature against all tides of opinion, for example those which undervalue the human body or idolize it. By no human law can the personal dignity and liberty of man be so aptly safeguarded as by the Gospel of Christ which has been entrusted to the Church.

For this Gospel announces and proclaims the freedom of the sons of God, and repudiates all the bondage which ultimately results from sin. (Cf. Rom 8,14-17). The Gospel has a sacred reverence for the dignity of conscience and its freedom of choice [...].

Therefore, by virtue of the gospel committed to her, the Church proclaims the rights of man (GS 41).

After the Second Vatican Council, the encyclical *Populorum Progressio*⁴¹⁷ of Paul VI in 1967 marked the next advance in Catholic social thought. What was innovative element in the encyclical is the concept of “integral development”. Human dignity is protected only by promoting the development of the whole human being in all walks of life – political, social, economic, cultural and spiritual. These areas need development not just as merely instrumental in attaining human dignity but become an integral part of the process.⁴¹⁸

⁴¹⁴ Cf. SOOSAI, *Human Dignity and Human Rights* ..., *op. cit.*, 4.

⁴¹⁵ Cf. *ibid.*, 7.

⁴¹⁶ Cf. *ibid.*, 11.

⁴¹⁷ PAUL VI, “Encyclical Letter. *Populorum Progressio*”, in: WALSH/DAVIES (ed.), *Proclaiming Justice and Peace*, *op. cit.*, 141-164. The Latin text is published in: PAULI PP. VI, “*Litterae Encyclicae. Populorum Progressio*”, in: AAS 59 (1967) 257-299. *Populorum Progressio* will hereafter be referred to as *PP*.

⁴¹⁸ Cf. DWYER, “Person, Dignity of...”, 726-727. Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism*..., 303.

John Paul II's first encyclical was *Redemptor Hominis* (RH).⁴¹⁹ This was the time when John Paul II was already aware of crises facing the Church and especially with regard to human rights that were systematically violated in different parts of the world. In this context, he had to stress the role of human dignity.⁴²⁰

John Paul II's argument is that human beings are incomprehensible to themselves or others without love. This love is fully made known to human beings through Christ because it is the Redeemer who "fully reveals man to himself" (RH 10). John Paul II then argues that the redemption of human beings restores the dignity of humanity: "this is the human dimension of the mystery of the Redemption. In this dimension man finds again the greatness, dignity and value that belong to his humanity" (*ibid*). Thus, in order to become comprehensible to themselves and others, human beings need to be in relationship with the Creator, who is love. The link that was broken through the first parents because of sin has been restored through Christ. Human dignity comes from God's love for the human person. It is in and through Christ that human beings acquire the full awareness of his/her dignity (cf. RH 11).⁴²¹

Based on the Christological perspectives given in *Gaudium et spes*, John Paul II in his *Redemptor Hominis* further links the human person with theological anthropology and ecclesiology in acknowledging human dignity as the content of the Church's proclamation.⁴²² The tone is set in *Redemptor Hominis* when it declares:

Thus the human person's dignity itself becomes part of the content of that proclamation, being included not necessarily in words but by an attitude towards it. This attitude seems to fit the special needs of our times. Since man's true freedom is not found in everything that the various systems and individuals see and propagate as freedom, the Church, because of her divine mission, becomes all the more the guardian of this freedom, which is the condition and basis for the human person's true dignity (RH 12; see also 16 and 17).⁴²³

Referring to *Gaudium et spes*, John Paul II declares in *Redemptor Hominis* that the Church becomes "a sign and safeguard of the transcendence of the human person" (RH 13; cf. GS 76).⁴²⁴ Further, John Paul II affirms in *Redemptor Hominis*, "man is the fundamental way that the Church must travel in fulfilling her mission" (RH 14).⁴²⁵

⁴¹⁹ JOHN PAUL II, "Encyclical Letter. *Redemptor Hominis*" in WALSH/DAVIES (ed.), *Proclaiming Justice and Peace*, op. cit., 243-270. The Latin text is found in: IOANNIS PAULI PP. II, "*Litterae Encyclicae. Redemptor Hominis*", in: AAS 71 (1979) 257-324. *Redemptor Hominis* will hereafter be referred to as RH.

⁴²⁰ Cf. Gavin T. COLVERT, "Liberty and Responsibility; John Paul II, Ethics and Law", in: Christopher TOLLEFSEN (ed.), *John Paul II's Contribution to Catholic Bioethics*, Springer, Netherlands 2004, 51-72; 53. Cf. also Joseph M. ZYCINSKI, "Poland in Europe. A Bridge between the East and the West. Globalisation as a New Challenge for Religion and Culture", in: Claude OZANKOM/Chibueze UDEANI (ed.), *Globalisation Culture Religions*, Rodopi, Amsterdam 2006, 17-28; 25-26.

⁴²¹ Cf. Kevin William WILDES, "In the Service of Life. *Evangelium Vitae* and Medical Research", in: Kevin William WILDES/Alan C. MITCHELL (ed.), *Choosing Life. A Dialogue on Evangelium Vitae*, Georgetown University Press, Washington, D.C. 2007, 186-198; 191.

⁴²² Cf. THUMMA, "Human Person...", 245.

⁴²³ JOHN PAUL II, "Encyclical Letter *Redemptor Hominis*...", 250. Cf. THUMMA, "Human Person...", 245.

⁴²⁴ JOHN PAUL II, "Encyclical Letter *Redemptor Hominis*...", 252. Cf. THUMMA, "Human Person...", 245.

⁴²⁵ Cf. *ibid*. Cf. George H. WILLIAMS, *The mind of John Paul II. Origins of his thought and Action*, Seabury Press, New York 1981, 264.

The Post-Synodal Apostolic Exhortation *Christifideles Laici* (CL)⁴²⁶ of John Paul II in 1988 on a separate section on the human person speaks of the violation of dignity of the human persons, especially “when the individual is not recognized and loved in the person’s dignity as the living image of God (cf. Gen 1:26)” (CL 5). The exhortation also urges one to respect human dignity that is becoming a growing trend in the world and not to “use” human persons:

The sense of the dignity of the human person must be pondered and reaffirmed in stronger terms. A beneficial trend is advancing and permeating all peoples of the earth, making them ever more aware of the dignity of the individual: the person is not at all a “thing” or an “object” to be used, but primarily a responsible “subject”, one endowed with conscience and freedom, called to live responsibly in society and history, and oriented towards spiritual and religious values (CL 5).

Although it was already mentioned elsewhere about the equality of dignity of all human persons, both men and women, created in the image and likeness of God, yet in a world full of gender bias and discrimination there is a growing need to affirm the equal dignity of man and woman. In a very enlightening manner *Christifideles Laici* speaks of the equal dignity of “male” and “female” based on the anthropological foundation; though there is diversity in them yet there is a mutual complementarity.⁴²⁷ *Christifideles Laici* clarifies:

The condition that will assure the rightful presence of woman in the Church and in society is a more penetrating and accurate consideration of the anthropological foundation for masculinity and femininity with the intent of clarifying woman’s personal identity in relation to man, that is, a diversity yet mutual complementarity, not only as it concerns roles to be held and functions to be performed, but also, and more deeply, as it concerns her make-up and meaning as a person (CL 50).

Further, John Paul II also reminds us in this exhortation about promoting human dignity, which forms the essential task of the Church: “*To rediscover and make others rediscover the inviolable dignity of every human person* makes up an essential task, in a certain sense, the central and unifying task of the service which the Church, and the lay faithful in her, are called to render to the human family” (CL 37; emphasis in the original). The same number also speaks of the human person as the “centre and summit” of all that exists on the earth. Further, the paragraph speaks of the ontological constitution of the dignity of the human person:

The dignity of the person is the most precious possession of an individual. As a result, the value of one person transcends all the material world. The words of Jesus, “For what does it profit a man, to gain the whole world and to forfeit his life?” (Mk 8:36) contain an enlightening and stirring statement about the individual: value comes not from what a person “has” even if the person possessed the whole world! – as much as from what a person “is”: the goods of the world do not count as much as the good of the person, the good which is the person individually (CL 37).

John Paul II then argues that as an effect from the acknowledgement of the personal dignity of every human being, which was mentioned above, there demands “*the respect the defence and the promotion of the rights of the human person*” (CL 38; emphasis in the original). The

⁴²⁶ JOHN PAUL II, *Post-Synodal Apostolic Exhortation. Christifideles Laici*, Libreria Editrice Vaticana, Vatican City 1988. The Latin text is found in: IOANNIS PAULI PP. II, “*Adhortatio Apostolica. Post-Synodalis. Christifideles Laici*”, in: AAS 81 (1989) 393-521. *Christifideles Laici* will hereafter be referred to as CL.

⁴²⁷ Cf. SOOSAI, *Human Dignity and Human Rights*, op. cit., 7.

consequence of this is that “No one, no individual, no group, no authority, no State, can change – let alone eliminate – them because such rights find their source in God himself” (*ibid*).

In the context of medical and scientific research John Paul II in his Post-Synodal Apostolic Exhortation *Christifideles Laici* speaks of human dignity as: “the inviolable dignity of the personhood of every human being, from the first moment of life’s existence” (CL 38).

On the one hundredth anniversary of *Rerum Novarum*, John Paul II in 1991 promulgated the encyclical *Centesimus Annus*.⁴²⁸ While relying on the encyclical *Rerum Novarum* of his predecessor, John Paul II in his encyclical *Centesimus Annus* draws the correct perspective about the human person:

[...] the main thread and, in a certain sense, the guiding principle of Pope Leo’s Encyclical, and of all of the Church’s social doctrine, is a *correct view of the human person* and of his unique value, inasmuch as ‘man [...] is the only creature on earth which God willed for itself’. God has imprinted his own image and likeness on man (cf. Gen 1:26), conferring upon him an incomparable dignity, as the Encyclical frequently insists. In effect, beyond the rights which man acquires by his own work, there exist rights which do not correspond to any work he performs, but which flow from his essential dignity as a person (CA 11).⁴²⁹

The encyclical also identifies violence (CA 17), atheism (CA 13 & 14), new ideologies (CA 17) and totalitarianism (CA 44) as those that pose threats to human dignity. John Paul II in this encyclical does not miss the opportunity to acknowledge and affirm human dignity.⁴³⁰ He acknowledges that the human person is endowed with human dignity precisely because of being a person: “[...] there exists something which is due to the person because he is a person, by reason of his lofty dignity” (CA 34). The encyclical further affirms the source of human dignity as God himself: “The human person receives from God its essential dignity and with it the capacity to transcend every social order so as to move towards truth and goodness” (CA 38). The human person as a subject of rights, due to his/her transcendent dignity, is seen in the encyclical as the “visible image of the invisible God”. *Centesimus Annus* acknowledges this fact. It affirms: “Thus, the root of modern totalitarianism is to be found in the denial of the transcendent dignity of the human person who, as the visible image of the invisible God, is therefore by his very nature the subject of rights which no one may violate –no individual, group, class, nation or Stat” (CA 44).⁴³¹ Therefore, through these words *Centesimus Annus* asserts “clearly and forcefully that every individual — whatever his or her personal convictions — bears the image of God and therefore deserves respect” (CA 22).⁴³²

John Paul II also speaks of the approach that the Church takes in respecting the freedom in human persons: “Furthermore, in constantly reaffirming the transcendent dignity of the person, the Church’s method is always that of respect for freedom” (CA 46).

⁴²⁸ JOHN PAUL II, *Encyclical Letter. Centesimus Annus*, Libreria Editrice Vaticana, Vatican City 1991. Latin text in: IOANNIS PAULI PP. II, “*Litterae Encyclicae. Centesimus Annus*”, in: AAS 83 (1991) 793-867. *Centesimus Annus* will hereafter be referred to as CA.

⁴²⁹ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 310.

⁴³⁰ Cf. HENRIOT *et al.*, *Catholic Social Teaching...*, 94.

⁴³¹ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 309.

⁴³² Cf. *ibid.*, 310.

Thus, one can see that an abundant indication of the concept of human rights and their specification has been given by the Magisterium. One such example can be found in John Paul II who has listed the rights in *Centesimus Annus*:

Among the most important of these rights, mention must be made of the right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception; the right to live in a united family and in a moral environment conducive to the growth of the child's personality; the right to develop one's intelligence and freedom in seeking and knowing the truth; the right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents; and the right freely to establish a family, to have and to rear children through the responsible exercise of one's sexuality (*CA* 47 see also *Com.* 155).⁴³³

The third encyclical *Caritas in Veritate*⁴³⁴ of Benedict XVI, dated 29 June 2009, continues the social justice tradition of the earlier Popes. The encyclical was partly a response to the crisis that appeared during the fall of the world's economic system in 2008.⁴³⁵ It was in the light of globalization (see especially *CV* 41 and 42) this encyclical provides an interpretation of social developments. The social teaching of this encyclical places the integral development of the human person at the centre of all world systems of thought and activity.⁴³⁶

Benedict XVI recalls the biblical teaching that human persons are made in the image of God and acknowledges the truth that God is he who, "also establishes the transcendent dignity of men and women" (*CV* 29). He further states that human being's creation "in the image of God" is also "a datum which gives rise to the inviolable dignity of the human person and the transcendent value of natural moral norms" (*CV* 45). Benedict XVI also expresses his concern that if the transcendent dignity of the human person is to be properly understood then social sciences alone cannot achieve it but the contribution of metaphysics and theology are also needed (*CV* 53).

Benedict XVI in the context of transmission of life, while recalling the encyclical *Humanae Vitae*⁴³⁷ of Paul VI – which indicated *strong links between life ethics and social ethics* (*CV* 15; emphasis in the original), restates that "The Church forcefully maintains this link between life ethics and social ethics" (*ibid*). Thus, he emphasizes that social ethics cannot rightly be seen as independent of life ethics.⁴³⁸ Benedict XVI mentions here that he is fully aware of the fact what John Paul II had already mentioned in *Evangelium Vitae*. He writes, "a society lacks solid foundations when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then, on the other hand, radically acts to the contrary by allowing or tolerating a

⁴³³ Cf. SOOSAI, *Human Dignity and Human Rights*, *op. cit.*, 12.

⁴³⁴ BENEDICT XVI, *Encyclical Letter. Caritas in Veritate*, Libreria Editrice Vaticana, Vatican City 2009. Latin text in: BENEDICTI PP. XVI, "Litterae Encyclicae. Caritas in Veritate", in: *AAS* 101 (2009) 641-709. *Caritas in Veritate* will hereafter be referred to as *CV*.

⁴³⁵ Cf. Robert MOYNIHAN, "Caritas in Veritate", in: Michael L. COULTER/Richard S. MYERS/Joseph A. VARACALLI, *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy*, Volume 3 (Supplement), Scarecrow Press, Lanham, Maryland 2012, 41-45; 41.

⁴³⁶ Cf. Peter Kodwo TURKSON, "Conclusion. Caritas in Veritate in the Tradition of Catholic Social Thought", in: Daniel K. FINN (ed.), *The Moral Dynamics of Economic Life. An Extension and Critique of Caritas in Veritate*, Oxford University Press, New York 2012, 140-144; 140.

⁴³⁷ PAULI PP. VI, "Litterae Encyclicae. Humanae Vitae", in: *AAS* 60 (1968) 481-503.

⁴³⁸ Cf. Thomas R. ROURKE, *The Social and Political Thought of Benedict XVI*, Lexington Books, Maryland 2010, 130.

variety of ways in which human life is devalued and violated, especially where it is weak or marginalized” (EV 101; CV 15).

The encyclical *Caritas in Veritate* devotes several paragraphs (cf. CV 74-77) that lists threat to human dignity and its denial in the field of bioethics⁴³⁹, such as: “*In vitro* fertilization, embryo research, the possibility of manufacturing clones and human hybrids” besides “[...] the tragic and widespread scourge of abortion [...] the systematic eugenic programming of births [...] and a pro-euthanasia mindset” (CV 75).

3.5.2 Catholic Church’s Stance on an Embryo

This section will treat the topic of how the Magisterium has made clarifications with regard to an embryo as such and its right to life in bioethical discussions, especially with regard to direct procurement of abortion, biological interventions like IVF, etc.

The Church right from its inception, based on the commandment “do not kill”, has always opposed to voluntary abortion. The opposition was already held at a time in spite of the fact that the biological nature of an embryo in its first stage of development was unknown in comparison to what is known today. It must be noted that with the advancement of science, the Magisterium when giving instructions on bioethical issues which are connected with the beginning of life issues of a biological nature makes reference, whenever possible, to the current state of medical advancement on the particular topic. In some cases the moral judgment has taken into consideration possible scientific advances and clarifications.⁴⁴⁰

One such ethical consideration of the last century is that of Pius XII address to St. Luke Union of Italian Doctors on Nov. 12, 1944: “As long as a man is not guilty, his life is untouchable, and therefore, any act directly tending to destroy it is illicit, whether such destruction is intended as an end in itself or only as a means to an end; whether it is a question of life in the embryonic stage, in a stage of full development, or already in its final stages”⁴⁴¹

The Second Vatican Council calls abortion an abominable crime. In *Gaudium et Spes* it affirms: “Therefore from the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes” (GS 51; cf. also QDA 7).

The Declaration *Quaestio de abortu* explains that “The first right of the human person is his life” (QDA 11). It further adds that “any discrimination based on the various stages of life is no more justified than any other discrimination” (QDA 12). It continues the remark saying: “In reality, respect for human life is called for from the time that the process of generation begins.

⁴³⁹ Thomas MASSARO, *Living Justice. Catholic Social Teaching in Action*, Rowman & Littlefield Publishers, Maryland 2012, 81.

⁴⁴⁰ Cf. Pablo Requena MEANA, “On the Status of Human Embryos and Cellular Entities Produced through ANT. Are they Persons?”, in: Antoine SUAREZ/Joachim HUARTE (ed.), *Is this Cell a Human Being? Exploring the Status of Embryos, Stem cells and Human-Animal Hybrids*, Springer, Heidelberg/Dordrecht/London/New York 2011, 97-116; 107-108.

⁴⁴¹ CONGREGATION FOR THE DOCTRINE OF FAITH, “Declaration on Procured Abortion. *Quaestio de abortu*, 18 November, 1974”, in: SECOND VATICAN ECUMENICAL COUNCIL, *Vatican Council II: More Post Conciliar Documents*, ed. by Austin FLANNERY, St. Paul Publications, Bombay 1988, 441-453; 444 and 452 at fn.15. The footnote says: “The statements of Pius XII are definite, precise and numerous; they would require a whole study on their own. We quote only this one from the discourse to the St. Luke Union of Italian Doctors of Nov. 12, 1944, because it formulates the principle in all its universality.” *Ibid.* Latin tr. from: SACRA CONGREGATIO PRO DOCTRINA FIDEI, “*Declaratio De abortu procurato. Quaestio de abortu*”, in: AAS 66 (1974) 730-747. *Quaestio de abortu* will hereafter be referred to as QDA. Cf. MEANA, “On the Status of Human Embryos...”, 109.

From the time that the ovum is fertilized, a life is begun which is neither that of the father nor of the mother, it is rather the life of a new human being with his own growth. It would never be made human if it were not human already” (*ibid*). This assertion followed based on the findings of genetics (cf. *QDA* 13). Nevertheless, the Declaration acknowledges the fact that “it is not up to biological sciences to make a definitive judgment on questions which are properly philosophical and moral such as the moment when a human person is constituted or the legitimacy of abortion” (*ibid*). Thus one can see clearly how the Church’s Magisterium makes a distinction in this text between two levels of the problem: “science should shed light on issues related to biology without attempting to answer (from its own area of specialization) the philosophical question about the personhood of the embryo or the embryo nor the ethical one regarding the legalization of abortion”.⁴⁴²

The Congregation for the Doctrine of Faith (CDF) issued an instruction *Donum Vitae* (*DV*) in 1987 which was signed by the then Prefect Joseph Cardinal Ratzinger. Although John Paul was not the author of the document, he officially received and authorized its publication. This was an Instruction as a response to requests from various parts of the world in order to clarify biomedical techniques current at that time. Unlike *RH*, which does not mention about natural law, the instruction *Donum Vitae* makes significant use of it. Besides natural law, one can observe a clear shift towards the reintegration of the language of duty and priority of the common good, which take a central place in the papal position.

The criteria of moral judgement with regard to the applications of modern scientific methods and technology, especially concerning human life and its beginnings are mentioned. It specifies: “[...] the respect, defense and promotion of man, his ‘primary and fundamental right’ to life, his dignity as a person who is endowed with a spiritual soul and with moral responsibility and who is called to beatific communion with God” (*DV* Intro. 1).

Concerning the human person *Donum Vitae* makes it clear that science and technology must be at the service of the human person and the former must show an unconditional respect for the fundamental criteria of the moral law (*DV* Intro. 2). The human person must be considered as a “unified totality” which is at the same time corporal and spiritual. This is the fundamental criteria for making any decision may be taken on a biological level, but which are not strictly therapeutic. *Donum Vitae* while clarifying this point reaffirms the words of John Paul II:

Each human person, in his absolutely unique singularity, is constituted not only by his spirit, but by his body as well. Thus, in the body and through the body, one touches the person himself in his concrete reality. To respect the dignity of man consequently amounts to safeguarding this identity of the man *corpore et anima unus*, as the Second Vatican Council says (*Gaudium et spes*, No.14, par. 1). It is on the basis of this anthropological vision that one is to find the fundamental criteria for decision-making in the case of procedures which are not strictly therapeutic, as for example, those aimed at the improvement of the human biological condition (*DV* Intro. 3).⁴⁴³

⁴⁴² MEANA, “On the Status of Human Embryos...”, 109.

⁴⁴³ The reference is made to IOANNIS PAULI PP. II, “*Allocutiones. Ad eos qui XXXV coetui Consociationis medicorum ab omnibus nationibus interfuerunt coram admissos. 29 Octobris 1983*”, in: *AAS* 76 (1984) 389-395; 393. Emphasis in the original.

The central teaching of the Instruction *Donum Vitae* is that human life is a gift from God. The gratuitous gift of life by the Creator is closely connected to the concept of personal dignity.⁴⁴⁴ For instance, in its Introduction, it says:

The inviolability of the innocent human being's right to life «from the moment of conception until death» is a sign and requirement of the very inviolability of the person to whom the Creator has given the gift of life” and further adds with regard to technical interventions on human life from its existence that “what is technically possible is not for that very reason morally admissible (*DV* Intro. 4).

The above teaching also forms the fundamental criteria for moral judgment. The ethical guideline which *Donum Vitae* then offers is: “The human being must be respected – as a person – from the very first instant of his existence” (*DV* I,1).⁴⁴⁵ The express purpose of the instruction was to foster greater respect for human dignity, which includes the right to life of each person, especially the human embryo.

The Instruction further explains that no experimental datum can be in itself sufficient to bring one to the recognition of a spiritual soul. Nevertheless the role of science and its conclusions regarding the human embryo provide a valuable indication for discerning rationally of a personal presence at the moment of the first appearance of a human life. The Instruction then asks a rhetorical question: “how could a human individual not be a human person?” (*DV* I,1)

Thus the Instruction does not make a distinction between an “individual of the “*homo sapiens* species”, “human being” and “person”. Aware of the current philosophical debate over the concept of person, the Instruction remarks: “The Magisterium has not expressly committed itself to an affirmation of a philosophical nature, but it constantly reaffirms the moral condemnation of any kind of procured abortion.” It further adds: “This teaching has not been changed and is unchangeable” (*DV* I,1).⁴⁴⁶

William Bueche, a Moral Theologian in Rome, explains the stance of the Magisterium in this matter. He says:

This represents an acknowledgement that recognizing and «attributing» the status of person (a moral issue) is primary, while «proving» personhood (a philosophical issue) is secondary, precisely because, while rational reflection of an ontological and metaphysical nature can lead to a moral conviction that the human embryo should or should not be included in the definition of “person”, it can neither «prove» nor «disprove» personhood in a definitive manner. It seems to me that recognizing and respecting the limits of empirical knowledge and the logic of the intellect is not a weakness, but a manifestation of wisdom – for wisdom embraces more than information and logic.⁴⁴⁷

In the year 1993, John Paul II promulgated the encyclical *Veritatis Splendor* (*VS*) – a papal magisterial document that can be called the *magna carta* of human life in the recent history of the Church.⁴⁴⁸ It is the first magisterial encyclical that deals with the fundamental questions of

⁴⁴⁴ Cf. COLVERT, “Liberty and Responsibility...”, 55.

⁴⁴⁵ Cf. MEANA, “On the Status of Human Embryos...”, 109.

⁴⁴⁶ Cf. *ibid.*

⁴⁴⁷ William BUECHE, “Destroying Human Embryos – Destroying Human Lives. A Moral Issue”, in: *StMor* 29 (1991) 85-115; 110.

⁴⁴⁸ JOHN PAUL II, *Encyclical Letter Splendor of Truth. Veritatis Splendor*, Pauline Books & Media, Boston 1993. The Latin text is found in: IOANNIS PAULI PP. II, “*Litterae Encyclicae. Veritatis Splendor*”, in: *AAS* 85 (1993) 1134-1228. *Veritatis Splendor* will hereafter be referred to as *VS*. Cf. *FABC Papers*, No.120, 43.

Church's Moral Teaching. The doctrine of the image of God, since the Second Vatican Council, has been given greater importance in the official teaching of the Church and reaches its climax in this encyclical. The encyclical after articulating a Catholic theological anthropology based primarily on the understanding of the human person as "image of God", draws out the consequences for the mission of the Church and for each Christian.⁴⁴⁹

The encyclical speaking in the context of human persons warns against all dualistic understandings of human person and affirms a foundational truth of the human person, namely, that dignity of the person belongs to the person in body-soul unity. "It is in the unity of body and soul that the person is the subject of his moral acts." (*VS* 48; cf. also *Com.* 127).⁴⁵⁰

The dignity of the human person is perfected by the personalist emphasis on morality. This statement is verified when one sees the comment on the commandment "You shall love your neighbour as yourself" (Mt 19, 19; cf. Mk 12,31). *Veritatis Splendor* states⁴⁵¹:

In this command we find a precise expression of *the singular dignity of the human person*, "the only creature that God has wanted for its own sake". The different commandments of the Decalogue are really only so many reflections of the one commandment about the good of the person, at the level of the many different goods which characterize his identity as a spiritual and bodily being in relationship with God, with his neighbor and with the material world (*VS* 13).

The overlap between the natural law and Personalism is shown clearly in the passage in *Veritatis Splendor* that brings together the various themes of the encyclical in n.90⁴⁵²:

The relationship between faith and morality shines forth with all its brilliance in the *unconditional respect due to the insistent demands of the personal dignity of every man*, demands protected by those moral norms which prohibit without exception actions which are intrinsically evil. The universality and the immutability of the moral norm make manifest and at the same time serve to protect the personal dignity and inviolability of man, on whose face is reflected the splendour of God (cf. Gen 9:5-6; emphasis in the original).

Stating freedom as basis of dignity, *Veritatis Splendor* claims that:

Human freedom belongs to us as creatures; it is a freedom which is given as a gift, one to be received like a seed and to be cultivated responsibly. It is an essential part of that creaturely image which is the basis of the dignity of the person. Within that freedom there is an echo of the primordial vocation whereby the Creator calls man to the true Good, and even more, through Christ's Revelation, to become his friend and to share his own divine life. It is at once inalienable self-possession and openness to all that exists, in passing beyond self to knowledge and love of the other. Freedom then is rooted in the truth about man, and it is ultimately directed towards communion (*VS* 86).

John Paul II published in March his eleventh encyclical *Evangelium Vitae* (*EV*)⁴⁵³. While *Veritatis Splendor* dealt with methodological foundation of moral issues, *Evangelium Vitae*

⁴⁴⁹ Cf. *FABC Papers*, No.120, 43.

⁴⁵⁰ Cf. SOOSAI, *Human Dignity and Human Rights*, op. cit., 9.

⁴⁵¹ Janet E. SMITH, "Natural Law and Personalism in *Veritatis Splendor*", in: Michael E. ALLSOPP/John J. O'KEEFE (ed.), *Veritatis Splendor. American Responses*, Sheed & Ward, Kansas City, Missouri 1995, 194-207; 203

⁴⁵² Cf. *ibid.*, 206.

⁴⁵³ JOHN PAUL II, *Encyclical Letter The Gospel of Life. Evangelium Vitae*, Pauline Books & Media, Boston 1995. The Latin Text is found in IOANNIS PAULI PP. II, "*Litterae Encyclicae. Evangelium Vitae*", in: *AAS* 87 (1995) 401-522. *Evangelium Vitae* will hereafter be referred to as *EV*.

deals with major statements on moral issues of life and death.⁴⁵⁴ The encyclical focuses especially on particular, moral issues that concern the sacredness of human life, namely, abortion, euthanasia and capital punishment. The Pope urges “all people of good will” besides deeper moral reflection on life (cf. *VS* 27); to assess a growing “culture of death” and to opt for a “culture of life” (cf. *VS* 28).⁴⁵⁵

The encyclical begins with an outline of the significance of life (cf. *EV* 1). Life is a basic good on which all other goods rest. Since life is the substratum of all other good, there is an inherent inclination in human beings to have life and promote it. This truth is focussed in this encyclical as, “Life in time, in fact, is the fundamental condition, the initial stage and an integral part of the entire process of human existence (*EV* 2).⁴⁵⁶ However, human life is encircled with threats. In this context, John Paul II’s says, “To all the members of the Church, the people of life and for life, I make this most urgent appeal, that together we may offer this world of ours new signs of hope, and work to ensure that justice and solidarity will increase and that a new culture of human life will be affirmed.” (*EV* 6). Therefore, there is the need to “respect, protect, love and serve life, every human life” (*EV* 5).⁴⁵⁷ *Evangelium Vitae* also presents the responsibility for life, that is, to be fruitful and to multiply (Gen 1,28; cf. *EV* 10).⁴⁵⁸

The fact that human beings are made in the image of God brings out the difference between human beings and other creatures which creates “a particular and specific bond with Creator: ‘Let us make man in our image, after our likeness (Gen 1:26). The *life* which God offers to man is a gift by which God shares something of himself with his creature” (*EV* 34; emphasis in the original).

In explaining why life is good from scriptural evidences, *Evangelium Vitae* quotes the famous definition that was already mentioned by Irenaeus, namely, “Man, living man, is the glory of God”. Owing to his/her relation with God, John Paul II then derives the fact both from the scriptures and tradition that human persons are given a sublime dignity: “Man has been given a sublime dignity, based on the intimate bond which unites him to his Creator: in man there shines forth a reflection of God himself” (*EV* 34).

Curiously, John Paul II placed an emphasis on the idea of human dignity in *Evangelium Vitae* that it cannot go unnoticed. The word “dignity” in this encyclical is used 57 times. In almost all cases they refer to “human dignity”, “dignity of person”, “dignity of the human person”, “personal dignity”, “dignity of the human being”, “dignity of life” “dignity of the unborn child” etc.

As already mentioned, Kant’s attribution of dignity to persons is a negative one. Dignity prohibits the use of humans as means. However, in the Personalistic philosophy of John Paul II

⁴⁵⁴ Cf. Christoph GÖTZ, *Medizinische Ethik und katholische Kirche. Die Aussagen des päpstlichen Lehramtes zu Fragen der medizinischen Ethik seit dem Zweiten Vatikanum*, Lit Verlag, Münster/Hamburg/Berlin/London. 2000, 57.

⁴⁵⁵ Leo J. O’DONOVAN, “Foreword”, in: WILDES/MITCHELL (ed.), *Choosing Life. A Dialogue on Evangelium Vitae*, op. cit., ix-x; ix.

⁴⁵⁶ Cf. KOCHAPPILLY, “Celebration of Old Age...”, 454.

⁴⁵⁷ Cf. IDEM, *Life in Christ...*, 13.

⁴⁵⁸ Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 251.

reflected in *Evangelium Vitae* “a person has value by the simple fact that he is a person”⁴⁵⁹ This is a positive affirmation of the dignity of a person that transcends completely our human assessments of that dignity. John Paul II has rightly underscored this concept of dignity which was already acknowledged in *Redemptor Hominis* and further confirmed in *Christifideles Laici* 38 and *Centesimus Annus* 34.⁴⁶⁰

Moreover, *Evangelium Vitae* affirms that God deals with human being as a person, not as a thing:

The Book of Genesis... places man at the summit of God’s creative activity, as its crown, at the culmination of a process which leads from indistinct chaos to the most perfect of creatures. *Everything in creation is ordered to man and everything is made subject to him*: “Fill the earth and subdue it; and have dominion over... every living thing” (1:28); this is God’s command to the man and the woman (*EV* 34; emphasis in the original).⁴⁶¹

Jesus, through his temptation, failure, suffering, etc. shares the life of human persons. This fact is attested to by John Paul II when he says, “From the Cross, the source of life, the people of life are born and increases” (*EV* 51).⁴⁶²

While emphasizing the divine commandment against killing: “You shall not murder” (Ex 20,13), John Paul II says: “Human life is thus given a sacred and inviolable character, which reflects the inviolability of the creator himself. Precisely for this reason God will severely judge every violation of the commandment you shall not kill” (*EV* 53).⁴⁶³

Evangelium Vitae recalls the prohibition to kill and attests to this command when it exhorts that in order to enter life, it is indispensable to obey the command “You shall not kill” (Mt 19,16-19; *EV* 54). This explicit command “implicitly... encourages a positive attitude of absolute respect for life” (*ibid.*).⁴⁶⁴ This explicit command not to kill should be read in what follows, namely, the practical moral implication of direct and voluntary killing of an innocent human being as gravely immoral (cf. *EV* 57).

It is interesting to note that *Evangelium Vitae* gives a substantial exposé on human life. However, to deal with the teaching of the Church on this topic would render a separate study, which is beyond the scope of this work.⁴⁶⁵ In order to summarize that human life is based on fundamental principles and values, one needs to understand life from different perspectives. 1) God is the origin of life (cf. *EV* 24, 46, 55); 2) Human life is a gift from God (cf. *EV* 39, 40, 52, 81, 84, 92); 3) Human life is a sacred reality (cf. *MM* 194, cf. *EV* 2). 4) Life is sacred which leads to inviolability of life (cf. *EV* 53). 5) Life is a fundamental right (cf. *PT* 11; cf. *EV* 57, 71,

⁴⁵⁹ JOHN PAUL II, *Crossing the Threshold of Hope*, ed. by Vittorio MISSORE, Alfred Knopf, New York 1994, 202. Cf. Edmund D. PELLEGRINO, “*Evangelium Vitae*: Euthanasia, and Physician-Assisted Suicide. John Paul II’s Dialogue with the Culture and Ethics of Contemporary Medicine”, in: WILDES/MITCHELL (ed.), *Choosing Life. A Dialogue on Evangelium Vitae*, op. cit., 236-253; 246.

⁴⁶⁰ Cf. *ibid.*

⁴⁶¹ See also *FABC Papers*, No.120, 34.

⁴⁶² Cf. KANNIYAKONIL, *Fundamentals of Bioethics*..., 252.

⁴⁶³ Cf. *ibid.*, 250.

⁴⁶⁴ Cf. *ibid.*, 252.

⁴⁶⁵ For a concise summary of the Catholic Teaching on human life, see Cf. KANNIYAKONIL, *Fundamentals of Bioethics*..., 254-256. See also Kevin D. O’ROURKE/Philip BOYLE, *Medical Ethics. Sources of Catholic Teachings*, The Catholic Health Association of the United States, St. Louis 1989, for a detailed study on the catholic documents on life and related issues.

90, 20, 72, 11, 18, 101). 6) Human life is a fundamental value (cf. *GS* 22; cf. *EV* 5, 11, 2, 25, 34, 71, 55, 101).⁴⁶⁶

Thus, one can see that *Evangelium Vitae* further ratified the teachings of *Donum Vitae*. John Paul II writes:

[...] 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, 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 (*EV* 60).

Further, *Evangelium Vitae* speaking in the context of intervention on human embryos asserts that they have “dignity as human beings who have a right to the same respect owed to a child once born, just as to every person” (*EV* 63). Thus, one can see that while John Paul II endorses medical research, he wants to constrain it by an appeal to human dignity.⁴⁶⁷

Thus, the encyclical reiterates what *Donum Vitae* had already declared: “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 being to life” (*EV* 60).

The latest and most important document on moral issues in the field of Bioethics issued by the CDF in September 2008, which was approved by Benedict XVI, adopted in the Ordinary Session of his Congregation and ordered for its publication is the Instruction *Dignitas Personae* (*DP*). It is styled as a successor to *Donum Vitae*. *Dignitas Personae* draws upon and reaffirms the earlier teachings in *Donum Vitae* and intends to provide instruction on the ethical issues raised over the last 20 years by “new biomedical technologies which have been introduced in the critical area of human life and the family” (*DP* 1). While acknowledging the teachings of *Donum Vitae* as “completely valid both with regard to the principles on which it is based and the moral evaluations which it expresses” (*DP* 1), *Dignitas Personae* intends to give additional clarification and bring to date “in particular in the field of research on human embryos, the use of stem cells for therapeutic purposes, as well as in other areas of experimental medicine” (*DP* 1). Besides *Donum Vitae*, the Instruction *Dignitas Personae* also draws upon the teachings of *Veritatis Splendor* and *Evangelium Vitae* (*DP* 1).⁴⁶⁸

Falling in line with *Evangelium Vitae* which acknowledged a “great ‘yes’ to human life” (*DP* 1; Emphasis in the original), *Dignitas Personae* (as the title of the Instruction already suggests) affirms in its opening words the fundamental principle of decisive importance. This fundamental principle, “must be must be at the center of ethical reflection on biomedical

⁴⁶⁶ Cf. Joseph KOCHUPARAMBIL, *Hope for the Future. The Discussion on the Sanctity of life and Quality of life Doctrines in Medical Ethics and Roman Catholic Magisterial Teaching*, Unpublished Doctoral Dissertation, KU Leuven, Leuven 2000, 202-224. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 255-256.

⁴⁶⁷ Cf. WILDES, “In the Service of Life. *Evangelium Vitae*...”, 192-193.

⁴⁶⁸ Cf. Ann Marie MEALEY, “*Dignitas Personae*”, in: Gareth D. JONES/John R. ELFORD (ed.), *A Glass Darkly. Medicine and Theology in Further Dialogue*, Peter Lang, AG, International Academic Publishers, Bern, Switzerland 2010, 111-130; 111 & 113.

research” (DP 1), namely, “The dignity of a person must be recognized in every human being from conception to natural death” (DP 1). Therefore, the dignity which must be accorded to every human being does not depend on the situation or circumstances in which one is located, i.e., without distinction of any kind, sex, race, condition, health or illness.⁴⁶⁹

In all, the terms “dignity of a/the person”; “dignity of the human person” “dignity of human beings”, “dignity of the human life” “human dignity” or simply “dignity” referring to the human person is used in one or the other form at least 33 times. Citing *Donum Vitae*, *Dignitas Personae* stresses the fact that “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 being to life” (DP 4).⁴⁷⁰ Luis Ladaria, the Secretary of the CDF, explains the previously mentioned statement in these words:

It is reiterated here that such a statement should be recognized by all as flowing from the natural moral law and should be the basis for any positive legal system. Unfortunately, we know that is not always the case. However, even if that truth is not recognized by many, the Instruction tells us that the Church has the duty to continue to proclaim with absolute clarity and without ambiguity in being faithful to its mission.⁴⁷¹

Thus, the Instruction repeats what *Donum vitae* had already reiterated that human dignity and human rights must be recognized from the first moment of existence of the human person (to be specific, i.e., “from the moment the zygote is formed”).

3.5.3 The Inviolability and Sacredness of Human Life:

As already mentioned in Chapter 1, there have been attempts to identify sanctity of life and human dignity. The magisterium in the assessment of bioethical issues firmly establishes the concept of the sanctity of human life.⁴⁷² Interestingly the Church documents, until *Dignitas Personae* for instance, have no mention of the actual term “sanctity of life” in any of their texts. Nevertheless, other terms such as “sacredness” of life or “inviolability” of life are often found

⁴⁶⁹ Cf. Luis F. LADARIA, “*Dignitas Personae*. Alcuni elementi di antropologia”, in: *StMor* 47/2 (2009) 339-353; 339.

⁴⁷⁰ Cf. *ibid.*, 340-341.

⁴⁷¹ *Ibid.*, 341. «Si ribadisce che una tale affermazione dovrebbe essere riconosciuta da tutti come appartenente alla legge morale naturale e che dovrebbe essere alla base di ogni ordinamento giuridico positivo. Purtroppo sappiamo bene che non è sempre così. Anche se questa verità non è riconosciuta da molti, la Chiesa ha il dovere di continuare a proclamarla con tutta chiarezza e senza ambiguità per essere fedele alla sua missione». Tr. from Italian by author.

⁴⁷² GÖTZ, *Medizinische Ethik und katholische Kirche*..., 279-300; 279. Christoph Götz says, „Die Vorstellung von der Heiligkeit des menschlichen Lebens hat in der Beurteilung bioethischer Fragestellungen durch das kirchliche Lehramt ihren festen Platz.“ *Ibid.* A clarification is here essential in understanding the “sanctity of life” which can be misunderstood in a religious sense, especially when it is translated literally into German as „Heiligkeit des Lebens“ (holiness/sacredness of life). However, the contemporary discussion about sanctity of life does not focus on an ethics derived from a particular religion. “Sanctity of life” is used in the sense of “inviolability” or “untouchability” of human life („Unantastbarkeit des Lebens“). Cf. V. von, LOEWENICH, “Sanctity of Life and the Neonatologist’s Dilemma”, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity*..., 229-239; 239. See also the discussion below in Chapter 6.5 below on this topic. It must be remembered that the Catholic Church does not use the term “sanctity of life” in its Documents. Nevertheless, “sacredness” of life and “inviolability” of life are often used.

in these documents.⁴⁷³ In this section, a few instances of the Church documents where the sacredness and inviolability of life are acknowledged will be described.

Mater et Magistra already asserted that human life is a sacred reality because from its inception it reveals the creating hand of God (cf. *MM* 194; cf. *DV* Intro. 5)⁴⁷⁴ or as the sacred dignity of the individual (cf. *MM* 220). Here too the phrase “sanctity of life” is not used.

Gaudium et Spes, in the context of abortion and infanticide, speaks of “God, the Lord of life”, who is the ground who protects life from such “unspeakable crimes” (cf. *GS* 51). However, the phrase “sanctity of life” is not found in any document from the Second Vatican Council. The CDF, which brought out the *Declaration on Procured Abortion, Questio de abortu (QDA)*⁴⁷⁵ in 1974, present arguments from tradition against abortion. It cites a series of statements from recent popes. Interestingly, none refers to the “sanctity of life”. They all point in the same general direction, that is, the inviolability or intangibility of life, e.g., “So long as a man commits no crime, his life is intangible and therefore every action which tends directly towards its destruction is illicit [...]” (*QDA* 7 at fn. 15).⁴⁷⁶

Commenting on the Declaration *Questio de abortu* No.12, Lobo stresses the value that “human life has in itself, and not merely in so far as it is ‘useful’. It is precisely when life is weak and defenceless [stet] that it needs special care and protection”.⁴⁷⁷ He further goes on to say that, conferring respect for the life of the unborn depends primarily on deepening “our conviction regarding the basic dignity and equality of every human life being of whatever class or situation”.⁴⁷⁸

In 1980, in the CDF’s Declaration *Jura et bona (JEB)*⁴⁷⁹ one can find the following statement: “Most people regard life as something sacred and hold that no one may dispose of it at will, but believers see in life something greater, namely, a gift of God’s love” (*JEB* I). In the same context, *Jura et bona* again declares: “Intentionally causing one’s own death, or suicide, is therefore equally as wrong as murder; such an action on the part of a person is to be considered as a rejection of God’s sovereignty and loving plan” (*JEB* I, 3). Similarly, the first argument against euthanasia in this Declaration says, “For it is a question of the violation of the divine law, an offense against the dignity of the human person, a crime against life, and an attack on humanity” (*JEB* II). In the three documents described above, “inviolability” is associated with divine protection. However, the specific term “sanctity of life” is not invoked.⁴⁸⁰

⁴⁷³ Cf. James F. KEENAN, “The Concept of Sanctity of Life and its Use in Contemporary Bioethical Discussion”, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity...*, 1-18; 4.

⁴⁷⁴ JOHN XXIII, “Encyclical Letter *Mater et Magistra...*”, 33. Cf. KOCHUPARAMBIL, *Hope for the Future...*, 202-224. Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 255-256.

⁴⁷⁵ CDF, “Declaration on Procured Abortion. *Questio de abortu...*”, 441-453.

⁴⁷⁶ PIUS XII, “Discourse to the Saint Luke Union of Italian Doctors, 12 November 1944”, in: *Human Body: Papal Teachings. Selected and Arranged by the Monks of Solesmes*, Bénédictines. Congrégation de France (Solesmes), St. Pauls Edition, Boston 1960, 51-65; 58. Cf. CDF, “Declaration on Procured Abortion. *Questio de abortu...*”, 452 at fn.15.

⁴⁷⁷ LOBO, *Moral and Pastoral Questions...*, 251.

⁴⁷⁸ Cf. *ibid.*

⁴⁷⁹ SACRA CONGREGATIO PRO DOCTRINA FIDEI, “*Declaratio de Euthanasia. Jura et bona*”, in: *AAS* 72 (1980) 542-552. English tr. in CONGREGATION FOR THE DOCTRINE OF FAITH, “Declaration on Euthanasia. *Jura et bona*, 5 May, 1980”, in: SECOND VATICAN ECUMENICAL COUNCIL, *Vatican Council II: More Post Conciliar, op. cit.*, 510-517. *Jura et bona* will hereafter be referred to as *JEB*.

⁴⁸⁰ Cf. KEENAN, “The Concept of Sanctity of Life...”, 4.

Donum Vitae uses the terms “inviolability of life” and “sacredness” but not the actual expression “sanctity of life”. For example: “The inviolability of the innocent human being’s right to life ‘from the moment of conception until death’ is a sign and requirement of the very inviolability of the person to whom the Creator has given the gift of life” (*DV* Intro 4). Similarly, “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” (*DV* Intro 5).⁴⁸¹

The Post-Synodal Exhortation *Christifideles Laici* also recognizes the sacredness of the human person. It says, “But the sacredness of the human person cannot be obliterated, no matter how often it is devalued and violated because it has its unshakable foundation in God as Creator and Father. The sacredness of the person always keeps returning, again and again” (*CL* 5).

The sovereignty of God over human life and from which the inviolability of life flows consequently giving one inviolable rights is clearly brought out once again in *Christifideles Laici*. The classic text reads:

The inviolability of the person which is a reflection of the absolute inviolability of God, finds its primary and fundamental expression in the *inviolability of human life*. Above all, the common outcry, which is justly made on behalf of human rights—for example, the right to health, to home, to work, to family, to culture— is false and illusory if *the right to life*, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination (*CL* 38; emphasis in original).

Evangelium Vitae assures that by being sincerely open to truth and goodness one can, “by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart (cf. *Rom* 2:14-15) the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree.” (*EV* 2). The encyclical concludes that consequent to “the recognition of this right, every human community and the political community itself are founded” (*EV* 2).

Furthermore, acknowledging the fact that life is a gift of God and in His protection, *Evangelium Vitae* connects the sacredness of humans with biblical text of the image of God:

Man’s life comes from God; it is his gift, his image and imprint, a sharing in his breath of life. God therefore is the sole Lord of this life: man cannot do with it as he wills. God himself makes this clear to Noah after the Flood: ‘For your own lifeblood, too, I will demand an accounting [...] and from man in regard to his fellow man I will demand an accounting for human life’ (*Gen* 9:5). The biblical text is concerned to emphasize how the sacredness of life has its foundation in God and in his creative activity: “For God made man in his own image” (*Gen* 9:6) (*EV* 39).

It is from this sacredness of life that inviolability of life arises (*EV* 40). Furthermore, *Evangelium Vitae* while referring to *Donum Vitae* acknowledges the sacredness and inviolability of human life because it involves the “creative action of God” (*EV* 53) and human life “remains forever in a special relationship with the Creator, who is its sole end” (*ibid*). The sacredness and inviolable character of human life is in fact the reflection of the inviolability of the Creator himself (cf. *EV* 53).

⁴⁸¹ Cf. *ibid.*, 4-5.

In addition, *Evangelium Vitae* echoes also the fact that the absolute inviolability of human life has been constantly held in the Church. It says, “In effect, the absolute inviolability of innocent human life is a moral truth clearly taught by Sacred Scripture, constantly upheld in the Church’ Tradition and consistently proposed by her Magisterium” (*EV* 57).

The encyclical while dealing with the question of deliberate abortion goes even further to acknowledge that human life is sacred and inviolable from the first moment of its existence (cf. *EV* 61). The encyclical further makes reference to *Mater et Magistra* of John XXIII who had already spoken that human life is sacred from its very inception because it reveals the creating hand of God (cf. *MM* 194; cf. *EV* 62). John Paul II also affirms in *Evangelium Vitae* that human life is sacred and inviolable owing to the fact that it is a gift of God (cf. *EV* 81).

Furthermore, speaking in terms of charity, John Paul II argues that charity cannot tolerate bias and discrimination because as an indivisible good human life is sacred and inviolable at every stage of life situation (cf. *EV* 87).

In the context of speaking to the health care professionals while remind the doctors of the Hippocratic Oath urge them to commit themselves “to absolute respect for human life and its sacredness” (*EV* 89).

John Paul II also says that the acknowledgement of the sacred and religious value of life is not a concern only of believers or a concern of Christians alone. He reiterates, “The value at stake is one which every human being can grasp by the light of reason; thus it necessarily concerns everyone” (*EV* 101).

However, in a sin-broken world, in which John Paul II’s appeal to affirm a new culture of human life (cf. *EV* 6) is far from realization. Modern culture has degraded the human body by looking at it as an object of pleasure. “It has lost its sense about the dignity of human person and respect for human life.”⁴⁸²

The Instruction *Dignitas Personae*, after explaining the Church’s conviction about humanity that is received and respected by faith, which is purified, elevated and perfected by being created in the image and likeness of God (Gen 1, 26) and through Jesus makes humans possible to become “sons of God” (Jn 1, 12), affirms that this new dimension does not conflict with dignity of the creature, but elevates it. The respect for the individual human being is further enhanced and strengthened through faith. The instruction then makes it clear that there is no contradiction between the affirmation of the dignity and the affirmation of the sacredness of human life (*DP* I,7).

In addition, *Dignitas Personae* clarifies the issue of *in vitro* fertilization and the deliberate destruction of embryos. *Dignitas Personae* acknowledges the sacredness and inviolability of human life by referring to Benedict XVI’s, Address to the General Assembly of the Pontifical Academy for Life and International Congress in 2006. *Dignitas Personae* says, “Therefore, the

⁴⁸² Joseph ALENCHERRY, “Family. The Victim of Biomedical Experimentations”, in: IDEM/KANNIYAKONIL (ed.), *Bioethical Issues and the Family...*, 1-5; 2.

Magisterium of the Church has constantly proclaimed the sacred and inviolable character of every human life from its conception until its natural end” (*DP II*, 16).⁴⁸³

Dignitas Personae once again reiterates what has already been said in *Evangelium Vitae* 63, which reminded health professionals of the Hippocratic Oath to commit themselves to absolute respect for human life and its sacredness (cf. *DP III*, 35).

Based on the above documents of the Church one can come to the conclusion which is expressed well by Baranzke. She is of the opinion that the paths of the two ideas of sanctity of life and human dignity intersect each other in the course of history time and again. However, both these value terms are threatened in the present, especially when it comes to the prohibition on killing and euthanasia debate. Nevertheless, due to the esteem given to human biological life, the idea of the sanctity of life could better preserve the esteem and integrity of physical vitality than the idea of the image of God. This also explains why the Catholic magisterium in its statements on bioethics prefers to use the term “sacredness of life” in an attempt to capture a “fixed place” against the reserve and the suspicion of the theological ethicists.⁴⁸⁴

It is interesting to note here that Ladaria gives an argument in favour of the Instruction for avoiding a philosophical definition. He says that *Dignitas Personae* in order to avoid entering into a controversial field avoids philosophical definitions and discussions as its predecessor *Donum Vitae*.⁴⁸⁵ On the one hand, he argues that one speaks of a person as a being who is endowed with reason and free will and in this manner invested with responsibility for his/her actions. Of course, this refers to the person who is able to exercise all one’s faculties, but it does not mean that this exercise is an integral part of the definition itself. On the other hand, there could be civil rights (for example, legacy) that recognizes the unborn child according to a different legal systems, and consequently as a “person” from this practical point of view. Thus, there is a need felt for a definition. Moreover, it is also necessary – when speaking of the human

⁴⁸³ *DP II*, 16 is referring to: BENEDICT XVI, “Discourse to the Participants of its 12th General Assembly...”, 7. The Italian text reads: «Per questo il Magistero della Chiesa ha costantemente proclamato il carattere sacro e inviolabile di ogni vita umana, dal suo concepimento sino alla sua fine naturale». BENEDICTI PP. XVI, “Allocutiones. Ad Generalem Coetum Pontificiae Academiae pro vita tuenda...”, 264.

⁴⁸⁴ Cf. BARANZKE, „Heiligkeit des Lebens...“, 109-110. The German text reads: „Dennoch kreuzen sich die Wege der beiden Ideen im Verlauf der Geschichte immer wieder. So droht beiden Wertbegriffen in der Gegenwart wie allen Idealbegriffen zur Zeit der Tod durch Naturalisierung und sie begegneten sich bereits früh über das Tötungsverbot, was beiden Begriffen ihren Platz bis heute in den Euthanasiedebatten sichert. Allerdings liegt in der Hochschätzung leiblicher Lebensführung, die sich in der Idee von der Heiligkeit des Lebens besser als in der Gottebenbildlichkeit des Menschen bewahren konnte, die Brücke zur Integration der Hochschätzung physischer Lebendigkeit überhaupt. So erklärt sich auch, dass sich die „Heiligkeit des menschlichen Leben“ in Äußerungen des Katholischen Lehramtes zur Bioethik entgegen der Reserve und dem Vitalismusverdacht, den theologische Ethiker dem Ausdruck oft entgegenbringen, einen „festen Platz“ erobern konnte.“ *Ibid.* It should be noted here that one is not clear with regard to the phrase, „Heiligkeit des Lebens“, i.e., whether Baranzke means “sanctity of life” or “sacredness of life”. It was already mentioned that the phrase “sanctity of life” is not used in the Church documents. Instead, in its place “sacredness” or “inviolability” of life is used. On this discussion see Chapter 3.5.3 at fn. 472 above. Thus, the author has taken the liberty to translate the German phrase as “sacredness of life”.

⁴⁸⁵ Cf. LADARIA, “*Dignitas Personae*...”, 341. Ladaria says: «Per evitare di dover entrare in definizioni filosofiche e in discussioni che possono creare difficoltà, sia già nel 1987 nell’Istruzione *Donum vitae*, come adesso nel 2008, si evita di entrare in questo ambito di problemi, che può far sorgere dei malintesi». *Ibid.* It is interesting to note that in the last 20 years although there has been lot of discussions going on about the first moment of existence of a human person or when exactly the animation takes places, yet the Instruction does not give us a clear picture. The historical discussion with regard to the ontological status of the embryo will be taken up later in detail in Chapter 5 below.

person and his/her dignity – that all are able to understand the concept in a general sense. Therefore the Instruction, rather than to attempt at a definition and insist on the characteristics of the human person that has reached full development, speaks of the continuity of the human being precisely in the different phases of this development.⁴⁸⁶

From what has been said above, Ladaria concludes that there are no “jumps” in this continuous development which causes any substantial mutation. This is made clear by *Dignitas Personae*: “The embryonic human body develops progressively according to a well-defined program with its proper finality, as is apparent in the birth of every baby” (DP 4). Thus, according to him, the Instruction – without going into philosophical definitions which may give rise to endless discussions – while emphasizing the continuity in the progressive development of human being, sees the decisive reason for saying that these, in all stages of his/her life, always has the same dignity, the dignity which corresponds to the “person”, which is proper and exclusive to it.⁴⁸⁷

One can appreciate in the text of *Dignitas Personae* a greater closeness to the concept of personhood of an embryo on the ontological level even though it is not explicitly defined.⁴⁸⁸

The Instruction using the quote from *Donum vitae* (I,1) points out that:

In fact, it presupposes a truth of an ontological character, as *Donum vitae* demonstrated from solid scientific evidence, regarding the continuity in development of a human being.

If *Donum vitae*, in order to avoid a statement of an explicitly philosophical nature, did not define the embryo as a person, it nonetheless did indicate that there is an intrinsic connection between the ontological dimension and the specific value of every human life. Although the presence of the spiritual soul cannot be observed experimentally, the conclusions of science regarding the human embryo give “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?” Indeed, the reality of the human being for the entire span of life, both before and after birth, does not allow us to posit either a change in nature or a gradation in moral value, since it possesses *full anthropological and ethical status*. The human embryo has, therefore, from the very beginning, the dignity proper to a person (DP 5; emphasis in the original).

Dignitas Personae, however, does not give a clear definition of the first moment of existence of the human person.⁴⁸⁹ All that it says is a repetition of *Donum Vitae*, namely, that the “human being is to be respected and treated *as a person* from the moment of conception” (DP 4; emphasis added). It is observed here that the term “as a person” is being used (a repetition of *Donum Vitae*) where one would have expected instead the phrase, “a person exists” from the first moment of his/her existence.

Nevertheless, it is interesting to note here that *Dignitas Personae* refers to an embryo as a “person” when it claims: “The human embryo has, therefore, from the very beginning, the dignity proper to a person” (DP 5). This is surely an advance made in the understanding of the concept of human person when compared to the previous church documents, which were more circumspect in this matter. The phrase here, namely, “the dignity proper to a person” said about

⁴⁸⁶ Cf. *ibid.*, 342.

⁴⁸⁷ Cf. *ibid.*

⁴⁸⁸ Cf. MEANA, “On the Status of Human Embryos...”, 110. Cf. also LADARIA, “*Dignitas Personae*...”, 342.

⁴⁸⁹ Cf. *ibid.*, 341.

an embryo is a very strong claim which is equivalent to saying that an embryo is a person from the very beginning of its existence.

From all that has been aforesaid the conclusion that the Magisterium makes serves as an ethical guide for the respect one owes to every human being independent of any particular philosophical conception of personhood. *Dignitas Personae*, for example, using the data offered by modern sciences and applying philosophical enquiry over the ontological status of the embryo together with different concept of persons, offers an articulated ethical guideline: “The human embryo deserves the protection that is due to a human person.”⁴⁹⁰

3.6 CONCLUSION

Indicated here are some key points as a conclusion to what has been considered so far in this chapter for further deliberation.

God’s creation of human beings in the OT in His own image and likeness (Gen 1,26-27) is a central anthropological statement and a foundational concept of understanding the human person. In relation to one another and to God, human persons are endowed with human dignity because of the sharing of the image and likeness of God. Human persons created in the image of God also apply to all persons without any discrimination. The whole human being is seen as created in the image of God representing a holistic vision without any dichotomy between body and soul. The OT also holds for the sacredness of human life because God creates life. However, this sacredness of life is not to be confused with “sanctity of life”, a term that has become debatable in Bioethics.

The NT makes the dignity of the human person even more concrete through the incarnation of the Son of God. It is through our sonship or daughtership, faith in Jesus Christ and by the aid of the sacraments that the believer is transformed into the image of Christ. The NT speaks of the sacredness of human life. The NT also tells that we are temples of the Holy Spirit. The three aspects, namely, being made in the image of God, the Word becoming incarnate, and our bodies as the temple of the Holy Spirit, reflects in some way the Trinitarian life in us that make us sacred.

In dealing with the concept of human life in the NT, the importance of the statement of Jesus was noted, namely, “I came that they may have life, and have it abundantly” (Jn 10,10). Thus, the focus of Christian ethics can be none other than on life. “Life is the fountain, force, and focus of Christian ethics, which is for its protection, preservation, and promotion. Life is the fundamental good and hence recognition of life, respect for life, and response to life is inevitable. This demands reverence for life in all its forms, spheres, and stages.”⁴⁹¹

Down through the ages, e.g., Irenaeus, brought together the doctrine of the image of God and tied it with human dignity. Tertullian by introducing *persona* brings out the aspect of persons-in-relation, horizontally and vertically. Augustine sees human persons in the image of the trinity of divine persons. Thomas claimed that human person have a special dignity in comparison to brutes.

⁴⁹⁰ MEANA, “On the Status of Human Embryos...”, 110.

⁴⁹¹ KOCHAPPILLY, *Life in Christ...*, 13.

It was also important to examine, in the light of the documents of the Church, the ontological status of an embryo, namely, the ensoulment of an embryo. The deliberation was necessary because there are differences of opinion with regard to considering an embryo as a human being or human person.

The Church's social doctrine since Leo XIII has always centred round the *dignity and rights of the human person*.⁴⁹² It was noted that the social encyclicals form, as it were, a leitmotif of the dignity of the human person and their social nature, which is centred on the theology of the human person, created in God's image. Human persons are thus ontologically endowed with a dignity of transcendent values. The social encyclicals also present the social nature of human persons as an essential quality of being created in the divine image. Consequently, all persons are born equal in dignity and with an inalienable right to defend that dignity.⁴⁹³

The Church Documents do not invoke the term "sanctity of life" *per se*.⁴⁹⁴ The Documents base their argument of human dignity as well as the sacredness and inviolability of life on the fact that human beings are created in the image of God (Gen 1,26). Perhaps, one can see a connection between human dignity and sacredness and inviolability of life, both of which depend on being made in the image of God.

The Magisterial documents are all unanimous in proclaiming that the human embryo deserves the protection that is due to a human person right from the beginning of life. A very strong claim by *Dignitas Personae* is that an embryo has to be awarded "the dignity proper to a person" (DP 5). It is tantamount to saying that an embryo is a person from the very beginning of its existence.

Relating all that has been deliberated in the present Chapter on the theological understanding of human dignity to that of the last chapter, especially on Kant, insofar as human dignity springs from human agency and free will, the Catholic Church's view of human dignity is similar to Kant.⁴⁹⁵ However, the understanding of the Church goes far beyond this philosophical understanding, in that, it understands that freewill in turn springs from the creation of human beings as the image of God. Thus, in the last analysis, one can arrive at a definition, which includes the substantive foundation of human dignity and based on the fact that human beings are created in the image of God. Thus, the definition of human dignity, which was arrived in Chapter 1.6 above, can be modified to include the above Catholic dimension. The definition would then read:

Independent of the sex, origin, country, society, class, caste, profession, religion, culture or family every human individual, because of being human and made in the image of God, has an inviolable intrinsic worth owing to his/her autonomy and endowed with reason which is recognized throughout one's human life and respected but not granted; that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.⁴⁹⁶

⁴⁹² LOBO, *Moral and Pastoral Questions...*, 110.

⁴⁹³ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 314.

⁴⁹⁴ Cf. KEENAN, "The Concept of Sanctity of Life...", 10.

⁴⁹⁵ Cf. Mark D. WHITE, "Dignity", in: Jan PEIL/Irene VAN STAVEREN (ed.), *Handbook of Economics and Ethics*, Edward Elgar Publishing, Cheltenham (U.K.)/Massachusetts (USA) 2009, 85.

⁴⁹⁶ See Chapter 1.6 at fn.71 above.

The problem with such a definition is that it uses Christian elements, which may not be acceptable to everyone. Therefore, further research is necessary to incorporate a wider audience. This venture will continue in the Chapters that follow. However, first, a bioethical foundation of human dignity is necessary. This will be carried out in the following Chapter.

CHAPTER 4

BIOETHICAL FOUNDATIONS OF HUMAN DIGNITY

4.1 INTRODUCTION

Now it interests here to pose the question: Is it suitable for bioethical discourse to make reference to human dignity to issues pertaining to beginning of life?⁴⁹⁷ Nevertheless, before the question is delved into regarding the suitability of making this reference to human dignity, a few other basic questions need to be answered. Since human dignity can only be acknowledged of a human person, the basic question is whether an embryo qualifies to be a human person. The question concerns the status of an embryo. It is in this context that human life be seen from a scientific perspective. However, scientific observation alone is insufficient to prove the personhood of an embryo. Therefore, one needs to explore human life from a Metaphysical point of view and see if one can acknowledge the fact that an embryo is also a person. Finally, the question whether human dignity can be invoked of an embryo in the field of Bioethics at an ethical level will be addressed.

4.2 THE STATUS OF AN EMBRYO

One of the main problems concerning the beginning of life is the ethical problem of considering the status of an embryo. By the term “status”, is meant the nature and specific identity of a human embryo.⁴⁹⁸ In other words, is an embryo a person? An answer to this question becomes necessary in the wake of acknowledging the inherent dignity of an embryo. The problem can be stated thus: Provided one can affirm that an embryo is a human person, only then can one acknowledge that it has inherent human dignity. Some decades ago, this question was unheard of because there was at that time no possibility of manipulating embryos in the laboratory as is possible now. At that time whether an embryo was a person or not remained more on a theoretical level and was limited to the discussions on abortion. Although some were willing to accept the personhood of an embryo, they tried to justify abortion by invoking a supposed conflict of rights. However, the issue has become more relevant now owing to medical advancement. In such cases, it would be difficult to deny an embryo the rights of a person, especially the right to life, provided it be regarded as a person. Other authors point out that many people in the scientific field do not regard an embryo as a person. However, from a purely logical point of view, the acceptance or denial of the personhood of an embryo does not give the reason for its justification to be manipulated in the laboratories. It must be reiterated here that it is not necessary to prove the personhood of an individual in order to demand some rights to be accorded to him or her. One clear example is the Universal Declaration of Human Rights.⁴⁹⁹

With regard to the status of the human embryo, four different but inter-related levels needs to be distinguished, in which the premises, arguments and conclusions arise, which will help in classifying the human being. At the biological level, the biological nature of an embryo is

⁴⁹⁷ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 92-93.

⁴⁹⁸ Cf. *DVI*, 1, *op. cit.*, 13.

⁴⁹⁹ MEANA, “On the Status of Human Embryos...”, 98. Cf. also BUECHE, “Destroying Human Embryos...”, 86-91.

inquired. At the philosophical (or ontological) level, the metaphysical nature of an embryo is considered. How does one treat an embryo is considered at an ethical level.⁵⁰⁰ How must the society regulate the attitude of its members toward an embryo and the legal questions regarding the rights and juridical protection of it are answered at the juridical level.⁵⁰¹ The answer to the question of the status of an embryo is essentially connected to regulation of the attitude towards them in matters of abortion, in vitro fertilization, embryo transfer and embryonic experimentation like embryonic stem cell research, etc.

It must be further emphasized that these four levels, namely, biological, philosophical, ethical or moral and juridical levels, are inter-related. For example, the ontological status of an embryo bases itself on the results obtained at the biological level. However, it would be misleading when one concludes the ontological level from the data derived from biological level without further analysis. That is to say, one needs to go beyond the biological level in order to arrive at a philosophically founded conclusion. Biology, for example, cannot empirically demonstrate the principle of psychological integration (the soul) of an embryo or an adult. It is only at a philosophical level – without any recourse to religious reasons – that one can postulate about the integrating principle of a living human organism. The following sections will consider whether this immaterial principle can also be applied to an embryo. So too, the personhood of an embryo cannot be based only on genetic data. Nevertheless, what implication the genetic potential can have in a philosophical perspective needs to be explored in order to determine the personhood of an embryo.

So the first task is: From which moment or from when on can one call an embryo an individual? Can one count an embryo as a human person? Is it an “it” or a “he or “she”? In general, the question pertains to an important inquiry: What status is to be rendered to a human embryo? Second, to delve over the question of the research topic: Can one speak of an intrinsic dignity of an embryo? Since an answer to these questions involve several disciplines such as biology, philosophy, ethics and law at different levels, they will be examined in the following sections. Nevertheless, the juridical level is out of the scope of this research and the same will not be examined. The ethical level will be taken in another separate section to determine whether the concept of human dignity can be used in Bioethics.

⁵⁰⁰ MEANA, “On the Status of Human Embryos...”, 99. Cf. BUECHE, “Destroying Human Embryos...”, 92. Cf. also Angel Rodríguez LUÑO, *Scelti in Cristo per essere santi. Vol. 3 Morale speciale*, Edusc, Roma 2008, 180.

⁵⁰¹ MEANA, “On the Status of Human Embryos...”, 99. Johannes Seidel, a Molecular Biologist and Moral Theologian in Germany, is of the opinion that the ontological question of the embryo is interdisciplinary, that is, biological-philosophical-theological oriented and not just medical-theological. He treats the ontological question from three levels, namely, biology, philosophy and theology. Further he distinguishes between biological and medical inquiry. He argues that medicine as such cannot answer the ontological question but biology. It is because human medicine has another formal object in comparison to biology. While human medicine is interested in medical treatment of human beings, biology as a science of living has an overall objective that acquaints itself with an open-minded biological reality. Cf. Johannes SEIDEL, „Embryonale Entwicklung und anthropologische Deutung. Neuen ‚Katechismusfragen‘ zum ontologischen Status des Vorgeburtlichen“, in: Konrad HILPERT (Hg.), *Forschung contra Lebensschutz. Der Streit um die Stammzell-forschung*, Quaestiones Disputatae, Bd. 233, Herder, Freiburg i. Br./Basel/Wien 2009, 76-98; 95. See also Johannes SEIDEL, *Schon Mensch oder noch nicht? Zum ontologischen Status humanbiologischer Keime*, Kohlhammer, Stuttgart 2010, 23.

4.2.1 The Biological Level: Human Embryo as an Organism

Biological science sees the growth of a human being from birth to death as a continuum. Nevertheless, science distinguishes different stages in the life of a person and in the life of an embryo. The basic biological facts will be dealt with here that will help one to understand clearly the terms that will be used in this research. The contribution of science will help as a reference point to answer questions on a philosophical, ethical and juridical level.

From a biological point of view, the end and total result of the fertilization of a sperm and an ovum in the fallopian tube is often referred to as a “fertilized egg”⁵⁰² or a “zygote”⁵⁰³ or an “embryo”⁵⁰⁴, which is the first single totipotent cell produced when the nuclei of the two gametes have fused.⁵⁰⁵ The process of fertilization itself is a continuous process.⁵⁰⁶ It is to be noted that as long as a sperm and/or egg continue to persist, there can be no new human life. In contrast to personal, political or religious convictions, based on the cell composition and cell behaviour (which are the two criteria that are used in all fields of biological science and which are the basis for all scientific distinctions between cell types), one can say that:

[...] it is unambiguously clear that a distinct (new) cell type comes into existence at the point of sperm-egg fusion, an event that occurs very rapidly following the initial binding of the sperm and egg surface membranes [...] at the point of sperm-egg fusion, a single cell is generated that contains all the components of both sperm and egg. This new cell, the zygote or one-cell embryo, is therefore distinct from either sperm or egg in terms of its molecular composition. Thus based on the first criteria (composition), the zygote is a new cell type, distinct from either sperm or egg.⁵⁰⁷

Further, after the sperm-egg fusion, the zygote immediately enters into a development trajectory (the second criteria: cell behaviour) which is distinct from either sperm or egg. The newly formed zygote initiates sequences such as blocking additional sperms entering the cell surface and also reconfigures it for functions that are unique to the zygote in contrast to the functions which are specific to gametes. “Thus based on the second criteria (unique behaviour), the zygote is also a new cell type, distinct from either sperm or egg.”⁵⁰⁸

Therefore, based on the first criteria of cell type/composition and the second criteria of cell behaviour, one can come to the conclusion that a human zygote is a new type of human cell distinct from the sperm and the ovum. What happens within the zygote in the hours that follow?

⁵⁰² Cf. Maureen L. CONDIC, “Preimplantation Stages of Human Development. The Biological and Moral Status of Early Embryos”, in: *Is this Cell a Human Being?*, op. cit., 25-43; 27.

⁵⁰³ Michael L. STITZEL/Geraldine SEYDOUX, “Regulation of the Oocyte-to-Zygote Transition”, in: *Science* 316 (2007) 407-408; 407. Cf. CONDIC, “Preimplantation Stages of Human Development...”, 27.

⁵⁰⁴ Günter RAGER, “Die biologische Entwicklung des Menschen”, in: *Beginn, Personalität und Würde des Menschen*, op. cit., 67-122; 68 & 70.

⁵⁰⁵ The Instruction *Donum Vitae* in its Foreword gives a small note at the bottom of the page indicating that “the terms ‘zygote’, ‘pre-embryo’, ‘embryo’ and ‘foetus’ can indicate in the vocabulary of biology successive stages of the development of a human being. The present Instruction makes free use of these terms, attributing to them an identical ethical relevance [...]” See CDF, *Donum Vitae*, Foreword. On the note on Section I, 1, *Donum Vitae* gives a definition of a zygote: “The zygote is the cell produced when the nuclei of the two gametes have fused.” See *ibid.*, I,1. Cf. also PAZHAYAMPALLIL, *Pastoral Guide...*, 1377.

⁵⁰⁶ RAGER, “Die biologische Entwicklung...”, 70. See also CONDIC, “Preimplantation Stages of Human Development...”, 26.

⁵⁰⁷ *Ibid.*, 27-28.

⁵⁰⁸ *Ibid.*, 28-29.

By approximately eight hours following sperm-egg fusion, the two pronuclei (of the egg and sperm) have duplicated their genetic information in preparation for cell division. By approximately twenty hours the two pronuclei move together and the nuclear membranes break down in preparation for cell division. The event is referred to as “fusion” of the two nuclei, or “syngamy”.⁵⁰⁹ The process of syngamy involves two internal processes, namely, plasmogamy which is the fusion of the cytoplasm of the two cells and karyogamy which is the fusion of the nuclei of the two cells. Karyogamy involves the fusion of two compatible haploid nuclei (in the case of humans with 23 chromosomes each) to form one diploid nucleus (with 46 chromosomes).⁵¹⁰ The factual evidence of “fusion” is indicated in a scientifically well-defined “moment of conception”.⁵¹¹ At this decisive moment, a new life, distinct from that of the father and that of the mother is given, with a unique, never-to-be-repeated genetic code. An embryo contains a multitude of inherited characteristics. There is however an exclusion of a virtually infinite number of combinations of paternal and maternal traits in favour of unique traits which will determine the individuality of the new life and the innate potentialities that will further develop. Thus a genotype is determined.⁵¹²

Is this new human cell, i.e., the zygote or an embryo, an organism?⁵¹³ Based on the same criteria for distinguishing a cell, namely, the cell composition and cell behaviour one can also distinguish one organism from the other based on its distinctive pattern of behaviour and distinct molecular composition. More specifically, the behaviour of a human organism is unique and clear when compared to any other type of human cell (for example, human embryonic stem cells). Maureen Condic, a neurobiologist, explains this uniqueness of an organism in contrast to a cell as:

The major feature that distinguishes an organism from a cell is that all parts of an organism act together in a coordinated manner to preserve the life, health and continued development of the organism as a whole. While individual cells show complex behaviour designed to sustain cellular life, they show no higher level of organization or coordinated function [...] organisms produce cells in a globally coordinated manner to generate an ordered collection of tissues and structures, all of which contribute to the function of the organism as a whole.

⁵⁰⁹ *Ibid.*, 28.

⁵¹⁰ Cf. Don RITTNER/Timothy L. MCCABE, “karyogamy”, in: *Encyclopedia of Biology*, Facts on File Inc., New York 2004, 185.

⁵¹¹ CONDIC, “Preimplantation Stages of Human Development...”, 29. The term “moment of conception” has been used in *Donum Vitae* (I,1). Ever since this Instruction was given, one can see that the Church documents that followed began using the term “moment of conception”. See *DV* Intro. 4; *CA* 47; *EV* 60 and *DP* 4 for other instances of the use of the term. It is to be noted here that the legislative bodies of different countries have defined the “moment” of conception quite differently as one can see in Canada, United States, Germany and the United Kingdom. For example, Germany sets the beginning of life at a point that occurs approximately 24 hours after the fusion of sperm and egg, defining a human embryo as, “the human egg cell, fertilized and capable of development, from the time of fusion of the nuclei”. GERMAN FEDERAL MINISTRY OF JUSTICE, “Federal Embryo Protection Law” (1990) in *Bundesgesetzblatt*, Part I, 19 Dezember, 1990, 2746-2748. See CONDIC, “Preimplantation Stages of Human Development...”, 26.

⁵¹² Bernard HÄRING, *Medical Ethics*, St. Pauls, UK 1991, 72.

⁵¹³ Merriam-Webster defines “organism” as “1: a complex structure of interdependent and subordinate elements whose relations and properties are largely determined by their function in the whole and 2: an individual constituted to carry on the activities of life by means of organs separate in function but mutually dependent : a living being”. See *Merriam-Webster’s Collegiate Dictionary. Tenth Edition*, Merriam-Webster Incorporated, Springfield, Massachusetts 1999, 819. Cf. CONDIC, “Preimplantation Stages of Human Development...”, 29.

The coordinated production of diverse, yet functionally integrated, structures is the defining feature of an organism and the basis for distinguishing an organism from a mere living cell.⁵¹⁴

Thus, as explained above, the zygote too clearly exhibits a high degree of coordinated behaviour beginning from the moment of fusion of egg and sperm and therefore, is an organism. Important to note here is the behaviour of the zygote. The behaviour of the zygote is not merely directed toward itself as a single cell (say for example, a skin cell), but “is directed toward the production of distinct cell types that will act in a globally coordinated manner to produce the structures and relationships necessary for the ongoing development of an embryo as a whole [...] Thus, even in the first 24 h [hours] of life, there is a clear evidence that the zygote behaves as an *organism*”.⁵¹⁵

Further, when one considers the human development during the first week of life, it becomes even clearer that the zygote is indeed an organism and not merely a human cell. Fertilization generally takes place in the fallopian tubes. The embryo then travels towards the uterus in the following days. Approximately, five days after the first division of the zygote, the implantation into the uterus takes place. During this time an embryo continues to act in a coordinated manner to produce the structures and relationships necessary for its own development in the stages that are to follow.⁵¹⁶

The zygote further divides into two, four, and eight identical totipotent cells. At this stage the ball of cells is named “morula” because it looks like a mulberry (Latin *morula*).⁵¹⁷ By further multiplication of the cells, the morula acquires a cavity and at this stage it is called a “blastocyst”. At one pole of this blastocyst is located a group of cells called “inner cell mass” (ICM). The ICM are the embryo precursor cells or embryogenic cells. In its early stages of development, these ICM are totipotent or pluripotent, i.e., capable of developing into a complete organism.⁵¹⁸ As cell division progresses, the ICM lose their totipotentiality and pluripotentiality, i.e., their capacity to contribute to the formation of any part of the human body. With the formation of the blastocyst, the stage of the embryonic development is all prepared for implantation in the uterus, which is about fourteen days or so after fertilization. At this point there is a separation between cells destined to form the placenta and its adjuncts and those which will form other organs.⁵¹⁹ The cells at this stage called “gastrula”, organize itself into three layers (ectoderm, endoderm and mesoderm). At about the 14-15th day, “a convergence of epithetic cells occurs in the posterior part of the embryonic disc: this is called the primitive

⁵¹⁴ *Ibid.*, 29.

⁵¹⁵ *Ibid.*, 29-30. Emphasis in original. Addition by author.

⁵¹⁶ *Ibid.*, 30-31.

⁵¹⁷ FORD, *When Did I Begin?*..., 147. Cf. also GONSALVES, *How did I begin?*..., 72.

⁵¹⁸ Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1377. Cf. also PONTIFICAL ACADEMY FOR LIFE, *Notes on Cloning*, Libreria Editrice Vaticana, Vatican City 1998, 1b. Totipotency is the ability of a single cell to divide and produce all the differentiated cells in an organism, including extra-embryonic tissues. Pluripotency in the broad sense refers to “having more than one potential outcome.” In biological systems, this can refer either to cells or to biological compounds. From the Latin *pluri*=many, *potent*=power, capacity. A pluripotent cell can create all cell types except for extra embryonic tissue, unlike a totipotent cell, (*tot*=all), which can produce every cell type including extra embryonic tissue. Cf. Hans R. SCHÖLER, “The Potential of Stem Cells. An Inventory”, in: Nikolaus KNOEPFFLER/Dagmar SCHIPANSKI/Stefan Lorenz SORNGER (ed.), *Humanbiotechnology as Social Challenge. An Interdisciplinary Introduction to Bioethics*, Ashgate Publishing, Ltd., Hampshire/Burlington 2007, 27-53; 28.

⁵¹⁹ Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1377.

streak”.⁵²⁰ From here on or shortly afterwards, there is no possibility of twinning, but, everything being equal, an embryo will become the foetus properly called eight weeks or so from fertilization and so on to viability and birth.⁵²¹

Until the end of the second month after conception, the developing being is called an “embryo”. Thereafter, it is called a “foetus”.⁵²² It is to be noted, however, that “the word “zygote”, or “morula” or “blastocyst” or “embryo” or “foetus” is only a technical term for one stage of human development, much like the word ‘adolescent’”.⁵²³

Before proceeding to the next section to find a philosophical basis for the establishment of an embryo as a person, a scientific explanation would be necessary. According to Seidel, the official position held by the Church is that which favours Karyogamy as the beginning of a person. Seidel calls this as a zygotist position, that is, the moment of conception is the beginning of a person.⁵²⁴ He explains what the zygotist position is while quoting Stephen Schwarz, a philosopher, from his book *The Moral Question of Abortion* (who also favours the Church’s position): “The life of a human person is a single continuum”⁵²⁵ and “Conception, the culmination of the process of fertilization, marks the beginning of the continuum of human life.”⁵²⁶ “Sperm and ovum are each merely preparations for a human being. When they come together, they cease to exist.”⁵²⁷ According to Schwarz, “it is a scientific fact that human life begins at conception”.⁵²⁸ Even if scientific inquiry “does not establish”⁵²⁹ that the zygote is a person, yet “Scientific data provide part of the evidence” [...]. “Thus it is science that explains the biological continuity between the zygote and the later child and that the zygote comes into

⁵²⁰ FORD, *When Did I Begin?*..., 170, 171. Cf. GONSALVES, *How did I begin?*..., 75. Gastrulation is a phase during which the single-layered blastula is reorganized into a trilaminar (“three-layered”) structure known as the “gastrula”. These three germ layers are known as the ectoderm, mesoderm, and endoderm. Cf. Stefan MUNDLOS, “Gene action. Developmental Genetics”, in: Michael R. SPEICHER/Stylianios E. ANTONARAKIS/Arno G. MOTULSKY (ed.), *Vogel and Motulsky’s Human Genetics. Problems and Approaches (4th ed.)*, Springer, Heidelberg/Dordrecht/ London/New York 2010, 417-451; 422.

⁵²¹ Cf. Augustine REGAN, “The Human Conceptus and Personhood”, in: *StMor* 30 (1992) 97-127; 102. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1377.

⁵²² Cf. *ibid.* *Donum Vitae* uses both the terms “fertilization” and “conception” to mean the fusion of the gametes to form the zygote (DV I,1). However, Ford makes a distinction between these two terms. For him fertilization is the process of the formation of the zygote and this process ends at syngamy (the new entity with 46 chromosomes [diploid]. Conception is understood rather as “a woman receiving the seed in her womb and becoming pregnant by taking the fetus to herself”. See FORD, *When Did I Begin?*..., 8. “Fertilization in this case is the beginning of conception, while conception itself refers to the actually constituted ontological individual.” See GONSALVES, *How did I begin?*..., 93 at fn.150.

⁵²³ Francis P. FELICE, “Human Life”, in: *OR*, Weekly Edition in English, 11 December 1975, 8 and Robert S. SASSONE (ed.), *The Tiniest Humans. Jerome Le Jeune and Albert William Liley*, Stafford, Virginia 1977, 79. See PAZHAYAMPALLIL, *Pastoral Guide*..., 1377. Since there is a debate over the moral status about the fact whether immediately after fertilization the life begun is a “human”, “a product”, “an entity”, etc., the concept “embryo” is better preferred.

⁵²⁴ Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 122.

⁵²⁵ Stephen D. SCHWARZ, *The Moral Question of Abortion*, Loyola University Press, Chicago 1990, 67. Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 122.

⁵²⁶ SCHWARZ, *The Moral Question of Abortion* ..., 70. Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 122.

⁵²⁷ SCHWARZ, *The Moral Question of Abortion* ..., 68. Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 122.

⁵²⁸ SCHWARZ, *The Moral Question of Abortion* ..., 80. Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 122-123.

⁵²⁹ SCHWARZ, *The Moral Question of Abortion* ..., 80. Schwarz makes it clear that “the term *person* is a philosophical category, not a scientific one”. *Ibid.* Emphasis in original. Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 123.

being as sperm and ovum interpenetrates, thereby ceasing to exist.”⁵³⁰ With the coming into being of the zygote as a new human person there is a radical break. Before this radical break there are two things, namely, the father’s sperm and the mother’s ovum. However, after fertilization it is now one.⁵³¹ With the radical break and fertilization, “The mother’s ovum loses its identity as ovum [...]. The same is true of the father’s sperm.”⁵³² “Sperm and ovum cease to exist.”⁵³³ Based on this radical break, Seidel analyses the approach of the zygotic argument: Centrally located in the zygotist argument is the antithesis between “smooth transition” and “radical break”, between continuous development and discontinuous break. It is true that the “conception [...] is a process that takes a long time”; but the timing of this process in the formation of the zygote – namely, when exactly the male and the female nuclei cease to be and the diploid nucleus come into existence⁵³⁴ – is “a moment of conception: the culmination of the process of fertilization”.⁵³⁵ This process continues into “the development of a human zygote into adult humans [...] without any information-leap, because the species remains preserved. The zygote carries sufficient information for the evolvement of human life, because an embryo, either as a single-celled or multicellular organism, is an individual of the human species”.⁵³⁶ In a nutshell the Karyogamy thesis (*zygotistische These*), according to Seidel, is as follows: First, as a principle: there is either a “radical break” or “smooth transition”, either (prolonged) development process, or (at times abrupt) break; either continuity or discontinuity. Continuity implies identity. Identity implies membership in the species *Homo sapiens*, and thus personality (otherwise it would amount to non-membership and non-personality) “from the beginning”. Second, as “scientifically” seen, there is the human life cycle which is only a single discontinuous event, namely, fertilization. Everything else is proceeding steadily, without interruption, without further (developmental related) break. Hence, third, it is “scientifically” demonstrated that the person begins at fertilization.⁵³⁷ Seidel sums up the conclusion of Schwarz: “Sperm and ovum are transformed into a new being. This new being has a specific genetic structure and associated cellular structure [...]. This is

⁵³⁰ SCHWARZ, *The Moral Question of Abortion* ..., 80. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 123.

⁵³¹ Cf. SCHWARZ, *The Moral Question of Abortion* ..., 68. As Schwarz clarifies: “The transformation of two into one is surely a radical break”. *Ibid.*

⁵³² SCHWARZ, *The Moral Question of Abortion* ..., 68. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 123.

⁵³³ SCHWARZ, *The Moral Question of Abortion* ..., 69. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 123.

⁵³⁴ Cf. Alexander LOHNER, *Personalität und Menschenwürde. eine theologische Auseinandersetzung mit den Thesen der „neuen Bioethiker“*, Pustet, Regensburg 2000, 45: „Zwischen den Zellkernen von Samen und Ei kommt es bei der Befruchtung zu einer dynamischen Beziehung – und dabei hören sie auf zu sein. Man kann daher nur im analogen Sinne von einer ‚Vereinigung‘ oder ‚Verschmelzung‘ sprechen.“ “Between the nuclei of a sperm and an ovum there occurs at fertilization a dynamic relationship – and at that point the sperm and ovum cease to exist. Therefore, one can only speak in an analogous the sense of a ‘union’ or ‘fusion’.” Tr. by author. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 125-126.

⁵³⁵ SCHWARZ, *The Moral Question of Abortion* ..., 76. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 126.

⁵³⁶ „[d]ie Entwicklung einer menschlichen Zygote zum erwachsenen Menschen [...] ohne Informationssprünge, da die Spezies erhalten bleibt. Die Zygote besitzt ausreichende Information der Entfaltung menschlichen Lebens, da der ein- oder mehrzellige Embryo ein Individuum der menschlichen Spezies ist.“ See Clemens BREUER, *Person von Anfang an? Der Mensch aus der Retorte und die Frage nach dem Beginn des menschlichen Lebens*, Schöningh, Paderborn 1995, 49. Addition and emphasis in original. Tr. by author. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 126.

⁵³⁷ Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 126.

the structure that constitutes the individual person, at that stage of his development. It is a specifically human structure, unlike the structure of an animal zygote.”⁵³⁸

Further, using the observation of Clemens Breuer, a German Moral theologian, Seidel then states: “based on the genetic-biological identity between the zygote and the adult human, one arrives at the conclusion that ‘the rational perception of a personal presence’ must be connected ‘with the very first occurrence (appearance) of a human life’”.⁵³⁹ Seidel further puts forward the conclusion of Breuer:

Therefore, the zygote is “not simply a mathematical combination of elements [...], which retain their specific nature, but there arises a new system of a different kind. The ‘fertilized egg’ is not a linear combination of two germ cells, but a new structure, whose characteristics are not the aggregate of the respective characteristics of the germ cells.”⁵⁴⁰

However, Seidel’s is doubtful regarding the zygotist position, because in truth it is an inconsistent stand. The inconsistency arises because of determining the exact “moment” of the “radical break” and in the concrete, the meaning and implication of “potentiality”.⁵⁴¹

Further, the problem here is that the concept of person cannot be decided at the biological level alone, even though it provides insights into understanding the concept. Further deliberation on a philosophical and theological level is also necessary. Therefore, the next section will engage itself on finding a solution as to how far an embryo can be acknowledged as a person at a philosophical level.

4.2.2 The Metaphysical Level: Human Embryo as a Person

Bioethical arguments are based fundamentally on data provided by science.⁵⁴² From the data of biological level that was discussed above one can arrive at the metaphysical level which transcends the former. The question regarding human individual, human being and human person was already dealt with in general regarding a mature adult. Now, it necessitates to affirm the same about an embryo from a bioethical perspective. More accurately phrased, the question that needs to be narrowed down is, what is the *status* of an embryo?⁵⁴³ A clarification about the status of an embryo is essential here so that one acknowledge its inherent human dignity.

⁵³⁸ SCHWARZ, *The Moral Question of Abortion* ..., 72. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 123.

⁵³⁹ „aufgrund der genetisch-biologischen Identität zwischen der Zygote und dem erwachsenen Menschen [ist] zu der Schlussfolgerung zu gelangen, dass, ‚die rationale Wahrnehmung einer personalen Gegenwart schon mit dem ersten Auftreten (Erscheinen) eines menschlichen Lebens‘ verbunden werden muss.“ BREUER, *Person von Anfang an?* ..., 51. Tr. by author. Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 123. Breuer is quoting Karl Lehmann here. See Karl LEHMANN, „Die Würde der Weitergabe menschlichen Lebens wahren“, in: Stephan WEHowsky (Hg.), *Lebensbeginn und menschliche Würde. Stellungnahmen zur Instruktion der Kongregation für die Glaubenslehre vom 22.2.1987*, Gentechnologie. Chancen und Risiken, Bd. 14, Schweitzer, Frankfurt a. M./München 1987, 32-40; 35.

⁵⁴⁰ „Demnach ist die Zygote, ‚nicht einfach eine mathematische Verbindung von Elementen [...], die ihre Natur behalten, sondern ein neues System einer anderen Art entsteht. Die ‚befruchtete Eizelle‘ ist nicht die lineare Verbindung zweier Keimzellen, sondern ein neues System, dessen Eigenschaften nichts mit der Summe der jeweiligen Eigenschaften der Keimzellen zu tun haben.“ SEIDEL, *Schon Mensch oder noch nicht?* ..., 123. Tr. by author. Seidel is quoting BREUER, *Person von Anfang an?* ..., 46.

⁵⁴¹ Cf. SEIDEL, *Schon Mensch oder noch nicht?* ..., 126.

⁵⁴² MEANA, “On the Status of Human Embryos...”, 100.

⁵⁴³ Cf. BUECHE, “Destroying Human Embryos...”, 86. Cf. Tobias HACK, *Der Streit um die Beseelung des Menschen. Eine historisch-systematische Studie*, Studien zur Theologischen Ethik, Bd. 131, Academic Press Fribourg/Herder, Freiburg Schweiz/Freiburg-Wien 2011, 11.

It was already mentioned (Chapter 4.2.1) that an embryo is a form of human life and that it is a human organism. However, the question remains whether an embryo is also a human individual, a human being and a human person.⁵⁴⁴

From a bioethical perspective the question that often arises as a basic issue is, how should one treat the human embryo? It is an ethical question. It is within this context that the question of “personhood” becomes important. It concerns the status that befits human zygotes, embryos and fetuses. In other words, the debatable question playing a central part today is, is everyone who is a human being also a person? The obvious reason for the centrality of this question is the link between the right to life and the concept of a person. That is to say, the answer to the question “Who is a person” determines one’s obligatory moral behaviour.⁵⁴⁵

In order to show that the consequences of the moral behaviour that affect the way an embryo is treated are not trivial, two contradictory views will be examined. On the one hand, there is the theory known as “preformationism”. This theory presupposes a perfectly differentiated organism from the very moment of fertilization. In other words, the sperm is a miniature of the adult organism. Further development was an extension of the miniature being. It leads the philosopher to conclude that the rational soul is infused at the very moment of conception. In this case, an embryo would be treated as a person from the beginning. On the other hand, there is another theory that considers “a succession of life principles” or “epigenesis” in the developing human embryo: The theory holds that: first, it has a vegetative soul, then, it is followed by a sensitive soul and lastly, by an intellectual soul. Each successive soul during this process carries out the functions ascribed to the previous souls. Following this argument, the philosopher would conclude a delayed ensoulment. In this case, an embryo would be treated as a person at a later stage.⁵⁴⁶

⁵⁴⁴ Condic in her conclusion to the article titled, “Preimplantation Stages of Human Development...”, 41, affirms that, “The life of a human being (i.e., a human organism) begins at a scientifically well-defined moment: the fusion of sperm and egg”. *Ibid.* She had already affirmed this a few years back in another article. See IDEM, “When Does Human Life Begin? A Scientific Perspective”, in: *The National Catholic Bioethics Quarterly* 9 (2009) 127-208. In this article, she provides a comprehensive presentation of the biological facts relevant for the determination of the beginning of human life. In the summary of the article, Condic writes: “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.” *Ibid.*, 131. Though Condic, in both the citations that has been quoted, affirms that the zygote is a “human organism” and also a “human being” from the very first stage of development, it is to be mentioned that this assertion goes over to the metaphysical plane since the term “human being”, strictly speaking, is not a term that is proper to biology in the same way that “human organism” is, because it rather belongs to the field of philosophy. Cf. MEANA, “On the Status of Human Embryos...”, 101.

⁵⁴⁵ Ludger HONNEFELDER, „The Concept of a Person in Moral Philosophy“, in: BAYERTZ (ed.), *Sanctity of Life and Human Dignity...*, 139-160; 139. See also WILDFEUER, „Person’ und ‘Mensch’...“, 90 and REITER, „Bioethik...“, 18.

⁵⁴⁶ Cf. MEANA, “On the Status of Human Embryos...”, 100. Pablo Requena Meana, a Moral Theologian in Rome, is using the examples given by Carrasco de PAULA, “Personalità dell’embrione e aborto”, in: *Persona, verità e morale. Atti del Congresso Internazionale di Teologia Morale (Roma, 7-12 aprile 1986)*, Città Nuova Editrice, Roma 1987, 277-290; 288. Cf. also Sabine DEMEL, *Abtreibung zwischen Straffreiheit und Exkommunikation. Weltliches und kirchliches Strafrecht auf dem Prüfstand*, W. Kohlhammer, Stuttgart/Berlin/Köln 1995, 32. See also REITER, „Bioethik...“, 18.

Two other modern contradictory views with regard to treating an embryo as a person need also to be considered.

First, is the view of Singer. His stance becomes clear with regard to right to life of a newborn. To quote his words:

If, for the reasons I have given, the fetus does not have the same claim to life as a person, it appears that the newborn baby does not either [...]. Newborn babies cannot see themselves as beings that might or might not have a future, and so they cannot have a desire to continue living. For the same reason, if a right to life must be based on the capacity to want to go on living, or on the ability to see oneself as a continuing mental subject, a newborn baby cannot have a right to life. Finally, a newborn baby is not an autonomous being, capable of making choices, and so to kill a newborn baby cannot violate the principle of respect for autonomy.⁵⁴⁷

Thus, according to Singer an embryo or a foetus does not have the right to life, let alone a newborn baby.

Second, on the contrary, according to Parfit - who holds for the right of life - considers the zygotes and foetuses as persons. Therefore, according to him every abortion amounts to the homicide of a defenseless person.⁵⁴⁸

These contradictory views that was elaborated above makes it clear that the problem in these cases are not because of the false conclusions arrived at but that they have been reached through an insufficient methodology.⁵⁴⁹

Further, some authors like Álvarez distinguish between three concepts – “an individual of the *homo sapiens* species,” “human being” and “persons” – affirming that they are not equivalent terms.⁵⁵⁰ As already mentioned in Chapter 1.3 above, according to the opinion of some authors, there are persons that are not humans and there are individuals of the *Homo sapiens* who are not humans and cannot be considered either as human beings or human persons because they lack some characteristics that are proper to humans. Álvarez would include an embryo in this group.⁵⁵¹

So the first enquiry here is what type of being is the human embryo? In other words, is the human zygote or an embryo which is a human organism, a human being?⁵⁵² It is a commonly agreed upon affirmation that not all persons belong to the category of human beings, for example, God and angels. According to Álvarez, that which makes an individual of the *Homo*

⁵⁴⁷ SINGER, *Practical Ethics*..., 151-152. In his earlier 1993 edition, the first part of the above quoted passage has a different rendering. There he writes: “If the fetus does not have the same claim to life as a person, it appears that the newborn baby is of less value to it than the life of a pig, a dog, or a chimpanzee is to the nonhuman animal.” See SINGER, *Practical Ethics, Second Edition, op. cit.*, 169-171. German version: IDEM, *Praktische Ethik*, Stuttgart 1984, 171. Cf. HONNEFELDER, „The Concept of a Person...”, 139-140; Cf. WILDFEUER, „‘Person’ und ‘Mensch’...“, 90-91.

⁵⁴⁸ Cf. PARFIT, *Reasons and Persons*..., 322.

⁵⁴⁹ Cf. MEANA, “On the Status of Human Embryos...”, 100.

⁵⁵⁰ Cf. Juan Carlos ÁLVAREZ, “Ser humano-persona: planteamiento del problema”, in: Juan MASÍÁ CLAVEL (ed.), *Ser humano, persona y dignidad*, Universidad Pontificia Comillas-Editorial Desclée De Brouwer, Bilbao 2005, 17-41; 20. See MEANA, “On the Status of Human Embryos...”, 101.

⁵⁵¹ Cf. *ibid.*

⁵⁵² Cf. *ibid.* Sabine Demel, a German Canon Lawyer, phrases these questions about the embryo, thus: „Ist es Mensch im Sinne der biologischen Gattung Mensch, aber noch ohne Individualität und Personcharakter? Oder ist es schon menschliches Individuum und menschliche Person?“ Is it human in the sense of the biological human species, but without individuality and personal character? Or is it already a human individual and a human person? Tr. by author. See DEMEL, *Abtreibung zwischen Straffreiheit und Exkommunikation*..., 31.

sapiens species to be a “human being” is the characteristics of an individual that makes a person. But what characterizes an individual as a person? In the course of history various answers have been given.

One view, which is the classical view (see Chapter 2.5.1 above) of Boethius, defines a person as: *individual substantia rationalis naturae* (individual substance of a rational nature). A second view is the modern concept of person, represented by Locke, according to whom it is self-consciousness which makes an individual remember the past and question himself/herself with regards to the future, as the basis for the identity of the subject. Here the concept of person is defined in a functional term.⁵⁵³ Locke defined a person as:

[...] a thinking, intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and different places; which it does only by that consciousness which is inseparable from thinking, and, as it seems to me, essential to it: it being impossible for any one to perceive without perceiving that he does perceive.⁵⁵⁴

Returning to the classical view of person (definition of Boethius) which is based on the metaphysical concepts of individual substance of a rational nature, can one affirm the same with regard to an embryo?

First, let us consider the first part of the definition, namely, “individual substance”. The application of “individual substance” to an embryo has been objected to on the grounds that there is a possibility of twinning. However, this objection does not seem to be well-founded because a single individual can be conceived which later has the possibility to divide into two or more individual substances due to internal or external factors. The objection is partly based on the confusion between individuality and indivisibility. In response to this objection one can say that what characterizes an individual is his/her actual individuality and not his/her potential indivisibility.⁵⁵⁵

Second, when one considers the human embryo using the second category of Boethius, namely, “rational nature”, then one can perhaps see that this concept gives room to permit a human organism in which all the characteristics proper to humans are not fully present to be considered a person. By the very fact of having rational human nature and not another is what enables an individual to be included within the group of persons. Considered this way, all human organisms are human beings since they all have a rational nature, even though it may not be manifested externally, or even when it is impossible that it will ever be manifested.⁵⁵⁶

Thus, considering the definition of Boethius one can say that an embryo is an individual substance of a rational nature and therefore a person.

Brian Johnstone, an Australian Moral Theologian, argues that the definition of Boethius regarding “person”, which was later accepted by Thomas, is not an appropriate definition in this context. The reason is that Thomas used the definition of Boethius to deal with metaphysical question within theological inquiries concerning the persons in the Trinity and especially the sense in which Christ could be considered to be a person. Johnstone further takes

⁵⁵³ Cf. MEANA, “On the Status of Human Embryos...”, 101-102.

⁵⁵⁴ LOCKE, *An Essay Concerning Human Understanding*..., Book II, Chapter 27, para 9.

⁵⁵⁵ Cf. MEANA, “On the Status of Human Embryos...”, 102.

⁵⁵⁶ Cf. *ibid.* This perhaps may be the answer to the objection raised by Engelhardt and others (see Chapter 1.3 above) who do not include an embryo, an encephalopathy of a foetus or PVS patients as persons.

the support of the argument of Ratzinger who had already criticized this definition on the basis that this definition was constructed entirely in terms of the Greek idea of “substance” and therefore could not provide an adequate explanation either in Christology or Trinitarian doctrine. Johnstone himself proposes that the definition is inadequate not only for theological purposes for which it was used, but also inappropriate when one considers “person” from a moral perspective.⁵⁵⁷ Johnstone therefore makes a distinction between a “person” understood in an ontological sense and “person” understood in a moral sense. It is to be remembered that the question of the personhood of an embryo is dealt with here because of its relevance in Bioethics and owing to its protection from the beginning of its existence. It is in this context that one can see the validity of the argument of Johnstone. For him this distinction (ontological vs. moral) is important because the absolute value and absolute protection of an embryo does not depend on the embryo’s fulfilling an ontological definition of “person” but understood in the moral sense.⁵⁵⁸

Following Locke, as mentioned above, there are also other authors in the field of bioethics who claim that self-consciousness is necessary in order to qualify as a person. Engelhardt for example, proposes a functionalist-actualist basis to be included as a person. He defines the person on the basis of characteristics like self-consciousness, autonomy and rationality. Defined in this way, an embryo would naturally be excluded from being considered as a person (see also Chapter 1.3 above).⁵⁵⁹ Angel Rodríguez Luño, a Moral Theologian, consultor for the Congregation for the Doctrine of the Faith and an ordinary member of the Pontifical Academy for Life in Rome, is of the opinion that the theory of functionalist-actualist proposal of Engelhardt reduces substance to function *in actu*. According to Luño, it is a debatable metaphysical posture which when used to determine the moral status of an embryo leaves it in a totally unprotected situation. The problem of such moral system lies in the fact that the will of the strong is imposed on the weak. Here the stronger establishes the criteria that the weaker

⁵⁵⁷ See Brian V. JOHNSTONE, “The Human Embryo. A Person to be Loved”, in: *StMor* 49/2 (2011) 419-438; 425-426. Cf. Joseph RATZINGER, *Dogma und Verkündigung*, Erich Wewel Verlag, München 1973, 205-223; 212-213. Ratzinger writes: „Boethius hat, auf der Ebene des griechischen Geistes verbleibend, Person definiert als naturae rationalis individua substantia, als die individuelle Substanz einer vernünftigen Natur. Man sieht, der Personbegriff steht gänzlich auf der Substanzebene; das kann weder bei der Trinität noch bei der Christologie etwas klären; es ist eine Aussage, die auf der Ebene des substantialistisch denkenden griechischen Geistes verharret.“ *Ibid.* Ratzinger writes: “Remaining on the level of the Greek mind, Boethius defined “person” as naturae rationalis individua substantia, as the individual substance of a rational nature. One sees that the concept of person stands entirely on the level of substance. This cannot clarify anything about the Trinity or about Christology; it is an affirmation that remains on the level of the Greek mind which thinks in substantialist terms.” IDEM, “Retrieving the Tradition. Concerning the notion of person in theology”, in: *Communio: International Catholic Review* 17/3 (1990) 439-454; 448. The article is a tr. by Michael Waldstein of the chapter, „Zum Personenverständnis in der Theologie“ from RATZINGER, *Dogma und Verkündigung*... 205-223.

⁵⁵⁸ Cf. JOHNSTONE, “The Human Embryo...”, 423. Cf. BUECHE, “Destroying Human Embryos...”, 92.

⁵⁵⁹ Cf. MEANA, “On the Status of Human Embryos...”, 102.

individuals (here an embryo) of the human species have to fulfill before being considered for moral and juridical status of person.⁵⁶⁰

The question of the possibility of considering an embryo as a person with qualifications such as in a moral sense will be dealt with in the next section. Since the aim is to explore the question of human dignity pertaining to the beginning of life issues, the next section will enquire whether the concept of human dignity has any relevance in the field of Bioethics as a normative principle and how far it can be applied to a human embryo.

4.3 ETHICAL LEVEL: THE USE OF HUMAN DIGNITY AS A NORMATIVE PRINCIPLE IN BIOETHICS

Appeals to human dignity have been made in the field of bioethics, philosophy and law. Human rights are grounded on human dignity. Human dignity has been used as a central criterion for the evaluation of controversial technologies like cloning and embryonic stem cells. Given this background and taking into consideration that other arguments may be possible, the enquiry here is, whether it is possible to defend the right to life – especially when life is at its weakest, namely, at the beginning or the end of life – by using the concept of human dignity as a normative principle. It must be reiterated here that in these circumstances the debate falls back on the basis that human rights are grounded on human dignity. It is because human beings possess inherent human dignity that they become the subject of rights, namely, human rights. Human dignity precedes human rights. In other words, human rights are a juridical concretization of the more general concept of human dignity. In fact, human dignity is used as the highest principle in ethical and juridical discussions.⁵⁶¹

In bioethical debates the concept of human dignity has been the subject of intense controversy especially in the debate over the so-called “death with dignity” in the seventies. Ever since that time the application of human dignity in Bioethics has been questioned. For example, bioethicist Ruth Macklin in an editorial in *British Medical Journal* strongly denounces the widespread use of the concept and its normative function.⁵⁶² She writes:

Is dignity a useful concept for an ethical analysis of medical activities? A close inspection of leading examples shows that appeals to dignity are either vague restatements of other, more precise, notions or mere slogans that add nothing to an understanding of the topic.⁵⁶³

Macklin also is of the opinion that references to human dignity can be replaced by other principles such as respect for persons or their autonomy.⁵⁶⁴

⁵⁶⁰ LUÑO states: “*Questa teoria riduce la sostanza (in senso metafisico) alla funzione in atto. Implica la prevaricazione del forte sul debole, cioè di colui in virtù della sua posizione di vantaggio può stabilire i presupposti [...]*”. See LUÑO, *Scelti in Cristo per essere santi...*, 189. “This theory reduces the substance (in the metaphysical sense) to the function *in actu*. It involves the abuse of the strong over the weak, which presupposes in establishing it namely by virtue of one’s advantageous position.” Tr. by author. Cf. MEANA, “On the Status of Human Embryos...”, 102.

⁵⁶¹ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 93. Cf. KUSUMALAYAM, *Human Rights...*, 180. Cf. CHAPMAN, “Human Dignity...”; 3. See also Gerhard MARSCHÜTZ, *theologisch ethisch nachdenken. Band 1. Grundlagen*, Echter Verlag, Würzburg 2009, 241.

⁵⁶² Cf. Manuel TOSCANO, “Human Dignity as High Moral Status”, in: *Les ateliers de l’éthique/The Ethics Forum* 6/2 (2011) 4-25; 8.

⁵⁶³ Ruth MACKLIN, “Dignity is a Useless Concept”, in: *British Medical Journal* 327/7429 (2003) 1419-1420; 1419.

⁵⁶⁴ Cf. *ibid.*, 1420.

Given the above circumstance, one is faced with two pressing enquiries. First, the enquiry is whether one can use the concept of human dignity in Bioethics and whether an embryo can qualify as a bearer of human dignity in bioethical discussions. Second, the enquiry regarding ethical status of an embryo is brought to the forefront in bioethical issues involving experimentation on an embryo, *in vitro* fertilization, embryonic stem cell research, etc. Therefore, one is faced with two problems that need to be addressed here.

First, the last three Chapters have shown that there is the problem of a common understanding of human dignity, be it in general, or from a philosophical or theological point of view. Closely associated with the concept of human dignity, there is already the confusion of the terms such as person, human person, human life as well as the controversial question on hominization (which will be dealt with elaborately in the next Chapter). Besides these, there stands another great challenge, namely, whether one can acknowledge that human dignity can be applied as a normative principle in bioethical discussions with regard to beginning of life issues.

Second, the treatment meted out to an embryo in such cases depends on how an embryo is understood. In order to tackle the issue, either one could answer by referring back to when human life begins, or define the concept of person and see whether an embryo can qualify to be included in this definition.⁵⁶⁵ These two approaches will be dealt with in the next Chapter.

However, the Warnock Committee⁵⁶⁶ claimed that it was possible to resolve the above questions without addressing them directly regarding when human life begins or the defining of an embryo as a person.⁵⁶⁷ The Committee claimed:

Although the questions of when life or personhood begin appear to be questions of fact susceptible of straightforward answers, we hold that the answers to such questions in fact are complex amalgams of factual and moral judgements. Instead of trying to answer these questions directly we have therefore gone straight to the question of *how it is right to treat the human embryo*. We have considered what status ought to be accorded to the human embryo, and the answer we give must necessarily be in terms of ethical or moral principles (Warnock 1984, para 11.9).⁵⁶⁸

The Committee also implied that their conclusion had come to a judgement on these matters. In the case of an embryo under research *in vitro* their conclusion was that: "A human embryo cannot be thought of as a person, or even as a potential person. It is simply a collection of cells which, unless it implants in a human uterine environment, has no potential for development. There is no reason therefore to accord these cells any protected status" (Warnock 1984, para 11.15).⁵⁶⁹ The Committee further endorsed that the "more generally held position, however, is that though the human embryo is entitled to some added measure of respect beyond that

⁵⁶⁵ Cf. David Albert JONES, *The Soul of the Embryo. An enquiry into the status of the human embryo in the Christian Tradition*, Continuum, London 2004, 219.

⁵⁶⁶ The Warnock Committee was established in July 1982 in order "To consider recent and potential developments in medicine and science related to human fertilisation and embryology; to consider what policies and safeguards should be applied, including consideration of the social, ethical and legal implications of these developments; and to make recommendations" (Warnock 1984, para 1.2). See DEPARTMENT OF HEALTH AND SOCIAL SECURITY, *Report of the Committee of Inquiry into Human Fertilization and Embryology*, Her Majesty's Stationery Office, London 1984, Reprint 1988, 4. Cf. "The Warnock Committee", in: *British Medical Journal* 289 (1984) 238-239; 238.

⁵⁶⁷ Cf. JONES, *The Soul of the Embryo*..., 219.

⁵⁶⁸ DEPARTMENT OF HEALTH AND SOCIAL SECURITY, *Report of the Committee*..., 60. Emphasis in original.

⁵⁶⁹ *Ibid.*, 62.

accorded to other animal subjects, that respect cannot be absolute, and may be weighed against the benefits arising from research” (*ibid.*).⁵⁷⁰ Nevertheless, the Warnock Committee recommended that experimentation can only be allowed prior to the emergence of the primitive streak, which “most authorities put this at about fifteen days after fertilisation. This marks the beginning of the *individual* development of the embryo” (Warnock 1984, para 11.22; emphasis added.).⁵⁷¹

In the field of Bioethics human dignity is invoked in such situations in which the worth of human beings is at stake, that is, when human beings are used, forced or injured. One could not use a human being as a thing or object because human dignity requires that they be treated as having intrinsic worth. But how does one acknowledge that human dignity is intrinsic to human beings? This is a fundamental question here because bioethical discussions regarding the beginning of life issues are centred on the question about the intrinsic worthiness or dignity of an embryo. Though the philosophical and theological foundations of Bioethics concur from different point of views, they result in a double agreement: They remind human beings of their responsibility towards the non-human as well as the special dignity of human life.⁵⁷²

In reality, the concept of human dignity has been used in bioethical discussions especially with regard to issues concerning the beginning and end of life. Restricting ourselves only to beginning of life issues, one can see that the concept of human dignity has been used as a central criterion for the evaluation of controversial technologies. In Germany, for example, there is a frequent reference to the concept of human dignity as a normative principle made both in the ethical and legal debate on issues such as germ line gene therapy, surrogate motherhood, or embryo research.⁵⁷³ The research of biologists like Condic (see Chapter 4.2.1 above), attest to the beginning of human life as the “moment of conception.” Based on the inference by Kant that human dignity is intrinsic, one can conclude that human persons are in possession of this dignity from the very beginning of her or his life (i.e. from conception or fertilization).⁵⁷⁴

Nevertheless, in the same breath one must also acknowledge that in the discussions on Bioethics when the arguments of Kant are used he does not totally forbid the use of other people as a means. That is to say, one may not exclusively use others “only as a means”. However:

We must under all circumstances and always, even if we employ and “use” other people, see in them an end in themselves and treat them accordingly. The consequences for medical ethics are immediately clear. When conducting experiments there must always be – as we say today – a “therapeutic indication”, i.e. the patient with whom we conduct experiments must also have the therapeutic benefit of it. On the basis of this principle the production of human embryos for research would be against Kant’s moral imperative.⁵⁷⁵

⁵⁷⁰ *Ibid.*, 62. Cf. JONES, *The Soul of the Embryo...*, 219. David Jones is of the opinion that based on the importance of the judgment of the Committee it would have been better if it tackled and inquired directly regarding the question of whether the embryo is an actual human being or when it becomes one. Cf. *ibid.*

⁵⁷¹ DEPARTMENT OF HEALTH AND SOCIAL SECURITY, *Report of the Committee...*, 66. Cf. JONES, *The Soul of the Embryo...*, 225.

⁵⁷² Cf. SCHOCKENHOFF, *Ethik des Lebens...*, 226.

⁵⁷³ BIRNBACHER, “Ambiguities...”, 107.

⁵⁷⁴ Cf. CONDIC, “When Does Human Life Begin?...”, 131.

⁵⁷⁵ HAILER/RITSCHL, “The General Notion of Human Dignity...”, 98.

How far these arguments, coupled with a theological slant, play a role in theological arguments centred on human dignity will be taken up in their proper contexts in Parts II and III of this research respectively.

For now, the reasons that reject an extensive recourse to the concept of human dignity in Bioethics needs to be explored. The opinion of Birnbacher in this regard is described here. He is of the opinion that the concept is sometimes used in an inflationary manner. The concept in these fields is irritating not only to Anglo-American observers but also in general.⁵⁷⁶ There are a few who claim in bioethical discussions that the term human dignity is an “empty formula” (*Leerformel*) without any clear content and which does not claim any general liability and others who deny this claim.⁵⁷⁷ On the outset, the problem can be attributed partly to the unclarities and ambiguities, to its “Leerformel” content and to its application which is merely rhetorical and opportunistic or a “conversation stopper”.⁵⁷⁸ Analyzing further, Birnbacher gives three reasons for an inflationary use of the concept of human dignity.

The first reason is:

[...] one gets the impression that the inherent emphasis and the inherent pathos of the concept is exploited simply in order to eschew the difficulties of giving rational arguments for moral and legal injunctions against unwelcomed practices. These difficulties cannot be underestimated. The fact that practices like surrogate motherhood and embryo research are rejected, more or less emotionally, by a great majority of the population - and, probably, by a majority of intellectuals -, is by itself not sufficient either to justify the moral judgment that they are inherently immoral or the penal sanctions imposed, e.g., by the German Embryonenschutzgesetz of 1990. By functioning as a “knock-down” argument the Menschenwürde argument offers an easy way out of this dilemma.⁵⁷⁹

Second, there is a tendency of blurring all conceptual distinctions by using the human dignity arguments. For example, some authors use the concept of human dignity in a way that is coextensive with the principle of sanctity of life. Such use seems as if the protection of life were the only central concern of human dignity as in the case of Germ line Gene Therapy.⁵⁸⁰

Third, and the most important reason, an extensive use of the concept of human dignity necessarily weakens the authority and moral emphasis of the concept. Given its important role to play, an extensive use of the concept of human dignity is stripped of its meaning and its normative force.⁵⁸¹

⁵⁷⁶ Cf. BIRNBACHER, “Ambiguities...”, 107.

⁵⁷⁷ Cf. *ibid.* Cf. also SCHOCKENHOFF, *Ethik des Lebens...*, 226. Lehmann is of the opinion that human dignity is in no way an empty formula. Cf. Karl LEHMANN, *Zuversicht aus dem Glauben. Die Grundsatzreferate des Vorsitzenden der Deutschen Bischofskonferenz mit den Predigten der Eröffnungsgottesdienste*, Herder, Freiburg i.Br. 2006, 388.

⁵⁷⁸ BIRNBACHER, “Ambiguities...”, 107. Birnbacher in using the term “conversation stopper” is referring to Keenan’s article, Cf. KEENAN, “The Concept of Sanctity of Life...”, 10. See also Chapter 1.3 above regarding the Ambiguity of Language involved in the concept of human dignity.

⁵⁷⁹ BIRNBACHER, “Ambiguities...”, 108-109.

⁵⁸⁰ Birnbacher is giving here an example by Sebastian Poliwoda in his article. See Sebastian POLIWODA, “Keimbahntherapie und Ethik”, in: *EthMed* 4 (1992) 16-26. Birnbacher is of the opinion that the principle of sanctity of life and human dignity are confused rather than actually probing into the complex relation between human dignity and right to life. He then gives an example of the case of suicide and euthanasia. According to him, although suicide and euthanasia are against the principle of sanctity of life, they are clearly compatible with human dignity. Cf. BIRNBACHER, “Ambiguities...”, 109.

⁵⁸¹ Cf. *ibid.*

Birnbacher, therefore, suggests that in order to counteract the above three developments so that the concept of human dignity may not be rejected, “one is well advised to reduce the descriptive content of this normative concept to a central and undisputed core meaning that leaves less room for subjective interpretation and stands above the political disputes of the day”.⁵⁸²

In agreement with Birnbacher, it is acknowledged that the concept of human dignity indeed has a role to play in Bioethics. As already mentioned, the concept also has a content (see Chapter 1.4 above). The content entails certain minimal rights and one of it is the right to life.

Further, the problem with the concept of human dignity is that it is not an absolute notion independent of the situation-bound interpretation. Although, its value may be called “absolute”, yet its interpretation can vary according to the situation. An example would illustrate this situation. In 1945, it would not have been against human dignity to put up a large family of refugees in a small room. However, today to do so would be against the principle of human dignity.⁵⁸³ Legal theoretician, Robert Alexy explains the reason for this change by making a distinction. According to him, human dignity is a principle and not an absolute rule.⁵⁸⁴ The principles of this kind, according to him, are “optimizing offers”, which are of universal character, having precedence over rules. Yet, they do not enjoy the definitive ambiguity of rules. They are vulnerable, can conflict with other principles and in need of concretization by the application of certain rules or laws. This problem is verified especially in biomedical cases.⁵⁸⁵ Keeping this in mind, and without alluding to a religious sense, the working definition of human dignity in the field of Bioethics is stated once again, in order to clarify certain terms especially pertaining to the beginning of life. The proposed definition reads:

Independent of the sex, origin, country, society, class, caste, profession, religion, culture or family, every human individual, because of being human, has an inviolable intrinsic worth owing to his/her autonomy and endowed with reason which is recognized throughout one’s human life and respected but not granted; that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.

From the foregoing discussions thus far, at this stage of the research, certain phrases in the above definition need clarification. The phrase “every human individual” includes also an embryo. Embryos are also included in the next phrase, namely, “his/her autonomy and endowed with reason”, because they are not potential persons devoid of autonomy and reason but persons with a potency though not manifested but contained in its very meaning as a human person. By the phrase, “recognized throughout one’s human life”, is meant independent of the controversy over the moment of animation, or a specified date (e.g., fourteen days or fifteen days after fertilization or when the primitive streak appears), embryos have inherent dignity and thus recognized from the very first moment of its existence. The last phrase which reads, “that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected”, convey the meaning that embryos need to be respected while

⁵⁸² *Ibid.*

⁵⁸³ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 102.

⁵⁸⁴ Robert ALEXY, *Theorie der Grundrechte*, Suhrkamp, Frankfurt a. M. 1986, 95-97.

⁵⁸⁵ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 102.

not allowing a wilful destruction by means of experimentation on them. Rather such experiments are done in cases of providing a therapeutic treatment if and when necessary.

4.4 CONCLUSION

Only human persons have human dignity. Hence, the question arises whether an embryo qualifies to be a human, a human person and whether it merits human dignity. Therefore, this question was treated in this Chapter which revolved around the individuality and personhood of an embryo. The questions that were consequently posed were whether an embryo can be regarded as a human, as an individual and as a person. To answer this question, the scientific perspective of the status of an embryo was first dealt, which would eventually help to discuss about its status from a metaphysical point of view.

From a biological perspective, the conclusion is that an embryo is not any biological human cell but a form of human life with different dynamism, biochemical, and metabolic characteristics that is proper to a human organism. Based on scientific conclusion, the developing embryo is a human organism. However, few experts deny this fact.⁵⁸⁶ They hold on to the fact that an embryo is only a group of cells and not a human organism. However, one could perhaps prove that an embryo is a person based on the genetic-biological identity between it and the adult human.

At a metaphysical level, the status of an embryo could be seen from two contradictory perspectives, “preformationism” and “epigenesis”. In the modern times, two other contradictory views are prevalent, namely, that by Singer, who holds that an embryo or a foetus does not have the right to life and Parfit, who considers the zygotes and foetuses are persons and therefore, have the right of life. The problem becomes even more complicated by those authors like Álvarez, who distinguish between three concepts, namely, “an individual of the *homo sapiens* species,” “human being” and “persons”. In order to answer these problems, the definition of person by Boethius was examined. It was concluded that what characterizes an individual is his/her actual individuality and not his/her potential indivisibility. So too, an embryo is an individual from the moment of conception. The twinning process that may occur at a later date is a question of potential indivisibility and the fact does not deny the individuality from the first moment of its conception. With regard to the “rational nature” and all the characteristics proper to humans in the definition of Boethius, one can say that the very fact that embryos have a rational human nature and not another – even though it may not be manifested externally or even when it is impossible that it will ever be manifested – are still human beings. Thus, one can derive from the definition of Boethius that an embryo is an individual substance of a rational nature and therefore a person. It is also important to note that the absolute value and absolute protection of an embryo does not depend on the embryo’s fulfilling an ontological definition of “person” but understood in the moral sense. According to some other authors, there is a claim that in order to be included in the realm of personhood, one has to have characteristics like self-consciousness, autonomy and rationality, which is a functionalist-actualist proposal. A counter-argument is that when these characteristics are used to determine the moral status of an embryo, it leaves an embryo in a totally unprotected situation. Such moral system imposes the will of

⁵⁸⁶ Cf. MEANA, “On the Status of Human Embryos...”, 100-101.

the strong on the weak. Thus, from a metaphysical level, it was concluded that one could recognize the status of an embryo as a human person.

Finally, having answered the above questions from a biological and metaphysical level, the next question whether one can invoke human dignity as a normative principle in the field of Bioethics and thereby acknowledge the inherent dignity of an embryo was taken up. Although, there were disagreements from some quarters, it was shown how this principle of human dignity can still be acknowledged of an embryo. In order to reduce the inflationary use of the concept of human dignity it was suggested that the normative concept should be restored to a central and undisputed core meaning while reducing the descriptive content. The discussion ended with the clarification of the working definition of human dignity. Although the concept of human dignity is based upon an anthropological and a religious creed and is not a legal one, yet it is used sometimes as such and forms as it were as a frame work reference in ethics. It is to be noted that principles that are employed in ethics are equally valid in Medical Ethics too.⁵⁸⁷

⁵⁸⁷ Cf. Traugott KOCH, „Menschenwürde als das Menschenrecht - Zur Grundlegung eines theologischen Begriffs des Rechts“, in: *ZEE* 35 (1991) 96-112. Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 102 & 105.

CHAPTER 5

WHEN IS A SOUL INFUSED IN AN EMBRYO?

5.1 INTRODUCTION

In the modern world, one can span the scientific advancement ranging from treatment of infertility through *in vitro* fertilization or the possibility of improvement of health, such as using embryonic stem cells in treating Parkinson and Diabetes mellitus. In this field of medical research and advancement, some scientists were justifying the destruction of human embryos. For some of them an embryo is a cell or a group of cells, or just a biomaterial and nothing else. As though encouraging the scientists, some philosophers were justifying that an embryo is not yet a human being or at least not yet a human person, depending on their stage of development. It can be perceived that the motivation behind the recognition of an embryo as a person is not something that is disinterested or impartial.⁵⁸⁸

Therefore, the questions arises as to how one should treat the human embryo in the wake of medical advancement and the possibility of manipulating them in a laboratory? Respect, care, protection and right to life (which is based on human dignity and especially at its beginning) of an embryo is partially and closely a philosophical question. In this sense, it is connected with the theory of ensoulment. Thus, the motivation behind the question is understandable primarily from its practical outcome, in the context stated above.

Therefore, the interest in this Chapter is to answer the question: Is an embryo a human being in the sense of possessing a rational soul? And if so, when exactly is the rational soul infused into the body? In other words, is an embryo an “it”, or just “a product”, or “an entity”, or a group of cells and nothing else or a human?

5.2 STATING THE PROBLEM: WHEN EXACTLY IS THE RATIONAL SOUL INFUSED INTO THE BODY?

Authors like Ford, who base themselves on Aristotle and medieval scholasticism, claimed that an embryo is a “human in potency”.⁵⁸⁹ For Aristotle, writing in the context of matter and form (*De anima*: “Now there is one class of existent term, firstly, matter [ὑλη] ...; secondly, shape or form [μορφή]”⁵⁹⁰) says: “Matter is identical with potentiality, form with actuality”.⁵⁹¹ In the case of living beings, the body is the matter and soul is the form (*De anima*: “for the body [Σωμα] is [...] matter [...] soul [ψυχή] is the form of a natural body”⁵⁹²). Aristotle also taught that: “The soul [...] is the actuality of the body”.⁵⁹³ Thus, according to him, “the soul is cause and origin of the living body”.⁵⁹⁴ He also argued that a certain organization was necessary in

⁵⁸⁸ Cf. BUECHE, “Destroying Human Embryos...”, 87-90. Cf. also MEANA, “On the Status of Human Embryos...”, 103.

⁵⁸⁹ Cf. FORD, *When Did I Begin?...*, 19-43. Cf. MEANA, “On the Status of Human Embryos...”, 103.

⁵⁹⁰ ARISTOTLE, *De anima*, Book II, Chap.1, 412a 7-8. English tr. IDEM, *De anima*, with tr. intro. and notes by R. D. HICKS, University Press, Cambridge 1907, 49. Addition by author.

⁵⁹¹ ARISTOTLE, *De anima*, Book II, Chap.1, 412a 10. English tr. IDEM, *De anima*..., 49.

⁵⁹² IDEM, *De anima*, Book II, Chap.1, 412a 16-19. English tr. IDEM, *De anima*..., 49. Addition by author.

⁵⁹³ IDEM, *De anima*, Book II, Chap.1, 412a 21. English tr. IDEM, *De anima*..., 49 & 51. Cf. BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 369.

⁵⁹⁴ ARISTOTLE, *De anima*, Book II, Chap.4, 415b 8. English tr. IDEM, *De anima*..., 65. Cf. BAUMGARTNER *et al.*, „Menschenwürde und Lebensschutz. Philosophische Aspekte...“, 369.

order that matter would receive the form. In the case of human conception, Aristotle postulated for a type of progressive reception of form. The woman provides the material principle and could not receive a sensitive or intellective soul right from the beginning, although they were in potency to receive the substantial form (soul) contributed by the male semen.⁵⁹⁵

Aristotle believed that male foetuses were animated by a soul earlier than when compared to a female. Aristotle writes in his *History of Animals*, Book VII, Chap.3, “If the child is a male, a movement is usually felt on the right side of the groin, in about forty days; if a female, the movement occurs on the left side, in about ninety days.”⁵⁹⁶ Following this argument, Aristotle held for a difference in animation times for males and females due to the perceived fundamental differences between them. On the one hand, he believed that males were more active than females and therefore were quicker to develop and obtain a soul on the fortieth day after conception. On the other hand, females were perceived as physically and intellectually inferior to males. This led him to the conclusion that the process of ensoulment took a longer time to complete in females, which is the ninetieth day after conception.⁵⁹⁷

Meana commenting on the Aristotelian theory says:

This epigenetic theory adopted in the theological field by some, among them Thomas Aquinas, led them to postulate that the human soul could only be infused by God to the fetus after 40 days for males and after 80 or 90 days for females. This doctrine forms the foundation for the denial of the personhood of the embryo by some contemporary theologians.⁵⁹⁸

Thus, the question: “When does an Embryo become a person?” hangs on a very important foundation, namely: When exactly is the rational soul infused into an embryo? There are four possibilities as to when a human being may be said to acquire a rational soul, or in other words, four possibilities as to when the life of a human may be said to begin or what is known as the individuation of an embryo. The human being may acquire a soul:

⁵⁹⁵ Cf. ARISTOTLE, *De generatione animalium*, Book II, Chap.3, 736a 35 – 737a 24. For the English tr. see IDEM, *Generation of Animals*, tr. by A.L. PECK, William Heinemann Ltd, London 1963, 166-175. Cf. MEANA, “On the Status of Human Embryos...”, 103. See also JOHNSTONE, “The Human Embryo...”, 419-420. Cf. also Joseph F. DONCEEL, “Immediate Animation and Delayed Hominization”, in: *TS* 31 (1970) 76-105; 76-77.

⁵⁹⁶ ARISTOTLE, *History of Animals*, tr. by Richard CRESSWELL, George Bell & Sons, London 1883, 183.

⁵⁹⁷ Cf. Scott GILBERT/Ann TYLER/Emily ZACKIN, *Bioethics and the New Embryology. Springboards for Debate*, Sinauer Associates & W.H. Freeman and Company, Sunderland, Massachusetts 2005, 34. Cf. Gerald BONNER, “Abortion and Early Christian Thought”, in: John H. CHANNER (ed.), *Abortion and the Sanctity of Human Life*, Paternoster Press, Great Britain, Exeter 1985, 93-122; 97-98.

⁵⁹⁸ MEANA, “On the Status of Human Embryos...”, 103. Thomas was claiming here to say that the soul was created by God and not generated by the parents. See AQUINAS, *Commentary on the Sentences*, Book III, Distinction.3, Q.5, art. 2, *solutio*. Here Thomas is citing ARISTOTLE, *History of Animals*, Book VII, Chap.3. See fn.596 above. Cf. JOHNSTONE, “The Human Embryo...”, 420 at fn.4. Cf. also Karl LEHMANN, „Vom Anfang des Menschseins. Zur Grundfrage in der heutigen bioethischen Diskussion“, in: Bernhard NACKE/Ernst STEPHAN (ed.), *Das Ungeteiltsein des Menschen. Stammzellforschung und Präimplantationsdiagnostik*, Matthias-Grünwald-Verl., Mainz 2002, 216-221; 219.

1. at the moment of conception
2. some time between conception and birth
3. at the moment of birth
4. some time after birth.⁵⁹⁹

The first two views have a long history in the Church. Consequently, there are two theories corresponding to these two views. The first theory holds for a “mediate or delayed animation”, i.e., ensoulment after a period after fertilization, or in other words, the human soul is not infused at the moment of conception, but at some later point in the process of development. The second theory is that of “immediate animation”, i.e., immediate ensoulment at fertilization, or in other words, the human soul is infused at the moment of conception.⁶⁰⁰ In the following sections, these two theories will be analyzed.

The view that the human being began to exist immediately after birth was associated with Stoics and the Platonists. Similarly, the view that the soul entered long after birth prevailed most notably as the toleration of infanticide, although they did not understand it in the sense of a delayed acquisition of the soul, rather for them children, women, slaves and barbarians did not have the legal or ethical status that depended on free citizenship.⁶⁰¹ These later views continue to exist even in modern times.⁶⁰²

5.3 THEORY OF MEDIATE OR DELAYED ANIMATION

In this section, the theory of delayed animation will be dealt with from a historical perspective until recent times as well as from a biological perspective.

5.3.1 Historical Development in the Catholic Church

With regard to the moment of animation, there is support from tradition as envisaged by some theologians. A distinction was made between the unformed and the formed foetus from the earliest centuries. This distinction stemmed from the Septuagint translation of Ex 21,22.⁶⁰³ According to Jerome and Augustine, abortion is not homicide until the scattered elements are formed into a body.⁶⁰⁴ Augustine says, “because the great question about the soul is not to be hastily decided by unargued and rash judgment, the law does not provide that the act pertains

⁵⁹⁹ JONES, *The Soul of the Embryo...*, 109. Reiter speaks of six different theories about the question of the beginning of life. They are: (1) at fertilization, (2) end of Nidation/implantation, (3) after the possibility of twinning (4) development of brain (5) sometime during pregnancy or with the birth, or (6) the first year of a baby's life when self-consciousness and possibility of freely choosing is attained. See REITER, „Bioethik...“, 15-17.

⁶⁰⁰ Cf. JOHNSTONE, “The Human Embryo...”, 423.

⁶⁰¹ Cf. JONES, *The Soul of the Embryo...*, 109-110.

⁶⁰² Cf. REITER, „Bioethik...“, 17.

⁶⁰³ Cf. PODIMATTAM, *Medical Ethics (Vol. 4)...*, 52. See also Cf. GONSALVES, *How did I begin?...*, 5. The Septuagint translates unformed foetus as μη̐ ἐξικονισμένον and formed foetus as ἐξικονισμένον. Although there is a dispute regarding the “manipulation of the original text”, yet insofar as taking the life of a formed foetus is unequivocally equated in the text, it is important to know the difference. Cf. *ibid.*

⁶⁰⁴ Cf. John Thomas NOONAN, “An Almost Absolute Value in History”, in: John Thomas NOONAN (ed.), *The Morality of Abortion. Legal and Historical Perspectives*, Harvard University Press, Cambridge 1970, 1-59; 15. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)...*, 52.

to homicide, for there cannot yet be said to be a live soul in a body that lacks sensation when it is not formed in flesh and so not yet endowed with sense.”⁶⁰⁵

Later, Gratian in his canonical collection (1140) asserted that the soul was not infused until the foetus was formed.⁶⁰⁶

Thomas claimed that during the first few weeks of pregnancy there was no human being. Following Aristotle, Thomas held that at the moment of conception there originated a vegetative organism which would slowly evolve into a sentient organism and finally into a rational organism, a real human being, a theory that was already mentioned as “epigenesis” (see Chapter 4.2.2 above).⁶⁰⁷

Thomas mentioned several times about the delayed animation.⁶⁰⁸ A quotation from *Summa theologiae* states:

It is in this way that through many generations and corruptions we arrive at the ultimate substantial form, both in man and other animals [...]. We conclude therefore that the intellectual soul is created by God at the end of human generation, and this soul is at the same time sensitive and nutritive, the pre-existing forms being corrupted.⁶⁰⁹

Thomas was of the opinion that although an embryo was alive, owing to its expression of life in terms of growth and nutrition, yet the life of an embryo is not human life and the development is not something coming from within an embryo but through the semen. Perhaps, he thought that the semen remained present until an embryo was informed by the soul.⁶¹⁰ Thomas says:

This active force which is in the semen, and which is derived from the soul of the generator, is, as it were, a certain movement of this soul itself [...]. Consequently there is no need for this active force to have an actual organ; but it is based on the (vital) spirit in the semen which is frothy, as is attested by its whiteness. [...] the active force is in the semen of the male, as the Philosopher says (*De Gener. Animal*, ii. 3); but the foetal matter is provided by the female. In this matter the vegetable soul exists from the very beginning [...]. This matter therefore is transmuted by the power which is in the semen of the male, until it is actually informed by the sensitive soul [...]. And after the sensitive soul, by the power of the active principle in the semen [...]. As to the active power which was in the semen, it ceases to exist, when the semen is dissolved and the (vital) spirit thereof vanishes.⁶¹¹

⁶⁰⁵ “*quoniam magna de anima quaestio non est praecipitanda indiscussae temeritate sententiae ideo lex noluit ad homicidium pertinere, quia nondum dici potest anima uiua in eo corpore quod sensu caret, si talis est in carne nondum formata et ideo nondum sensibus praedita.*” AUGUSTINE, *On Exodus* 21.80, CSEL 28(2).148. Cf. NOONAN, “An Almost Absolute Value in History...”, 15.

⁶⁰⁶ Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 52. Gratian does not hold someone a murder who aborts “before the soul is infused into the body”. See GRATIAN, *Decretum Gratiani*, c.8, C.XXXII, q.2. Cf. GONSALVES, *How did I begin?*..., 15.

⁶⁰⁷ Cf. DONCEEL, “Immediate Animation...”; 78. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 52-53. Thomas maintained “the doctrine of the three souls”. The *virtus formative* is contained in the male seed, which by joining to the feminine matter, renders it suitable to receive the vegetative soul. After this the vegetative and sensitive soul are “substituted”. Finally, when the embryo has arrived at the proper point, the *virtus creative* of God infuses a soul that is at once, vegetative, sensitive and rational. Cf. GONSALVES, *How did I begin?*..., 14.

⁶⁰⁸ For instance, in his *Commentary on Sentences*, 2, 18, 2, 3, *Questiones disputate de potentia*, 3, 9, ad 9, *Summa contra gentiles*, II, 87-89. Cf. DONCEEL, “Immediate Animation...”, 78.

⁶⁰⁹ ST I, 118, 2, ad.2. English tr. from AQUINAS, *The “Summa Theologica”. Part I. QQ. CIII-CXIX, op. cit.*, 193.

⁶¹⁰ Cf. JONES, *The Soul of the Embryo*..., 122-123.

⁶¹¹ ST I, 118, 1, ad.3-4. English tr. from AQUINAS, *The “Summa Theologica”. Part I. QQ. CIII-CXIX, op. cit.*, 189-190. Additions in original. Thomas is citing ARISTOTLE, *De generatione animalium*, Book II, Chap.3. See Chapter 5.2 at fn. 595 above. Cf. JONES, *The Soul of the Embryo*..., 120.

Thomas insisted that the human embryo must have a certain degree of organization before it could receive a rational soul. The beginning of a human shape and the essential organs should be present to become the seat of a rational soul. God creates and infuses a rational soul when there is adequate organization appropriate enough to receive it. One can see that Thomas is adhering here to the hylomorphic theory.⁶¹²

Following Thomas, the Catholic Church officially adopted the hylomorphic conception of human nature while condemning all forms of Platonic or Cartesian dualism. The hylomorphic theory was officially accepted at the Council of Vienne in 1312. The Council defined in the following way:

With the approval of the holy Council we reject as erroneous and contrary to the truth of the Catholic faith any doctrine or opinion which rashly asserts that the substance of the rational and intellectual soul is not truly and of itself (*per se*) the form of the human body, or which calls this into doubt. In order that the truth of the pure faith may be known to all, and the part to error barred, we define that from now on whoever presumes to assert, defend, or obstinately hold that the rational and intellectual soul is not of itself and essentially the form of the human body, is to be censured as heretic.⁶¹³

Thereafter, based on this definition the Church forbade the faithful to baptize any premature birth that did not show at least some human shape or outline.

The theologians at the Council of Trent, while making a distinction between the virginal conception of Christ and the ordinary natural course, asserted that normally no human embryo could be informed by a human soul except after a certain period. Following the Council, the Catechism of the Council of Trent (Roman Catechism) in 1566 teaches clearly about the delayed animation in the context of the Incarnation while explaining the Third Article of the Creed:

But what surpasses the order of nature and human comprehension is, that as soon as the Blessed Virgin assented to the announcement of the Angel in these words, [...] the most sacred body of Christ was immediately formed, and to it was united a rational soul enjoying the use of reason; and thus in the same instant of time He was perfect God and perfect man. That this was the astonishing and admirable work of the Holy Ghost cannot be doubted; *for according to the order of nature the rational soul is united to the body only after a certain lapse of time.*⁶¹⁴

⁶¹² Cf. DONCEEL, "Immediate Animation...", 79.

⁶¹³ DH 902. See Heinrich DENZINGER, *Kompendium der Glaubensbekenntnisse und kirchlichen Lehrentscheidungen*, hg. v. Peter HÜNERMANN, 43. Aufl., erweiterte Neuauflage, Herder, Freiburg i. Br./Basel/Wien 2010, 364. Quotation in English taken from Josef NEUNER/Jacques DUPIUS, *The Christian Faith in the Doctrinal Documents of the Catholic Church*, ed. by Jacques DUPIUS, 7th Revised and Enlarged Edition, Theological Publications in India, Bangalore 2004, No. 405, 169-170. Cf. DONCEEL, "Immediate Animation...", 85-88; 86. Cf. also Joseph F. DONCEEL, "Liberal Catholic's View", in: Robert E. HALL (ed.), *Abortion in a Changing World*, Vol. 1, Columbia University Press, New York and London 1970, 39-45; 40.

⁶¹⁴ *The Catechism of the Council of Trent for Parish Priests. Issued by Order of Pope Pius V*, tr. into English by John A. MCHUGH/Charles J. CALLAN, Joseph F. Wagner Inc., London, 1923, 43. Emphasis added. The Latin version reads: "[...] *cum servato naturae ordine, nullum corpus, nisi intra praescriptum temporis spatium, hominis anima informali queat.*" See *Catechismus romanus ex decreto Concilii Tridentinae et Pii Quinti jussu primum editus*, Louvain 1662, 36. Cf. DONCEEL, "Immediate Animation...", 89; Cf. Thomas A. SHANNON/Allan B. WOLTER, "Reflections on the Moral Status of the Pre-Embryo," in *TS* 51 (1990) 603-626, 604 at fn. 4. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 49.

Later, the Bull *Effraenatam* that was published by Pius Sixtus V in 1588 reserved to the Holy See the excommunication of all those who had in any way whatsoever brought, “an abortion or the expulsion of an immature fetus, whether *animated* or not *animated*, whether formed or not formed”.⁶¹⁵

The Bull *Sedes apostolica* of Gregory XIV in 1591 explained that the severe legislation of his predecessor had not brought about the desired results and threatened the eternal salvation of many who are unable or unwilling to send their petitions for absolution to Rome. Hence, the Pope deemed it preferable: “where no homicide or no *animated fetus* is involved, not to punish more strictly than the sacred canons or civil legislation does”.⁶¹⁶

Later, the Roman Ritual issued in 1617 and its successive editions, which remained unchanged until 1895, gave the formula: “Nobody enclosed in the mother's womb should be baptized. But should the infant thrust out its head and should there be danger of death, let it be baptized on the head But if it thrusts out some other limb, which shows some vital movement, let it be baptized on this limb, if there is imminent danger.”⁶¹⁷ The Ritual prescribed that baptism be administered in such critical circumstances only if either the head or some limb of the foetus shows, and only if this limb gives a sign of life, only after “quickening”. Unorganized foetuses are not to be baptized.⁶¹⁸

In the next development that followed, it is seen that the Holy Office, on April 5, 1713, in reply to a question gave the following answer: “In the case under consideration (the baptism of an aborted fetus), if there is a reasonable foundation for admitting that the fetus is *animated by a rational soul*, then it may and must be baptized conditionally. If, however, there is no reasonable foundation, it may by no means be baptized.”⁶¹⁹

Alphonsus Liguori (1696–1787) warns with regard to baptism that “not every lump of flesh should be baptized which lack the adequate arrangement of organs. Since, for him it was a universally accepted fact that the soul is not infused into the body before the latter is sufficiently formed. In that case it can only be baptized if it *shows some kind of vital movement*, as

⁶¹⁵ As quoted in DONCEEL, “Immediate Animation ...”, 89. Emphasis added by author. The original Latin version reads: “[...] *qui.. .abortus [sic], seu foetus immaturi, tam animati, quam inanimati, formati, vel informis ejectionem procuraverint.*” See *Bullarum privilegiorum ac diplomatum Romanorum pontificum amplissima collectio*, 5/1, ed. by Charles COCQUELINES, Rome 1751, 26a. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 49.

⁶¹⁶ As quoted in DONCEEL, “Immediate Animation ...”, 89. Latin version reads: “[...] *utilius censes, ubi nec de homicidio, nec de animatu [sic] foetu agitur poenas non imponere durius iis quae per sacros canones et leges prophanas sunt inflictæ.*” See *Bullarum privilegiorum...*, 275b. Emphasis added in English tr. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 50.

⁶¹⁷ As quoted in DONCEEL, “Immediate Animation...”, 89-90. Latin version reads: “*Nemo in utero matris clausus baptizari debet. Sed si infans caput emiserit, et periculum mortis immineat, baptizetur in capite[...]. At si aliud membrum emiserit, quod vitalem indicet motum, in illo, si periculum impendeat, baptizetur.*” See *Rituale Romanum Pauli V Pontificis Maximi Jussu Editum*, Ex Officina Plantiniana, Antverpiae 1617, 7-8. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 50.

⁶¹⁸ *Rituale romanum Pauli V...*, 7-8. Cf. DONCEEL, “Immediate Animation...”, 90. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 50.

⁶¹⁹ As quoted in DONCEEL, “Immediate Animation ...”, 90. Emphasis added. SACRA CONGREGATIO DE PROPAGANDA FIDE, *Collectanea Sacrae Congregationis de Propaganda Fide: seu Decreta, instructiones, rescripta pro apostolicis missionibus*, Vol.1, No. 282, Rome, 1907, 92. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 50.

prescribed by the Roman Ritual.”⁶²⁰ Elsewhere Alphonsus writes: “On the other hand, some are mistaken who say that the fetus is ensouled from the first moment of its conception, since the fetus is *certainly* not animated before it is formed [...]”⁶²¹

Several theologians, in the centuries that followed Alphonsus, held or favoured the theory of delayed animation.⁶²² Four of the most prominent names among them will be examined. The first among them was Désiré-Joseph Mercier (1851-1926), who served as the first president of the Superior Institute of Philosophy at the Catholic University of Leuven and who later became the Cardinal-Archbishop of Malines. At that time, the immediate ensoulment theory was already advanced in the field of Theology. Although there was a high probability of this theory to be true, still Mercier was one of the first theologians to incline towards the theory of delayed animation. He taught that it is certainly possible that the rational soul is created at the moment of conception and is basis of the embryonic life.⁶²³

Nevertheless, it is also possible that God creates the soul during the process of embryonic life, sequentially, first as a principle of organic life, then a sensitive soul, which gives perfection to the embryo that it is capable of being informed (by the soul). Both opinions can be supported, but in our opinion, the latter is the more likely.⁶²⁴

Thus, Mercier’s main argument was in favour of a delayed animation that results from the Aristotelian Hylomorphism. That is to say, that only after the matter is sufficiently predisposed can it be informed by the soul. According to Mercier, it is impossible to determine that point in time in which an embryo may have reached this stage. Therefore, he still believed that a Thomistic answer to this question might be the greatest probability.⁶²⁵

According to Thomas, the course the foetus takes before its transformation into a human being follows first the principle of the lower stages of life, such as a vegetative life and then a sensitive life. Mercier then explains the sequences that follow: “When the organism is finally led to the dispositions which is necessary so that it (the organism) can be animated by a rational soul; that is where God’s workings come into play and places the rational soul in the body (and) so

⁶²⁰ As quoted in DONCEEL, “Immediate Animation...”, 91. Emphasis in the original. Latin version reads: “*cum ubique receptum sit, non prius infundí animam corpori, quam istud formatum fuerit; et tunc, ut baptizetur, requiritur ut indicet aliquem motum vitalem, prout praescribit Rituale Romanum*”. Alphonsi de LIGORIS, *Theologia moralis* 6, Bassani, 1779, tract. 2, No. 124, 107: Emphasis in Latin original. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 53.

⁶²¹ As quoted in DONCEEL, “Immediate Animation...”, 91. Emphasis in original. Latin version reads: “*E converso, male dixerunt aliqui, foetum in primo instanti quo concipitur animari, quia foetus certe non animatur antequam sit formatus*.” Alphonsi DE LIGORIS, *Theologia moralis* 3, tract. 4, No. 394, 159: Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 53.

⁶²² Cf. Hyacinth M. HERING, “De tempore animationis foetus humani”, in: *Ang* 28 (1951) 18-29; 18. Cf. DONCEEL, “Immediate Animation...”, 91. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 53.

⁶²³ Cf. HACK, *Der Streit um die Beseelung*..., 138-139.

⁶²⁴ „Aber es ist auch möglich, dass die Seele von Gott erst im Laufe des embryonalen Lebens geschaffen wird, nachdem der Reihe nach zuerst ein Prinzip des organischen Lebens, dann eine sensitive Seele dem Embryo die Vollkommenheit gegeben haben, die sie fähig waren, ihm mitzuteilen. Beide Meinungen können behauptet werden; aber nach unserer Ansicht ist die letztere die wahrscheinlichere.“ Désiré-Joseph MERCIER, „Das Verstandes- oder Vernunftleben“, in: Désiré-Joseph MERCIER (Hg.), *Psychologie*, Bd. 2, Kempten/München 1907, 340. As quoted in HACK, *Der Streit um die Beseelung*..., 139. Tr. by author.

⁶²⁵ Cf. *ibid*.

becomes the principle of each of the subject's activities, that, for the subject, this becomes the only source of life".⁶²⁶

The human being thus follows a natural course of things to complete their specific development. However, they are not immediately attained. Everything occurs within a time scale as to when their assets are actuated during which they undergo various intermediate states.⁶²⁷ Mercier clarifies:

The body is designed in stages and in the organism, as the organization progresses, first 'life' occurs, and then the power of senses comes into being under the influence of the appropriate operating principles. Each of these principles will stop when the other takes its place, as the latter by its unity contains the effectiveness of the previous principle, which makes the continuance of the former useless.⁶²⁸

Mercier thus observed that the above speculative view of successive replacement of stages is confirmed through the knowledge of embryology available at that time, namely, that the fertilization processes constitute a simple cell division and only gradually develops into a more complex being before even one can perceive any movement.⁶²⁹

The movement itself is preceded by the manifestation of the sensory activity so that the ontogeny morphologically and physiologically represents itself as a process of development from the indefinite to the definite, from the organic to sensitive life, as the brilliant thinkers in the 13th Century had already anticipated.⁶³⁰

With this above presentation, in which the Thomistic animation concept of modern embryology not only does not preclude, but on the contrary makes it conspicuous and leaves Mercier to accept a delayed animation without providing any further arguments.⁶³¹

The above stance continued to be held among theologians. The Sacred Congregation of Studies in 1914 confirmed their stance when it offered twenty-four theses as guidance for the study of philosophy in Catholic seminaries and universities. Among these, thesis XV states that the human soul, which is created by God, "may be infused into a *subject that is sufficiently*

⁶²⁶ „Wenn der Organismus dann endlich bis zu den Dispositionen hingeführt ist, welche erforderlich sind, damit er von einer vernünftigen Seele belebt werde, so tritt die Tätigkeit Gottes dazwischen und schafft die vernünftige Seele in den Körper hinein das einzige Prinzip jeder Tätigkeit des Subjektes zu sein, dass sie in ihm die einzige Quelle des Lebens wird.“ MERCIER, „Das Verstandes- oder Vernunftleben...“, 341. As quoted in HACK, *Der Streit um die Beseelung*..., 139. Tr. by author.

⁶²⁷ Cf. HACK, *Der Streit um die Beseelung*..., 139.

⁶²⁸ „Der Körper gestaltet sich stufenweise; und in dem Masse, als die Organisation fortschreitet, tritt in ihm zunächst das Leben hervor, dann die Sinneskraft unter dem Einfluss entsprechender tätigen Prinzipien. Jedes dieser Prinzipien hört dann auf, wenn das andere an seine Stelle tritt, da dieses, indem es in seiner Einheit die Wirksamkeit des vorhergehenden Prinzips enthält, dessen Fortdauer nutzlos macht.“ MERCIER, „Das Verstandes- oder Vernunftleben...“, 341. As quoted in HACK, *Der Streit um die Beseelung*..., 139. Tr. by author.

⁶²⁹ Cf. HACK, *Der Streit um die Beseelung*..., 140.

⁶³⁰ „[D]ie Bewegung selbst geht den Bekundungen der Sinnestätigkeit voraus, so dass morphologisch und physiologisch die Ontogenese sich darstellt als ein Vorgang der Entwicklung vom Unbestimmten zum Bestimmten, vom organischen zum sensitiven Leben, so wie es die genialen Denker im 13. Jahrhundert vorgeahnt hatten.“ MERCIER, „Das Verstandes- oder Vernunftleben...“, 342. As quoted in HACK, *Der Streit um die Beseelung*..., 139. Tr. by author.

⁶³¹ Cf. *ibid.*, 140.

disposed".⁶³² The 13th thesis explains the meaning of sufficient disposition of the subject: "In living beings [...] the substantial form, which is known as the soul, *requires an organic disposition, that is, heterogeneous parts*".⁶³³ That is to say, that visible characteristics like that of heterogeneous parts in the growing embryo were necessary in order that the soul may inform. Thus from the official side of the Church, Mercier's reasoning was explicitly confirmed. Implicitly too this strengthened the position of the exponents of delayed animation, although they were not expressly supported.⁶³⁴

In the years that followed, a Dominican named Dominikus Prümmer (1866-1931) published the first edition of the *Handbook of Moral Theology*.⁶³⁵ Influenced by his studies at the Faculty of Philosophy in Leuven it is not surprising that the neo-Thomism decisively influenced his attitude in the animation theory insofar as he found the Thomistic doctrine of delayed animation preferable. He explained in his Manual about what is required for treating the moral problem of abortion. There he makes a distinction between the *fetus animatus* and *fetus inanimatus*.⁶³⁶ He acknowledged that some Fathers of the Church would have represented a mediate animation and found wide support in today's physiology. However, based on Aristotle, the doctrine defended by many older theologians and almost all scholastics show far more consistently the philosophical standpoint of soul as the substantial form of the body. For them, the infusion of the rational soul into an embryo could not be possible before it is sufficiently formed and thereby capable of maintaining its substantial form.⁶³⁷ An embryo prior to the 40th or 80th day – the dates themselves going back to the book of Leviticus in which it is mentioned about the cleansing instructions of a pregnant woman – admittedly possesses an independent life, but this life principle that animates before these dates are only vegetative or sensitive nature.⁶³⁸ Moreover, one finds also the distinction between animated and unanimated foetus in Ex 21, 22. Besides, it would be better to accept a delayed animation especially in cases where in the first weeks of pregnancy miscarriages occur as a common phenomenon. If an immediate animation had occurred then the number of children who were dying without baptism would be at least ten times higher.⁶³⁹ As a consolation to the incompatibility of the two animation theories, after having pointed out all the facts, Prümmer concludes that the foetus in any case is animated

⁶³² As quoted in DONCEEL, "Immediate Animation...", 90-91. Emphasis added. Latin version reads: "*Per se subsistit anima humana, quae, cum subiecto sufficienter disposito potest infundi, a Deo creatur*". SACRA STUDIORUM CONGREGATIO, "*Theses Quaedam, in Doctrina Sancti Thomae Aquinatis Contentae, et a Philosophiae Magistris Propositae, Adprobantur*", in: AAS 6 (1914) 383-386; 385. Cf. SHANNON/WOLTER, "Reflections on the Moral Status...", 604; Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 50.

⁶³³ As quoted in DONCEEL, "Immediate Animation...", 91. Emphasis added. Latin version reads: "*In viventibus [...] forma substantialis, animae nomine designata, requirit organicam dispositionem, seu partes heterogéneas*." SACRA STUDIORUM CONGREGATIO, "*Theses Quaedam, in Doctrina Sancti Thomae Aquinatis...*" 385. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 50.

⁶³⁴ Cf. HACK, *Der Streit um die Beseelung*..., 140.

⁶³⁵ Dominikus PRÜMMER, *Handbook of Moral Theology*, P.J. Kennedy & Sons, New York 1957. The Latin original edition: IDEM, *Manuale theologiae moralis secundum principia S. Thomae Aquinatis*, Bd. 2, Freiburg i. Br.² 1923.

⁶³⁶ Cf. PRÜMMER, *Manuale theologiae*..., 125. Cf. HACK, *Der Streit um die Beseelung des Menschen*..., 140-141.

⁶³⁷ Cf. PRÜMMER, *Manuale theologiae*..., 125. Cf. HACK, *Der Streit um die Beseelung*..., 141.

⁶³⁸ Cf. PRÜMMER, *Manuale theologiae*..., 126. Cf. HACK, *Der Streit um die Beseelung*..., 141.

⁶³⁹ Cf. PRÜMMER, *Manuale theologiae*..., 126. Cf. HACK, *Der Streit um die Beseelung*..., 141. For the distinction between animated and unanimated foetus in Ex 21,22 see Chapter 5.3.1 at fn. 603 above.

before birth, a fact that had already been confirmed by the Propositions of Innocent XI in 1679.⁶⁴⁰

Tobias Hack, a German Moral Theologian, observes and concludes that in spite of the controversy over the animation theory, and although the 1917 Code of Canon Law had abolished the distinction between animated and unanimated foetus, Prümmer's view, even in 1936 edition of his book (with some additions), had not changed in this regard. This impression is further reinforced against the background that although theology and canon law no longer distinguishes between the animated fetus and unanimated fetus, Prümmer still held on to his theory. Apparently, Prümmer does not admit a function of the Codex, which goes beyond its importance as Canon Law, whereas other authors would consider it as an authentic expression of church doctrine.⁶⁴¹

Another Dominican who represented the delayed animation from the school of Leuven was Benedikt Merkelbach (1871-1942). In his Appendix to the book *Quaestiones de Embryologia et de Ministratione Baptismatis*, which was published in 1927, Merkelbach speaks about the question of how the semen before fertilization could be compared to the fertilized egg.⁶⁴² He attests to the semen a higher ethical significance in comparison to the zygote, because it is the semen, which would in any case more or less concern itself with the developing human.⁶⁴³ The sole reason for not allowing the destruction of an embryo or the fertilized egg is not that it may already be disposed to have a rational soul. On the other hand, it is because such an intervention would prevent the procreation of a human. This is the reason that the representatives of delayed animation too disapproved of such an act even at an early gestational stage. In principle, as confirmed and considered by Thomas, this argument seems to apply to the semen as well; as a prospective *homo in potentia*.⁶⁴⁴

Merkelbach himself discussed the problem of animation within the context of baptism of the immature foetus. He points out that almost all medieval authors who followed Thomas assumed a delayed animation. They based themselves on the fact that matter must be adequately predisposed for receiving the form.⁶⁴⁵ One can confirm this by the observation of gradually increasing organization of an embryo insofar as initially only nutrition intake and growth is concerned, followed by a sensitive function and then finally the intellectual phenomena.⁶⁴⁶ The argument of Merkelbach as a plausible judgment here shows how he deliberately avoided

⁶⁴⁰ Cf. PRÜMMER, *Manuale theologiae*..., 126. Cf. HACK, *Der Streit um die Beseelung*..., 141.

⁶⁴¹ „Offenbar gesteht Prümmer dem Codex über seine Funktion als kirchliches Gesetzbuch hinaus nicht jene weitreichende Bedeutung zu, die ihm etwa andere Autoren zubilligen wollen, die ihn als authentischen Ausdruck kirchlicher Lehre betrachten.“ HACK, *Der Streit um die Beseelung*..., 142.

⁶⁴² Cf. *ibid.*, 151.

⁶⁴³ Cf. Benedikt MERKELBACH, *Quaestiones de Embryologia et de ministratione baptismatis*, Lüttich 1927, 85. Cf. HACK, *Der Streit um die Beseelung*..., 151.

⁶⁴⁴ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 85. Since Merkelbach gives a higher ethic value to the semen and considers it as *homo in potentia*, onanism, for example, would be a sin against justice, insofar as it is against the *bonum commune* and even God, when it is used for a reason other than procreation. Cf. *ibid.*, 86. Cf. HACK, *Der Streit um die Beseelung*..., 151-152.

⁶⁴⁵ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 65. Merkelbach writes: «Ratio [...] est, quia nulla forma recipitur in materia, nisi haec ad formam recipiendam sufficienter praeparata et proxime sit deposita [...]». *Ibid.* As quoted in HACK, *Der Streit um die Beseelung*..., 152.

⁶⁴⁶ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 65. Cf. HACK, *Der Streit um die Beseelung*..., 152.

theological reasoning. It owes to the fact that such reasoning could hinder a similar level of plausibility that could lack references to philosophical and scientific context.⁶⁴⁷

As mentioned earlier, during this time it was almost unanimously taught that animation resulted immediately, that is, at the moment of conception. The main argument given was that a succession of souls should be rejected. This is because, on the one hand, the sequence of a plurality of beings could not be adopted without reason. On the other hand, the rational soul could simultaneously achieve functions that were necessary for a vegetative or sensitive soul. To prove this fact three observations were made: First, it is established that the foetus begins to live at conception and therefore was animated. Second, it developed normally without interruption in its development in a way that is natural to a human. That is, it was disposed from the beginning in order to produce necessarily just one person. Lastly, the foetus from the beginning possesses everything necessary to be a human being, insofar as, it is the same entity that is received, developed and finally born. Further, there could not be identified a single moment in which the soul was not present.⁶⁴⁸

However, none of the above arguments seemed sufficiently evident for Merkelbach. He argued that the first proof does not hold because the assumption that the soul is formed at conception and consequently is able to create its own body, constituted a unique exception to the scholastic principle that the form could not be infused as long as the matter is not sufficiently disposed. The second argument proves only so much that in an embryo a necessary principle is present which is effective to produce a human being from the beginning, or at least an embryo was developing into a human being under such conditions. Thus, it cannot be proved that an embryo is therefore already a human being from the beginning.⁶⁴⁹

Merkelbach recognized that the real reason for the rejection of the Aristotelian-Thomistic doctrine was not in the supposed power of persuasion carried forward against its arguments, but rather in a fundamental opposition to the scholastic matter-form theory, which demands recognition by its critics. This has resulted in considering the succession of soul by a foetus as absurd.⁶⁵⁰ Apparently, this has resulted in an erroneous experiment, which leads to the opinion that an embryo from the very outset, even in its tiniest dimensions, possesses all the essential organs.⁶⁵¹

Merkelbach also draws attention to the finding that not only does the male sperm have already an autonomous and independent life and therefore certainly is not the male soul, but is animated by its own life principle, so also the female egg has a life of its own and that both the elements are not always united immediately after intercourse.⁶⁵² With the fertilization, there occurs no such radical change that necessitates an embryo a rational soul. Just as both sperm and egg are animated by their own life principle, it seems to confirm that even an embryo after fertilization is animated by such similar principle. Thus, perhaps the rational soul is informed most likely

⁶⁴⁷ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 66 and fn. 1. Cf. HACK, *Der Streit um die Beseelung*..., 152.

⁶⁴⁸ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 66. Cf. HACK, *Der Streit um die Beseelung*..., 152-153.

⁶⁴⁹ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 67 and fn. 1. Cf. HACK, *Der Streit um die Beseelung*..., 153.

⁶⁵⁰ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 67. Cf. HACK, *Der Streit um die Beseelung*..., 153.

⁶⁵¹ Cf. *ibid.*

⁶⁵² Cf. MERKELBACH, *Quaestiones de Embryologia*..., 67. Cf. HACK, *Der Streit um die Beseelung*..., 153.

when the foetus undergoes a complete change and manifests an outer appearance of a human, which is at the end of the third month. It is then that there exists a basis to speak about the animation of a rational soul.⁶⁵³ The possible argument that an embryo after completion of the third month shows no exercise of reason cannot be permitted because no one can prove it. Incidentally, at this time, it is not just any sensitive life that is present, but a rational life, which is directed in an organized manner, while making it substantially different from a simple animal life.⁶⁵⁴

Merkelbach also admitted that the old applicable terms of animation distinction between male and female foetus is no longer reasonable because it is based on a false research.⁶⁵⁵

Merkelbach finally concludes that since both the theories of an immediate or a mediate animation is only probable; with regard to baptism, it is to be administered to all living foetus after the third month with the conditional expressions: “If you are a human” or “If you are capable of”.⁶⁵⁶ Unconditional love obliges one to take care of the salvation of one’s neighbour. If it is therefore prohibited to kill only those foetuses that are animated, then it is also unlawful to discard them without baptism. Beyond the theoretical discussion of probabilities of different theories, it is certainly important to save its soul.⁶⁵⁷

Besides Prümmer and Merkelbach, a third Dominican, named Hyacinth Hering, former Professor at the Angelicum, also spoke contrary to the view that mediate animation is not to be represented because it is meaningless. In 1951, he published an article titled: *De tempore animationis fetus humani*. In it, he concedes that although in 19th and early 20th century the theory of immediate animation was widespread, yet it was far less accepted. The question of animation can be considered from two different views. The first view is the classical Aristotelian-Thomistic expression. According to this view, the human animation is a chronological sequence of different souls. The second view proposed by some modern authors is that at conception a simultaneous vegetative and sensitive soul is present, which at a later point is followed by the rational soul.⁶⁵⁸ However, the renowned theory of mediate animation has a wider significance. In that, it is based on a thorough investigation including important representatives. The theory is scrutinized by philosophers and thoroughly checked by moralists and canonists. It especially incorporates into its considerations empirical data provided by biology. Hering therefore gathered in his essay, numerous authors of the first half of the 20th

⁶⁵³ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 68. Merkelbach writes: «Anima ergo rationalis probabiliter infundetur tantum, quando foetus radicalem omnino mutationem subit, et externam acquirit speciem hominis; quod fit versus finem tertii mensis: tunc utique adest ratio cur dicatur animari anima rationali.» Ibid. As quoted in HACK, *Der Streit um die Beseelung*..., 154 at fn. 409.

⁶⁵⁴ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 68 and fn.1. Cf. HACK, *Der Streit um die Beseelung*..., 154.

⁶⁵⁵ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 68. Cf. HACK, *Der Streit um die Beseelung*..., 154.

⁶⁵⁶ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 68. Merkelbach writes: «Cum utraque sententia de momento quo foetus animatur sit probabilis, sequitur omnes foetus viventes esse baptizandos, absolute post tertium mensem, ante hoc tempus sub conditione: si es homo. vel: si es capax.» Ibid. As quoted in HACK, *Der Streit um die Beseelung*..., 154.

⁶⁵⁷ Cf. MERKELBACH, *Quaestiones de Embryologia*..., 69. Cf. HACK, *Der Streit um die Beseelung*..., 154.

⁶⁵⁸ Cf. HERING, “De tempore animationis...”, 18. Cf. HACK, *Der Streit um die Beseelung*..., 161.

Century, whose arguments illustrate the enduring importance of succession or mediate theory.⁶⁵⁹ The already known argument, namely, that the infusion of the soul can take place only when the body is sufficiently formed, corresponded much better to the Thomistic theory. This is confirmed by biology in the case of an epigenetic development.⁶⁶⁰

Hering mentions an author A. Lanza, who deserves special attention. Lanza submitted his research in 1940 under the title: *La questione del momento in cui razionale l'anima è infusa nel corpo*. Hering briefly summarizes the findings of Lanza who gives several reasons for a mediate animation based on the Aristotelian-Thomistic teaching. The substantial form requires practically an appropriate and organized matter; this substantial form cannot possibly be the efficient cause of the organism, because it would coincide with developing substance; moreover, the substantial form is not the beginning but the end of the generation process.⁶⁶¹ Lanza observed that not only the modern theory of epigenesis confirmed these arguments, but also by the phenomenon of a possible monozygotic twinning. This is due to a subsequent division of one fertilized egg that has a vegetative soul with variety of powers, or also by the possibility of a teratological (congenital abnormalities) malformation in which case they do not possess a rational soul.⁶⁶²

With regard to unity and continuity, Lanza maintained that the individual, despite the succession of different souls, with regard to the preceding forms, remains incomplete and limited in time until the final specific form is ordained.⁶⁶³

It is an undisputed question that the egg and sperm are alive before their union. So also in the fertilized ovum, organic functions are detectable, because they are necessary for the organism. The crucial question however is, whether it is already a specific human organism capable of receiving a human spiritual soul as claimed by the proponents of the immediate animation theory, but not proven. For the proof of polarity and symmetry with respect to the substances and energies in the fertilized egg, it is not sufficient to confirm the existence of the rational soul because they have the same characteristics already appropriated in the unfertilized condition.⁶⁶⁴ According to Thomas, the form follows procreation but does not precede it. Therefore, it must be assumed that parents beget the body of the foetus, which would gradually form by virtue of a formative principle, in order to receive finally the human soul. Herring points out that the development (*evolutio*) after procreation is called growth (*augmentum*), whereas the preceding development before procreation is called generation (*generatio*). Because the form is not the beginning but the end of the generation process, it means the human soul could not be infused before the human body is not sufficiently formed.⁶⁶⁵

⁶⁵⁹Hering lists the following names among them: Liberatore, Zigliara, Cornoldi, Lorenzelli, Sanseverino, and di Maria. The more recent authors include Cardinal D. Mercier, V. Remer, A. D. Sertillanges, D. Prümmer, A. Farges-D. Barbedette, A. Vermeersch, B. Merkelbach, A. Pirotta, C. Carbone, F. X. Maquart, R. Jolivet, A. Lanza, E. Messenger, R. Lacroix, and M. Barbado. Cf. HERING, "De tempore animationis...", 18. Of these names, Mercier, Prümmer and Merkelbach were already mentioned. Cf. HACK, *Der Streit um die Beseelung...*, 161.

⁶⁶⁰ Cf. *ibid.*

⁶⁶¹ Cf. HERING, "De tempore animationis...", 25. Cf. HACK, *Der Streit um die Beseelung...*, 162.

⁶⁶² Cf. HERING, "De tempore animationis...", 26. Cf. HACK, *Der Streit um die Beseelung...*, 162.

⁶⁶³ Cf. HERING, "De tempore animationis...", 26. Cf. HACK, *Der Streit um die Beseelung...*, 162.

⁶⁶⁴ Cf. HERING, "De tempore animationis...", 28. Cf. HACK, *Der Streit um die Beseelung...*, 162.

⁶⁶⁵ Cf. HERING, "De tempore animationis...", 28. Cf. HACK, *Der Streit um die Beseelung...*, 162-163.

Hering finds it finally clear, based on the results from the above-cited facts, that the doctrine of a delayed animation or later ensoulment is much less likely to be abandoned as erroneous, but on the contrary, many followers of science support it, because both the facts conform to the principles of scholastic philosophy as well as embryology. Hence, although one cannot prove conclusively, it seems to retain, however, a serious probability, either because of the authority of many of the philosophers and the theologians who defend it, or for the sake of arguments sustained and defended by scientific research and metaphysics.⁶⁶⁶

The mediate animation theory continues until our times. Karl Rahner, for example, observes that matter and spirit cannot be totally and absolutely unrelated if the God who is Spirit created matter, and is therefore, “essentially for the sake of spirit and as orientated towards it”.⁶⁶⁷ In this relationship of some sort between matter and spirit, the spiritual soul, as spirit, and as form of the body, does not possess two completely different functions. In both its partial functions, it has only one, namely, to fulfil its unitary nature as spirit. Subsequently its corporeality is necessarily an integrating factor of its constitution as spirit, not something alien to spirit but a limited factor in the accomplishment of spirit itself.⁶⁶⁸ If matter and spirit are not simply disparate in nature but matter is in some way a “solidified” spirit, “then an evolutionary development of matter towards spirit is not an inconceivable idea”.⁶⁶⁹

For Rahner, God as both Creator and Sustainer and the Cause of all his creatures, works through them and not just alongside as his agents and instruments. All that produces an effect brings about an increase in reality that is irreducible simply to the agent and must be ascribed to God, who is ultimately the source of all being. In so doing, God enables the agent from within to “go beyond”, or transcend itself in producing what is both its and God’s effect. Therefore, the statement that God directly creates the soul of a human being does not imply the denial of the parent’s role in procreation of the human being in its unity. It implies that “procreation belongs to that kind of created efficient causality in which the agent by virtue of divine causality essentially exceeds the limits set by his own essence”.⁶⁷⁰

Following Rahner, Podimattam is of the opinion that just like life which originates from inorganic matter, so also in the case of each human reproduction, it may not be so much God’s “bypassing” his creatures to intervene “immediately” by “pouring in” a human soul,

[...] but rather new stages and expression of being a ‘welling up’ from within, through the genuine activity of created agencies which have already reached a certain threshold of existence and are impelled further by the cosmic creative activity of God.⁶⁷¹

⁶⁶⁶ Cf. HERING, “De tempore animationis...”, 29. Hering writes: «*Ex citationibus factis liquido apparet sententiam de animatione dilata, nedum sit derelicta tanquam erronea vel minus probabilis, hodie a pluribus scientiae cultoribus sustineri, utpote principiis philosophiae scholasticae de forma substantiali necnon factis empiricis embryologiae magis conformem. Unde, licet apodictice probari non possit, seriam tamen retinere videtur probabilitatem, sive ob auctoritatem multorum philosophorum et theologorum qui illam propugnant, sive propter argumenta, ex ratione metaphysica et ex experientia scientifica deprompta, quibus haec theoria fulcitur ac defenditur.*» Ibid. As quoted in HACK, *Der Streit um die Beseelung*..., 163.

⁶⁶⁷ KARL RAHNER, *Hominisation. The Evolutionary Origin of Man as a Theological Problem*, Burns and Oates, London 1965, 55.

⁶⁶⁸ Cf. RAHNER, *Hominisation*..., 55-58. Cf. F. M. PODIMATTAM, *Medical Ethics (Vol. 2). Beginning of Life Issues*, Media House, Delhi 2004, 59.

⁶⁶⁹ RAHNER, *Hominisation*..., 92. Cf. PODIMATTAM, *Medical Ethics (Vol. 2)*..., 59-60.

⁶⁷⁰ RAHNER, *Hominisation*..., 99. Cf. PODIMATTAM, *Medical Ethics (Vol. 2)*..., 60.

⁶⁷¹ Ibid.

Further, Rahner himself had asserted that the existence of a human subject is seriously doubtful during the first few weeks.⁶⁷²

So also Joseph Donceel, a Jesuit Psychologist, Philosopher and Theologian, is of certain opinion that there is no human person until several weeks after fertilization. One can have philosophical certainty that an organism is a human person only from its activities. When activities like senses, the nervous system, the brain, and especially the cortex are present then can one at least admit the presence of a human soul.⁶⁷³ The claim of Donceel is clear. He writes, "I feel certain that there is no human person until several weeks have elapsed."⁶⁷⁴

Authors like the American Moral Theologian Richard McCormick continued to hold this theory. He described an embryo during the first two weeks as "nascent human life" but does not consider it an "individual human life" until later.⁶⁷⁵ Another contemporary American Moral Theologian Charles Curran in agreement with McCormick states, "...truly individual human life should be judged to be present two or three weeks after conception".⁶⁷⁶

From all that was said above, Podimattam concludes:

[...] the Catholic doctrine does not hold for certain that the fetus is a human being right from the moment of conception. It is quite true that many ordinary Catholics and theologians defend this position, and that from the middle of the seventeenth to the middle of twentieth century, it became the prevailing opinion. But the hierarchical magisterium itself has never taken an official stand on the presence of a rational soul in the conceptus from the moment of fertilization [...]. In fact, the Church is not competent to decide the moment of animation.⁶⁷⁷

Another substantial proof, according to Podimattam for delayed hominization, is the modern understanding of the nature of human soul as held by Jesuit Moral Theologian John Mahoney. The approach of Thomas and the Catholic philosophical thinking that followed him held that body and soul are not two separate "things" but two aspects of the same individual human person, who is as much an ensouled body as he/she is an embodied soul. The soul is, so to say, the inner "shape" of human material composition, as a chord in music is something more than the simultaneous sounding of several notes. For a chord to sound well, it is necessary to be able first to produce individual notes, rather than simply undifferentiated noise or sound. In a similar manner, for a human person to be produced, there is the necessity for a degree of development and complexity in his/her physical makeup which will provide not only the necessary pre-conditions for the soul to be infused but also the material constituent of the human person.⁶⁷⁸

In conclusion, Podimattam says that the above reflections and speculations converge in pointing towards a process of delayed rather than instantaneous hominization in the individual, which in

⁶⁷² Cf. Karl RAHNER, "The Problem of Genetic Manipulation", in: *Theological Investigations* 9, tr. by Graham HARRISON, Herder and Herder, New York 1972, 225-252, 236. Cf. Carol A. TAUER, "The Tradition of Probabilism and the Moral Status of the Embryo", in: *TS* 45 (1984) 3-33. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 54.

⁶⁷³ DONCEEL, "Immediate Animation...", 101. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 54.

⁶⁷⁴ DONCEEL, "Immediate Animation...", 101.

⁶⁷⁵ Richard A. MCCORMICK, "Notes on Moral Theology: 1978", in: *TS* 40 (1979) 59-112; 108-109. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 53.

⁶⁷⁶ Charles CURRAN, *Moral Theology. A Continuing Journey*, University of Notre Dame Press, Notre Dame 1982, 125. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 53-54.

⁶⁷⁷ *Ibid.*, 52. Different technical terms, such as "conceptus", are employed to describe the fertilized ovum in order to distinguish different stages of growth.

⁶⁷⁸ Cf. John MAHONEY, *Bioethics and Belief. Religion and Medicine in Dialogue*, Sheed and Ward, London 1984, 75-83. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 56-57.

principle is comparable with the emergence of humans upon the evolutionary scene. The paradigm of the evolution of human species points to the fact that human development is gradual and so the process of gradual development before hominization. Likewise, a characteristically human soul requires characteristically human material with which to fuse in order to constitute a fully human person. However, this is not to be thought as though pure spirit is being poured into a biological receptacle at conception, but as described above, it is a welling up from within the joint material provided by the parents. Hence, the affinity between the matter and spirit assumes that the emergence of a new human person is a process that requires time and some measure of pre-personal existence from which a fully animated existence may be launched.⁶⁷⁹

Lobo notes that in the case of probability of the presence of a human person, it would be wrong to destroy the human embryo, which would amount to exposing oneself to homicide. One cannot apply the principle of Probabilism here because it is not a question of law, but a question of fact.⁶⁸⁰ Lobo further says with regard to animation that, “This view has never been officially sanctioned by the Catholic Church, although in practice it was urged that the product of human conception be treated from the beginning as it were actual human life.”⁶⁸¹ He then cites two examples about the uncertainty of the Church over this matter. First, Pius XII who forbade the expulsion of an embryo even in the earliest stage as a practical norm of safety. Second, the *Declaration on Procured Abortion*, which left open the time of hominization (cf. *QDA* 7).⁶⁸²

In this matter, Podimattam agrees with Lobo. Podimattam when giving the opinion from the point of view of traditional moralists, makes, a distinction between *doubt of fact* and *doubt of law*. Probabilism may be used in the case of doubt of law, but never in the case of doubt of fact, especially if the doubt involves life, justice, or the validity of contracts. Therefore, in the above case (that of the determination of the moment of animation); the safer course is to be followed which is the theory of immediate animation.⁶⁸³ However, Podimattam’s distinction between “fact”, “doubt of fact”, “doubt of law”, and Probabilism, in the last analysis, leads to conclude that:

After decades of often acrimonious controversy, it became, and remained, accepted in Catholic moral teaching that in such dilemmas, and provided, *inter alia*, that no harm comes to a third party, it is morally justifiable to act upon a view of affairs which one has good reason to consider true, however, strong the alternative view may be.⁶⁸⁴

5.3.2 Biological Perspective

There are also reasons in reproductive biology for saying that the fertilized ovum is not yet a human being. There are pointers in modern embryology of certain phenomena that make us

⁶⁷⁹ Cf. *ibid.*, 58.

⁶⁸⁰ Cf. *ibid.*

⁶⁸¹ *Ibid.*, 108.

⁶⁸² Cf. *ibid.* It is to be noted that *QDA* 13 at fn. 19 states: “This declaration expressly leaves aside the question of the moment when the spiritual soul is infused. There is not a unanimous tradition on this point and authors are as yet in disagreement.”

⁶⁸³ Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)...., 58.

⁶⁸⁴ *Ibid.*, 67.

aware of the absence of a personal life centre, although there is a biological centre (without which cells could not live and develop) in the fertilized ovum.⁶⁸⁵

One such phenomenon is that of identical twins (cf. Chapter 4.2.1 above). After fertilization, in such cases, the developing ovum splits into two independent ova, which become two distinct persons. This casts serious doubts on the contention that every fertilized ovum is a continuum of life from fertilization to death. In contrast to the theory of immediate animation, this phenomenon poses the problem of explaining how one fertilized ovum can split into two parts, which then develop by themselves. The rational soul once infused is not divisible. A human person cannot split into two or more human persons. Twinning may occur within fourteen days after fertilization – an indication that the individual human life is not definitely established before this time. Therefore it is difficult to maintain that the fertilized ovum has sufficient individuation for its being person. “If the fecundated ovum can split into two beings which turn out to be two persons, it is difficult to admit that at first it was itself a person, hence fully human.”⁶⁸⁶

There is also a further possibility, according to some experts, for the refusal or recombination of the twins into one individual being. The claim of the fertilized ovum as “irreversible individuality” thus becomes even more highly suspect.⁶⁸⁷

Evidences show that a great number of fecundated ova are expelled from the uterus even before reaching this fourteenth day, due to natural miscarriages.⁶⁸⁸ In this context, Rahner remarks:

For a few centuries Catholic moral theology has been convinced that individual hominization occurs at the moment of the fusion of gametes. Will the moral theologians still have today the courage to maintain this presupposition of many of his moral theological statements, when he is suddenly told that, from the start, 50 percent of the fecundated female ova never reach nidification in the uterus? Will he be able to admit that 50 percent of the “human beings” – real human beings with an “immortal” soul and an eternal destiny – do not, from the very start, get beyond this first stage of human existence?⁶⁸⁹

Further, the expulsion of fecundated ova poses a problem if one holds on to the immediate-animation theory. The problem is to do with the baptism of these expelled ova. Henry de Dorlodot, a Belgian Canonist and Theologian explains the problem in a blunt manner:

In the same way, we should have to insist that a search should be made in the menstrual flow of every woman who has had sufficiently recent matrimonial intercourse to see if there were not some germs there, or better still, we ought to pour baptismal water on this blood, taking care that the water should penetrate everywhere, and pronounce *sub conditione* the baptismal

⁶⁸⁵ Cf. *ibid.*, 54.

⁶⁸⁶ *Ibid.*, 55. See also LOBO, *Current Problems...*, 109. Reiter also mentions this argument. See REITER, „Bioethik...“, 17.

⁶⁸⁷ Cf. Gordon E.W. WOLSTENHOLME/Maeve O’CONNOR (ed.), *Preimplantation Stages of Pregnancy (Ciba Foundation Symposium)*, J. & A. Churchill, Ltd., London 1965, 194-216. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 54-55.

⁶⁸⁸ Cf. *ibid.*, 54-55.

⁶⁸⁹ Karl RAHNER, „Zum Problem der genetischen Manipulation“, in: *Schriften zur Theologie*, Bd. 8, Benziger, Einsiedeln 1967, 286-321; 287 and DONCEEL, “Immediate Animation...”, 99-100. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 55.

words. For it is quite possible, on the immediate-animation theory, that this menstrual blood contains a fecundated ovum in process of development.⁶⁹⁰

Authors, like Thomas Shannon, would further argue that there is yet another important thing to be noted in the advent of the possibility of human cloning. It is impossible to hold that human life begins at fertilization because in cloning there is no fertilization and no sperm.⁶⁹¹

Mahoney draws a parallel between the brain death as a moral certainty – which occurs at one end of the human life-spectrum – and on the events that occur at the opposite end, its beginning. If brain death is death of the human person, then, the onset of brain life must be the beginning of life of the human person, although cellular activity may have preceded it. That means, for personal human life to be present there is first of all a need for a characteristically human biological substratum, namely, the development of cerebral cortex during the period of about twenty-five to forty days into pregnancy.⁶⁹²

Contrary to this opinion, Lobo argues that the parallelism with brain death is not exact. It is not the absence of brain functioning, but its irreversibility, which is the decisive factor in determining death. However, in the case of the early embryo, it has the capacity for the development of brain and its functioning and hence for personal activity. Therefore, the stage of brain formation is not decisive for hominization while that of implantation seems to be.⁶⁹³

5.4 THEORY OF IMMEDIATE ANIMATION

The next theory, namely, immediate animation will be analyzed in this section. This theory will be examined from a historical perspective until recent times and from a biological and relational perspective.

5.4.1 Historical Development in the Catholic Church

It is interesting to note that this theory of immediate animation had much to do with the question of abortion; the only intervention that was known then on the life of an embryo. The theory of immediate animation can be dated back to the post-Tridentine time.⁶⁹⁴ However, the theory came to limelight later. It was in 1620 that there appeared a work by a Flemish physician and philosopher at Leuven University, Thomas Fienus titled: *de formatione foetus liber, in quo ostenditur animam rationalem infundi tertia die* (a book on the formation of the fetus, in which it is shown that the rational soul is infused on the third day). The title summarizes its content. Fienus concluded that the soul is infused on the third day.⁶⁹⁵ A year later another treatise named *Medico-Legal Questions* appeared. It was written by a Roman physician Paolo Zacchia. He argued in that treatise that according to a true Thomistic teaching there must be a single human soul from the beginning of the existence of a new foetus and the rational soul must be “infused

⁶⁹⁰ Henry de DORLODOT, “A Vindication of the Mediate Animation Theory”, in: E. C. MESSENGER (ed.), *Theology and Evolution*, Newman Press, Westminster, Maryland, 1949, 259-283; 279. Cf. Joseph F., DONCEEL, “Immediate Animation...”, 100 at fn.77. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 55-56.

⁶⁹¹ Cf. Thomas SHANNON, “Ethical Issues in Genetics”, in: *TS* 60 (1999) 124-134; 121; Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 56. See also LOBO, *Current Problems*..., 109.

⁶⁹² Cf. MAHONEY, *Bioethics and Belief*..., 65. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 56.

⁶⁹³ Cf. LOBO, *Current Problems*..., 109-110.

⁶⁹⁴ Cf. SHANNON/WOLTER, “Reflections on the Moral Status...”, 604.

⁶⁹⁵ Cf. DONCEEL, “Immediate Animation ...”, 92-93. Cf. NOONAN, “An Almost Absolute Value in History...”, 34-35.

in the first moment of conception”.⁶⁹⁶ Thus Fienus and Zacchia rejected the Aristotelian theory of delayed animation. They made important historical contributions which finally led to the Church’s abandoning the speculation that there is such a thing as unanimated foetus. However, Fienus and Zacchia’s theories had no immediate impact on the theologians.⁶⁹⁷ Interestingly it was in the year 1950 that two priests from the same University of Leuven – E. C. Messenger and Henry de Dorlodot – repudiated the scientific standing of immediate hominization and in detail explained historically how this mistaken interpretation of empirical data was initially accepted.⁶⁹⁸

Thus, towards the end of the Nineteenth Century the theory of immediate animation began to spread. From the point of view of Canon law, one can say that until 1869 it made a distinction between un-ensouled and ensouled foetus when treating the gravity of abortion and the penalties attached.⁶⁹⁹ However, in 1869, canon law removed this distinction and consequently the immediate animation theory gained support.

According to Carlo Caffarra (former head of the John Paul II Institute for Marriage and Family Studies of the Lateran University), if it is acknowledged that the soul is infused sometime after fertilization, it would mean a separation and dualism between the “biological” and the “specifically human” in man or woman. Man or woman is a substantial unit, spirit incarnate or spiritualized flesh. Man or woman does not just have a bios or body, but is also essentially bios, a body; the essence of man or woman is the “composite” of spirit and body.⁷⁰⁰

When one considers soul and body as separate entities, only then does the question of “infusion” arise. The incompatible scholastic theory that the foetus is first a “plant”, then an “animal” and finally a “human being” is meaningful only if one accepts the dubious premises of anthropological dualism. It is simpler and truer to affirm that a human being from the beginning is a unitary being and the question of the so called “infusion” does not arise. An embryo is human from the first moment of its conception. From the first moment of its existence, a human being constitutes an indivisible unity.⁷⁰¹

Those who hold for delayed animation bring in the issue of monozygotic twins. Their question is, if hominization takes place at the moment of fertilization of the ovum, how could two identical twins be formed.⁷⁰² The answer is, probably the animation of the second twin results from the immediate creation of his/her human soul just at the moment of division into two

⁶⁹⁶ *Ibid.*

⁶⁹⁷ Cf. *ibid.* See also SHANNON/WOLTER, “Reflections on the Moral Status...”, 604.

⁶⁹⁸ Cf. *ibid.*, 605. See also Daniel A. DOMBROWSKI/Robert DELTETE, *A Brief, Liberal, Catholic Defense of Abortion*, University of Illinois Press, Urbana/Chicago 2000, 43.

⁶⁹⁹ Cf. NOONAN, “An Almost Absolute Value in History...”, 38-39. Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 51. For a detailed and elaborate analysis on the canonical intervention see HACK, *Der Streit um die Beseelung*..., 21-36.

⁷⁰⁰ Cf. Carlo CAFFARRA, “The Problem of Abortion”, in: *OR*, Weekly Edition in English, 30 October 1975, 10. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1388-1389.

⁷⁰¹ Jean L. MERCIER, “When is the soul infused in the body?”, in: *The Examiner*, 2 May 1987, 413-414. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1389.

⁷⁰² Cf. *ibid.*, 1390. Perhaps, this thought comes from the reading of Thomas in *ST I*, 76, 2. ad.2: “*multitudo animarum est secundum multitudinem corporum; et tamen, destructis corporibus, remanent animae in suo esse multiplicatae.*” The English text reads: “[...] the multiplicity of souls is in proportion to the multiplicity of bodies; yet, after the dissolution of the bodies, the souls retain their multiplied being”. English tr. from AQUINAS, *The “Summa Theologica”. Part I. QQ. LXXV-CII, op. cit.*, 32.

identical twins. Joseph Mangan, an American Jesuit Moral Theologian and an authority on this question writes:

[...] it seems to me that we cannot rule out the possibility that the animation of the second twin results from the immediate creation of his human soul just at the moment of division into two identical twins. The identical twin difficulty is hardly decisive in determining that hominization occurs after conception, except in the case of one of the identical twins.⁷⁰³

When twinning happens due to the multiplication of human embryos, then God gives a new soul appropriately.⁷⁰⁴

The fact that in the case of monozygotic twins the fertilized ovum divides into two does not establish that the rational soul that informed the fertilized ovum must also split. In the case of the ovum that splits into two, the split part is apt for human animation; it is informed by a new and distinct rational soul. The parents contribute elements, which in the fertilized ovum unite and become apt matter for a new human being and God infuses a rational soul into it. In a similar manner, when a part breaks off from the animated zygote, it in turn becomes the apt matter for animation to be endowed with a distinct rational soul. Thus, it is not difficult to understand the infusion of a distinct rational soul into a split off section of a fertilized ovum much similar to the animation of the original embryo. The further growth of an embryo is by way of cellular division. Nevertheless, parts that split off may or may not be apt for animation. When they are ready, it can be said that at that proper moment, God infuses into them a rational soul.⁷⁰⁵

Eventually the Church identified herself with this theory, namely, that the rational soul is present from the moment of fertilization. It was often assumed that the official dogmatic teaching of the Church is that the rational soul is infused at the moment of conception. Moral statements of the magisterium reinforced this assumption.⁷⁰⁶

The Second Vatican Council through its Pastoral Constitution, *Gaudium et Spes* makes it clear regarding the position of the Catholic Church with regard to the protection that is to be rendered to life from the beginning of its existence. It reads, "Therefore from the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes" (GS 51).⁷⁰⁷ However, the Council clarified neither that the animation occurs at the moment of conception, nor the life of which it is speaking is the life of a human person, nor that this life has an absolute right and therefore not to be terminated. The Council

⁷⁰³ Joseph T. MANGAN, "The Wonder of Myself. Ethical-Theological Aspects of Direct Abortion", in: *TS* 31 (1970) 125-148; 132. Cf. Virgilio FAGONE, "Vita prenatale e Soggetto umano", in: *La Civiltà Cattolica* 1 March 1975, 449-450. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1391. According to Mangan (while referring to the First International Conference on Abortion, Washington D.C., Sep 6-8, 1967, composed of biochemists, professors of obstetrics and gynaecology, geneticists, etc.), there is no qualitative difference from conception on through the whole cycle of gestation to birth. He writes, "The potential for future development is as great in the fertilized egg as in the blastocyst, as in the embryo, as in the fetus, as in the premature, as in the infant, as in the child." See MANGAN, "The Wonder of Myself...", 129.

⁷⁰⁴ Cf. JONES, *The Soul of the Embryo*..., 227.

⁷⁰⁵ Cf. John Canon MCCARTHY, *Problems in Theology. Vol. I: The Sacraments*, Brown and Nolan, Dublin 1956, 21. Cf. also Augustine REGAN, "Abortion Laws and Fetal Right to Life, in: *StMor* 11 (1973) 265-313; 292-293. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1391-1392.

⁷⁰⁶ Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 51.

⁷⁰⁷ Cf. *ibid.*

only assumes that every abortion is an infanticide.⁷⁰⁸ The Second Vatican Council Commission, which formulated the statement on prenatal life, avoided defining abortion, because it considered itself and the Church incompetent bodies for deciding the moment after which a full human being is present. The intention was to make a moral point “without touching upon the moment of animation”.⁷⁰⁹

The *Declaration on Procured Abortion, Questio de abortu* explicitly expressed the philosophical uncertainty about the beginning of an individual human life. Therefore, it acknowledges the legitimacy of the ontological speculations: “This declaration expressly leaves aside the question of the moment when the spiritual soul is infused. There is not a unanimous tradition on this point and authors are as yet in disagreement [...]. It is a philosophical problem [...].” (*QDA* 13, fn.19).⁷¹⁰

Historically seen, the next clarification came through the *Charter of the Rights of the Family*, published in 1983 by the Holy See. In Article 4, it confirmed, “Human life must be respected and protected absolutely from the moment of conception.”⁷¹¹

Following this, we have the Instruction *Donum Vitae*, which further clarifies⁷¹²:

From the time that the ovum is fertilized, a new life is begun which is neither that of the father nor of the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already. To this perpetual evidence [...] modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the programme is fixed as to what this living being will be: a man, this individual-man with his characteristic aspects already well determined. Right from fertilization is begun the adventure of a human life [...] (*DVI*,1).

The teaching of the Magisterium with regard to the beginning of the life of an embryo in *Donum Vitae* is clear and can be summarized in 4 stages:

1. The life of the fertilized ovum is neither that of the father or mother, but a new life.
2. This new life is human life; it could not be made human if it were not human already.
3. This new human life is the life of an individual, since identity or individuality is established from the beginning.
4. The new human being who comes into existence with conception must surely be a person.

Donum Vitae then draws out the consequence of the respect due to human life⁷¹³:

Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality (*DVI*,1).

⁷⁰⁸ Cf. DONCEEL, “Immediate Animation...”, 104-105.

⁷⁰⁹ *Expensio modorum, Partis secundae*, Resp. 101. Cf. HÄRING, *Medical Ethics*..., 71 at fn.3. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 51.

⁷¹⁰ CDF, “Declaration on Procured Abortion. *Questio de abortu*...”, 445 and 452. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 52.

⁷¹¹ PONTIFICAL COUNCIL FOR THE FAMILY, “Charter of the Rights of the Family. Presented by the Holy See to all Persons, Institutions and Authorities concerned with the Mission of the Family in Today’s World. 22 October 1983”, in: PONTIFICAL COUNCIL FOR THE FAMILY (ed.), *The Family and Human Rights*, Libreria Editrice Vaticana, Vatican 1999, 59-75; 64. Cf. PODIMATTAM, *Medical Ethics* (Vol. 4)..., 51.

⁷¹² Cf. *ibid.*

⁷¹³ *Ibid.*

Based on the above facts Podimattam observes, “[...] these statements are moral judgments rather than metaphysical assertions”.⁷¹⁴

Evangelium Vitae, while quoting *Donum Vitae* which preceded it, affirms of the presence of the human person right from the beginning. It says:

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? (*EV* 60)⁷¹⁵

Further, *Evangelium Vitae* concludes from this, while speaking in the context of clear prohibition of any intervention aimed at killing a human embryo, and acknowledges that right from the moments of its first existence unconditional respect has to be rendered to it. It says:

Precisely for this reason, over and above all scientific debates and those philosophical affirmations to which the Magisterium has not expressly committed itself, 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 (*EV* 60).

Evangelium Vitae also went a step ahead of *Questio de abortu* (*QDA* 13, fn.19) and affirmed that unconditional respect has to be guaranteed to an embryo from the first moment of its existence and adds further the fact that, “the Church has always taught and continues to teach” (*EV* 60; emphasis added) this truth.

In conclusion, one can only say that the arguments, either in favour of a delayed animation or in favour of an immediate animation, have support among theologians. At present, the Catholic Church is clear on this stance, which favours immediate animation.

The question regarding probable opinion in this matter even where there is a case of doubt, whether from the first moment of conception, the zygote is human or not, then there is no question of following a probable opinion, because of the very fact that it concerns the life of a person. One may use the classical example of a hunter who doubts whether the moving figure behind the hedge is an animal or a human person. Under such circumstances, one cannot shoot at the object. Such an action would amount to being guilty of murder. In a similar way, the distinction between the instant of conception and the moment of animation is a matter of opinion and one cannot resort to doubt in a situation that would lead to the action of abortion. Those who seek to destroy have also the responsibility of giving evidence to support such a conclusion, which in this case is next to impossible. Therefore, the presumption must be in favour of human life, not its destruction.⁷¹⁶

5.4.2 Biological Perspective

Three main arguments are stated here.

First, there is an indication from science that from the moment of fertilization there is a living being which is biologically separate from that of the mother and that this new being is unrepeatable and unique. The characteristic of this being is that it is alive, that is, the capacities to produce its own cells and develop them into a specific pattern of maturity and function. This

⁷¹⁴ *Ibid.*

⁷¹⁵ PAZHAYAMPALLIL, *Pastoral Guide...*, 1400.

⁷¹⁶ Cf. *ibid.*, 1399.

being is human, that is, distinct from other living organisms, characteristically human, which include full human genetic package of 46 chromosomes, can develop only into a fully mature human and not any other being. Half of these chromosomes are derived from each of the parents. However, the newly conceived life differs genetically from its parents as a unique combination of genes.

This new life, from its earliest forms and stages, possesses internal mechanisms, which in favourable circumstances will enable the individual to be a fully developed human being. An embryo itself has this inner capacity and is not ordained by the mother. Scientists have exploited this fact of the inherent capacity of the developing embryo, in order to develop human life *in vitro*.⁷¹⁷ Pazhayampallil elaborates on this issue by quoting Professor Jerome Le Jeune who says:

At around five days after fecundation, this microscopic human being, one millimeter in diameter, sends a chemical message which forces the yellow corpus luteum inside the ovary to produce certain hormones so that the menses of the mother will be suppressed. It is in fact the baby which suppresses the menses of the mother and who takes over, if I can say so, and it does to her what it likes, and you know it will do it again later. He is really capable of presiding over his own destiny. Now a little later he will bury himself inside the mucosa of the uterus and develop a kind of apparatus that I cannot better describe other than a cosmonaut's suit which would make a little bulb which will have a little cord which will go to the big machine and the big machine would be able to take nutrients from the wall of the uterus through a special respiratory system. And it is the foetus which built this extra thing this extra surrounding of him, this capsule, and the mother just provides by her blood all the nutrients which can go through the membranes so that the baby can be fed, but the whole machinery, I would say the whole space capsule he has, is built by the foetus.⁷¹⁸

New Zealand obstetrician Albert William Liley shares a similar view. He gives a descriptive statement of the inherent capacity of a foetus. He writes:

Far from being an inert passenger in a pregnant mother, the foetus is very much in command of the pregnancy [...]. It is the foetus who determines the duration of pregnancy [...] who decides which way he will lie pregnancy and which way he will present in labour [...].⁷¹⁹

Moreover, the being in the womb is complete. It means that nothing new will be added from the time of fertilization until the death as an old man or woman except the growth and development of what is already there in the beginning. The question here is only about the time that is necessary to develop and mature in the womb. The being, therefore, in the womb is not a potential human being but a human being with potential.⁷²⁰ Nothing external is added to the fertilized ovum except nutrition. The only change in birth is the environment and the nature of

⁷¹⁷ Cf. Clement CAMPOS, "Ethical Issues in Stem-cell Research and Therapy", in: HEALTH COMMISSION, CATHOLIC BISHOPS' CONFERENCE OF INDIA, *Reproductive Health*, op. cit., 86-100 91. See also PAZHAYAMPALLIL, *Pastoral Guide...*, 1380.

⁷¹⁸ SASSONE, *The Tiniest Humans...*, 73-74. In normal cases, it is also the foetus that decides when he/she is going to be born. Cf. *ibid.*, 74. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1383-84.

⁷¹⁹ Albert William LILEY, "The Foetus as Personality", in: *Australian and New Zealand Journal of Psychiatry* 6 (1972) 99-105, as quoted in Donald G. MCCARTHY/Albert S. MORACZEWSKI (ed.), *An Ethical Evaluation of Fetal Experimentation. An Interdisciplinary Study. A Report of the Task Force on Fetal Experimentation. Pope John XXIII Medical-Moral Research and Education Center*, St. Louis, Missouri 1976, 26. McCarthy and Moraczewski make a note that the above quotation need not impute consciousness or moral freedom on the part of the human fetus. *Ibid.*, 39 at fn.21. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1383-84.

⁷²⁰ Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 91. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1381.

life-support system. Thus, it is evident that human life is a continuum from the moment of fertilization. Moreover, every embryologist, every major textbook of human embryology states the fact that fertilization marks the beginning of the life of the new individual human being. Science thus supports the Church's teaching on life being human from the moment of conception and that the decisive moment of beginning of human life is fertilization.⁷²¹

Second, around the sixth or seventh day after conception the fertilized ovum implants in the uterus and a week later the process of conception ends. The process of implantation is an important stage for some theologians. Until implantation takes place, individuation is not irreversibly defined. It means that there is still a possibility that the developing embryo could twin or remain just one, or even after twinning in rare cases, can recombine. According to some theologians, one cannot talk of an individual until the time an embryo moves past this period of ambiguity and uncertainty about number.⁷²² However, Pazhayampallil refutes this argument and says:

The possibility of changes that may occur in the embryo before its implantation does not constitute a valid argument against the dynamic unity of the zygote. If the embryo is not an individual before its implantation in its mother's womb, it does not become one after the implantation. It is true that in the beginning the psychic and moral life is not yet effective, but it already exists in potency in the cellular formations from which will develop the nervous system, its material condition. All the essential characteristics are already determined at the moment of conception: sex, intellectual potentials, facets of character and temperament, stature, eventual defects etc.⁷²³

Among the scientific community, it is also widely held that there occurs a natural phenomenon of a spontaneous expulsion of a large number of zygotes before implantation. However, once implantation has taken place then the natural elimination is negligible. Therefore, some writers deny the inviolability of the fertilized ovum before implantation. The question posed by them is that when nature is itself so wasteful why not we destroy embryos at an early stage. Owing to the fact that they are naturally wasted, are they human beings with eternal fate and vocation? Therefore, according to them, experimentation on that life in case of necessity would not amount to an abuse.⁷²⁴

Moreover, one cannot be sure about the exact number of individuals that have been conceived until their implantation. This does not mean that an embryo is without human life. Benedict Ashley, an American Philosopher, Theologian and Ethicist, give a plausible explanation. He argues that in contrast to many species of animals that normally produce multiple, genetically identical litters, the zygote of the human species normally develop into a multicellular organism that retains its singleness. However, twinning (or triplets, etc.) may be produced in the first two weeks (and perhaps a little beyond) either at the two-cell stage with two separate placentas, or in the blastocyst with one placenta, or very late with the risk of the formation of conjoined

⁷²¹ Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 91-92. See also PAZHAYAMPALLIL, *Pastoral Guide...*, 1381.

⁷²² Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 92. Here in fn. 7, Clement Campos, an Indian Moral Theologian, points out to the book by PODIMATTAM, *Medical Ethics (Vol. 2)*..., 56-68. Campos mentions about those theologians who hold for this opinion. See also Thomas SHANNON "Human Embryonic Stem Cell Therapy", in: *TS* 62 (2001) 811-824. Reiter also mentions a similar theory. See REITER, „Bioethik...", 16.

⁷²³ Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1385.

⁷²⁴ Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 92.

twins. This abnormal separation in probably 30 percent of the cases is due to genetic defects. This fact of separation of a group of cells and their independent development into a second individual in no way refutes the prior existence of an individuated organism, but only confirms it. When twinning occurred at the first cleavage, then prior to that, it existed as a single-cell zygote. Nevertheless, when twinning occurred at some later point in the development of the blastocyst, then the blastocyst preceded it, in which case it had developed normally up to that stage, or else its normal development would have been terminated.⁷²⁵

Campos answering to those who resort to experimentation in the cases mentioned above, replies, “nature’s prodigality in eliminating a lot of abnormal beings does not allow us to increase that number of lost beings by artificial means”.⁷²⁶ Implantation does not add anything external and new to the internal process of development of a human being, which had already begun after fertilization.⁷²⁷

It is to be noted here that, there are some who use the word “pre-embryo” in order to designate the being that exists from zygote state to the beginning of the formation of the primitive streak.⁷²⁸ Those who do so follow the frog embryologist and scientist, Clifford Grobstein, who used the term to describe the early pre-implanted embryo.⁷²⁹ This change in language seems to be a way of placing these tiny human beings outside the pale of protection. Grobstein also used another term “individuation”. However, any embryologist who deals with human beings does not recognize both the terms “pre-embryo” and “individuation”.⁷³⁰

Third, another fact that is used as an argument for rendering the minimum status of human personal life to an embryo is about the appearance of the first indicators of brain life (around 40 days after conception).⁷³¹ The argument given is that just as cessation of brain function is taken as a criterion for judging someone dead, so also it follows logically that no human being is present until the brain structure is present.⁷³² Some Catholic theologians rely on this argument while appealing to Thomas’ teaching on delayed hominization. However, according to Ashley and O’Rourke:

The weakness of such arguments is evident when we take into account the fact, not known to Aristotle, that a sequence of primordial centers of organization in the embryo goes back continuously to the nucleus of the zygote, long before the brain appears as the final center.

⁷²⁵ Cf. *ibid.*, 92-93. Campos uses the argument from the third edition of Benedict ASHLEY/Kevin D. O’ROURKE, *Health Care Ethics. A Theological Analysis*, The Catholic Health Association, St. Louis 1989³, 212. However, here the fourth edition is used. See IDEM, *Health Care Ethics...*, 1997⁴, *op. cit.*, 234, in order to keep it up to date.

⁷²⁶ CAMPOS, “Ethical Issues in Stem-cell Research...”, 93.

⁷²⁷ Cf. *ibid.*

⁷²⁸ Donum Vitae (Foreword) also uses the term “pre-embryo”. See Chapter 4.2.1 at fn.505 above. For an example of an author who makes the use of the term pre-embryo, see Richard A. MCCORMICK, “Who or What is the Preembryo?”, in: *Kennedy Institute of Ethics Journal* 1 (1991) 1-15.

⁷²⁹ Cf. Clifford GROBSTEIN, *Science and the Unborn. Choosing Human Futures*, Basic Books, New York 1988, 61-62. Grobstein notes here: “The scientific rationale for the term preembryo [...] is its greater accuracy in characterizing the initial phase of mammalian and human development [...]” *Ibid.*, 61. Cf. CAMPOS, “Ethical Issues in Stem-cell Research...”, 93.

⁷³⁰ Cf. C. Ward, KISCHER, “When does Human Life Begin? The Final Answer”, in: *Linacre Quarterly* 70/4 (2003) 326-339; 334. Cf. CAMPOS, “Ethical Issues in Stem-cell Research...”, 93.

⁷³¹ Cf. *ibid.*, 93-94. One of the theologians who support this view is MCCORMICK, *How Brave a New World...*, 147-149.

⁷³² Cf. CAMPOS, “Ethical Issues in Stem-cell Research...”, 94. See LOBO, *Current Problems in Medical Ethics...*, 109-110.

From the beginning of this developmental sequence the zygote's nucleus has contained all the information and active potentiality necessary eventually to develop the brain and bring it to the stage of adult functioning (Ashley, B., 1976). Thus, although it is true that the developing fetus first actively exhibits vegetative (physiological) and animal (psychological and motor) functions and finally, long after birth, specifically human functions, it possesses from conception the active potentiality to develop all these functional abilities. Only the minimal structure necessary for this active potentiality of self-development (even on the basis of Aristotle's philosophical principles) is required for an organism to be actually a human person, not the brain structures necessary for adult psychological activities (Australian Research Commission, 1985).⁷³³

Thus, there are three arguments against delayed animation from a biological perspective, namely: 1) A positive argument that specifies the characteristics of the being from the moment of fertilization, which are: alive, human, complete and a continuum; 2) The argument against the cases of twinning or a natural phenomenon of a spontaneous expulsion; and, 3) the argument against brain function to be taken as a criterion.

There is another objection raised by those who hold for delayed animation. This is the case of recombination of the twins into one individual. However, such occurrences are extremely rare.⁷³⁴ Thomas W. Hilgers, Obstetrician-Gynaecologist and Member of Pontifical Academy for Life, vouches to this:

The evidence regarding cell fusion and recombination of early zygotic material comes from highly specialized experiments done under carefully controlled and totally artificial laboratory conditions. There is little question that under these conditions such fusion can be accomplished. However, this type of experimental works has essentially no application to the normal, natural process which occurs in early human development. If it does occur, it would occur only extremely rarely, and then only as the result of abnormal, diseased development. Such occurrences should not form the basis of moral decision-making.⁷³⁵

According to the late Redemptorist Moral Theologian Augustine Regan, the separated cells remain toti- or pluri-potential. In case they reunite and become one individual, the ultimate explanation can only be that they are informed by the same soul. It could mean that previously they were two or more souls, but now there is only one. Any other soul would have ceased to animate, just like in the case of bodily death. Which among the souls remain and which have departed from their bodily complement is of no account.⁷³⁶

5.4.3 Relational Perspective

There are still others, who hold that human life cannot be simply reduced to biology, but is about human relationships.⁷³⁷ It is because the zygote is not merely a natural product of a purely biological process but the human fruit of a human union. The zygote, as it were, exchanges important psychic influences with its mother. The nourishment received from the mother, when

⁷³³ ASHLEY/O'ROURKE, *Health Care Ethics*, 1989³, *op. cit.*, 213. However, here the fourth edition is used. See IDEM, *Health Care Ethics...*, 1997⁴, 236. Additions in the original. Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 94.

⁷³⁴ Thomas W. HILGERS, "Human Reproduction. Three issues for the moral theologian", in: *TS* 38 (1977) 136-152; 150. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1392.

⁷³⁵ HILGERS, "Human Reproduction...", 150. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1392.

⁷³⁶ REGAN, "The Human Conceptus...", 103-104. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1393-1394.

⁷³⁷ Cf. CAMPOS, "Ethical Issues in Stem-cell Research...", 94.

the being is born, is capable of entering fully into the network of human relations. During the period of stay in the womb of the mother, an embryo reacts to external stimuli, and establishes relationship with the mother.⁷³⁸

Certain French scholars hold that just as a human being cannot exist without a body, so it cannot be humanized without relationships with other people. “These relationships consist of being accepted by parents, of being acknowledged by society, of being wanted children, and being children, of being destined to live and being procreated intentionally.”⁷³⁹ Although this approach underlines the social dimension of human existence, it is irrelevant in the context of the status of an embryo. Nevertheless, this raises several questions: “Without recognition by others is life not fully human? What does recognition or acceptance add to an embryo that it does not possess of itself in terms of intrinsic dignity? Why limit to the first stage of unborn life and why not extend it and apply it equally after birth?”⁷⁴⁰

5.5 AN ANALYSIS OF THE ENSOULMENT THEORIES

In this section, the ensoulment theories deliberated above will be analyzed. What would be the consequence of accepting a delayed animation? Podimattam, for example, following the theory of delayed animation, is of the opinion that when the fertilized human ovum is approached in this way, “it is clear that it is not a proper object of the respect due to human persons.”⁷⁴¹ Therefore, Podimattam emphatically states that: “it is not unreasonable to conclude that, if one is satisfied beyond reasonable doubt that the human embryo is not yet developed to be an ensouled human person, and if one’s purpose in bringing about its destruction is sufficiently capable of moral scrutiny, then to do so is not, even objectively, morally blameworthy”.⁷⁴² Therefore, for him the question of human dignity of an embryo is far from consideration. However, when the animation (delayed) has taken place, which is according to him around 14 days after fertilization, then:

Whatever the exact moment at which a fetus becomes a person the question must be asked: “How should one behave when one does not know whether dignity is or is not present in the fetus? Where human life is at stake – even potential human life – the fetus must be accorded the dignity and protection given to the human being.”⁷⁴³

⁷³⁸ Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1387. An interesting article by Johnstone proposes a new framework that considers the human embryo as a person from conception. He argues that the human embryo is a person who is a receiver and giver of gifts, who ought to be loved, protected and not killed. See JOHNSTONE, “The Human Embryo...”, 438.

⁷³⁹ Cf. CAMPOS, “Ethical Issues in Stem-cell Research...”, 94-95. Campos is referring to: COLLECTIF, “Pour une réforme de la législation française relative à l’avortement”, in: *Études* 338/1 (1973) 55-84; 71.

⁷⁴⁰ Cf. CAMPOS, “Ethical Issues in Stem-cell Research...”, 95.

⁷⁴¹ PODIMATTAM, *Medical Ethics (Vol. 4)*..., 58. Cf. also SHANNON/WOLTER, “Reflections on the Moral Status...”, 603-626. Shannon and Walter express their doubt saying, “But we are also vitally concerned as to when one might reasonably believe such absolute value could be present in a developing organism”, in order to respect an embryo in an absolute way. *Ibid.*, 603.

⁷⁴² PODIMATTAM, *Medical Ethics (Vol. 4)*..., 58. It is interesting to note that in another book of his, Podimattam states in the same quotation above replacing the words “in bringing about its destruction” with “in experimenting on it”. See Felix M. PODIMATTAM, *The Genome Revolution*, Media House, Delhi 2002, 93-109, 109.

⁷⁴³ IDEM, *Medical Ethics (Vol. 4)*..., 32.

Thus, the question of human dignity is shaped according to the theory of animation one holds for. Srampickal in response to the delayed hominization, that some moral theologians hold for, has the following arguments:

- a) The processes and mechanisms of nature are ultimately inexplicable. Just because a certain percentage of embryos are naturally lost at the early stage, one may not therefore wilfully destroy embryos. Being a morally responsible person, one has to behave reasonably and responsibly.
- b) Whether a being manifests all its capacities or not, still one cannot deny that being its essential nature. There is no paradox or contradiction whether a zygote is animated by a rational soul. As the organism develops, its operational possibilities will be gradually expressed.
- c) Whether there is twinning or not, it itself is not a necessary condition for individuality. Totipotency at the embryonic stage is a characteristic that operates according to its inner orientation and dynamism so that at the early fragile stage any cell can replace another. The importance of the appearance of primitive streak does not mean there was no individual identity before that.⁷⁴⁴

According to Srampickal, both the arguments, namely, the delayed and immediate hominization, do not establish convincingly any of them. One cannot also defend metaphysically that human individual or person exists only after nidation. Neither does the truth lie in the fact that the status of an embryo can be so easily established by empirical data, nor can this question of importance be left to biological data alone, even though such information and data are useful. According to Peter Vattappara, an Indian Moral Theologian, airing various opinions of scientists (namely, “zygote and early embryo is in a transitional stage, it is a collection of cells and tissues and therefore not worthy of respect”; “zygote is only the progenitor of a human being” and “the cause of the humanity outweighs the respect due to the embryo in the early stage”, etc.), says that these exhibit only biological reductionism.⁷⁴⁵

There are also examples of those who hold for immediate animation, like Richard Doerflinger, who is the Deputy Director of the Secretariat for Pro-Life Activities at the U.S. Conference of Catholic Bishops. He and others claim to “hold that fetuses and embryos have moral status, as individuals, and so must not be treated as instruments and as means to an end. Being innocent they are inviolable”.⁷⁴⁶

Having discussed the pros and cons of these theories, the summary of Hack and his findings would be useful to consider here. Hack gives two conclusions as follows:

First, the different historical strands of tradition illustrates a basic differentiation which ultimately came to be distinguished between those represented by a constant moral reprehensibility of abortion on the one hand, and on the other, their canonical sanction. The succession theory itself could make no influence over the general position of the Church on the

⁷⁴⁴ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 95.

⁷⁴⁵ Cf. Peter VATTAPPARA, *A Matter of Life. An inquiry into the morality of the generation and destruction of human embryos in experimentation*, Intercultural Publications, New Delhi 2000, 54, 58, 63-64. Cf. SRAMPICKAL, “The Catholic View of Human Life...”, 95-96.

⁷⁴⁶ S. John BRITTO, “Stem Cell Research and Applications. An Ethical Perspective”, in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics...*, 195-217, 210. Cf. Richard M. DOERFLINGER, “The ethics of funding embryonic stem cell research: a Catholic viewpoint,” in *Kennedy Institute of Ethic Journal* 9/2 (1999) 137-150; 138.

theology of abortion that articulated in adhering to a complete protection of an embryo in all stages of its development. However, in contrast, the theory did make a deep impression on the distinction between the *fetus animatus* and the *fetus inanimatus* in the canonical prohibition of abortion. What was decisive is perhaps twofold, namely, the enormous influence of the Septuagint translation of Ex 21,22f and the corresponding well-established Aristotelian theory. The reputation also goes back to their relevant representation by Thomas. From the 17th Century onwards there seems to be an increasing acceptance of the simultaneous theory. However, its spread - even within the moral theology - left an increasing pressure on these canonical provision; such that, a distinction in the status of animation were ignored even in the 1917 Code of Canon Law. After some time delay, it led the Magisterium initially to reformulate the sanctioning of excommunication in the case of abortion. Since the offence of abortion formed a separate legal institution, with this sanctioning, it became problematic, namely, whether the act was to be classified as a homicide. Finally, in canon law, the question of the time of animation became irrelevant. Had the question of animation played an important role as to influence the moral evaluation of abortion outside this canonical sanction (which seems to be the case especially in the period of transition that can be determined by a certain ambiguity among the moral theologians), things would have been different. What was expected of the Supreme Magisterium was to present, in such an important question as to the right to life of an embryo, a decisive answer to the animation controversy. However, such a decision was never taken. Apparently, at that time, no threat was detected in the conflicting theories of animation that would have involved the general obligation to protect an embryo. However, by then, the gradual adoption of animation criterion within canon law accompanied by the reception of that theory had already prevailed in medicine and in moral theology.⁷⁴⁷

The possible outcome of the above discussion is well comprehended by Hack. According to him, apart from the canonical provision, the ensoulment theory would become irrelevant for the ethical evaluation of abortion. However, the delayed theory of animation would open the possibility of a concept that would determine when an embryo would be protected. Moral theology at that time would still detect the danger of the tradition of long delayed animation theory and appeal to argue without reference to the time of ensoulment in order to justify the protection of an embryo. Every moral theological statement around that time testify to the intention that even in the case of the delayed animation the fetus may get the same protection whether animate or inanimate.⁷⁴⁸

Second, one can derive from the historical development of moral theological debate the killing even of inanimate fetus which was qualified as murder using the legal concept of *homicidium anticipatum* or the justification that would hinder a *homo in potentia*. The killing of the inanimate fetus was seen not only as preventing the further development of a human being, but also from a genuine theological perspective as thwarting God's creation plan. Moreover, the abortion of the still inanimate fetus was also rejected because killing it would deprive its baptism and its supernatural life. Lastly, the application of the morality system of Tutorism

⁷⁴⁷ Cf. HACK, *Der Streit um die Beseelung*..., 434-435.

⁷⁴⁸ Cf. *ibid.*, 435.

would leave the doubt about the ensouled embryo (*in dubio pro embryo*),⁷⁴⁹ because it threatens human life, which is a fundamental good.⁷⁵⁰ Hack concludes: “In each case, with the beginning of its life the embryo appropriates a worthiness of protection independent of its animation status, which knows no graduation regarding the reprehensibility of its abortion”.⁷⁵¹ For the same reason as above, Schockenhoff himself expresses wonder whether one would still take recourse to the Thomistic animation theory derived from the facts based on current human biological knowledge and whether theology itself should be accused of taking a break from that tradition.⁷⁵² Schockenhoff argues:

Theology must respect the applicable guaranteed human biological evidence of the present in the same way that was demonstrated by Thomas and the medieval scholastics in their time to the natural historical work of Aristotle. If it [theology] found in response to the scientific progress of knowledge and the numerous discoveries, which puts our knowledge in connections with human reproduction on a new basis, that departs away from the previously represented delayed animation theory, then this reveals the same (methodically and objectively stipulated) self-restraint, as that which Thomas exercised towards Aristotle.⁷⁵³

In the field of Moral Theology, the animation theories do not represent a singular event and something exceptional. Thus, Klaus Demmer, a German Moral Theologian, when analyzing the theological and philosophical tradition regarding the question of the time of animation, emphasizes that Moral Theology has remained a child of its time and has always received impetus from the outside.⁷⁵⁴

Thus, the profile of the subject changed both positively and negatively. What today seems worthy of criticism, was seen at the time of its origin a possibility which did not wish to lose connection with the prevailing academic culture. One who refers to the tradition should also be aware of the ambivalence of the traditional argument. This also applies to the question of the ensoulment theory.⁷⁵⁵

⁷⁴⁹ Cf. Gregor DAMSCHEN/Dieter SCHÖNECKER, „In dubio pro embryo. Neue Argumente zum moralischen Status menschlicher Embryonen“, in: DIES. (Hg.), *Der moralische Status menschlicher Embryonen. Pro und contra Spezies-, Kontinuums-, Identitäts- und Potentialitätsargument*, de Gruyter, Berlin 2003, 187-268; 187.

⁷⁵⁰ Cf. HACK, *Der Streit um die Beseelung*..., 435-436.

⁷⁵¹ „In jedem Fall eignet dem Embryo unabhängig von seinem Beseelungsstatus mit dem Beginn seines Lebens eine Schutzwürdigkeit, die keine Graduierung hinsichtlich der Verwerflichkeit seiner Abtreibung kennt.“ HACK, *Der Streit um die Beseelung*..., 436. Tr. by author.

⁷⁵² Cf. *ibid.*, 436-437.

⁷⁵³ „Die Theologie muss den als gesichert geltenden humanbiologischen Erkenntnissen der Gegenwart den gleichen Respekt entgegenbringen, den Thomas und die mittelalterlichen Scholastiker zu ihrer Zeit dem naturkundlichen Werk des Aristoteles erwiesen. Wenn sie in Reaktion auf den wissenschaftlichen Erkenntnisfortschritt und die zahlreichen Entdeckungen, die unser Wissen um die Zusammenhänge der menschlichen Fortpflanzung auf eine neue Basis stellten, von den früher vertretenen Sukzessivbeseelungstheorien abrückte, verrät dies dieselbe (methodisch und sachlich geforderte) Selbstbeschränkung, wie sie Thomas gegenüber Aristoteles übte.“ SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 521. Tr. and addition by author. Cf. HACK, *Der Streit um die Beseelung*..., 437.

⁷⁵⁴ Cf. *ibid.*

⁷⁵⁵ „So hat sich das Profil des Fachs, positiv wie negativ, verändert. Was heute als kritikwürdig erscheint, war zu seiner Entstehungszeit womöglich geboten, wollte man den Anschluss an die herrschende Wissenskultur nicht verlieren. Wer auf Tradition verweist, sollte sich darum der Ambivalenz des Traditionsarguments bewusst bleiben. Das gilt auch in der Frage der Beseelungstheorie.“ Klaus DEMMER, *Gott denken - sittlich handeln. Fährten ethischer Theologie*, Studien zur theologischen Ethik. 120, Academic Press Fribourg/Herder, Freiburg Schweiz/Freiburg-Wien 2008, 138. Tr. by author. Cf. HACK, *Der Streit um die Beseelung*..., 439.

The dispute over the ensoulment proves impressively the above judgment. It drew its fundament from the different metaphysical interpretations and from the insights of the advanced scientific knowledge. Consequently, which animation theory prevailed depended on these facts.⁷⁵⁶

5.6 CONCLUSION

The basic thrust in this Chapter concerns the question, when or at which moment of its development is an embryo a human person? In other words, when does human life begin? Two diverse answers to these questions were examined.

One view, namely, mediate or delayed animation, held that the human person begins at a later stage and not from its first moment of existence, namely, fertilization.⁷⁵⁷

The other view, namely, immediate animation, also equally justified that the human person begins at the moment of fertilization.⁷⁵⁸ Both these views were developed basing themselves on scientific data available at their disposal.

To summarize the four theologians, who held for delayed animation by following Aristotelian-Thomistic teachings, the following observations are made:

1. Sufficient predisposition of matter is necessary in order to be informed by the rational soul.
2. There is a succession of soul, namely, first the vegetative, then the sensitive and finally the rational soul.
3. The successive replacement of former stages until the rational soul is infused is confirmed from embryology because scientific observation show a gradually increasing organization of an embryo insofar as initially only nutrition intake and growth are seen which is then followed by a sensitive life and finally by an intellectual phenomenon.
4. A distinction was made between *fetus animatus* and *fetus inanimatus*. This distinction served mostly in decisions with regard to the baptism of foetuses.
5. This position is more probable by the very fact that majority of theologians and philosophers held for a delayed animation.

⁷⁵⁶ Cf. *ibid.*

⁷⁵⁷ American Moral Theologian, John Gallagher, at the time he published his book, lists the following authors who hold for a delayed animation. The conclusion is that a human person begins some time after fertilization: DONCEEL, "Immediate animation...", 76-105; IDEM, "Catholic politicians and abortion", in: *America* 151 (1985) 81-83; Charles CURRAN, "Abortion, law and morality in contemporary Catholic theology", in: *Jurist* 33 (1973) 162-183; James DIAMOND, "Abortion, animation and biological hominization", in: *TS* 36 (1975) 305-324; Bernard HÄRING, "New dimensions of responsible parenthood" in *TS* 37 (1976) 120-132; 127-128; Gabriel PASTRANA, "Personhood and the beginning of life", in: *Thomist* 41 (1977) 247-294; Richard A. MCCORMICK, "Notes on moral theology", in: *TS* 39 (1978) 127-128, IDEM, "Notes on Moral Theology: 1978...", 108-109; C. A. TAUER, "The Tradition of Probabilism...", 3-33. See John GALLAGHER, *Is the Human Embryo a Person? A Philosophical Investigation*, Human Life Research Institute Reports -No. 4, Human Life Research Institute, Toronto 1985, at fn.2.

⁷⁵⁸ Gallagher also lists those authors who hold that the early stage embryo is a human being. They are: Benedict ASHLEY, "A critique of the theory of delayed hominization", in: MCCARTHY/MORACZEWSKI (ed.), *An Ethical Evaluation of Fetal Experimentation...*, 113-133; Robert E. JOYCE, "Personhood and the conception event", in: *New Scholasticism* 52 (1978) 97-109; Albert S. MORACZEWSKI, "Human personhood. A study in personalized biology", in: William B. BONDESON/H. Tristram Jr. ENGELHARDT/Stuart F. SPICKER/Daniel H. WINSHIP (ed.), *Abortion and the Status of the Fetus*, D. Reidel Publishing Company, Boston, 1983, 301-311 and James J. MCCARTNEY, "Some Roman Catholic concepts of person and their implications for the ontological status of the unborn", in: William B. BONDESON *et al.* (ed.), *Abortion and the Status of the Fetus...*, 313-323. See Gallagher, *Is the Human Embryo a Person?...*, at fn.5.

Based on the above formulations, it is observed that these theologians limit themselves to Aristotelian-Thomistic teaching. They find a solution to fit in the theory of delayed animation within this philosophical boundary. Moreover, they find that the scientific evidence from embryology, available at their respective times, supports their teaching.

However, at a biological and metaphysical level there are flaws when one accepts their viewpoint, as already mentioned in Chapter 4.2.1 and 4.2.2. Moreover, it must be kept in mind that bioethical controversial issues, such as in the present day, did not pose a problem to these theologians.

Though these views have been historically shaped and influenced⁷⁵⁹, beginning at least from the twentieth century the Catholic Church after careful consideration has repeatedly stated her position – through the Instruction *Donum Vitae*, the encyclical *Evangelium Vitae* and the Instruction *Dignitas Personae* – and continues to hold “a personal presence at the moment of the first appearance of a human life” (DV I, 1; *EV* 60 and DP I, 5).

Although no one theory is acceptable by all Moral Theologians, the question is left open with regard to the exact time of ensoulment of an embryo. However, it is reiterated that the time of ensoulment does not play an important role when compared to the role of the worthiness, value and moral behaviour towards an embryo right from the moment of its inception. In other words, from the beginning of life, an embryo is worthy of human dignity, has the right to life and therefore worthy of protection.

Moreover, the time of ensoulment of an embryo, which is also partially and closely a philosophical question, needed to be addressed in its historical context. The question, regarding which theory prevails today, either immediate animation or delayed animation, is contentious. Although these theories played a historical role at different times, recent biological advancements is still unclear on this point, owing once again to the fact that it is a philosophical question. Whatever stance one may take, the protection of an embryo from the moment of fertilization may be given.

⁷⁵⁹ For example, although Thomas presents a coherent and powerful argument for delayed ensoulment yet his arguments were premised on a number of assumptions based on the evidences available at his time, especially in the area of biology and his interpretation of Aristotle.

PART I

Conclusion

In this Part I, which is basically a foundational one, the general concepts of human dignity were examined so that these ideas may be used in the later parts of this research. The concept of human dignity is very profound. The word “dignity” stems from the Greek and Roman background and convey the meaning of “worthiness of honour and esteem”. However, today the word and its precise meaning and requirement have become elusive. The term “dignity of the human person” is often regarded as an ambiguous term and criticized as lacking content. Coupled with the confusion of the word “dignity” there is also a criticism about who qualifies to be a human person in order to predict about his/her dignity. The roots of the concept of human dignity as well as their utilization in United Nations Declaration and Conventions as well as other International Instruments were reviewed. However, they do not define the content of human dignity. By the very fact that these terms themselves are notoriously difficult to define in the field of Bioethics, the task of defining human dignity becomes even more difficult. Based on these facts, a working definition of human dignity was arrived, which speaks of the inherent, intrinsic, inviolable worth of every human being despite his/her origin. It was acknowledged that every human individual is necessarily a human person.

Further, the terms human dignity and human person were examined from a historical, philosophical and theological point of view. In examining from a philosophical perspective, according to Kant, it became clear that reason and autonomy play an important role in the development of the concept. Applying these principles, the working definition was reviewed in order to include autonomy and reason.

God’s creation of human beings in His own image and likeness (Gen 1,26-27) is a central anthropological statement and a foundational concept of understanding the human person. Owing to this fact, the sacredness of human life is acknowledged. However, this “sacredness of life” (*Heiligkeit des Lebens*) is not to be confused with the term “sanctity of life” (*Heiligkeit des Lebens*), a term that has derived a different meaning in Bioethics.

Through the incarnation of the Son of God along with the image of God-likeness, the dignity of the human person becomes even more concrete and attains Christological significance.

The Magisterial documents from the 19th Century onwards are all unanimous in proclaiming that the human embryo deserves the protection that is due to a human person right from the beginning of life.

The Catholic Church’s view of human dignity is similar to the way Kant perceived about human dignity, namely that it springs from human agency and free will. However, the understanding of the Church goes far beyond the philosophical understanding because of being created in the image of God and likeness.

The fact that human beings are created in the image of God was further incorporated into the working definition of human dignity.

The discourse seen so far in this research has been instructive in several aspects. Therefore, finally the findings in the previous chapters (Chapters 1-3) were applied in the bioethical discussion regarding the beginning of life (Chapter 4). At the ethical level, the use of human dignity in bioethics as a normative principle can equally be applied to an embryo. In Chapter 5,

the problem of the individuation of an embryo was handled because it was necessary to see whether an embryo is a human being and a person. The problem is one of a philosophical nature and the dispute is whether an embryo is animated from the moment of conception, or after a later stage following fertilization.

It was argued that the time of ensoulment does not play an important role when compared to the role of right to life and human dignity of an embryo right from the moment of its conception. Based on these deliberations a working definition of human dignity was suggested and the inner content of the definition was clarified.

According to Spaemann, a person does not begin his/her existence after the human being, nor does he/she end his/her existence before the human being. The one criterion for personality is the biological membership of the human race (See Chapter 2.5.3 above).

Thus, an embryo – being human because of its biological membership of the human race – is also inclusive in the above definition. With this definition in the background and having laid the foundations in Part I, the other Parts of this research will follow.

PART II

Human Dignity from the Beginning of Life: Moral Theological Perspectives in Germany

Part II will deal with the question of human dignity from the beginning of life from a German Moral Theological Perspective.

For a better clarification, this part is divided into four Chapters:

The concept of Human Dignity in Bioethics is dealt with in Chapter 6. The next Chapter 7 deals with human dignity in the Teaching of the Catholic Church in Germany. The concept of person from a German Perspective is taken up in Chapter 8. Chapter 9 will deal with human dignity and beginning of life issues.

CHAPTER 6

BIOETHICAL FOUNDATIONS OF HUMAN DIGNITY IN GERMAN MORAL THEOLOGY

6.1 INTRODUCTION

The demand for respect and protection of life based on human dignity and human rights and the recourse to them as already described is not limited only to international law or constitutional law of states. It is ubiquitous. In the field of bioethics, frequent reference is made to human dignity⁷⁶⁰, be it in the field of active euthanasia, Pre-implantation diagnosis, legitimating death penalty, cloning, embryonic stem cell research or other areas. Everyone in politics and law seems to make use of the concept of human dignity without having any doubt about its effectiveness and clear meaning.⁷⁶¹ In Germany, as mentioned in the last Chapter, the debate in bioethics extends itself into all arenas, especially in politics, and is centred sometimes on the question of human dignity. However, in the debate on Bioethics, voices are raised against this assumption and the universality of human dignity is questioned. The argument of some are that human dignity is based either on metaphysical assumptions, e.g. Kant, or on theological assertions. Therefore, one can raise a question, how can these assumptions and assertions be accepted in either a pluralistic society or an ideologically neutral state? In this Chapter, an answer to the question in German Moral Theology will be attempted and the role of human dignity in bioethical discussions will be deliberated.

6.2 PHILOSOPHICAL AND LEGAL-POLITICAL INTERPRETATIONS OF HUMAN DIGNITY

Chapter 4.3 above described how the concept of human dignity as a normative principle is used in the field of Bioethics and an example was given as to how some German Moral Theologians make use of the concept as an argument in this field. In this section, how and why this approach is made will be described from an analytical level.

At the very outset, it must be acknowledged that the concept of human dignity plays a substantial role in Germany. As mentioned earlier, human dignity is ranked as the highest distinctive principle in the *Basic Law of the Federal Republic of Germany (Grundgesetz für die Bundesrepublik, Deutschland)*.⁷⁶² From a philosophical point of view, German Moral Theologians put forward the argument of Kant as one of the reasons for human dignity. His influence on the understanding of human dignity and its place it has received –in not only Philosophical Ethics and Catholic Ethics but also its incorporation into constitutional law (especially the German Constitutional Law, the *Grundgesetz*) – can hardly be overestimated.⁷⁶³ Moreover, from a legal point of view, the argument frequently used by German Moral

⁷⁶⁰ Cf. SCHOCKENHOFF, *Ethik des Lebens*..., 226-227.

⁷⁶¹ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 47.

⁷⁶² Konrad HILPERT, „Begründung und Bedeutung der Menschenwürde“, in: DERS./Ulrich SCHROTH (Hg.), *Politik – Recht – Ethik. Vergewisserungen aus der Vergangenheit und Perspektiven für die Zukunft*, Kohlhammer, Stuttgart 2011, 106-117; 112. Cf. also MARSCHÜTZ, *theologisch ethisch nachdenken*..., 241.

⁷⁶³ Cf. HAILER/RITSCHL, „The General Notion of Human Dignity...“, 98. Cf. also HABERMAS, „Das Konzept der Menschenwürde...“, 343-344.

Theologians in Bioethics with regard to human dignity is the *Grundgesetz*.⁷⁶⁴ The opening words in this *Grundgesetz* affirm the dignity of the human being as the greatest value and basic principle of the Constitution, when it states, “The dignity of man is inviolable. To respect and protect it shall be the duty of all state authority” (Art. I,1).⁷⁶⁵

The importance given to the *Grundgesetz* is easily understandable in the context of twentieth century historical experience, namely the two World wars and the Holocaust that exterminated millions of human beings under the fascist dictatorship in Germany that had decried denial of human dignity under the Nazi regime. Millions of people either were forced to be subjects of experimentation against their will, or were tortured or killed for other reasons. Kurt Bayertz, a German Philosopher, in this context very rightly states: “The elevated status of the term human dignity in numerous international documents, as well as the specific duty to protect human dignity imposed on the State of Germany by its *Basic Law*, are to be viewed as the consequence of a history which is not to repeat itself.”⁷⁶⁶ Therefore, Habermas remarks that human rights developed in response to these violations of human dignity against the historical background of Holocaust and became morally charged and possibly even overcharged.⁷⁶⁷ The overarching importance attributed to Human Dignity in the German Constitution is undoubtedly a reaction to Nazi ideology, which was summarized in the horrid slogan, ‘You are nothing, your nation is all’. Thus the inalienable dignity of the individual had to be stressed...⁷⁶⁸ Human dignity as it were, provides basic frame reference for human rights and for anything, which follows the *Grundgesetz* in the Constitution of Germany. It is interesting to note that the key function of the concept of human dignity in the *Grundgesetz* is more explicit than in the UDHR 1948. The *Grundgesetz* pursues a clear logical sequence, namely, it is from the basic fact of human dignity that the recognition of human rights are derived which are positive law in the sense that they can be claimed in court. It was already mentioned that human dignity is a notion that precedes Human Rights. In other words, human Rights are a judicial concretization of the more general concept of human dignity. Human Dignity as a concept belongs to a pre-political or pre-judicial realm; whereas, human rights belong to the positive law.⁷⁶⁹

According to Spaemann, one cannot say that it is human right to have one’s dignity respected. Therefore, he remarks, “Dignity is rather the transcendental ground for the fact that human

⁷⁶⁴ See for example the following who often use the *Grundgesetz* in their bioethical arguments: REITER, „Bioethik...“, 8, REITER, „Die Menschenwürde und ihre Relevanz...“, 134, Johannes REITER, *Menschliche Würde und christliche Verantwortung. Bedenkliches zu Technik, Ethik, Politik*, Verlag Butzon & Bercker, Kevelaer 1989, 51, SCHLÖGEL, „Zum Menschenwürdeargument...“, 87, IDEM, „Strapazierte Menschenwürde...“, 99, Cf. LEHMANN, „Vom Anfang des Menschseins...“, 219 and Josef RÖMELT, *Christliche Ethik in moderner Gesellschaft. Band 2. Lebensbereiche*, Herder, Freiburg im Breisgau 2009, 136. See also moral theologians who use the *Grundgesetz* in their general arguments in favour of human dignity: REITER, „Über die Ethik der Menschenwürde...“, 447, HILPERT, „Die Idee der Menschenwürde...“, 41 and IDEM, „Begründung und Bedeutung der Menschenwürde...“, 107 & 112.

⁷⁶⁵ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 47.

⁷⁶⁶ BAYERTZ, “Human Dignity. Philosophical Origin...”, 80. See SCHOCKENHOFF, *Ethik des Lebens...*, 241 and Patrick VERSPIEREN, „Menschenwürde in der politischen und bioethischen Debatte“, in: *Conc(D)* 39 (2003) 143-152; 144.

⁷⁶⁷ HABERMAS, “Das Konzept der Menschenwürde...“, 344.

⁷⁶⁸ HAILER/RITSCHL, “The General Notion of Human Dignity...”, 101.

⁷⁶⁹ Cf. *ibid.*, 93 & 101.

beings have rights and duties.”⁷⁷⁰ Moreover, Spaemann undoubtedly acknowledges that the idea of human dignity is older than human rights. The term “dignity” is something abstract and therefore neither can be defined with precision nor be defined at all because it expresses a basic quality of human beings. Only in an intuitive manner can one approach this difficult notion with the help of comparisons, analogies and examples.⁷⁷¹

Since human dignity is the basis of all human rights, as a legal-political application of human dignity, it aims at threats towards humanity (here it is concerned with bioethical issues pertaining to the beginning and end of life), human self-determination and self-unfolding, which originate from human action and its social consequences.⁷⁷² Reiter explains that in the modern society the moral consensus of human dignity is enshrined in the first Article of the *Grundgesetz*. It is a cross-culturally accepted principle for ethical and legal assessment of the biological sciences as well as by the *Enquete-Kommission* of the German Parliament “Recht und Ethik der modernen Medizin” (2002) [Law and Ethics of Modern Medicine (2002)].⁷⁷³

Further, referring to the Preamble of UDHR 1948, to the European Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine), 1997⁷⁷⁴ and the European Union Charter of Fundamental Rights, 2000⁷⁷⁵, along with the *Grundgesetz*, Reiter concludes that these documents that base themselves on anthropological statements, contain clear and unambiguous guidelines, which explicitly affirm that human dignity applies equally to all people. Human dignity exists in human beings, and is not granted (Zuerkenntnis) but acknowledged (Anerkenntnis). The dignity is immanent from the moment of existence of a human being and is “co-extensive” with the life of the human person; it is not divisible in any phase of his/her life. The temporal sequence of life phases of a subject (embryo, foetus, child and adult) cannot be reinterpreted into a series of different subjects.⁷⁷⁶ This affirmation is necessary in order to apply the concept of human dignity contained in the *Grundgesetz* in bioethical discussions, especially with regard to the beginning or end of life issues. However, it must also be noted that the *Grundgesetz* does not save the parliament from extended and highly controversial debates such as Pre-implantation Diagnosis.⁷⁷⁷

The socio-political application of the term and its legal institutionalisation as described above may be seen as an extension of the philosophical concept of human dignity. Some finer points about Kant’s categorical imperative is to be noted.

⁷⁷⁰ SPAEMANN, „Menschenwürde ...“, 134. English tr. from IDEM, “Human Dignity...”, 27.

⁷⁷¹ IDEM, „Über den Begriff der Menschenwürde“, in: *Grenzen. Zur ethischen Dimension des Handelns*, Klett-Cotta, Stuttgart 2001, 107-122; 109.

⁷⁷² BAYERTZ, “Human Dignity. Philosophical Origin...”, 80.

⁷⁷³ Cf. REITER, „Bioethik...“, 8. See also IDEM, „Die Menschenwürde und ihre Relevanz...“, 134; IDEM, „Über die Ethik der Menschenwürde...“, 434.

⁷⁷⁴ See EUROPEAN CONVENTION, “European Convention for the Protection of Human Rights...”, 1185-1195.

⁷⁷⁵ See EUROPEAN UNION, “European Union Charter of Fundamental Rights, 2000”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights*, op. cit., 806-816.

⁷⁷⁶ The Working Definition that was arrived at (see Part I: Chapter 2.3 above) has taken into consideration these facts. Besides, See Reiter who writes: „Die zeitliche Folge von Lebensphasen eines Subjekts (Embryo, Fetus, Kind, Erwachsener) darf nicht in eine Aufeinanderfolge verschiedener Subjekte umgedeutet werden.“ REITER, „Die Menschenwürde und ihre Relevanz...“, 135.

⁷⁷⁷ Cf. HAILER/RITSCHL, “The General Notion of Human Dignity...”, 102.

First, in the phrase: “Act in such a way that you treat humanity [...]”, the word ‘humanity’ does not denote biological species nor is it to be understood in a collective sense of humankind (Latin: *genus humanum*). According to Werner Wolbert, an Austrian Moral Theologian, this is the way that it is normally understood by the German word ‘Menschheit’. The English equivalent ‘humanity’ may be less misleading in that it denotes something specifically human (Latin: *humanitas*). What distinguishes human beings from other animals is reason, especially practical reason. By practical reason, it is meant here reason insofar as it can recognize moral law as a categorical imperative. Therefore, the human person as a moral being has to be treated as an end in itself. However, ‘moral being’ in this context does not mean a person who realizes morality, or lives according to moral rules, but insofar as the person is capable of perceiving a moral claim. This is because of the fact that if human dignity depended on the realization of moral goodness rather than on mere capability, human beings would be unequal in respect of their dignity. The reference to human dignity in an ethical context means that all humans are equal in respect. In this sense, dignity cannot depend on their realization of morality but only on their capacity to realize morality. When seen this way, that is, human beings not simply as a member of the biological species, the approach may not be accused of ‘speciesism’, as suggested by some defenders of animal liberation.⁷⁷⁸

Wolbert argues, “This accusation would be justified if dignity were granted to the human being simply as a member of the biological species. The relevant feature, however, is not membership to the species *Homo sapiens*, but - as stated - the moral capacity of the person”.⁷⁷⁹ Kant made it clear that only two things have dignity: First, the moral attitude (moralische Gesinnung) or moral goodness, and second, the human person insofar as he or she is capable of morality (GMS IV, 435).⁷⁸⁰

In the context of this research, one may ask the question: What kind of “capacity” is necessary for an embryo in order to be considered as a moral being with dignity? If one presupposes an active faculty, then even a newborn or a child in its early years would not have the dignity of a human being. However, an active capacity, as explained earlier, to set oneself certain ends to act consciously according to moral criteria is not required. A minimal requirement would be a passive potentiality. In order to consider a human being a person it is necessary that one can consider her or him at least as an addressee of the moral claim. The epistemological problem here is that one cannot fix with certainty the beginning of personhood (see Chapter 5 above). One can only presume that all descendants of human beings are to be considered as persons and bestowed with dignity. There may be good reasons at least to treat an embryo as a person from the moment of conception.⁷⁸¹

⁷⁷⁸ Werner WOLBERT, “The Kantian Formula of Human Dignity and its Implications for Bioethics”, in: *Human Reproduction and Genetic Ethics. An International Journal* 4/1 (1998) 18-23; 18-19. Wolbert is referring to Singer. See SINGER, *Practical Ethics*..., 48-70.

⁷⁷⁹ WOLBERT, “The Kantian Formula of Human Dignity...”, 19.

⁷⁸⁰ „Also ist Sittlichkeit und die Menschheit, sofern sie derselben fähig ist, dasjenige, was allein Würde hat.“ KANT, „Grundlegung zur Metaphysik der Sitten...“, 435. Cf. WOLBERT, “The Kantian Formula of Human Dignity...”, 19.

⁷⁸¹ Cf. *ibid.*, 21. This problem was already introduced and certain remarks were made. A deeper analysis will follow in Chapter 8 on the Human Person and in Chapter 9 about the Beginning of Life issues of this research.

Second, in German Catholic Ethics along with Kant the *imago Dei* is also used as a theological foundation for human dignity. However, Kant himself had already sharply criticized this theological use. He did acknowledge the elevation of human race above nature. However, he confirms one of human dignity's assertions, namely, freedom. It is human freedom, which serves as an indicator and guarantor for the prominent and elevated status of the human being over against nature.⁷⁸² For Kant, the finest use of human freedom is materialized in the exercise of the second formulation of moral law, namely, "Act in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means" (GMS IV, 429). Human dignity consists precisely in this freedom when one acts on a practical imperative that distinguishes them from everything that is non-human. In stating this imperative, Kant actually is insisting on the autonomy of ethics and more importantly on the autonomy of human beings who are not just coerced by outside authorities. In exercising this autonomy, human beings manifest their dignity as human persons. Thus, Kant is replacing here the classical theological concept of *imago Dei* with the idea of the endowment of the human being with reason. Reason in human beings give them the power and enables them to exercise in freedom and follow the moral imperative.⁷⁸³

Thus, the question of respecting the human dignity of another is based on a peculiar ambivalence in the mind of a subject's freedom. According to Spaemann, from this ambivalence two different ideas of dignity could be violated. For example, in the *Grundgesetz* it is mentioned that human dignity is inviolable (*unantastbar*). Here dignity is to be understood as normative and not descriptive. Inviolability here can either mean that it is impossible to violate something, or it can mean, it should not be violated. These two meanings are related to that of the human persons as a subject of freedom. As such, they are not to be influenced in any way from the outside. On the other hand, however, there are also apparently acts that do infringe the dignity. One can understand this situation in which people present themselves not as free floating subjects in a vacuum but have a physical and psychic nature in which they can be infringed, regardless of their own will.⁷⁸⁴

In the context of the concept of human dignity having a distinctive feature in German bioethical discussion, one may raise the question: Why is a frequent reference made to human dignity as a normative principle?⁷⁸⁵ Or, why does German Moral Theology even use this term in bioethical discussions – which has been borrowed from philosophy and Constitutions of Nations such as

⁷⁸² Cf. HAILER/RITSCHL, "The General Notion of Human Dignity...", 98. Cf. SPAEMANN, „Menschenwürde und menschliche Natur...“, 135.

⁷⁸³ Cf. HAILER/RITSCHL, "The General Notion of Human Dignity...", 98.

⁷⁸⁴ Cf. SPAEMANN, "Menschenwürde und Menschliche Natur...", 135. Spaemann says that freedom is the characteristic of the species *homo sapiens*. Nevertheless, human nature is not the only one characterized as a representation of freedom. Here Spaemann invites the readers to imagine some creatures from other stars and planets. The difference between those creatures and human beings would be that the former could not understand pain, for example, the pain of sleep deprivation. One can see that almost all the contents of our human will are natural content, which is determined by our contingent human nature. Only in its contingent nature is human dignity violable. Cf. *ibid.*

⁷⁸⁵ Cf. BIRNBACHER, "Ambiguities...", 107. See also REITER, „Bioethik...“, 7-8. Reiter is of the opinion that it is a debatable question when it comes to the moral basis of Bioethics. A moral consensus in modern societies is sparse. It comprises only a limited repertoire of values and norms, which in essence relate to the protection of human dignity.

Universal Declaration of Human Rights (UDHR) 1948, the *Grundgesetz*⁷⁸⁶ among others, which until the 1960s was never a theme in theology – in Lexicons or Ethics?⁷⁸⁷

The common arguments in favour of human dignity among moral theologians in Germany in the field of bioethics stems from the fact that the concept was already in use in the ancient Philosophy such as Cicero, the Renaissance and Enlightenment periods.⁷⁸⁸

There are also some specific arguments that the moral theologians in Germany use. They are: First, the most important argument comes from Kant who developed the concept of dignity and which later became a central concept of ethics, especially in his *Grundlegung zur Metaphysik der Sitten*, more specifically his definition of human dignity (GMS IV, 434; see Chapter 2.3 above).⁷⁸⁹

Second, the argument given is one that is based on the categorical imperative of Kant (GMS IV, 429; see Chapter 2.3 above).⁷⁹⁰

Third, the doctrine of dignity that Kant held demands equal respect for all persons (MS VI, 434-435; see Chapter 2.3 above) and which forbids the use of another person merely as a means to one's own ends.⁷⁹¹

Fourth, the argument frequently used from a legal-ethical point of view is the *Grundgesetz*.

All the above four arguments point to the fact that the use of the concept of human dignity as a normative principle is frequent in German Moral Theology. However, there are also authors who would differ from these arguments. It must also be noted here that although the criterion of human dignity is used frequently in bioethical discussion in Germany, it is not a favourite theme among moral theologians in other countries to use similar arguments based on human dignity.⁷⁹²

As a conclusion to this section, besides other important factors, two of them play a major role in bioethical decisions in Germany. The first, as already described, is the influence of the Enlightenment philosopher Kant and the second, the historically and philosophically influenced *Grundgesetz* (alongside the theological influence that will be seen below) with regard to the

⁷⁸⁶ BUNDESMINISTERIUMS DER JUSTIZ, *Grundgesetz für die Bundesrepublik Deutschland*, op. cit., Artikel 1 Abs. 1.

⁷⁸⁷ Cf. REITER, „Über die Ethik der Menschenwürde...“, 434. In his footnote, Reiter mentions the second edition of LThK. There is no mention about the term human dignity in this edition. However, in a later edition, Konrad Hilpert, a German Moral Theologian, deals with the concept. See for example in Konrad HILPERT, „Menschenwürde“, in: LThK³ 7 (1998) 132-137. German Medical Professional Helmut Weber dedicates only a single paragraph in the new Moral handbooks regarding the concept, especially in his special Moral theology. See Helmut WEBER, *Spezielle Moraltheologie. Grundfragen des christlichen Lebens*, Styria, Graz/Wien/Köln 1999, 73-83. However, at present the volume of literature on the topic of human dignity is enormous. See for example the literature that Hilpert cites in his article: HILPERT, „Die Idee der Menschenwürde...“, 54.

⁷⁸⁸ For a helpful text on the historical development of the concept of human dignity see Konrad HILPERT, „Menschenwürde“, in: LThK³ (Sonderausgabe) 7 (2009) 132-137 and PÖSCHL/KONDYLIS, „Würde...“, 637-677.

⁷⁸⁹ See for example the following moral theologians among others: Cf. Reiter, *Menschliche Würde und christliche Verantwortung...*, 46-47 and 50. See also Reiter, „Die Menschenwürde und ihre Relevanz...“, 133-134. Cf. also Idem, „Über die Ethik der Menschenwürde...“, 446, Schlögel, „Zum Menschenwürdeargument...“, 85, Horstmann, „Menschenwürde...“, 1125 and Wils, „Zur Typologie...“, 145.

⁷⁹⁰ See for example: SCHLÖGEL, „Zum Menschenwürdeargument...“, 85-86 and IDEM, „Strapazierte Menschenwürde...“, 98.

⁷⁹¹ KANT, „Die Metaphysik der Sitten“, 434-435. Cf. JAMES, „Human Dignity...“, 129-130.

⁷⁹² Compared to the English speaking and Italian countries, the concept of human dignity is very frequently used in German Moral Theology. Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 84. See also BIRNBACHER, „Ambiguities...“, 107. Birnbacher says, „Frequent reference to Menschenwürde as a normative principle is a distinctive feature of German bioethical discussion.” *Ibid.*

important role that human dignity plays in bioethics from a philosophical and ethical-legal point of view.⁷⁹³

6.3 THEOLOGICAL FOUNDATIONS OF HUMAN DIGNITY

Reiter suggests three aspects under which the encompassing action of God towards human persons can be seen as the theological foundation of human dignity, namely, creation theology, Christological-soteriological and an eschatological theology.⁷⁹⁴

6.3.1 Human Dignity under the Aspect of Creation theology

The concept of the image of God is one of the standard arguments for the biblical and theological point of view of human dignity.⁷⁹⁵

Erwin Dirscherl, a systematic theologian in Regensburg, explains the importance of the image of God concept, which forms the core of biblical anthropology in the Book of Genesis. The decision was to make man and woman as God's deputy (*Stellvertreter* on earth in the sense of being His representative, *Repräsentant*). The importance of the meaning of this representation as *repraesentatio dei* lies in the fact that human beings are bearers of this dynamic decision of God. Although the human himself/herself did not constitute it, the meaning of the image of God is received in him/her through His decision. Human creation is a decision which is already contained in the phrase "let us make man in our own image and likeness". It is from here that

⁷⁹³ For an exhaustive list of other sources in ethics and law, see REITER, „Die Menschenwürde und ihre Relevanz ...“, 146-147 at fn.10.

⁷⁹⁴ Cf. *ibid.*, 136-138 and IDEM, *Menschliche Würde und christliche Verantwortung...*, 54-57.

⁷⁹⁵ See for example HILPERT, „Die Idee der Menschenwürde...“, 43-44, SCHLÖGEL, „Zum Menschenwürdeargument...“, 88, IDEM, „„Strapazierte Menschenwürde“...“, 100-102, SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 458-461 and IDEM, „Lebensbeginn und Menschenwürde...“, 202-204.

he/she receives the decision.⁷⁹⁶ The human person points back to the Creator himself (who is invisible and imageless) in His creation of human beings as God's deputy (*Stellvertreter*) and His representative (*Repräsentant*). Here, in a unique way a program of theological anthropology, in the best sense of the term, is presented. This is because the theological statement is presented in absolute inner anthropological relation. In other words, one can only talk about God when one speaks about humans and similarly one can speak about humans only when one is talking about God!⁷⁹⁷

In order to appeal to the contemporary philosophers and intellectually educated listeners with regard to the interpretation of the biblical idea of the image of God, Hilpert gives a precise answer to the question about the content of the image and likeness and to whom it is given. As for the content of the image of God likeness, he answers that it consists in the mind and reason of human nature. This was later implied as "conscience"; which is expressly incorporated in Article 1 of the UDHR.⁷⁹⁸ With regard to the second question, Hilpert answers that it is given in a manner proper to dignity of all human persons. With regard to this equal dignity of all,

⁷⁹⁶ Dirscherl states: „Es ist entschieden, dass der Mensch Stellvertreter bzw. Stellvertreterin Gottes in der Welt und in diesem Sinne Repräsentant/in Gottes ist. Die Bedeutung der Abbildlichkeit liegt in der *repraesentatio dei* im Sinne einer dynamischen, in der Zeit auszuübenden Entschiedenheit. Diese Bedeutung der Gottebenbildlichkeit hat der Mensch immer schon empfangen, er hat sie nicht selbst konstituiert. Der Mensch ist in diese Bedeutung eingesetzt – damit ist schon über ihn entschieden und von dorthin erhält der Mensch seine Entschiedenheit.“ See Erwin DIRSCHERL, *Grundriss Theologischer Anthropologie. Die Entschiedenheit des Menschen angesichts des Anderen*, Friedrich Pustet, Regensburg 2006, 114-115. Emphasis in original. The word „Stellvertreter“ has been translated as deputy and the word „Repräsentant“ as representative when spoken of human beings made in the image of God. Perhaps, as deputy one needs to understand as collaborators with God or in the sense that human beings are co-creators with God and seen as ambassadors especially when it comes to the question of the stewardship over creation. Protestant theologian Philip Hefner had introduced the term "created co-creator". The word "created co-creators" was used in the understanding of the *imago Dei* as humans who play a significant role in bringing creation and history to its completion. See Philip HEFNER, "The Evolution of the Created Co-Creator", in: Ted PETERS (ed.), *Cosmos as Creation*, Abingdon, Nashville 1989, 211-233; 211. However, Rahner had already anticipated something similar about humans in relation to God and creation. See Karl RAHNER, "The Experiment with Man. Theological Observations on Man's Self-Manipulation", in: *Theological Investigations* 9, tr. by Graham HARRISON, Herder and Herder, New York 1972, 205-224; RAHNER, "The Problem of Genetic Manipulation...", 225-249. Cf. also Bart HANSEN/Paul SCHOTSMANS, "Cloning. The Human as Created Co-Creator?", in: *Ethical Perspectives* 8 (2001) 75-89; 84. With regard to the word „Stellvertreter“, Jürgen Moltmann gives another explanation, namely, that "image of God" is an oriental ruler title. According to this interpretation, only the king is God's image on earth and he is His deputy (*Stellvertreter*) to his people. That gives him absolute authority and demands total obedience from his subjects. He is responsible only to the gods, for he belongs to them. He is not accountable to anyone else. If ever the gods reject him, it would be his end. Cf. Jürgen MOLTSMANN, „Was ist der Mensch? Von der anthropozentrischen zur komischen Anthropologie“, in: *International Journal of Orthodox Theology* 2/3 (2011) 21-51; 23. Cf. Thomas A. SHANNON/James J. WALTER, *The New Genetic Medicine. Theological and Ethical Reflections*, Sheed & Ward, Maryland/Oxford 2003, 7-17; 8.

⁷⁹⁷ Cf. DOHMEN, „Zwischen Gott und Welt...“, 27-28.

⁷⁹⁸ Hilpert writes: „Die Gottebenbildlichkeit besteht in der Geist- und Vernunftnatur des Menschen. Damit war mitgemeint, was später – und der Artikel 1 der Menschenrechtserklärung der Vereinten Nationen hat das ausdrücklich aufgenommen – als „Gewissen“ bezeichnet wurde. Die Antwort auf die zweite Frage lautete: Diese Würde ist allen Menschen als Menschen zu Eigen.“ See HILPERT, „Begründung und Bedeutung der Menschenwürde...“, 108-109. Article 1 of UDHR reads, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." See UN GENERAL ASSEMBLY, "Universal Declaration of Human Rights, 1948", *op. cit.*, 24.

there is no qualitative difference between people in their creation, in their cultural or ethnic origin, sex, or to which state of affairs they wish to belong.⁷⁹⁹

Ratzinger asserts that the image of God in human beings is actually a reflection of the real God who is:

[...] by his very nature entirely being-for (Father), being-from (Son), and being-with (Holy Spirit). Man, for his part, is God's image precisely insofar as the "from," "with," and "for" constitute the fundamental anthropological pattern.⁸⁰⁰

Thus, Ratzinger finds an anthropological pattern in the image of God. Therefore, he warns that when one attempts to free oneself from this pattern, then one is not on the way to divinity but dehumanization. It leads one to the destruction of being itself through the destruction of the truth.⁸⁰¹ It is quite understandable here when one can read these statements in connection with the problem of abortion (the reference to which is made by Ratzinger earlier on in this article). There he speaks of some people who claim that abortion must be left to the freedom of the mother's choice. Ratzinger says that in choosing so the mother infringes on the freedom of the growing embryo. He puts a rhetorical question: "The question we must therefore ask is this: 'exactly what sort of freedom has even the right to annul another's freedom as soon as it begins?'"⁸⁰² The problem here is that the freedom that flows from fundamental figure of human existence itself is under attack. It also assails it even before an individual has a chance to live and act.⁸⁰³ One can conclude here that destruction of an embryo – abortion as one solid example – would distort the very image of God in the growing person, which is not a way to divinity but rather only a way to dehumanization.

It must also be noted that the biblical books do not conceive of human dignity as something inherent within the human, rather God imparts dignity to the human persons. In other words, humans receive their dignity from God. This basic assertion is found in modern philosophy such as in Spaemann⁸⁰⁴, in modern philosophy of law and in theological ethics. This assertion is applied to all human beings regardless of their status in the society.⁸⁰⁵

The image of God concept of the OT is testified in the NT with regard to Jesus Christ who is spoken of not only in terms of his humanity, but also in terms of his pre-existence: "He is the image of the invisible God himself" (Col 1,15).⁸⁰⁶ Human dignity is irrevocably given and confirmed through the incarnation of the Son of God who enters into history as a true human being. In his humanity, the love of God for human beings is manifested.⁸⁰⁷ This point will be elaborated in the next section.

⁷⁹⁹ HILPERT, „Begründung und Bedeutung der Menschenwürde...“, 109. Cf. also IDEM, *Menschenrechte und Theologie. Forschungsbeiträge zur ethischen Dimension der Menschenrechte*, Universitätsverlag/Herder, Freiburg Schweiz/Freiburg i. Br./Wien 2001, 358.

⁸⁰⁰ English tr. from Joseph RATZINGER, "Truth and Freedom", in: *Communio: International Catholic Review* 23/1 (1996) 16-35; 28. Original German version: IDEM, „Freiheit und Wahrheit“, in: *IKaZ* 24 (1995) 527-542; 536.

⁸⁰¹ Cf. IDEM, "Truth and Freedom...", 28.

⁸⁰² *Ibid.*, 27.

⁸⁰³ Cf. *ibid.* 27-28.

⁸⁰⁴ SPAEMANN, „Über den Begriff der Menschenwürde...“, 107-122.

⁸⁰⁵ HAILER/RITSCHL, "The General Notion of Human Dignity...", 96-97.

⁸⁰⁶ Cf. DIRSCHERL, „Über spannende Beziehungen...“, 63.

⁸⁰⁷ Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 137.

6.3.2 Christological-Soteriological Aspect of Human Dignity

The image of God likeness in human persons, as described above, is variously resorted to in the NT in order to justify individual ethical demands. In the NT, Jesus Christ is the true and only “image of the invisible God” (Col 1,15).⁸⁰⁸ Those who believe in Jesus Christ through the grace of God in baptism are moulded into his own image. In this manner, God places people before Jesus Christ in His image and likeness, that they may know the lofty dignity to which they are called. The special dignity of human persons is not grounded in his/her own “characteristic” of nature, but in a supporting relationship with Jesus, accomplished through God’s creative word.⁸⁰⁹

Jesus being free from the chain of sins seizes to himself in his dignity those who are affected, while at the same time respecting the freedom of others until his death. His life and his work were liberating, in that all are redeemed from sin. His involvement was especially with those who were persecuted, the sinners and the sick, in other words, those who could not help themselves.⁸¹⁰

Thus, one can observe that the German moral theologians have brought out not only the relationship between Jesus and human beings in their sharing of the image of God with him, but also soteriological aspect that extends to all people, especially those who are insignificant and who cannot help themselves.

6.3.3 Eschatological Aspect of Human Dignity

The third theological foundation of human dignity is the eschatological aspect. Reiter explains this aspect in the following way. The eschatological message speaks of the Parousia and of the prominent state of perfection of human persons and the world. It depends on the human persons to leave not only the historical form of existence – which includes the immortal soul, love or the works that they once did – but also the concrete existence so that the gift of God will be manifested in the future (cf. *GS* 39). In aiming at this state, in which the “new person” would be born, one sees the present state as one’s-own-self-yet-hidden, as the not-yet-mature, but to that state in which one is called-to-perfection. The concept of human dignity should take into account this aspect of human imperfection. Owing to the sin of the world and the general wretchedness, the concrete human person falls short of the ideal. Human nature is not fully dominated by his/her personality, and burdened with disease, suffering and death. Because of alienation from God, human persons are alienated from the world, from others and from self. The dignity and the image of God in human persons are thus overshadowed by many such grey shades. However, the dominion over nature, the victory of life over death is still in his/her reach. This is realized only in an eschatological order that is true of the world and its history. In an outstanding act of salvation, Christ will bring the world to fulfillment. This eschatological aspect clearly emphasizes once again that the dignity of the human person comes from the transcendence, that he/she will be bestowed at the end.⁸¹¹

⁸⁰⁸ Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 88.

⁸⁰⁹ Cf. *ibid.*

⁸¹⁰ Cf. REITER, „Die Menschenwürde und ihre Relevanz ...“, 137.

⁸¹¹ Cf. *ibid.*, 137-138.

This means that human dignity is respected insofar as one acknowledges the imperfection of human person, with an expectation at the same time that one also overcomes it. What distinguishes this theological conception of dignity from any other proposed conceptualization? The liberal, pluralist State law states that the person has an inalienable dignity. However, the ultimate reason for the inalienable dignity cannot be explained by the State. The question about the ultimate cause is answered differently. It is in the Christian faith – which is founded on a purely rational interpretation of the absolute claim of human dignity – a deeper meaning is achieved.⁸¹²

Thus, the core of a theological foundation of human dignity lies in the assertion that the foundation and goal of human persons lies in the fact that human dignity is ultimately grounded not on demonstrable skills and qualities of humans, but that God has spoken to human persons and that He is the one who maintains all human contrary laws. On the one hand, the triple-compound proximity of humans to God – the Creator God's image in humans, God made man as a brother, God in perfecting a new man – is theologically speaking, the final legitimation of human dignity. On the other hand, in such well-founded human dignity, disposability of the human being for the sake of another deprives human dignity of any foundation.⁸¹³

Hence, in this respect of eschatological aspect of human dignity, one can see that human dignity is not based on qualities present in a human person. That is to say, when one speaks from the point of view of an embryo, one need not look for the qualities that are already manifested in it in order to claim for itself human dignity.

6.4 A THEOLOGICAL ETHICAL ANALYSIS OF THE CONCEPT OF HUMAN DIGNITY

It was mentioned above that German Moral Theology makes use of the secular Instruments such as the UDHR 1948 and *Grundgesetz* in theological arguments favouring human dignity. This is because of the fact that the *Grundgesetz* contains traces of elements not only of the Kantian roots but also biblical.⁸¹⁴ However, Schockenhoff expresses his doubts regarding the usefulness of the prominent position of human dignity that is guaranteed by the UDHR 1948 and the *Grundgesetz*. The reason is that no common understanding has been arrived based on which a moral argument could be agreed. Therefore, a distinction in the concept of human dignity is required, in order to make it possible to use it in secular fields too. If the idea of human dignity is to have a normative function, in the sense that it is eligible for recognition from a rational point of view, it must remain only as a nominal term. In its normative use, it outlines the mutually non-disposable realm of life, acknowledging one another, respecting each other as free rational beings. The normative core of the concept of human dignity consists in making human persons moral through his/her capacity to be able to act freely and in a lifestyle, which is autonomous.⁸¹⁵

From this restriction on the moral capacity to act as such, one can derive a second meaning of the term “human dignity”. This meaning is often found in Church documents and her preaching,

⁸¹² Cf. IDEM, *Menschliche Würde und christliche Verantwortung...*, 56.

⁸¹³ Cf. *ibid.*, 56-57; IDEM, „Die Menschenwürde und ihre Relevanz ...“, 138.

⁸¹⁴ HAILER/RITSCHL, “The General Notion of Human Dignity...”, 99.

⁸¹⁵ Cf. SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 204-205.

namely, in its use of the humanization of the public-political space, or individual life phenomena such as in marriage and family, love and sexuality, illness, death and dying. It is through this meaning of the term “human dignity” that it expands its claim beyond a normative minimum requirement in addition to a summarization of the anthropological linguistic meaning of the Christian faith. Both the ideas which overlap in our everyday language when one speaks of human dignity can complement each other in view of the moral responsibility of the individual or the structure that promotes the individual welfare in a “good” society; although, they almost exclude each other at one point. In its normative sense, the idea of human dignity designates a categorical boundary that is placed at every attempt in the realization of its second expanded role.⁸¹⁶

This primacy of the normative boundary plays a crucial role in democratic societies, because in a comprehensive sense they are founded on their own self-understanding and no longer in the order of virtue and truth, but the production and conservation of peace and justice for everyone. Just because one agrees no longer in our open societies on mandatory contents of a “dignified life”, one needs the minimal concept of dignity to give it a binding legal form. It is not dependent on a social agreement which is created by cultural attribution, but which must be recognized by everyone as required by the law as a foundation to this limiting condition. It is within this concept under which lie all the commitment for the welfare of the people and improving their living conditions. It reminds one that human persons are an end-in-himself/herself and of the fundamental moral principle of the prohibition of instrumentalization⁸¹⁷: “Every person is to be respected for his/her own sake and must never be willed exclusively as a means to an end outside its intended purpose.”⁸¹⁸

Schockenhoff’s conclusion that the concept human dignity entails two meanings, namely, the categorical normative meaning of respect for oneself and others and the humane purpose, helps first to resolve the problem between the Secular State and the individual citizen. In this respect, the recognition of human dignity is not only a possible proposal, whose acceptance is left to the discretion of the individual, but also a binding interpretive principle, which is the normative basis of the entire state system.⁸¹⁹

However, Schockenhoff poses his skepticism about the use of the principle of human dignity. For him, from a meta-ethical point of view, the formula of the inalienable human dignity which is often held, serves only the affirmation of formal moral insights, but does not contribute to the substantive definition of what is morally correct or not. This is true in many bioethical conflict decisions in which a careful weighing of goods and effect assessment is required, to the extent that the realization of what is morally right or wrong action cannot be derived from human dignity alone. As a negative evaluative criterion that forbids one the unrestricted instrumentalization of human life, the appeal to human dignity does not give one still any exhaustive positive target into which direction one should direct the future biomedical research.

⁸¹⁶ Cf. *ibid.*, 205.

⁸¹⁷ Cf. *ibid.*, 205-206.

⁸¹⁸ „Jeder Mensch ist um seiner selbst willen zu achten und darf niemals ausschließlich als Mittel zu einem seiner Existenz fremden Zweck gewollt werden.“ SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 206. Tr. by author. See also IDEM, *Ethik des Lebens...*, 237.

⁸¹⁹ Cf. *ibid.*, 237.

In other words, the principle of human dignity only formulates a few absolute obligations, but not a complete set of obligations to act. It reminds us only of what one cannot do under any circumstances; however, it does not tell us all what one must do in order to survive the challenge of the growing possibilities of the technological manipulation of life.⁸²⁰

Schockenhoff then says that the above argument ignores, therefore, that such normative barriers just bring with it in ethical conflict situations through the categorical exclusion of certain actions a substantive limitation of what is morally correct. The question of the ethical permissibility of human experiment might serve as an example of the prohibition of the use of embryo in research. Interventions in the early stages of human life can have a consequence on the preliminary decision over the personal freedom of others, which tantamount to determination of its future heteronomous inescapable fate. Hence, the natural development process must be included within the extension of protection of human dignity, which will qualify to be an ethically self-determined human being at a later stage of its existence. This conclusion is not based on an *ad hoc* assumption, which would have been especially designed for the earliest stages of human life in order to justify the prohibition of using human embryos in research. It represents rather the appropriate application of a general principle to a particularly problematic area, namely the protection of life and for the conflicts between born and unborn and not unlike the conflicts over the already born.⁸²¹

6.5 THE SANCTITY OF LIFE ISSUES IN BIOETHICS OF AN EMBRYO

The concept of sanctity of life was something unfamiliar to German moral theology before the 1970s. Until the last decade, it was a contentious part of the public debate on bioethical issues.⁸²² It must be noted that contemporary discussion about sanctity of life does not focus on an ethics derived from a particular religion. The problem could lie in the fact that when the term “sanctity of life” is translated literally into German as “Heiligkeit des Lebens” (meaning “holiness of life/sacredness of life”), it may be misunderstood in a religious sense.⁸²³ For example, when Quante writes about human dignity, he refers to two traditions. One of the tradition interprets “human dignity” within the framework of “sanctity of human life” („Heiligkeit des menschlichen Lebens“). In this tradition, the special status of human life is justified by the fact “that God has bestowed on human life this special ethical value”.⁸²⁴ According to Quante, the theological thrust of this argument is illustrated by the term “sanctity” (“Heiligkeit”). For him in a pluralistic and secular society, such a theological justification of moral claim and above all as a legal claim is problematic. Therefore, according to him many authors have attempted to

⁸²⁰ Cf. *ibid.*, 238.

⁸²¹ Cf. *ibid.*, 238-239.

⁸²² Cf. BARANZKE, „Heiligkeit des Lebens...“, 87. Cf. Herbert SCHLÖGEL, „Heiligkeit des Lebens – Ehrfurcht vor dem Leben. Nützliche Begriffe in der Bioethik“, in: *IKaZ* 31 (2002) 556-564, 556.

⁸²³ Cf. LOEWENICH, “Sanctity of Life...”, 229.

⁸²⁴ „dass Gott dem menschlichen Leben diesen besonderen ethischen Wert verliehen hat“. Michael QUANTE, *Menschenwürde und personale Autonomie. Demokratische Werte im Kontext der Lebenswissenschaften*, Felix Meiner Verlag, Hamburg 2010, 37. Tr. by author. Cf. Friedo RICKEN, „Menschenwürde und Recht auf Leben“, in: *ThPh* 86 (2011) 574-577; 576.

analyse “sanctity” (“Heiligkeit”) in a non-theological concept.⁸²⁵ Given this background of the confusion over “human dignity” and “sanctity of life”, there is a need to discuss about the concept in German Moral Theology to place it into a right perspective

The contention over the concept of “sanctity of life” is in fact a great hindrance to bioethical progress.⁸²⁶ The problem is that all established fundamental ethical principles, behavioral norms and values are bypassed too lightly. In addition, the construct from Singer and his followers from a utilitarian argumentative principles based on empirical-scientific view of human beings in a supposedly held tradition of Locke will have deep troubling repercussions.⁸²⁷ From a utilitarian approach, Singer and Kuhse show that there is no basis for the sanctity of life in a rational ethic.⁸²⁸

Singer and Kuhse argue that the concept of “sanctity of life” is a consequence or even a relic of Judeo-Christian tradition. They derive the support for their opinion from the fact that sanctity of life is a part of Judeo-Christian morality by giving examples of some exotic peoples whose respect for human life, although not abolished, at least is very limited.⁸²⁹

Mirijam Zimmerman and Ruben Zimmerman, both German Protestant Theologians, while critically confronting Kuhse and Singer, attempt to do justice to the phenomenon of the “sanctity of life” by interpreting it as a myth. According to Zimmerman and Zimmerman, the concept of “sanctity of life” requires the understanding of a given-ness of life (Gegebenenseins des Lebens). This requires a wider claim than the Judeo-Christian tradition, which is only a historical formation of the phenomenon.⁸³⁰

It is to be noted that from the ethical justification point of view the “sanctity of life” concept is not a normative statement. However, the bioethical debate over the concept has shown that one cannot bypass without treating the theoretical principles. When one does that, it can manifest itself in various forms of utilitarian expressions (like that of Singer, Hoerster). Therefore, Zimmermann and Zimmermann stress that the idea of “sanctity of life” be independent of religious and cultural backgrounds.⁸³¹

The term “sanctity of life” is commonly used neither in the tradition of Catholic moral theology nor in the Protestant ethic, although its contents have been. This is because “sanctity of life” indeed has a theological background, but in no way is it used only in this context. On the contrary, this term was used partially to move away from a creation-theological foundation of the dignity of the human person, in order to enshrine the person in a secular framework.

⁸²⁵ Cf. QUANTE, *Menschenwürde und personale Autonomie...*, 37. The second tradition sees the justification in the ability of people to “live their lives autonomously, in the sense that they can decide and judge for themselves in the light of self-given moral rules” („ihr Leben autonom zu führen, und zwar in dem Sinn, dass sie im Lichte selbst gegebener moralischer Regeln entscheiden und urteilen können“). *Ibid.* Tr. by author. The concept of autonomy is outside the scope of this research and is not treated here. Cf. also RICKEN, „Menschenwürde und Recht auf Leben...“, 576.

⁸²⁶ Cf. SCHLÖGEL, „Heiligkeit des Lebens...“, 556. Cf. also BARANZKE, „Heiligkeit des Lebens...“, 88-89.

⁸²⁷ *Ibid.*, 89.

⁸²⁸ Cf. KUHSE/SINGER, *Should the Baby Live?...*, 118-139. Cf. SCHLÖGEL, „Heiligkeit des Lebens...“, 557. A debate over the theories of Kuhse and Singer can be found in Mirijam ZIMMERMANN/Ruben ZIMMERMANN, „Der Heiligkeit des Lebens‘ in der Medizin. Eine Entgegnung“, in: *ZEE* 41 (1997) 217-227.

⁸²⁹ Cf. LOEWENICH, “Sanctity of Life...”, 229. Cf. also KUHSE/SINGER, *Should the Baby Live?...*, 125.

⁸³⁰ ZIMMERMANN/ZIMMERMANN, „Der Heiligkeit des Lebens‘...“, 217-227. According to research in more recent times, myths do not deal with fairy tales and ancient gods but with the reflection on reality experiences.

⁸³¹ *Ibid.*, 223-224.

Schockenhoff describes that it has become “a kind of secular alternative formula for the sovereign right of God”.⁸³²

As seen above, although different aspects of “sanctity of life” have been highlighted and can assimilate together to form its basis, these aspects of it as a myth or a theological argument are not acceptable to all. In a utilitarian model of medical ethics, these aspects seem to be viable as a reference point as well as a concept that can protect human life, which begins at birth, and to trust that rationality prevails at a minimum in all bio-political decisions. Perhaps, in this respect, the notion of “sanctity of life” remains a useful and meaningful concept.⁸³³

Besides the above aspects of sanctity of life, the concept “reverence for life” (which is usually associated with Albert Schweitzer in the context of environmental ethics) has also been used as a basic attitude towards human life. Reverence for life has many facets and one of them, according to Habermas, is the following insight. Although in a pluralistic society, it is difficult to accept that an embryo could be granted absolute protection of life like that, which individuals as bearers of fundamental rights enjoy, yet the fact that an embryo be considered as a second person in the becoming, is a remarkable insight. Aspects like, recognition of the fact that the foetus is a second person, to know that interventions on it are unilateral and not reciprocal, in the long run to maintain its self-determination; are all those that show respect for an embryo and meaningful in medical ethics.⁸³⁴

Thus, one can conclude that the terms such as “sanctity of life” and “reverence for life” does not provide direct and immediate help for the debate on normative ethics in bioethical issues. However, they are helpful and useful insofar as they name a policy framework within which the debate on ethical standards can be extended.⁸³⁵

6.6 CONCLUSION

It was mentioned in the last Chapter that human dignity is a fundamental principle in bioethics. In Germany, especially as an aftermath of the war, the concept proved to be very helpful to all the people in bringing unification within a pluralistic society. Today, it has become the epitome of humanity. It serves as a common reference point for people of all races, religions and cultures.⁸³⁶ Four results can be seen from its acceptance.

First, as a fundamental principle the concept of dignity gains its fuller foundation as a normative basis in German moral theology. For example, Reiter analyses the more recent and currently debatable questions on Cloning, Stem-cell Research, Stem-Cell import, Pre-implantation diagnosis, Euthanasia from the normative principle of human dignity.⁸³⁷ It was also noted that the normative basis of human dignity alone is insufficient in a secular society. A second

⁸³² „zu einer Art säkularen Ersatzformel für das Hoheitsrecht Gottes geworden.“ Eberhard SCHOCKENHOFF, *Ethik des Lebens. Ein theologischer Grundriss (Welt der Theologie)*, Matthias-Grünwald-Verl., Mainz 1998, 186. Tr. by author. It is interesting to note that Schockenhoff does not deal anymore with the concept of sanctity of life as one can see from his newer editions of “*Ethik des Lebens*” (2009 and 2013 editions). See. SCHLÖGEL, „Heiligkeit des Lebens...“, 559-560. Here, Schlögel mentions about Schockenhoff’s previous edition of „*Ethik des Lebens*“ (1993 edition) and the use of the term.

⁸³³ Cf. SCHLÖGEL, „Heiligkeit des Lebens...“, 562.

⁸³⁴ Cf. *ibid.*, 562-563.

⁸³⁵ Cf. *ibid.* 563.

⁸³⁶ Cf. IDEM, „Zum Menschenwürdeargument...“, 91.

⁸³⁷ See REITER, „Die Menschenwürde und ihre Relevanz ...“, 138-145.

meaning of human dignity, namely, a humane one is also essential. Both these meanings complement each other in view of the moral responsibility of the individual and the society.

Second, in Germany, the appeal to the *Grundgesetz* is very common in their moral theology. Besides other reasons, the *Grundgesetz* has both the biblical and Kantian roots. Therefore, this instrument is more widely used in bioethical discussions in Germany. Following Kant, it was said that human dignity consists precisely in the freedom of human persons insofar as they have the capacity to act on the categorical imperative. Human persons have intrinsic dignity, not because they belong to the human species, but because they possess the claim to morality. If not an active capacity, at least as a minimal requirement would be a passive potentiality. In this respect, provided an embryo can be considered as a person in potency, one could say that it too can be considered as an addressee of moral claim. Further, an ethical-legal affirmation of human dignity is necessary (such as in the *Grundgesetz*) in order to serve both its categorical and anthropological meaning.

Third, the secular understanding of human dignity is not contrary to the religious understanding. They complement one another. From a theological point of view, three realities of human dignity come to the forefront. First, the dignity of the human person is grounded in his or her being created in the *image and likeness of God*. Second, her or his vocation is made known through the redemptive-soteriological act of Jesus Christ to become the *child of God*. Third, human beings participate in the eschatological transcendence in the divine vision in heaven. The eschatological perspective also reminds us that human dignity is respected in spite of the imperfection of human person with a hope of overcoming it in the future.

Fourth, it is also to be noted that the principle of human dignity only formulates a few absolute obligations, but not a complete set of obligations to act. Hence the natural development process, say for example a growing embryo, must be included within the extension of protection of human dignity, which will qualify to be an ethically self-determined human being at a later stage of its existence.

In the last analysis, one can say that a human embryo is worthy of all the above four points that was noted above and hence has inherent dignity. The next Chapter will deal with how the teaching of the Catholic Church in Germany deliberates on the concept of human dignity.

The sanctity of life is a useful and meaningful concept insofar as the protection of life in its weakest forms, such as an embryo, is concerned. However, the concept does not provide direct and immediate help for the debate on normative ethics in bioethical issues.

CHAPTER 7

HUMAN DIGNITY IN THE TEACHINGS OF THE CATHOLIC CHURCH IN GERMANY

7.1 INTRODUCTION

This Chapter deals with some of the important interventions of the German Bishop Conference with regard to the question of human dignity. At the outset, one can acknowledge that in Germany the Bishop Conference have found ways and methods that try to bring in a correlation between the State and the Catholic Church. This approach is important in a European multi-cultural context. This Chapter will deal with five important documents published by the Bishop Conference. It is to be noted that these documents examined here are not the only documents that deal with the issue of human dignity. Several press releases do appear every now and then in this regard.

7.2 GOD LOVES ALL THAT LIVES: CHALLENGES AND TASKS FOR THE PROTECTION OF LIFE

The Joint Declaration of the Council of the Evangelical Church in Germany and the German Bishops' Conference brought out a document in 1989 named, "Gott ist ein Freund des Lebens: Herausforderungen und Aufgaben beim Schutz des Lebens" (God loves all that lives: Challenges and tasks for the protection of life). The document first describes briefly about the development of the concept of person. The document says that the theological concept of person gained its importance in the context of Trinitarian and Christological clarifications between the second and fifth centuries while linking together with a language of ancient Rome, and served originally for clarification on the talk about God. Only secondarily was the concept applied to human individuality and has variously become a key concept of the theological (and philosophical) anthropology.⁸³⁸

When the document is examined, one can also see the connection between the concept of person and human dignity from a theological perspective. This document in a separate section titled: "Der Mensch als Person: Eine Begriffsklärung" (The Human Being as a Person: A clarification of Terms) articulates several relationships in a compact manner between person and dignity and in their relationship with nature. The document reads:

[...] the conception 'person' is the concentration into one word of what the Christian tradition has to say about the being and dignity of mankind, and characterizes what is qualitatively

⁸³⁸ GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSKONFERENZ, *Gott ist ein Freund des Lebens. Herausforderungen und Aufgaben beim Schutz des Lebens*, hg. v. Kirchenamt der Evangelischen Kirche in Deutschland und v. Sekretariat der Deutschen Bischofskonferenz, Neuauflage, Paulinus-Verlag, Trier/Gütersloh 1989, Sonderausgabe 2000, 41-42. The English Title of this section follows the translation by the EVANGELICAL CHURCH IN GERMANY, *God loves all that lives. Challenges and Tasks for the Protection of Life*. See <http://www.ekd.de/english/1731.html>, accessed on 02.07.2014. Note here that the German word „evangelische Kirche“ when translated into English would mean the Protestant Church. The English word “evangelical” in German is „evangelikal“, which has a narrower meaning than „evangelisch“. However, what is preferred here and in other occurrences in this work is “Evangelical Church”. This is the translation by the Evangelical Church in Germany. See *ibid.* Moreover, for ecumenical reason, this latter term is preferred. See Introductory remarks to Part IV below.

unique in human life in its association with the life of nature as well as in its distinction from the rest of nature.⁸³⁹

Thus, the concept of person not only signifies the dignity of human beings but also evokes the characteristic that is unique to her or him, separating them from the rest of nature and yet remaining in a unique relationship with nature.

Because of the above-described aggregate concept of person, the concept itself entails essentially the following three dimensions. "Gott ist ein Freund des Lebens" explains these:⁸⁴⁰

a) Person is seen as in a tension between what is given (*Vorgegebensein*) and what is to be done (*Aufgegebensein*): This means that the human person, who is constituted through her or his body, is bound up with life, its conditions, laws and rhythms. To this degree, she or he is both a natural and cultural being. However, the human person can behave in various ways towards one's natural and historical conditions. Person is thus a given to oneself (*sich selbst gegeben*) as well as a task (*aufgegeben*).

b) Personality between individuality and society: Every person is unique. Nevertheless, she or he is naturally as well as personally dependent on other people and at the same time a being for others. She or he can satisfy his or her natural needs only in society, and this requires the recognition by others. Being-in-oneself (*in-sich-sein*) and for-oneself (*Für-sich-sein*) is inconceivable without existence with-others (*Mit-anderen-sein*) and for-others (*Für-andere-sein*). Only in solidarity and love can the person realize fully herself or himself. The archetype of this relational understanding of personality for Christians is derived from the life of Jesus Christ for others.

c) The unconditional dignity of the human person: That which theologically constitutes her or him as a human person is the recognition of the human being by God. Social and fellow human behaviour does not create personal dignity of the other but only recognizes it. This results in a number of consequences:

- The value and dignity of human beings are not ultimately determined by their functions, achievements, merits, or due to certain characteristics, and least of all according to individual or social benefits and interests.
- The person has a priority over things, including institutions, economic processes, human interests, etc. Human persons may therefore never be a means to an end for other persons.
- Human persons may not exercise power either over the life of others, or over their own life, which would make them in a way lord over life and death.
- This does not mean that a person voluntarily surrenders her or his life in the service of another human life and in the service of God. Such freely entered life

⁸³⁹ „Der Begriff Person ist dabei die in einem einzigen Wort konzentrierte Zusammenfassung dessen, was die christliche Tradition über das Sein und die Würde des Menschen zu sagen hat, und charakterisiert das qualitativ Einmalige des menschlichen Lebens in seinem Zusammenhang mit dem Leben der Natur wie in seiner Unterschiedenheit von der übrigen Natur.“ GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSKONFERENZ, *Gott ist ein Freund des Lebens...*, 42. English tr. from EVANGELICAL CHURCH IN GERMANY, *God loves all that lives, op. cit.* Cf. SCHLÖGEL, „Unterschiedliche Zugangsweisen zum Personverständnis...“, 80.

⁸⁴⁰ Cf. GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSKONFERENZ, *Gott ist ein Freund des Lebens...*, 42-43.

of sacrifice is indeed the highest fulfillment of human vocation to be the guardian of life. In existing for others one finds one's own life (Lk 9,24; Jn 12,24f).

The conclusion that the document makes is that, although the concept of person today may be variously interpreted theologically, philosophically and juridically, yet the factual statements made above has a continuing significance independent of this concept. It is a matter of preserving the merits of the statements about human persons and not so much the *concept* of "person".⁸⁴¹

In a separate section after describing and clarifying the above terms associated with the concept of person, the document takes up the issue of human dignity of an embryo, namely, "Die Würde des vorgeburtlichen Lebens" (The dignity of prenatal life).⁸⁴² One can thus see how this document proceeds from the concept of person to the concept of human dignity. This section will be summarized below for a better understanding of the issue at hand.

Without doubt, there exist a number of differences between human life before and after birth. Therefore, the anthropological and ethical assessment of prenatal life is debatable. Two main questions confront us because of this debate: Can one equally apply the statements made about God's image and human dignity to prenatal human life? Ethically, is prenatal life entitled to the same protection of life as human life after birth? Six reasons can be enumerated here on behalf of these questions:

a) Embryonic research has led to the clear conclusion that:

- From the moment of fertilization of the egg and sperm cells there begins to exist a living being, which when developed becomes nothing else than a human being,
- This human being from the beginning of life is an individual and in the case of subsequent cell division giving rise to identical twins, there is nothing that repeals this fundamental fact,
- Further developmental process is continuous and has no reasonable recesses in which something new is added.

Thus, the prenatal life does not merely represent purely vegetative life, but individual human life, which is always in the process of becoming. One cannot therefore dispute that it already enjoys a privileged status. Therefore, one may not turn it into an object of arbitrary manipulations.

b) Although it is a fact that the unborn child is dependent in a special way on its mother, it is nevertheless not a part of her. It is another independent human being. If at all the problem of abortion arises, it is only because the unborn child is another human individual, and in the future after birth will give rise to duties and responsibilities.

c) It is also true that birth plays an essential role in the independence and self-determination of the child. The unborn child is unable to prove its autonomy and reveal its true self. Only after birth does the child behave in a perceptible way by which others are capable of recognizing it as a being in its own right, a being that is beginning to live its own life and that it is no longer

⁸⁴¹ Cf. GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSSKONFERENZ, *Gott ist ein Freund des Lebens...*, 43.

⁸⁴² Cf. *ibid.*, 43-46.

completely dependent upon its mother. Nevertheless, the distinction between the prenatal period and the first phase of life as far as autonomy and self-determination are concerned, is only a question of degree. The facility for the full exercise of human existence is included in prenatal life from the beginning and develops in a process that is not completed even at birth.

d) Consequently, there is no reason not to refer to what is said about human being's made in the image of God or the dignity of the human being as referring also to prenatal human life or for denying it the claim to the equal protection as is given to life after birth. From the theological perspective, it must be further asserted that every human life has its own unique value and meaning, in that it is created, called, respected, and loved by God. Human beings have an inalienable dignity. It is because of the fact that they have been called by God to be his counterpart and because they have been accepted unconditionally in Jesus Christ. Unborn children are included in this claim (cf. Job 31, 15; Ps 139, 13-16; Jer 1, 5). God's acceptance of unborn human life confers on it human dignity. Hence, from this springs the commitment to accept and protect prenatal human life that is due to the human person.

e) That which is theoretically recognized as correct and true must also be experienced among the people, lived out and practiced. Nevertheless, here lie the main problems:

- Language expresses a certain interpretation of reality. Birth, for example, in the German language is also expressed as a "bringing into the world" («zur Welt bringen»). In some way, it is correct that the "world" of an embryo is the womb of the mother. It is not until after birth that the child is brought into an obvious connection with the wider world, associated with other people, and with the external conditions of life. However, the phrase "bringing into the world" can give rise to dubious impression that prenatal life is not yet "in the world". One speaks of the child after birth in terms of the first months (*Lebensmonaten*) or years of its life (*Lebensjahren*) - as if the prenatal phase of life were not really a part of it. Therefore, one is caught up in an inadequate interpretation of reality at the level of language. This inadequacy is not something that can be changed by a single act of the will, but only on a long-term basis.⁸⁴³
- There is a difference between how the humanity of an embryo is recognized and described at the theoretical level and how it is perceived and experienced in the living process. This perception depends on the stage of the pregnancy and on the attitude of the mother, the father, or the observer. In the first weeks and months, an embryo hardly makes itself noticeable as an independent new life. New medical procedures such as ultrasound have recently begun to bring about a change in this respect. The intensity of the experience and perception depends on the attitude to the unborn child. The desire for a child does assist the perception. Without allowing these perceptions to become a criterion for the

⁸⁴³ It is interesting to note here how the Council of the Evangelical Church in Germany and the German Bishops' Conference make adequate reasoning for what is seen in their culture with respect to expressions in language that can have consequences for the society.

duty of protection, it can nonetheless be formulated that the unborn human life is always becoming *more perceptible* than *what it is*.

- Psychologically, the threshold for the killing of an unborn human life is in practice lower than the case of killing an already born or the one that is growing up. This is because, in killing an unborn human life it is imagined that human life is not being killed, but more so because of the extent of its protection has always been controversial in the past, and is still in the present. Abortion was and is a social reality, a possibility, and a more or less readily accessible way. This does not justify it, but it represents one of the difficulties coming from the insight as to what is the correct action with regard to a general actual practice.

f) The mandate to respect and protect unborn human life is thus a consequence to the above considerations. The protection of life is not only an individual duty but also solidarity and a public responsibility of the legal system. The goal of all government action must be to improve the protection and promotion of human life both before and after birth and enhance the general awareness of the intrinsic dignity of other human life as even at the prenatal stage.⁸⁴⁴

Thus, the general concept of the person in this document has been effectively applied and extended to an embryo, especially its protection. The ethical importance of human life from the beginning is aptly described in this document. Under the heading „Aktuelle Herausforderungen beim Schutz menschlichen Lebens“ (Current challenges in the protection of human life), the documents treats two main topics, namely, „Forschung an Embryonen“ (Research on Embryos), and „Das ungeborene Leben im Mutterleib“ (The unborn life in the womb). The position of the Catholic and Evangelical churches with regard to embryonic protection is unambiguous. The document states:

[...] the embryo is individual life, which as human life is always in a state of development; the potential of unlimited exercise of humanity is present in it from the beginning; unborn life has the same claim on protection as life after birth. But in that case - as with other human experiments - research on prenatal life can be accepted only to the extent that it serves the preservation and advancement of this particular individual life; in these cases one should speak of attempted healing. But deliberate operations which allow for its damage or destruction as a side effect are not acceptable, however important the aims the research desires to achieve.⁸⁴⁵

“Gott ist ein Freund des Lebens” thus examines the issue at hand from various perspectives like physiological, medical, psychological, linguistic, juristic and theological. The treatment of the subject is thus wholesome and it does not remain only at the theoretical level but also very

⁸⁴⁴ Cf. GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSKONFERENZ, *Gott ist ein Freund des Lebens...*, 43-46.

⁸⁴⁵ „Der Embryo ist individuelles Leben, das als menschliches Leben immer ein sich entwickelndes ist; die Anlage zur uneingeschränkten Ausübung des Menschseins ist in ihm von Anfang an enthalten; das ungeborene Leben hat ebenso wie das geborene Anspruch auf Schutz. Dann kann aber – wie bei anderen Humanexperimenten – Forschung am angeborenen Leben nur insoweit gebilligt werden, wie sie der Erhaltung und der Förderung dieses bestimmten individuellen Lebens dient; man sollte in diesen Fällen von Heilversuchen sprechen. Gezielte Eingriffe an Embryonen hingegen, die ihre Schädigung oder Vernichtung in Kauf nehmen, sind nicht zu verantworten - und seien die Forschungsziele noch so hochrangig.“ GEMEINSAME ERKLÄRUNG DES RATES DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND UND DER DEUTSCHEN BISCHOFSKONFERENZ, *Gott ist ein Freund des Lebens...*, 64. English tr. from EVANGELICAL CHURCH IN GERMANY, *God loves all that lives, op. cit.* Cf. also SCHLÖGEL, „Heiligkeit des Lebens...“; 558-559.

practical. In explaining the above ethical perspectives, the said document rightly justifies the importance of human life and its protection right from the beginning, while ascertaining its human dignity.

7.3 HUMAN DIGNITY AND HUMAN RIGHTS FROM THE VERY BEGINNING

In June 1995, the German Parliament, on the request of the German Unification Treaty, adopted a new legal regulation of pregnancy termination. In answer to this legal regulation, the German Bishop Conference issued a document in 1996 titled: “Menschenwürde und Menschenrechte von allem Anfang an; zur ethischen Beurteilung der Abtreibung” (Human Dignity and Human Rights from the very beginning: On the ethical evaluation of abortion).⁸⁴⁶ The document describes the reasons for issuing the document, the various contexts in which one procures abortion and then speaks of the human being from the beginning of its existence. Regarding the beginning of the human being, the Bishops clarify that:

The unborn child already carries within it all possibilities for its future development. It is one and the same person who develops from the moment of conception to the unfolding of its capacities in a continuous process until - many years after birth – it grows into an autonomous, independent existence. Therefore, a human being is to be respected and treated as a human from the moment of conception (EV 60).⁸⁴⁷

Acknowledging *Evangelium Vitae*, the Bishops clarify here that a human being exists from the moment of conception and asserts that from that moment on she/he needs to be treated as a human person. Having stated this, the conclusion drawn is:

From its origin, human life has its own dignity, rights and independent claim on protection, which cannot be outweighed through the rights of others or by special contradictory circumstances.⁸⁴⁸

The Bishops mean to say here that it is because an embryo is a human person; it also has its dignity proper to it; from which flows the human right to life and protection which cannot be offset either by the claim of the right of the mother or certain circumstances that may force to end its life.

The document, in the context of prohibition to kill and the protection of everyone, further acknowledges the fundamental principle, which comes to us through the thinking of the modern human rights and democratic state. They affirm that the life of every person has equal value, regardless of their social status, their economic performance, their education, their skin color or their looks, their sex, their age or their health condition.⁸⁴⁹

⁸⁴⁶ DBK, *Menschenwürde und Menschenrechte von allem Anfang an. Gemeinsames Hirtenwort der deutschen Bischöfe zur ethischen Beurteilung der Abtreibung*, Die deutschen Bischöfe 57, hg. v. Sekretariat der Deutschen Bischofskonferenz, Bonn 1996, 3-9.

⁸⁴⁷ „Das ungeborene Kind trägt bereits alle Möglichkeiten seiner späteren Entwicklung in sich. Es ist ein und derselbe Mensch, der vom Augenblick der Zeugung an in einem kontinuierlichen Prozess seine Anlagen entfaltet, bis er – erst lange Jahre nach der Geburt – zu einem eigenverantwortlichen, selbständigen Dasein heranwächst. Deshalb ist ein menschliches Geschöpf vom Augenblick seiner Empfängnis an als menschliche Person zu achten und zu behandeln (Enzyklika „*Evangelium vitae*“, 60).“ DBK, *Menschenwürde und Menschenrechte...*, 5. Addition in original. Tr. by author.

⁸⁴⁸ „*Menschliches Leben besitzt von Anfang an eigene Würde, eigenes Recht und eigenständigen Schutzanspruch, der durch die Rechte anderer oder besondere ihm entgegenstehende Umstände nicht aufgewogen werden kann.*“ DBK, *Menschenwürde und Menschenrechte...*, 5. Emphasis in original. Tr. by author.

⁸⁴⁹ Cf. DBK, *Menschenwürde und Menschenrechte...*, 5-6.

The document further reiterates that the belief in the equal dignity of all human beings must apply with equal seriousness and without reservations to the lives of unborn children.⁸⁵⁰

7.4 A JUST PEACE

The teaching of the Catholic Church in Germany and its commitment to greater justice is made clear by the German Bishop Conference⁸⁵¹ through the document that was issued in 1990 titled, “Gerechter Friede” (A Just Peace).⁸⁵² This document clarifies that the Gospel and Politics are not unconnected themes. Political programme entail social models based on concrete actions and decisions. In a democracy, these basic political orientations arise from a process of opinion formation and decision, and it is in this way that the Church too participates in the process. In that process the vision of a just peace is sought: The Bishops affirm:

We want to introduce the ideal of just peace into this process as a point of encounter between the Bible’s message on the Kingdom of God and political reason. The Church must promulgate the gospel of peace and project signs of this peace into our world. Politics must create conditions that ensure human dignity. Both these tasks are directed at the same people and the one world in which they live. If the Church expresses opinions on political issues, she does so on the basis of a faith that is obviously not shared by everyone.

Her arguments, however, are founded in common reason (No. 57).⁸⁵³

The respect for the dignity of humans can be seen as a point of interface between Church’s mission and political task (Cf. No. 58). This is theologically justified from the fact that human beings are made in the image of God and from there it is deduced that the human persons in turn receives rights and obligations due to their dignity (Cf. *ibid.*).⁸⁵⁴ The Bishop Conference makes this point clear:

In the last analysis, the ideal of a just peace is based on a very simple understanding: a world that does not provide the majority of people with the basic needs of a humane life is not viable. Even when there are no wars, such a world is still full of violence. A situation dominated by long-term and severe injustice is inherently violent. It follows that justice creates peace (No. 59).⁸⁵⁵

⁸⁵⁰ „Diese Überzeugung von der gleichen Würde aller Menschen muss mit gleichem Ernst und ohne Abstriche auch für das Leben ungeborener Kinder gelten.“ DBK, *Menschenwürde und Menschenrechte...*, 6.

⁸⁵¹ Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 90.

⁸⁵² DBK, *Gerechter Friede*, Die deutschen Bischöfe 66, hg. v. Sekretariat der Deutschen Bischofskonferenz, Bonn 2000, 3-119. English translation from: THE GERMAN BISHOPS, *A Just Peace*, The German Bishops 66, Sekretariat der Deutschen Bischofskonferenz, Bonn 2000, 5-75.

⁸⁵³ „Es fasst zusammen, worin sich die biblische Botschaft vom Reich Gottes und die politische Vernunft treffen. Die Kirche hat den Auftrag, das Evangelium des Friedens zu verkündigen und es in dieser Welt zeichenhaft zu vergegenwärtigen. Die Politik hat die Aufgabe, für menschenwürdige Verhältnisse zu sorgen. Beides bezieht sich auf die gleichen Menschen und auf die eine Welt, in der alle Menschen leben. Wenn die Kirche sich zu Fragen der Politik äußert, tut sie das vom Glauben her, den offenkundig nicht alle Menschen teilen. Ihre Argumente aber gründen sich auf die allen Menschen gemeinsame Vernunft.“ DBK, *Gerechter Friede...*, 34. English tr. in text above from: THE GERMAN BISHOPS, *A Just Peace...*, 23. Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 90.

⁸⁵⁴ Cf. *ibid.*, 90.

⁸⁵⁵ „Das Leitbild des gerechten Friedens beruht auf einer letzten Endes ganz einfachen Einsicht: Eine Welt, in der den meisten Menschen vorenthalten wird, was ein menschenwürdiges Leben ausmacht, ist nicht zukunftsfähig. Sie steckt auch dann voller Gewalt, wenn es keinen Krieg gibt. Verhältnisse fortdauernder schwerer Ungerechtigkeit sind in sich gewaltgeladen und gewaltträchtig. Daraus folgt positiv: „Gerechtigkeit schafft Frieden.““ DBK, *Gerechter Friede...*, 35-36. English tr. in text above from: THE GERMAN BISHOPS, *A Just Peace...*, 24. Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 90.

It is in this context that human right is mentioned as the minimum guarantee for human dignity.⁸⁵⁶ The Bishops explain:

Human rights are an expression of the specific dignity inherent to man that differentiates him from his fellow creatures. Notwithstanding all individual differences and cultural peculiarities and despite differences of race, nation and sex, all humans are defined by their dignity and the treatment they merit on the basis of this dignity. Individuals deserve to enjoy certain rights purely on the basis of being human. These rights specify the conditions that must be fulfilled for human dignity to be realized. Human rights are therefore rights that antecede state laws; it is not the state's job to guarantee them. The state is obliged to respect them (No. 72).⁸⁵⁷

Further, a different category of human rights has emerged in the recent history. For example, the European enlightenment and the philosophical theory of natural law concentrated on the liberal laws of freedom in order to protect the individual from the caprice of either absolutist ruler or all-powerful state authorities. In this context, the document *Gerechter Friede* acknowledges the role of *Rerum Novarum* and Catholic social teaching in promoting human dignity. It says:

In view of the widespread social distress during the 19th and early 20th century there was a growing awareness that elemental social standards had to be safeguarded in order to guarantee a life of human dignity – standards that can also be understood as human rights. These considerations were inspired by the Encyclical of Leo XIII, *Rerum Novarum* (1891) and Catholic social teaching (No. 77).⁸⁵⁸

7.5 MAN: HIS OWN CREATOR?

In the context of the Human Genome Project that brought in a new light to the understanding of human life in the field of Biomedicine, the German Catholic Bishop Conference brought out a position paper in 2001, named: *Der Mensch: sein eigener Schöpfer?; Wort der Deutschen Bischofskonferenz zu Fragen von Gentechnik und Biomedizin* (Man: His own Creator? Word of the German Bishop Conference on questions related to Genetic Engineering and Biomedicine).⁸⁵⁹ The position paper describes the biomedical advancement such as Human Genome Project, Gene Diagnostics, Gene therapy, Cloning, Pharmaceutical Drugs, Patents and Life, etc. The position paper begins with the Biblical understanding of human beings. After

⁸⁵⁶ Cf. *ibid.*, 91.

⁸⁵⁷ „Die Menschenrechte bringen zum Ausdruck, dass den Menschen eine spezifische Würde eigen ist, die sie von ihren Mitgeschöpfen unterscheidet. Ungeachtet aller individuellen Besonderheiten und kultureller Eigenarten, ungeachtet von Rasse, Nation und Geschlecht gleichen sich die Menschen im Hinblick auf das, was ihre Würde ausmacht und was ihnen aufgrund dieser Würde gebührt. Daraus ergeben sich Rechte, die jedem Menschen zustehen, weil er Mensch ist. Sie benennen die Bedingungen, die erfüllt sein müssen, damit jemand menschenwürdig leben kann. Die Menschenrechte sind deshalb vorstaatliche Rechte; sie werden nicht vom Staat gewährt, sondern binden und verpflichten ihn.“ DBK, *Gerechter Friede*..., 44. English tr. in text above from: THE GERMAN BISHOPS, *A Just Peace*..., 29. Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 91.

⁸⁵⁸ „Angesichts der weitverbreiteten sozialen Not während des 19. und beginnenden 20. Jahrhunderts wuchs jedoch das Bewusstsein, dass es ebenso elementare soziale Standards für ein menschenwürdiges Leben zu sichern gelte, die sich in vergleichbarer Weise als Menschenrechte verstehen lassen. Diese Überlegungen wurden wesentlich inspiriert durch die Enzyklika Leos XIII. „*Rerum Novarum*“ (1891) und die katholische Soziallehre.“ DBK, *Gerechter Friede*..., 46-47. English tr. in text above from: THE GERMAN BISHOPS, *A Just Peace*..., 30-31.

⁸⁵⁹ DBK, *Der Mensch: sein eigener Schöpfer? Wort der Deutschen Bischofskonferenz zu Fragen von Gentechnik und Biomedizin vom 7. März 2001*, Die deutschen Bischöfe 69, hg. v. Sekretariat der Deutschen Bischofskonferenz, Bonn 2001, 3-13.

stating that human beings are made in the image of God, the position paper further affirms the dignity of the person. It says:

Since man is not an accidental product, and because he is not his own creator, he does not exist in complete autonomy. As a finite creature, he can guarantee neither for himself nor the meaning and value of his life. He lives within specified *limits*, which he should not exceed. His dignity is founded on the image of God. It indicates that he is unconditionally loved and affirmed by God prior to all his achievements, all his abilities and inabilities. *Human dignity* is inviolable and therefore should be accorded to all people, regardless of assessment by others or their self-assessment, to the born and the unborn, to the healthy and the sick, to the disabled and the dying.⁸⁶⁰

What is affirmed here is that human dignity is a given, is something intrinsic and therefore inviolable. These facts are derived theologically. However, the position paper also alludes to non-theological justification and describes the role of secular Constitution in upholding human dignity. It affirms:

The biblical view of man and especially human dignity constitutes the framework for human action. Even non-theological foundations recognize that human beings merit human dignity, simply because of being human and which precedes any legal regulation. It is in this sense that the principle of human dignity is established, in which the inviolability and physical existence of man is enshrined, which is at the same time the *foundation of our democratic constitution*.⁸⁶¹

A clearer citation of the *Grundgesetz*, which acknowledges human dignity, is accredited in the following statements of the *Der Mensch: sein eigener Schöpfer?* It reads, “Human dignity is indispensable, it comes before the authority of the State and binds it (Art. 1 GG). The value of human life from its beginning until its end is one of those prescribed ideas, which cannot be infringed. This is confirmed by our Constitution (Art. 19.2 GG).”⁸⁶²

⁸⁶⁰ „Weil der Mensch kein Zufallsprodukt ist, und weil er sich auch nicht selbst gemacht hat, existiert er nicht in absoluter Autonomie. Als endliches Geschöpf kann er weder sich selbst, noch Sinn und Wert seines Lebens garantieren. Er lebt innerhalb vorgegebener Grenzen, die er nicht überschreiten darf. In der Gottebenbildlichkeit des Menschen gründet auch seine Würde. Sie besagt, dass er im Voraus zu all seinen Leistungen, zu all seinen Fähigkeiten und Unfähigkeiten von Gott bedingungslos geliebt und bejaht ist. Die Menschenwürde ist daher unantastbar und kommt allen Menschen, unabhängig von der Einschätzung anderer oder ihrer Selbsteinschätzung zu, den Geborenen und Ungeborenen, den Gesunden und Kranken, den Behinderten und Sterbenden.“ DBK, *Der Mensch: sein eigener Schöpfer?*..., 5. Emphasis in original. Tr. by author.

⁸⁶¹ „Das biblische Menschenbild und insbesondere die Menschenwürde bilden den Rahmen für menschliches Handeln. Auch nichttheologische Begründungen führen zu der Erkenntnis, dass die Menschenwürde dem Menschen allein schon aufgrund seines Menschseins zukommt und jeder rechtlichen Regelung vorgängig ist. In diesem Sinne bildet das Prinzip der Menschenwürde, in dem die Unantastbarkeit auch der körperlichen Existenz des Menschen verankert ist, zugleich die Grundlage unserer demokratischen Verfassung.“ DBK, *Der Mensch: sein eigener Schöpfer?*..., 6. Emphasis in original. Tr. by author. Cf. REITER, „Bioethik...“, 8. See also BALKENOHL, „Menschenwürde und Lebensrecht...“, 79. German Catholic Theologian Manfred Balkenohl affirms here that the Constitution guarantees the absolute inner worth of human dignity.

⁸⁶² „Menschenwürde ist nicht disponibel; sie liegt der staatlichen Gewalt voraus und bindet sie (Art. 1 GG). Der Wert menschlichen Lebens von seinem Anfang bis zu seinem Ende gehört zu jenen Vorgegebenheiten, über die nicht abgestimmt werden kann. Dies sagt uns auch unsere Verfassung (Art. 19,2 GG).“ DBK, *Der Mensch: sein eigener Schöpfer?*..., 12. Tr. by author. The Abbreviation GG here refers to the *Grundgesetz*. Art. 19,2 of the *Grundgesetz* reads: „In keinem Falle darf ein Grundrecht in seinem Wesensgehalt angetastet werden.“ That is, “In no case may a basic right be infringed upon its essential content.” GERMAN FEDERAL MINISTRY OF JUSTICE, “German Federal Republic. Basic Law...”, 365.

Thus, one can see that not only the German Moral Theologians - as was seen in the last Chapter - but also the German Bishop Conference apply the role of Article 1,1 of *Grundgesetz*, in which human dignity is enshrined, as one of its argument in the field of Bioethics.

7.6 TERRORISM AS AN ETHICAL CHALLENGE: HUMAN DIGNITY AND HUMAN RIGHT

Ten year after the terrorist attack “9/11” in New York and Washington, the German Bishop Conference decided to draw a preliminary assessment of policies against terrorism, basing itself on the Church’s peace ethic (*Friedensethik*) which is nothing other than an ethic of justice. The emphasis is on the dimension of peace as an ethics of rights, which meets in an intellectual debate with the political strategies in order to combat terrorism. The rationale behind this new document, „Terrorismus als ethische Herausforderung: Menschenwürde und Menschenrechte“ (Terrorism as an Ethical Challenge: Human Dignity and Human Right), is the peace ethic (*Friedensethik*) that has already been laid out in the former document “Just Peace” („Gerechter Friede“ [2000]). The document is dated as 5 September 2011.⁸⁶³

The said terrorist attack has opened the eyes of many and undoubtedly gained great and painful insights for the whole of humankind. One could see that the international political scenario had changed. This urged the German Bishop Conference to issue the document, “Just Peace” („Gerechter Friede“ [2000]). It addressed itself on issues pertaining to legal ethics. The need was felt to respect the dignity of each person, which must be protected by appropriate legislative and legal institutions.

The Church was involved in this process significantly. Since the early church fathers, the Church has introduced the “rationality” of Greek philosophy in the thinking of the West. As an important category of social life, the Church encouraged and promoted the “right” of the Roman tradition. Not arbitrarily, but the determinant of life that legally binds everyone was firmly established in the form of written laws. Jesus’ sacrifice for the love of humanity on the cross at Calvary further founded the category of “loving mercy” („liebenden Barmherzigkeit“). It captured the rationale, namely, to seek what is best for every person and the right that does not downgrade one to “highest injustice” (*summum ius - summa iniuria*). Law must rather serve justice for everyone. This triad, namely, the rationality of the Greeks, the rights of the Romans and the loving mercy on Golgotha, were the foundation of the Church in the West. The Church sees itself today as being appointed to defend this triad. Especially, in the 20th Century, in order to defend the violence permanently, the Church’s Magisterium has emphasized repeatedly on the observance of law and respect for human dignity. In this context, one can also see the strong tendency of the Popes as well as the present day international organizations urging to guarantee the protection of the dignity and rights of every human being.⁸⁶⁴

In this context, the Encyclical *Pacem in Terris* draws one’s particular attention. Since the pontificate of Pope John XXIII, human rights have become an integral part of the Church’s peace ethics (*Friedensethik*). Human dignity and the protection of people through human rights has become the main target of the doctrine of peace. Although Pope John Paul II has left no

⁸⁶³ DBK, *Terrorismus als ethische Herausforderung; Menschenwürde und Menschenrechte*, Die deutschen Bischöfe 94, hg. v. Sekretariat der Deutschen Bischofskonferenz, Bonn 2011, 1.65; 5-6 Foreword.

⁸⁶⁴ Cf. *ibid.*, 7-9; Introduction.

explicit encyclical on peace ethics (*Friedensethik*), his pontificate was marked by the struggle with problems of peace and international order. The Church of the 21st Century can look back on a long tradition of legal-ethical discussion of the problems of violence, both domestically and internationally. The Church has repeatedly reminded that all acts of State authority have to respect human dignity, which finds its legal expression in human rights. It is from this basic idea that the German Bishops are guided in their confrontation with the anti-terror policies of the past decade.⁸⁶⁵

For the discussion here, Chapter 2 of the said document clarifies the role of human dignity. It gives us two reasons why the profession of law and the legal community support human dignity. First, there are reasons from experience. Second, it comprises of the fundamental importance of human dignity as the implicit premise of all normative as well as legal obligations. Basic human rights have a special place here because they are rooted in the “inalienable” human dignity and therefore “inviolable”. In this sense, they are not only determined by the Basic Law (*Grundgesetz*), but were already recognized in the preamble of the UDHR 1948, namely, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Today, in individual countries as well as within the international political discourse, the universality of human rights and its protection has become significant, paving way for the legitimate defense against Terrorism that comes from human dignity and human rights.⁸⁶⁶

7.7 CONCLUSION

Although, the concept of human dignity is not a theological concept, in Germany, especially after the World War, it has proved a useful concept in a pluralistic society. Today, it has become synonymous with humanity. The five documents that were examined above reflect the German Bishop Conference’s attitude towards the society and humanity. The connection between the concept of person and human dignity is brought out clearly from a theological perspective. The value and dignity of human beings are neither ultimately determined by functions, achievements, merits or certain characteristics, nor by individual or social benefits and interests.⁸⁶⁷ The intervention by the Bishop’s Conference – spanning question of justice of the right of life of the unborn – points out the peculiar theological nuances of the concept of human dignity. The concept itself serves as focal point for people of different races, origin, culture and religion. The Christian perspective as sketched in these documents opens up a new arena for discussion.⁸⁶⁸ The acknowledgement and application of the secular Constitution in theological

⁸⁶⁵ Cf. *ibid.*, 9-10, Introduction.

⁸⁶⁶ Cf. *ibid.*, 28, Chapter 2.2. In relating human dignity to terrorist acts, Archbishop Ludwig Schick, who is the President of the Commission of World Church of the German Bishop Conference, in a Press Statement said, “the recognition of the inalienable and inviolable human dignity of every human being is the most important requirement to withdraw legitimacy of any terrorist act”. The German Text reads: „Die Anerkennung der unveräußerlichen und unverletzlichen Menschenwürde eines jeden Menschen ist die wichtigste Voraussetzung, um jedem terroristischen Akt die Legitimation zu entziehen.“ See PRESSEMITTEILUNGEN DER DEUTSCHEN BISCHOFSKONFERENZ, *Statement bei der Vorstellung des Wortes der deutschen Bischöfe „Terrorismus als ethische Herausforderung. Menschenwürde und Menschenrechte“* (Berlin, 5. September 2011), Nr.126a, hg. v. Sekretär der Deutschen Bischofskonferenz, Bonn 2011, 1-7; 3. Tr. by author.

⁸⁶⁷ This idea will become clearer in the next Chapters that follows.

⁸⁶⁸ Cf. SCHLÖGEL, „Zum Menschenwürdeargument...“, 91;

discussion brings out the paramount importance of a secular Article. Thus, one can observe a positive move by the Bishops to bridge the gap between the secular and religious understanding of human dignity. Moreover, the document on Terrorism brings out the fundamental importance of human dignity as the implicit premise of all normative as well as legal obligations.

Thus, one can conclude that that the legal-political interpretation of human dignity is also of interest and importance for the theological reflection, which is made possible by the feasibility and tangibility of human dignity that can be assured through its implementation of consummated Law.⁸⁶⁹

The next step is to discuss on the human person to whom dignity is attributed.

⁸⁶⁹ Cf. REITER, „Über die Ethik der Menschenwürde...“, 447.

CHAPTER 8

THE CONCEPT OF PERSON FROM A GERMAN PERSPECTIVE

8.1 INTRODUCTION

Given the huge advances in medicine and the increasing industrialization of the handling of animals in recent years, the entitlement to respect and protection of the life of a human being has come under threat. Similarly, the question regarding the status of a person has had much controversy in the past years over who has to be regarded as a person and how far the person could be equally placed with the status of possession of certain empirically identifiable characteristics. The respective answers to the questions on personhood have a direct impact on what is warranted and how one ought to act in conflict situations and borderline cases.⁸⁷⁰ This Chapter will deal with the development of the concept of person from a systematic theological and theological ethical perspective in order to answer the above questions. In Part I, the ethical limit of using the concept of human dignity in bioethical discussions was summarized. In recognition of this limit, the indispensable meaning of the term “person” in the contemporary bioethical debate will be discussed in this Chapter.⁸⁷¹

8.2 A SYSTEMATIC THEOLOGICAL PERSPECTIVE OF THE CONCEPT OF PERSON

Historically seen, the term ‘human dignity’, as mentioned earlier in Part I, emerged rather slowly. Probably, the concept of person too in its current usage gained importance for similar reasons as the term ‘human dignity’. Perhaps, this is the reason why German Moral Theology deals with the concept of human dignity before it examines the concept of person. It is also to be noted that the concept of person in fundamental Catholic Moral theology is less discussed when compared to the role that the concept plays in bioethical discussions.⁸⁷²

From a systematic theological perspective, the concept of person comes from the centre of faith as the result of the effort to grasp conceptually three central convictions and to identify them linguistically. They are: a) uniqueness of human being grounded on God’s call; b) the unity of Jesus Christ in the duality of the divine and human nature; and c) the reality of the Christian Revelation of God, shown more formally as the power of One God in Three Persons. In the ancient world the concept of person was thus defined in the reflection of these contents of faith. Although the definition was vague and ambiguous as lemmas (πρόσωπον, ὑπόστασις, *persona*), yet it entered its way through history.⁸⁷³ Thomas combined the idea of the dignity of man and woman to the idea of the status of theirs as person – as a rational being. This status along with the idea of the image of God from the very outset gave them a “high dignity” and their position at the head of an earthly hierarchy. Thomas represents the human person as the partaker of all

⁸⁷⁰ Cf. HILPERT, „Person, Personalität...“, 51.

⁸⁷¹ Cf. SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 463.

⁸⁷² Cf. SCHLÖGEL, „Unterschiedliche Zugangsweisen zum Personverständnis...“, 79.

⁸⁷³ Cf. HILPERT, „Person, Personalität...“, 46.

orders and degrees of being and living. Human person was held in antiquity as a universe in miniature, uniting all beings to itself.⁸⁷⁴

It is to be noted that the term “dignity of the person” often replaced the concept of human dignity in theological and Church Traditions. It is also noteworthy to observe that the concept of person is the essential basic definition of the human being in theology.⁸⁷⁵ According to theological teachings, the human being is a person because God is person and calls the human being to responsibility.⁸⁷⁶ Dignity binds one with personhood in a lasting relationship with God by which one is withdrawn from the powers of this world in a boundless claim to Him.⁸⁷⁷ This relationship with God will be described further.

From a theological perspective, according to Schockenhoff, the category of the human person represents the fact of being called by God. The calling brings into existence the very constitution of the personal being of man and woman. This relational relationship of man and woman to God that remains on the interpersonal level is not without consequences. It leads one not only to enable the radical dependence on God on the creaturely level, but also secures him/her to be independent. The category of person who is called by God appeals to his/her own selfhood, which must remain withdrawn through interpersonal instances.⁸⁷⁸ Therefore, Schockenhoff raises a question of distinction between “what” and “who” that is involved between God and human in answering the interpersonal relationship. He says, “It does not answer the question: “*What* is man’ – which can be answered through the species-specific differences in contrast to an animal – but to the question: ‘*Who* is man’, which only brings to the fore the incalculable value of his existence”.⁸⁷⁹

In his study on the *Imago Dei*, Schockenhoff speaks of the relationship of human beings with God. What make him/her a human person is this relationship and not any particular characteristics like intellect or will. He says:

Through his creative word, God summons the human being to enter an immediate relationship to himself, which gives him the dignity of dialogue partner with God and makes him a human person. This means that it is not some particular characteristics (such as the intellect or the will bestowed on him rather than on the other creatures) that makes the human

⁸⁷⁴ Cf. Richard BRUCH, *Person und Menschenwürde. Ethik im lehrsgeschichtlichen Rückblick*, Lit, Münster 1998, 25. This idea is similar to the one that was already described in Part I, 3.4. See also DIRSCHERL, „Über spannende Beziehungen...“, 46-89; 71-72. See also for a theological perspective on personhood IDEM, *Grundriss theologischer Anthropologie...*, 145-150. The status to which human beings are called was stated as *nomen dignitas*. Such usage was mentioned in Chapter 2.5.3.2 above. See SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 39. English trans: IDEM, “When does the human being to be a person?...”, 298.

⁸⁷⁵ Cf. BARANZKE, „Menschenwürde und Menschenrechte...“, 59.

⁸⁷⁶ Cf. DIRSCHERL, “Über spannende Beziehungen...“, 71.

⁸⁷⁷ „Mit dem Personsein des Menschen wird seine Würde rückgebunden an seine ihn tragende Beziehung zu Gott, durch die er einem grenzenlosen Verfügungsanspruch durch Mächte dieser Welt entzogen ist.“ BARANZKE, „Menschenwürde und Menschenrechte...“, 59.

⁸⁷⁸ Cf. SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 463-464.

⁸⁷⁹ „Sie antwortet nicht auf die Frage ‚Was ist der Mensch‘, die durch die Benennung artspezifischer Differenzen im Unterschied zum Tier beantwortet werden kann, sondern auf die Frage: ‚Wer ist der Mensch‘, die den unverrechenbaren Wert seiner Existenz erst hervortreten lässt.“ SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 464. Emphasis in original. Tr. by author. Cf. also Romano GUARDINI, *Welt und Person. Versuche zur christlichen Lehre vom Menschen*, Matthias-Grünwald-Verlag, Mainz, 1988⁶, 121-128.

person God's image, but rather the relationship to God which sustains his life and allows him to transcend the empirical features of his humanity.⁸⁸⁰

Further, Schockenhoff also speaks of the spectrum of the relationship established in following four areas in the context of the theological substance of the idea of *imago Dei*, namely, the relationship to God (creatureliness); the relationship to other human beings (shared humanity and the fact of two genders); the relationship to oneself (totality) and the relationship to creation (responsibility).⁸⁸¹

Schockenhoff further clarifies the issue about "a relational component of being human". Relational justification of personhood through the creative external relationship of human beings to God does not aim at relativizing its importance in the development of personal identity or in its encounter with the social or interpersonal relations. Rather, it intends to ensure that every person can be considered as an unavailable partner to the other who can then enter into a relation with her/him in the horizontal structure of relations. Nevertheless, the social fulfilment does not depend on the sustaining ground of personhood in her/his interpersonal relational dimension. This can only develop where there is a free and mutual recognition, provided the justification of human personality is prior to their social acceptance.⁸⁸²

In the context of relationality, Dirscherl expands the term to include not only the concept of a person, but also that of the image of God, creature, soul and body are faced in a similar fashion with the phenomenon of relationality.⁸⁸³ In confirming this statement, he quotes Ratzinger, who affirms:

It is inherent in man to be a relational being [...]. He is not an autarchic, self-sufficient being who develops alone, in isolation, not an island unto himself, but essentially created for relationship [...]. And it is precisely this basic structure of his being that reflects God. For this

⁸⁸⁰ Eberhard SCHOCKENHOFF, *Natural Law & Human Dignity. Universal Ethics in a Historical World*, tr. by Brian MCNEIL, The Catholic University of America Press, Washington, D.C. 2003, 230. The German version reads: "Gott ruft den Menschen durch sein schöpferisches Wort in ein unmittelbares Verhältnis zu sich, das ihn als Gegenüber des göttlichen Du auszeichnet und in seinem menschlichen Personsein konstituiert. Die Gottebenbildlichkeit der menschlichen Person besteht deshalb nicht zuerst in einer besonderen Eigenschaft wie seiner Geistigkeit oder seinem willentlichen Vermögen, die ihm vor den übrigen Geschöpfen verliehen wäre, sondern in der tragenden Relation zu Gott selbst, kraft derer er die empirischen Merkmale seines Menschseins transzendiert." IDEM, *Naturrecht und Menschenwürde. Universale Ethik in einer geschichtlichen Welt*, Mathias-Grünewald-Verlag, Mainz 1996, 239.

⁸⁸¹ Cf. IDEM, *Natural Law...*, 229-235. In the German language Schockenhoff uses these terms: "Die Relation zu Gott (Geschöpflichkeit); Die Relation zum anderen Menschen (Mitmenschlichkeit und Zweigeschlechtlichkeit); Die Relation zu sich selbst (Ganzheitlichkeit); und, Die Relation zur Schöpfung (Verantwortlichkeit)" IDEM, *Naturrecht...*, 238f.

⁸⁸² Cf. IDEM, "Menschenwürde und Lebensschutz. Theologische Perspektiven...", 465. In the words of Schockenhoff: „Die Pointe einer relationalen Begründung des Personseins durch die schöpferische Außenbeziehung des Menschen zu Gott zielt nicht darauf, die Entfaltung personaler Identität in der Begegnung mit dem mitmenschlichen Du oder dem sozialen Wir in ihrer Bedeutung zu relativieren. Sie will vielmehr sicherstellen, dass jeder Mensch als ein den anderen unverfügbarer Beziehungspartner in das horizontale Relationsgefüge eintreten kann, so dass zwar die soziale Entfaltung, nicht aber der tragende Grund des Personseins von seiner zwischenmenschlichen Beziehungsdimension abhängt. Diese kann sich nur in freier und gegenseitiger Anerkennung entwickeln, wenn die Begründung menschlicher Personalität der sozialen Akzeptanz des Menschen voraus liegt.“ *Ibid.*

⁸⁸³ Cf. DIRSCHERL, „Über spannende Beziehungen...“, 72; Cf. DIRSCHERL, *Grundriss theologischer Anthropologie...*, 150.

is a God whose essential being, in just the same way, rests on relationships, as we learn from the doctrine of the Trinity.⁸⁸⁴

Thus, made in the image of God and grounded on God's call, having a relational relationship with God, oneself, others and the creation, is what constitutes the human being as a human person. Within this normative framework of the concept of person, the next section will deal with a theological ethical perspective of the notion.

8.3 THEOLOGICAL ETHICAL PERSPECTIVE

From a theological ethical perspective, person means one who has substantial dominion over one's own actions (*ST* I, 29,1). The actions of this person are ethical and are capable of self-determination. The person is seen as a self-reliant reasonable being, as a concrete independent individual, as one who is genuinely responsible and whose actions are attributable (cf. Kant, *The Metaphysics of Morals*, Part I, 214).⁸⁸⁵ Thus, a person as a moral being means he/she is also responsible for the moral behaviour towards the other.

While insisting the theological or philosophical anthropology against all attempts to reduce the humans to particular aspects of his/her holistic being, according to Schockenhoff, the concept of person in moral terms must fulfil a vital function despite its openness to different metaphysical connotations. It is just like the old word "soul" that describes one's irreducible being, which is the "focal point of his/her freedom" from which one may say "I" and present himself/herself to the world around them.⁸⁸⁶ The meaning of the terms "person" and "spiritual soul" is therefore, every person by virtue of his/her derivativeness from God. He/she builds his/her own centre, around which all other things are ordered to his/her special world.⁸⁸⁷

Accordingly, the normative understanding of the concept of person and one's obligatory moral behaviour towards another is essential in order to apply it to bioethical questions, especially issues related to the beginning of life. Hence, a question can be raised: How is a person related to morality?

Schockenhoff answers the above question in the following way: Although the link with the term "person" in the history of theological and philosophical anthropology is derived from different metaphysical notions, they are consistent with regard to their practical purpose at the decisive

⁸⁸⁴ „Zum Menschen gehört, dass er ein relationales Wesen ist... Er ist kein autarkes, in sich allein gerundetes Wesen, keine Insel des Seins, sondern seinem Wesen nach Beziehung [...]. Und gerade in dieser Grundstruktur ist Gott abgebildet. Denn es ist ein Gott, der in seinem Wesen ebenfalls Beziehung ist, wie uns der Dreifaltigkeitsglaube lehrt. Joseph RATZINGER, *Gott und die Welt. Glauben und Leben in unserer Zeit. Ein Gespräch mit Peter Seewald*, Knaur Taschenbuch-Verlag, München 2005, 95. English tr. from IDEM, *God and the World. A Conversation with Peter Seewald*, Ignatius Press, San Francisco 2002, 110-111. Cf. DIRSCHERL, „Über spannende Beziehungen...“, 73.

⁸⁸⁵ Cf. KANT, „Die Metaphysik der Sitten“, in: *Kants gesammelte Schriften; Band VI, op. cit.*, 1914, 203-491; 417-418. Cf. IDEM, *The Metaphysics of Morals, op. cit.*, 214. Cf. HILPERT, „Person, Personalität...“, 50.

⁸⁸⁶ Bernhard WELTE, „Person und Welt. Überlegungen zur Stellung der Person in der modernen Gesellschaft“, in: Bernhard WELTE/Annette SCHAVAN (Hg.), *Person und Verantwortung. Zur Bedeutung und Begründung der Personalität*, Patmos Verlag, Düsseldorf 1989, 12f. Cf. SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 464.

⁸⁸⁷ Cf. *ibid.* Cf. also GUARDINI, *Welt und Person...*, 134.

point.⁸⁸⁸ The concept of “person” can be understood in different ways. One can understand “person” in the scholastic tradition (Boethius) as the individual subject of a rational nature. One can also understand from the modern critique of reason (Kant) that a person is the subject, as the moral being. Further, one can also understand with the modern existentialism (Kierkegaard), in which human being is seen as the reflected self-relation. In all these ways, the decisive point is that the individual human person is always addressed as the incomparable and irreplaceable being who is justified both from a moral and legal point with regard to his/her special conservation value.⁸⁸⁹ This explanation clarifies the stance of German Moral Theology on the person as a moral being.

Schockenhoff is of the opinion that the terms image of God, person and human dignity are theological and philosophical terms, which are of key importance to the moral self-understanding of human beings. In their normative essence, they cannot be dealt-with exhaustively from socio-psychological approaches such as, “self”, “identity” or “I”.⁸⁹⁰ These basic words designate the normative framework of ideas. Regardless of their different backgrounds and accents of the contents on which they are associated with, a rational perspective of acceptable protection of human embryos is indispensable. When the question arises about answering their moral status with moral arguments, then the required solution should not be carried out from a particular point of interest (such as accessing intentions of science or the cure for future generations). Similarly, it should not be carried out by the mere appeal to the unproblematic self-evident nature (For example, the sheer microscopically observable size of the human embryo). Nonetheless, they are rather decided upon only on a level of common reason and on a platform of impartial justice between the unborn and the born as is revealed through the concepts of the image of God, personhood and human dignity in a normative framework of reference.⁸⁹¹

Schockenhoff argues further that one can miss the essential moral function of the concept of person in an empiricist understanding of a person under the influential current of Anglo-American bioethics of personhood. They bind the factual evidence of cognitive and volitive skills to actual characteristics or the ability to have self-conscious interests, preferences and desires.⁸⁹² According to Schockenhoff, the moral status of a living being that depends on the

⁸⁸⁸ Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 463. See also IDEM, „Lebensbeginn und Menschenwürde...“, 206. For a theological perspective of the concept of person, see IDEM, *Ethik des Lebens...*, 190-204 and, BREUER, *Person von Anfang an?*..., 73-96. For a philosophical development of the concept of person see BAUMGARTNER (u.a.), „Menschenwürde und Lebensschutz; Philosophische Aspekte...“, 342-358.

⁸⁸⁹ Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 463.

⁸⁹⁰ Cf. *ibid.*, 470. Cf. also Wolfhart PANNENBERG, *Anthropologie in theologischer Perspektive*, Vandenhoeck & Ruprecht, Göttingen 1983, 151-235.

⁸⁹¹ Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 470.

⁸⁹² Cf. *ibid.*, 468-469. Perhaps, Schockenhoff is referring through the phrase, “by the factual evidence of cognitive and volitive skills”, to Singer’s statement on the ‘Indicators of Humanhood’, namely, “self-awareness, self-control, a sense of the future, a sense of the past, the capacity to relate to others, concern for others, communication, and curiosity” and to Autonomy, which, “here refers to the capacity to choose and to act on one’s own decisions”. See SINGER, *Practical Ethics...*, 73 & 84. For a critical debate over this issue see HONNEFELDER, „Der Streit um die Person...“, 246-265, Günther, PÖLTNER, „Die konsequenzialistische Begründung des Lebensschutzes“, in: *Zeitschrift für Philosophische Forschung* 47/2 (1993) 184-203 and Eberhard SCHOCKENHOFF, „Pro Speziesargument. Zum moralischen und ontologischen Status des Embryos“, in: DAMSCHEN (Hg.), *Der moralische Status, op. cit.*, 11-33; 15.

preliminary definition which recognizes only the intellectual and expressive skills as morally relevant characteristics, while its physical existence is considered only as a purely biological factuality, seems an un-reflected anthropological dualism and an abstract idea. Therefore, it is, of immense importance to consider the human being as the body-soul unity. Although the respect for one's dignity is the capacity for moral self-determination, it does not follow that bodily and natural biological membership would be nothing more than mere factuality that should be ignored in moral terms. Since it belongs to human beings due to their corporeality and temporality as the inescapable conditions of subjective nature and moral capacity to act; one must have respect for the dignity of his/her person even though the full expression of self-consciousness and rationality, and its explicit expression of the will is not met with. One should allow and provide for the intellectual self-realization, not only as demanded by the dignity of the person, but also as a respect for the entire time continuum and the physical expression.⁸⁹³ Perhaps, this argument can be used not only for adult and mature persons, but also to embryos, fetuses, and those who are in a comatose stage. This argument is of utmost importance here. An answer to the ethical problems associated with the beginning of human life is only possible within the framework of the ethical importance of human life, which can ultimately justify the ethical protection of human life. For the same reason, one needs to answer as to what extent the zygote and an embryo can participate in this protection. The value of the protection of human life is to be seen within the context of the general prohibition on killing. Modern ethics, which is highly influenced by western ideas, associates the general prohibition on killing with the moral status of human being as a person. Although other cultures do not have a notion of the person, their ideas as well originate from the prohibition on killing.⁸⁹⁴ Since the protection and prohibition on killing is associated with the moral status of human being as a person, the topic will be dealt with elaborately in the Chapter that follows.

8.4 CONCLUSION

Seen from a theological perspective, the concept of person developed gradually. In the second to the fifth century, the concept was used in the context of Trinitarian and Christological clarifications. Theological and philosophical considerations were secondary. From a theological perspective, the concept arose from the centre of faith. Thomas tied the status as a person to that of her or his dignity because of rationality. This status along with the idea of the image of God conferred a "high dignity" to the person. Thus, the concept of dignity is closely bound with the concept of person. Functions, achievements, merits, or the presences of certain characteristics themselves do not give value and dignity to the human person. Insofar as they are created and recognized by God, human persons have dignity. The calling and personal relationship with God, and not particular characteristics, make a human person and consequently, his or her dignity. Do these statements also apply to an embryo, especially when

⁸⁹³ Cf. SCHOCKENHOFF, "Menschenwürde und Lebensschutz. Theologische Perspektiven...", 468-470.

⁸⁹⁴ Cf. BAUMGARTNER, (u.a.), „Menschenwürde und Lebensschutz. Philosophische Aspekte...", 333. Although Baumgartner does not agree here that the idea of person exists in other cultures as conceived by him, this topic will be taken up in Part IV for a better understanding of totally another culture such as Hinduism, which does acknowledge the concept of person apart from the prohibition on killing. However, it is to be acknowledged that the idea of personhood differs according to the philosophy it is based.

it comes to the question of their protection of life? In answering this question, what is necessary is a normative framework of reference. This brings us to the question of how a person is related to morality. The decisive point is that the individual human person is always addressed as the incomparable and irreplaceable being who is justified both from a moral and legal point. This further leads us to the importance of human life, which would decide the ethical protection of human life. Moreover, it brings us to consider whether an unborn has the same claim as created in God's image and endowed with human dignity. Alternatively, ethically spelt, is prenatal life entitled to the same protection of life as human life after birth? Prenatal life is not merely and purely a vegetative life, but individual human life in the process of becoming. It already enjoys a privileged status. Therefore, one may not turn it into an object of arbitrary manipulations. It is true that the unborn child is unable to prove its autonomy and reveal its true self. Nevertheless, as far as autonomy and self-determination are concerned, it is only a question of degree. Every human life has its own unique value and meaning, in that it is created, called, respected, and loved by God because of which human beings have an inalienable dignity. The mandate to respect and protect unborn human life is not only an individual duty but also solidarity and a public responsibility of the legal system.

Schockenhoff's argument falls in line with the above argument. Contrary to the influential current of Anglo-American bioethics of personhood that binds the factual evidence of cognitive and volitive skills to actual characteristics or the ability to have self-conscious interests, preferences and desires, Schockenhoff claims these to be an un-reflected anthropological dualism and an abstract idea. More important is to consider the human being as a body-soul unity.

Having considered the concept of person from a theological perspective in this Chapter, it is necessary to narrow down the research on human dignity issues pertaining to beginning of life. A consideration of the moral status of an embryo and whether it qualifies to be a person and therefore, worthy of dignity, will be examined in the next Chapter.

CHAPTER 9

HUMAN DIGNITY AND BEGINNING OF LIFE ISSUES

9.1 INTRODUCTION

It was acknowledged that human dignity is intrinsic from the moment of existence of a human being. It is “co-extensive” with the life of the human person. In other words, it is not divisible in any phase of his/her life. The temporal sequence of life phases of an embryo cannot be reinterpreted into a series of different subjects.⁸⁹⁵ The criterion for personhood is the biological membership of the human race. However, human dignity arises from the moral capacity of the person. An embryo has a certain minimal requirement in terms of a passive potentiality for a moral capacity. This in turn leads one to have good reasons at least to treat an embryo as a person from the moment of conception and therefore, worthy of dignity.

The above facts that were explained so far in the last three Chapters focus on the need to protect an embryo from the very moment of its existence and ensure its right to life. This point will be further elaborated in this Chapter. The question of the human dignity of an embryo will then be examined. In order to explore it, the question of the ensoulment of an embryo will once again be revisited and the status of an embryo examined.

9.2 PROTECTION-WORTHINESS OF THE HUMAN EMBRYO AND THE RIGHT TO LIFE

This section concerns itself in seeing how German moral theology answers questions pertaining to the protection-worthiness (*Schutzwürdigkeit*) of the human embryo. In other words, is an embryo worthy enough to receive protection from the beginning of its existence? (This question was already raised in 2.5.4 above).

In Germany, as mentioned earlier, the *Grundgesetz* Article 1, 1 guarantees that human dignity is inviolable. This is further concretized in the second article, which establishes the right to life and physical integrity (Art 2, 2 reads, “Everyone shall have the right to life and to inviolability of his person. The freedom of the individual shall be inviolable...”⁸⁹⁶). Even the unborn human being and even an embryo *in vitro* are not excluded from these fundamental rights *per se*.⁸⁹⁷

This high-level protection of the human embryo has its basis in the assumption that it already appropriates human dignity. The *Bundesverfassungsgericht* (BVerfG), that is, the Federal Constitutional Court of Germany, states that wherever there is human life, there is human dignity. This statement is found in the *Bundesverfassungsgericht Entscheidung* (BVerfGE) *Schwangerschaftsabbruch I*, that is, the Federal Constitutional Court of Germany Decision Termination of Pregnancy I. BVerfGE 39, 1, 41-42, states:

The duty of the state to protect every human life may therefore be directly deduced from Article 2, Paragraph 2, Sentence 1, of the Basic Law [...]. Where human life exists, human

⁸⁹⁵ Cf. REITER, „Die Menschenwürde und ihre Relevanz...“, 135.

⁸⁹⁶ „Jeder hat das Recht auf Leben und körperliche Unversehrtheit. Die Freiheit der Person ist unverletzlich...“ English tr. from GERMAN FEDERAL MINISTRY OF JUSTICE, “Basic Law of the Federal Republic of Germany...”, 361.

⁸⁹⁷ Cf. Sebastian SCHOKNECHT, *Mensch oder Material? Eine Analyse der Diskursebenen in der Debatte zum Umgang mit menschlichen Embryonen am Beispiel embryonaler Stammzellforschung*, Studien der Moralthologie, Bd. 45, Lit Verlag, Berlin, 2012, 46.

dignity is present to it; it is not decisive that the bearer of this dignity himself be conscious of it and know personally how to preserve it. The potential faculties present in the human being from the beginning suffice to establish human dignity [...]. Human life represents, within the order of the Basic Law, an ultimate value, the particulars of which need not be established; it is the living foundation of human dignity and the prerequisite for all other fundamental rights.⁸⁹⁸

Moreover, the stage of development of an embryo “cannot be a relevant criterion for the intensity of constitutional protection”.⁸⁹⁹ This fact has been clearly laid out by the Federal Constitutional Court of Germany in its decision BVerfGE 88, 203, 251-252 – Schwangerschaftsabbruch II. It states:

These proceedings do not require us to decide whether human life begins, as medical anthropology would suggest is the case, when an egg and a semen cell unite [...]. Wherever human life exists, it should be accorded human dignity (cf. 39, 1 [41]).⁹⁰⁰

Günter Dürig, a Professor of Constitutional Law, explains in his standard commentary over the *Grundgesetz* that human dignity is violated: “when man as a tangible human being is debased to an object, a mere thing, an arguable dimension.”⁹⁰¹ It is in this sense that the German bishops, as was seen earlier, emphasize often that the human person is afforded dignity and right to life from the beginning.⁹⁰²

Although the above evidences are there to speak on behalf of human dignity of an embryo, there are still objections to using human dignity as an argument especially when pertaining to issues concerned with the beginning of life. Why is it so?

In speaking about the protection worthiness and right to life of an embryo, there are three different concepts coming into play, namely, the status, the personhood, and the human dignity of an embryo. These three concepts are important today especially in the context of biomedical

⁸⁹⁸ FEDERAL CONSTITUTIONAL COURT OF GERMANY DECISION: TERMINATION OF PREGNANCY I, BVerfGE 39, 1, 41-42. English translation from: Robert E., JONAS/John D., GORBY (tr.), “West German abortion decision: a contrast to *Roe v. Wade*”, in: *The John Marshall Journal of Practice and Procedure*, Vol. 9, John Marshall Law School, Chicago 1976, 605-684; 641-642. The German version reads, „Die Pflicht des Staates, jedes menschliche Leben zu schützen, lässt sich deshalb bereits unmittelbar aus Art. 2 Abs. 2 Satz 1 GG ableiten [...]. Wo menschliches Leben existiert, kommt ihm Menschenwürde zu; es ist nicht entscheidend, ob der Träger sich dieser Würde bewusst ist und sie selbst zu wahren weiß. Die von Anfang an im menschlichen Sein angelegten potentiellen Fähigkeiten genügen, um die Menschenwürde zu begründen [...]. Das menschliche Leben stellt, wie nicht näher begründet werden muss, innerhalb der grundgesetzlichen Ordnung einen Höchstwert dar; es ist die vitale Basis der Menschenwürde und die Voraussetzung aller anderen Grundrechte.“ BUNDESVERFASSUNGSGERICHTS ENTSCHEIDUNGEN (BVerfGE) 39, 1 Schwangerschafts-abbruch I, 25.02.1975.

⁸⁹⁹ Ralf MÜLLER-TERPITZ, “The ‘Uniqueness’ of the Human Being in Constitutional Law”, in: Hans-Rainer DUNCKER/Kathrin PRIEB, *On the Uniqueness of Humankind*, Wissenschaftsethik und Technikfolgenbeurteilung, Bd. 25, Springer, Berlin/Heidelberg/New York 2005, 107-122; 116.

⁹⁰⁰ The Paragraphs reads, „Es bedarf im vorliegenden Verfahren keiner Entscheidung, ob, wie Erkenntnisse der medizinischen Anthropologie nahe legen, menschliches Leben bereits mit der Verschmelzung von Ei und Samenzelle entsteht [...]. Wo menschliches Leben existiert, kommt ihm Menschenwürde zu (vgl. BVerfGE 39, 1 [41]).“ BUNDESVERFASSUNGSGERICHTS ENTSCHEIDUNGEN (BVerfGE) 88, 203 Schwangerschafts-abbruch II, 28.05.1993. BVerfGE 88, 203, 251-252. For English trans. see: FEDERAL CONSTITUTIONAL COURT OF GERMANY DECISION: http://www.bverfg.de/entscheidungen/fs19930528_2bvf000290en.html, accessed on 02.07.2014. Cf. SCHOKNECHT, *Mensch oder Material?*..., 47. Cf. Ralf, MÜLLER-TERPITZ, “The ‘Uniqueness’ of the Human Being...”, 117.

⁹⁰¹ „wenn der konkrete Mensch zum Objekt, zu einem bloßen Mittel, zur vertretbaren Größe herabgewürdigt wird.“ Günter DÜRIG, „Der Grundrechtssatz von der Menschenwürde“, in: *Archiv des öffentlichen Rechts* 81 (1956) 117-157; 127. Tr. by author. Cf. SCHOKNECHT, *Mensch oder Material?*..., 47.

⁹⁰² Cf. *ibid.*

research and advancement. Simply stated, the bioethical problems are, can one do a research on an embryo? Is the concept of human dignity sufficient to stall such research? Has an embryo right to life?⁹⁰³

The very fact that these questions have been raised, point to the fact that there are objections with regard to the issues of protection of an embryo, especially when backed up through arguments based on human dignity. An example of Michael Quante, a German philosopher, will illustrate this fact. He is not comfortable with the rationality potential use of the discourse on human dignity in bioethical debates. According to him, in such debates the discourse on human dignity actually stops all arguments abruptly. Moreover, Quante complains that the rationality potential discourse on Bioethics is declining because of the use of the concept of human dignity.⁹⁰⁴ According to Quante's approach, the concept of human dignity includes three features:

First, this concept cannot be applied to human life inferior to the level of organism. Second, human dignity represents an excellent ethical status that is inalienable and incalculable against other values, principles or norms. Third, human dignity in its content comprises of the provision that a human being may never be totally instrumentalized as a means.⁹⁰⁵

Quante, while using Pre-implantation Diagnosis as an example, shows that those who rely on the concept of human dignity assume their argument that "the assessment of human life and its selection based on a quality of life - both are undoubtedly essential aspects of Pre-implantation Genetic Diagnosis - are incompatible with the human dignity".⁹⁰⁶ However, he shows that the question of human dignity is still compatible with embryonic research leading to the destruction of an embryo. He writes:

The principle of *human dignity*, central to German bioethical debates, is shown to be a useful principle within a *pluralistic ethics*. To make this claim plausible two strategies have to be distinguished. The *extensional strategy* denies certain (kinds of) entities (e.g. human embryos or human embryonic stem cells) human dignity, while the *intensional* strategy holds that some kinds of action are compatible with the human dignity of these entities. Taking *preimplantation genetic diagnosis* as an example, it is shown that the principle of human

⁹⁰³ Cf. Dietmar MIETH, "Going to the roots of the stem cell debate. The ethical problems of using embryos for research", in: *European Molecular Biology Organization (EMBO) Reports* 1/1 (2000) 4-6. Mieth argues that since there is an absence of statements of revelation in this area, theological or any other, it could be argued only philosophically. However, in reality, the debate is often contested polemically between philosophical and constitutional positions. Mieth is of the opinion that either form of argumentation is not as important as to an attempt to excuse research on human embryos by taking refuge and referring to the ailments and sufferings of patients. Cf. MIETH, *Was wollen wir können?*..., 243. Cf. also IDEM, „Das Proprium christianum und das Menschenwürde-Argument in Bioethik“, in: Adrian HOLDEREGGER/Dennis MÜLLER/Beat SITTER-LIVER/Markus ZIMMERMAN-ACKLIN (Hg.), *Theologie und biomedizinische Ethik. Grundlagen und Konkretionen*, Universitätsverlag, Freiburg i. Ue/Verlag Herder, Freiburg i. Br. 2002, 131-152.

⁹⁰⁴ Cf. Friedo RICKEN, „Menschenwürde und Recht auf Leben“, in: *ThPh* 86 (2011) 574-577; 574.

⁹⁰⁵ „Erstens lässt sich dieser Begriff auf menschliches Leben unterhalb des Organismus nicht anwenden. Zweitens stellt die Menschenwürde einen ausgezeichneten ethischen Status dar, der unveräußerlich und nicht gegenüber anderen ethischen Werten, Prinzipien oder Normen abwägbar ist. Und drittens enthält Menschenwürde inhaltlich die Vorschrift, einen Träger derselben niemals vollkommen zu instrumentalisieren.“ QUANTE, *Menschenwürde und personale Autonomie*..., 46. Tr. by author. Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 574.

⁹⁰⁶ „dass die Bewertung des menschlichen Lebens und seine Selektion aufgrund einer Lebensqualitätsbewertung - beides sind fraglos wesentliche Aspekt der Präimplantationsdiagnostik - mit der Würde des Menschen unvereinbar sind.“ QUANTE, *Menschenwürde und personale Autonomie*..., 29. Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 574.

dignity can be an important resource for justification within biomedical ethics, especially if the intensional strategy is used. Therefore, the claim to ban the principle of human dignity from biomedical ethics is repudiated.⁹⁰⁷

In order to show that the principle of human dignity is compatible with Pre-implantation Genetic Diagnosis, Quante distinguishes between two theses, namely compatibility thesis and incompatibility thesis.⁹⁰⁸ The compatibility thesis assumes that human dignity and the destruction of an embryo are compatible. The incompatibility thesis considers that human dignity and destruction of an embryo are incompatible without exception. Quante criticizes this incompatibility assumption.⁹⁰⁹

In order to accommodate Pre-implantation Genetic Diagnosis as indeed compatible with human dignity, Quante further distinguishes within the compatibility thesis, two strategies, namely, the extensional strategy and the intensional strategy. According to the extensional strategy, the status of an embryo is questionable. According to this strategy, embryos do not have human dignity. The intensional strategy questions the intensionality of the human dignity. For Quante, an embryo is an entity, nothing else, not a human being. According to the intensional strategy, human dignity is compatible with Pre-implantation Genetic Diagnosis.⁹¹⁰

According to Quante, four central features of human dignity are recognizable. First, the concept of human dignity does not apply to organisms in their early developmental stages (they are just individual cells). Second, human dignity represents an excellent ethical status, which is inalienable. It cannot be weighed (*abwägbar*) against any other ethical values, principles, or norms. Third, human dignity contains a requirement that its bearer can never be instrumentalized.⁹¹¹

Quante then presents three premises. First, the principle of human dignity is deeply rooted in German ethical and legal cultures. Second, the concept of human dignity is the integral and

⁹⁰⁷ The German version reads: „Das Prinzip der *Menschenwürde* lässt sich in einer sich selbst als pluralistisch verstehenden Ethik sinnvoll und mit problemaufschließender Kraft verwenden. Dies ist möglich auf der Grundlage der Unterscheidung zwischen der *extensionalen* Strategie, innerhalb derer bestimmte Arten von Entitäten (z.B. menschliche Embryonen oder embryonale Stammzellen) aus dem Bereich des Prinzips der Menschenwürde ausgeschlossen werden, und der *intensionalen* Strategie, innerhalb derer die Kompatibilität bestimmter Handlungsformen mit dem Menschenwürdestatus der so behandelten Entitäten aufgezeigt wird. Am Beispiel der *Präimplantationsdiagnostik* wird gezeigt, dass vor allem unter Verwendung der intensionalen Strategie das Prinzip der Menschenwürde eine zentrale Begründungsressource für die biomedizinische Ethik sein kann. Es gibt daher keinen Grund, das Prinzip der Menschenwürde aus dem Bereich der biomedizinischen Ethik zu verbannen.“ Michael QUANTE, „Wessen Würde? Welche Diagnose? Bemerkungen zur Verträglichkeit von Präimplantationsdiagnostik und Menschenwürde“, in: Ludwig SIEP/Michael QUANTE (Hg.), *Der Umgang mit dem beginnenden menschlichen Leben. Ethische, medizintheoretische und rechtliche Probleme aus nieder-ländischer und deutscher Perspektive*, Münsteraner Bioethik-Studien, Bd. 1, Lit Verlag, Münster/Hamburg /London 2003, 133-152; 133, *Zusammenfassung*. English tr. from *ibid.*, 133, *Abstract*. Emphasis in original both in the English and German version. The extensional and intensional strategies are explained in *ibid.*, 138-139.

⁹⁰⁸ For a critical analysis of the two theses of Michael Quante, see Shinichiro MORINAGA, „The Current Debate on Human Embryo Research and Human Dignity“, in: *Journal of Philosophy and Ethics in Health Care and Medicine* 3 (2008) 3-23; 5-6 & 9-11; here 5.

⁹⁰⁹ Cf. *ibid.*, 5-6 and 9.

⁹¹⁰ Cf. *ibid.*, 9.

⁹¹¹ Cf. QUANTE, „Wessen Würde?...“, 136. Cf. MORINAGA, „The Current Debate on Human Embryo...“, 9.

central constitute element of German ethical belief system. Third, the principle of human dignity is to be distinguished from the right to life.⁹¹²

The “right to life” (*Recht auf Leben*) has two meanings. First, in its strict sense, it means duty to life as well as right to life. Second, in its non-strict sense, it admits of the possibility of ending one’s life by one’s own choice. Quante claims that, human dignity and the right to life should not be considered to be equal in meaning (*bedeutungsgleich*). There are two reasons for this. First, the right to life is not an inalienable right, as exemplified by the ethical permissibility of suicide or voluntary euthanasia. Second, the right to life can be weighed against other high-ranking goods, such as autonomy.⁹¹³ According to Quante, the conclusion is:

Therefore, the attribution of human dignity to an entity does not imply the right to life of that entity, even though such a connection is given between them in the normal case. There is a *prima facie* connection, but not a compelling logical (or deontological) connection.⁹¹⁴

Thus, according to Quante’s third premise (that human dignity is to be distinguished from the right of life), there is a *prima facie* link between human dignity and right to life in the non-strict sense, so that, not every killing is *per se* incompatible with human dignity.⁹¹⁵ Consequently, according to Quante, the principle of human dignity is a useful concept and there is no reason to ban it from biomedical debate.⁹¹⁶

Another example in the area of protection-worthiness of an embryo and human dignity is regarding the question whether it is justified to destroy human embryo to derive embryonic stem cells. Again, the analysis of Quante may be recalled to answer this question. The conclusive answer to these questions according to Quante is:

Analogous to the differentiation of our attitudes to sexuality and reproduction, it is conceivable that, in relation to the institution of the experimental and therapeutic handling of the beginning of human life [...] these forms of beginning of human life cannot be covered by the principle of human dignity.⁹¹⁷

Therefore, according to Quante, the ethical evaluation of stem cell research raises the question whether the principle of human dignity can be applied to all stages of early human life. In other words, is the destruction of human embryos for obtaining stem cells contrary to human dignity? In order to answer the question, once again as seen above, Quante makes a distinction between two strategies. Friedo Ricken, a German Philosopher, analyzes these two strategies of Quante: (a) The extensional strategy restricts the scope of the principle of human dignity. This strategy has far-reaching consequences. If, for example, an embryo is taken out of the scope of human

⁹¹² Cf. QUANTE, „Wessen Würde?...“, 136-137. Cf. MORINAGA, “The Current Debate on Human Embryo...”, 9.

⁹¹³ Cf. QUANTE, „Wessen Würde?...“, 137-138. Cf. MORINAGA, “The Current Debate on Human Embryo...”, 9-10.

⁹¹⁴ „Deshalb impliziert die Zuschreibung der Menschenwürde an eine Entität nicht das Recht auf Leben dieser Entität, auch wenn ein solcher Zusammenhang im Normalfall gegeben ist. Es gibt hier eine *prima facie* Verknüpfung, aber keine zwingende logische (oder deontologische) Verbindung.“ QUANTE, „Wessen Würde?...“, 138. Emphasis in original. Tr. by author. Cf. MORINAGA, “The Current Debate on Human Embryo...”, 10.

⁹¹⁵ QUANTE, „Wessen Würde?...“, 138. Cf. MORINAGA, “The Current Debate on Human Embryo...”, 10.

⁹¹⁶ Cf. QUANTE, „Wessen Würde?...“, 133, Zusammenfassung.

⁹¹⁷ „Analog zur Ausdifferenzierung unserer Einstellungen zu Sexualität und Fortpflanzung ist es denkbar, dass man in Bezug auf die Institution des forschenden und therapeutischen Umgangs mit dem beginnenden menschlichen Leben [...] diese Formen beginnenden menschlichen Lebens nicht unter das Prinzip der Menschenwürde fallen lässt“. QUANTE, *Menschenwürde und personale Autonomie...*, 66. Tr. by author. Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 574.

dignity, then they cannot be taken up again in other problem areas.⁹¹⁸ (b) The intensional strategy, advocated by Quante, does not exclude certain forms of human life from the scope of the principle, but rather sees the compatibility of certain forms of action with human dignity as claimed by an entity and must be assessed accordingly.⁹¹⁹ Ricken's conclusion is: "Quante is of the opinion that the killing of the so-called surplus embryos, which have been frozen for more than five years and therefore considered to be at risk when implanted, would be acceptable in view of high-level ethical objectives."⁹²⁰ Nevertheless, Quante himself calls into question about the use of intensional strategy in its long-term use. Advocating for the extensional strategy states: "From a long-term perspective, an application of extensional strategy cannot be avoided and maybe it would be a more appropriate solution for all the ethical problems connected with the origins of human life."⁹²¹ In order to substantiate his argument Quante relies on the proposal made by another German philosopher, Ludwig Siep. According to him, one should consider, "a complete separation of reproductive and therapeutic dealing with gametes, zygotes and early embryos including clones".⁹²² However, Ricken, in his critique against the above opinions of Quante, concludes that his arguments are incomprehensible because they represent a nominalist proposal of Siep.⁹²³

From the above discussions, both with regard to Pre-implantation Genetic Diagnosis and embryonic stem cells research, it becomes clear that the concept of human dignity alone does not suffice to answer questions in the field of bioethics. Thus, it is also very essential that a proper understanding of the concept of person, as described in Chapter 8 above, be taken into consideration, especially regarding questions pertaining to the beginning of life. Hilpert is of the opinion that the understanding of the concept of person is more important during the early developmental stage of the human being than the concept of human dignity itself, especially with regard to experimentation on them. He says:

⁹¹⁸ Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 575. Ricken writes: „(a) Die extensionale Strategie schränkt den Geltungsbereich des Prinzips der Menschenwürde ein. Diese Strategie habe weitreichende Folgen. Sind z. B. Embryonen erst einmal aus dem Geltungsbereich der Menschenwürde herausgenommen, dann können sie in anderen Problemfeldern nicht wieder in diesen hineingenommen werden“. Cf. QUANTE, *Menschenwürde und personale Autonomie...*, 52.

⁹¹⁹ Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 575. Ricken states: „(b) Die intensionale Strategie, für die Q[uate] plädiert, beruht nicht darauf, bestimmte Formen menschlichen Lebens aus dem Geltungsbereich des Prinzips auszuschließen; vielmehr wird die Verträglichkeit bestimmter Handlungsformen mit der Menschenwürde einer Entität behauptet und muss entsprechend überprüft werden“. Cf. QUANTE, *Menschenwürde und personale Autonomie...*, 51.

⁹²⁰ „Q[uate]. vertritt die Auffassung, dass die Tötung sogenannter überzähliger Embryonen, die länger als fünf Jahre eingefroren sind und deshalb aufgrund von Risikoabwägungen nicht mehr implantiert werden können, zugunsten hochrangiger ethischer Ziele vertretbar sei.“ RICKEN, „Menschenwürde und Recht auf Leben...“, 575. Tr. by author. Cf. QUANTE, *Menschenwürde und personale Autonomie...*, 64.

⁹²¹ „In langfristiger Perspektive wird eine Anwendung der extensionalen Strategie jedoch vielleicht nicht zu vermeiden und für die Gesamtheit der ethischen Probleme mit dem beginnenden menschlichen Leben die angemessenere Lösung sein“. QUANTE, *Menschenwürde und personale Autonomie...*, 65. Tr. by author. Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 575.

⁹²² „vollständige Trennung von reproduktivem und therapeutischen Umgang mit Gameten, Zygoten und frühen Embryonen einschließlich des Klonens.“ Ludwig SIEP, „Ethische Kriterien der Embryonenforschung im europäischen Vergleich“, Vortrag, gehalten in Alpbach am 26.8.2001, Manuskript, in: *Perspektiven der Stammzellenforschung. Wissenschaft und Forschung im Dialog*, Donnerstag, 30 August 2001, Congress Center Düsseldorf, Ministerium für Schule, Wissenschaft, und Forschung des Landes Nordrhein-Westfalen, Düsseldorf 2001, 15 pages. Tr. by author. Cf. QUANTE, *Menschenwürde und personale Autonomie...*, 65-66.

⁹²³ Cf. RICKEN, „Menschenwürde und Recht auf Leben...“, 575.

Whether the guarantee of human dignity, understood as respect for the inaccessibility of the other, including even embryos that are in their earliest stages - as in the production of stem-cell lines - this can include and protect, but does not depend on how "human dignity" is understood, but on when the personality begins during the development of the human being.⁹²⁴

One can see here that this is partly a question of biological developmental process, on the one hand, and on the other hand, partly a philosophical question. Referring to human dignity alone does not justify or sufficiently give clear-cut decision on the permissibility or non-permissibility, at least in the case of protection of an embryo in its developmental stage or any such research done on it. The respect for human dignity is but a basic orientation and guideline for action in this field. Although the status of personhood of the human embryo in the early stages could be dubious and unlikely, yet it must be valid. This is because of the fact that insofar as embryos originate from human beings and have the possibility of developing into an individual human person, they are not mere matter and consequently deserve respect.⁹²⁵

This fundamental respect demands in the treatment of human embryos, the following: First, since the embryos that have emerged from procreation are going to establish themselves in the body of the mother implies that they may not be used for research, which ultimately ends in their destruction. Second, human embryos should not be actively generated in order to use them solely for the purpose to gain knowledge. Third, experimentation with embryos (such as intervention in the germ line) that will grow into humans is not allowed. Fourth, in the case of surplus embryos produced in the course of in-vitro fertilization, one applies extreme caution and maximum thrift. In other words, when they are used for research purposes, in each and every case abuse is to be excluded. This could be spelt in the form of a proof that high-level goals of research are achieved, is therapeutic and that alternative ways have been exhausted.⁹²⁶ Since personhood and human dignity are closely connected, it would be enlightening and necessary to see the role of the status of an embryo in its protection. This is the next venture in this research.

9.3 THE STATUS OF AN EMBRYO AND HUMAN DIGNITY

The status of an embryo pertains to both the biological science and to the philosophical field. It is also to be remembered that neither the political nor the legal system is competent enough to address the question of the status of an embryo.⁹²⁷ Ernst-Wolfgang Böckenforde, a former judge of the Federal Constitutional Court of Germany, vouchsafes this dilemma. He quotes the former President of the Federal Constitutional Court Jutta Limbach, who states, "The law is not competent to answer the question about when human life begins [...]. Science through its knowledge is not able to answer the issue as when human life should be placed under the

⁹²⁴ „Ob die Garantie der Menschenwürde, verstanden als Respekt vor der Unverfügbarkeit des Anderen, auch schon den Embryo, gar - wie bei der Herstellung von Stammzelllinien - den Embryo in seinen frühesten Stadien, umfasst und schützen kann, hängt nicht davon ab, wie ‚Menschenwürde‘ verstanden wird, sondern davon, wann innerhalb der Entwicklung des menschlichen Lebewesens die Personalität beginnt.“ HILPERT, „Die Idee der Menschenwürde...“, 52. Tr. by author.

⁹²⁵ Cf. *ibid.*, 52-53. Cf. also MIETH, "Going to the roots of the stem cell debate...", 5.

⁹²⁶ Cf. HILPERT, „Die Idee der Menschenwürde...“, 53.

⁹²⁷ Cf. LEHMANN, „Vom Anfang des Menschseins...“, 217.

protection of the Constitution.”⁹²⁸ Thus, one can see that questions such as the beginning of human life, when an embryo becomes a person, from when on is it worthy of protection, and from which moment onward it has inherent human dignity, becomes debatable in Bioethics. Therefore, this section will deal with these questions, which is ultimately dependent on the status that is accorded to an embryo. German Moral Theologian Dietmar Mieth argues that if one is dealing with an embryo as a human being, one must consider giving it a status that is morally relevant.⁹²⁹ It is in this context that one needs to address the status of an embryo.

Therefore, the question arises: what is a fertilized egg or what is an early embryo? The Convention on Biomedicine of the Council of Europe in the supplementary protocol on human cloning, offers three answers namely, an embryo is a person, a human being, or a conglomerate of human cells. Mieth writes:

I suggest that the last possibility be excluded, because there is indeed a significant difference between human gametes, and an early embryo. The embryo has a gender. It has the ability – and not merely in the sense of an abstract potential, but in the sense of a real capacity – to become a human being if its development is allowed to follow its inherent intention.⁹³⁰

Therefore, the two answers above needs to be taken into consideration, namely, an embryo is a person and an embryo is a human being. In Chapter 2.5.4 above, it was mentioned that contemporary philosophy considers the concept of person as a genuinely practical attributive term that is used to earmark the status of a human being.

Consequently, one can assume that the status of an embryo is a person and a human being. One can identify various stances with regard to when exactly the status is accorded to an embryo. Reiter, for example, speaks of six different theories about the question of the beginning of life. They are: (1) at fertilization, (2) end of Nidation/implantation, (3) after the possibility of twinning (4) development of brain (5) sometime during pregnancy or with the birth, or (6) the first year of a baby’s life when self-consciousness and possibility of freely choosing is attained.⁹³¹ The question is, among these various theories, when exactly does an embryo attain the status of a human being and person? The above question can be narrowed down into two main theories: simultaneous animation or delayed animation of an embryo. Following Hack, it was concluded that based on the current scientific knowledge, simultaneous animation is a more prevalent theory (See Chapter 5).

Subsequently, the next step is to establish the concept of human dignity of an embryo. The inquiry can be narrowed down to four positions:

⁹²⁸ „Die Rechtswissenschaft ist nicht kompetent, die Frage zu beantworten, wann menschliches Leben beginnt [...]. Die Naturwissenschaft ist auf Grund ihrer Erkenntnisse nicht in der Lage, die Frage zu beantworten, ab wann menschliches Leben unter den Schutz der Verfassung gestellt werden sollte.“ Jutta LIMBACH, „Mensch ohne Makel“, in: *Frankfurter Allgemeine Zeitung*, Feuilleton, Nr.47, 25.2.2002, 51. Cf. BÖCKENFORDE „Menschenwürde und Lebensrecht...“, 248.

⁹²⁹ Cf. MIETH, “Going to the roots of the stem cell debate...”, 5. Cf. A similar idea expressed in IDEM, *Was wollen wir können?*..., 243.

⁹³⁰ IDEM, “Going to the roots of the stem cell debate...”, 5. Mieth writes: “Ich schlage vor, die letzte Möglichkeit auszuschließen, da ein signifikanter Unterschied zwischen menschlichen Keimzellen, wie Ei- und Samenzelle, und dem frühen Embryo besteht. Denn der Embryo hat die Potenz, und zwar nicht nur im Sinne der reinen Möglichkeit, sondern im Sinne der Kapazität, ein Mensch zu werden, wenn die Entwicklung entsprechend der Intention, die in ihm angelegt ist, erfolgt, wenn also nicht eine Handlung zuungunsten dieser Entwicklung getan oder unterlassen wird.“ IDEM, *Was wollen wir können?*..., 242.

⁹³¹ See REITER, „Bioethik...“, 15-17. See Chapter 5.2 at fn. 599 above.

1. Human Dignity from the moment of existence of an embryo
2. Human Dignity at Birth
3. Human Dignity after Nidation
4. Human Dignity as a Gradual Process.⁹³²

Although, the arguments that speak of human dignity at a later stage will be addressed, yet the focus will be on the first position above. Owing to the scope and limit of this research, the positions held by philosophers like Singer,⁹³³ Norbert Hoerster⁹³⁴ and others will not be examined.

The first position is that which holds that right from the moment of conception the fertilized ovum (embryo), which is a human being, is absolutely worthy of human dignity. Those who hold for this position, make use of the following four arguments: the fact of belongingness to the human species (*Speziesargument*), human development which is continuous (*Kontinuumsargument*), identity between an embryo and the new born (*Identitätsargument*) and the potentiality of an embryo as a self-existent being (*Potentialitätsargument*). These four arguments (species, continuity, identity and potentiality) must be understood as taken together in the sense that all of them are dependent on one another.⁹³⁵ The four arguments are abbreviated in German from the initial letter of the headwords, namely, *Spezies*, *Kontinuität*, *Identität* and *Potentialität* as the “SKIP Argumente”. The corresponding English equivalent is the so-called SCIP argument.⁹³⁶ The following paragraphs describe the SCIP arguments.

9.3.1 The Species Affiliation Argument

According to the Species Affiliation argument, the human embryo must be granted human dignity in its earliest phase because of the fact that each member of the human species has human dignity, so also an embryo must have dignity from the beginning since it is a member

⁹³² For a detailed argumentation of these and other positions see Cf. SEIDEL, *Schon Mensch oder noch nicht?...*, 121-156.

⁹³³ For a brief description about the position of Singer and the objections against it, see Johannes REITER, „Wann beginnt personales Leben? Auseinandersetzung mit den Thesen moderner Bioethiker“, in: Diether DÖRING/Eduard J. M. KROKER (Hg.), *Gentechnik zwischen Natur und Ethos*, Societäts-Verlag, Frankfurt a. M. 2005, 75-86; 77-78, 81-83.

⁹³⁴ For a brief description about the position of Norbert Hoerster and the objections against it, see REITER, „Wann beginnt personales Leben?...“, 79-83.

⁹³⁵ Cf. Gregor DAMSCHEN/Dieter SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte – ein Überblick“, in: DIES. (Hg.), *Der moralische Status menschlicher Embryonen. op. cit.*, 1-10; 6.

⁹³⁶ Cf. Theo A. BAUER, “Stem Cells, Pluralism and Moral Empathy”, in: Lars ØSTNER (ed.), *Stem Cells, Human Embryos and Ethics. Interdisciplinary Perspectives*, Springer, New York 2008, 121-134; 132 at fn.9. For a pro and contra argument of all these positions, see DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen. op. cit.*

of this species.⁹³⁷ Thus, from the very moment of conception, that is, the fertilization of the ovum and sperm, which results in a zygote and referred from then on as an embryo,⁹³⁸ one can acknowledge human dignity.

The syllogistic form of the Species Affiliation argument can be formulated thus:

- (1) Every member of the human species has dignity because of one's natural species-affiliation.
- (2) Every human embryo is from the beginning a member of the human species.

Therefore: (3) Every human embryo has dignity.⁹³⁹

Schockenhoff explains that the above argument has three argumentative prerequisites:

- 1) The dignity of a being is rooted in its capacity to a moral subject being.
- 2) Under the conditions of the real world, the moral subject being is bound to the biological presupposition of membership to the human species.
- 3) Dignity must be acknowledged unconditionally; the idea of dignity is contradicted either when it is bound to the recognition of the extent of its actual realization or when subjected to the decisive confirmation of the society.⁹⁴⁰

Although Schockenhoff is deliberating about human dignity, the main question under consideration is the concept of person. The arguments that he tries to put forward is to be seen in the context in which not only the personhood of the human embryo is denied but also the denial of the fact that it is an individual, a human being, an organism or member of the human species, namely *Homo sapiens*. Therefore, he asks the question whether all human individuals are entitled to human rights, whether all humans are persons and whether the entitlement is only

⁹³⁷ Cf. DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 3. Cf. also Friedo RICKEN, „‘Mensch’ und ‚Person‘“, in: HILPERT/MIETH (Hg.), *Kriterien biomedizinischer Ethik...*, 66-86; 67. Ricken describes this position of belonging to the human species *Homo sapiens* as “Inclusion Thesis”. Kipke initially used this terminology. See Roland KIPKE, *Mensch und Person. Der Begriff der Person in der Bioethik und die Frage nach dem Lebensrecht aller Menschen*, Logos-Verlag, Berlin 2001, 11; 49-83. In the English-speaking world, the Species affiliation argument is also referred to as Genetic Argument. See Karen DAWSON, “Fertilisation and moral status. A scientific perspective”, in: *Journal of Medical Ethics* 13 (1987) 173-178; 173. However, see a criticism of this “Geneticism” in SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 213-214. For a counter argument to the species argument, see Reinhard MERKEL, „Contra Speziesargument. Zum normativen Status des Embryos und zum Schutz der Ethik gegen ihre biologistische Degradierung“, in: DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen*, op. cit., 35-58; 35.

⁹³⁸ Here the term “embryo” is preferred, because most German Moral Theologians use this term. It is interesting to note that Breuer brings out the aspect of personhood of the zygote when he affirms that the zygote must be considered as a member of the human species as a person. Cf. BREUER, *Person von Anfang an?*..., 50. In a footnote there, he quotes Robert Joyce: “The human zygote is a member of a unique species of creature. No individual living body can ‘become’ a person unless it already is a person. No living being can become anything other than what is already essentially is”. See Robert E. JOYCE, “When does a Person begin?”, in: Thomas W. HILGERS/Dennis J. HORAN/David MALL (ed.), *New Perspectives on Human Abortion*, Maryland 1981, 345-356; 351. ⁹³⁹ Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 11. For a similar syllogistic form see also SCHOKNECHT, *Mensch oder Material...*, 95 and Nikolaus KNOEPFLER, *Der Beginn der menschlichen Person und bioethische Konfliktfälle. Anfragen an das Lehramt, Quaestiones Disputatae*, Bd. 251, Herder, Freiburg i. Br./Basel/Wien 2012, 58. For a contrary argument see MERKEL, „Contra Speziesargument...“, 35-58.

⁹³⁹ Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 11. For a similar syllogistic form see also SCHOKNECHT, *Mensch oder Material...*, 95 and Nikolaus KNOEPFLER, *Der Beginn der menschlichen Person und bioethische Konfliktfälle. Anfragen an das Lehramt, Quaestiones Disputatae*, Bd. 251, Herder, Freiburg i. Br./Basel/Wien 2012, 58. For a contrary argument see MERKEL, „Contra Speziesargument...“, 35-58.

⁹⁴⁰ Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 11-12.

for those with such conditions. In order to answer the queries one has to inquire into the definition of Boethius on person, which was later shared by positions held by philosophers such as Locke and Kant, but who wanted to detach the concept of person from the theoretical difficulties associated with specific idea of substance. However, being anchored in our moral intuitions, the identification of personhood and humanity under the present moral philosophical positions has become controversial. One takes the following considerations from a double point of departure. First, one adjusts the implications of the term ‘person’ for practical ethics. Second, one considers the fact of the significance of belonging to the biological species as recognition of question on human dignity and human rights. Finally, one demonstrates the unity of person and nature. The goal therefore, of the separate discussion of both concepts is to reject their hypothetical dissociation on the one hand; and, on the other hand, to show reasonable unity in the anthropological constitution of human beings.⁹⁴¹

Schockenhoff then compares between Locke, on the one hand, who gives a definition of person with metaphysical neutrality while stressing on the self-consciousness aspect, but rejecting those individuals who are disabled mentally and severely as persons. On the other hand, Schockenhoff compares Kant who agrees with Locke on the rejection of the concept of substance. However, the difference is that Kant sees the personhood of human beings as moral subjects. Through the categorical imperative formula, Kant formulates the idea that the human person exists as an end in himself/herself. It results in the basic moral imperative of respect for every human being: “Act in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means” (GMS IV, 429) (see Chapter 2.3 above). Personhood and humanity appear in their entirety as identical – although not anymore due to the fact that each person substantially exists as a carrier of a human rational nature. Nevertheless, from the practical interest of reason, one cannot think of the idea of moral recognition without at the same time “acknowledging the dignity of mankind in practically every other person” (GMS IV, 462). In this way, Schockenhoff argues that (notwithstanding all the theoretical differences that exist between the metaphysical and the empirical and the transcendental concept of the person) it is through the moral-philosophical tradition that one can acknowledge that all humans are persons. He further states that it is a practical consensus of European ethics that concludes that all human beings – including children, mentally handicapped and aged people – are persons who unconditionally qualify for protection, which is expressed in the idea of human dignity.⁹⁴² Thus, it is not the society, which confers human dignity on the human individual. Nevertheless, human dignity is acknowledged in his/her own individual essence as an unconditional right, which is based solely on his/her membership in the biological species.⁹⁴³

In which sense can an embryo be called a person? According to Schockenhoff, whether the human embryo receives human dignity and consequently the right to life, protection and promotion, neither depends on questionable ontological assumptions nor on whether the eight- or sixteen cells could be counted as a person. Rather, what is relevant is that one should not

⁹⁴¹ Cf. *ibid.*, 12-13.

⁹⁴² Cf. *ibid.*, 13-14.

⁹⁴³ Cf. *ibid.*, 11.

arbitrarily limit human dignity and the protection of their rights, which are derived by every human individual on their own. Further, one must also embrace the precarious early stages of its existence. In addition, it should be emphasized that this practical conclusion alone – which refers to the postulate of justice and recognition of relationships between ourselves and our posterity – remains valid even if one has to leave the question of the ontological status of an embryo unanswered.⁹⁴⁴ The possible doubt regarding the personhood of an embryo (according to the tutorist Principle of the reconstruction of theoretical justice [*gerechtigkeits-theoretische Rekonstruktion*]) should not lead to arbitrary restriction of human dignity, because no one is governed by a positive coercive justification (*positiven Rechtfertigungszwang*) for one's own life. In essence, this amounts to a fairness rule for the burden of proof, which may leave open according to the metaphysical principle of economy, further questions about the ontological status of an embryo.⁹⁴⁵

Schockenhoff then raises the question as to how one can possibly find a solution to the ontological status. He answers by saying that it depends on when a being is “potential” or when it is not. Citing Aristotle from his ninth book of his metaphysics (Book IX, Part 7)⁹⁴⁶, Schockenhoff argues that this question makes sense only if there are possibilities that the being does not stand contrary when compared to a pure non-being, but is itself a modality of being. Aristotle had shown that one cannot reckon all the not yet actualized possibilities with that of a non-existent, but must make a distinction in the concept of what is “possible”. Aristotle gives an example of builder who wants to build a house. The possibility of building a house becomes a potentiality only when it can exist as an idea in the builder's mind or after laying the foundation. Therefore, a distinction could be made. (1) That which comes to exist actually because of a thought from having existed potentially is that if the agent has willed it, if nothing external hinders, so that it comes to be. It is on similar terms that one has what is potentially a house if nothing external acted on it from becoming a house. In addition, (2) in all cases where the generative principle is contained in the thing itself, a thing is potentially another, when it will of itself become the other, if nothing external hinders it.⁹⁴⁷ In a similar way, the term

⁹⁴⁴ Cf. *ibid.*, 28-29. Schockenhoff in a footnote to this argument quotes *Donum vitae* I,1: “The Magisterium has not expressly committed itself to an affirmation of a philosophical nature”. However, speaking about the unconditional respect that is due to human life from the beginning, the Magisterium states: “Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. 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 being to life.”

⁹⁴⁵ Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 29. For a cautious use of the principle of Tutorianism, see IDEM, „Lebensbeginn und Menschenwürde...“, 227-228 and IDEM, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 455-456.

⁹⁴⁶ ARISTOTLE, *The Metaphysics*, Vol. I, tr. by Hugh TREDENNICK, The Loeb Classical Library. Vol. 271, Harvard University Press, Great Britain 1968, 451. Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 29. See also Dietmar MIETH, „Wann beginnt das Leben eines Menschen? Theologisch-ethische Überlegungen“, in: Bernhard NACKE/Stephan ERNST (Hg.), *Das Ungeteiltsein des Menschen. Stammzellforschung und Präimplantations-diagnostik* Christentum und Gesellschaft, Bd. 4, Mathias-Grünwald-Verlag, Mainz 2002, 154-162; 154.

⁹⁴⁷ Cf. ARISTOTLE, *The Metaphysics*..., 451. Aristotle gives here also the example of semen and says, “the semen is not yet potentially a man; for it must further undergo a change in some other medium. But when, by its own generative principle, it has already come to have the necessary attributes, in this state it is now potentially a man, whereas in the former state it has need of another principle.” *Ibid.*

“person” (characterized by self-status and self-origin) appears as a meaningful application in individual human beings independent of its growth and degree of development. Under these prerequisites, an embryo is not an ontological potential person, but a person who carries in himself/herself the future capabilities and characteristics as well as the later perceivable forms.⁹⁴⁸

There are two counter arguments to the above position. First, is that it makes claims about what *ought to be* based on statements about *what is*. This is an ought-to-be-fallacy and therefore, not valid. The problem is that one moves from descriptive statements (e.g. what is) to prescriptive or normative statements (e.g. what ought to be), and it is not obvious how this is possible. Even in the very unambiguous cases of newborn human beings as the owner of basic human rights, it is not grounded on the biological nature, but could only be based on certain species-typical characteristics that are morally in need of protection and worthiness. Early embryos do not have such characteristics. Their inclusion in the protection sphere of morality and law therefore, can be evoked only through additional standards, namely, the principle of solidarity of origin. Such inclusion is morally required. However, the protection of human dignity in this way for an embryo is not certified based on a genuine subjective right conclusion. What can be justified is only the fact that a much weaker form is in need of protection. This is reinforced by the protective considerations of social norms.⁹⁴⁹

Second, according to Seidel the whole discussion on the species argument in the context of the question of the ontological status of embryos suffers from a typological or essentialist understanding of species, because a biological evolutionary fact has not been reflected enough. From an evolutionist perspective, the personhood or non-personhood of a living being could be accepted in principle – not because of its species membership, but solely due to its individual natural resources – although the Species argument cannot be held scientifically to be rationally true.⁹⁵⁰

Four arguments in favour of species argument will be described, other than the one that was already discussed (by Schockenhoff).

First, referring to *Donum Vitae*, Karl Lehman argues that it is obvious that the zygote from the first moment of its being must be respected as a person. It has a genetic-biological identity similar to an adult human so as to constitute a new individual in itself. From this, one can conclude that there is “the rational perception of a personal presence with the very first occurrence (appearance) of a human life”.⁹⁵¹

⁹⁴⁸ Cf. SCHOCKENHOFF, „Pro Speziesargument...“, 29-30. See also IDEM, „Lebensbeginn und Menschenwürde...“, 226.

⁹⁴⁹ Cf. MERKEL, „Contra Speziesargument...“, 35.

⁹⁵⁰ Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 280.

⁹⁵¹ „die rationale Wahrnehmung einer personalen Gegenwart schon mit dem ersten Auftreten (Erscheinen) eines menschlichen Leben.“ LEHMANN, „Die Würde der Weitergabe...“, 35. Tr. by author. Cf. BREUER, *Person von Anfang an?*..., 51. In a footnote here, Breuer also quotes Bioethicist Nicholas Tonti-Filippini in this context that the zygote has everything needed to develop into a human. Tonti-Filippini says, “The zygote is so organized as to be developing toward human adulthood and must therefore have whatever it is in the way of form to have that organization, dynamism and integration within the first cell, such that a human adult can result without any further addition of anything other than the nourishment which it assimilates into itself”. See Nicholas TONTI-FILIPPINI, “A Critical Note”, in: *Linacre Quarterly* 56 (1989) 36-50; 47.

Second, one needs also to distinguish two strands of arguments in this context. The first position is that in which human beings belong to the human species. This is known as Speciesism (*Speziesismus*). The second position claims that one is a human being based on self-consciousness and other characteristics. This position is termed as Personism (*Personizismus* as distinct from Personalism).⁹⁵² In this context, Mieth raises an apt question here: Because of giving an embryo a status that is morally relevant, “can we maintain that every embryo is the bearer of individual rights that would preclude its destruction or even its being put at risk?”⁹⁵³ Mieth’s point of view is that simply belonging to the human species already entails a particular right to protection, which transcends that applied to animals. In his opinion, those who do not want to protect embryos individually, but would rather protect them only as a particular kind of “biological material” that has to be treated with respect but could be used for research, therefore, violate the morally relevant status of a human being.⁹⁵⁴

Mieth sees a larger problem involved here. As far as the Catholic Church is concerned, she assumes that an embryo has to be respected and treated ‘as a person’. By looking at the formulation of this phrase, one can sense the careful wording, in that it does not simply maintain that embryos are identical with persons. The argument of the Church is that one cannot make a distinction between ‘human beings’ and ‘persons’ by assigning them to two different levels. The main argument here is that the development of a human being is a unified and continuous process. Although one can discern different phases, it cannot be broken into them. If one begins to distinguish human beings based on the stage of development, then it would have unpredictable consequences for the human society.⁹⁵⁵

Third, in order to counter argue the thesis of Reinhard Merkel, a German Criminal Lawyer and Philosopher of Law, the inclusion thesis referred to by Ricken may be useful. The inclusion thesis states that personhood is a given by the very fact of belonging to the species *Homo sapiens*. When all members of the human species are persons, then the same applies for those who have certain characteristics or those who do not have, or those who would never have

⁹⁵² Cf. MIETH, *Was wollen wir können?*..., 28. Mieth explains that by the term Speciesism (*Speziesismus*) is meant that every human being is a person because he/she belongs to the human species. All humanly living beings with physical unity and form is a person. Personism (*Personizismus*), on the other hand, is the distinction between mere human life, which is composed of human genetic material, on the one hand, and specific personal human life on the other hand (such as Rationality, self-consciousness, awareness, autonomy, pleasure and pain. Personalism means that a person is in relationship, to God and others and it means as the image of God. Cf. *ibid.* Cf. also Dietmar MIETH, „Menschenwürde und Menschenrechte in theologisch-ethischer Sicht“, in: Benita VON BEHR/Lara HUBER/Andrea KIMMI/Manfred WOLF (Hg.), *Perspektiven der Menschenrechte Beiträge zum fünfzigsten Jubiläum der UN-Erklärung*, Peter Lang, Frankfurt a. M. 1999, 77-97; 89-91.

⁹⁵³ MIETH, “Going to the roots of the stem cell debate...”, 5. In his German text, Mieth expresses thus: „Kann man von diesem Status her bereits behaupten, dass jeder Embryo ein Träger von individuellen Rechten ist, die seine Vernichtung oder auch nur seine Gefährdung ausschließen“. IDEM, *Was wollen wir können?*..., 243.

⁹⁵⁴ Cf. IDEM, “Going to the roots of the stem cell debate...”, 5. Mieth writes, „Wer Embryonen nicht als einzelne schützen, sondern sie nur als besonderes, mit Pietät zu beachtendes »biologisches Material« durch besonders geringen und eingeschränkten Gebrauch schützen will, der verletzt m. E. bereits den dargestellten moralischen Status eines menschlichen Lebewesens.“ IDEM, *Was wollen wir können?*..., 243.

⁹⁵⁵ Cf. IDEM, “Going to the roots of the stem cell debate...”, 5. Cf. IDEM, *Was wollen wir können?*..., 243. Mieth does not give a reference to the Church document both in the English and German text. However, it is to be presumed that at the time of publication of these two citations, Mieth must be referring to *Donum Vitae* I, 1. It is to be noted that the phrase “respected and treated as a person” (“als Person geachtet und behandelt werden”) appears also in the later CDF *Dignitas Personae* 4.

because of organic defects. They are all to be treated as persons. However, Merkel denies this belongingness to the species because it does not follow a moral norm. According to him, anyone who wants to avoid the natural fallacy must designate properties that are found in humans and which is not found in any other species and that they are worthy of protection in a special way.⁹⁵⁶ According to Ricken, accepting this thought would lead to unacceptable consequences. He argues that if one ignores the discussion of protection for an embryo, one finds that there are people born who are completely incapable of a subjective experience, such as, those in an irreversibly unconscious state or anencephalic newborns. In order to defend the inclusion theory, one must look for the human species characteristic property that belongs to all individuals of the species, regardless of their level of development and independently of all sorts of limitations and disabilities.⁹⁵⁷

The conclusion of Mieth and Ricken seem to be similar in their argument against those who hold that certain characteristics need to be present in order to qualify as a person. They both agree that this would lead to unpredictable consequences for the human society.

Fourth, Nikolaus Knoepffler, a German Philosopher, Theologian and Ethicist, finds that in the syllogistic argument mentioned above, both premises are problematic. It is not yet clear whether a human zygote is a member of the human species. Moreover, the first premise is an assumption. How can one accept the assumption that every member of the human species needs to get basic rights? As a solution, Knoepffler proposes an alternative to the syllogism 1. It would read as:

1a: The principle of extension applies to all members of a species.⁹⁵⁸

However, why should this principle be valid? The reason is that human dignity extends to all members of the human species. Therefore, any narrowing of the boundary of people would be synonymous with the authorization of an ultimate arbitrarily assembled circle of citizens that excludes others from this circle of human life. It would judge as to whether and to what extent his/her admission to this select circle serves the interests of those who already belong to it or not.⁹⁵⁹

Knoepffler suggests that the arguments from Spaemann would be useful here, according to whom one needs to realize that there is no transition from “something” to “someone”. From this basic realization follows Spaemann’s line of reasoning with regard to the question of the moral status of human zygotes⁹⁶⁰:

1. Persons are “someone” and not “things” such as tokens that are exchangeable.

⁹⁵⁶ Cf. MERKEL, „*Contra Speziesargument...*“, 37. Cf. RICKEN, „,Mensch‘ und ,Person‘...“, 67.

⁹⁵⁷ Cf. *ibid.*, 68. Ricken uses the Kantian and the Aristotelian argument to defend the inclusion thesis against this objection. See *ibid.*, 68-81.

⁹⁵⁸ „Es gilt das Prinzip der Ausweitung auf alle Mitglieder einer Spezies.“ KNOEPFFLER, *Der Beginn der menschlichen Person...*, 58. Tr. by author.

⁹⁵⁹ Cf. Walter SCHWEIDLER, „Zur Analogie des Lebensbegriffs und ihrer bioethischen Relevanz“, in: DERS./Herbert A. NEUMANN/Eugen BRYSCHE (Hg.), *Menschenleben - Menschenwürde*, LIT, Münster/ Hamburg/London 2003, 13-29; 25. Schweidler writes: „[...] mit der Ermächtigung eines letztlich willkürlich zusammengesetzten Kreises seiner Bürger, das aus diesem Kreis ausgeschlossene menschliche Leben daraufhin zu beurteilen, ob und inwieweit seine Zulassung zu diesem ausgewählten Zirkel den Interessen der bereits zu ihm Gehörigen dient oder nicht.“ *Ibid.*, 25. Cf. KNOEPFFLER, *Der Beginn der menschlichen Person...*, 58.

⁹⁶⁰ Cf. *ibid.*, 59. Knoepffler is here referring to SPAEMANN, *Personen...*, op. cit.

2. "But nothing develops *into* a person. You don't become some-one from being something."⁹⁶¹
3. The person "does not begin its existence after the human being, nor does it end its existence before the human being."⁹⁶²
4. "So we say [...], 'I was conceived on such and such a date'.⁹⁶³ It would not be necessary that the zygote itself at this early stage of conception to have such an empirically perceptible self-consciousness.
5. Therefore, human zygotes are already persons.
6. Thus, it applies that "the rights of persons are human rights".⁹⁶⁴ Since the zygotes have right to life, they must not be killed.⁹⁶⁵

Knoepffler then concludes that the species argument gains its strength in the above argument. The arguments would not be misunderstood as a species-ism, namely, the simple assertion that every person has a to a right to life as a zygote, because of belonging to the species *Homo sapiens*. Nevertheless, it comes from the conviction that persons may never be 'something', but always be 'someone'. This should apply to the zygote as well.

However, Knoepffler notes here and criticizes Spaemann. Spaemann admits that the entitlement of persons to unconditional respect is something fundamental that originates from particular or specific persons. The absoluteness of "thou shall not kill" is based on specific human face. Person is not a concept of species, but the way in which individuals of the species "human" are. From this, it follows that Spaemann is admitting that persons have to be individuals with a specific human face. Embryos, on the other hand, do not have faces. Ontologically, the zygote is not an individual in the strict sense of the term, because the early embryo is still so elastic that it can become several individuals, and that they are only embryonic tissues. Therefore, they lack the necessary condition for personhood, namely, an individual in the full-bodied ontological sense, to be "someone".⁹⁶⁶

Sebastian Schoknecht, a German Moral Theologian, is of the opinion that the basic problem that lies in the debate by the opponents over species argument is that they separate or divide and focus on to the individual aspects of the argument while giving attention to weak points of the species argument. As mentioned earlier, each of the arguments in SCIP has to be taken together in combination with other major aspects of the status argument.⁹⁶⁷

9.3.2 The Continuity Argument

Every adult is bearer of human dignity and protected by the prohibition against killing. He/she has a right to life. The human embryo will develop under normal conditions into an adult. Within this development, there is no biological break (*Zäsur*) found in the embryonic

⁹⁶¹ „Aber es kann sich nicht etwas zur Person entwickeln. Aus etwas *wird nicht* jemand.“ SPAEMANN, Personen..., 261. Emphasis in original. Tr. from IDEM, *Persons...*, 245. Emphasis in original.

⁹⁶² „[...] beginnt nicht später als der Mensch zu existieren und hört nicht früher auf.“ SPAEMANN, Personen..., 261. Emphasis in original. Tr. from IDEM, *Persons...*, 245.

⁹⁶³ „So sagen wir [...]: ‚Ich wurde dann und dann gezeugt‘.“ SPAEMANN, Personen..., 261. Emphasis in original. Tr. from IDEM, *Persons...*, 245.

⁹⁶⁴ „Personenrechte sind Menschenrechte.“ SPAEMANN, Personen..., 264. Tr. from IDEM, *Persons...*, 245.

⁹⁶⁵ Cf. KNOEPFFLER, *Der Beginn der menschlichen Person...*, 59-60.

⁹⁶⁶ Cf. *ibid.*, 60.

⁹⁶⁷ Cf. SCHOKNECHT, *Mensch oder Material?...*, 99.

development, such that, from the beginning the dignity that belongs to an adult human is already given in an embryo. Consequently, the human embryo is protected from the very beginning.⁹⁶⁸ Gerhard Luf, Professor of Philosophy of Law in Vienna, sums up the continuity arguments as follows: “The continuity argument stresses that the development proceeds in an overall continuous process in which a being does not develop *to become* human, but develops *as* a human.”⁹⁶⁹

The syllogistic form of the continuity argument can be formulated thus:

- (1) Every human being, is a bearer of actual ϕ , has dignity⁹⁷⁰
- (2) Because of the fact that every human embryo is a human being, it undoubtedly is a bearer of actual ϕ , which under normal conditions continuously (with no breaks of moral relevance) develops into a born human being.

Therefore: (3) Every embryo has dignity.⁹⁷¹

According to Schockenhoff, although different stages of life can be perceived in human existence, yet it takes place in a single continuum, such that all the time their temporal form (*Zeitgestalt*) belongs to the same person during these stages. Against this anthropological background, the fact remains that even human prenatal life knows no morally relevant caesuras (*Zäsuren*) until its full significance. That is to say, at any given time before and after the birth, this human being still has his/her own future ahead with all unforeseeable life opportunities. To

⁹⁶⁸ Cf. *ibid.*, 101-102. For a similar formulation see also DAMSCHEN/SCHÖNECKER, „In dubio pro embryone...“, 210. However, in the opinion of these authors, this is one of the weakest arguments among the SCIP arguments. Cf. also Ludger HONNEFELDER, „Pro Kontinuumsargument. Die Begründung des moralischen Status des menschlichen Embryo aus der Kontinuität der Entwicklung des ungeborenen zum geborenen Menschen“, in: DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen*, *op. cit.*, 61-79; 61. In the English-speaking world, the continuity argument is also referred to as discontinuity-continuity argument. See DAWSON, “Fertilisation and moral status...”, 175. Karen Dawson, an Australian Geneticist explains: “Proponents of this argument view events post fertilization as comprising a continuum of developmental changes, such that it is impossible to isolate any one stage at which to attribute the attainment of moral status. In contrast to this continuity, fertilization is seen as a radical discontinuity or “transformation” in development. It is then argued that the union of the two gametes to form the single zygote at fertilization is the only discrete stage at which it can be claimed that a human entity begins to exist.” *Ibid.* For a counter-argument see Mathias KAUFMANN, „Contra Kontinuumsargument. Abgestufte moralische Berücksichtigung trotz stufenloser biologischer Entwicklung“, in: DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen*, *op. cit.*, 83-99.

⁹⁶⁹ „Das Kontinuitätsargument betont, dass sich die Entwicklung in einem kontinuierlichen Gesamtprozess vollzieht, in dem sich ein Lebewesen nicht *zum* Menschen, sondern *als* Mensch entwickelt.“ Gerhard LUF, „Menschenwürde und Embryonenschutz – Rechtsethische Überlegungen“, in: Ulrich H. J. KÖRTNER/Christian KOPETZKI (Hg.), *Embryonenschutz – Hemmschuh für die Biomedizin?*, Manz, Wien 2003, 40-50; 45. Tr. by author. Cf. SCHOKNECHT, *Mensch oder Material?*..., 102.

⁹⁷⁰ The alphabet “ ϕ ”, which is the first letter of the Etruscan word ‘ ϕ ersu’ (that means face, mask, persona), refers to the properties or abilities, which are usually believed in general to justify the dignity of a person or even a living being. They are, autonomy (the ability to set purposes), moral autonomy (freedom), cognitive abilities (such as abstract thinking), self-awareness, preferences (as a future-oriented desires), desires, interests and capacity for suffering, and also God’s image or the sanctity of life. For all beings, there is therefore at least one property ϕ , such that, if a creature has actual “ ϕ ”, it has dignity. Cf. DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 3 at fn. 5; See also Gregor DAMSCHEN/Dieter SCHÖNECKER, „Die Würde menschlicher Embryonen. Zur moralischen Relevanz von Potentialität und numerischer Identität“, in: Ralf STOECKER (Hg.), *Menschenwürde. Annäherung an einen Begriff*, Öbv & hpt, Wien 2003, 201-229; 203-204; and HONNEFELDER, „Pro Kontinuumsargument...“, 62 at fn. 2.

⁹⁷¹ Cf. *ibid.*, 62. For these and similar syllogism see also KNOEPFFLER, *Der Beginn der menschlichen Person...*, 75-80.

deny a human embryo its interest of survival, just because it has neither developed yet a self-reflexive notion of its continuing being, nor able to express future oriented wishes, amounts to an arbitrary decretal act. It is also equally incomprehensible to assume that the process of individuation apparently begins until sometime after birth.⁹⁷²

Further, according to Schockenhoff, if one views the individual genome as immediate substratum of human dignity, it would also lead to a misconception, such as “Geneticism” (*Genetizismus*) or “mysticism of the genes”. Such absurd objections often interfere with the reasoning that the newly formed human being has the protection of human dignity from the beginning of its biological origin. The connecting factor for the recognition of human dignity is not the DNA structure of an individual genome or an intangible information program, but the newly formed embryo, which has an individual genome that controls its development in conjunction with the required environmental conditions. The recombination of an individual genome, which takes place at random from the maternal and paternal components, represents a wonderful process that comprises a reference to the uniqueness of each person. However, it would be an incorrect interpretation of this wonderful process when the human soul is seen as a “dice of genes”. The entelechial life principle in Aristotelian-scholastic sense is inherent in the zygote itself, which develops further according to its genome. What results as a fruit of fertilization cannot be reduced to its genome and considered as a disembodied entity. The fact that the future body axis forms only with the formation of primitive streak, in no way entitles one to see the zygote before nidation as something similar to an intangible phantom structure or a virtual information carrier. Instead, there is already a human being as an extracorporeal embryo, which exists as a concrete body-soul unity developing by virtue of its inherent principle of life. The importance of the genome lies in the fact that an embryo after fertilization carries within itself all the unique assets. It will unfold in a continuous process without any morally relevant breaks (*Zäsuren*) as long as the necessary support is received in realizing its development potential and is not inhibited by violent action from outside.⁹⁷³

Breuer attests to the above fact. He acknowledges what the Zurich Scientific Philosopher Antoine Suarez had already said: “The genetic composition of fertilization does not consist of an egg and a sperm. The 46 chromosomes in the zygote is a new way, a new reality, so that it can be said that all the characteristics that an adult obtains from this evolution, are already

⁹⁷² Cf. SCHOCKENHOFF, *Ethik des Lebens...*, 514.

⁹⁷³ Cf. IDEM, „Lebensbeginn und Menschenwürde...“, 213-214. Schockenhoff in a footnote (*ibid.* at fn. 29) to this argument, using the result of embryological study of human ontogeny as proposed by Rager, holds that the embryo from fertilization onwards constitutes human life and has the opportunity to develop this fully human life provided the necessary environmental conditions are commanded. Cf. RAGER, „Menschsein zwischen Lebensanfang und Lebensende. Grundzüge einer medizinischen Anthropologie“, in: Günter RAGER/L. HONNEFELDER (Hg.), *Ärztliches Urteilen und Handeln. Zur Grundlegung einer medizinischen Ethik*, Insel Verlag, Frankfurt a.M. 1994, 53-103; 82.

included in the zygote.”⁹⁷⁴ So that, “The two lives of the sperm and the ovum have ended because they have turned into an individual with a new life, the life carried by the zygote.”⁹⁷⁵ Thus, one thing is clear from all the above statements. The developing embryo has an inherent capacity for development and is in a continuous process of change provided it is not hindered through any external agency. Moreover, it does not mean that an embryo is one being at one time and different at other time. The development is a continuous process. Therefore, it is necessary to see an embryo from the point of view of Schockenhoff, in order not to separate the stages of development and thereby dispense out different protection to them according to their stages, say e.g. at Nidation, or at the stage of primitive streak or after 14 days of fertilization as some hold.⁹⁷⁶

Seidel is of the opinion that in human scientific studies and medical reasoning courses concerning the ontological evaluation of the ontogenetic development, one often compares specific events or breaks (*Zäsuren*) with continuous processes.⁹⁷⁷ Against such apparent alternatives, however, in scientific principles, it is clarified that in the biological reality there is no non-continuous events or discontinuities.⁹⁷⁸

Seidel applies the above clarification in the context of individuation on an ontological level and explains the problem. On the one hand, if one interprets the intermediate states realistically, then there is, between not-yet-human and already human, an arbitrarily large number of more-or-less-states-of-human-existence (this would correspond to a radicalized successive animation theory). On the other hand, if one assumes that there exists between not-yet-human and already human no intermediate states in the ontological sense, or even possible, then one is forced either to accept too probable statements (“probably not yet human”), or forced into a purely arbitrary non-criteria. In such a case, one is again in a dilemma as to which intermediate states have to be considered as not-yet-human and which intermediate states as already human. Besides, one incurs the problem of how to escape the setting implied by such mind-body dualism, namely, the many physically arbitrary intermediate states. Nevertheless, that is not the case regarding animation.⁹⁷⁹

Seidel’s opinion is that if one correlates the “individuation” or “animation” with a biological event, one does not have a scientifically exact punctual biological event, which in principle is a continuous process. The conclusion is not that continuous processes can lead to qualitative changes and that certain continuous processes of change can be attributed to greater ontological

⁹⁷⁴ „Die genetische Zusammensetzung nach der Befruchtung ist hierbei nicht die von Ei- und Samenzelle. Die 46 Chromosomen in der Zygote sind eine neue Art, eine neue Wirklichkeit, so dass gesagt werden kann, dass alle Eigenschaften, die ein Erwachsener aus der Evolution erhält, bereits in der Zygote enthalten sind.“ Antoine, SUAREZ, „Ist der menschliche Embryo eine Person? Ein rationaler Beweis“, in: *Schweizer Ärztezeitung* 24 (1988) 1030-1033; 1031, as quoted in BREUER, Person von Anfang an?..., 48. Tr. by author.

⁹⁷⁵ G. Elizabeth ANSCOMBE, “Were you a Zygote?”, in: *Philosophy* 18 (1984) 111-115; 115. Cf. BREUER, Person von Anfang an?..., 48.

⁹⁷⁶ See also MIETH, “Going to the roots of the stem cell debate...”, 5. Cf. IDEM, *Was wollen wir können?...*, 243. See also Chapter 9.3.1 at fn. 961 above.

⁹⁷⁷ Cf. e.g., FORD, *When Did I Begin?...*, 85. Ford argues here that it is beyond our capacity to determine the “precise moment” when a human individual begins, though one cannot deny that there is no “precise point” when a human individual begins and dies. Cf. SEIDEL, *Schon Mensch oder noch nicht?...*, 315.

⁹⁷⁸ Cf. *ibid.*

⁹⁷⁹ Cf. *ibid.*, 316.

significance. Whether the processes last for relatively long or relatively short have no relevance in answer to the ontological question of the individuation.⁹⁸⁰

Despite the above clarification and the concession that fertilization is a process and not a moment, a fundamental question remains unanswered: Why should dignity, right to life and protection be linked to this first stage of human development? If one addresses them again with the argument of continuity of biological processes, it would amount to a circular reasoning. Therefore, one needs to turn to other criterion beyond continuity to that of identity and potentiality.⁹⁸¹

The starting point is that always the born human has his/her actual personal characteristics. These constitute an indisputable dignity. A human embryo has potentially these personal properties and is therefore a bearer of human dignity because under normal conditions it continues all along to develop until a born human. According to the German Philosopher Ludger Honnefelder, “The justification for the status of dignity of a human embryo occurs through the transferring of the moral status from an unborn human being to a born because of identity and continuity of development that leads from the unborn to the born.”⁹⁸²

These arguments thus pave the way to another argument, namely, the identity argument, which will be discussed in the next section.

9.3.3 The Identity Argument

The identity argument is closely linked with the aspect of individuality and integrity.⁹⁸³ Honnefelder emphasizes that in principle the continuity argument and the identity argument express the same point.⁹⁸⁴ The underlying thesis of this argument is that an embryo is identical to the born at all points during its development, which it was at an earlier point in time. There is one and the same human being who, as an embryo, has that same right to live as a newborn, adult or aging human being. The human embryo is neither an object nor a “something”, but (in order not to rashly adopt the problem-laden word “person”) a “somebody”, who would later utter “I”. A human embryo can bring about its own existence from its very beginning in conjunction with the mother’s womb.⁹⁸⁵ From the fact that a newborn possesses human dignity, the dignity of an embryo can be derived from the morally relevant, existing identity between it and the newborn, which ultimately develops after fertilization.⁹⁸⁶

The syllogistic form of the identity argument can be formulated thus:

- (1) Every being which is a bearer of actual ϕ , has dignity
- (2.1) Many adults, who are bearers of actual ϕ , are *identical* with embryos in morally relevant respect.
- Therefore: (2.2) The embryos, with which they are identical, have dignity.
- (2.3) If any of the embryo has dignity, then all of them have it.

⁹⁸⁰ Cf. *ibid.*, 316-317.

⁹⁸¹ Cf. SCHOKNECHT, *Mensch oder Material?*..., 121-126.

⁹⁸² HONNEFELDER, „Pro Kontinuumsargument...“, 61. Cf. SCHOKNECHT, *Mensch oder Material?*..., 120.

⁹⁸³ Cf. *ibid.*, 121.

⁹⁸⁴ HONNEFELDER, „Pro Kontinuumsargument...“, 62.

⁹⁸⁵ Cf. SCHOCKENHOFF, *Ethik des Lebens*..., 509.

⁹⁸⁶ Cf. ENSKAT, „Pro Identitätsargument...“, 101. Cf. also KNOEPFFLER, *Der Beginn der menschlichen Person*..., 65.

Therefore: (3) Every embryo has dignity.⁹⁸⁷

What ensures the identity between the adult and an embryo in morally relevant respect in the second premise? It is the human soul. Demelexplains this by remarking:

From the moment of fertilization the following applies: 'the human does not develop to become a person but as a person.' And this continuous course of development can neither be done alone by the genetic code nor by the influence of the environment nor by both together, but determined significantly by an overarching principle of life, 'a supreme controlling authority', which may be called the spirit or soul. Because the genetic program cannot do anything by itself, but can only develop.⁹⁸⁸

In the above syllogism, acceptance or non-acceptance of the third premise is crucial. The soul is the form of a body, which serves as the medium of expression. As long as this medium of expression is still in the zygotic stage, the soul naturally cannot express fully. Therefore, in the zygotic stage there is this conceptual model of a spiritual soul already present. Only their medium of expression, which requires a body, would be in its initial stage so that immaterial soul cannot yet express itself as a newborn or adult.⁹⁸⁹

Assuming the above notion of ensoulment, the identity argument then answers the question whether it is appropriate to accept the zygote formation as the time of animation or the moment of self-transcendence and as the beginning of the individual history.⁹⁹⁰

The critics of this argument point out to the fact that an embryo does not currently have all those qualities to be worthy of human dignity until it is born. One cannot also speak of an *absolute* identity. One can speak of absolutely identical objects only if all their properties are matching. Therefore, one can speak of such absolute identity only with itself. In other words, an embryo is identical to itself. Whether this identity is also with an adult, is yet to be proven.⁹⁹¹

Schoknecht is of the opinion that if one wants to continue with the identity argument in the debate over the status of an embryo; three different views need to be considered.

a) The first would be to refer to a *numerical identity*. In applying the identity argument, one cannot consider the physiological or anatomical identity, but one must resort to a numerical identity. Zygote, embryo, unborn child and adult are identical in the numerical sense as an entity.⁹⁹²

⁹⁸⁷ Cf. DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 4. However, Ralf Stoecker, a German Medical Ethicist, suggests the following syllogism: (1) Every being which is a bearer of actual ϕ , has dignity, (2) Every embryo in morally relevant respect is identical to exactly a being, which is a bearer of actual ϕ , (3) Every embryo has dignity. Cf. Ralf STOECKER, „*Contra Identitätsargument*. Mein Embryo und ich“, in: DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen*, op. cit., 129-147; 129. However, Damschen and Schönecker are of the opinion that the above formulation is vulnerable to criticism. See DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 4.

⁹⁸⁸ „Ab der Keimverschmelzung gilt daher: ‚der Mensch entwickelt sich als Mensch und nicht zum Menschen.‘ Und dieser kontinuierliche Entwicklungsgang kann weder allein durch den genetischen Code noch durch den Einfluss der Umwelt noch durch beide zusammen erfolgen, sondern ist entscheidend auf ein übergeordnetes Lebensprinzip, auf eine ‚oberste Steuerungsinstanz‘ angewiesen, die man Geist oder Seele nennen kann. Denn das genetische Programm kann nicht etwas tun, sondern sich nur entfalten.“ Sabine DEMEL, „Was für ein Wesen ist der Fetus?“ in *ThPh* 69 (1994) 224-237; 233. Tr. by author. Cf. KNOEPFFLER, *Der Beginn der menschlichen Person...*, 65-66.

⁹⁸⁹ Cf. *ibid.*, 66.

⁹⁹⁰ Cf. *ibid.*

⁹⁹¹ Cf. SCHOKNECHT, *Mensch oder Material?*..., 121.

⁹⁹² Cf. *ibid.*, 122.

However, the above argument would be objected from a scientific perspective. The counter argument against the above position is derived from the fact that around the 14-15th day, when the primitive streak is formed, and at the time of Nidation, there is a possibility of twinning (see Part I, Chapter 4.2.1 above). Moreover, it is also possible that two or more embryos could fuse together.⁹⁹³ Therefore, how could one speak of the human dignity of an embryo from the beginning of its life using identity argument? In the case of twinning, how could an individual divide? A similar position was held during the 70s and 80s of the last century by moral theologians like F. Böckle, J. Gründel and J. Mahoney and by medical professionals such as W. Ruff, K. Hinrichsen and H. Koester.⁹⁹⁴ Their position can also be found in a memorable formulation in the prestigious Handbook of Christian Ethics, “Prior to the biological determinism of a single and in itself indivisible individual, one cannot speak of a real existent human being in a strict anthropological sense”.⁹⁹⁵

In an answer to the above objection, Schockenhoff explains that according to the etymology of the word “individual” (from *indivisum* = undivided), this objection assumes that not only a being is undivided, but also its future is indivisible, which is regarded as a necessary minimum requirement for the individual and personal life of a concrete human. This is certainly the case for the adult human. The question is however, whether the static notion of the indivisibility of the dynamic growth processes that characterize the early human embryo, will actually be appropriate. For, while the concrete existence of an adult requires individuality in the numerical sense, its divisibility would mean certain death; the division of early embryos is not destructive division, but a process of growth and thus an expression of life, which in rare cases is naturally possible in humans.⁹⁹⁶

With regard to human twinning, Schockenhoff further explains that, what results in the death of the original zygote consequent to their division is not excluded. From the destruction of the zygote two new individuals would emerge, but is rather unlikely. A reasonable explanation is that the original zygote splits and an extension appears. In this case, one could assume that “the original individual carries within him the possibility of a majority of individuals.”⁹⁹⁷ In such an interpretation of the biological events, the possibility of twinning would not be contrary to the assumed individuality before the implantation of the developing zygote. The history of the concept of individuality shows that there prevailed not only the dynamic perspectives on the biological significance level, but it was also in no way foreign to the philosophical significance level. Thomas had already emphasized the unifying function of the human soul. For Kant, the

⁹⁹³ Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 483-484. Cf. also SCHOKNECHT, *Mensch oder Material?...*, 122.

⁹⁹⁴ Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 484.

⁹⁹⁵ „Vor der biologischen Determinierung auf ein einziges und in sich unteilbares Individuum hin wird man darum anthropologisch im strengen Sinn noch nicht von einem real existierenden Menschen sprechen können.“ Franz BÖCKLE, „Probleme um den Lebensbeginn. Medizinisch-ethische Aspekte“, in: Anselm HERTZ/Trutz RENDTORFF/Herman RINGELING (Hg.), *Handbuch der Christliche Ethik*, Band 2, Herder/Gütersloher, Freiburg/Basel/Wien 1978, 36-59; 43. Tr. by author. Cf. SCHOCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 484.

⁹⁹⁶ Cf. *ibid.*, 485-486.

⁹⁹⁷ „[...] dass ursprünglich eine Individuum die Möglichkeit für eine Mehrzahl von Individuen in sich trägt“. RAGER, „Menschsein zwischen Lebensanfang und Lebensende...“, 89. Tr. by author. Cf. SCHOCKENHOFF, “Menschen-würde und Lebensschutz. Theologische Perspektiven...“, 486.

dynamic aspect becomes even more prominent, in that the person gives himself/herself up for her free-realization. Summarizing these findings, Günter Rager, an anatomist and embryologist, notes: “If the living individual is not primarily understood as something indivisible, but as a being that is constantly establishing its own dynamic unity, then the creation of identical twins represents no contradiction to our notion of the individual and person”.⁹⁹⁸

Schoknecht is of the opinion that whether the numerical identity of every embryo with the newborn will allow the unconditional protection of all human embryos could be a left open question. However, it seems clear that a more sophisticated identity concept must be used for the foundation of a status-identity between an embryo and total natural born child. This could be found possibly in the concept of the genetic identity.⁹⁹⁹

b) Therefore, one needs to consider the second possibility, namely, a *genetic identity*. In this argument, it is considered that “from the beginning” (that is, from the moment of fertilization of the nuclei of ovum and sperm) there is a determination.¹⁰⁰⁰ This is the sense in which *Donum Vitae* formulates that:

[...] modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the programme is fixed as to what this living being will be: a man, this individual-man with his characteristic aspects already well determined (*Donum Vitae* I,1).¹⁰⁰¹

Nevertheless, the above view can be rejected. The reason is that specific genes may make a person identifiable as an entity from the beginning (genetic fingerprinting). However, a program for the development of all its characteristic features is not set at the beginning. These are primarily developed by one’s environment and upbringing. To this environment, the effects of the maternal organism and the self-organization of an embryo is included until the end of the fetal life.¹⁰⁰²

Seidel clearly answers the frequently asked question of the role of the genome, and points out that theologians, philosophers and lawyers often err in this regard. Contrary to the commonly encountered opinion, the human genome does not constitute a biological individual. Seidel remarks: “With regard to the question what biogenic material is necessary to make a biological individual, the genome is irrelevant”.¹⁰⁰³ Thus, the genetic identity argument does not help here. Therefore, the third possibility, namely, a *narrative* or *biographical identity* is to be considered.¹⁰⁰⁴

⁹⁹⁸ „Wenn das lebende Individuum nicht primär als etwas Unteilbares, sondern als ein Wesen Verstanden wird, das ständig dynamisch seine Einheit herstellt, dann stellt die Entstehung von eineiigen Zwillingen keinen Widerspruch zu unserem Begriff von Individuum und Person dar.“ RAGER, „Menschsein zwischen Lebensanfang und Lebensende...“, 88. Tr. by author. Cf. SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 486-487.

⁹⁹⁹ Cf. SCHOKNECHT, *Mensch oder Material?*..., 123.

¹⁰⁰⁰ Cf. *ibid.*

¹⁰⁰¹ Cf. *ibid.* This idea is made more specific in *Dignitas Personae* 5: “Indeed, the reality of the human being for the entire span of life, both before and after birth, does not allow us to posit either a change in nature or a gradation in moral value, since it possesses *full anthropological and ethical status*.” Emphasis in original. Cf. also KNOEPFFLER, *Der Beginn der menschlichen Person...*, 65.

¹⁰⁰² Cf. SCHOKNECHT, *Mensch oder Material?*..., 123.

¹⁰⁰³ „Für die Beantwortung der Frage, was biogenes Material zu einem biologischen Individuum macht, ist das Genom ohne jede Relevanz.“ Cf. SEIDEL, „Embryonale Entwicklung...“, 92. Tr. by author. Cf. SCHOKNECHT, *Mensch oder Material?*..., 123-124.

¹⁰⁰⁴ Cf. *ibid.*, 124.

c) *Personal identity* is an argument developed by Gisela Badura-Lotter, a German Medical Ethicist. This argument is based on explaining life history. She establishes the biographical argument as follows:

It appears that many people (and at least those who are concerned about the idea of total availability of the human embryo) - consciously or unconsciously - view one's own embryonic being as a necessary condition of self-realization and thus integrate it as a central factor into their own self-concept. Moreover, concerning our self-concept, we have plenty of concrete moral conceptions.¹⁰⁰⁵

Humans have been taught that embryonic being is part of one's life history. This idea disintegrates when the human embryo is objectified and exploited. According to Badura-Lotter, the abstract embryo is received into one's own integrity and identity creating a history of relationship. With this accessibility, our life history is inevitably confronted. This approach to the identity argument should be seen, as innovative and valuable.¹⁰⁰⁶

There is yet another argument exemplified by Rager known as the *diachronic* identity argument. What does it entail? He explains:

Embryologists and molecular biologists agree that the embryo develops in a continuous manner from fertilization onwards. On the various levels, neither of morphologic observation, nor in molecular biology discontinuities or turning points can be observed. Each developmental process follows continuously from the preceding state. The embryo determines its own development. It is capable by itself to differentiate and mature to the adult state. It depends on suitable environmental conditions, such as nutrition and housing, which are necessary for it – as for adults – but not constitutive. Its own active potentiality will advance its development by itself. While it develops, it remains identical with itself, although it changes its appearance. This is what is meant by the term diachronic identity.¹⁰⁰⁷

Further, he argues from a bio-medical and clinical perspective: "If the zygote develops in a continuous manner to newborn and then on to an adult, then the identity of this being remains intact. If this being is a human as an adult, then it is the same also as an embryo."¹⁰⁰⁸

Thus, one can see from the above discussions that identity argument has an important role in affirming the dignity of an embryo and its protection. It further depends on the continuity argument and on the potentiality argument. The latter will be taken up in the next section.

¹⁰⁰⁵ „Es scheint so zu sein, dass viele Menschen (und zumindest diejenigen, denen die Vorstellung einer völligen Verfügbarkeit des menschlichen Embryos Sorgen macht) - bewusst oder unbewusst - das je eigene Embryosein als notwendige Bedingung der Selbstwerdung ansehen und damit als zentrale Größe in die je eigene Selbstauffassung integrieren. Und unsere Selbstauffassung betreffend haben wir sehr wohl konkrete moralische Vorstellungen.“ Gisela BADURA-LOTTER, *Forschung an embryonalen Stammzellen. Zwischen Bio-medizinischer Ambition und ethischer Reflexion*, Campus Verlag, Frankfurt a. M. 2005, 310. Tr. by author.

¹⁰⁰⁶ Cf. SCHOKNECHT, *Mensch oder Material?...*, 124. Schoknecht explains that the background to this variant of the identity argument is a coherence model of morality, which is a more or less stable referential connection that forms a network of convictions of various orders. They enable us to explain our self and the world. Cf. *ibid.*

¹⁰⁰⁷ Günter RAGER, "Is Preimplantation genetic diagnosis ethically acceptable?", in: *Bioethical Forum* 1/2 (2008) 81-88; 85.

¹⁰⁰⁸ „Wenn aber die Zygote in kontinuierlicher Weise sich zum Neugeborenen und zum erwachsenen Menschen entwickelt, dann bleibt die Identität dieses Lebewesens erhalten. Ist dieses Lebewesen im erwachsenen Zustand ein Mensch, dann ist es dies auch als Embryo.“ RAGER, „Menschsein zwischen Lebensanfang und Lebensende...“; 94. Tr. by author. See also LEHMANN, *Zuversicht aus dem Glauben...*, 383-384.

9.3.4 The Potentiality Argument

The potentiality argument is the most influential among the SCIP arguments.¹⁰⁰⁹ This argument implies that the fertilized ovum already possesses the full potentiality to develop into human existence. An embryo has from its beginning, in the natural process of anthropogenesis, the potentiality to develop as a personal being¹⁰¹⁰ and a moral subject. Because this potential exists from the very beginning, an embryo is worthy of unrestricted protection.¹⁰¹¹ The genome contains that program (potential) that would ultimately unfold itself into the adult. According to many biologists, with the completion of fertilization an embryo can be regarded as self-organizing, dynamic system and represents a structural and functional unity; an individual in biological sense. It has the active potency to develop into an adult.¹⁰¹²

It was mentioned elsewhere that in Bioethics words, such as “human” and “person”, is highly debatable. Schoknecht illustrates how confusing the situation can become when several controversial terms are introduced. Take for example the summary of Ulrich Schroth, a German Jurist. He summarizes the potentiality argument as, “According to the potentiality thesis, an embryo is a person after the completion of nuclear fusion, because then it contains the potential to develop into a human.”¹⁰¹³ Here one can see the confusion over “person” and “human” brought into the potentiality argument. Therefore, according to Schoknecht, it would be better to avoid these terms.

Regarding the potentiality of the development of a human, Demmer, in his argument against a group of 9 Evangelical Ethicists who published a Position Paper named “Pluralismus als Markenzeichen”,¹⁰¹⁴ affirms that, “One does not develop *to become* a human, but develops *as* a human; there is only one potentiality of a perfect stage of development of already given human existence. Therefore, the logic of the protection of life is always the same”.¹⁰¹⁵ Demmer through this argument clears the confusion by saying that one does not develop “into a human”, as held by Schroth, but rather one develops “as a human”.

¹⁰⁰⁹ Cf. DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 5. Cf. SCHOKNECHT, *Mensch oder Material?*..., 126.

¹⁰¹⁰ A distinction is to be made between “development into a person” and “development of a person”. Cf. Teresa IGLESIAS, “In vitro fertilization. The major issues”, in: *Journal of Medical Ethics* 10 (1984) 32-37; 34-35. Cf. BREUER, Person von Anfang an?..., 49 Breuer states here: „Die Zygote entwickelt sich nicht *zu* einer Person, sondern sie entwickelt sich *als* Person.“ *Ibid.* Emphasis in original.

¹⁰¹¹ Cf. SCHOCKENHOFF, *Ethik des Lebens*..., 510-511.

¹⁰¹² Cf. Ruth BODDEN-HEIDRICH/Wolfgang WICKLER, „Der heranwachsende Mensch im Umfeld seiner Eltern“, in: RAGER (Hg.), *Beginn, Personalität und Würde des Menschen, op. cit.*, 123-142; 123. Cf. SCHOKNECHT, *Mensch oder Material?*..., 128.

¹⁰¹³ „Nach der Potentialitätsthese ist ein Embryo nach Abschluss der Kernverschmelzung eine Person, da er dann eine Potentialität enthält, sich zu einem Menschen zu entwickeln.“ Ulrich SCHROTH, „Forschung mit embryonalen Stammzellen und Präimplantationsdiagnostik im Lichte des Rechts“, in: Fuat ODUNCU/Ulrich SCHROTH/Wilhelm VOSSENKUHL (Hg.), *Stammzellenforschung und therapeutisches Klonen*, Vandenhoeck & Ruprecht, Göttingen 2002, 249-281; 263. Tr. by author. Cf. SCHOKNECHT, *Mensch oder Material?*..., 127.

¹⁰¹⁴ Cf. Reiner ANSELM/Johannes FISCHER/Christofer FREY/Ulrich KÖRTNER/Hartmut KREB/Trutz RENDTORFF/Dietrich RÖSSLER/Christian SCHWARKE/Klaus TANNER, „Pluralismus als Markenzeichen. Eine Stellungnahme evangelischer Ethiker zur Debatte um die Embryonenforschung“, in: *Frankfurter Allgemeine Zeitung*, Feuilleton, Nr.19, 23.1.2002, 8. Cf. Klaus DEMMER, „Ökumenische Klippen im bioethischen Gespräch? Fragen zum Positionspapier ‚Pluralismus als Markenzeichen‘“, in: *ThG* 46 (2003) 242-253; 242.

¹⁰¹⁵ „Man entwickelt sich nicht *zum* Menschen, sondern *als* Mensch; es gibt nur eine Potenzialität zu vollkommeneren Entwicklungsstufen des immer schon gegebenen Menschseins. Darum ist auch die Logik des Lebensschutzes immer gleich.“ DEMMER, „Ökumenische Klippen...“, 247. Emphasis in original.

The syllogistic form of the Potential argument can be formulated thus:

- (1) Every being which bears potential ϕ , has dignity
- (2) Every human embryo is a being that bears potential ϕ .

Therefore: (3) Every human embryo has dignity.¹⁰¹⁶

The critics of potentiality argument raise certain objections. First, that fertilization cannot be considered as fundamental basis for potentiality argument for several reasons. One of the reasons is that fertilization is a process and not a starting point. Nonetheless, those who appeal for the potentiality argument are certain that the expression of an individual genome is fixed before the second meiosis in the pronuclear stage and not after the completion of fertilization. According to them, the *program theory*¹⁰¹⁷ argues with the existence of a complete genetic program. This is established with the fusion of the maternal and the paternal pro-nucleus. With the fusion, the fertilization process is completed and terminated. It can be biologically shown, how the new genome would look like in the pronuclear stage after the second meiotic division is complete. Therefore, there is no objection in speaking of an established program even at the beginning of fertilization and not at its completion. This fact admits to the linkage between the potentiality argument and fertilization. Clarifications seem necessary here only regarding legal issues. This is because currently, in Germany, the completion of the fusion of parental pronuclei is considered as the beginning of the basic legal status. With regard to freezing of “fertilized” eggs, it is legal at the pronuclear stage.¹⁰¹⁸

A second and more serious is the objection that fertilization is – either its beginning or end – neither the only nor the right reference point in the arguments over potentiality. For some, the full genetic program begins after fertilization with nidation. For others, there is already in the human germ cells the legitimate development potential well before fertilization. Both these objections are raised against the potentiality argument using potentiality as a reference point. How does one respond to them?¹⁰¹⁹

The reference to the fact that genetic programming is complete only with the nidation allows one to speak legitimately of the potentiality of an embryo. This is supported by the biological

¹⁰¹⁶ Cf. Wolfgang WIELAND, „Pro Potentialitätsargument. Moralfähigkeit als Grundlage von Würde und Lebensschutz“, in: DAMSCHEN/SCHÖNECKER, (Hg.), *Der moralische Status menschlicher Embryonen*, op. cit., 149-168; 149.

¹⁰¹⁷ Perhaps, the *program theory* can be explained thus: An individual’s life begins with the fertilization of sperm and ovum. From this is deduced the fact that the maternal and paternal genome of the fertilized egg contains the full program for the development of the individual. Therefore, it concluded that a fertilized egg contains already the full meaning of human life. Cf. Christiane NÜSSEIN-VOLHARD, „Wann ist ein Tier ein Tier und ein Mensch kein Mensch? Eine wunderbare Symbiose. Die Befruchtung ist nur der halbe Weg zur Entwicklung des Individuums“, in: *Frankfurter Allgemeine Zeitung*, Feuilleton, Nr. 229, 2.10.2001, 55.

¹⁰¹⁸ The *Gesetz zum Schutz von Embryonen* (Embryonenschutzgesetz - ESchG) § 8 reads: „Als Embryo im Sinne dieses Gesetzes gilt bereits die befruchtete, entwicklungsfähige menschliche Eizelle vom Zeitpunkt der Kernverschmelzung an.“ See BUNDESMINISTERIUMS DER JUSTIZ, *Gesetz zum Schutz von Embryonen* (Embryonenschutzgesetz - ESchG), 13. Dezember 1990 (BGBl. I S. 2746), das zuletzt durch Artikel 1 des Gesetzes vom 21. November 2011 (BGBl. I S. 2228). “For the purpose of this Act, an embryo already means the human egg cell, fertilised and capable of developing, from the time of fusion of the nuclei” English tr. from THE FEDERAL MINISTRY OF JUSTICE, *The Embryo Protection Act. Federal Law Gazette*, Part I, No. 69, Bonn, 19th December 1990, 2746. Cf. SCHOKNECHT, *Mensch oder Material?*..., 128. Cf. also DEMMER, „Moraltheologie und Reproduktionsmedizin...“, 71-72. Demmer is of the opinion that when it comes to the question of right to life, then the potential argument with active potency seems to takes precedence.

¹⁰¹⁹ Cf. SCHOKNECHT, *Mensch oder Material?*..., 128.

fact that the implantation of an embryo is primarily established as necessary for its further development in the context of child-mother communication.¹⁰²⁰

The German Geneticist Christiane Nüsslein-Volhard denies the above fact that the genome of the fertilized egg contains the whole program. She is of the opinion that quite apart from the fact that a program is not the same as its result, the statement is not correct for serious reasons. She explains:

The program of the embryo is indeed complete in terms of genetic makeup. However, this program does not proceed on its own until birth. It needs to be activated and controlled. This requires additional significant and irreplaceable contributions by the maternal organism in which the embryo develops. She contributes factors that control the activity of genes during development, as well as nutrients, which allow the growth and differentiation and so on. Without the maternal organism, the fertilized egg cannot develop on its own past the blastocyst stage, from a little over a hundred human cells with adequate factors in their own cytoplasm - but not further. [...]. The embryo has the full development program only after implantation in the mother's uterus. Only during this amazing and wonderful symbiosis, the program is executed. Genes are not everything that a human needs to become human.¹⁰²¹

Against the above view (which holds that the program theory is initiated only beginning with implantation and thus thereafter one can speak of the potentiality argument as a reference point), Schoknecht counter argues from two stances: either a *weak* or a *strong* argument. He writes:

The *weak* argument holds that the original logic of the program theory is abandoned because the implantation of the early embryo into the uterus fails to complete the original genetic program. This is determined at fertilization. The implantation of the embryo adds no extra

¹⁰²⁰ Cf. *ibid.*

¹⁰²¹ „Das Programm des Embryos ist zwar vollständig, was die genetische Ausstattung betrifft. Dieses Programm läuft aber nicht von alleine bis zur Geburt ab. Es muss aktiviert und gesteuert werden. Dazu bedarf es zusätzlicher erheblicher und unersetzbarer Beiträge durch den mütterlichen Organismus, in dem der Embryo sich entwickelt. Dieser trägt Faktoren bei, die die Aktivität der Gene während der Entwicklung steuern, sowie Nährstoffe, die Wachstum und Differenzierung ermöglichen und anderes mehr. Ohne den mütterlichen Organismus kann sich die befruchtete Eizelle nur bis zu einem Bläschen aus wenig mehr als hundert menschlichen Zellen entwickeln, dazu reichen die Faktoren in ihrem eigenen Zytoplasma aus, - aber nicht weiter. [...]. Erst mit der Einnistung in den Uterus der Mutter hat der Embryo das volle Entwicklungsprogramm. Erst während dieser erstaunlichen und wundersamen Symbiose wird das Programm ausgeführt. Gene sind nicht alles, was der Mensch zur Menschwerdung braucht.“ NÜSSEIN-VOLHARD, „Wann ist ein Tier ein Tier ...“, 55. Tr. by author. Cf. SCHOKNECHT, *Mensch oder Material?...*, 129. Earlier, Christian Kummer had presented the opinion that the embryo is a human being only when it is implanted into the uterus because the uterus is necessary for the formation of body axes. See Christian KUMMER, „Biomedizinkonvention und Embryonen-forschung. Wieviel Schutz des menschlichen Lebensbeginns ist biologisch «angemessen»?“, in: Albin ESER (Hg.), *Biomedizin und Menschenrechte. Die Menschenrechtskonvention des Europarats zur Biomedizin – Dokumentation und Kommentare*, Josef Knecht, Frankfurt a. M. 1999, 59–78. Besides, Nüsslein-Volhard, as mentioned above, was of the opinion that the completion of the developmental program was also necessary. Cf. NÜSSEIN-VOLHARD, „Wann ist ein Tier ein Tier ...“, 55. Cf. also Christiane NÜSSEIN-VOLHARD, „Forschung an menschlichen Embryonen“, in: Nikolaus KNOEPFLER/Dagmar SCHIPANSKI/Stefan Lorenz SORGNER (Hg.), *Humanbiotechnologie als gesellschaftliche Herausforderung*, Alber, Freiburg i. Br./München 2005, 25-43; 33-34 & 42. Later, Kummer had to concede that the body axes are already laid out before implantation. He had to admit that from fertilization on the embryo has “the ontological status of a completely organized being”. See Christian KUMMER, „Stammzellkulturen – ein brisantes Entwicklungspotential“, in: *StZ* 218 (2000) 547–554. With regard to the completion and control of the developmental program as postulated by Nüsslein-Volhard, there is no evidence. See RAGER, “Is Preimplantation genetic diagnosis...”, 83. See also KNOEPFLER, *Der Beginn der menschlichen Person...*, 83.

genes. The *strong* counterargument on the other hand, in my opinion, holds that the individual gene expression has begun even before the implantation and it is by no means complete.¹⁰²²

Schockenhoff is of the opinion that the sense of the argument could be mistaken if the concept of potentiality is held either too narrowly or too broad. A too narrow meaning is understood when human life is bound specifically to the successful completion of nidation or to the morphological conditions such as the formation of nervous system.¹⁰²³ Moreover, a broader concept, which speaks of “potential” human life including eggs and sperms, is also a useless argument. However, its evidential value depends more on the moral significance that one gives to the possible subject of being human and his/her moral capacity in its natural context of the stages of development as an embryo.¹⁰²⁴

While explaining further about the moral capacity, Schockenhoff argues that the potentiality argument is an indicator that evaluates the membership of an embryo to the human species. Owing to its distinctive human capacity, a human embryo has human dignity. This indicator “is not justified, but only indicates, that in any case an individual belonging to this species should not be denied the moral capacity, especially under tutorianistic perspective, irrespective of when for the first time it realizes the options opened to it, or whether it is ever realized”.¹⁰²⁵

In answering the objections to potentiality argument, Schockenhoff makes a distinction between passive potency and active potency. He argues that the objection stems from the idea – with regard to eggs and sperms in their existence prior to fertilization as already a potential embryo –, that fails to recognize the importance of the fertilization process through which the zygote emerges as a new individual organism. A striking example for comparison of an embryo would be Prince Charles, the crown prince, who does not yet have the full rights of a king. The idea that an embryo should be regarded as only a “potential human being” is just like Prince Charles who is regarded only as “potential” king up to now.¹⁰²⁶ This plausibility arises due to the confusion of a strong concept of potentiality over a weak concept of the potentiality. Every German citizen has the passive possibility to be a President (*Bundespräsident/in*), although this chance is apparently small for the great majority. One must distinguish the *active* potency from the *passive* ability, to become something that is not yet (e.g., those who are not Germans do not

¹⁰²² „Das *schwache* Argument besagt, dass die ursprüngliche Logik der Programmtheorie bereits verlassen wurde, denn die Einnistung des frühen Embryos in den Uterus vervollständigt nicht das ursprüngliche genetische Programm. Dieses liegt mit der Befruchtung fest. Die Nidation fügt dem Embryo keine weiteren Gene hinzu. *Stärker* ist hier m.E. das Gegenargument, dass einerseits die individuelle Genexpression schon vor der Nidation begonnen hat und mit dieser auch keineswegs abgeschlossen ist.“ SCHÖCKNECHT, *Mensch oder Material?*..., 129. Emphasis in original. Tr. by author.

¹⁰²³ Cf. SCHÖCKENHOFF, *Ethik des Lebens*..., 511. Schockenhoff, in his fn. 59 here, cautions about the opinion that British Bioethicist John Harris holds, which is misleading when he speaks about the fertilized egg as “potentially a human being” and is understood in the sense that “it will eventually become a human being”. Cf. JOHN HARRIS, *The Value of Life*, Routledge, London/New York 1997, 11.

¹⁰²⁴ Cf. SCHÖCKENHOFF, *Ethik des Lebens*..., 511.

¹⁰²⁵ Schockenhoff is quoting Wolfgang Wieland, a German Philosopher: „begründet nicht, sondern zeigt nur an, dass jedenfalls einem zu dieser Spezies gehörigen Individuum, zumal unter tutoristischen Gesichtspunkten, die Moralfähigkeit nicht abgesprochen werden darf, gleichgültig, wann es die durch sie eröffneten Optionen erstmalig realisiert, ob es sie überhaupt realisiert.“ WIELAND, „*Pro Potentialitätsargument*...“, 167. Tr. by author. SCHÖCKENHOFF, *Ethik des Lebens*..., 511 at fn. 60.

¹⁰²⁶ Singer used this particular example about Prince Charles. Schockenhoff is referring to that example here. SINGER, *Practical Ethics*..., 138. Cf. SCHÖCKENHOFF, “Menschenwürde und Lebensschutz. Theologische Perspektiven...“, 487-488.

fulfill this possibility), or, the *material* potency, according to which a marble statue is contained in a still rough-hewn stone block. Through active potency, the already existing organisms develop those abilities that are characteristic of their species. Accordingly, the full concept of potentiality is achieved through this active potency, which entails the development of active developmental potency of an existing being.¹⁰²⁷

Although, by the term active potency or real potency is understood the fusion of the nuclei during fertilization - whether at its beginning or completion – that renders a capacity for self-transcendence to ever-higher levels of development, and therefore differentiation, yet, this idea of active potency is seriously questioned.¹⁰²⁸

Demmer is of the opinion that the objection is usually about the extreme dependence of the early embryo, in terms of a symbiosis, to the maternal environment.¹⁰²⁹ This fact may be beyond doubt. However, it should not lead to hasty conclusions. For passivity, however big its magnitude may be, requires a minimum of activity, otherwise things would not exist. There is no metaphysical pure passivity, but a mixed ratio with activity, whatever that entails. However, whether and to what extent such activity is clearly detected by scientific methods, does not affect the metaphysical core problem.¹⁰³⁰

Having discussed the pros and cons of the potentiality argument, one can say that the argument emphasizes the ability of human embryos to develop its capabilities. However, its meaning is distorted when one highlights only the weak significance of a passive potency, as is the case with Anglo-Saxon bioethics; and more recently this tendency that is often seen also in the German debate.¹⁰³¹ However, the developmental biologists deny either that an embryo could have the active potency before nidation or cast doubt about an embryo's ability to self-directed development. They suggest that after nidation more factors become effective for the successful intrauterine development. If such assumptions were confirmed, then one could in fact better speak of a co-programming of intrauterine development that is self-organized by an embryo. In order to gain a clear picture on this issue, it seems advisable to distinguish between nutritive and other factors that are of significance for the constitutive identity of an embryo. Although the former are necessary - since an embryo (as well as after birth) without adequate food and adequate shelter would not survive -, they are not constitutive to the identity of the developing embryo.¹⁰³²

¹⁰²⁷ Cf. SCHOCKENHOFF, "Menschenwürde und Lebensschutz. Theologische Perspektiven...", 488-489. Schockenhoff also gives the similar argument from Aristotle, which was already dealt with in connection with the species argument (see Chapter 9.3.1 above). See also SCHOCKENHOFF, „Pro Speziesargument...", 29.

¹⁰²⁸ Cf. Klaus DEMMER, „Moraltheologie und Reproduktionsmedizin – eine prekäre Weggefährtschaft; Nachdenkliches und Bedenkliches im Rückblick“, in: *Freiburger Zeitschrift für Philosophie und Theologie* 58/1 (2011) 62-85; 74.

¹⁰²⁹ Cf. DEMMER, „Moraltheologie und Reproduktionsmedizin...", 74. Demmer notes here that this dependence of the child and mother continues even after childbirth. Cf. *ibid.* at fn.32.

¹⁰³⁰ Cf. *ibid.*, 74.

¹⁰³¹ Cf. SCHOCKENHOFF, "Menschenwürde und Lebensschutz. Theologische Perspektiven...", 489.

¹⁰³² Cf. *ibid.* Cf. also RAGER, "Is Preimplantation genetic diagnosis...", 85. See also Chapter 9.3.4 at fn.1013 above.

9.4 CONCLUSION

From what was deliberated above, the question whether an embryo is worthy of protection or whether it is worthy of human dignity depends on the status that one accords to it. The question ultimately hangs on whether an embryo is a person. In other words, the question, “is an embryo a person?” determines the reason, extent and the commencement of one’s obligatory moral behaviour towards it.

It is in this context that the SCIP arguments can be seen as having a certain *prima facie* plausibility. They seem to be intuitively correct. However, on closer examination they reveal certain inconsistencies, contradictions and reasonable doubt.¹⁰³³ Besides, according to Damschen and Schönecker, the species argument does not seem to hang together with other arguments. Species affiliation argument is neither a necessary nor an adequate condition for the other arguments. Nevertheless, the other arguments are dependent on one another. Therefore, the individual arguments of SCIP, at least partially and without doubts, are connected together.¹⁰³⁴

In addition, Honnefelder cautions us that the other three arguments, namely continuity, identity and potentiality should be seen together as an integrated argument when speaking of the human dignity of an embryo.¹⁰³⁵ He clarifies:

[...] the notion of human dignity – which is founded in the capability of the human being to be subject of and responsible for his acts and thus being conceivable as an end in itself – applies to the early embryo since right from the beginning: from this time on the embryo has the potential to develop into a moral subject and the embryo and the moral subject are identical, i.e. the same human being. The *identity* of the moral subject with the embryo corresponds to the *continuity* in the development of the embryo, which does not allow for the identification of certain developmental stages as a basis for the moral assessment of the embryo’s status. Since the dignity of the moral subject is entitled to protection, the two notions of identity and continuity need to entail the same protection for any early stage of human development which in itself bears the potentiality to develop into a moral subject. This *potentiality* is already present in a single cell stage embryo when the individual genome directing the development of the human embryo is constituted. As a consequence, proponents of this position call for the full protection of the embryo starting from the earliest beginnings of life.¹⁰³⁶

Backed up by human biological facts, the anthropological meaning of the embryonic development holds for a triple aspect, which is decisively important. The developing embryo is one and the same *identical* human being in which all assets to its subsequent development is already *potentially* contained in it and which is in a *continuous* process without any significant breaks from the start as the *person* develops. It is to this person that one owes, under the law of same origin and reciprocal respect, what one claims for oneself. This consideration requires no further additional assumptions, apart from human biological facts to which it relates. It also

¹⁰³³ Cf. SCHOKNECHT, *Mensch oder Material?*..., 145.

¹⁰³⁴ Cf. DAMSCHEN/SCHÖNECKER, „Argumente und Probleme in der Embryonendebatte...“, 7.

¹⁰³⁵ Cf. HONNEFELDER, „Pro Kontinuumsargument...“, 61.

¹⁰³⁶ Ludger HONNEFELDER, “Embryonic Stem Cell Research – Arguments of the Ethical Debate in Germany”, in: *Stem Cells, Human Embryos and Ethics; Interdisciplinary Perspectives*, ed. by Lars ØSTNOR, Springer, Norway 2008, 177-185; 179-180. Emphasis in original.

does not rely on any particular religious premises and is capable of being derived in principle from any position of rational consent.¹⁰³⁷

¹⁰³⁷ Cf. SCHOCKENHOFF, *Ethik des Lebens...*, 508.

PART II

Conclusion

The principle of human dignity, which is central to German bioethical debates, is one of the useful principles within a pluralistic ethics.¹⁰³⁸ It finds a normative basis in German moral theology. Along with its normative foundation, the *Grundgesetz*, especially Article I,1, where human dignity is spelled out, is very frequently used in their moral theology as one of the reasons to appeal on behalf of human dignity. The secular understanding of human dignity is not contrary to the religious understanding but complement one another.

The term “sanctity of life”, which was a discussion of the past,¹⁰³⁹ does not provide direct and immediate help for the debate on normative ethics in bioethical issues. They are helpful and useful as an extension insofar as they provide a policy framework for the debate on ethical standards.

The documents of the German Bishop Conference brings out explicitly the fundamental importance of human dignity as the implicit premise of all normative as well as legal obligations. These documents bridge the gap between the secular and religious understanding of human dignity. Some documents apply the ‘image of God’ concept with regard to the protection-worthiness of an embryo.¹⁰⁴⁰ However, Siep is skeptical about the usage of image of God concept because the concept itself does not clarify to which biological stage of life of an embryo one can apply human dignity.¹⁰⁴¹

The debate over the question whether every human being is a person continues. The concept of person is all the more essential and useful in acknowledging human dignity of an embryo and consequently its protection. Therefore, the concept of person in its systematic theological perspective was taken up. Considering the human being as a body-soul unity, Schockenhoff warns against binding personhood to the factual evidence of cognitive and volitive skills such as to have actual characteristics or the ability to have self-conscious interests, preferences and desires. Theologically seen, functions, achievements, merits, or the presences of certain characteristics themselves do not give value and dignity to the human person. Human persons have dignity insofar as they are created and recognized by God. It is not the particular characteristics but the calling and personal relationship with God that makes a human person what he or she is, endowed with dignity. This applies equally to an unborn, which is created in God’s image and endowed with human dignity. It has the same claim as an adult. Prenatal life is not merely and purely a vegetative life, but individual human life in the process of becoming. Therefore, one may not turn it into an object of arbitrary manipulations. The mandate

¹⁰³⁸ Cf. QUANTE, „Wessen Würde?...“, 133, Abstract.

¹⁰³⁹ Although this may be the case in German Moral Theology and bioethical discussions, Singer, who first introduced the term “sanctity of life” in such discussions, still holds on to it as one can see from his latest *Practical Ethics*, Third edition published in 2011. See SINGER, *Practical Ethics*, *op. cit.*

¹⁰⁴⁰ Cf. DBK, *Der Mensch: sein eigener Schöpfer?...*, 5. See also Horst DREIER, „Lebensschutz und Menschenwürde in der bioethischen Diskussion“, in: Hans-Richard REUTER (Hg.), *Bioethik und Menschenwürde. Ethik & Gesellschaft. Vorträge des Instituts für Christliche Gesellschaftswissenschaften*, Lit, Münster/Hamburg/Berlin/Wien/London 2002, 9-49; 42. German Jurist and legal Philosopher Horst Dreier writes here that one can already recognize the divine spark of personal existence and dignity in the zygote.

¹⁰⁴¹ Cf. Ludwig SIEP, „Das Menschenwürdeargument in der ethischen Debatte über die Stammzellforschung“, in: HILPERT (Hg.), *Forschung contra Lebensschutz...*, 190.

to respect and protect unborn human life is not only an individual duty but also solidarity and a public responsibility of the legal system.

Questions regarding the personhood, protection, or inherent human dignity of an embryo is further dependent on the status of an embryo that is accorded to it, especially a status that is morally relevant. If one assumes the status of an embryo as both human and a person, then the next step is to establish its human dignity. Although several positions are held in this matter, one can assume that an embryo has human dignity from the moment of its existence. It is in this regard that the SCIP argument plays an important role. The argument as a whole brings in several terms into play, such as personal characteristics, personhood, human dignity and the protection of life from the beginning. In its totality, dependent on one another, the SCIP argument proves that an embryo has human dignity from the beginning of its existence, although objections are raised and criticized against them.

In conclusion, the position of Reiter can be taken. While referring to the embryonic research of German Embryologist Erich Blechschmidt,¹⁰⁴² Rager¹⁰⁴³ and others, who have demonstrated that the single-celled zygote is an individual organism, Reiter argues that right from conception onwards the zygote has human characteristics and therefore, the assumption must be that personhood exists right after fertilization. Reiter further states that he personally assumes that human beings have personhood from the beginning. In his view, personhood constitutes the essence and the dignity of human life.¹⁰⁴⁴ Therefore, his conclusion is that human life is personal life from its beginning. There is not a single significant feature during the development, which could be stated as a separate beginning of individuation. The earliest possible moment of the anthropogenesis in the personal sense is the conception, i.e. “after” the fusion of egg and sperm. With regard to the moment of animation, German Gynecologist, Herman Hepp, asserts that, “we will never be able to punctually say for sure when personal life begins”.¹⁰⁴⁵

Spaemann’s insight might be useful in this regard as to the fixation of time, namely, when personality begins:

The question as to the temporal beginning of human personhood is in a certain, real sense unanswerable. Personhood is something supra-temporal [...]. One could put it like this: the identification of the coming-to-be of the person with human conception is the consequence of the more fundamental impossibility of pinpointing the beginning of the person in time. Those who suggest a later point in time claim to know more than they can.¹⁰⁴⁶

¹⁰⁴² Cf. ERICH BLECHSCHMIDT, *Wie beginnt das menschliche Leben. Vom Ei zum Embryo*, Christiana Verlag, Stein am Rhein 1984; IDEM, „Daten der menschlichen Frühentwicklung. Menschliches Leben beginnt im Augenblick der Befruchtung“, in: PAUL HOFFACKER/BENEDIKT STEINSCHULTE/PAUL-JOHANNES FIETZ (Hg.), *Auf Leben und Tod. Abtreibung in der Diskussion*, Gustav Lübbe Verlag, Bergisch Gladbach 1991, 31-52.

¹⁰⁴³ Cf. RAGER, (Hg.), *Beginn, Personalität und Würde des Menschen*, op. cit.

¹⁰⁴⁴ Cf. REITER, „Wann beginnt personales Leben?...“, 83-84.

¹⁰⁴⁵ „[...] werden wir niemals punktuell sicher sagen können, wann personales Leben beginnt“, HERMAN HEPP, „Moderne Reproduktionsmedizin – Chancen und Risiken“, in: *ArztChr* 32 (1986) 114-122; 121. Cf. REITER, „Wann beginnt personales Leben?...“, 85.

¹⁰⁴⁶ „Die Frage nach dem zeitlichen Beginn menschlicher Personalität fragt eigentlich nach etwas Unbeantwortbarem. Denn Personalität ist etwas Überzeitliches [...]. Die Gleichsetzung der Personwerdung mit der Zeugung ist, so könnte man sagen, die Konsequenz der Unmöglichkeit, überhaupt einen Beginn der Person in der Zeit zu fixieren. Jeder, der einen späteren Zeitpunkt vorschlägt, beansprucht im Grund mehr zu wissen als er wissen kann.“ SPAEMANN, „Wann beginnt der Mensch Person zu sein?...“, 45. English tr. from IDEM, “When does the human being to be a person?...” , 304-305.

However, Seidel's conclusion is negative. He asserts with certainty and entirely rules out the caesura of the 4-cell stage of an embryo, even more the "beginning" of the caesura of fertilization as the beginning of an organism, a person, a human or an individual (whether in an organismic or personal sense). According to him, the human being does not begin with fertilization.¹⁰⁴⁷ However, Seidel does acknowledge that this assertion is not a *carte blanche* for an arbitrary use of human biological fertilized material. Tutorianistic considerations may be ethically required. For the concrete ethical assessment of dealing with human biological fertilized material, it is important that it involve beyond its ontological status determination, the objective of the action, the circumstances, the motivation and the immediate and remote consequences of doing so.¹⁰⁴⁸

Taking into consideration the above factors, in the last analysis, one can acknowledge that from the beginning of its existence, an embryo needs respect, care, protection and right to life. However, the time of ensoulment, or the question of personhood (which is a contended debate) does not take away the dignity due to an embryo. Human rights of an embryo are ensured when one acknowledges inherent human dignity from the beginning of human life.

¹⁰⁴⁷ Cf. SEIDEL, *Schon Mensch oder noch nicht?*..., 402.

¹⁰⁴⁸ Cf. *ibid.* Since Seidel does not acknowledge the fertilized ovum as a human being, he uses the term "human biological fertilized material" (*humanbiologischen Keimmateriale*).

PART III

Human Dignity from the Beginning of Life: Moral Theological Perspectives in India

Part III will deal with the question of human dignity from the beginning of life from an Indian Moral Theological Perspective.

For a better clarification, Part III is divided into four Chapters:

The concept of Human Dignity in Bioethics is dealt with in Chapter 10. The next Chapter 11 deals with human dignity in the Teaching of the Catholic Church in India. Chapter 12 deals with the concept of Person from an Indian Perspective. Chapter 13 deals with human dignity and beginning of life issues. The Chapter titles and their main subtitles are somewhat similar to Part II that deals with German Moral Theological Perspectives. This is necessary in order to make a comparison between equally distributed topics. However, with regard to the subtitles in Chapter 11, it was impossible to categorize into similar subtitles because the Bishop Conferences of two countries are involved here, which have different emphasis and thrusts. Therefore, their nature of documents too are different.

CHAPTER 10

BIOETHICAL FOUNDATIONS OF HUMAN DIGNITY IN INDIAN MORAL THEOLOGY

10.1 INTRODUCTION

At the very outset, it must be noted that Indian Moral Theologians and the Catholic Church in India has not emphasized the concept of human dignity in an elaborate way both in general and more specifically in the field of Bioethics, theoretically or practically, as does German Moral Theology.¹⁰⁴⁹ In spite of this fact, it is to be acknowledged that the appeal to human dignity does find its place in the field of Bioethics in Indian Moral Theology. Most of the Moral Theologians in India use the literature in Bioethics from Anglo-Saxon sources. This can be attested by the fact that Podimattam uses the words of Ashley and O'Rourke who formulated the principle of human dignity as follows:

All ethical decisions in health care must aim at human dignity, that is, the maximal integrated satisfaction of the innate and cultural needs – biological, psychological, ethical, and spiritual – of all human persons, as individuals and as members of both their national communities and the world community.¹⁰⁵⁰

From this statement, it follows that it is imperative to make human dignity the universal key to moral interpretation, because there is no value greater than human person is.¹⁰⁵¹ Podimattam would acknowledge the role of human dignity from three different views. First, in a practical sense, at least minimally, human dignity has to do with human rights. Second, that human dignity caters to the whole person: physical, intellectual and psychological. Third, human dignity is about human fulfillment, which are necessary for the genuine good of human nature.¹⁰⁵²

Having made here these preliminary remarks about Indian Moral theology and their use of the concept of human dignity, in this Chapter other basic differences will be taken up, which is sometimes similar and sometimes not, in comparison to German Moral Theology, especially where legal recourse is concerned. For example, the *Grundgesetz* finds a prominent place in the discussion on human dignity in Germany. However, there is hardly any reference made to the

¹⁰⁴⁹ It is to be noted here that indigenous moral theology literature available in India in general and on this topic of human dignity is scarce. Podimattam gives the following general reasons for the insufficiency and poverty of moral theological writings. 1. The apathy towards theologizing in general and moral theologizing in particular. 2. The financial constraints of research and publication of books. 3. The shortage of trained personnel. 4. The lack of suitable library facilities. 5. The willingness to pay the high price of research in terms of diligent and strenuous work from the part of the few experts present. 6. The lack of coordination among the efforts of individual moral theologians. 7. Moral theological themes do not figure in research seminars in important Catholic centres. Above all, moral theology in India continues to be weighed down, among other things, by paternalism, legalism and individualism, although they were already strongly defended by the Second Vatican Council. See Felix M. PODIMATTAM, *Current Moral Questions*, Asian Trading Corporation, Bangalore 1984, 6-8.

¹⁰⁵⁰ ASHLEY/O'ROURKE, *Health Care Ethics*, 1989³, *op. cit.*, 19. Cf. PODIMATTAM, *Why be Moral?...*, 51. Podimattam himself does not make a direct reference to the text. Perhaps, he seems to imply it. Interestingly in the 1997 edition, Ashley and O'Rourke do not use the above quoted sentence. Instead, elsewhere while stressing the emphasis of the Catholic Church, they make a reference to human dignity: "A firm foundation for ethical analysis in regard to new developments may be derived from the church's emphasis upon the dignity of the human person [EV 34]." Cf. ASHLEY/O'ROURKE, *Health Care Ethics*, 1997⁴, *op. cit.*, 136.

¹⁰⁵¹ Cf. PODIMATTAM, *Why be Moral?...*, 51.

¹⁰⁵² Cf. *ibid.*, 52-53. See also KUSUMALAYAM, *Human Rights...*, 180-200.

Constitution of India in Indian Moral Theology. In this Chapter, the approaches made in Indian Moral Theology will be examined from four different perspectives in order to make a comparison. First, the philosophical basis of human dignity will be taken up, followed by the theological, ethical and finally the issue of sanctity of life and its connection with human dignity.

10.2 PHILOSOPHICAL BASIS OF HUMAN DIGNITY

An idea that stems from Stoics is that human dignity is a genuine possibility beyond doubt for all human beings, regardless of their circumstances, social standing, or accomplishments, simply because they possess reason.¹⁰⁵³ Following the Stoics, Kant based universal human dignity on a strictly philosophical foundation. Agreeing with the Stoics, he held that dignity is the intrinsic worth that belongs to all human beings. Kant's doctrine of human dignity demands equal respect for all persons. It forbids the use of another person merely as a means to one's own ends.¹⁰⁵⁴ Thus, looking back at history one can see that, "Kant's celebration of human autonomy and prohibition of the *"instrumentalization"* of human subjects has had certainly a lasting impact on modern ethical thought and on bioethics in particular."¹⁰⁵⁵

Without alluding to religious convictions, one could claim that an individual is to be respected regardless of race or class. Such a respect is made possible because each human person is an immortal soul of equal value in the eyes of his Maker. Although this fact depends on religious convictions, yet it does not necessarily depend on it. The claim of a person is recognized not because he/she is endorsed by theological doctrine, but from the fact that this individual is a unique centre of self-consciousness. Besides, he/she is also a unique centre of freedom, creativity, responsibility and love. One cannot and ought not to repress the potentiality for good that is found in a person, regardless of belongingness to a religion.¹⁰⁵⁶

Further, the way in which a person comes to have rights may shed light into the inquiry. Human rights are based on human dignity. Therefore, what is the basis of human rights? Podimattam argues in the following way: Rights presupposes due. What guarantees a due to an individual? The act of justice presupposes that each be given his or her due. It means the act of justice is preceded by the act whereby something becomes his or her due. It follows that there is an act preceding justice, or in other words, justice is what follows a due. That is to say, due or right comes before justice. Therefore, the fact of something that is due to an individual comes into existence before the question of justice. What is the act by which something first becomes due to an individual and which is not at the same time an act of justice? One answer to this might be to indicate acts such as agreements, treaties, promises, legal decisions, and so forth. However, this answer is not sufficient. It raises the question as to what right one has in keeping a promise, or the fulfilling of an agreement. It presupposes an already established juridical order that is consequently unable to ground it. Nevertheless, this presupposition does not appeal well. One needs to turn to something more fundamental.¹⁰⁵⁷

¹⁰⁵³ Cf. JAMES, "Human Dignity..."; 129.

¹⁰⁵⁴ KANT, „Grundlegung zur Metaphysik der Sitten...“, 429. Cf. JAMES, "Human Dignity...", 129-130.

¹⁰⁵⁵ *Ibid.*, 130. Emphasis in original.

¹⁰⁵⁶ Cf. PODIMATTAM, *Why be Moral?...*, 53-54.

¹⁰⁵⁷ Cf. *ibid.*

Man and woman have rights because he/she is a Person – a spiritual being, a whole unto himself, a being that exists for itself and of itself, that wills its own proper perfection. From this it follows:

Therefore, and for *that very reason*, something is *due* to Man in the fullest sense, *for that reason* he does inalienably have a right which he can plead against everyone else, a right which imposes upon every one of his partners, the obligation at least not to violate it. In short, Man has inalienable rights because he is a person.¹⁰⁵⁸

Traditionally, as mentioned above, the fact that a human being is endowed with reason and a rational will - according to Kantian thesis - is what gives a person an absolute worth and an inalienable right. One objection to this claim is that human nature is more than just the ability to reason. However, this objection would misconceive the notion of “rational will”. To have a rational will is not just the capability of thinking rationally but also acting rationally. Acceptance of the concept of rational will means to commit oneself to the view that reason can be practical as well as theoretical. Thus, one need’s to see what is involved in the practical exercise of reason.¹⁰⁵⁹

First, it involves the ability to choose for oneself. Extensively it means to formulate purposes, plans and policies of one’s own. Second, it is the ability to carry out decisions, plans or policies without undue reliance on the help of others. Both these abilities are connected by a kind of pragmatic necessity: the ability to decide requires for its development the concurrent development of the ability to execute.¹⁰⁶⁰

Accordingly, in the philosophical arguments that were examined above, it becomes clear that the issue of human dignity is very much related to the issue of human rights as a due that is owed to human persons. In other words, human rights in turn spring from the fact of being a person.

Comparison between Moral Theological Perspectives in Germany and India

There are a few similarities here in comparison with German Moral Theology (see Chapter 6.2). Podimattam explains human dignity from the perspective of human rights. However, Spaemann holds that one cannot say that it is human right to have one’s dignity respected because the idea of human dignity is older than human rights. Moreover, for Reiter human dignity is a moral consensus that is enshrined in the first Article of the *Grundgesetz* and is not granted (*Zuerkenntnis*) but acknowledged (*Anerkenntnis*). It is also argued in German Moral Theology that it is enough to have a passive potentiality in order for an embryo to be considered as a moral being with dignity. Charles Davis James, an Indian Moral Theologian, is also of the same view, namely that human dignity gives ethical guidance in answering the question of what one owes to those at the very beginning of life, to those at the end and even to tiny embryos.¹⁰⁶¹

¹⁰⁵⁸ Cf. *ibid.*, 54-55. Emphasis in original.

¹⁰⁵⁹ Cf. *ibid.*, 55. For an alternative approach, as opposed to an one-sidedly approach to the person as individual and rational, Johnstone proposes relational, as loving and loved. See Brian JOHNSTONE, “What does it mean to be a person?”, in: *StMor* 48/1 (2010) 125-141.

¹⁰⁶⁰ Cf. PODIMATTAM, *Why be Moral?...*, 55.

¹⁰⁶¹ Cf. JAMES, “Human Dignity...”, 131.

10.3 THEOLOGICAL FOUNDATIONS OF HUMAN DIGNITY

The theological foundations of human dignity will be treated from four perspectives, namely, relationality, the stewardship over creation, co-creatorship and the human participation in the divine.

10.3.1 The Relationality Aspect

According to Lobo, it is in the context of relationality, especially with God and with others that one can speak of a person-centred morality. He speaks of the lofty vocation of a Christian, which entails “an I-Thou relationship viz, a personal response to a personal call of the personal God”.¹⁰⁶² This personal God reveals himself as a “communion of Persons”, who made man and woman in the “image of God”.¹⁰⁶³ This last concept is important because it is in it that the value and dignity of human life is founded.¹⁰⁶⁴ Because we are made in the image of God, all human life is equal in value and dignity. Lobo remarks:

From the Christian point of view there is no such thing as valueless life whether in the beginning or end of earthly existence [...]. Personhood is never lost [...]. Hence once there is human life, till God Himself withdraws the breath of life, it may not be directly terminated.¹⁰⁶⁵

Person-centred morality also entails moral responsibility because we are created in the image of God. Podimattam is also in agreement with this when he acknowledges, “On the basis of morality, human existence is an end in itself (Kant). Even though we partially control others or allow them to control us, human dignity is incompatible with degrading people by making them means to serve ends that do not consider their welfare.”¹⁰⁶⁶ Thus, according to Lobo and Podimattam, person-centred morality that stems from a personal relationship with God is the very foundation of dignity and value of human life.

Moreover, the Office of Theological Concerns of the Federation of Asian Bishops stresses on the above relationality. It affirms that in the course of the Christian history, the uniqueness, and the characteristic of the human being has also been spelt out in relational terms. One can speak of a discernible anthropological shift from “individuality” that stressed on uniqueness in seemingly isolationist terms, to “personhood,” which understood uniqueness in terms of relationship, especially between the sexes and with respect to community. A further development saw the understanding of the human person in his/her relationship to nature (ecological dimension), with its implication for human responsibility as steward of creation.¹⁰⁶⁷ These reflections point certain similarities with German Moral Theology. According to Schockenhoff, the spectrum of the three-fold fundamental relationship in the context of the theological substance of the idea of *imago Dei* extends to four areas, namely, the relationship to God (creatureliness); the relationship to other human beings (shared humanity as male and

¹⁰⁶² Cf. LOBO, *Current Problems in Medical Ethics*..., 20.

¹⁰⁶³ Cf. *ibid.*, 21.

¹⁰⁶⁴ Cf. *ibid.*, 36.

¹⁰⁶⁵ *Ibid.*, 39.

¹⁰⁶⁶ Felix M. PODIMATTAM, “Fertility Techniques: Promise or Danger?” in *Jeev* 31 (2001) 437-451; 451.

¹⁰⁶⁷ Cf. *FABC Papers*, No.120, 42.

female); the relationship to oneself (totality) and the relationship to the creation (responsible stewardship).¹⁰⁶⁸

The above aspect of stewardship over creation will be deliberated in the next section.

10.3.2 The Stewardship over Creation

God made man and woman in his own image and committed the earthly reality to their care. “You have given them dominion over the works of your hands; you have put all things under their feet” (Ps 8,6). It is from this idea that one can derive and deepen the meaning of personhood. “To be a person is to be free from subjection to non-personal realities and to have dominion over them, to take up responsibilities, to give one’s imprint to nature, to shape the world according to one’s rationality.”¹⁰⁶⁹ Just because God created the human person in his own image and subsequently committed the earth to his or her care, it does not mean human domination over creation. Rather, the ground of such dominion is always constituted by a caring dominion (stewardship), and never a domination over creation.¹⁰⁷⁰

Consequently, one can see that one of the important historical aspects of the *imago Dei* is stewardship over creation. This aspect is most frequently appealed to as a model that emphasizes the fact that humans are entrusted with responsibility for conserving and preserving creation. Stewardship places limits on human freedom to alter what the Divine Being has created. It also claims some knowledge of God’s purposes by reference to a doctrine of creation.¹⁰⁷¹

Being made in the image of God opens up tremendous possibilities to human beings to transform reality, for example, in the atomic sphere, biological sphere, psychological sphere etc. In other words, these are to be seen as opportunities in realizing God’s original mandate to “subdue the earth” (Gn. 1, 28). However, one needs to be warned quickly here, “[...] we must be careful that there be no manipulation that makes man less human, that violates the dignity of his personality made to the image of God”.¹⁰⁷²

10.3.3 Co-creatorship

The aspect of “created co-creator” characterizes a recently emerged model of *imago Dei*.¹⁰⁷³ This model portrays us as created beings that ultimately rely on the Divine for our existence. Only God can create human beings *ex nihilo*. However, as human beings we mirror the Divine in our capacity to create. Although, that ability in us to create is restricted to fashioning what is

¹⁰⁶⁸ Cf. SCHOCKENHOFF, *Natural Law*..., 229f. Cf. IDEM, *Naturrecht*..., 238f. See Chapter 8.2 above at fn.881. Cf. KUSUMALAYAM, *Human Rights*..., 195. Kusumalayam also mentions about the exegete V. P. Hamilton who holds for the four levels of relationships of the human person as the *imago Dei*. Cf. *ibid.* Cf. V. P. HAMILTON, “Genesis: Theology of”, in: W. A. VANGEMEREN (ed.), *The New International Dictionary of Old Testament Theology & Exegesis*, IV, Grand Rapids, Zondervan 1997, 663-675; 672.

¹⁰⁶⁹ LOBO, *Guide to Christian Living*..., 81.

¹⁰⁷⁰ Cf. *FABC Papers*, No.120, 36. Cf. THUMMA, “Human Person...”, 222. Lucas Thumma is an Indian Moral Theologian.

¹⁰⁷¹ Cf. PODIMATTAM, *Why be Moral?*..., 57.

¹⁰⁷² LOBO, *Guide to Christian Living*..., 81.

¹⁰⁷³ Cf. RAHNER, *Theological Investigations* 9, *op. cit.*, 205-224 and 225-252. Cf. PODIMATTAM, *Why be Moral?*..., 57.

already in the created order, still we have the responsibility of bringing to completion what is incomplete in creation.¹⁰⁷⁴

One of the facts that distinguish us from all other creatures on earth is that God created us to be co-creators. He also gave human beings the capacity, drive and motive necessary for creative acts. Collaboration with God makes human beings His coadjutor.¹⁰⁷⁵

The possibility of human beings to participate in the creative activity of God as co-creators opens up also the freedom to intervene into the genetic material. As co-creators, there opens also the prospect of discovering the divine purposes so that one may intervene into the disorder within nature in order to correct it.¹⁰⁷⁶

10.3.4 Human Participation in the Divine

Lobo, in his discourse on Christian Anthropology, defines “human” in the following way: “In the Christian view, man is a *creature*, made to the *image of God*, fallen, but *recreated to the likeness of Christ* as an active agent in the history of salvation.”¹⁰⁷⁷ Thus, human person in the image of God has the capacity to participate in the history of salvation.

According to Thomas Merton, writer and mystic, two elements rooted in human nature constitute us in God’s image. These two elements, namely, a capacity for perfect freedom and for pure love, make us capable of perfect union with God.¹⁰⁷⁸ The freedom in our nature is our ability to love someone besides ourselves, a power that transcends and escapes the inevitability of self-love.¹⁰⁷⁹ To affirm that we are made in the image of God is to say that love is the reason for our existence, because God is love.¹⁰⁸⁰ Our capacity to love gives us the essential and peculiar power, which is the most intimate secret of our humanity and our greatest dignity. This power stamps us in the image and likeness of God in the depths of our soul.¹⁰⁸¹

Strampickal gives a further nuance to the definition of human. Since the eternal Word took flesh and became man, the ultimate definition of man or woman can also be formulated as ‘a (possible) mode of existence of God’.¹⁰⁸² In other words, humanity is a good enough alternative mode of divine existence. In essence, this is the mystery of man and woman and his or her worth.¹⁰⁸³ Strampickal makes the worth of the human person even clearer in the statement, “It means that man is an end in himself. Man has an intrinsic worth and value that comes not from his being useful for something or someone else, but from what he is by his makeup; from his

¹⁰⁷⁴ Cf. *ibid.*

¹⁰⁷⁵ Cf. IDEM, “Sanctity of Human Life...”, 36.

¹⁰⁷⁶ Cf. IDEM, *Why be Moral?...*, 57. Podimattam’s reflection on the possibility of intervening into the genetic material when extended further may open up to possibilities like pre-implantation diagnostic techniques etc. However, he has also cautioned us that one needs to discover the divine purpose behind such an act.

¹⁰⁷⁷ LOBO, *Guide to Christian Living...*, 79.

¹⁰⁷⁸ Cf. Thomas MERTON, *The Seven Storey Mountain*, Image Books, New York 1970, 365. Cf. PODIMATTAM, *Why be Moral?...*, 57-58.

¹⁰⁷⁹ Cf. Thomas P. McDONNELL (ed.), *A Thomas Merton Reader*, Doubleday/Image Books, New York 1974, 341. Cf. PODIMATTAM, *Why be Moral?...*, 58.

¹⁰⁸⁰ Cf. Thomas MERTON, *New Seeds of Contemplation*, James Laughlin, Norfolk, Connecticut 1961, 60. Cf. PODIMATTAM, *Why be Moral?...*, 58.

¹⁰⁸¹ Cf. Thomas MERTON, *Disputed Questions*, Farrar, Straus & Cudahy, New York 1960, 98. Cf. PODIMATTAM, *Why be Moral?...*, 57-58.

¹⁰⁸² Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 84.

¹⁰⁸³ Cf. *ibid.*

personal nature and destiny endowed on him by God.”¹⁰⁸⁴ Inasmuch as we are created in the image of God and insofar as the “immediate existential union with God residing in our souls” becomes “the source of our physical life. Our supernatural union with God is an immediate existential union with the Triune God”.¹⁰⁸⁵ It is in this way that the human person participates in the divinity of God. Therefore, the doctrine of the image of God is the only valid basis for an authentic Christian Anthropology.¹⁰⁸⁶

The vertical relationship with God makes human persons prominent and consequently stewards over creation and head over the visible creation. In order to carry out this task, human persons are endowed with intelligence, freedom, moral sense, responsibility, etc. Natural qualities such as these clearly manifest the character of the divine image in the person. Rational intelligence, free will, moral conscience and the way the person interacts with others make the person “the crown and glory of creation”.¹⁰⁸⁷

Let us consider the first contributing factor to human dignity, namely, the human intellect. Although the human intellect is not perfect, it is through it that the person “shares in a unique way in the knowledge and wisdom of God, thereby gaining a corresponding status and dignity”.¹⁰⁸⁸ The capacity for self-knowledge is an extraordinary knowledge that only a human possesses in contrast to all other creatures which implies his or her closeness to God.¹⁰⁸⁹

The second contributing factor to human dignity is the free will. This is a power of self-determination, which gives him or her freedom of choice in all things. It is a participation of a human being in the divine element.¹⁰⁹⁰

The third significant aspect of human dignity is the human person’s moral conscience. He/she “is equipped with a discerning mind and a moral conscience to make a right choice”.¹⁰⁹¹

Comparison between Moral Theological Perspectives in Germany and India

In conclusion, it can be summarized as follows: In this whole section on the theological foundation of human dignity, one finds that the argument of the human person made in the image of God is often repeated from various nuances. In some ways, these findings are similar to German Moral Theology, which also bases its theological foundation of human dignity on the concept of the image of God. Although there the Christological-Soteriological and Eschatological aspects of human dignity were dealt with, in Indian Moral theology these perspectives are not handled. On the other hand, one can say the relationality, stewardship, co-

¹⁰⁸⁴ IDEM, “Abortion and its Evil...”, 221.

¹⁰⁸⁵ Thomas MERTON, *The New Man*, Burns & Oates, New York 2003, 99. Cf. PODIMATTAM, *Why be Moral?...*, 61.

¹⁰⁸⁶ Cf. *ibid.*

¹⁰⁸⁷ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 82-84.

¹⁰⁸⁸ Cf. *ibid.*, 85.

¹⁰⁸⁹ Cf. *ibid.* Being self-aware and self-possessed, human beings are capable of asserting their ego while uttering “I” with confidence. In affirming the “I”, human persons in contrast to all other creatures, through their rational spiritual nature and their unique existence, imply their closeness to God, who is Supreme Self-Consciousness or as expressed in Indian spirituality the ‘*sat-cit-ānandā*’ (which means Truth, Intelligence and Happiness). See *ibid.* For a further explanation on these aspects as well as the concept of *sat-cit-ānandā*, see Chapter 14.4.1 below.

¹⁰⁹⁰ Cf. SRAMPICKAL, “The Catholic View of Human Life ...”, 86.

¹⁰⁹¹ Cf. *ibid.*

creatorship and human participation in the Divine is another perspective that Indian Moral Theology has brought out, which has not been dealt with in German Moral Theology.

10.4 A THEOLOGICAL ETHICAL ANALYSIS OF THE CONCEPT OF HUMAN DIGNITY

The basic understanding of human dignity stems from the fact that human life is sacred because it is a gift of God. According to Lobo, this basic understanding forms “the fundamental principle of bioethics” as understood in *Jura et bona*¹⁰⁹²:

Human life is the basis of all goods, and is the necessary source and condition of every human activity and of all society. Most people regard life as something sacred and hold that no one may dispose of it at will, but believers see in life something greater, namely, a gift of God’s love [...].¹⁰⁹³

Except God, every being is composed of essence and existence. While “every human person is a living model of the dignity, worth and perfection” that was mentioned above, “every living man, woman and child is a living embodiment of the divine image, deserving respect, love and care”.¹⁰⁹⁴ In other words, human life is the most precious gift of God.¹⁰⁹⁵

Podimattam would agree on the above point. Connecting the ideas of life as a gift of God and the stewardship that God has entrusted to human beings, he would affirm that the Catholic tradition accepts both the notion of dignity and respect for human life. This is “based on the fact that life is a gift from God and destined for the fullness of life and the realization that human stewardship leaves some significant determination in human hands”.¹⁰⁹⁶

South Korean Theologian, Bioethicist and member of National Council of Bioethics, Remigio Dong-Ik Lee would also agree with Lobo regarding the fundamental basis of Bioethics. According to Dong-Ik Lee, “The cord conception supporting the outlook of Christian bioethics is the dignity of human life”¹⁰⁹⁷. Further, he considers three important milestones in understanding the Christian tradition on human dignity.¹⁰⁹⁸

First, human dignity is original, natural and cannot be transferred. In support of this statement, Dong-Ik Lee quotes Gen 1, 26-27. The dignity created by God is direct when he made man and woman in his own image and likeness and no one can disturb this dignity. The Second Vatican Council in *Gaudium et spes* 24 makes this explicit, when it spells out: “This likeness reveals that man, who is the only creature on earth which God willed for itself [...]” This is a fact that

¹⁰⁹² LOBO, *Moral and Pastoral Questions...*, 263.

¹⁰⁹³ CDF, “Declaration on Euthanasia: *Jura et bona*, *op. cit.*, 511. Cf. LOBO, *Moral and Pastoral Questions...*, 263.

¹⁰⁹⁴ SRAMPICKAL, “The Catholic View of Human Life ...”, 89.

¹⁰⁹⁵ Cf. LOBO, *Current Problems...*, 61.

¹⁰⁹⁶ Cf. PODIMATTAM, “Sanctity of Human Life...”, 40.

¹⁰⁹⁷ Remigio DONG-IK LEE, “‘Quality of life’ and ‘Sanctity of Life’ Bioethics”, in: CBCI: HEALTH COMMISSION, *Reproductive Health. Catholic Ethics and Praxis in India*, ed. by Alex VADAKUMTHALA, Health Commission CBCI, Media House, New Delhi 2007, 49-66; 60. Emphasis by author.

¹⁰⁹⁸ Cf. William E. MAY, “Human Dignity and Biomedical Research. The Respective Positions of the Subject of Research and the Researcher”, in: Juan de Dios VIAL CORREA/Elio SGRECCIA (ed.), *Ethics of Biomedical Research in a Christian Vision. Proceedings of the Ninth Assembly of the Pontifical Academy for Life. Vatican City 24-26 February 2003*, Libreria Editrice Vaticana, Vatican 2004, 172-176. Cf. DONG-IK LEE, “‘Quality of life’...”, 60-61.

every scientist and researcher should consider, in other words, it should form the basic ethics of every bio-scientific research on human beings.¹⁰⁹⁹

Second, the dignity bestowed on human beings with the ability of intellectuality and free will is neither given nor granted but understood as some kind of achievement, in other words, this dignity is given to us by freeing our choices and actions in accordance with the truth.¹¹⁰⁰ This dignity is materialized by following our conscience and obeying God's law as clarified again in *Gaudium et spes*:

In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience can when necessary speak to his heart more specifically: do this shun that. For man has in his heart a law written by God. To obey it is the very dignity of man; according to it he will be judged.” (GS 16)¹¹⁰¹

Third, the dignity given to human beings is not only an achievement but also something beyond human nature; it is the natural dignity of sacred human beings. This dignity is intimately related to human activity, which is the subject of ethical activities. Therefore, human dignity is a core principal that should be respected in the field of bioscience. This is the idea that was attested by Pope John Paul II, when he said, “The standard of judging ethics should be based on the human dignity and every result made by this should be examined and applied at every stage of research.”¹¹⁰²

However, the value of human beings does not come from the fact of activity or expression but from the fact of existence itself and also from the fact that God created human beings as a gift.¹¹⁰³

According to Lobo, respect for life in a person-centred morality “implies that the essential nature and basic values of the human person are inviolable”.¹¹⁰⁴ Life as such is a premoral value. However, respecting life is a moral value.¹¹⁰⁵

Agnelo Rufino Gracias, the Auxiliary Bishop of Bombay and the Chairman of the CCBI Commission for Family, agrees in this regard of respecting life as a moral value. Referring to the 1984 Charter of the Rights of the Family that unambiguously states, “Human life must be absolutely respected and protected from the moment of conception” (Article 4),¹¹⁰⁶ Gracias adds, “This is the rock on which the Church's moral stand on various questions is based: it is *a stand based on absolute respect for the human person*.”¹¹⁰⁷

¹⁰⁹⁹ Cf. *ibid.*, 60.

¹¹⁰⁰ Cf. *ibid.*

¹¹⁰¹ Cf. *ibid.*, 60-61.

¹¹⁰² “La norma etica, fondata nel rispetto della dignità della persona, deve illuminare e disciplinare tanto la fase della ricerca quanto quella dell'applicazione dei risultati, in essa raggiunti.” See IOANNIS PAULI PP. II, “Allocutiones. Ad quosdam italos artis medicae et chirurgicae peritos occasione oblate eorum conventus Romae habiti: recentiores questiones ad ethicae christianae normam perpendetur. 27 Octobris 1980”, in: AAS 72 (1980) 1125-1129; 1127. English translation from DONG-IK LEE, “‘Quality of life’...”, 61.

¹¹⁰³ Cf. *ibid.*

¹¹⁰⁴ Cf. LOBO, *Moral and Pastoral Questions...*, 46.

¹¹⁰⁵ Cf. *ibid.*, 47.

¹¹⁰⁶ PONTIFICAL COUNCIL FOR THE FAMILY, “Charter of the Rights of the Family...”, 64. Cf. GRACIAS, “Dignity of Human Procreation...”, 26.

¹¹⁰⁷ *Ibid.* Emphasis in original.

The root, from which this respect for oneself and others stems, according to Podimattam, is from the Indo-European religious tradition (from which Hinduism, Islam, Judaism and Christianity sprang). They consider human life (including life in the womb) as:

[...] sharing a dignity that derives from the human relationship with God – however variously this relationship was explained in the different religious creeds of this tradition. The human dignity is an overflow from God’s dealing with him. Christianity, Judaism, and Islam see human life as a gift, a loan, a stewardship. Humans must respect their own life and life of others not only because they receive it from God but also because it is to be held in trust and used according to his will.¹¹⁰⁸

Besides these religions, it is also noteworthy to recognize that many philosophical systems are explicitly based on respect for others. The Kantian principle, which developed the theory of respect for person, is one such example. Kant held that one should treat others as ends and never merely as a means. Another example as a respect for others is the utilitarian principle of doing the greatest good.¹¹⁰⁹ Historical facts show that for a long time the liberal principle of “respect for persons” has been a useful term in resolving many ethical problems.¹¹¹⁰

However, it is unfortunate to see that the theological and pastoral attempts to protect and promote life very often tend to show a bioethical bias. On the one hand, there is the direct and clear violation of human life. On the other hand, there are also economic patterns, cultural constructs, social structures, political orderings, etc., which “are structures and contexts that ultimately destroy life or challenge the dignity of human life”.¹¹¹¹

Comparison between Moral Theological Perspectives in Germany and India

In conclusion, Indian Moral Theology analyses the theological ethics of human dignity from the following perspectives. First, the discussion is centred on the sacredness of human life because it is a gift of God. Second, because it is a gift of God and a sharing as stewards of creation, the emphasis is on the respect for life. Third, once again falling back on the argument of being made in the image of God, human dignity given to men and women is original, natural and non-transferrable. Fourth, human dignity is understood as an achievement owing to the intellect and free will given to men and women, which is materialized by following one’s conscience. Fifth, human dignity is not only an achievement but also something natural given to sacred human beings that manifests in ethical activities. It is not just the activity but also the very being of human beings that calls for a respect. From a person-centred morality, the value of human persons is inviolable and respecting life is moral value.

In comparing the findings of German Moral Theology (see Chapter 6.4) with Indian Moral Theology, one finds that the perspectives of approaches are somewhat different. The first and basic argument for human dignity comes from the *Grundgesetz* that has biblical roots apart from Kantian. Second, the normative core of the concept of human dignity consists in making human persons moral through his/her capacity to act freely and in an autonomous lifestyle. Third, from the moral capacity one can derive another meaning of human dignity, namely, the

¹¹⁰⁸ PODIMATTAM, *Medical Ethics (Vol. 4)*..., 29.

¹¹⁰⁹ Cf. IDEM, *Why be Moral?*..., 97.

¹¹¹⁰ Cf. JAMES, “Human Dignity...”, 130.

¹¹¹¹ Cf. ILLATHUPARAMPIL, “Promotion of Life...”, 96.

humanization of the public-political space, or individual life phenomena. Humanization reminds that human persons are an end-in-himself/herself and of the fundamental moral principle of the prohibition of instrumentalization. To repeat Schockenhoff: “Every person is to be respected for his/her own sake and must never be willed exclusively as a means to an end outside its intended purpose.”¹¹¹² Through these two meanings, namely, the categorical normative meaning of respect for oneself and others and the humane purpose, human dignity becomes a binding interpretive principle, which is the normative basis of the entire state system. However, the formula of the inalienable human dignity serves only the affirmation of formal moral insights, but does not contribute to the substantive definition of what is morally correct or not. Experience shows that the realization of what is morally right or wrong action cannot be derived from human dignity alone. Especially in bioethical decisions, the principle of human dignity only formulates a few absolute obligations, but does not provide a complete set of obligations to act.

One can see a common factor in the above two perspectives, that is, the respect for human life, which is an outcome of human dignity. Sometimes, the value, the worth and the respect for human life, which is sacred, is expressed in such terms such as “sanctity of life”. This term will be examined in the next section.

10.5 THE SANCTITY OF LIFE ISSUES IN BIOETHICS OF AN EMBRYO

The discussions with regard to the terms sanctity of life, sacredness of life and quality of life, although have different emphasis in the way they are interpreted and especially in the field of bioethics, they find their expression in theological discussion among Indian Moral Theologians. The following discussions explain this fact.

According to Gracias, “Not only is a human being sacred. *A human being is sacred, from his/her first moment, even before he or she is born into this world and visible to the human eye.*”¹¹¹³

Lobo had already affirmed the reality of the sacredness of life in his writings. He affirms, “So human life is not mere vital existence or merely physical and biological reality; it is an ethical and religious reality whose health and vigour ultimately depend upon integration of the human will with the divine will.”¹¹¹⁴

Further, the teaching about the respect and sanctity of life that was held emphatically by Lobo becomes clear when he relates to us the role of Christian hospitals in the world. He says:

Christian hospitals must manifest a firm adherence to transcendent values. They must respect the sanctity of human life. They must witness to the truth that all human life is a gift of God, who is sovereign in the whole process from conception until the withdrawal of the breath of life in death. Every man is made in the image of God and hence human life must be held in the utmost respect from the beginning even to the worst decrepitude.¹¹¹⁵

Unfortunately, human life is facing an identity crisis in today’s world due to the radical interpretation of individual autonomy. Some distinguish between ‘quality of life’ and ‘sanctity

¹¹¹² SCHOCKENHOFF, „Lebensbeginn und Menschenwürde...“, 206. See Chapter 6.4 at fn.818 above. See also IDEM, *Ethik des Lebens...*, 237.

¹¹¹³ GRACIAS, “Dignity of Human Procreation...”, 26. Emphasis in original.

¹¹¹⁴ LOBO, *Current Problems in Medical Ethics...*, 39. Cf. also KOCHAPPILLY, “Celebration of Old Age...”, 455.

¹¹¹⁵ LOBO, *Moral and Pastoral Questions...*, 246.

of life', which form the two basic ethical principles of Bioethics. Those who hold on, on the one hand, for quality of life, point out that the subjective judgments about the individual with regard to life should be based on social worth and usefulness. For example, when the life of a person is in poor condition and is of no use to society, he or she be allowed to die. On the other hand, the Catholic Church holds for the sanctity of human life and values it from its beginning to its end in whatever condition it is.¹¹¹⁶

The important function and purpose of any ethic is to facilitate authentic human life. Such ethics admits of an integral moral approach that protects true human dignity while respecting the inviolability and sacredness of human life.¹¹¹⁷ Indian Moral Theologian Lucose Chamakala, in his book "The Sanctity of Life vs. The Quality of Life", explores Germain Grisez's sanctity-of-life view based on natural theory, Helga Kuhse's quality-of-life approach based on utilitarian approach and Richard McCormick's quality-of-life approach based on proportionalist method. Chamakala then suggests a new sanctity-of-life ethics that acknowledges the personhood of all human beings as well as admitting quality-of-life considerations in life and death decision-making. In such decisions when the quality-of-life is considered then it enables in respecting the values and beliefs that the person treasured in his/her life. Through this new approach to sanctity-of-life, he sees that such considerations serve human life and dignity better. In the best interest of the person, considering his/her autonomy and valuing his/her freedom human dignity is ultimately preserved.¹¹¹⁸

According to Dong-Ik Lee, Christian bioethics starts at the above kind of outlook on life, which emphasizes the sanctity of human life.¹¹¹⁹ Although some bio-scientists ignore the sanctity of life and adhere to human life from a scientific value, yet sanctity of life cannot just be understood as a religious outcome. This is because human persons are different; in that, their excellence and incomparable value are characterised by transcending the scientific dimension.¹¹²⁰ From what Dong-Ik Lee argues it is to be understood here by the term "sanctity of human life" perhaps referring to the sacredness, respect, reverence, excellence and value of life.

Comparison between Moral Theological Perspectives in Germany and India

From the above discussion on sanctity of life, it is clear that Indian Moral Theologians have given importance to this concept. The importance given to the concept lies in the sense of

¹¹¹⁶ Cf. ALENCHERRY/KANNIYAKONIL, "General Introduction...", xxvi.

¹¹¹⁷ Cf. CHAMAKALA, *The Sanctity of Life...*, 215. See also IDEM, "Assisted Reproductive Technologies. A Catholic Perspective", in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics...*, 246-264; 248, 262.

¹¹¹⁸ Cf. CHAMAKALA, *The Sanctity of Life...*, 221-224.

¹¹¹⁹ Cf. DONG-IK LEE, "'Quality of life'...", 61. It is to be noted that the term "sanctity of human life" meant by Dong-Ik Lee is not the same as understood by Peter Singer and others. See Chapter 1.5 and 6.5 above.

¹¹²⁰ Cf. DONG-IK LEE, "'Quality of life'...", 61. In his footnote to the above reference, he writes, "The outlook of life in Eastern ideology also starts from the sanctity. The Chinese character *myung* (ᄃᆞᆫ) comes from everything from the sky and the world not from the land. This *myung* (ᄃᆞᆫ) has comprehensive meaning not just pointing at breathing but every rule of whole universe. It includes not only the life of human but also the rule of nature, ethics of human behaviour, etc. Therefore *myung* (ᄃᆞᆫ) should not be limited to the life but something given by the sky (ᄃᆞᆫ). This will of god is absolute. This is not something that can be vanished by human. Therefore the life of human does not belong to human but the sky who gave that life to human and this means the absolute life. Dong-Ik Lee, *The Manager of Life*, 1994, The Catholic University Press, pp 36-38." See DONG-IK LEE, "'Quality of life'...", 65-66 at fn. 29. Emphasis in original.

respecting the inviolability and sacredness of human life. Moral Theologians in India take shelter in the fact that it is a useful concept insofar as it protects true human dignity. German moral theology, on the other hand, sidelines the concept of sanctity of life in applying it to human dignity. Neither do German Moral Theologians use the “sanctity of life” as a religious concept, nor do they find any normative statement in the term. Insofar as the concept of “sanctity of life”, or sometimes also referred to as “reverence for life”, can protect human life beginning at birth, the notion remains a useful and meaningful concept. Furthermore, the discussion on the sanctity of life no longer forms an essential discussion in German Moral Theology.

10.6 CONCLUSION

From a philosophical point of view, the historical background of human dignity is derived from the same sources such as the Stoics and Kant. The concept of human dignity is understood as one that prevents in instrumentalizing human beings. Besides, every individual is a unique centre of self-consciousness, a unique centre of freedom, creativity, responsibility and love. Moreover, human right is related to human dignity. That is to say, human rights are based on human dignity. Human rights entail dues. The due that is owed to a human individual is his/her inalienable right because he/she is a person. This is because the human person is endowed with reason and a rational will and according to Kantian thesis this is what gives a person an absolute worth and an inalienable right. Therefore, the due that comes before the right is human dignity. From a theological point of view, the fact that human beings are made in the image of God, forms the basis for a relation between them, the world, others and God. Moreover, the entrusting of the stewardship of creation to human persons made in the image of God is an acknowledgement from God in sharing His own dignity with human persons. Besides, the responsibility entrusted to human beings to be co-creators is another participation in the Divine dignity, reflected in human persons as human dignity. In addition, a participation in the Divine intellect and will with the capacity to discern through conscience ennobled through a capacity for perfect freedom and pure love while being made in the image of God forms the basis of human dignity.

The sanctity of life also forms a part of the discourse on human dignity in Indian Moral Theology. Human life is seen as a mystery and therefore sacred. It also applies to prenatal life. Beyond its physical and biological reality, human life is also a religious and ethical reality. The respect due to life comes from the fact that human life is a gift of God and an image of God. In contrast to the quality of life, the Catholic Church holds for the sanctity of life. Chamakala proposes a new sanctity-of-life approach. Besides sanctity of life, it includes also quality of life consideration in life and death decision-making. In the East, the concept of sanctity of life plays an important role.

In the last analysis, one can say that when both the German and Indian Moral theological perspectives are taken together, although the approach and the thrust is from different angles, perhaps owing to their cultural difference and their commitment, they would complement and enrich one another in their theological foundation of human dignity.

CHAPTER 11

HUMAN DIGNITY IN THE TEACHINGS OF THE CATHOLIC CHURCH IN INDIA

11.1 INTRODUCTION

One should acknowledge the sad plight of the ethical approaches in the pragmatic, utilitarian and hedonistic milieu, facilitated by relativism and subjectivism that have reduced the value of human life. This is very much true in India.¹¹²¹ The basic attitude of the Catholic Church in India on human life could be summed up in the following words: “The Catholic Church always upholds the value of human life in whatever form it exists.”¹¹²²

As already mentioned, the Moral Theologians in India have not used arguments from human dignity point of view as one of the main argument in bioethical issues. On the part of the Catholic Church in India, it must be acknowledged that in general she does raise its voice when questions of human rights violation take place in other areas. Nevertheless, human dignity as an argument does not play a pivotal role.

It is also to be noted that unlike in Germany, although there is an Ethical Commission in India, there is no representative from the Catholic Bishops Conference of India (CBCI)¹¹²³ or from local State Bishop Conference, in the Commission. Therefore, the Catholic Church is not directly involved in the ethical discussions of the Country. However, the Catholic Church does raise its voice when proposals are raised to make it legislative in the Parliament. Since Christians are a minority in India, often the voice of the Church goes unheard.

Although no official document has been issued so far on the issue of human dignity, to the best of our knowledge, the discussion of the CBCI on human dignity on various occasions shows the involvement of the Catholic Church in India in this field.

This Chapter will deal with certain pastoral letters, documents, interventions, colloquium that the Catholic Church in India have issued or called forth, which refer to human dignity. They will be dealt with under the headings of the various Offices and Rites that issued such interventions. The final section will deal with the Federation of Asian Bishop Conference (FABC) involvement on the issue.

¹¹²¹ ALENCHERRY/KANNIYAKONIL, “General Introduction...”, xxv-xxvi.

¹¹²² Cf. *ibid.*

¹¹²³ The Catholic Bishops’ Conference of India (CBCI) governs the Roman Catholic Church in India. Under the banner of the CBCI, there are the three different rites in India, namely, the Latin Rite, the Syro-Malabar Rite, and the Syro-Malankara Rite. The Latin rite comes under the auspices of the Conference of Catholic Bishops of India (CCBI), while the Syro-Malabar Rite and the Syro-Malankara Rite have their respective Synods. According to the Union of Catholic Asian News (UCAN) Directory, as of November 2012, India has 166 dioceses, of which 129 are Latin, 29 Syro-Malabar and 8 Syro-Malankara. See <http://directory.ucanews.com/country/india/12>, accessed on 04.05.2013. The CBCI was established in 1944. At that time, it had its “Standing Committee” and its sections termed as “Working Committees”. During the “General Meeting”, “Commissions” replaced the Working Committees. See John DESROCHERS, *The Social Teaching of the Church*, Centre for Social Action, Bangalore 1982, 407.

11.2 CATHOLIC BISHOPS CONFERENCE OF INDIA (CBCI)

Since its establishment in 1944, the CBCI did not issue any major statement on social questions. However, they were concerned with defense of the rights of Christian minorities among other things.¹¹²⁴

On 1 May 1971, the CBCI issued a Statement on “Poverty and Development” drawing the attention of the people of India on the discussions of the Roman Synod of Bishops.¹¹²⁵ In its Statement, the CBCI asserted that the people of India have:

[...] pinned their expectation to the hopes of a higher income, more employment and better opportunities for acquiring skill that will make them self-dependent [...]. In conformity with the new demands for a better sharing of national wealth and opportunities, *a new set of values* is indicated based on human dignity and the inherent personal rights of every individual [...]. *The Church must carry on His mission and He speaks to us today in the demands of our fellowmen for bread, health, education, work – in short, for human dignity and justice.*¹¹²⁶

In this connection, the CBCI also sent a Memorandum to the Synod of Bishops on “Justice in the World”.¹¹²⁷

In 1972 at Madras, the General Meeting of the CBCI adopted some important resolutions on “Social Justice”.¹¹²⁸ It issued a statement as an “Appeal to the People of India”. In its Statement, which was an urgent appeal to the universal brotherhood among the people of India, the CBCI after quoting the Preamble of the Constitution of India,¹¹²⁹ said: “*Love implies an absolute demand for justice*, namely a recognition of the dignity and rights of one’s neighbour.”¹¹³⁰

In January 1974, the CBCI finalized its communication for the Synod of Bishops in Rome on Evangelization, Justice and Development. It elaborates on the insights of the statements of 1971 and 1972. In a special section on “Justice and Development”, the CBCI explains the Christian concept of development. It said:

Today the Church clearly recognizes that *salvation* is not restricted to spirituality and pure eschatology but *includes the renewal, liberation and fulfillment of the human person and human society*. On the other hand, Christians emphasize that development is not a mere technical organizational matter. *Material aid and economic growth must be built on principles of equality and must lead to a wholeness of life for the individual and a better social order*. It must be based on initiatives coming from the grass-root levels and on a social organization that overcomes the gap of donor and beneficiary giving the people a share in

¹¹²⁴ The 1948 Statement of the Standing Committee and its Memorandum to the Government of India on the proposed Constitution are good examples of this concern. See DESROCHERS, *The Social Teaching of the Church...*, 407-408 and fn. 2.

¹¹²⁵ The origin of this Statement can be found in CBCI, *Report of the General Meeting of the CBCI, Bombay, 15 & 16 April 1971*, CBCI Centre, New Delhi 1971, 5-6. See DESROCHERS, *The Social Teaching of the Church...*, 410 and fn. 23.

¹¹²⁶ CBCI, “Poverty and Development”, in: *Report of the General Meeting of the CBCI, Bombay, 15 & 16 April 1971...*, 42-46; 42-43, as quoted in DESROCHERS, *The Social Teaching of the Church...*, 411-412. Emphasis in original.

¹¹²⁷ Cf. *ibid.*, 410-411.

¹¹²⁸ CBCI, *Report of the General Meeting of the CBCI, Madras, 6-14 April 1972*, CBCI Centre, New Delhi 1971.

¹¹²⁹ Preamble to the Constitution of India will be dealt separately in Chapter 18.4.1 below.

¹¹³⁰ CBCI, “Appeal to the People of India”, in: *Report of the General Meeting of the CBCI, Madras, 6-14 April 1972*, CBCI Centre, New Delhi 1971, 48-52; 49, as quoted in DESROCHERS, *The Social Teaching of the Church...*, 414. Emphasis in original.

decision-making powers in keeping with their dignity. This broad vision of development embraces the whole person and the whole community.¹¹³¹

In 1978, in Mangalore, the CBCI issued a Statement on “The Church’s response to the Urgent Needs of the Country”.¹¹³² While expressing their desire to be “sensitive to the urgent needs of the country”, the bishops distinctly articulated the following general principle with regard to discrimination:

The dignity of man confers certain inalienable rights upon him, whatever be the accident of his birth. Any curtailment, or, what is worse, denial of these rights is an act of injustice. Hence, discrimination of any type must be part of our Christian concern. When unfortunately, it is practiced within the Church itself, it becomes a countersign to the Gospel values we profess.¹¹³³

All the above statements of the CBCI show us their involvement in the human right and human dignity issues of the people of India. However, everyone assumes the terms human dignity or human person as universally known. Other than the theological fact that human beings are made in the image of God, there is no elaboration, foundation, basis or verification of the said terms. They are taken for granted. In the next section, other interventions of the CBCI that pertain in particular to the area of Bioethics will be examined.

11.2.1 CBCI Pastoral Letter on Abortion 1992

In the year 1992, the CBCI issued a Pastoral Letter on Abortion.¹¹³⁴ At the very outset speaking about the violence in India as a cause for concern, the Catholic Bishops of India expressed that they:

[...] are greatly disturbed by the dangerous social trends that prevail, especially those that denigrate human life and life processes. These are often expressed in violence, and grievously devalue the inestimable worth of human life, almost always for the sake of immediate material benefit or convenience [...]. Human life is being denied its sacred status.¹¹³⁵

This Pastoral Letter, as the title suggests, is mainly concerned about “the most widespread and violent injustice prevalent in our country: abortion”.¹¹³⁶ The Letter further elaborates that direct abortion is the destruction of human life, an ultimate violence and perversion of the sophistication of medical science. The Letter gives the reason for it: “Because it strikes at the most defenceless [stet], the most innocent, those most in need of our protection, it is the ultimate violence prevalent in this age of unprecedented violence.”¹¹³⁷

The Letter puts forward certain arguments such as those that either minimizes the seriousness of assault on life, or justifies it. Some other arguments place the mother’s interest as supreme

¹¹³¹ CBCI, *Report of the General Meeting of the CBCI, Calcutta, 6-14 January 1974*, CBCI Centre, New Delhi 1974, 40, as quoted in DESROCHERS, *The Social Teaching of the Church...*, 420. Emphasis in original.

¹¹³² CBCI, “The Church’s response to the Urgent Needs of the Country”, in: *Report of the General Meeting of the CBCI, Mangalore, 9-17 January 1978*, CBCI Centre, New Delhi 1978, 78-85.

¹¹³³ CBCI, *Report of the General Meeting of the CBCI, Mangalore, 9-17 January 1978...*, 14-17, as quoted in DESROCHERS, *The Social Teaching of the Church...*, 425. Emphasis in original.

¹¹³⁴ CBCI, “Pastoral Letter on Abortion”, in: Donald H. R. DESOUZA (ed.), *Final Statements of the General Body Meetings of Catholic Bishop’s Conference of India (C.B.C.I.) (1966-2002)*, CBCI Centre, New Delhi 2003, 133-139.

¹¹³⁵ CBCI, “Pastoral Letter on Abortion...”, 133. Note the use of the word “sacred” here, which is attributed to human life.

¹¹³⁶ Cf. *ibid.*

¹¹³⁷ *Ibid.*, 133-134.

over that of the unborn child. The Pastoral Letter categorizes this argument as false and states, “The unborn in the womb, from the moment of conception, is a distinct individual human life.”¹¹³⁸ Thus, biologically speaking from the moment of fertilization a human individual exists. The CBCI Pastoral Letter on Abortion simply assumes and acknowledges the individuality of an embryo. As a basis for this argument, the Letter substantiates from *Donum vitae* 5, especially the phrases: “man is the only creature on earth that God has «wished for himself»¹¹³⁹ and the spiritual soul of each man is «immediately created» by God¹¹⁴⁰.”¹¹⁴¹

Another false argument is that which says that a foetus is not viable outside the womb. The Letter counter argues that such an argument is only specious. It is very irrelevant to speak of viability outside the womb when the foetus is meant to be in the womb.¹¹⁴²

Moreover, once again referring back to *Donum vitae*, the Pastoral Letter, with regard to the justification for direct termination, makes it clear that in order to save the life of the mother, the life of another cannot be sacrificed intentionally and directly.¹¹⁴³

Further, the Letter specifies certain “euphemistic terms” or “a deceptive resort to semantics” that cloak or disguise the stark fact of abortion in order to give it a semblance of social acceptance. Besides other terms, the term “medical termination of pregnancy” is used instead of “abortion”. Mechanical suction for early abortion is tapered down as “menstrual regulation”; RU 486 pill that brutalises women is called “the morning after pill” and passed off as being merely “contragestational” procedure. Other abortifacients are offered to people as “contraceptives”.¹¹⁴⁴

The document also speaks about the “horrifying trends” that are prevalent in modern society. These trends erode the value of human life, such as manufacture of “collagen enriched” cosmetics extracted from aborted babies, experimentation on live foetuses that have survived abortion, in vitro fertilization or deliberate conception of babies in order to abort them at a certain stage of development and providing compatible tissue for transplantation surgery.¹¹⁴⁵

As a response to such crimes, the Bishops propose the following measures:

We therefore warn the faithful and all of good will not to be misled by semantic misinterpretation or philosophical arguments, or by pretensions of concern for social and material well being, all of which are designed to justify and even encourage direction [stet] abortion and an anti-life attitude. We also emphasize that secular legislation to permit abortion does not give moral sanction.¹¹⁴⁶

The Bishops also express their deep concern over the distortion, namely, “the mother’s womb, which was designed by the Creator to be the safest place for the defenceless and vulnerable new life, has become potentially the most dangerous place to be”.¹¹⁴⁷

¹¹³⁸ *Ibid.*, 134.

¹¹³⁹ *DV* 5 is referring here to *GS* 24.

¹¹⁴⁰ *DV* 5 is referring here to PIUS PP. XII, “*Litterae Encyclicae. Humani generis*”, in: *AAS* 42 (1950) 561-578; 575. The original Latin phrase here reads: “*animas enim a Deo immediate creari*”.

¹¹⁴¹ CBCI, “Pastoral Letter on Abortion...”, 134.

¹¹⁴² *Cf. ibid.*

¹¹⁴³ *Cf. ibid.*

¹¹⁴⁴ *Cf. ibid.*, 134-135.

¹¹⁴⁵ *Cf. ibid.*, 135.

¹¹⁴⁶ *Ibid.*, 137.

¹¹⁴⁷ *Cf. ibid.*, 137. The Letter actually quotes *GS* 51 that speaks about guarding of life with greatest care from the moment of conception while abortion and infanticides being unspeakable crimes.

In conclusion, the Pastoral Letter also exhorts all Catholics that they “be better informed on the subject, to express themselves, gently but firmly, and to support, in whatever way they can be, the cause of the yet to be born child’s right to life”.¹¹⁴⁸

It is to be noted here that although the Pastoral Letter speaks of the value, inestimable worth and sacredness of human life and “yet to be born child’s right to life”, yet there is no mention or an argument from the point of view of human dignity from the very beginning that is at stake in direct and intentional abortion.

11.2.2 CBCI Standing Committee: Bioethics Norms 1995

During the CBCI Standing Committee Meeting held in Delhi from March 28-30, 1995, discussions took place in particular pertaining to the area of Bioethics.¹¹⁴⁹ Bosco Penha, Auxiliary Bishop of Mumbai, highlighted the developments in genetic engineering and life sciences and their practical implications with regard to world health and the quality of life. He further drew the attention of the members of the Standing Committee to Cardinal Sodano’s letter, which asked the Episcopal Conferences to be alert to the impact of the direction taken by the international organizations upon the legislation of individual nations in this matter. Penha requested that under such circumstances it would be desirable to designate an office to examine carefully the relative norms issued in India. Highlighting the significant advances in the biomedical and life sciences and their practical applications, which has yielded promising new prospects for health and the quality of human life, there was a need felt to regulate them through appropriate legal norms, in order to avoid practices contrary to human rights and the dignity of persons.¹¹⁵⁰

The bishops discussed then on “The International Norms in the area of Bioethics” document.¹¹⁵¹ The said document in footnote No.1 refers to the World Conference on Human Rights held in Vienna (1993). It states that:

The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.¹¹⁵²

The document then takes up the Juridical Instruments and Directives that are being prepared on the International level. Commenting on these initiatives taken, the Holy See finds it important that the values and fundamental rights of the human person should be protected also on the international level. It specifies the reason for doing so, namely, that these are questions touching

¹¹⁴⁸ CBCI, “Pastoral Letter on Abortion...”, 138.

¹¹⁴⁹ CBCI, “Other Matters”, in: *Report of the CBCI Standing Committee Meeting (Delhi, March 28-30, 1995)*, CBCI Centre, New Delhi 1995, 15-16.

¹¹⁵⁰ Cf. CBCI, “The International Norms in the area of Bioethics” in *Report of the CBCI Standing Committee Meeting (Delhi, March 28-30, 1995)*, CBCI Centre, New Delhi 1995, Appendix X, 54-62., 54. The original source of this Appendix is unknown.

¹¹⁵¹ Cf. *ibid.*

¹¹⁵² *Ibid.*, 60. The reference is from the World Conference on Human Rights held in Vienna (1993), Part I, No. 11, paragraph 3. See UNITED NATIONS ORGANIZATION, “World Conference on Human Rights...”, 142.

on the lives of individuals and the very future of the human species. Therefore, it is obvious that the Church has particular interest on them.¹¹⁵³

On the topic on Ethical and Juridical Questions concerning the person and the family, the document “The International Norms in the area of Bioethics” quotes from the International Juridical instruments like the Universal Declaration of Human Rights (1948) (UDHR 1948) that “all human beings are born free and equal in dignity and rights”.¹¹⁵⁴ The said document also affirms that juridical protection is necessary even before birth.¹¹⁵⁵ In the footnote to this statement, it refers to the Declaration of the Rights of the Child (1959) and the subsequent Convention (1989). In the preambles to both these declarations, it is stated: “an appropriate legal protection, before as well as after birth” is needed.¹¹⁵⁶

Consequently, the CBCI Standing Committee decided that the Health Commission in collaboration with Bioethics Centre in Bombay (FBMEC)¹¹⁵⁷ should study the developments in the field, formulate a set of norms and guidelines, and present it to the next Standing Committee meeting in September the same year. Penha further said that efforts would be made to popularize the Church’s position on Bioethics and to sensitize Indian political leaders.¹¹⁵⁸

Penha in line with the reference to the document “The International Norms in the area of Bioethics”, concurred that: “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception”.¹¹⁵⁹ The said document falls in line with the mind of the Church expressing: “The Holy See maintains that the *right to life of every human being must be recognized and safeguarded from the moment of conception.*”¹¹⁶⁰ Further, speaking about the techniques of artificial procreation, and the dispersal of human embryos or freezing them or experimentation upon them, the document says that there is a “downgrading of the juridic and ethical value of the human embryo in the first phases of life (through the concept of “pre-embryo”)”.¹¹⁶¹

¹¹⁵³ Cf. CBCI, “The International Norms...”, 55.

¹¹⁵⁴ *Universal Declaration of Human Rights*, 1948, Article 1. See UN GENERAL ASSEMBLY, “Universal Declaration of Human Rights, 1948...”, 24.

¹¹⁵⁵ Cf. CBCI, “The International Norms...”, 56.

¹¹⁵⁶ Cf. *ibid.*, 60 at fn.6. See CBCI, COMMISSION FOR HEALTH, “Information on Bioethics”, in: *Report of the CBCI Standing Committee Meeting (Bangalore, September 14-17, 1995)*, CBCI Centre, New Delhi 1995, 18-19.

¹¹⁵⁷ It was during the XIV World Congress of the Fédération Internationale des Associations Médical Catholique [FIAMC] held in Bombay in January 1978 that it was resolved to establish Bio-Ethics Centres for the association at convenient locations where the various traditions of the world would be represented. After many unsuccessful attempts at starting the first such Centre in Europe, North America, and Australasia, it was decided in 1981 that it be initiated in India. Bombay was chosen for this activity with the Secretary General, Dr. C. J. Vas as the first Managing Trustee. At that time (1981), the Bio-Ethics Centre in Bombay, known as the FIAMC Bio-Medical Ethics Centre (FBMEC), was the 6th Centre for medical ethics in the world and the first in Asia, Australasia and Africa. FIAMC BIO-MEDICAL ETHICS CENTRE, MUMBAI, INDIA, *Aims, Genesis of FIAMC*. See: <http://fiamc.blogspot.de/2009/02/aims-genesis-of-fiamc.html>, accessed on 27.12.13.

¹¹⁵⁸ Cf. CBCI, “Other Matters...”, 15-16.

¹¹⁵⁹ *Ibid.* The quotation is taken from a footnote in the said document, which is a reference to the American Convention on Human Rights (1969) that states so in article 4.1. See ORGANIZATION OF AMERICAN STATES, “American Convention on Human Rights 1969”, in: BROWNLIE/GOODWIN-GILL (ed.), *Basic Documents on Human Rights...*, 933-954; 935.

¹¹⁶⁰ CBCI, “The International Norms...”, 56. Emphasis in original.

¹¹⁶¹ Cf. *ibid.* The concept of “pre-embryo” was dealt with already in Chapter 4.2.1 at fn. 498 and Chapter 5.4.2 at fn. 728 above.

11.2.3 CBCI Commission for Healthcare 2005

The C.B.C.I. created a separate Commission for the Health Care Apostolate in 1990. From time to time, this Commission has issued statements, policies, conducted seminars, colloquiums, etc. in the field of health care and bioethics.

The Church in India has a unique role to play in creating a culture of care, which implies that respect, and value of the life of every human being is taken into consideration.¹¹⁶² The Church in India also opposes the culture of death and upholds life because God stands for life.¹¹⁶³ This statement is attested to by the CBCI in their Health Policy when treating the topic on the theological foundation of the Catholic Healthcare Apostolate. Regarding the value and respect of human life, it states:

[...] from the moment of conception, the life of every human being is to be respected in an absolute way [...]. 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 [...]. Therefore, respect for the sacredness of life marks an important element of a Catholic healthcare institution. Every medical procedure, care and treatment has to be oriented to the betterment of the quality of life of the patient.¹¹⁶⁴

The Catholic Ethics and Praxis in India also shows its concern for the right of life of the unborn. For example, Alex Vadakumthala, the executive secretary of the CBCI Health Commission, cited a quotation from the Pontifical Council for Health Pastoral Care during the colloquium, "Reproductive Health: Catholic Ethics and Praxis in India", which throws open the mind of the Commission in these words:

Today's forms of scientific knowledge allow us to affirm that human life begins at the moment of fertilisation. Reason is thus called upon to accept, in philosophical and ethical terms, the pre-eminent human value of individual life from that moment, and its defense and protection is a requirement of natural law. The Church also affirms, on the basis of reason as well as of Revelation, the obligation to respect and to protect the right to life of every human embryo and rejects as immoral every action which brings about its abortion or manipulation.¹¹⁶⁵

Gracias during the same colloquium stressed that every human being, no matter how deformed he or she may be, is the image of God and sacred to him and cited the words of Pontifical Academy for Life in February 2004,¹¹⁶⁶ which speaks about the right to life and reads:

Among all the fundamental rights that every human being possesses from the moment of conception, the right to life is certainly the primary right because it is the pre-condition for the existence of all other such rights. On the basis of this right, every human being, especially

¹¹⁶² Cf. Alex VADAKUMTHALA, "Healthcare in the Face of Commercialization", in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics...*, 46-70; 65.

¹¹⁶³ Cf. CBCI: COMMISSION FOR HEALTHCARE, *Sharing the Fullness of Life. Health Policy of the Catholic Church in India*, Commission for Healthcare Catholic Bishop's Conference of India, CBCI Centre, New Delhi 2005, 6.

¹¹⁶⁴ *Ibid.*, 6-7.

¹¹⁶⁵ PONTIFICAL COUNCIL FOR HEALTH PASTORAL CARE/PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE/PONTIFICAL COUNCIL FOR THE FAMILY, *The Reproductive Health of Refugees. A Note for the Bishops' Conferences*, Libreria Editrice Vaticana, Vatican 14 September 2001, No. 3. See CBCI: HEALTH COMMISSION, *Reproductive Health...*, 15.

¹¹⁶⁶ Cf. PONTIFICAL ACADEMY FOR LIFE, "Final Communiqué", in: *The Dignity of Human Procreation and Reproductive Technologies. Anthropological and Ethical Aspects. Proceedings of the Tenth Assembly of the Pontifical Academy for Life. Vatican City 20-22 February 2004*, Libreria Editrice Vaticana, Vatican, 2005, 7-10.

if weak or not self-sufficient, must receive adequate social defence against every form of offence or substantial violation of his or her physical and mental integrity.¹¹⁶⁷

The Health Policy, under another section on the “Dignity and inviolability of Human Life”, under Human Right to Life, further states:

Human life must be respected and protected absolutely from the moment of conception. From the first moment of its existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life.¹¹⁶⁸

The Health Policy further substantiates these statements through three biblical references and then goes on to speak from the point of view of the natural law written in the heart of people (Cf. Rom 2, 14-15). This natural law applies both to the believer and the non-believer alike who recognize by the light of reason and the hidden action of grace “the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree”.¹¹⁶⁹

Finally, in the section on threats and attacks against human life, under the section on abortion, the Health Policy states: “The inviolability of the human person from conception prohibits abortion as the suppression of prenatal life. This is a direct violation of the fundamental right to life of the human being and is an abominable crime.”¹¹⁷⁰ Although this statement was given in 2005, there is no reference to the Pastoral Letter on abortion issued in 1992. Moreover, it is interesting to note once again the repetition of the terms like “sacred” and “sacredness” of life and the “inviolable right of every innocent being to life”.

11.2.4 CBCI Health Commission Colloquium 2006

At certain times, the CBCI through its Health Commission has convened colloquiums in order to discuss and place its stand on the question of human dignity in the field of Bioethics. One such colloquium was held in collaboration with the Institute of Reproductive Health, Georgetown University, Washington DC titled “Reproductive Health: Catholic Ethics and Praxis in India” from 13 to 14 November 2006 in New Delhi.¹¹⁷¹

The sacredness of the human being comes from the fact that a human being is God’s image on earth.¹¹⁷² The sacredness of human life is attributed from his or her first moment, even before being born in this world. To reiterate his point, Gracias quotes from the Instruction *Donum Vitae* (I,1).¹¹⁷³ Having made clear the Church’s standpoint that human life begins from the moment of conception, Gracias says, “The Church is well aware of the debates regarding the exact moment when the zygote becomes a human person, the moment of human identity; but her stand remains unchanged.”¹¹⁷⁴ It is also interesting to note once again here the use of the phrase “sacredness of the human being”.

¹¹⁶⁷ *Ibid.*, 8. Cf. GRACIAS, “Dignity of Human Procreation...”, 15.

¹¹⁶⁸ CBCI: HEALTH COMMISSION, *Reproductive Health*..., 53. At fn.25 to this statement, *Donum vitae*, 5, is cited.

¹¹⁶⁹ *Ibid.*

¹¹⁷⁰ *Ibid.*, 54.

¹¹⁷¹ See CBCI: HEALTH COMMISSION, *Reproductive Health*, *op. cit.* The fruit of this colloquium was published in the form of a book under the same title and edited by Vadakumthala.

¹¹⁷² Cf. GRACIAS, “Dignity of Human Procreation...”, 24.

¹¹⁷³ Cf. *ibid.*, 26.

¹¹⁷⁴ *Ibid.*

Further, Vadakumthala quotes three fundamental principles of the culture of life that is encapsulated in John Paul II's encyclical letters *Evangelium Vitae* and *Veritatis Splendor*. These principles are summarized in an article, on the respect for conscience in life issues, by Carl Anderson, vice president of the John Paul II Institute for Studies on Marriage and the Family. He writes:

The first is the incomparable value and dignity of every human being regardless of age, condition or race. This is especially true in the case of the poor, the weak and the defenseless. And this is also true for the dignity of the human conscience.

The second is that it is always a violation of human dignity to treat anyone as an instrument or means to an end. Instead, every person must be seen as good in himself or herself and never as an object to be manipulated.

The third principle is that the intentional killing of an innocent human being, whatever the circumstances and particularly in cases of abortion and euthanasia, can never be morally justified.¹¹⁷⁵

These reflections show that the Catholic Ethics and Praxis in India is concerned about human dignity in reproductive health.

11.3 THE RITES UNDER CBCI ON HUMAN DIGNITY

As mentioned earlier, there are three Rites under the banner of CBCI. The following sections will deal with the Latin and Syro Malabar Rite on the concept of human dignity.

11.3.1 Conference of Catholic Bishops of India (CCBI) National Symposium on the Church's Social Doctrine 2009

A National Symposium on the Church's Social doctrine was held at St. Pius X College, Goregaon, in Mumbai from 13th March to 15th March 2009, under the auspices of the Theological and Doctrinal Commission of the CCBI. The outcome of the Symposium was brought out as a book titled: "National Symposium on the Church's Social Doctrine (CCBI Theological and Doctrinal Commission)".¹¹⁷⁶ Commenting on the Compendium of the Social Doctrine of the Church, the symposium reiterated that the Compendium upholds the principle of "The Inherent Dignity of the Human Person" which is the basis of all other principles and content of the Church's social doctrines.¹¹⁷⁷ The term "dignity" here is defined as 'worth', 'nobleness', 'position'. The term "inherent" connotes 'to abide in' or 'to be invested in' conveying the meaning 'being an intrinsic part of one's being'. Consequently, "The Inherent Dignity of the Human Person" implies that every human being enjoys a certain worth or nobleness, which is part of his or her nature, being something he or she is born with. Being created in the image of God, the Church sees every human person the living image of God

¹¹⁷⁵ Carl ANDERSON, "Respect for Conscience in Common Law Countries", in: Elio SGRECCIA/Jean LAFFITTE (ed.), *The Christian Conscience in Support of the Right to Life. Proceedings of the Thirteenth General Assembly of the Pontifical Academy for the Life. Vatican City, 23-25 February 2007*, Libreria Editrice Vaticana, Vatican 2008, 102-114; 112. Cf. Alex VADAKUMTHALA, "Introduction", in: CBCI: HEALTH COMMISSION, *Reproductive Health...*, 12-19; 16.

¹¹⁷⁶ Thomas DABRE/Stephen FERNANDES (ed.), *National Symposium on the Church's Social Doctrine (CCBI Theological and Doctrinal Commission)*, Mumbai 2009. Thomas Dabre is the Bishop of Vasai, Mumbai. Stephen Fernandes is an Indian Moral Theologian.

¹¹⁷⁷ Cf. Elaine Ann CHARLES, "The Inherent Dignity of the Human Person", in: DABRE/FERNANDES (ed.), *National Symposium on the Church's Social Doctrine...*, 39-42; 39.

himself and hence every human individual consequently possesses the dignity of a person who is not just “something” but “someone”. Subsequently, it means that he or she is capable of self-knowledge, self-possession, of freely giving himself or herself and of entering into communion with other persons.¹¹⁷⁸

The human person’s likeness to God shows that the essence and existence of human individuals are constitutively related to God in the most powerful way, which exists in itself and not added from outside and hence the term “Inherent Human Dignity”. Since God shows no partiality all people have the same dignity as creatures made in his own image and likeness (Acts 10,34; cf. Rom 2,11; Gal 2,6; Eph 6,9). The Incarnation of the Son of God shows the equality of all people bestowed with dignity. “There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus” (Gal 3,28). Because the glory of God shines on the face of every person, the dignity of every person before God becomes the basis of the dignity of each person before the other.¹¹⁷⁹

For the reason that they are created in the image and likeness of God, both men and women have the same dignity and are of equal value, even though they are sexually different. In a more profound manner, they are equal, because the reciprocity or relationship between man and woman (which give life to the “we” in the human couple) is an image of God. However, the situation is sad today. It is due to the countless assaults committed against the dignity of women, assaults in the form of domestic violence, exploitation, oppression, discrimination, sexual assaults. Moreover, such crimes as trafficking of women and the degradation of the image of woman by the media, atrocities in the name of religion against women, women deprived of the right to education, and the deprivation of life of equality with men; all have had a negative influence on the image of women. The present market economy, economic and cultural globalization, materialism and consumerism have converted woman from a “someone” created in the image of God, to a mere “something” made by man.¹¹⁸⁰

In their unity and relationship as man and woman, God has entrusted the work of procreation and family life, a participation in his creation. Therefore, the offspring born of this unity and relationship possess the inherent dignity possessed by their parents, who first gave them life. However, it is sad to know that today abortion, the destruction of unborn children, preference for the male child, the exploitation of children to suit materialistic ends, child labour and unjust working condition and the depravation of children of their legitimate right to be educated are all assaults on the inherent dignity of children.¹¹⁸¹

Since the roots of human rights are to be found in the very dignity of human beings, the physically handicapped, the physically impaired, the mentally challenged, the aged and infirm, all need to be treated with respect and consideration, because of their intrinsic, inherent human dignity.¹¹⁸²

¹¹⁷⁸ Cf. *ibid.*

¹¹⁷⁹ Cf. CHARLES, “The Inherent Dignity...”, 40.

¹¹⁸⁰ Cf. *ibid.*, 40-41.

¹¹⁸¹ Cf. *ibid.*, 41.

¹¹⁸² Cf. *ibid.*

In addition, it is saddening to know that there are violations often committed against the dignity of the old, aged and infirm, in the form of indifference, insensitivity and visible hostility. The dignity and rights of the disabled thus needs to be protected and safeguarded.¹¹⁸³

Drawing on the teachings of the social doctrines of the Catholic Church, this document thus provides a comprehensive understanding of the concept of human dignity.

11.3.2 Syro Malabar Church Major Archiepiscopal Assembly

The contribution of the Syro-Malabar Church¹¹⁸⁴ to the Indian theological thinking on the question of human dignity is also worth mentioning. The third Major Archiepiscopal Assembly of the Syro Malabar Church *Lineamenta* No. 18 acknowledges that the human being is an image of God. The *Lineamenta* quotes Gen 1,27 that human beings are created in the image and likeness of God. Further, it quotes GS 19: “The root reason for the human dignity is in man’s call to communion with God.” Explaining this statement, the *Lineamenta* affirms that what is meant here is that life is a gift of God. According to Thomas Aquinas, if life is a gift of God, only God enjoys dominion over it. Human beings have only been entrusted with the stewardship over life; they however, do not have ownership rights.¹¹⁸⁵ It can be observed here that the arguments about image of God in human, communion with God, stewardship over life are some of the themes that were already dealt (Chapter 10.3 above).

The value of human life in other contexts and its deliberation was already dealt with in the Catholic Church in India. However, this Section will deal with the interesting contribution of the Syro-Malabar Church in India. Speaking from the concept of the culture of death that has become prevalent today, the third Major Archiepiscopal Assembly of the Syro Malabar Church in No. 15 of its *Lineamenta*, says: “The growing culture of death does not give due value to life. We must be very cautious about this.”¹¹⁸⁶

The same *Lineamenta* in No. 17 speaks about the significant value of human life:

¹¹⁸³ Cf. *ibid.*, 42.

¹¹⁸⁴ Pope Leo XII established the Catholic Hierarchy of India through the promulgation of the Bull “*Humanae Salutis*” on 1 October 1886. The next year, in 1887, the same pope created for the Syro-Malabar faithful two Vicariates Apostolic, Kottayam and Thrissur in Kerala. However, the Vicars Apostolic appointed for them were of the Latin Rite. It was only in 1896, when the two Vicariates were reorganized into the three Vicariates of Changanacherry, Ernakulam and Thrissur, that the Syro-Malabar Church received Vicars Apostolic of its own Rite. In 1911, the Vicariate of Kottayam was constituted exclusively for the Suddists of the Syro-Malabar Rite, descendants of the colony of emigrants from Edessa, Syria, in 345 A.D., under Thomas of Cana. On 21 December 1923, Pope Pius XI established the Syro-Malabar Hierarchy in India with Ernakulam as the Metropolitan See and Changanacherry and Thrissur as suffragans. Kottayam was also raised to the status of a Diocese. On 11 June 1932 because of the Reunion Movement inaugurated by Mar Ivanos, the Syro-Malankara Hierarchy was established by Pope Pius XI. On 16 December 1992, Pope John Paul II raised the Syro-Malabar Church to the status of a Major Archiepiscopal Sui Juris Church. On 10 February 2005, the Syro-Malankara Church was raised to the status of a Major Archiepiscopal Sui Juris Church. Presently, Cardinal Mar George Alencherry heads the Church of The Syro-Malabar Church. Cf. Jacob MARANGATTU, *The Syro-Malabar Church (History and Statistics)*, Deepti Publications, Rajkot 2006³, 2-11. Moran Mor Baselios Cardinal Cleemis Catholica Bava is the present Catholicos of the Syro-Malankara Church. The Head of a Particular Church outside the Roman Empire was known as Catholicos. The term Catholicos means ‘head of the Church’. The authority of Catholicos is below that of Patriarch.

¹¹⁸⁵ Cf. MAJOR ARCHIEPISCOPAL ASSEMBLY, *Faith in Service of Life. Lineamenta of the Third Major Archiepiscopal Assembly*, Secretariat, Major Archiepiscopal Assembly 2010, Kochi, Kerala 2010, 1-23; 10-11. This *Lineamenta* was privately circulated. The purpose of the *Lineamenta* was to prepare for the third Major Archiepiscopal Assembly of the Syro Malabar Church scheduled to be held from 20th to 22nd August 2010.

¹¹⁸⁶ Cf. MAJOR ARCHIEPISCOPAL ASSEMBLY, *Faith in Service of Life. Lineamenta...*, 9.

The gospel of life implies that human life is the highest good, though not the absolute good. There can be higher values for which human life might be sacrificed. However, life is always a good. Because, “the life which God gives man is quite different from the life of all other living creatures, in as much as man, although formed from the dust of the earth (Genesis. 2,7; 3,19; Job. 34,15; Psalm. 103,14; 104,29), is a manifestation of God in the world, a sign of his presence, a trace of his glory (Genesis. 1,26-27; Psalm. 8,6)” (*Evangelium Vitae*, 34). *Evangelium Vitae* rightly says that life is an indivisible good (*Evangelium Vitae*, 101). Therefore, considerations about human life cannot be limited to biological life alone. It must necessarily include the spiritual and psychological good and the social life also.¹¹⁸⁷

The observation that human life is beyond biological life, which necessarily includes spiritual, psychological and social life dimensions, is noteworthy.

In No. 19, the *Lineamenta* – while upholding that life begins at conception and ends in death – says that in order to be true to the natural moral law; the gospel of life obliges us to protect all human life, from the moment of conception to natural death. “The present-day exclusion of the unborn, the elderly, the disabled and the sick are acts against the dignity due to human life.”¹¹⁸⁸ This statement is in accord with the Catholic Church teaching that human life begins at conception.

The protection and promotion of life hinges on the inviolability of the person. This inviolability demands a gospel of life, which is much more than just stopping to kill (*Lineamenta* No. 20).

As a conclusion to this section, one can acknowledge that the Syro-Malabar Church teaching is the same as that one finds in the Latin Rite that upholds life from the moment of conception.

11.4 THE FEDERATION OF ASIAN BISHOP’S CONFERENCE (FABC)

After the Second Vatican Council, the Churches in Asia became aware of the need to concentrate on vitalizing the local Churches. One of the outcomes was the origin of the Federation of Asian Bishop’s Conference (FABC). The Federation of the Asian Bishop’s Conference (FABC) is the general body including the various local churches of South East Asia represented by their bishops. The members of this conference are the Episcopal conferences of the South East Asian countries, namely, Bangladesh, Brunei, China, India, Indonesia, Japan, Korea, Laos-Kampuchea, Malaysia, Myanmar (Burma), Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Thailand and Vietnam.¹¹⁸⁹

Following are the two important documents published by the FABC that deals with the concept of human dignity.

¹¹⁸⁷ *Ibid.*, 10

¹¹⁸⁸ *Ibid.*, 11.

¹¹⁸⁹ Cf. Felix WILFRED, “The Federation of Asian Bishop’s Conferences (FABC). Orientations, Challenges and Impact”, in: *For All the Peoples of Asia. Federation of Asian Bishop’s Conferences Documents from 1970 to 1991*, ed. by Gaudencio B., ROSALES/Catalino G., ARÉVALO, Orbis Books and Claretian Publications, Maryknoll/Quezon City, New York/Philippines 1992, xxiii-xxx; xxiii. The idea of a Federation of Asian Bishop’s Conference came to being at the historical visit of Pope Paul VI to Manila in the Philippines in 1970. Cf. Catalino G. ARÉVALO, “The Times of the Heirs”, in: ROSALES/ARÉVALO (ed.), *For All the Peoples of Asia...*, xv-xxii; xvii-xviii. The Conference itself was realized through the First Plenary Assembly of the Asian Bishops that took place in Taipei, Taiwan, 27 April 1974. See ROSALES/ARÉVALO (ed.), *For All the Peoples of Asia...*, 11-25.

11.4.1 Respect for Life in the Context of Asia 2007¹¹⁹⁰

The value of human life is enhanced when the human person is seen as the image and child of God. From this it also follows that all life is sacred, and as such, to be valued and preserved. Nevertheless, all life does not have the same value or claim for preservation, because human life is qualitatively different from all other forms of life. Hence, the dignity of human life based on the dignity of the human person is stressed within the inter-connectedness of all creation.¹¹⁹¹ The Sixth General Assembly of the FABC held in January 1995 in Manila reflected on the theme of the Church in Asia as discipleship in service of life. Due to the increase in the threats to life, not only at a global level but also at the level of the Asian continent, it was necessary to reflect on these forces of death. The outcome of the reflection by the FABC Office of Theological Concerns (OTC) was drafted into a paper: “Respect for Life in the Context of Asia”. This was in continuity with the understanding of the Church in Asia as discipleship in service of life. “It focuses its reflection on respect for human life, its dignity and its promotion in the face of a growing culture of death at the beginning of 21st century.”¹¹⁹²

Consequently, a new awareness of human potentiality has arisen along with new problems and possibilities, namely, with reference to human beings’ responsibility for life as a whole, for the biological integrity and the responsibility for the created world. Therefore, in positive terms the document affirms¹¹⁹³:

[...] that Christian understanding of human person in all dimensions including life stands for a holistic understanding of human person of which relationality is constitutive of the wholeness of human person. This understanding of the wholeness of human person is also the foundation of the dignity and sacredness of human life without distinction and discrimination. Moral obligations of respect, care and promotion of human life are rooted in the same foundation.¹¹⁹⁴

Various threats to life characterize the Asian continent. They are:

1. In South Asian countries, hierarchy of castes together with “untouchability” is in the fore. They are a form of racism that functions as a force of segregation and exclusion. Consequently, human dignity is graded as high and low according to the hierarchy that grades people into high and low; and ultimately resulting in the lower castes being at a discount. “Hierarchy of castes is totally antithetical to human dignity and the intrinsic worth and sacredness of all human life.”¹¹⁹⁵ It is an ideology of power. What is at stake is human dignity and human life because human beings themselves are being ranked. In other words, it is anti-human and anti-life perpetuating and promoting a culture of death. A confirmation of this can be found in India and South Asian countries where daily atrocities against *dalits* are very common.¹¹⁹⁶
2. Culture of Patriarchy coupled with gender bias is a sure sign against dignity and life of woman, girl child and negating woman’s life even at foetal stage in the womb. It is a matter of grave concern and a major factor for all who hold dignity and sacredness of all human life of

¹¹⁹⁰ *FABC Papers*, No.120, 1-51.

¹¹⁹¹ Cf. *ibid.*, 35-36.

¹¹⁹² *Ibid.*, 1.

¹¹⁹³ Cf. *ibid.*, 42.

¹¹⁹⁴ *Ibid.*

¹¹⁹⁵ *Ibid.*

¹¹⁹⁶ Cf. *ibid.*, 2-3.

man and woman. Not only is a girl child not welcome, she has no home even in her mother's womb. In India, some communities celebrate the birth of a son, while not at the birth of a girl child.¹¹⁹⁷ "Hence care, protection and promotion of life for women and the girl child are still of low esteem in many situations of Asia. The nefarious and criminal practice of female foeticide, especially in South Asian countries, is on the increase in spite of laws against the practice."¹¹⁹⁸ In the areas of nutrition, health care and education, discriminatory treatment of the girl child and preferential treatment of the boy child are well known. Woman and the girl child are the worst sufferers and victims when it comes to poverty or HIV-AIDS.¹¹⁹⁹

Both, the culture of patriarchy and gender bias - antihuman and anti-life in its core - not only diminishes and denies respect for the dignity of woman and the girl child but also puts them at risk at all stages of their life.¹²⁰⁰

Nevertheless, there is a ray of hope amongst these common daily occurrences of violation of rights and dignity of women. There are movements committed to fight against these threats to protect and promote their dignity. The Church, especially the Pro-Life movements, plays a pivotal role and becomes a sign of hope for life and dignity of woman and girl child.¹²⁰¹

3. In a multi-religious context of Asia, there is also religious fundamentalism, cultural nationalism, terrorism and violence. These phenomenon leads to the denial of human dignity.¹²⁰²

4. Besides the above, there are also other forms of religious fundamentalism and extreme militancy in some Asian countries. These too are antihuman and anti-life. When a country adopts a state religion, other religions in these countries become aliens and strangers whose dignity and rights are not respected. One country in South Asia has adopted Islam as a state religion and enacted a Blasphemy Law. Those who violate it are given death sentence. Some misuse this law out of vested interests against innocent citizens, especially those belonging to minority religions. This has led to the frequent denial and violation of human dignity.¹²⁰³

5. In the context of globalization and neo-liberal market economy, there is also an ever increasing and invasive commercialization and instrumentalization of human life. This too, is a blatant violation of human dignity and human rights and a threat to human life.¹²⁰⁴

6. Drug abuse and drug pushing, threatens some communities, especially the youth. These have become veritable threats to life.¹²⁰⁵

7. Asia is famous for its sense of harmony. All the great Asian religions and cultures teach a harmony between human beings, nature and God. However, due to globalization and the threat of greedy exploitation of natural resources as raw materials, the environment has been disturbed and thereby harmony too.¹²⁰⁶

¹¹⁹⁷ Cf. *ibid.*, 3.

¹¹⁹⁸ *Ibid.*

¹¹⁹⁹ Cf. *ibid.*

¹²⁰⁰ Cf. *ibid.*

¹²⁰¹ Cf. *ibid.*, 3-4.

¹²⁰² Cf. *ibid.*, 4.

¹²⁰³ Cf. *ibid.*, 4-5.

¹²⁰⁴ Cf. *ibid.*, 5.

¹²⁰⁵ Cf. *ibid.*, 6.

¹²⁰⁶ Cf. *ibid.*

8. Apart from what has been said above, there are also bioethical and specific issues that affect the reverence for life in a negative way in different parts of Asia,

a) Abortion: This is another common attack on human life in Asian countries. The statistics regarding abortion is shocking. The main factors that leads one to abortion, according to sociologists and other experts in human sciences, is poverty and destitution. On the one hand, families themselves perceive a growing foetus as “yet another burden to the family”; on the other hand, in order to curb the rising population, respective governments encourage people to procure abortions. Besides, the failure of some types of contraceptives, leads one to procure abortion. There are also cases of violence or rape, which many Asians see as occasions for a “legitimate” abortion. Opposition from the part of the Church can be prophetic, in being courageous and tireless in proclaiming that the human life, from the moment of fertilization till death, is sacred, and that abortion is “an abominable crime” (Cf. *GS* 51).¹²⁰⁷

b) Euthanasia: Though it is not a common occurrence as in developed countries, it is fast becoming common in some parts of Asia, mostly some developed Asian nations, urban or cosmopolitan Asian cities. In spite of the value of respect for elders and the sick, what hovers over personal consciences, is the anti-life mind-sets and attitudes like individualism, oversensitivity to pain and other utilitarian values in a consumerist culture of the contemporary globalized economy. Consequently, as an easy solution to suffering, pain and incurable sicknesses in some parts of Asia, euthanasia is readily embraced. This has led to the abandoning of the compassionate care for the terminally ill until their death.¹²⁰⁸

Referring to Pope John Paul II’s *Tertio Millennio Adveniente* 33, the FABC acknowledged, “The Asian Church takes the words of the late Pope to heart. It asks for a sincere apology for her inconsistencies and lacunae in the area of respect for human life in all its forms, which hopefully will be manifested in a more resolute and more courageous stance against everything that diminishes the value of human life”.¹²⁰⁹

Thus, in conclusion the FABC document continuously repeats and reiterates the importance of the human person and human dignity. Most of the times it expresses its stance on human dignity by adhering to variables like, “sacredness of life”, “value of human life”, “respect, care and promotion of human life”.

11.4.2 On Being Human in the Changing Realities of Asia 2011

The Office of Theological Concerns (OTC) of the FABC reflecting on what it means to be human in the contemporary world brought out in March 2011 a Paper “On Being Human in the Changing Realities of Asia 2011”.¹²¹⁰ This Paper has four parts that deals with the realities, challenges, resources and responses in an Asian context.¹²¹¹

In the first part, it takes on the realities in Asia, like the religious realities, the political realities, the social realities, economic realities and ecological realities. In the section on social realities

¹²⁰⁷ Cf. *ibid.*, 7.

¹²⁰⁸ Cf. *ibid.*

¹²⁰⁹ *Ibid.*, 47. Cf. JOHN PAUL II, *Apostolic letter Tertio millennio adveniente of His Holiness Pope John Paul II. To the Bishops, Clergy, and Lay Faithful. On Preparation for the Jubilee of the Year 2000*, Pauline Books & Media, Pennsylvania 1994.

¹²¹⁰ *FABC Papers*, No.133, 1-64.

¹²¹¹ Cf. *ibid.*, 2 & 3.

the paper stresses the fact that, “At the very heart of social life is the inestimable dignity and value of the human person”.¹²¹² In the same section, while reflecting on the family, its breakdown and new forms of family becoming more frequent, the paper urges us to discern and renew a Christian view of human life and dignity.¹²¹³ In dealing with the economic realities in Asia, the paper highlights the pros and cons of Globalization and the ever-growing difference between the ‘haves’ and the ‘have-nots’, so much so, that they are becoming a separate class in themselves with their own cultures. These tendencies are indicators against basic human dignity. Besides, the concept of ‘worker’ too is radically changing and profit seems to be replacing the inherent dignity of the human person and consequently the dignity of work.

In the second part, challenges faced by the above Asian realities are explored. Here it deals with the challenges to being a human person in contemporary society and in living in the milieu of multi-religious/multi-cultural context. The human person’s worth in the contemporary society is often perceived by what one possesses rather than what one is. “‘Having’ is more stressed than ‘Being’”. In this context, human beings are considered as a ‘commodity’. Often the victims of such mentality are women and children (minors) whose basic dignity is not respected. “They are not only treated as cheap labour, but also as sexual objects”.¹²¹⁴ This results in the exclusion and marginalization of human persons who are considered as ‘nobodies’ because they are denied to be ‘somebodies’ in the society. This has led to the misconception that one’s dignity has to be earned, an indicator that human beings have no inherent dignity. In addition, “some societies behave as if it is they (or their governments) who confer dignity on human persons”.¹²¹⁵ In the third part, while dealing with the resources in Asia, the paper deliberates on the cultural and religious resources, its characteristics and religions as sources of harmony and peaceful co-existence. In the section on the religious sources, the paper reflects on the people’s wisdom as an important source of knowledge. Knowledge is regarded as belonging to the community. Knowledge enjoys the dignity of the human person, which is relational.¹²¹⁶ With regard to the characteristics of the cultural reality in Asia, the positive aspects are acceptance of diversity, courtesy, hospitality and sense of community. The negative aspects are the caste hierarchy, patriarchy, slavery to customs and traditions, the religious practice of worship of creatures, such as cow and monkey, which sometimes distorts the respect for human dignity leading to regard cows as superior to human beings.¹²¹⁷

In the fourth part, the paper reflects on the response based on the resources of religion and culture of the people of Asia. It deals with spirituality, prayer life, asceticism, inter-religious dialogue, ecumenical movements, prophetic role, vital role of FABC, the crucial role of Media, participation in political processes, Christian advocacy and non-violence movements. The vital role of FABC is seen as a prophetic role in the Church that involves the faithful in the promotion of dignity of life and integral development of the poor.¹²¹⁸ In its section on the crucial role of

¹²¹² *Ibid.*, 12.

¹²¹³ Cf. *ibid.*, 15.

¹²¹⁴ Cf. *ibid.*, 33.

¹²¹⁵ Cf. *ibid.*, 34.

¹²¹⁶ Cf. *ibid.*, 45.

¹²¹⁷ Cf. *ibid.*, 45-47.

¹²¹⁸ Cf. *ibid.*, 59.

the media, the paper proposes that media can be effectively used to promote respect for human dignity in the defense of human rights.¹²¹⁹ Reflecting on the Church's participation in political progress and its prophetic role, the paper encourages the role of the Church in the political life in Asia in order to support and build equality, justice, peace and human dignity.¹²²⁰

11.5 CONCLUSION

In its long history in India, the CBCI has played a vital role in the promotion of human dignity. Although at times the response of the Church to violations of human dignity or human right has been slow, it does raise its voice against such violations. In the field of Bioethics, the Catholic Church in India uses the term human dignity. However, using human dignity as a fundamental argument in Bioethics is found lacking.

As a conclusion, one can say that the Indian Catholic Church, represented by the CBCI, lays before us the invaluable contribution she can make to the moral progress of not only her own members but also to the whole community. In the words of Lobo: "She brings a clear understanding of the dignity of the human person made in the image of God and called to share in His own life."¹²²¹

With regard to the teaching of the Syro-Malabar Church, one can acknowledge that it is the same as the Latin Rite when it comes to upholding life from the moment of conception.

The Asian Church reality, represented by the FABC, acknowledges the plight, the atrocities and the sufferings of the Church that is in dire need of acknowledging human dignity and upholding the rights of the poor, the girl child and the unborn.

It is fitting to conclude here what Kochappilly says: "In India, a land known for *ahimsa paramo dharma* (non-violence is supreme *dharma*), should take every step to protect and promote the value of human life and its inviolability."¹²²² Nonetheless, it is yet to see how far the Catholic Church in India will translate the value of human life and its inviolability in terms of a fundamental argument from the point of view of human dignity.

Comparison between Moral Theological Perspectives in Germany and India

It is interesting to note that German moral theology makes always an attempt to bridge the gap between the secular and theological understanding and shows its concern in such matters. There is also a positive move by the Bishop's Conference in Germany (sometimes along with the Evangelical Church in Germany, which is also a great move in the field of ecumenism!) to bridge the gap between the secular and religious understanding. This positive approach is not only with regard to the concept of the research on human dignity, but also on an ethical-legal level (as was already pointed out in Chapter 7.3 above) or on a secular framework (Chapter 7.4 above). However, in Indian Moral Theology no attempt has been made in this direction. It is to be remembered that the comparison is here between two different Bishop Conferences involving different countries. It is to be noted that not all the documents have been examined in this Chapter that might speak of the human person and human dignity, perhaps in another area. Only those issues

¹²¹⁹ Cf. *ibid.*, 61.

¹²²⁰ Cf. *ibid.*

¹²²¹ LOBO, *Guide to Christian Living...*, 435.

¹²²² KOCHAPPILLY, *Life in Christ...*, 14.

that are related to the research of this topic, especially pertaining to Bioethics have been handled in this Chapter.

Having seen the teachings of the Indian Catholic Church, the next Chapter will focus on the concept of human person from an Indian Catholic perspective.

CHAPTER 12

THE CONCEPT OF PERSON FROM AN INDIAN PERSPECTIVE

12.1 INTRODUCTION

A fundamental principle in morality is respect for persons and human dignity. They are given central place in such basic philosophical works such as Kant's *Groundwork of the Metaphysics of Morals* or John Stuart Mill's *On Liberty*.¹²²³ This immediately raises the question: Why is the human person supremely important? In an exploited, expendable and global world, can one claim that the human person is of supreme importance? Notorious and criminal abuses were already mentioned. It may enlighten here to name a few examples from South Asia: The nefarious practice of "untouchability"; hierarchy of castes, atrocities against *dalits* in India and South Asian countries; the culture of patriarchy with its gender bias against the dignity and life of woman and girl child even at the foetal stage; religious fundamentalism, cultural nationalism, terrorism; violence, extremism, suicide bombing, militancy; commercialization and instrumentalization of human life; drug abuse; etc., besides bioethical and other specific issues like abortion, genocide, capital punishment.¹²²⁴ The picture presented here is not very welcoming to accept the human person as important, at least in an Asian and Indian context.

The problem that one is faced with while speaking about dignity of the human person is that modern reflection on human personhood draws on two different sources: First, the Judeo-Christian tradition, based on the Scriptures, and second, the rationalism of Enlightenment and the response of the Church through social teaching.¹²²⁵ However, are these two sources sufficient to highlight the importance of the human person?

Podimattam speaking about the supreme importance of the human person in this context says, "In fact, there is no value in this world greater than the human person. As such, it is imperative to make the human person and his dignity the universal key to moral interpretation".¹²²⁶ Is this possible and how? Before this question can be answered, a look into the key concept of the meaning of human person from a systematic theological perspective is appropriate here.

12.2 A SYSTEMATIC THEOLOGICAL PERSPECTIVE OF THE CONCEPT OF PERSON

One can describe a person as the actual unique reality of a spiritual being, an undivided whole existing independently and not interchangeable with any other. The reality of the being is such that it belongs to itself and an end in itself. In other words, a person is a concrete form of a spiritual being taken in freedom, on which is based its inviolable dignity.¹²²⁷ Nevertheless, the above descriptions are only a partial description of a human person. The notion of person is

¹²²³ Cf. PODIMATTAM, *Why be Moral?*..., 45.

¹²²⁴ Cf. *FABC Papers*, No.120, 2-9. See also SOOSAI, *Human Dignity and Human Rights*, *op. cit.*, 17. Soosai writes, "We witness to this daily pattern of violation of human rights in caste-ridden society against dalits marked by gender bias against women, still worse against women from Scheduled castes and tribes in our country [India]." *Ibid.* Addition by author.

¹²²⁵ Cf. DWYER, "Person, Dignity of...", 724. Cf. THUMMA, "Human Person ...", 220.

¹²²⁶ Cf. PODIMATTAM, *Why be Moral?*..., 45.

¹²²⁷ GEDDES/WALLACE, "Person (in Philosophy)...", 147. Cf. also PODIMATTAM, *Why be Moral?*..., 47-48.

both a concept and a living reality. Further, the notion of personhood cannot be limited only to the self-existent reality, as a bodily being, but should be seen in relation to God, the world and others as mentioned above.¹²²⁸ These notions will be described in the following sections.

12.2.1 Human Person as a Bodily Being

The human person must be seen not just as a pure intelligence, but a bodily being, sharing with the natural world. Although the human person emerges through evolution out of the world, yet is never separated from it. Accordingly, the emergence of the human self-awareness and freedom is a very high complex process, subconscious and determined by nature. At conception, the unique human organism is genetically determined and comes into existence through a novel combination and fusion of different traits never previously combined. The unique human body is at this moment continuously identifiable. Contrary to the partial idealistic conception of the human person as a “self-conscious mind”, recent philosophical intervention is of the opinion that the bodily identity is also necessary to the understanding of the human person. The medieval scholastics too – who argued for the survival of the human soul – insisted that the soul alone is an incomplete person and believed that the identity it received at the resurrection is in its relation to the body. After conception, the whole life process that follows involves a development of this unique body in constant relation to its environment.¹²²⁹

From what was deliberated above, it can be concluded that every individual human person has a biography. The life story that begins at conception passes through several phases of foetal and infant life before the higher functioning of the brain becomes possible. As an adult, a person functions with intelligent freedom only at certain times and in relation to his or her environment. What is meant here is that much of the adult’s life is spent in sleep, times of feeding and relaxation when intelligence is working at a very low level of creative freedom. Yet, the same person carries on in totality the process of living in all its phases. Therefore, one can define the human person as “embodied intelligent freedom”.¹²³⁰ In defining so, one acknowledges that the process of life is a multi-layered activity and manifested in its high point of integration.¹²³¹

12.2.2 Human Person as Relational and Social

Along with the above idea of human person as a whole in his or her physical, psychic and spiritual dimensions, one also needs to consider him/her in his/her individual and social aspects. The concept of human person is correlative. That is to say, it is in relation to a community that the concept can be defined satisfactorily. The fact is that no human person can exist apart from a human community. Our first existence comes through our parents. Further development both physically and psychologically requires that we be in constant inter-human relationships. To develop as a fully functional human being, language is important, and language is a cultural,

¹²²⁸ See: GEDDES/WALLACE, “Person (in Philosophy)...”, 147-148. For these notions of human personhood, see David COFFEY, *Deus Trinitas: The Doctrine of the Triune God*, Oxford University Press, New York, 1999, 76-80.

¹²²⁹ Cf. PODIMATTAM, *Why be Moral?...*, 48.

¹²³⁰ It was Ashley and O’Rourke who first used the definition of person as “embodied intelligent freedom”. See ASHLEY/O’ROURKE, *Health Care Ethics...*, 1997⁴, 5. Cf. PODIMATTAM, *Why be Moral?...*, 48.

¹²³¹ Cf. *ibid.*, 51.

social creation. With regard to test-tube babies, they too are the product of a technological community and will be able to develop in relation to them.¹²³²

12.2.3 Human Person in Relation with God

For Christians, the correlation between the human person and God has a deeper significance on two grounds.

First, the Christian God is a personal God, a Trinity of Persons. The Trinitarian life within the Godhead consists of a living and total sharing of one single being, life, knowledge and love. The Son has his Godhead only through the relation to the Father; the Father is God only in begetting the Son. Both the Father and the Son have their divine being only through the community of the Spirit. The Trinitarian Persons do not have their being from or through themselves, or one cannot conceive of God's unity apart from three Persons. In like manner, the human person does not have the unity of his/her existence in himself/herself, but in relationship with God and with others.

Second, each unique human person has been created by God for himself, in order to share (κοινωνία) his own eternal, Trinitarian life (cf. 1 Jn 1,3).¹²³³

As mentioned earlier, on the one hand, the human person knows himself or herself as open to the world through communication with others. On the other hand, he/she knows that at the same time he/she is different from others. This openness to others and the world implicitly contains openness for something higher, namely, God. The human person is a being who is referred to God. The finite and mundane human person and the infinite and transcendent God are partners. According to Rahner, this truth can be formulated in another way by referring the human person as an Absolute Mystery.¹²³⁴

Besides being in relation with God, human persons also have a capability of transcending themselves to make a donation or gift of himself or herself to another. It is in this way that the human person becomes most fully himself or herself. Human persons are created essentially to relate to others. In order to fulfil one's own destiny as being human, he/she has to enter into a genuine community with others, which is based on love, a warm, human, affectionate series of relationships.¹²³⁵ It is in the embracing of love that the human person discovers and experiences his or her highest dignity and real freedom.

The notion of the human person can also be extended to the *imago Dei* in the three-fold relationships: with God (human person as a creature oriented to the divinity and a partner in

¹²³² Cf. *ibid.*, 48.

¹²³³ Cf. *ibid.*, 48-49. See also LOBO, *Guide to Christian Living...*, 90-93. George Lobo speaks here about the Trinity in the Christian life in similar terms. He bases himself on the following authors: Cf. Ceslaus SPICQ, *The Trinity in our Moral Life According to St. Paul*, Newman, Westminster 1963, John J. GREEHY, "The Blessed Trinity and the Christian Life", in: Enda McDONAGH (ed.), *Moral Theology Renewed*, Gill, Dublin 1965, 70-84, J. B. MACKEY, "Preaching on the Blessed Trinity", in: *Furrow* 21 (1970) 6-18, G.F. MACKNELL, "The Trinity and Human Love", in: *New Blackfriars* 53 (1972) 270-275, Joseph MATTAM, "The Mystery of the Trinity in Christian Life", in: *Vidyajyoti Journal of Theological Reflection* 40 (1976) 338-348.

¹²³⁴ "[...] mit dem Satz formuliert werden, dass der Mensch der auf das absolute Geheimnis Verwiesene ist." Karl RAHNER, „Mensch. III. Zum theologischen Begriff des Menschen“, in: *Sacramentum Mundi: theologisches Lexikon für die Praxis*, Bd. 3, Herder, Freiburg i. Br./Basel/Wien 1969, 395-417; 411. Cf. PODIMATTAM, *Why be Moral?*..., 49.

¹²³⁵ Cf. *ibid.*

dialogue); with the cosmos (human persons as co-creators and their stewardship); and with others (interpersonal relationships as male and female).¹²³⁶

Taking a step further, the relationship of the human person with Christ brings theology closer to anthropology. According to Barth, “theology has become anthropology since God became man”.¹²³⁷ A right understanding of the incarnation of the Son of God as the finest and noblest of humanity is required for an adequate understanding of the human person. Such an understanding of the human person in his/her wholeness has led to a Personalistic and Existentialist current of modern thoughts presenting the basic Christian moral message. This has been attested to by *Gaudium et Spes*: “[...] it remains each man's duty to preserve a view of the whole human person, a view in which the values of intellect, will, conscience and fraternity are preeminent” (GS 61).¹²³⁸

Comparison between Moral Theological Perspectives in Germany and India

In this section on the systematic theological perspective of the concept of person it was observed that Indian Moral Theologians have deliberated on the concept of person as bodily being and as a relational being. In comparison with German Moral Theology, one can see that the bodily being of a person has not been considered there. On the other hand, German Moral Theology considers the human person being grounded on God's call, which brings into existence the very constitution of the personal being of man and woman. This aspect has not been considered by the Indian Moral Theologians. Schockenhoff's emphasis on the person (Chapter 8.3) who must remain withdrawn through interpersonal instances (while holding on to the call by God and relativizing of the importance in the development of personal identity in its encounter with the social or interpersonal relations) seems to be in contrast to what Podimattam holds, namely, openness to others and the world implicitly contains openness to God. Moreover, the emphasis of Schockenhoff that human persons in their relation can only develop where there is a free and mutual recognition as long as the justification of human personality is prior to their social acceptance, makes it clear the importance of the person over other things in the world. Podimattam's stance harmonizes with the statement of Rahner (which expands relationality to include not only the concept of a person, but also that of the image of God, creature, soul and body), namely, that openness to others and the world is in fact openness to God.

12.3 THEOLOGICAL ETHICAL PERSPECTIVE

One way of connecting a metaphysical account of the person to a moral account – along with other characteristics that have been described so far – is by invoking “dignity”.¹²³⁹ Various expressions affirm the dignity and intrinsic worth of human persons. One such expression is that *persons are end in themselves, never a means*. This means that political and legal order exist to serve human persons. Another similar expression is that *human person is not a functional and utilitarian entity*. It means that persons are respected and loved for their own

¹²³⁶ Cf. Dermot COX, “Human Dignity in Old Testament Wisdom”, in: *StMiss* 39 (1990) 1-20; 8-9. Cf. KUSUMALAYAM, *Human Rights...*, 195.

¹²³⁷ ANDERSON, *On Being Human...*, 70. Cf. SRAMPICKAL, “Abortion and its Evil...”, 218-245; 220. See also IDEM, “The Catholic View of Human Life ...”, 88.

¹²³⁸ Cf. LOBO, *Guide to Christian Living...*, 20. See also *FABC Papers*, No.120, 42.

¹²³⁹ Cf. JOHNSTONE, “What does it mean to be a person?...”, 136.

sake and can never be treated as a thing. Instrumentalization of human persons as a means for another end, however noble, will only derogate the dignity of the human person (Cf. *Deus Caritas est* 31). This affirms the foundational Gospel axiom: “Sabbath is made for man and not man for Sabbath” (Mk 2,27). Nevertheless, in all forms of slavery and unjust exploitation, human dignity is violated. In the spirit of Catholic rights tradition, human dignity is an indicative rather than an imperative because human dignity stands for the intrinsic and inalienable worth of human person. Expressed in another way, human rights are moral imperatives flowing from the value (indicative) of human dignity. Thus, human person and human dignity are inseparable.¹²⁴⁰ Therefore, the better one understands human person the better one understands human dignity.¹²⁴¹

The nature of human person is four fold: First, it is rational (intelligence and freedom). Second, it is relational (two fold relatedness: to human persons, human community, and human relatedness to other beings; and for believers, their relatedness to God, who is the foundation and ultimate source of all relatedness and relations). Third, it is embodied (affirming the body-soul unity of human person – which also includes that they are sexually differentiated – that they live in time and space and relatedness to earth and cosmos). Therefore, fourth it is also responsible (for living and actualization of the above characteristics of the nature of human person). These four natures of the human person, namely, rational, relational, embodied and responsible, is what is endowed with intrinsic worth and inalienable dignity.¹²⁴²

A human being may be referred to as a “person” in three different ways. First, the word refers to the distinct, unique and incommunicable selfhood of the individual. Second, a person is as a subject of rights and duties and consequently an end and never a means. Third, a person is, as a consequence of consciousness and moral sense, one who is capable of meaningfully experiencing and influencing the environment. These three elements are important for understanding human dignity. In contemporary discussions on human rights and of the dignity on which they are based, the concept of “person” is anthropocentric. That is, the human being is understood as the independent, autonomous subject whose independence must be safeguarded from all violations.¹²⁴³ Moreover, the “rationalism of Enlightenment placed this autonomous subject at the center of a world that had been stripped of mystery and in which God was at best a somewhat benign if distant observer of the human scene.”¹²⁴⁴

Later, Christian Personalism saw the extreme importance of promoting the dignity and freedom of the human person, especially in an age of unparalleled organization and socialization.¹²⁴⁵ Lobo writes, “There is need to respect absolutely every person for himself, regardless of sex, age, race, social status, wealth and usefulness. The worth of a human person cannot be gauged merely by his economic contribution or social usefulness.”¹²⁴⁶ However, in the Asian and Indian context this worth of the human person has been undermined. It is in this context that Lobo

¹²⁴⁰ Cf. SOOSAI, *Human Dignity and Human Rights*, *op. cit.*, 8-9.

¹²⁴¹ Cf. *ibid.*, 4.

¹²⁴² Cf. *ibid.*, 9.

¹²⁴³ Cf. DWYER, “Person, Dignity of...”, 724-725. Cf. THUMMA, “Human Person...”, 219-221.

¹²⁴⁴ DWYER, “Person, Dignity of...”, 725; THUMMA, “Human Person...”, 221.

¹²⁴⁵ Cf. LOBO, *Guide to Christian Living*..., 96.

¹²⁴⁶ *Ibid.*

expresses his deep concern with regard to some of the many evils that have been vehemently neglected by moral theologians, namely, “racial discrimination, castism, economic exploitation, cultural imperialism, subhuman living conditions, torture, disgraceful working conditions and bonded labour”. Perhaps, it is due to these evils that, “prostitution, murder, mutilation and abortion strike at the root of reverence for the human person”.¹²⁴⁷ Clement Campos, an Indian Moral Theologian, mentions that in addition to the above there is also gender discrimination, which is widespread in India. It is alarming to know about the selective abortion of the girl child and the falling birth rate of women. These issues have not been sufficiently addressed by theological ethicists. A few women activists and feminist theologians have taken up these issues.¹²⁴⁸

Because India is an unjustly divided country, it becomes structurally easy with regard to the issues of violation of human rights of the powerless and marginalized. In such circumstances, it is inadequate to have an ethical approach, which is based on the dignity of the human person that is merely individualistic. The reason is that such an approach can be easily exploited to the advantage of the elite or the dominant class.¹²⁴⁹ John Chathanatt, an Indian Moral Theologian, speaking about the experience of dignity and relationality through solidarity and fellow feeling, brings out clearly what is expected in this situation. He writes:

One ought to reject the liberal, individualistic, asocial representation of the human person and instead embrace his or her fundamental socio-relational character. We are creatures who require community in order to become what God has intended us to be. Thus interdependence is the condition within which the dignity and sacredness of the human person is either honoured or abused.¹²⁵⁰

Therefore, another approach suggested by an Indian Theologian, Felix Wilfred,¹²⁵¹ would be of importance to note here. According to him, some Asian countries have distanced themselves from the common standard of human rights adopted by the United Nations in 1948, because of the alleged difference of Asian values. “Wilfred argues that the modern understanding of human rights was based on the theory of natural law and an appeal to reason. An Asian approach would be more spiritual in the sense of a movement away from the world of the self toward the world of the other.”¹²⁵² The suffering of the other provokes such a movement. It is similar to what Gandhi in his life underlined as important, namely, *ahimsā*, which is not inflicting suffering on others (in other words, it could be translated as a non-violation of human rights).¹²⁵³

¹²⁴⁷ *Ibid.*

¹²⁴⁸ Cf. Clement CAMPOS, “Doing Christian Ethics in India’s World of Cultural Complexity and Social Inequality”, in: James F. KEENAN (ed.), *Catholic Theological Ethics in the World Church. The Plenary Papers from the First Cross-cultural Conference on Catholic Theological Ethics*, Continuum, New York and London 2007, 82-90; 86.

¹²⁴⁹ Cf. CAMPOS, “Doing Christian Ethics in India’s ...”, 87.

¹²⁵⁰ John CHATHANATT, “An Ethical Analysis of Globalization from an Indian Perspective”, in: Linda HOGAN (ed.), *Applied Ethics in a World Church. The Padua Conference*, Orbis Books, Maryknoll, New York 2008, 21-31; 26.

¹²⁵¹ Wilfred was a member and Executive Secretary of the Theological Commission of FABC (1987-1997), consultant to the Doctrinal Commission of the CBCI, member of the International Association of Mission Studies, Hamburg, Germany.

¹²⁵² CAMPOS, “Doing Christian Ethics in India’s ...”, 88.

¹²⁵³ Cf. *ibid.* For a detailed study on Gandhi’s *ahimsā*, see Chapter 17.4.1.2 below.

Moreover, Wilfred also implies that a different anthropology from the perspective of the victims is necessary. The anthropology that Wilfred suggests is that:

[...] human beings are defined not simply in terms of reason; human beings are compassionate beings. In this anthropological perspective, human rights are expressions of the compassion for the sufferings of the poor. Human suffering and compassion offer the anthropological and spiritual key to interpret human rights of the poor.¹²⁵⁴

Underlying the different anthropological perspective that Wilfred is suggesting above, there is the compassion that overflows in the care of the poor and the sick. This in turn is to be seen as social justice. One owes to Christianity that has fostered the change in emphasis on this social aspect of justice. Lobo therefore reminds us that, “it is Christianity above all that has brought to light the inherent dignity of the human person made in the image of God and called to sonship of God in Christ.”¹²⁵⁵ This recognition is a matter of justice because justice is a necessary expression of love. Further, the recognition of the human person as having an inalienable autonomy and therefore, rendering service to which one has the right as a human being, flows out of genuine love arising out of a deep sense of justice.¹²⁵⁶ Although human reason alone can grasp the concept that the human person is endowed with inviolable values, “Christianity makes people more sensitive to these values and brings out their full depth by the revelation of the sonship of God to which man is called in Christ.”¹²⁵⁷ Thus, one can see that the idea of being sensitive, which Lobo is mentioning here, corresponds to Wilfred’s idea of the anthropology from the perspective of the victims, especially in showing compassion for the sufferings of the poor, interpreted as human rights of the weak.

Comparison between Moral Theological Perspectives in Germany and India

The contemporary understanding of the person by Indian counterpart is seen in three different ways, namely, as a distinct, unique and incommunicable selfhood of the individual; as a subject of rights and duties and as a consequence of consciousness and moral sense. German Moral Theology also deals with first and the third characteristics of a person, namely, distinctiveness, uniqueness, incommunicability and as a conscious and moral being. However, the concept of person as a subject of rights is not described in German Moral Theology.

Moreover, from what has been explored above, it can be said that the contemporary problems facing moral theology in both India and Germany seem to be identical with regard to the issue on the concept of person, particularly to issues related to the beginning of life. While German Moral Theologians answers this question from a normative framework of reference of the concept of person, the Indian counterpart does not do so. In Germany the arguments, especially in cases that deals with issues related to the beginning of life, find their support not just from a socio-psychological stance (which is insufficient), but both from a philosophical and theological perspective in a normative understanding of the concept of person. On the other hand, Indian Moral Theology brings out situations that are more practical.

¹²⁵⁴ Felix WILFRED, “Asia and Human Rights in the Age of Globalization”, in: *Vaiharai* 5/1 (2000) 44-45.

¹²⁵⁵ LOBO, *Moral and Pastoral Questions...*, 238.

¹²⁵⁶ Cf. *ibid.*

¹²⁵⁷ *Ibid.*, 242.

From a theological ethical perspective, it was pointed out that it is inadequate to have an ethical approach, which is based on the dignity of the human person that is merely individualistic. It would be appropriate here to state what Wilfred had said, namely, that an Asian approach would be more spiritual as well as a different anthropological approach would be necessary from the perspective of the victims, which is both social and communitarian, with a preferential option for the rights of the powerless. In the context of the situation in India that was described above, such thoughtfulness would find a better place in theological-ethical discussions.

However, Indian Moral Theology has not answered the question of applying the principles of personhood to bioethical issues connected with beginning of life. On the other hand, German Moral Theology opens up the way for discussions in this field.

In addition, when compared to the German counterpart (Chapter 8.4), the problem with the Anglo-American bioethics of personhood, which emphasizes on the cognitive and volitive skills, has not been treated in Indian Moral Theology. Schockenhoff's argument, namely, the immense importance of the human being considered as the body-soul unity seems to be a fitting argument against such claims.¹²⁵⁸

12.4 CONCLUSION

The deliberation on the human person began with the consideration of his/her importance in the world. It is imperative to make the human person and his/her dignity as one of the universal key to moral interpretation. Why is the human person so unique?

Theologically seen, the human person is considered as a spiritual being and is not only self-existent reality and a bodily being, but seen in relation to God, the world and others. Every individual human person has a biography and one can define the human person as "embodied intelligent freedom". The concept of human person is correlative, in that one needs to consider the human person in a social relationship and as one who cannot bypass this relationship. The human person is also in relation with a Triune God. This creates a partnership between human persons and God and therefore one can describe the human person as an Absolute Mystery. Extending the idea to the *imago Dei*, one can see a three-fold relationship: with God, with the cosmos and with others. The Personalistic and Existentialist current of modern thoughts comes from the idea of the incarnational aspect of the Second Person of the Trinity, the Son of God.

From a theological ethical perspective, persons are respected and loved for their own sake and cannot be treated as a thing or instrumentalized. Human dignity is an indicative rather than an imperative because human dignity stands for the intrinsic and inalienable worth of human person. Thus, the concepts of human person and human dignity are inseparable.

The contemporary understanding of a person is seen as a distinct, unique and incommunicable selfhood of the individual; as a subject of rights and duties because of consciousness and moral sense. Christian Personalism promotes the dignity and freedom of the human person. In reality, in the Indian and Asian context human persons have not been treated likewise. An ethical approach in India based on the dignity of the human person that is merely individualistic is inadequate. An individualistic concept of person based on the theory of natural law and an appeal to reason does not serve the concept of person. Instead, the Asian approach would be

¹²⁵⁸ Cf. SCHOCKENHOFF, „Menschenwürde und Lebensschutz. Theologische...“, 468-470.

more spiritual and communitarian, which moves away from the world of the self toward the world of the other.

Having deliberated about the human person in whom human dignity is inherent, the next Chapter will examine the central theme of this dissertation, namely, human dignity and beginning of life issues.

CHAPTER 13

HUMAN DIGNITY AND BEGINNING OF LIFE ISSUES

13.1 INTRODUCTION

Thus far, the concept of human dignity in Bioethics and its various nuances and connotations from an Indian Moral Theological Perspective were dealt. It was seen that each of us are intrinsically valuable, that each of us have an intrinsic worth, that each of us have inherited the respect of life and that we are sacred by the fact of our being made in the image of God. These facts gear up to acknowledge our human dignity. Since human dignity is acknowledged of a human person, the concept was further examined. In this present Chapter, the intention is to take a closer look at the beginning of life issues and human dignity. In order to better clarify the issue at hand the question of the protection-worthiness of the human embryo will be first explored. Then an examination into the question of the human dignity of an embryo and its status will be carried out.

13.2 PROTECTION-WORTHINESS OF THE HUMAN EMBRYO AND THE RIGHT TO LIFE

As mentioned in Chapter 9.2 above, the protection worthiness and right to life of an embryo entails three different concepts, namely, the status, the personhood, and the human dignity of an embryo. In other words, a human embryo has to be protected because it is a human being, a human person and consequently, having human dignity. Thus, the question involves around the right to life of an embryo, especially in cases where a research is carried out on an embryo, or in which bioethical issues are concerned with the beginning of life.

The right to life of an embryo is basically a question of human right. Although, human rights are solemnly proclaimed, yet, the painful reality of violations of human rights and violence of every kind that contradicts these rights needs to be faced. Some of these violations have already been enumerated above (Chapter 12.1). These violations contradict the social mission of the Church in the area of human rights and deny the UDHR of the United Nations. In an unbalanced world divided between the powerful rich and the powerless poor, human rights of the latter are more easily violated than the former. One witnesses to this daily pattern of violation of human rights in India. Perhaps, one can also include here all violations of the unborn child, like abortion, experimentation on foetuses, embryonic stem cell research etc., for which India is gradually opening its arms. It is a matter of serious social concern for the mission of the Church. Often these violations happen in countries with democratic forms of government like India, which is a signatory to the UN charter of rights.¹²⁵⁹ It is in this context that it is important to speak even stronger with regard to the right of life of an embryo.

Deliberating on the issue of the moment of hominization, Lobo notes, “when there is probable presence of a human person, it would be wrong to destroy the human conceptus since it would amount to exposing oneself to homicide.”¹²⁶⁰ However, since Lobo held for delayed hominization – that is, about two weeks after fertilization, or before nidation – he was also of the opinion that expulsion of the zygote before nidation “would be more than contraception”

¹²⁵⁹ Cf. SOOSAI, *Human Dignity and Human Rights* ..., *op. cit.*, 15.

¹²⁶⁰ LOBO, *Current Problems*..., 108. See also SRAMPICKAL, “Abortion and its Evil...”, 244 at fn.9.

but does not seem to “incur the malice of abortion”.¹²⁶¹ Hence, he strongly held that: “Once hominization has taken place, *no artificial line can be drawn in the moral judgment concerning the termination of life of a born and an unborn child.*”¹²⁶²

Thus, according to Lobo, it is after hominization (after two weeks) that one can speak of an embryo as a human person. It is thereafter that an embryo would be qualified in a similar manner as a born individual and therefore, worthy of right to life. This argument seems to suggest that before two weeks, either abortion or experimentation on an embryo would not amount to violation of human rights.

However, although Lobo held for delayed hominization and did not acknowledge that an embryo is a human person, yet he strongly held the right of the unborn to life and said that personhood does not depend on the stage of development of human life or on any other accidental quality. “Respect for life demands that it be respected in its weaker forms.”¹²⁶³ Srampickal further reiterates the respect and protection of an embryo. In his article on abortion, while commenting on *Gaudium et Spes* – which says that ‘human person is the only creature on earth that God has willed for itself’ (GS 24,3) and *Catechism of the Catholic Church (CCC)* 1703¹²⁶⁴, which repeats the phrase –, he remarks that:

It means man is an end in himself. Man has an intrinsic worth and value that comes not from his being useful for something or someone else, but from what he is by his make up; from his personal nature and destiny endowed on him by God. Human dignity is not the largesse of any other human being, group, system or state. It is therefore to be respected, protected and promoted and no human being may be made use of or sacrificed for the sake of someone or something.¹²⁶⁵

From the above acknowledgement, Srampickal concludes, “A fundamental right flowing from this dignity is the right to life of every human being, without discrimination, because everyone is a living embodiment of the divine image, deserving respect, love and care.”¹²⁶⁶

The above statement is in accord with what was already acknowledged, namely, that from human dignity proceeds the right to life and thereby protection.

Comparison between Moral Theological Perspectives in Germany and India

At the very beginning, German Moral Theology uses the argument from *Grundgesetz* Art. 1,1 and 2,2 as a high level protection of the human embryo, because wherever there is human life, there is human dignity (see Chapter 9.2). Indian Moral Theology does not use any parallel argument from the *Constitution of India*. However, it does mention about the social mission of the Church and the UDHR being violated in the area of human rights. Although India is a signatory to the UN charter of rights, innumerable violations take place in India. Such atrocities

¹²⁶¹ Cf. LOBO, *Current Problems...*, 110.

¹²⁶² *Ibid.* Emphasis in original.

¹²⁶³ *Ibid.*, 111.

¹²⁶⁴ *Catechism of the Catholic Church. Revised Edition with amendments following the publication of the Editio Typica, containing extended subject index and the Reader's Guide to Themes*, Libreria Editrice Vaticana, English translation for United Kingdom, Burns & Oates, London 2006, 384.

¹²⁶⁵ Cf. SRAMPICKAL, “Abortion and its Evil...”, 221. Srampickal acknowledges in his fn.8 to this passage that the view of man expressed in the passage above “may appear to be too rosy and optimistic; however, we are not unaware of the flaws, failures, sins and tragedies of man; but they do not deprive him of his essential dignity.” *Ibid.*, 243 at fn.8.

¹²⁶⁶ *Ibid.*, 221.

are hardly heard in Germany. Nevertheless, an objection to using the principle of human dignity to beginning of life issues is common to both countries.

It was observed that in Germany, philosophers like Quante, who bases himself on another philosopher Siep, object to the use of the principle of human dignity in Bioethical discourse. According to Quante, in debates involving the discourse on human dignity actually stops all arguments abruptly. For him, the concept of human dignity alone does not suffice to answer questions in the field of bioethics. There are no such objections raised among Indian Moral Theologians.

According to Hilpert, what is very essential is a proper understanding of the concept of person. It was reiterated that the respect for human dignity is but a basic orientation and insofar as embryos originate from human beings and have the possibility of developing into an individual human person, they are not mere matter and consequently deserve respect. Practical solutions that render respect and human dignity to an embryo were also suggested.

In Indian Moral Theology, it was noted that according to Podimattam, the concept of personhood is not as important as human individuality and humanity of an embryo. Similarly, Lobo, who held for delayed animation, was also of the opinion that personhood began at a later stage and therefore, in the earlier stages, one cannot make a moral judgment. It can be made only at a later stage after hominization has taken place. Srampickal derives the fundamental principle of the use of human dignity that can be extended to include an embryo too. He uses the Church documents to support his argument (cf. CCC 1703 quoted above).

13.3 THE STATUS OF AN EMBRYO AND HUMAN DIGNITY

The question regarding the human dignity of an embryo is a complicated issue. From a metaphysical point of view it is difficult to defend regarding the question that revolves around the position which holds that an embryo after fertilization and before implantation is human and has its 'unique genetic individuality' but not yet a 'human individual or a human person'. Metaphysically one has to answer several difficult questions such as, what is the status of such entity before implantation?¹²⁶⁷ Does this entity have an ontological identity? Does it maintain its existential or operational unity? What predications can be made of the growing embryo and whether these predications are attributed to the same embryo or to separate beings? A meaningful answer to these questions requires a distinction between ontological reality and physiological reality.¹²⁶⁸

However, the question remains, from when on did one begin to have human dignity? Is it from the beginning of life? Was human dignity vested upon us from the moment he/she began his/her life as an embryo, or has one inherited human dignity? In other words, each of us is a human physical organism. This physical organism came into being at conception. Does it mean an embryo, which is a physical organism, is also a human individual? Is this human individual a person? Does this human person have human dignity? This is the challenge that one is faced with and it is difficult to answer the question. Ultimately, the matter of human personhood of an embryo has several implications, such as whether it possesses inestimable value, whether it

¹²⁶⁷ Cf. *ibid.*, 229. Srampickal notes here that as a substance grows, it does not become more of its kind but matures according to its kind. See *ibid.*, 244, at fn. 20.

¹²⁶⁸ Cf. *ibid.*, 229.

is a subject of fundamental right to life.¹²⁶⁹ Thus, the status of an embryo and its human dignity are closely related to the question of ensoulment. Nevertheless, in spite of scientific progress, the moment of hominization is still a cause of disagreement among experts. Therefore, the question of ensoulment was discussed (Chapter 5). As previously mentioned, both the positions, of immediate hominization and delayed hominization is debatable in the light of present day scientific observations and findings. In this intricate situation, what is at stake is the human dignity of an embryo. Additionally, it becomes ever more challenging to establish the fact. Depending on the theory one holds for, the status of an embryo is determined, and consequently its human dignity. The conclusion in Chapter 5 was that the time of ensoulment does not play an important role when compared to the role of right to life and human dignity of an embryo right from the moment of its conception.

However, several difficult questions need to be answered here. For example, what is the status of an embryo? What is the ontological identity of an embryo? Does it maintain its existential or operational unity? To which being (same or separate) does one attribute the predications one makes about the growing embryo?¹²⁷⁰ The discussions that follow will highlight the answer to these questions from an Indian Moral Theological perspective.

As mentioned above, Srampickal argues that to give meaningful answers to the above questions require a distinction between ontological reality and physiological reality. In other words, a distinction between ontological entity and its physiological manifestations and realizations is necessary. Until such a distinction can be made, “nobody can say with authority and certainty that a human being has no rights in the first 2 weeks of its life and it has them after 2 weeks!”¹²⁷¹ There are some scientists and even some nations, (like Korea in the Asian context, and their Bioethics and Safety Act [BSA]¹²⁷²), which consider the human embryo as a simple lump of cells and therefore have taken an open position on the research carried on it. Therefore, it is important to see how the right to life of an embryo is bound with the issue of the beginning of life. BSA law contradicts the position of the Catholic Church that considers a human embryo as whole human being. In no way should the human embryos be degraded as a simple object but it should be considered as a subject. The BSA law is trying to destroy human dignity by degrading an embryo as a biological material under the pretext of improvement of quality of life. The consideration of human embryo as a lump of cells and not a life, intends to bypass ethical problems right at the root.¹²⁷³

¹²⁶⁹ Cf. Eustace J. DE SOUZA, “Individuation as a Problem for Early Personhood”, in: *Bulletin of Indian Federation of Medical Guild*, 18/2 (1993) 2-3; 2. Eustace J. De Souza, is the executive Director of FBMEC, Biomedical Ethics Centre, Bombay.

¹²⁷⁰ Cf. SRAMPICKAL, “Abortion and its Evil...”, 229.

¹²⁷¹ *Ibid.*

¹²⁷² The South Korean Government is relatively permissive on various forms of stem cell research from embryonic stem cells, Somatic Cell Nuclear Transfer (SCNT), induced Pluripotent Stem cells (iPS) generation and adult stem cells. In the year 2005, the Government enacted the Bioethics and Safety Act (BSA). This Act aims to enhance the health of human beings and the quality of human life. This is done by creating conditions that allow for the development of life sciences and biotechnologies that can be used to prevent or cure human diseases. In addition, the act aims to protect human dignity and to prevent harm to human beings. It ensures that these life sciences and biotechnologies are developed safely and in accordance with the principles of bioethics. The new act became effective on December 6, 2008. Cf. Kyu W. JUNG, “Regulation of Human Stem Cell Research in South Korea”, in: *Stem Cell Reviews & Reports* 6/3 (2010) 340-344.

¹²⁷³ Cf. DONG-IK LEE, “‘Quality of life’...”, 58.

Dong-Ik Lee, in a footnote to these statements (No.18), quotes the stand of the Catholic Church expressed in the statement published by the Vatican Life Academy in 2000 regarding the above problem, which says:

1. On the basis of a complete biological analysis, the living human embryo is - from the moment of the union of the gametes – *a human subject* with a well-defined identity, which from that point begins its own *coordinated, continuous and gradual development*, such that at no later stage can it be considered as a simple mass of cells.
2. From this it follows that as a “*human individual*” it has the *right* to its own life; and therefore every intervention which is not in favour of the embryo is an act which violates that right. Moral theology has always taught that in the case of “*jus certum tertii*” the system of probabilism does not apply.¹²⁷⁴

Besides, discarding the empirical data, philosophy and theology alone cannot simply decide on this issue. What is needed is an integral approach, enlightened by scientific findings, philosophical reflection and at the same time based on theological anthropology. Such an approach will help us to appreciate the dignity and value of the human person while taking a corresponding stand with regard to an embryo.¹²⁷⁵ Yet it is important to recognize that the issue with regard to treating the human embryo is primarily *moral*, not philosophical.¹²⁷⁶

Therefore, in the following sections, the status of an embryo will be examined from the point of view of its individuality and personhood. In this context, whether they are worthy of human dignity will be analyzed.

13.3.1 An Embryo as an Individual

Scientific evidences concerning an embryo have limitations. Moreover, science cannot make a qualitative judgment about an embryo that can pass from non-human to human life. Therefore, the only moment that can be determined as assigning a beginning to human life is fertilization.¹²⁷⁷ However, biological sciences do help us better understand human life. Regardless of its developmental stage, biologically speaking, every living being is assigned to only one species, which is genetically determined. When one designates the status “human” to an embryo, it means, “Its [a living being’s] designation [to a species] is determined not by the stage of development, but by the sum total of its biological characteristics – actual and potential – which are genetically determined. However, if we say it [the fetus] is not human, i.e., a member of *Homo sapiens*, we must say it is of another species. But this cannot be.”¹²⁷⁸

¹²⁷⁴ Pontifical Academy for Life, “Declaration on the Production and the Scientific and Therapeutic Use of Human Embryonic Stem Cells”, tr. into English from the original Italian text, in: *L'Osservatore Romano*, Friday, 25 August 2000, Vatican City 2000, 6. Emphasis in original. Cf. Dong-Ik Lee, “‘Quality of life’...”, 58 and fn.18 at 64.

¹²⁷⁵ Cf. SRAMPICKAL, “The Catholic View of Human Life...”, 96.

¹²⁷⁶ Cf. BUECHE, “Destroying Human Embryos...”, 92.

¹²⁷⁷ Cf. Ronald M. NARDONE, “The nexus of biology and the abortion issue”, in: *The Jurist* 33/2 (1973) 153-161. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1388.

¹²⁷⁸ NARDONE, “The nexus of biology ...”, 154. Emphasis in original. Additions by author. See also UNITED STATES CONFERENCE OF CATHOLIC BISHOPS: SECRETARIAT FOR PRO-LIFE ACTIVITIES, *Testimony of United States Catholic Conference on Constitutional Amendment Protecting Unborn Human Life before the Sub-Committee on Constitutional Amendments of the Senate Committee on the Judiciary*, United States Conference of Catholic Bishops, Washington D.C., March 7, 1974.

Podimattam clarifies that although the sperm and the ovum, prior to fertilization obviously belong to those from whom they come, yet, “once conception occurs, a cell exists which cannot be identified with either parent, and so the new individual begins with conception.”¹²⁷⁹ Therefore, biologically speaking from the moment of fertilization a human individual exists. Srampickal uses three types of argument, namely biological, genetic and development argument, to establish that an embryo is a human being. According to him, an offspring produced by the union of human parents must also be naturally a human being. According to biological laws, it cannot be anything else (biological argument).¹²⁸⁰ The zygote is a human being because it carries the genetic pattern, which is programmed for human development. In addition, what is developing is a unique human being who will never be produced again.¹²⁸¹ The genes within control the zygote’s operation, growth and development. Therefore, the zygote is the future child and adult in miniature. What is lacking is its further development (genetic argument). Once the zygote is formed, its growth now depends on its interaction with the environment while it develops by virtue of its own inner dynamism and goal orientation. During the stages of the development of an embryo one does not notice any significant change that would persuade one to say that it is this event or this point that definitely makes an embryo truly human. Therefore, if the developing embryo, which is organic, continuous and autonomous, is human at any stage, then it follows that from the beginning of life it is a human being (development argument).¹²⁸² Thus, it is to be noted that a human embryo is a human individual from the beginning of life and is a human being.

Pazhayampallil gives further evidence about the developing embryo. He refers to the Conference of Australian Catholic Bishops, which on 13 June 1980 in a statement on Abortion declared:

Through new techniques of colour photography, in both still and moving pictures many have seen for themselves the development of the new, separate human individual soon after conception. They have seen its own separate response to stimuli of light, and of pain and discomfort. Thanks to other remarkable techniques, many people have heard for themselves a recording of the unborn child’s separate heartbeat, and so come to a new realization that a separate human being is living and growing in the womb.¹²⁸³

It is true that during the early stages of development, an embryo or foetus does not look like a human being. However, the genus and species of a being are determined not by its appearance at any given stage of development, but by its genetic inheritance and make-up. The embryonic human being belongs to the same human race as the mature man or woman although they are in different stages of development.¹²⁸⁴

There are also opinions held that the zygote before the implantation in the womb should not be classified as a human being because its status is not certain. This kind of reasoning has difficulty because it begs the question. When one questions why the status of zygote is not certain, the

¹²⁷⁹ PODIMATTAM, *Medical Ethics (Vol. 4)*..., 31-32.

¹²⁸⁰ SRAMPICKAL, “The Catholic View of Human Life...”, 93.

¹²⁸¹ Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1385.

¹²⁸² SRAMPICKAL, “The Catholic View of Human Life...”, 93.

¹²⁸³ CONFERENCE OF AUSTRALIAN CATHOLIC BISHOPS, Statement on Abortion, in: *OR*, Weekly Edition in English, 7 July 1980, 20. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1386.

¹²⁸⁴ Cf. George KUYKENDALL, “Thinking about Abortion”, in: *Cross Currents* 27 (1977-1978) 403-416; 404. Cf. PAZHAYAMPALLIL, *Pastoral Guide*..., 1387.

reply is because it is not human.¹²⁸⁵ The concern whether an embryo is a human being or not, according to Dietrich Bonhoeffer, A German Lutheran Theologian, is merely to confuse the issue. God certainly intended to create a human life and one needs to take this at face value.¹²⁸⁶ Podimattam, who also shares this view, says that to raise the question whether an embryo is a human being or not is merely to confuse the issue.¹²⁸⁷

13.3.2 An Embryo as a Human Person

Having seen that an embryo is a human individual and a human being, the question remains whether it qualifies as a human person. In the following sections the arguments for and against the proposition will be analyzed, namely whether an embryo is a human person.

13.3.2.1 The Arguments that an Embryo is not a Human Person

Many contemporary, prominent authors in bioethical circles distinguish sharply between a human being and being a human person. According to these authors, an entity can claim to be regarded as a person only when it has developed at least certain incipient exercisable cognitive capacities or abilities, some minimally self-conscious rational acts, etc. Those who represent this type of anthropology in its various forms highlighting one or other aspect of consciousness are Locke, Peter Strawson, Michael Tooley, Singer, Daniel Maguire Ronald Green and Fletcher.¹²⁸⁸

For example, American Philosopher Tooley argued that in order to be a person, an entity must have self-consciousness.¹²⁸⁹ Similarly, American Philosopher Mary Anne Warren argued that in order to be a person, an entity must have not only consciousness, but also reasoning, self-motivated activity, the capacity to communicate an indefinite variety of types of messages, and the presence of self-concepts and self-awareness.¹²⁹⁰ Since the human embryos have none of these mental functions, they concluded that a human embryo is not a person.

In defending the argument that the conceived foetus does not have the reasoning as that of a grownup child, Podimattam says that the very dynamics of the human brain exists at conception. In this connection, he makes a distinction between “being” and “having”. He says:

¹²⁸⁵ Cf. James M. HUMBER, “Questions on Abortion”, in: *Petrus*, April 1978, 15. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1390.

¹²⁸⁶ Cf. Augustine REGAN, “Abortion - The Moral Aspect”, in: *StMor* 10 (1972) 127-217; 217. PAZHAYAMPALLIL, *Pastoral Guide...*, 1396.

¹²⁸⁷ Cf. PODIMATTAM, *Medical Ethics (Vol. 4)...*, 28.

¹²⁸⁸ Cf. GONSALVES, *How did I begin?...*, 56. Cf. MAY, “Foreword”, in: *Bioethical Issues and the Family...*, vii-xv; x. The references to the authors they make are: LOCKE, *Essay Concerning Human ...*, Book II, Chapter 27, Paragraphs 6-8, 9 and 26, P.F. STRAWSON, *Individuals, and an Essay in Descriptive Metaphysics*, University Paperbacks, London, Methuen 1959, 101-102, Michael TOOLEY, *Abortion and Infanticide*, Oxford University Press, New York 1983, Peter SINGER, *Rethinking Life and Death. The Collapse of Our Traditional Ethics*, St. Martin’s Press, New York 1994, Daniel MAGUIRE, *Death by Choice*, Doubleday, New York 1974, Daniel MAGUIRE, *Sacred Choices. The Rights to Contraception and Abortion in Ten World Religions*, Fortress Press, Philadelphia 2001, Ronald GREEN, *The Human Embryo Research Debates. Bioethics in the Vortex of Controversy*, Oxford University Press, New York 2001, Joseph FLETCHER, *Morals and Medicine*, Princeton University Press, Princeton 1954, 1979 and Joseph FLETCHER, *Moral Responsibility. Situation Ethics at Work*, Westminster Press, Philadelphia 1967.

¹²⁸⁹ Cf. TOOLEY, *Abortion and Infanticide*, *op. cit.*

¹²⁹⁰ Cf. Mary Anne WARREN, “On the Moral and Legal Status of Abortion”, in: *The Monist* 57 (1973) 43-61; 57.

The *being* of the human brain is actually present in the zygote, though the child in that stage of life does not *have* a brain. The animal zygote does not develop a human brain because the *being* of the human brain is not present in the animal zygote. Thus, the human is qualitatively different (different in the kind of *being* that is) from the animal zygote. The capacity for reasoning actually exists at conception, and may even be implicitly operative, though it becomes explicitly operative only several years after birth. No such capacity actually exists in the animal zygote.¹²⁹¹

The critical question is whether the embryonic life is personal. According to Podimattam, it is partly a question of semantics to define a human person. One can take the recourse to arguments and prove that embryo is not a human person and one can define it in another way and still prove that it is. However, one cannot speak of an embryo in the early stages as a human person in the way one means by the concept of person. This argument is similar to the one that was stated above, namely, from Tooley and Warren. Podimattam says, "It is [embryo] not self-conscious, rational, self-consciously related to others, capable of making decisions, etc."¹²⁹² Podimattam emphatically states that to ask a question whether a foetus is a person is a bad question. He says that such a question is pernicious when it implies that if the foetus is not a person, it has no claims to reverence. Such claims pose a threat not only to foetuses but also to infants. "For if personhood and distinctive affective, imaginative, intellectual activities thereof are foundation of respect for fetal and infant life, fetuses and infants are in trouble."¹²⁹³

When the above criteria of personhood are applied to an embryo, it becomes clear that it is not a person. What conclusion follows from that? Is the growing embryo a mere tissue or a negligible material growth? Could one treat it as with a flower by plucking it off for no reasons?¹²⁹⁴ "Is the question of personhood, in other words, ethically decisive? The question: 'Is the fetus a person?' in our context implies this. It is then a bad question."¹²⁹⁵

Although by way of correction, Podimattam agrees that the fetus is not a person in terms of the above criteria, yet it does not answer the question about whether it is moral to abort it. Therefore, he concludes:

The conceptus from the very beginning is a human reality. From the first moment of its existence it is in a process toward personhood. And from the first moment, too, it is a miracle deserving of an awe-filled reverence. In a situation of value conflict, there may be a proportionate reason to terminate fetal life, but not because fetal life is valueless or worthless. Rather, it is valuable but not so absolutely valuable that no other value could ever outweigh it in the unavoidable and sometimes tragic calculus of ethics. But in the calculus, the determinative issue is not personhood or non-personhood. The fetus, from its beginnings, is a human development, a human being.¹²⁹⁶

Podimattam also raises the question whether personhood should be the sound basis for human rights. His answer is in the negative. He substantiates his arguments in the following manner. Overstating the importance of personhood could underestimate the constant, which is *humanity*. Humanity is the most fundamental attribute in the order of being although it may not be in the

¹²⁹¹ PODIMATTAM, *Medical Ethics* (Vol. 4)..., 34. Emphasis by author.

¹²⁹² *Ibid.*, 35. Addition by author.

¹²⁹³ *Ibid.*, 35.

¹²⁹⁴ Cf. *ibid.*

¹²⁹⁵ *Ibid.*

¹²⁹⁶ *Ibid.*, 35-36.

order of time. All other attributes presupposes humanity, without which one cannot conceive of soul, mind or personhood. By the mere fact of the fusion of the human ovum and sperm, a new human being is involved and it cannot be other than human species. Unless an untoward event intervenes, the fertilized ovum will automatically develop and possess its own on-going existence. Now that a new human being has arrived – given the fact that it is of human origin and consequently because of humanity –, it is endowed with the attendant rights of humanity along with others. This means that it is a possessor of the right to life; irrespective of whether the soul or the personhood has arrived, and the claim to right to life cannot be altered.¹²⁹⁷

Through the above arguments, Podimattam is perhaps of the opinion that an embryo is first a human individual and therefore worthy of being included under humanity. For him, humanity precedes human personhood. According to him, humanity is necessary to qualify for human right and not human personhood. However, it was already discussed that in order to qualify for human rights, human dignity has to be acknowledged. Human dignity precedes human rights and it is because one possesses inherent human dignity that one becomes the subject of rights, namely human rights (see Chapter 4.3). Therefore, it is to be stated here that the argument of Podimattam, namely, that human personhood is not the sound basis for human rights seems to be contradictory.

Thus, Podimattam is of the opinion that the foetus is a human being. The question regarding its personhood is not determinative. In other words, when it comes to the question of abortion, the criteria of personhood cannot be applied because it is a human being from its beginning. Therefore, according to Podimattam, an embryo is a human being but not a human person. It was also noted that Podimattam argues in favour of the capacity for reasoning, which actually exists at conception. However, according to him, it is not rational. Who is one in whom the capacity for reasoning exists and still not rational? Is an embryo then not a human person? Here too, Podimattam seems to be contradicting his earlier statements.

Podimattam further explains that in comparison to other cell cultures and other organs that are artificially maintained, one important and critical attribute of embryos and foetuses is that (unless they are aborted) they will almost certainly grow into human persons. This moral status can only be attributed to human persons and to no other cell cultures and organs that may be kept alive outside. While embryos and foetuses deserve to be treated as human beings, other cell cultures and organs outside the living body do not.¹²⁹⁸

Podimattam further argues against those who hold for a functional definition of a potential person that can exist at conception. For them a person is conceivable only when he or she actually functions as one. Podimattam says that the human zygote has all the capacities to function as a person, which in turn indicates the real presence of a person. Those who argue from the functional definition of a person may deny that a human person exists at the time of conception. However, they cannot argue convincingly that a human person does not exist.¹²⁹⁹ Through this argument, Podimattam is proving that a human zygote is a human person. However, he seems to be contradicting what he already affirmed that an embryo is not a person.

¹²⁹⁷ Cf. *ibid.*, 36-37.

¹²⁹⁸ Cf. *ibid.*, 37.

¹²⁹⁹ Cf. *ibid.*

In order to substantiate the presence of a person in a fertilized ovum, Podimattam gives an example of an acorn, from the viewpoint of a botanist. He says that an acorn has the potential to become an oak tree. For a botanist a fertilized acorn is a potential oak tree. Although the trunk, roots, branches and leaves may not be expressed at this stage, still the dynamic being of an oak tree is present in the acorn. Eventually when the tree is fully developed, these parts are expressions or internal revelation of its original being that was already and actually present in the fertilized acorn.¹³⁰⁰ Podimattam intends perhaps to say that in the case of the human fertilized ovum, there is the potency already present that indicates personhood.

It appears that Podimattam has brought in various opinions with regard to individual, human, human being, human person, humanity, personhood, etc. without consistently holding that from the moment of conception an embryo is a human individual and a human person. On the one hand, he says that owing to the fact that these attributes are present in an embryo, one cannot deny the right and the protection that is due to it. On the other hand, when he seems to favour delayed animation – that is, ensoulment until two weeks after fertilization – he seems to support abortion (in desperate cases) because it would not amount to abortion in the moral sense.¹³⁰¹

It is also noteworthy to take into consideration Lobo's views. According to him, the fertilized ovum is a distinct genotype, i.e., having a unique genetic code. The innate dynamism of the blastocyst – the descent to uterus from the fallopian tube, its further development, the implantation in the uterus – suggests the presence of a marvellous principle of life, developing into a human child. With regard to the quality of the foetus, the consensus among experts can be summarized in the words of a Californian biophysicist Thomas L. Hayes:

The foetus is not an appendage or organ of the mother, but rather a separate organism; it can be identified as belonging biologically to the human race. It contains all of the growth information that, during development, will interact with its environment to produce the complete human organism; the differences between the foetus shortly before birth and the infant shortly after birth are not biologically of basic significance; no point in the development exists where the biological form and function of the body are suddenly added.¹³⁰²

Lobo's opinion is that the above conclusion does not necessarily mean that there is actually a human person right from the beginning, while, it seems, "almost to provide moral certainty that during the first few days, the conceptus is not yet an actual human person".¹³⁰³

John Britto, an Indian scientist, cites the example of Margaret Farley, an American Ethicist, who seems to postulate a liberal view that the moral status of an embryo is not that of a person

¹³⁰⁰ Cf. *ibid.*

¹³⁰¹ Cf. *ibid.*, 49.

¹³⁰² Thomas L. HAYES, "Abortion I. A Biological View", in: *Commonweal* 85/23 (1967) 677-679; 677. Cf. LOBO, *Current Problems...*, 107-108.

¹³⁰³ *Ibid.*, 107-108. Many modern authors in the bioethical circle do not acknowledge the presence of the human person in an embryo. See Lisa Sowle CAHILL, "The Embryo and the Fetus. New Moral Contexts," *TS* 54 (1993) 124-142. Here Lisa Sowle Cahill, an American Ethicist, points to authors who are of the same opinion as hers: C. GROBSTEIN, *Science and the Unborn. op. cit.*, FORD, *When Did I Begin? op. cit.*, MCCORMICK, "Who or What is the Preembryo?..." 1-15, SHANNON/WOLTER, "Reflections on the Moral Status of the Pre-Embryo...", 603-626, and, Carlos A. BEDATE/Robert C. CEFALO, "The Zygote: To Be or Not To Be a Person," in *Journal of Medicine and Philosophy* 14 (1989) 641-645.

and its use for certain kinds of research can be justified.¹³⁰⁴ Others, like American lawyer John A. Robertson, strongly adhere to a developmental view of personhood and deny moral value to fetuses and embryos,¹³⁰⁵ while Gene Outka, an American Philosopher and Ethicist, holds that an embryo is a form of human life, and therefore deserves some respect.¹³⁰⁶

13.3.2.2 *The Arguments that an Embryo is a Human Person*

Referring to William Bueche, an American Moral Theologian, Pazhayampallil holds that human life that began at the time of fertilization is a human being by the very fact of its existence as a human zygote. Since every human being is a person, it also has a personal worth. This worthiness does not depend on the fact whether there is actualization of the capacities or faculties that are ordinarily associated with the self-actualization and self-actualizing human being.¹³⁰⁷ Bueche poses then an intriguing question: “If we ask: When is a human person not a human being?, the answer is: never. If we ask the converse: When is a human being not a person? I think the answer is the same: never.”¹³⁰⁸

The argument of Bueche is that the self-actualization, although not recognizable in an embryo, is however, self-evident. He gives an example from the past when whole races of people who were seen as savages were not recognized as persons. The difficulty lay in not recognizing the essential human being-ness, human personhood and human dignity of these races. So also, similar problem still exists today with regard to an embryo of not being recognized of their human being-ness, human personhood and human dignity. Although morphologically an embryo appears so different from the human species, it is a member of that species. Motivation against the recognition has not always been disinterested or impartial.¹³⁰⁹

It was already mentioned that some authors locate the beginning of personhood at various stages of the development of an embryo-foetus. Arguing against them, Bueche argues that such authors have:

[...] all fallen into the same fundamental error. They have settled on a physical model that doesn't do justice to the deeper underlying reality of biological life. The deeper reality is inherent in the life-principle itself. The life-principle is not inherent in the brain, which

¹³⁰⁴ To quote the words of Farley: “A growing number of Catholic moral theologians, for example, do not consider the human embryo in its earliest stages (prior to the development of the primitive streak or to implantation) to constitute an individualized human entity with the settled inherent potential to become a human person. The moral status of the embryo is, therefore (in this view), not that of a person, and its use for certain kinds of research can be justified. (Because it is, however, a form of human life, it is due some respect—for example, it should not be bought or sold.) [...] I myself stand with the case *for* embryonic stem cell research [...]”. See Margaret FARLEY, “Roman Catholic Views on Research Involving Human Embryonic Stem Cells”, in: *Ethical Issues in Human Stem Cell Research, Vol. 3, Religious Perspectives*, National Bioethics Advisory Commission, Rockville, Maryland 2000, D1-D5, at D4. Cf. S. John BRITTO, “Stem Cell Research and Applications. An Ethical Perspective”, in: JULIAN/MYNATTY (ed.), *Catholic Contributions to Bioethics...*, 195-217; 210.

¹³⁰⁵ Cf. John A. ROBERTSON, “Ethics of Stem Cell Research”, in: *Kennedy Institute of Ethics Journal* 9/2 (1999) 109-136. Cf. BRITTO, “Stem Cell Research...”, 210-211.

¹³⁰⁶ Cf. Gene OUTKA, “Ethics of Human Stem Cell Research”, in: Brent WATERS/Ronald COLE-TURNER (ed.), *God and the Embryo. Religious Voices on Stem Cells and Cloning*, Georgetown University Press, Washington D.C. 2003, 29-66. Cf. BRITTO, “Stem Cell Research...”, 210-211.

¹³⁰⁷ Cf. BUECHE, “Destroying Human Embryos...”, 89. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1381.

¹³⁰⁸ BUECHE, “Destroying Human Embryos...”, 89. Bueche refers here to *DVI*, I, which puts the same question rhetorically: “[...] how could a human individual not be a human person?” Cf. *DV*, *op. cit.*, 14.

¹³⁰⁹ Cf. BUECHE, “Destroying Human Embryos...”, 89-90. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1381-1382.

eventually takes over the complex co-ordination and control of the developed and developing systems of the living self-actualizing organism. Nor is it inherent in the differentiation of the cells and the loss of totipotentiality. It is in the DNA – the human genome – the genetic code – which not only exists prior to all these stages, but is the active and activating principle which is responsible for the continuity, the coordination, the gradually increasing complexity, the unity, and the individuality of the organism.¹³¹⁰ The development of the human person requires continual differentiation and complexification. But these, in turn require the unchanging, individual genetic code. What is the *one aspect* of the human being that remains *unchanged* throughout his/her life – a period of continuing, successive differentiation and development? It is the human genome.¹³¹¹

Bueche eventually acknowledges what the CDF morally affirms regarding the status of an embryo in *DVI*, 1. He says:

The document *attributes* personhood to the human embryo from the moment of fertilization. Therefore, it affirms that from the moment of conception: 1) we must *attribute* to the human embryo the *unconditional respect* due to each human being; 2) we must *treat* the human being (and an embryo, perforce) as a person; and 3) we must *recognize* an embryo's rights as a person, the foremost of which is the inviolable right of every human being to life.¹³¹²

Pazhayampallil says that the question regarding the constitution of a human person is not left entirely to the biological sciences to make a definitive judgment, but it is one of a philosophical and moral question.¹³¹³ "Personhood is a quality which belongs inherently to the human being. It is given with human nature. At every stage of life, from beginning to end, whatever the condition, an individual human being is a person."¹³¹⁴ However, acknowledging the role of biological science in this regard, which cannot be bypassed, Pazhayampallil cites Ratzinger who evaluates the role of science that provides a valuable indication in this direction:

Certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul; nevertheless, the conclusions of science regarding 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? Regarding this question, if the Magisterium has not expressed itself in a binding way by a philosophical affirmation, it has still taught constantly that from the first moment of its existence, as the product of human generation, the embryo must be guaranteed the unconditional respect which is morally due to a human being in his spiritual and bodily totality.¹³¹⁵

¹³¹⁰ BUECHE, "Destroying Human Embryos ...", 100. Bueche, here in a footnote, gives the citation of THE CENTRE FOR BIOETHICS OF THE CATHOLIC UNIVERSITY OF THE SACRED HEART, "Identity and status of the human embryo", *Medicina e Morale*, Supplement to n. 4, Rome 22 June 1989, 15-26. This article deals with a more comprehensive philosophical treatment of the biological and genetic characteristics, which argue in favour of the identity, and individuality of the early human embryo as a basis for attributing personhood to it.

¹³¹¹ BUECHE, "Destroying Human Embryos ...", 100. Emphasis in original. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1382. The footnote reference to the above direct quotation is missing in Pazhayampallil.

¹³¹² BUECHE, "Destroying Human Embryos...", 109. Emphasis in original. Bueche is referring to *DVI*, 1, *op. cit.*, 13-14. Cf. PAZHAYAMPALLIL, *Pastoral Guide...*, 1383.

¹³¹³ Cf. *ibid.*, 1394.

¹³¹⁴ *Ibid.*

¹³¹⁵ Joseph RATZINGER, "The Problem of threats to human life", in: *OR*, Weekly Edition in English, 8 April 1991, 3. This was an address to the Extraordinary Consistory of Cardinals, from April 4-7, 1991, Vatican City, discussing the challenges faced by today's war on life, the reasons for the logic of death and some possible responses. It is interesting to note that this consistory became a key preparatory moment for the preparation of the Encyclical Letter *Evangelium Vitae*.

Thus, according to Ratzinger, an embryo is worthy of an unconditional respect from its first moment of existence. In agreement, the then Indian Theologian Gali Bali and now Bishop of Guntur and Chairman of the Commission for Ecumenism and Dialogue of the CBCI, reiterated, "Discussion on whether a human person emerges at the moment of conception or somewhat later are within the scope of theological (and scientific and philosophical) freedom, provided respect for all human life from its inception is enjoined."¹³¹⁶ Bali thus respects theological freedom that discusses whether an embryo has to be regarded as a human person or not. However, ultimately, this freedom should also respect human life from its beginning.

As mentioned earlier, the awarding of a status to an embryo or regarding it as a human person pertains strictly to the field of philosophy and theology, while at the same time relying on the contribution of scientific research. Legislation, on the other hand, makes sure from what is derived from their outcome is implemented. Therefore, one can still say, "The status of the human embryo and its dignity and rights under the law should be determined by the human life it undoubtedly has from the beginning."¹³¹⁷

Hence, in the present discussion about the status and personhood of an embryo, an integrated approach was necessary to emphasize the role played by theology, philosophy and science. In the last analysis, it can be said that the life of an embryo is a form of individual human life. It is an individual of the human species based on its parental properties. It has an autonomy of its own that proceeds towards maturity. An embryo like an adult; reveals the inbuilt self-constructive, self-maintaining capacity, which comes from within. Hence, it is definitely a living individual of the human species. Therefore, the quality of the human life begun as an embryo can be compared to that of an adult. From its inception onwards the human embryo is also a person.

Comparison between Moral Theological Perspectives in Germany and India

It is to be noted that although this section has been titled as "The Status of an Embryo and Human Dignity", Indian Moral Theologians have not adequately argued for the concept of human dignity of an embryo. They have deliberated on establishing the fact that an embryo is in fact a human individual, a human being and a human person. These arguments may point out to the fact that an embryo is worthy of absolute respect and dignity. However, German Moral Theologians have taken a clear stance in not only establishing that an embryo is an individual, a human being and a human person, but also through the arguments of SPIC, they have convincingly argued for the dignity of an embryo. Although, the SPIC argument as such is not named as in German Moral Theology, Indian Moral Theologians have incorporated these arguments in dealing with the issue of status and personhood of an embryo. However, what lacks there is also the conclusion that an embryo is worthy of dignity. The SPIC argument makes this point amply clear.

¹³¹⁶ It was during his presentation of a paper at the Hong Kong Meeting of the Doctrinal Commissions of Asia, March 1983 that he made the above statement. See Gali BALI, "The Problems of Asia of a Theological and Moral Nature", in: *Papers Presented at the Hong Kong Meeting of the Doctrinal Commissions of Asia, March 1993*, The Commission for Clergy and Religious (Doctrinal Committee), CBCI Centre, New Delhi 1993, 20-36.

¹³¹⁷ PAZHAYAMPALLIL, *Pastoral Guide...*, 1395.

In the following paragraphs, the SCIP argument is compared, which upholds the dignity of an embryo from the moment of conception, proposed by the German Moral Theologians:

The Species Affiliation Argument (see Chapter 9.3.1): In comparison to the Indian Moral Theological thinking (see Chapter 13.3), it is in some ways similar to that of Schockenhoff's argument. For example, the belongingness to the human species makes an embryo worthy of human dignity. What is interesting in the arguments of Schockenhoff is that he makes use of Kant's assertion of the human person as a subject of morality and therefore worthy of human dignity. Schockenhoff's reiteration of the practical consensus of European ethics that all human beings are worthy of human dignity based solely on his/her membership in the biological species, which also includes embryos, is something new to the Indian thinking. His use of Tutorism, although with reservations, is a significant intervention. Likewise, Schockenhoff's argument (also Mieth's) referring back to Aristotle regarding an embryo not being a potential person, but a person by all means is noteworthy.

The Continuity Argument (see Chapter 9.3.2 above): When a comparison with the continuity argument of German Moral theology is made with the Indian Moral thinking, there are some similarities. While the German Moral Theologians use the term "continuity argument", the Indian Moral Theologians use the "development argument". By that they mean that the developing embryo is organic, continuous and autonomous (see Chapter 13.3.1 above) and from the moment of conception *a human subject* with a well-defined identity begins its own *coordinated, continuous and gradual development*, such that at no later stage can it be considered as a simple mass of cells (see Chapter 13.3 above). Although, the Indian counterpart acknowledges this continuous process of growth, one does not find a philosophical basis for such argument. However, among the German Moral Theologians we can find a philosophical basis for such arguments. While the weakness of Singer, Hoerster and others lies in the fact that they concentrate only on the personhood of an embryo¹³¹⁸, the German philosophical and theological thinking brings in the aspect of human dignity into dialogue, alongside the personhood concept and its dignity, and argue that the growing embryo is worthy of protection.

The Identity Argument (see Chapter 9.3.3): When one compares the arguments given there about the identity of an embryo with the Indian Moral Theological thinking, there are once again similarities. For example, the concept of identity and individuality of an embryo (see Chapter 13.3.1, 13.3.2 and 13.3.2.2) are similar to the German Theological Perspective.

The Potentiality Argument (see Chapter 9.3.4): When a comparison with the potentiality argument of German Moral Theology is made with the Indian counterpart, once again certain similarities can be noticed. For example, it was already stressed about the fact that an embryo in the womb is not a potential human being but a human being in potency. Schockenhoff had made a distinction between passive potency and active potency. He would argue that the meaning is distorted only when the weak significance of a passive potency is highlighted. Although Podimattam does not agree that an embryo is a person from the moment of conception, yet he is of the opinion (see Chapter 13.3.2.1) that the human zygote has all the capacities to function as a person, which in turn indicates the real presence of a person.¹³¹⁹

¹³¹⁸ Cf. KAUFMANN, „*Contra Kontinuumsargument...*“; 84.

¹³¹⁹ Cf. PODIMATTAM, *Medical Ethics (Vol. 4)*..., 37.

13.4 CONCLUSION

From human dignity proceeds the right to life and thereby protection. The status of an embryo plays an important role in Bioethics with regard to the question whether an embryo is worthy of protection or whether it is worthy of human dignity. The status of an embryo ultimately depends on the question whether an embryo is a person. Some Moral Theologians do not accept that an embryo is a human person. Nevertheless, they also held that personhood does not depend on the stage of development of human life or on any other accidental quality. Respect for life and right to life is to be extended to all life in its weakest forms.

In order to give a meaningful answer to the questions regarding personhood, and consequently human dignity, requires a distinction between ontological reality and physiological reality. Until such a distinction can be made, no one can with authority deny right to life of an embryo. Besides, what is essential is an integral approach, which is backed up by scientific findings, philosophical reflection and a solidly based theological anthropology. An approach such as this will help appreciate the dignity and value of the human person, especially an embryo.

The fact that an embryo is a human individual follows from three arguments, namely, biological, genetic and developmental. Based on these arguments a human embryo is a human being and a human individual from the beginning of its existence.

The question remains whether a human embryo is also a human person. There are arguments for and against accepting an embryo as a person. The main argument against the proposition is that an embryo lacks cognitive abilities, some minimally self-conscious rational acts, self-awareness, etc. The counter-argument is that irrespective of whether an embryo has already a soul or the personhood, it is still a possessor of the right to life. Thus, those who argue against the personhood of an embryo would still hold that an embryo, being a form of human life, deserves some respect.

Those who argue for the personhood of an embryo would say that human life begun at fertilization, points to the reality that it is a human being. Since every human being is a person and cannot be something else, an embryo too is a person worthy of protection. This worthiness does not depend on the fact whether there is self-actualization or functional capabilities. Theological freedom that discusses whether an embryo is a human person or not is an open question. However, ultimately, this freedom should also respect human life from its beginning. Although, the Indian Moral Theologians do not argue logically from a SCIP point of view, yet their arguments when dealing with the individuality and personhood of an embryo carries some of the hints towards a SCIP argument.

PART III

Conclusion

In this Part III, in Chapter 10, the exploration of the Indian Catholic Moral Theological Perspective on human dignity in the field of Bioethics was carried out. It was noted that Indian Moral Theology has not emphasized the concept of human dignity in an elaborate way, as do the German Moral Theologians. A philosophical and anthropological foundation finds a greater emphasis among the German Moral Theologians. Although, this is lacking in the Indian Moral Theological perspective, yet there is always an acknowledgement of the importance of human dignity in various fields and especially in the field of bioethics. It was mentioned in Part II that the concept of human dignity, according to the German Moral Theologians, has a normative role to play in the field of Bioethics. For example, Reiter analyses the more recent and currently debatable questions on Cloning, Stem-cell Research, Stem-Cell import, Pre-implantation diagnosis and Euthanasia from the normative principle of human dignity.¹³²⁰ However, in the writings of the Indian Moral Theologians the normative foundation of human dignity is not fully analysed. Nevertheless, Indian Moral Theology does make an appeal to human dignity as a universal key to moral interpretation. This appeal however, is not something that is derived from within an indigenous Indian moral perspective, but borrowed from the Anglo-Saxon world.

Second, the arguments on the Indian side, in order to take a stand on behalf of human dignity, especially with regard to religious involvement in ethical-legal order, are hardly noticeable. It was observed that German Moral Theologians, often in the field of Bioethics, besides other arguments, take a legal recourse, namely, to the *Grundgesetz*. This is something that is wanting in Indian Moral Theology. They use neither the provisions (which refers to human dignity) found in the Preamble to the Indian Constitution¹³²¹, nor to the right to life provided in the Constitution proper in Moral Theological discussions.¹³²² Nevertheless, in secular fields, especially in cases of suicide and euthanasia, appeals to human rights and human dignity have been raised.

From a theological point of view, there are some aspects that are highlighted by German Moral Theologians, which does not find place in Indian Moral Theologians thinking. So too there are some other aspects, which Indian Moral Theologians have discussed, but not examined by German Moral Theologians. However, what is common to both the perspectives is the use of the concept of image of God. It finds a repetitive and constant use in Indian Moral Theology whenever there is a reference to human dignity.

Another interesting factor is the concept of sanctity of life. Indian Moral Theology has given an over-emphasis on this concept. It also equates the value, worth, the sacredness of life – all of these concepts being enshrined as sanctity of life and equated sometimes to human dignity.

¹³²⁰ See REITER, „Die Menschenwürde und ihre Relevanz ...“, 138-145.

¹³²¹ *The Constitution of India: as amended by The Tamil Nadu Legislative Council Act 2010 (16 of 2010)*, ed. by Parvinrai Mulwantrai BAKSHI/Subash C. KASHYAP, Universal Law Publishing Co. Pvt. Ltd., Delhi 2011. The Preamble to the Constitution reads, “[...] assuring the dignity of the individual”. *Ibid.*, 1.

¹³²² *The Constitution of India Part II: Fundamental Rights: Article 21* states: “No person shall be deprived of his life or personal liberty except according to the procedure established by law.” See *The Constitution of India...*, 46. The Preamble and Article 21 of the Constitution of India will be taken in the next Part IV, Chapter 18.4.

On the other hand, again interestingly, the discussion on the sanctity of life finds no longer an essential discussion in German Moral Theology.

In Chapter 11, the role of the Indian Church was discussed in the field of human dignity and especially in the field of Bioethics. It was seen that the value of human life, dignity, inviolability, significance of human life, etc. are all major and current issues in the life of the Church in India. However, it was noted that the role of the Catholic Church in the field of human rights has been rather wanting and more so in the field of Bioethics. The only document that deals directly with the issue of Bioethics is the Pastoral Letter on Abortion. However, in this document there is neither a mention nor an argument from the point of view of human dignity that is at stake in direct and intentional abortion. Perhaps, in the Church's discussion, other important views find a better place. Just to name a few, such as poverty, atrocities against women, atrocities in the name of religion, violations against human rights, etc. Although India is a secular, democratic republic and is known for a country where religious tolerance was well accepted, yet the situation today is grim. In this regard, unlike German Bishop Conference, who have brought out valuable documents in this regard, the CBCI has not made efforts to bridge the gap between the secular and the religious in the issuance of any documents in this field.

The Concept of Person from an Indian Perspective formed the content of Chapter 12. Although it is acknowledged that the human person is of supreme importance, yet the situation, as described above, gives one the impression that the human person has been taken for granted. From a philosophical perspective, the human person has been defined based on certain criteria. In this regard, however, Indian Moral Theologians have not taken the views of contemporary philosophers into consideration, as do the German Moral Theologians, such as Spaemann or Habermas.

In Germany, the theological concept, especially just after the period of war, proved to be extremely helpful to all the people in bringing a unifying expression in a pluralistic society.¹³²³ Such efforts in the field of Bioethics seem to be lacking in Indian Moral Theology. However, in general, one can say that the contribution of Christian thinking in this area has been given more importance than in bringing a dialogical or unifying effort.

It was observed that an individualistic approach can be easily exploited to the advantage of the elite or the dominant class. The common standard of human rights adopted by the United Nations does not seem to solve the issue. This is because of the alleged difference of Asian values. Therefore, a different approach suggested by Wilfred seems to be an answer to this problem.

The final Chapter 13 dealt with the discussions about the beginning of life issues and human dignity. Issues such as the question of the protection-worthiness of the human embryo and its status formed the content of this Chapter. With regard to the status of an embryo, the individuality and personhood of an embryo was analyzed. It was pointed out that the SCIP argument, which is used in German Moral Theology, is not used in its logical form and totality or even named as such in Indian Moral Theology. In German Moral Theology it can be acknowledged that the tying together of the SCIP argument is something very significant to them. It must however be acknowledged that these arguments find its place in Indian Moral

¹³²³ Cf. SCHLÖGEL, „Zum Menschenwürdeargument ...“, 91.

Theology integrated when dealing with the issue of the status of an embryo. Moreover, from the part of the German Moral Theology, the SCIP arguments, the biological and embryological findings along with the image of God concept, form an integrative solid argument that an embryo beginning from its existence, is a human person, worthy of protection and human dignity. This integrated approach is not found in Indian Moral Theology.

In all the deliberation in this research, both the sides of the coin were analyzed. In other words, the arguments for and against the proposition that an embryo is inherently endowed with human dignity from the beginning of life were examined. To lend the words of Chamakala: “In the Christian understanding, all human beings are equal in dignity and equal in their right to life and every person has a God-given right to be born with dignity and to live with dignity.”¹³²⁴ Here one can extend the phrase “all human beings” to include embryos.

In conclusion, it can perhaps be said that although the results reached may be the same, the emphasis and perspectives of approach are different in both the moral thinking of Germany and India. The approaches, as such, are not contradictory but are complementary to the understanding of human dignity, especially from the beginning of life.

In this research, it was observed that there is a function and responsibility of moralists to uphold the dignity of human beings especially in its weaker forms such as an embryo. Chamakala reiterates this aspect, namely, “the important function of moralists is to facilitate authentic human life by protecting human dignity and preserving basic human values, and to promote the welfare of the persons involved and of the entire humanity”.¹³²⁵ Besides, Indian Moral Theologians like Lobo and Campos have pointed out that there is a great challenge as well as a need to develop a contextualized “moral theology that is truly Indian, authentically human, and socially liberative”.¹³²⁶ The realization of these words is still a long way to go in India. With this impetus in the background, the next Part IV will be an attempt at dialogue with Hinduism on the perspectives on human dignity, especially pertaining to beginning of life issues. How does Hinduism deal with the question about human life, human person and human dignity? Do these concepts exist in Hinduism? Do they play a role in the protection-worthiness of an embryo and its right to life? Does Hinduism have the same respect to human life from its very beginning? Can we find parallel arguments and issues in Hinduism similar to Catholic Moral Theology within the field of Bioethics, regarding these questions? Does Hinduism treat the human being as an image of God? Can we find strands of arguments within these two religions that can give us a universal answer to the question of human dignity of an embryo? These are some of the questions that will be treated in the next Part IV. The purpose of the research will be to identify grounds where a dialogue is possible. The hope is that it will open up a new way of looking at the topic of discussion.

¹³²⁴ CHAMAKALA “Assisted Reproductive Technologies...”, 262. See also IDEM, “John Paul II, the Promoter of Human life”, in: *Indian Journal of Family Studies* 4/1 (2006) 37-56; 54.

¹³²⁵ IDEM “Assisted Reproductive Technologies...”, 248. See also IDEM, *The Sanctity of Life...*, 215.

¹³²⁶ Cf. CAMPOS, “Doing Christian Ethics in India’s ...”, 90.

PART IV

Human Dignity from the Beginning of Life: An Attempt at a Dialogue with Hinduism

At the outset, it would be good to clarify what has motivated this research to attempt at a dialogue with Hinduism. Four reasons can be enumerated.

First, owing to their presence in a pluralistic society, German Moral Theology makes ample use of the legal forum as well as philosophical arguments with regard to the question of human dignity that appeal to all, especially in order to address people of all nationalities, religions and cultures as well as believers and non-believers. Therefore, this Part IV is an analogous attempt at a dialogue in trying to find certain common grounds with the largest religion in India, namely Hinduism. Although there are a few examples, in general, as said in the conclusion to Part III, this effort is something that is lacking in Indian Moral Theology.

Second, it is assumed that a dialogue with Hinduism be seen from an ecumenical movement perspective. The word “ecumenical” has various meanings. The modern meaning of the word is what refers to the relations and the unity between two or more Churches or between Christians of different denominations. The word “movement” means that which combines the ideas of tension, need, quest, dynamic trust, and also receptivity, obedience, acquiescence in the impulse that directs us and in the goal which draws us on. “So the phrase «ecumenical movement» denotes an immense activity undertaken by every Christian communion, which by means of dialogue, co-operation, integration, and individual and institutional union, aims at drawing Christians together and reconciling them, healing their damaged traditions, and, in short, bringing the mystical Body of Christ to its perfect fulfilment.”¹³²⁷ Nevertheless, the word “ecumenism” and its derivatives are used nowadays not only with regard to the unity among Christians, but also in an extended way to the people of other faiths,¹³²⁸ which is “an effort of Christianity towards the unity of humankind”.¹³²⁹

Third, owing to its restriction and narrow understanding of ecumenism, a better term would be “inter-religious dialogue”.¹³³⁰ In this sense one can speak of an ecumenical dialogue, which is a part of the Church’s service as *communio* in its readiness for a dialogue, which encompasses

¹³²⁷ Bernard LAMBERT, *Ecumenism Theology and History*, tr. by Lancelot C. SHEPHERD, Herder and Herder, New York 1967, 29-30.

¹³²⁸ “The word is sometimes used in a still larger meaning, indicating any effort toward unity among religions or within the world.” See Jos E. VERCRUYSE, “Ecumenism” in René LATOURELLE/Rino FISICHELLA (ed.), *Dictionary of Fundamental Theology*, St. Pauls, Slough, U. K. 1994, 259-267; 259. Cf. Ulrike BECHMAN (u.a.), „Ökumene: Praktisch-theologisch“, in: *LThK* 7/3 (Sd. Ausg. 2009) 1017-1028., 1027.

¹³²⁹ „[...] das Bemühen der Christenheit um die Einheit der Menschheit.“ Aloys KLEIN (u.a.), „Ökumene: Begriff“, in: *LThK* 7/3 (Sd. Ausg. 2009) 1017-1028., 1017. Tr. by author.

¹³³⁰ Horst BÜRKLE, „Dialog der Religionen“, in: *LThK* 3/3 (Sd. Ausg. 2009) 196-197, 197. One can distinguish four types of dialogue, which together are necessary and complementary. They are “Dialogue of life” (Neighbourly coexistence, sharing of joys and sorrows, problems and hardships with each other), “Dialogue of action” (cooperation for the development and liberation of people), “Dialogue of theological exchange” (deepening of understanding, estimate mutual values) and “Dialogue of religious experience” (spiritual wealth from one’s own religious roots). Cf. *ibid.* Cf. Karla POLLMANN/Gavin D’COSTA/Hendrik M. VROOM/Dietz LANGE/Peter NEUNER/Volker KÜSTER/Hans-Gebhard BETHGE, „Dialog“, in: Hans Dieter BETZ/DON S. BROWNING/Bernd JANOWSKI/Eberhard JÜNGEL (Hg.), *Religion in Geschichte und Gegenwart. Handwörterbuch für Theologie und Religionswissenschaft*, Bd. 2, Mohr Siebeck, Tübingen 1999⁴, 815-822.

all levels including inner (within the Christian Churches), with the “World”, the ideologies of the world and religions.¹³³¹

It is in the wider sense that a dialogue with Hinduism, especially a “Dialogue of theological exchange” and “Dialogue of religious experience” is attempted. Since inter-religious dialogue strives for a dialogue as well as other noble activities, an approach to achieve this end will be fostered.

The impetus given by the Catholic Church towards ecumenism and dialogue is clear from the following texts. The Second Vatican Council in its Declaration on the Relationship of the Church to Non-Christian Religions (*Nostra Aetate*) establishes certain principles that govern the Church’s attitude and relation to other religions in general. *Nostra Aetate* 2 clarifies the stand:

The Catholic Church rejects nothing which is true and holy in these religions. She looks with sincere respect upon those ways of conduct and of life, those rules and teachings which, though differing in many particulars from what she holds and sets forth, nevertheless often reflect a ray of that Truth which enlightens all men.¹³³²

Obviously, the Church’s approach to other religions in the above statement is one of openness to dialogue, a quest after the Truth in finding out what is “true and holy” in other religions, in order to establish a common ground.¹³³³

Fourth, the Second Vatican Council in its Decree on the Church’s Missionary Activity (*Ad Gentes*), encourages Christians to “be familiar with their national and religious traditions, gladly and reverently laying bare the seeds of the Word which lie hidden in them” (*Ad Gentes* 11). In this endeavor to search for the Truth or holiness in other religions, enlightened and purified through the kindly workings of Divine Providence, one is assured by the Catholic Church that it “may sometimes serve as a guidance course toward the true God, or as a *preparation for the Gospel*” (*Ad Gentes* 3; emphasis by author).¹³³⁴

Therefore, it is with this spirit of searching for the Truth that this Part IV engages itself. In addition, as Gandhi suggests, a sympathetic approach is also necessary for an attempt at dialogue with other religions. This is made clear in the following account. Eli Stanley Jones, a 20th century Methodist Christian missionary and theologian, who met Mahatma Gandhi, asked him:

“How can we make Christianity naturalized in India, not a foreign thing, identified with a foreign government and a foreign people, but a part of the national life of India and contributing its power to India’s uplift? What would you, as one of the Hindu leaders of India, tell me, a Christian, to do in order to make this possible?”

He [Gandhi] responded with great clarity and directness: “First, I would suggest that all of you Christians, missionaries and all, must begin to live more like Jesus Christ. Second, practice your religion without adulterating it or toning it down. Third, emphasize love and make it your working force, for love is central in Christianity. Fourth, study the non-Christian

¹³³¹ Wolfgang BEINERT, „Dialog, Dialogik: Ökumenisch“, in: *LThK* 3/3 (Sd. Ausg. 2009) 191-197, 194.

¹³³² THE SECOND VATICAN COUNCIL, “Declaration on the Relationship of the Church to Non-Christian Religions. *Nostra Aetate*”, in: Walter M. ABBOT (ed.), *The Documents of Vatican II...*, 660-668; 661. Cf. Martin GANERI, “Catholicism and Hinduism”, in: Gavin D’COSTA (ed.), *The Catholic Church and the World Religions. A Theological and Phenomenological Account*, T&T Clark International, New York 2011, 106-140; 123.

¹³³³ Cf. GANERI, “Catholicism and Hinduism...”, 123.

¹³³⁴ Cf. *ibid.*, 124

religions more sympathetically to find the good that is within them, in order to have a more sympathetic approach to the people.”¹³³⁵

Hence, based on these impulses, a sympathetic approach at dialogue with Hinduism from a philosophical and theological understanding of the concept of human dignity will be attempted. All the same, an indigenous study on the concept of human dignity from an Indian Perspective is no small venture. Considering India as a part of the Asian continent, one is confronted with the situation in which three elements dominate the Asian landscape, namely, religious plurality, cultural diversity, and dehumanizing poverty.¹³³⁶ Asia is said to be the seat or the cradle of the great religions of the world such as Hinduism, Buddhism, Judaism, and Islam. It is also noteworthy that Asia is the birthplace of other religious traditions such as Taoism, Confucianism, Zoroastrianism, Jainism, Sikhism, Shintoism, etc., besides multitudes of Tribal Traditions. Most of these religions are soteriological in character. They offer interpretations of the Absolute, the universe, the human person and his/her existential situation, the concepts of which sometimes conflict with one another. It is in this religious context that the Church in Asia is challenged – leave alone other contrasting differences that exist among peoples, cultures, and the circumstances and details of life – and still lives and bears witness to Jesus Christ.¹³³⁷

Given the scope of this work, to deliberate into the whole reality of Asia is a mountainous task. The research will restrict itself to India, which is one part of South Asia and is a subcontinent in itself with a population over a billion. India is also the birthplace of some of the great religions of the world. It has given birth to newer religions too. Although Hinduism is the predominant religion with over an 800 million, “India is also the second biggest Muslim country in the world, the current count of Indian Muslims being 120 million. Christians number 25 million and Sikhs 18 million, each bigger than the total population of several countries. Nearly 80 per cent of the world’s Zoroastrians live in India.”¹³³⁸ There are also “the pre- and non-Aryan peoples – the Dravidians, scheduled castes and scheduled tribes – who together constitute nearly 50 per cent of the population of India”.¹³³⁹

With regard to the cultural diversity, there are twenty-two officially recognized languages in the country.¹³⁴⁰ Although “Rich in religion and culture, highly advanced in science and

¹³³⁵ E. Stanley JONES, *Mahatma Gandhi. An Interpretation*, Abingdon-Cokesbury Press, New York Nashville 1948, 51-52. Addition by author. Cf. Jose THACHIL, “Attitudes and Practice – Gandhian Ethics as a Model”, in: *Jeev* 32/192 (2002) 490-498; 495-496. Jose Thachil is an Indian Philosopher.

¹³³⁶ Cf. CAMPOS, “Doing Christian Ethics in India’s...”, 82.

¹³³⁷ Cf. SYNOD OF Bishops, “Special Assembly for Asia. Jesus Christ the Saviour and His Mission of Love and Service in Asia: “[...] That they may have Life and have it abundantly” (Jn 10: 10) *Instrumentum Laboris*”, in: *L’Osservatore Romano*, Weekly Edition in English, Special Insert, 25 February 1988, No.7.

¹³³⁸ T. K. OOMMEN, “Futures India: society, nation-state, civilization”, in: *Futures* 36/8 (2004) 745-755; 750. See also IDEM, *State and Society in India. Studies in Nation Building*, Sage Publications, New Delhi 1990, 126. At the census 2001, at the national level, of 1028 million population, 828 million (80.5%) have returned their religion as Hindus, followed by 138 million (13.4%) as Muslims, 24 million (2.3%) as Christians, 19 million (1.9%) as Sikh religion, 8 million (0.80%) are Buddhists and 4.2 million (0.4%) are Jains. In addition, over 6 million belong to “Other Religions and Persuasions” including tribal religions, which are not part of the six main religions mentioned. See Jayanth Kumar BHANTIA, *The First Report on Religion Data*, REGISTRAR GENERAL & CENSUS COMMISSIONER, New Delhi 2004, xvii.

¹³³⁹ T. K. OOMMEN, “Conceptualising Nation and Nationality in South Asia”, in: S. L. SHARMA/T. K. OOMMEN (ed.), *Nation and National Identity in South Asia*, Orient Longman Private Limited, New Delhi 2002², 3.

¹³⁴⁰ Cf. K. M. MATHEW (ed.), *Manorama Yearbook 2006*, Malayala Manorama Press Kottayam 2006, 507.

technology”, yet “India is also a country with massive poverty, large-scale illiteracy, and a dehumanizing caste system.”¹³⁴¹

Given this large cultural diversity, the challenge is thus set forth in an endeavour in this research, namely, “to try to weave the various strands of wisdom from these religions and little traditions together with the insights of Christian theology into a comprehensive moral discourse”.¹³⁴² In this context, one can raise a question as to what type of ethical approach one needs to take in order to attempt at a dialogue with other religions. The guidance given by Lobo could be helpful. In his own words:

Christians should not hesitate to accept the possibility that some non-Christians might have developed some deeper moral insights. If natural morality is knowable through human reason, there is no reason why non-Christians may not at times have a clear vision in some areas, the strengthening grace of the Holy Spirit being available also to them. Besides, today, if the precept of universal brotherhood is accepted, at least in principle, by all, the Christian must see in it the fulfillment of the aspirations of every man as well as a victory of the Gospel that has acted as leaven all these centuries.¹³⁴³

Therefore, it is important in the discourse on human dignity to have a wider understanding between the ethical systems of different religions. “For a Christian who realizes the universality of the Gospel message, there should be no question of opposing Christian ethics, say, to Hindu ethics.”¹³⁴⁴ When Thomas could express the Gospel message in Aristotelian terms, so also a similar possibility of expressing in Hindu terms exists. This is crucial now because one needs to “be liberated from a Western problematic which is also becoming increasingly difficult”.¹³⁴⁵ As Lobo rightly acknowledged: “Christians would be impoverishing their lives if they were satisfied with a certain philosophical ethic derived only from human wisdom. They would deprive the non-Christian of the rich insights concerning man and his vocation which their faith offers them.”¹³⁴⁶

Hence, motivated by the above inspirations, the approach would be one of a search for the riches that are found in other religions. In pursuing this cause, given the magnitude and diversity of religions in India, only one major religion of India will be handled in this Part IV, namely, Hinduism and their understanding of human dignity as well as their application of the concept to the beginning of life.

In order to better clarify the approach in this work, Part IV is divided into five Chapters. Chapter 14 will deal with the basic notions from a classical Hindu Perspective. The following Chapter 15 will deal once again from a classical Hindu perspective with the bioethical and the beginning of life issues. Chapter 16 will engage in the theological system in Hinduism, namely, the *Vedānta* System. Contemporary Hinduism and Human Dignity will be taken up in Chapter 17. In this Chapter, the concept of human dignity as understood by the Reformers and practiced by them ever since the Hindu Renaissance will be deliberated. The final Chapter 18 will dedicate

¹³⁴¹ CAMPOS, “Doing Christian Ethics in India’s...”, 82.

¹³⁴² *Ibid.*, 89.

¹³⁴³ LOBO, *Guide to Christian Living...*, 70.

¹³⁴⁴ *Ibid.*, 21.

¹³⁴⁵ Cf. *ibid.*, 22.

¹³⁴⁶ *Ibid.*, 67.

to questions pertaining to the contemporary praxis of Bioethics in India today. A separate section on the Indian Constitution will be considered there as an Excursus.

CHAPTER 14

CLASSICAL HINDU PERSPECTIVE I: BASIC NOTIONS

14.1 INTRODUCTION

The Second Vatican Council gave a basis for a Catholic approach to Hinduism in *Nostra Aetate* 2. It says:

Thus in Hinduism men contemplate the divine mystery and express it through an unspent fruitfulness of myths and through searching philosophical inquiry. They seek release from the anguish of our condition through ascetical practices or deep meditation or a loving, trusting flight toward God.

The above statement clearly points to certain aspects of Hinduism, which will be considered in this Chapter in order to derive the theme of the research on human dignity. These themes are: the pursuit of *mokṣa* ('release from the anguish of our condition'), the intellectual pursuit through traditions like *Vedānta* and *Yoga* ('through searching philosophical inquiry'), the devotional theism or *bhakti* ('a loving, trusting flight toward God') and the rich and diverse narrative traditions, which Hindus cherish ('an unspent fruitfulness of myths').¹³⁴⁷

In particular, while dealing with beginning of life issues and human dignity, the guidance given by *Nostra Aetate* 1, may be useful, namely:

What is man? What is the meaning and purpose of our life? [...]. What, finally, is that ultimate and unutterable mystery which engulfs our being, and whence we take our rise, and whither our journey leads us?

The questions raised above pertain to the human being and his/her quest to find out from his/her own religion for answers to the fundamental questions facing human life. In this Chapter, answers given by Hinduism to these universal human questions will be attempted. Consequently, the way Hinduism understands the concept of human dignity will be interpreted.¹³⁴⁸

At the outset, one must acknowledge that one cannot find the concept of human dignity in Hinduism because the concept "human" does not exist. Moreover, the concept "human being" would have no specificity or moral significance because the term is not even recognized as a descriptive category.¹³⁴⁹ Therefore, the term "man", as is often used by Hindu writers to mean the human being, whether female or male will be used. In the absence of a clear concept of human dignity as in the West, an attempt would be to find out those variables, for example, worth, value, respect, etc., that are somewhat similar in their meaning with the concept of human dignity that could be helpful in a dialogue with Hinduism.

This Chapter on Classical Hindu Perspective will deal first with the sacred texts and philosophy in Hinduism. Topics like the concept of "man", "person", social ethics, rebirth and dignity will be handled in this Chapter. These clarifications will help deliberate in the next Chapter

¹³⁴⁷ Cf. GANERI, "Catholicism and Hinduism...", 123. Martin Ganeri, a promoter of Hindu-Christian dialogue, warns that the passage from *Nostra Aetate* 2 should be read in the wider context of the document along with other Conciliar documents regarding the teaching of the Church in its relationship with other religions. Cf. *ibid.*

¹³⁴⁸ Cf. *ibid.*

¹³⁴⁹ Cf. Jack DONNELLY, *Universal Human Rights in Theory and Practice*, Second Edition, Cornell University Press, Ithaca and London 2003, 91.

regarding the understanding of man and his/her beginning of life from a medical and philosophical perspective based on Ayurveda.

14.2 THE SACRED TEXTS AND PHILOSOPHY

Hinduism is known as “*Sanātana Dharma*”.¹³⁵⁰ It is said that Hinduism is more a philosophy than a religion because philosophy and religion are blend in one. Louis Renou, a French Indologist, aptly describes this in his book on Hinduism: “Philosophy in India involves men; it aims at practical results. Thus, it constitutes an approach toward religion or, better still, is an integral part of religion.”¹³⁵¹ This could be the reason why, “Hinduism knows no distinction between philosophy and religion.”¹³⁵² Since the classical Hindu view involves scriptures, religion and philosophy, the sacred Texts of Hindus will be dealt first.

14.2.1 The Sacred Texts

For the purposes of this research, the Sacred Texts, by which is meant the Sanskrit texts of the Hindus, ranging from 600 B.C.E. 600 C.E, will be dealt. The two most important texts are *śruti* and *smṛti*. *Śruti*¹³⁵³ means that which has been heard and communicated from the beginning. It represents the revealed canonical scriptures of the Hindus, comprising of the *Veda*.¹³⁵⁴

The *Veda* is divisible into three strata, namely, *Samhitās*, which are collections of hymns and formulas, the *Brāhmaṇas*, which are sacrificial texts, and *Āraṇyakas*, which are forest treatises

¹³⁵⁰ The Skt. words ‘sanātana’ means eternal and ‘dharma’, which is difficult to translate into English, means “the values of life that sustain”. Thus, “sanātana dharma” means “the religion based on the eternal sustaining values of life”. CENTRAL CHINMAYA MISSION TRUST, *Hinduism. That is Sanatana Dharma*, Central Chinmaya Mission Trust, Bombay 2007, 6.

¹³⁵¹ Louis RENOU (ed.), *Hinduism*, George Braziller, New York 1961, 40. German tr. from Louis RENOU, *Der Hinduismus*, aus dem Französischen übertragen von Siglinde Summerer und Gerda Kurz, Editio-Service, Genf 1972, 43. Cf. David MILLER, “The guru as the centre of sacredness”, in: *Studies in Religion/Sciences Religieuses* 6 (1977) 527-533; 527.

¹³⁵² Durga Das BASU, *The Essence of Hinduism*, Second Edition, Prentice-Hall of India, New Delhi 2002, 3. Cf. also Troy Wilson ORGAN, *Hinduism. Its Historical Development*, New York 1974, 11.

¹³⁵³ Skt. from the root *śru* means to hear, listen or attend to anything, give ear to anyone. Cf. Monier MONIER-WILLIAMS, *Sanskrit-English Dictionary. Etymologically and Philologically Arranged with Special Reference to Cognate Indo-European languages*, Clarendon Press, Oxford 1960, 1100. Hereafter abbreviated as MWM.

¹³⁵⁴ The word *Veda* means wisdom and is related to the English ‘wit’ and the German ‘wissen’. Wisdom here means absolute, intuitive, and esoteric wisdom as distinguished from discursive knowledge, either rational or empirical. Cf. ORGAN, *Hinduism...*, 56. The word *Veda* in singular means the sacred knowledge and sacred wisdom contained in the revealed texts, which forms the primary authority in religious matters. In the plural it refers to the four *Vedas*: *Rg Veda* (verses used during sacrifices), *Sāma Veda* (comprising of chants or melodies), *Yajur Veda* (collection of sacrificial formulae), and finally *Atharva Veda* (collection of magical formulae). Cf. Mariasusai DHAVAMONY, *Classical Hinduism*, Documenta Missionalia 15, Università Gregoriana Editrice, Roma 1982, 5, at fn. 1. According to Mariasusai Dhavamony, a Professor of Theology and History of Religions at the Gregorian University and former consultant to the Pontifical Council for interreligious dialogue, two different theologies explain the authority and nature of the *Veda* as containing revealed doctrine. 1. *Mīmāṃsā* and *Vedānta* system holds that the *Veda* is not only infallible but also eternal. The *Vedas* adopt a non-dualist position, i.e. the soul realizes its complete identity with the Absolute. 2. The *Nyāya* and *Sāṃkhya* system, which reject the eternity of the *Veda*, base the authority of the *Veda* on God’s authorship, while depending on God for its existence and validity. In the *Sāṃkhya* system, the soul realizes only the unfractionable unity of itself, i.e. the soul is very distinct from all other souls without any communion between them. Cf. *ibid.*, 17-19. Cf. Robert Charles ZAEHNER, “Salvation in the *Mahābhārata*”, in: Samuel G. F. BRANDON (ed.), *The Saviour God. Comparative studies in the concept of salvation presented to Edwin Oliver James by colleagues and friends to commemorate his seventy-fifth birthday*, Manchester University Press, Manchester 1963, 218-225; 219.

that culminate finally in the *Upaniṣads*.¹³⁵⁵ These texts along with *Bhagavad-Gītā* were considered containing sacred knowledge.¹³⁵⁶

*Smṛti*¹³⁵⁷ means that which has been remembered by human teachers. It denotes the oral tradition and non-canonical scriptures, which derive their authority from *śruti* and supplement them. Under *smṛti* are the seminal writings on law (*Dharmasūtras* and *Dharmaśāstras*)¹³⁵⁸, the *Purāṇas* (sources of folklore and popular religion) and the two great epics, namely, *Mahābhārata*¹³⁵⁹ and *Rāmāyaṇa*^{1360 1361}

Besides *śruti* and *smṛti*, the medical works of *Caraka* and *Suśruta* will be used. One of the earliest oaths in Eastern bioethics can be found in the Indian manuscript namely the *Caraka Samhitā*¹³⁶² and *Suśruta Samhitā*.¹³⁶³ Mention is also to be made to the later authority on law: the well-known manual, the *Manusmṛti* or *Manava Dharmaśāstra* (200 B.C.E. – 200 C.E.), attributed to *Manu*.¹³⁶⁴

¹³⁵⁵ The *Upaniṣads* are theological treatises in which the spiritual aspirations of the Indian sages are preserved. Cf. DHAVAMONY, *Classical Hinduism...*, 5. *Upaniṣad* literally means a mystical “connection” and is often “secret”. In a more conventional etymology, it is the “sitting down” of a disciple “near to” his spiritual master or guru (*upa* = near; *ni* = down; *sad* = sit). Cf. Alf HILTEBEITEL, “Hinduism”, in: Lindsay JONES (ed.), *Encyclopedia of Religion, Second Edition*, Vol. 6, Thomas Gale, Munich et al. 2005, 3988-4009; 3993.

¹³⁵⁶ Cf. DHAVAMONY, *Classical Hinduism...*, 5. *Bhagavad-Gītā* (literally “the song of the sublime” or Krishna’s song) is part of the epic of *Mahābhārata* but separated from it and is considered to be the most influential, most luminous and authoritative of all Hindu Scriptures. It consists of 18 Chapters and 700 verses. Cf. *ibid.*, 6 at fn. 6. Cf. Peter SCHREINER, „Bhagavadgītā”, in: BETZ (u.a.) (Hg.), *Religion in Geschichte und Gegenwart, op. cit.*, Bd.1, 1403. Cf. MWM, 744. Cf. also Julius J. LIPNER, “The Classical Hindu View on Abortion and the Moral Status of the Unborn”, in: Harold G. COWARD/Julius J. LIPNER/Katherine K. YOUNG (ed.), *Hindu Ethics. Purity, Abortion and Euthanasia*, State University of New York Press, Albany, New York 1989, 41-69; 42-43. Cf. also *FABC Papers*, No.120, 10.

¹³⁵⁷ Skt. from the root *Smṛi* which means to remember, to recollect, bear in mind. Cf. MWM, 1271.

¹³⁵⁸ “The term *dharma*, as mentioned earlier, is difficult to define in the Hindu context. It is the form and the power of things that keeps them as they are. The eternal *dharma* sustains the whole cosmos in being and holds together humankind in the moral and religious sphere. The eternal *dharma* is set down in the Hindu sacred texts and includes all the religious assumptions on which the Hindu laws are based.” DHAVAMONY, *Classical Hinduism...*, 6.

¹³⁵⁹ *Mahābhārata*, written perhaps between the 8th and 9th centuries B.C.E, is one of the Skt. epics of ancient India attributed traditionally to the author *Vyāsa*, also called *Kṛṣṇa Dvaipāyana*, a mythical saint who also forms a character in it. He is known to have arranged the *Vedas* and hence known as *Veda-Vyāsa*, literally meaning arranger or compiler of the *Vedas*. One of the principal work and part of *Mahābhārata* is the *Bhagavad-Gītā*, in which *Kṛṣṇa* imparts his teaching to his disciple *Arjuna*. Cf. Aditya MALIK, „Mahābhārata“, in: BETZ (u.a.) (Hg.), *Religion in Geschichte und Gegenwart, op. cit.*, Bd. 5, 682. Cf. MWM, 1035. Cf. also Barend A. VAN NOOTEN, *The Mahābhārata*, Twayne Publisher, Inc., New York 1971, 43.

¹³⁶⁰ *Rāmāyaṇa*, in Skt. meaning relating to *Rāma*, another great epic dating to 5th to the 4th centuries B.C.E, is the celebrated poem of sage Valmiki that describes the ‘goings’ [*ayana*] of *Rāma* and his wife *Sītā*. Cf. Annemarie MERTENS, „Rāmāyaṇa“, in: BETZ (u.a.) (Hg.), *Religion in Geschichte und Gegenwart, op. cit.*, Bd. 7, 31. Cf. MWM, 878.

¹³⁶¹ Cf. DHAVAMONY, *Classical Hinduism...*, 6.

¹³⁶² Cf. M. S. VALIATHAN, *The Legacy of Caraka*, Orient Longmans, Chennai 2003, i.

¹³⁶³ Cf. *Suśruta Samhitā. Text with English Translation, A full and Comprehensive Introduction, Additional Text, Different Readings, Notes, Comparative Views, Index, Glossary and Plates*, tr. by Kaviraj Kunjalal BHISHAGRATNA, ed. by Laxmidhar DWIVEDI, Vol.2, Third Edition, Chowkhamba Sanskrit Series Office, Varanasi (India) 2007, xvi.

¹³⁶⁴ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 42-43.

14.2.2 The Philosophy

With regard to Philosophy, the Indian philosophical systems are classified into two categories: orthodox (*āstika*) and heterodox (*nāstika*). The system that accepts the authority of the *Veda* is orthodox, while the system that does not accept its authority is heterodox. The six orthodox systems are *Nyāya*, *Vaiśeṣika*, *Sāṃkhya*, *Yoga*, *Mīmāṃsā* and *Vedānta*, which are also referred to as *Darśanas* and popularly called as the Hindu system of Philosophy. These are grouped into three pairs – *Nyāya-Vaiśeṣika*, *Sāṃkhya-Yoga* and *Mīmāṃsā-Vedānta*, to show their closeness. The three heterodox systems are Buddhism, Jainism and *Cārvāka* (materialism). It is to be remembered that a system can be orthodox and still not believe in the existence of Creator-God, just as the *Mīmāṃsā* and *Sāṃkhya*.¹³⁶⁵

It is also to be noted that although the Hindu philosophical systems accept the authority of the *Veda*, yet they do make use of reasoning in formulating their philosophical positions. Therefore, one cannot conclude that Hindu philosophical systems are dogmatic. It is not only based on the scriptural authority as a means of knowledge, but also on philosophy. Moreover, both the orthodox and heterodox systems attach importance to tradition as a source of philosophical knowledge.¹³⁶⁶ The six orthodox systems are described below.

14.2.2.1 *Nyāya and Vaiśeṣika*

The *Nyāya* epistemology is realistic and accepts four sources of knowledge: perception, inference, analogy and verbal testimony. It builds its pluralistic metaphysics based on realism, which holds that the objects of the world have an independent existence of their own, apart from all knowledge or experience believing in the reality of the external world, the existence of plurality of individuals, and the Creator-God.¹³⁶⁷

The *Vaiśeṣika* system is realistic in epistemology and pluralistic in metaphysics accepting only two sources of knowledge: perception and inference. The system holds that the composite objects of the world are products of four kinds of atoms: earth, water, fire and air. While the system combines realism and pluralism with theism, it holds that the world is created and destroyed by God according to the moral deserts of individual souls and for the proper realization of their moral destiny.¹³⁶⁸

14.2.2.2 *Sāṃkhya and Yoga*

The epistemology of both systems of *Sāṃkhya* and *Yoga*, which are realistic, is based on three sources of knowledge: perception, inference and verbal testimony. The *Sāṃkhya* system accepts only two ultimate entities, namely, spirit (*puruṣa*) and primal matter (*prakṛti*) and accounts for the evolution of the world from primal matter. The *Yoga* system, which follows closely the metaphysics of *Sāṃkhya*, accepts God as the object of meditation. While devotion to God was

¹³⁶⁵ Cf. R. BALASUBRAMANIAN, “The Origin of the World, the Concept of God, and the Image of the Human Person in Hinduism”, in: Peter KOSLOWSKI (ed.), *The Concept of God, the Origin of the World, and the Image of the Human in the World Religions*, Kluwer Academic Publishers, Dordrecht/Boston/London 2001, 11-42; 11. For a brief summary of the orthodox systems, see *ibid.*, 12-14.

¹³⁶⁶ Cf. BALASUBRAMANIAN, “The Origin of the World...”, 11.

¹³⁶⁷ Cf. *ibid.*, 12.

¹³⁶⁸ Cf. *ibid.*, 12-13.

considered to be of great practical value, the practice of yoga is one of the means for the final attainment of the goal of *samādhi* (state of trance or concentration).¹³⁶⁹

While the *Sāṃkhya* system denies the existence of a creator God and is, therefore, an atheistic philosophy, the *Yoga* system teaches the existence of a creator God and is, thus, a theistic philosophy.¹³⁷⁰ In Sanskrit, *Yoga* literally means “yoke”, as in a yoke used to harness oxen.¹³⁷¹ It refers to an organized form of discipline that leads to *moksha* (liberation), namely, the release of the soul from cycle of death and rebirth (*samsara*). This discipline usually involves practices of meditation, mental concentration, exercises of the body including both ones of control and asceticism leading to union with the self (*ātman*).¹³⁷² *Yoga* outlines an eight fold path (*Astāṅga* - *aṣṭa* = eight and *āṅga* = limbs) to achieve this goal that includes: self-regulation (*yama*), disciplines (*niyama*), postures (*asana*), expansion of the breath (*prāṇāyāma*), withdrawal of senses (*pratyahāra*), concentration (*dhāraṇā*), meditation (*dhyāna*) and realization/integration (*samādhi*).¹³⁷³

14.2.2.3 *Mīmāṃsā and Vedānta*

The primary aim of *Mīmāṃsā* system is to defend and justify the *Vedic* ritualism. Apart from what the *Nyāya* system acknowledges as the sources of knowledge, it accepts two other sources, namely, postulation and non-cognition. It believes in the reality of the external world, the existence of souls, heaven, hell and gods to whom sacrifices are to be offered according to *Vedic* prescriptions. The souls and material elements that make the world are eternal.¹³⁷⁴

The *Vedānta* school concerns itself with the end (*anta*) of the *Vedas* and particularly with knowledge and *moksha* (liberation). The system comprises of further systems under it, the most popular being the dualism (*dvaita*¹³⁷⁵), non-dualism (*advaita*¹³⁷⁶) and qualified non-dualism (*viśiṣṭādvaita*¹³⁷⁷).¹³⁷⁸

Non-Dualism (*advaita*) believes that the ultimate reality is *brāhman* (Absolute Reality or God) and he alone is the only true existence while all creation is merely a manifestation of *brāhman* in time and space. The root cause of all suffering in this world is due to the soul’s ignorance of its real nature and therefore, the purpose of life is to release oneself from this suffering and union with *brāhman*. One can obtain release from suffering by understanding one’s true nature (self-knowledge). Qualified Non-Dualism (*viśiṣṭādvaita*) considers *brāhman* to be impersonal,

¹³⁶⁹ Cf. *ibid.*, 13.

¹³⁷⁰ Cf. Farnáz MA‘SÚMIÁN, *Life after Death. A Study of the Afterlife in World Religions*, Kalimat Press, California 2002, 1.

¹³⁷¹ *Yoga* in Skt. means the act of yoking, joining, attaching or harnessing. Cf. MWM, 856.

¹³⁷² Cf. *The Thirteen Principal Upanishads, Translated from the Sanskrit with an outline of the Philosophy of the Upanishads and an Annotated Bibliography*, tr. by Robert Ernest HUME, Humphrey Milford Oxford University Press, London et al. 1921, 68.

¹³⁷³ *Yoga Sūtra* 2.29: “*yama-niyamāsana-prāṇāyāma-pratyahāra-dhāraṇā-dhyāna-samādhayo’ṣṭāv aṅgāni.*” *Yoga Sūtras of Patañjali with Expositions of Vyāsa*, a tr. and commentary by Swāmi VEDA BHĀRATĪ, Motilal Banarasidas, Mumbai et al. 2001, 469.

¹³⁷⁴ Cf. BALASUBRAMANIAN, “The Origin of the World...”, 13.

¹³⁷⁵ Skt. meaning doubleness or duality. Cf. MWM, 504.

¹³⁷⁶ Skt. meaning without a second, sole, unique, matchless. Cf. MWM, 19.

¹³⁷⁷ In Skt., the prefix *viśiṣṭ* means distinguished, distinct, particular or peculiar. *Viśiṣṭādvaita* means qualified non-duality, the doctrine that the spirits of men have a qualified identity with the one Spirit. Cf. MWM, 990.

¹³⁷⁸ Cf. BALASUBRAMANIAN, “The Origin of the World...”, 13.

transcendent, indescribable, and the essence of pure consciousness. According to this view at some point in history, *bráhman* transformed Himself into a personal God (*Īśvara*), the universe, and all the individual selves. The human self (*ātman*) is in bondage because of its alienation from this personal God, and one can free oneself only by attempting to communicate with God.¹³⁷⁹

Dualism (*dvaita*) considers *bráhman* as a personal God who is the creator of everything. However, it regards the world of creation as real but separate from *bráhman* and dependent on Him for its existence. The system attributes the bondage of the human soul to its forgetfulness of its creator, and believes that liberation can be achieved through communion with God.¹³⁸⁰

14.3 THE CONCEPT OF MAN

The roots of the concept of God, the concept of man or the world in Hinduism must be traced back to the primal mythology of the Vedic times.¹³⁸¹ The Vedic religion was a system of rich ritualistic cult and a complicated system of sacrifices. The *Vedas* explain that the universe is a consequence of a great cosmological sacrifice. In the Vedic times (from 1200 B.C.E.), the sacrifice was the most important of all religious ceremonies. For the religion of the Vedic Indians at that time, sacrifice played a very prominent role.¹³⁸² Sacrifice was considered as the hub of the universe.¹³⁸³ There were two representative basic forms of sacrifice, namely, the Soma-sacrifice and Fire-sacrifice.¹³⁸⁴ An authority on the importance of sacrifice is the *Rg Veda*, which is a collection of hymns of prayer and praise to gods. It records the Hindu religious thoughts while trying to penetrate the ultimate origin of cosmos and of man in a system of sacrifice. The *Rg Veda* speaks about *Manu*,¹³⁸⁵ the first man, the ancestor of human race and the first sacrificer of fire. Having kindled the fire, he along with seven other priests offers the first sacrifice, which becomes the prototype and exemplary model of all other sacrifices.¹³⁸⁶ The primal man *Manu* sought the help of gods¹³⁸⁷ through prayer and worship, adoration and rituals, because he thought of them as the unseen powers that controlled nature and other beings.¹³⁸⁸

¹³⁷⁹ Cf. MA'SÚMIÁN, *Life after Death*..., 2. The terms *ātman* and *bráhman*, being important central concepts in the research, will be taken up later in detail, especially in Chapters 14.4 and 14.4.1 below.

¹³⁸⁰ Cf. MA'SÚMIÁN, *Life after Death*..., 2.

¹³⁸¹ Cf. BALASUBRAMANIAN, "The Origin of the World...", 33. Cf. also Louis RENOU, *Religions of Ancient India*, The Athlone Press, London 1953, 17.

¹³⁸² Cf. Ulrich SCHNEIDER, *Einführung in den Hinduismus*, Wissenschaftliche Buchgesellschaft, Darmstadt 1989, 37.

¹³⁸³ Cf. Bernard KÖLVER, *Das Weltbild der Hindus*, hg. v. Adalbert J., GAIL, Reimer, Berlin 2003, 62.

¹³⁸⁴ Cf. SCHNEIDER, *Einführung in den Hinduismus*..., 37. Soma is a deity and the juice of the Soma plant was offered in libation to the deities in the Soma-sacrifice in a Vedic ritual. Cf. DHAVAMONY, *Classical Hinduism*..., 46 and 121. Fire-Sacrifice, in Skt. *hóma* which means the act of making an oblation to the deities or gods by casting clarified butter into the fire, oblation with fire, burnt-offering, any oblation or sacrifice. Cf. MWM, 1306.

¹³⁸⁵ Skt. could be masc./fem./neut. and means thinking, wise, intelligent, man, humankind, man par excellence. Cf. MWM, 784.

¹³⁸⁶ *Rg Veda* 10.63.7. Cf. DHAVAMONY, *Classical Hinduism*..., 112-113. Cf. also SCHNEIDER, *Einführung in den Hinduismus*..., 24.

¹³⁸⁷ The Vedic gods were divided into three groups: the gods of the earth (*Agni* = fire and *Soma* = moon or water); the gods of the atmosphere (*Indra* and *Maruts*); and the gods of heaven (*Mitra* and *varuṇa*). Thus, the Vedic gods were personified natural phenomena. Cf. BALASUBRAMANIAN, "The Origin of the World...", 33.

¹³⁸⁸ Cf. *ibid*.

The ritual itself was identified with *Manu* as an “analogy of magical temporal dimension” and the sacrifice gained complete magical power.¹³⁸⁹

Thus, it is clear that the universe and the human race emerged from sacrifice and they are regarded as of divine origin and as a descent from deities or gods.¹³⁹⁰ Although it was considered that gods are the agents of creation, the material used is that of the body of a Primaeval giant (comparable to the Germanic Ymir), named *Puruṣa* (who is the same as “*Manu*”).¹³⁹¹ Creation is said to be a product of ritual, sacrificial dismemberment of *Puruṣa*.¹³⁹² *Puruṣa-Sūkta* 10.90.8-14, which is part of the *Ṛg Veda*, speaks of the characteristics of *Puruṣa*:

1. A THOUSAND heads hath Purusha, a thousand eyes, a thousand feet.
On every side pervading earth he fills a space ten fingers wide.
2. This Purusha is all that yet hath been and all that is to be;
The Lord of Immortality which waxes greater still by food.
3. So mighty is his greatness; yea, greater than this is Purusha.
All creatures are one-fourth of him, three-fourths eternal life in heaven.
4. With three-fourths Purusha went up: one-fourth of him again was here.
Thence he strode out to every side over what eats not and what eats [...]
6. When Gods prepared the sacrifice with Purusha as their offering,
Its oil was spring, the holy gift was autumn; summer was the wood.
7. They balmed as victim on the grass Purusha born in earliest time.
With him the Deities and all Sādhyas and Ṛishis sacrificed.
8. From that great general sacrifice the dripping fat was gathered up.
He formed the creatures of the air, and animals both wild and tame [...]
11. When they divided Purusha how many portions did they make? [...]
14. Forth from his navel came mid-air the sky was fashioned from his head;
Earth from his feet, and from his ear the regions. Thus they formed the worlds [...]
15. [...]When the Gods, offering sacrifice, bound, as their victim, Purusha.
16. Gods, sacrificing, sacrificed the victim: these were the earliest holy ordinances.
The Mighty Ones attained the height of heaven, there where
the Sādhyas, Gods of old, are dwelling.¹³⁹³

¹³⁸⁹ Cf. SCHNEIDER, *Einführung in den Hinduismus...*, 40.

¹³⁹⁰ Cf. DHAVAMONY, *Classical Hinduism...*, 114.

¹³⁹¹ Skt. means man, male, human being, in plural people, mankind, a person, the Primaeval man as the soul and original source of the universe. Cf. MWM, 637. Cf. Axel MICHAELS, *Der Hinduismus. Geschichte und Gegenwart*, C. H. Beck, München 1998, 317. English tr.: IDEM, *Hinduism. Past and Present*, tr. by Barbara HARSHAV, Princeton University Press, New Jersey 2004, 286. As will become clear, the concept of *Puruṣa* is a very important one from the research point of view and therefore will be dealt with elaborately under Chapter 14.4.2.

¹³⁹² Cf. DHAVAMONY, *Classical Hinduism...*, 115.

¹³⁹³ *Ṛg Veda* 10.90.8-14. from *The Hymns of the Rigveda*, tr. with a Popular Commentary by Ralph Thomas Hotchkin GRIFFITH, Second Edition, Vol. II, E. J. Lazarus & Co., Benares 1897, 517-520. Ralph Thomas Hotchkin Griffith commenting in a footnote about the characteristics of *Puruṣa* says that he is the “embodied spirit, or Man personified and regarded as the soul and original source of the universe, the personal and life-giving principle in all animated beings [...] as being one with all created life”. *Ibid.*, 517, at fn. 12. For a German tr. of the *Puruṣa-Sūkta*, see SCHNEIDER, *Einführung in den Hinduismus...*, 43-44. Note that some authors write *Puruṣa* as *Purusha*.

The above hymn portrays *Puruṣa* as the creator and as one who is himself sacrificed.¹³⁹⁴ One can derive two important religious truths from the hymn:

[...] since creation is a sacrifice, every other sacrifice on earth is a repetition and renewal of the creative act; and that the macrocosmic man (*Puruṣa*) is the prototype of the microcosmic man (the individual human being). This gives us an insight into the ontological structure of the individual man.¹³⁹⁵

Thus, an individual man is considered as the image of the Primaeval Man (*Puruṣa*), “whose three-fourths are spiritual and immortal or divine, and one-fourth is material and mortal. Hence the individual man is the image of God and of the world”.¹³⁹⁶ The continued orderly existence of the universe and of man thus depends on every renewed sacrifice on the microcosmic level.¹³⁹⁷ The Vedic thinker considered that the spiritual or immaterial soul could separate itself from the body, even during unconsciousness and continue to exist after death. Insofar as the individual man is spiritual, he is also an image of the divine.¹³⁹⁸ The term used to denote the immaterial soul is *ātman*¹³⁹⁹ and is used in *Rg Veda* as an animating principle,¹⁴⁰⁰ the ultimate essence of the universe, and for the vital breath in man.¹⁴⁰¹ This important term has no equivalent etymological correspondence in the Western philosophy.¹⁴⁰² There are also two other technical terms *āsu*¹⁴⁰³ and *mānasā*¹⁴⁰⁴ used to denote the animating principle.¹⁴⁰⁵ However, a more common and important term that is used to signify the individual soul is the word *jīva*.¹⁴⁰⁶

¹³⁹⁴ Cf. MICHAELS, *Der Hinduismus...*, 317. English tr. IDEM, *Hinduism; Past and Present...*, 288. Classical Indologist Axel Michaels explains that just as a single cell contains the genetic code of the whole living creature, so too the whole (world) is contained in the part (sacrifice). This is because of the essential identity between the part and the whole. Cf. *ibid*.

¹³⁹⁵ DHAVAMONY, *Classical Hinduism...*, 115-116. Cf. also KÖLVER, *Das Weltbild der Hindus...*, 69.

¹³⁹⁶ DHAVAMONY, *Classical Hinduism...*, 116. Cf. *Rg Veda* 10.90.8-14. Cf. HILTEBEITEL, “Hinduism...”, 3993.

¹³⁹⁷ Cf. DHAVAMONY, *Classical Hinduism...*, 116. Cf. Arthur Llewellyn BASHAM, *The Origins & the Development of Classical Hinduism*, Oxford University Press, Delhi *et al.* 1989, 30.

¹³⁹⁸ Cf. DHAVAMONY, *Classical Hinduism...*, 117.

¹³⁹⁹ The Skt. word *ātman* is variously derived from *an* (which means to breathe); *āt* (which means to move); *vā* (which means to blow) or *tmān* (which means the breath) and could mean soul, principle of life and sensation in the *Rg Veda*. In the *Atharva Veda* and others, it could mean as the individual soul, self, abstract individual. A similar implication can be seen in the Greek terms ἀντήν, which means to blow or breath and ἀτμός, which means vapor. A closer term is the one from the German noun *Atem*, which means breath and the verb *atmen*, which means to breathe. Cf. MWM, 135. Since this word *ātman* is important, it will be dealt with elaborately in Chapter 14.4.1 and throughout this research.

¹⁴⁰⁰ Cf. DHAVAMONY, *Classical Hinduism...*, 117.

¹⁴⁰¹ Cf. Surendranath DASGUPTA, *A History of Indian Philosophy*, Vol.1, University Press, Cambridge, First Published 1922, Digital Print 2009, 45.

¹⁴⁰² Cf. Katrin SEELE, „Das bist du!“. *Das „Selbst (ātman) und das „Andere“ in der Philosophie der frühen Upaniṣaden und bei Buddha*, Königshausen & Neumann, Würzburg 2006, 9.

¹⁴⁰³ Skt. in the *Vedas* it means breath, life. Cf. MWM, 121.

¹⁴⁰⁴ Skt. means belonging to the mind or spirit, mental, spiritual, expressed only in the mind. Cf. MWM, 810.

¹⁴⁰⁵ Cf. DHAVAMONY, *Classical Hinduism...*, 117.

¹⁴⁰⁶ Skt. meaning to living, existing, alive. Cf. MWM, 422. This term, being important, will be dealt with in the next section (14.4.4).

It is also regarded that *Agni*¹⁴⁰⁷, the god of fire, consumes the sacrificial offering and as a priest presents it to the gods; thus becoming the mediator between gods and men.¹⁴⁰⁸ Thus, *Agni* begets the offspring of men.¹⁴⁰⁹

During the period of the *Brāhmaṇas*, the theme of the Primal Man becomes even more important under the traits of *Prajāpati*¹⁴¹⁰ who is the same as *Puruṣa* and the same as sacrifice.¹⁴¹¹ The sacrifice itself is meant to reintegrate this *Prajāpati* in order to secure the wholesomeness of world and man by becoming himself all in all (*sārva*¹⁴¹²).¹⁴¹³

Further, in the *Upaniṣadic* period, the term *ātman* was used with a complementary concept, namely, the *brāhman*. This term, which is often denoted with an adjective *sārva* or Absolute Being, has no complementary concept, just as *ātman*, in the Western Philosophy.¹⁴¹⁴ The self of man (*ātman*) was considered not just as a part but identical with the Absolute universal being (*brāhman*). During this period, sacrifice still had importance but was not an essential requisite of religion and of salvation. In its place, importance was given to knowledge, which secures release. “This change of outlook takes place in as much as the sacrificial conception of man yields to the metaphysical understanding of his nature.”¹⁴¹⁵ Man was considered a sacrifice and the person’s entire life was symbolically represented as a Soma-sacrifice. The individual man (*Puruṣa*), who is identified with the Self (*ātman*) of man, was considered as composed of desire resulting in the law of action (*karma*¹⁴¹⁶) and the cycle of rebirth (*saṃsāra*¹⁴¹⁷) as well as the ultimate ground of the manifold world and of the individual.¹⁴¹⁸

Dhavamony summarizes the central religio-philosophical doctrine of the *Upaniṣads* regarding the conception of man as follows:

¹⁴⁰⁷ Skt. literally means fire, sacrificial fire or the god of fire. Compare also with the Latin *ignis*. Cf. MWM, 5.

¹⁴⁰⁸ Cf. DHAVAMONY, *Classical Hinduism...*, 45.

¹⁴⁰⁹ Cf. *ibid.*, 114.

¹⁴¹⁰ The word *Prajāpati* appears in *Yajur Veda* 18.43. The word *Prajāpati* in Skt. is from the root *Prajā*, which means procreation, propagation and birth. In the *Rg Veda*, it means a creature, animal, man, humankind, people, seed and semen. In the *Rg Veda*, along with the word *pati*, it means ‘lord of creatures’ or creator. Cf. MWM, 658. Cf. also KÖLVER, *Das Weltbild der Hindus...*, 166.

¹⁴¹¹ Cf. DHAVAMONY, *Classical Hinduism...*, 119.

¹⁴¹² Skt. means whole, entire, all, everything. Cf. MWM, 1184.

¹⁴¹³ Cf. Richard V. DE SMET, *The Indian Understanding of Man*. History of Philosophy Section. Presidential Address. 44th Session of the Indian Philosophical Congress, under the auspices of University of Poona, 5-8 November, Poona 1970, 3-12; 4. Richard De Smet (1916-1997) was a Belgian Jesuit Indologist and Philosopher and a Professor at De Nobili College, Pune.

¹⁴¹⁴ Cf. SEELE, „*Das bist du!*...“, 9.

¹⁴¹⁵ DHAVAMONY, *Classical Hinduism...*, 121.

¹⁴¹⁶ According to the universal law of immanent retribution, every good act meets with reward and every evil act meets with punishment in strict justice either in this life or in the next and therefore the law demands that a man be reborn to reap the fruit of his action. This is the law of *karma*. See *Bṛihadārnyaka Upaniṣad* 4.4.2-6; 3.2.13. Cf. DHAVAMONY, *Classical Hinduism...*, 134.

¹⁴¹⁷ *Saṃsāra* or cycle of rebirth is a wheel of life in which man is caught up due to “desire, anger, delusion, covetousness, fear, depression, envy, union with undesirable and separation from desirable, hunger, thirst, old age, death, disease and sorrow”. See DHAVAMONY, *Classical Hinduism...*, 444. In other words, *saṃsāra* is a belief in multiple lifetimes of existence both in the past and in future due to desire. These lifetimes are determined by the quality of present life based on the quality of one’s past life (especially one’s moral life) as led in previous lifetimes (*karma*). It is thus possible to improve one’s quality of life over several lives and attain a better rebirth. See Arvind SHARMA, “The Hindu Traditions. Religious Beliefs and Healthcare Decisions”, in: *Religious Traditions and Healthcare Decisions. Handbook Series*, Park Ridge Center for the Study of Health, Faith and Ethics, Park Ridge, Illinois 2002, 1-17; 2.

¹⁴¹⁸ Cf. DHAVAMONY, *Classical Hinduism...*, 122-123.

The World-Soul (*ātman*) or *Brahman* is the one, simple, eternal, infinite, incomprehensible Reality which assumes every form and name, itself without any form or name; the only cause of all change and action, itself immovable and immutable. The world is its manifestation, its body; for the world emanates from, and is absorbed into, its substance by an act of its will, just as the spider spins forth and draws back into itself the thread of its web. All finite existences proceed from it and return to it, as sparks leap from the furnace and fall back into it again. The multiplicity of these emanations no more affects its own inner unity than the formation of the foam and the wave affects that of the sea. The absolute Reality cannot be described in spatial and temporal terms. We can only say, ‘more minute than the minute, greater than the great, infinite’. Still it has a dwelling, the cavity of the heart of every man in which it resides in its fulness. Because of this direct and spatial immanence of the absolute being in creatures, man can attain to it by reentering his heart through intense meditation.

A human body which, though ‘appropriated to death’, is nevertheless the support of the immortal, incorporeal Self (*ātman*), is itself a sprout rooted in food which, through water and heat, is rooted in Being. On death the self rejoins the ‘highest divinity’ which is Being.¹⁴¹⁹

The immortal self becomes incarnate in bodily form and passes its individual condition through a series of states of consciousness. The individual soul, according to the *Upaniṣads* consists of four stages. These are explained as “waking, dream sleep, deep sleep, i.e., dreamless sleep in which the soul becomes temporarily one with Brahman and enjoys a corresponding unsurpassable bliss, and finally the ‘fourth’ state in which the disappearance of the manifold universe and the union with Brahman takes place in perfect consciousness”.¹⁴²⁰

Thus, according to the *Upaniṣads* it was considered that man in his essence is a purely spiritual self (*ātman*) independent of the material body. The spiritual self (*ātman*) is either totally identical with the Absolute Being (*brāhman*) or a part or attribute existing in God, the supreme personal Being.¹⁴²¹

In the Epic of *Rāmāyaṇa* (which revolves around the personality and doings of the ‘Ideal Man’ Rāma who is loyal, patient in affliction, obedient to higher authority, the ideal husband, son, and brother, and the chastiser of evil powers), the human soul is considered immortal, not meaning a cessation from rebirth, but a blissful existence in heaven (*svarga*). The corporeality of man includes the five elements (*pañchatatvaṃ āpanne*) of earth, air, ether, water and light. However, man is not merely a corporeal being composed only of these five elements but a composite of material and spiritual constituents. Thus, one can find an emerging form of *Sāṃkhya* philosophy in the *Rāmāyaṇa*.¹⁴²²

In the Epic of *Mahābhārata* (excluding the *Bhagavad-Gītā*), the religio-philosophical concept of man developed as follows: There is a Supreme Being, called Person (*puruṣa*) or Self (*ātman*) or the Absolute (*brāhman*) emanating and reabsorbing both material Nature (*prakṛti*¹⁴²³) and souls (*puruṣas*). A plurality of souls is assumed and the liberated soul is indwelt by the Supreme Self from which it had originally proceeded. The individual soul is pervaded by the

¹⁴¹⁹ *Ibid.*, 124-125.

¹⁴²⁰ *Ibid.*, 125.

¹⁴²¹ Cf. *ibid.*, 134.

¹⁴²² Cf. *ibid.*, 127.

¹⁴²³ Skt. word which literally means ‘making or placing before or at first’, primal matter, primary substance. It is distinguished from *puruṣa* and *ātman*. The three *guṇas* are its qualities (see next fn. 1424). Cf. MWM, 654.

Supreme Self (*sarvātman*) and be the three constituents (*guṇas*¹⁴²⁴) such as goodness or purity (*sattva*), passion or energy (*rajas*) and darkness or dullness (*tamas*).¹⁴²⁵ Moreover, the unity of man with God as Father is clearly portrayed in the acclamation: “I am the Father, the Mother and the Son; I am in the heart of every man and I am the soul of all”.¹⁴²⁶ Thus, in the *Mahābhārata* a neat *Sāṃkhya* system or an extreme non-dualist position is rarely adopted.¹⁴²⁷ The *Bhagavad-Gītā* teaches that the embodied self is in itself immortal because it has being outside of time and hence is not subject to birth and death.¹⁴²⁸ Commenting and using the *Bhagavad-Gītā*, Dhavamony explains the attributes of the self in the following words:

The self in its inmost essence is “eternal omnipresent (literally, roving everywhere), fixed, immovable, primeval.” Not only does the self transcend time and space, birth and death, but also it is a ‘minute part of God himself’[...]¹⁴²⁹ yet in so far as it becomes linked with a psychosomatic organism it is subject to rebirth [...]¹⁴³⁰ although the individual self in itself is static, timeless, eternal, it is indissolubly connected with a given human personality when it transmigrates from body to body [...]¹⁴³¹ in itself the self is both static and passive, for it cannot act or begin to act since action belongs to the sphere of material Nature. The self can be said to act only in so far as it is linked with a psychosomatic organism [...]¹⁴³² Because the self “attaches itself to the psychosomatic elements, it comes to birth in good and evil wombs.”¹⁴³³

In the *Bhagavad-Gītā*, early *Sāṃkhya* ideas with regard to the nature of the psychosomatic organism of man is found. According to this system, Matter (*prakṛti*) and Spirit (*puruṣa*) are totally distinct and independent principles. However, *Bhagavad-Gītā* differs in this idea insofar

¹⁴²⁴ Skt. *guṇa* literally means a quality, peculiarity, attribute or property. Here it means chief quality of all existing beings (viz. *sattva*, *rajas* and *tamas* i.e., goodness, passion and darkness or virtue, foulness and ignorance). Cf. MWM, 357.

¹⁴²⁵ Cf. DHAVAMONY, *Classical Hinduism*..., 128.

¹⁴²⁶ *The Mahābhārata* 5.46.27-28 as quoted in DHAVAMONY, *Classical Hinduism*..., 128.

¹⁴²⁷ Cf. *ibid.* In the Epic of *Rāmāyaṇa*, one can trace an incipient form of *Sāṃkhya* philosophy. Cf. *ibid.* Cf. ZAEHNER, “Salvation in the *Mahābhārata*...”, 221. Robert Charles Zaehner, a British academician and a specialist in Eastern religions, is also of the same opinion. According to him, the Epic of *Mahābhārata* rarely adopts a neatly *Sāṃkhya* or an extreme non-dualist *Vedānta* position. Cf. *ibid.*

¹⁴²⁸ Cf. DHAVAMONY, *Classical Hinduism*..., 129. The reference here is to *The Bhagavad-Gītā* 2.20: “Never is it born nor dies; never did it come to be nor will it ever come to be again: unborn, eternal, everlasting is this [self], - primeval. It is not slain when the body is slain.” This citation indicates the Chapter and the verse according to *The Bhagavad-Gītā. With a commentary based on the original source*, ed. by Robert Charles ZAEHNER, Oxford University Press, London et al. 1969. This source will be used to cite *The Bhagavad-Gītā* throughout this work and will be abbreviated as *BG* unless otherwise noted.

¹⁴²⁹ DHAVAMONY, *Classical Hinduism*..., 130. *BG* 15.7: “In a world of living things a minute part of Me, eternal [still], becomes a living [self], drawing to itself the five senses and the mind which have their roots in Nature.”

¹⁴³⁰ DHAVAMONY, *Classical Hinduism*..., 130. *BG* 2.26: “And even if you think that it is constantly [re-]born and constantly [re-]dies, even so you grieve for it in vain.”

¹⁴³¹ DHAVAMONY, *Classical Hinduism*..., 130. *BG* 3.40: “Sense, mind, and soul, they say, are the places where it lurks; through these it smothers wisdom, fooling the embodied [self].”

¹⁴³² DHAVAMONY, *Classical Hinduism*..., 130-131. *BG* 5.13-15: “[And so,] all works renouncing with the mind, quietly he sits in full control, - embodied [self] within the city with nine gates: he neither works nor makes another work. Neither agency nor worldly works does [the body’s] lord engender, nor yet the bond that work to fruit conjoins: it is inherent Nature that initiates the action. He takes not on the good and evil works of anyone at all, — [that] all-pervading lord. By ignorance is wisdom overspread; thereby are creatures fooled.”

¹⁴³³ DHAVAMONY, *Classical Hinduism*..., 131. *BG* 13.21: “For ‘person’ is lodged in material Nature, experiencing the ‘constituents’ that arise from it; because he attaches himself to these he comes to birth in god and evil wombs.”

as God is the source of both. As mentioned earlier, ‘selves’ or ‘spirits’ are ‘minute parts’ of God,¹⁴³⁴ and like God are eternal and changeless and Matter or Nature is also dependent on God who is the source of all change. According to *Bhagavad-Gītā*, the structure of the human psyche consists of ‘soul’, mind, ego, and the five senses.¹⁴³⁵

Therefore, in the Hindu Classical view it can be stated that man is a composite of the spiritual self and matter, made up of three constituents: goodness, activity and dullness (these are called the *guṇas*, namely, *sattva* or *rajas* or *tamas*). The human psyche is structured in such a manner that it:

[...] divides itself into the soul (*buddhi*) with intellect and will, and the ego or self-consciousness or sense of individuality, which in turn consists of five subtle elements, five gross elements and even organs, the last of which is *manas*¹⁴³⁶ (mind), the internal organ of perception, volition and action. The soul can act, will, and know when conjoined with the organs internal and external and with sense-objects. The transcendental self becomes an individual self through association with these principles of organism.¹⁴³⁷

In the last analysis, in the deliberation on the concept of man in Hinduism, one can conclude that the human being is of divine origin and descent. He/she is an image of the Primaeval Man (*Puruṣa*); since individual human being is spiritual, he/she is also an image of the divine; and the spiritual self (*ātman*) is either totally identical with the Absolute Being (*brāhman*) or a part or attribute existing in God, the supreme personal Being. Owing to its attachment in accordance to one or other of the three constituents (the *guṇas*, namely, *sattva* or *rajas* or *tamas*), the *ātman* is bound to the body and consequently causes it to be reborn in a divine or human or animal form.¹⁴³⁸

Besides what has been deliberated above, in order to understand the concept of man in Hindu classical tradition, one needs to discover the mystery behind three primordial terms, namely, *ātman*, *brāhman* and *puruṣa* and also terms connected with them, namely, *śarīra*, *jīva*, *vyakti*. The following section will deal with these terms.

¹⁴³⁴ Cf. DHAVAMONY, *Classical Hinduism...*, 131. BG 15,7: “In a world of living things a minute part of Me, eternal [still], becomes a living [self], drawing to itself the five senses and the mind which have their roots in Nature.”

¹⁴³⁵ Cf. DHAVAMONY, *Classical Hinduism...*, 132-133. BG 7.4: “Eightfold divided is my Nature, – thus: earth, water, fire and air, space, mind, and also soul, – and the ego. & 13.5-6: Gross elements, the ego, intellect (*buddhi*), the Unmanifest, the eleven senses, and the five [sense-objects] on which the senses thrive, Desire, hate, pleasure, pain, *sensus communis*, thought and constancy, – these, in briefest span, are called the field together with their changes.”

¹⁴³⁶ *Manas* in Skt. means mind. In its widest sense it is applied to all the mental powers, namely, intellect, intelligence, understanding, perception, sense, conscience, will, etc. In Philosophy, it also means the internal organ of perception and cognition, the faculty or instrument through which thoughts enter or by which objects of sense affect the soul. In this sense *manas* is always regarded as distinct from *ātman* and *puruṣa*, ‘spirit or soul’ and belonging only to the body. With the root *man*, it means to think in one’s mind, be willing or inclined. A synonym for *manas* is *cit*. Cf. MWM, 783-784.

¹⁴³⁷ DHAVAMONY, *Classical Hinduism...*, 134-135.

¹⁴³⁸ Cf. *ibid.*, 135. BG 14.6-8: “Among the Goodness, being immaculate, knowing no sickness, dispenses light, [and yet] it binds by [causing the self] to cling to wisdom and to joy. Passion is instinct with desire, [this] know. From craving and attachment it wells up. It binds the embodied [self] by [causing it] to cling to works. But from ignorance is Darkness born: mark [this] well. All embodied [selves] it leads astray. With fecklessness and sloth and sleepiness it binds.”

14.4 WHO AM I?

It was already mentioned in the introduction to this Chapter that the term “human” does not exist in Hinduism. Therefore, one can raise the question: “Who am I?”¹⁴³⁹ It was also mentioned there that in dealing with beginning of life issues and human dignity, an answer to the question: “What is man?” becomes important in the said context. The problem lies in the fact that terms like human, body, soul, supreme being, individual and person are all derived from the European world as was already discussed in Part I-III. Therefore, it becomes important to clarify these terms as understood in Indian Philosophy. Moreover, this attempt would help understand the incongruence in Western and Eastern understanding and advance a tolerance towards Hinduism, while at the same time accepting the fact that one cannot give an equivalent definition to these terms. Nevertheless, this attempt will help find a fruitful and rich conceptual model of these competing concepts. Given this background, in this section the terms *ātman*, *brāhman*, *puruṣa*, *śarīra*, *jīva* and *vyakti* will be examined.¹⁴⁴⁰

The three terms *ātman*, *brāhman* and *puruṣa* were already introduced (see Chapter 14.3 above). It must be understood that it is somewhat misleading to translate *ātman* as “soul” and *brāhman* as “Supreme Being”, found quite frequently in Western thoughts. These words, “soul” and “supreme being” have a Western background that reveal a specific solution to a problem. However, such a problem is left open in the *Upaniṣads* regarding the question of the oneness and the plurality of reality. Therefore, a wrong identification of these terms with the Western idea needs to be avoided.¹⁴⁴¹ Similarly, the word *puruṣa* is often translated as individual or person. Besides the three concepts, in a discussion on the philosophical, ethical, psychological aspect of the human person, three other important components needs to be discussed, namely, *śarīra* (body) and *jīva* (individual), *vyakti* (also translated as individual or person).¹⁴⁴² All these six terms will be discussed below.

14.4.1 *Ātman* and *Brāhman*

Etymologically speaking, in Sanskrit, the word *ātman* is the grammatical form of the reflexive personal pronoun. According to the context, it can mean the body, anything that one considers belonging to or a part of oneself, or what really constitutes one’s “self”, which is the subject of all feelings, thoughts and wishes.¹⁴⁴³ Moreover, in the Indian spiritual context, while breath is linked with the vital principle giving life to humans, stopping to breathe ceases one’s life. Thus, as discussed in the *R̥g Veda* (Chapter 14.3 above), the word *ātman* stands primarily for the functioning of the vital core of reality.¹⁴⁴⁴

¹⁴³⁹ It owes to Katrin Seele in her book „*Das bist du!*“ in selecting this title and some parts of the work. Although, she uses the title „*Was ist ‚Ich‘?*“ translated as “What is ‘I’”, it is found as impersonal and therefore, a more personal address, “Who am I?” (*Wer bin ‘Ich’*) is preferred. Cf. SEELE, „*Das bist du!*...“, 30ff.

¹⁴⁴⁰ Cf. *ibid.*

¹⁴⁴¹ Cf. Klaus K. KLOSTERMAIER, *A Survey of Hinduism*, State University of New York Press, Albany, New York 2007³, 167-168.

¹⁴⁴² Cf. Rajendra PRASAD, *A Conceptual-Analytic Study of Classical Indian Philosophy of Morals*, Centre for Studies in Civilizations, New Delhi 2008, 125.

¹⁴⁴³ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 167.

¹⁴⁴⁴ Cf. GONSALVES, *How did I begin?*..., 195.

Vaman Shivram Apte, a Sanskrit scholar, ascribes the following meanings for *ātman*: 1) The soul, the individual soul, the breath, the principle of life and sensation; 2) Self, oneself; in this sense mostly used reflexively for all three persons and in the singular number, masculine gender, whatever be the gender or number of the noun to which it refers; 3) Supreme deity and soul of the universe, Supreme Soul, *Brahma*; 4) Essence, nature; 5) Character, peculiarity; 6) The natural temperament or disposition; 7) The person or whole body (considered as one and opposed to the separate members of it); 8) Mind, intellect; 9) The understanding; 10) Thinking faculty, the faculty of thought and reason; 11) Spirit, vitality, courage; 12) Form, image; 13) A son; 14) Care, efforts, pain; 15) The sun; 16) Fire; 17) Wind, air; 18) Mental quality.¹⁴⁴⁵ This clearly demonstrates the richness of the word *ātman*, and therefore, one cannot equate, as already mentioned, with the Western thought.

Although in English *ātman* is often translated as Self or Soul (accordingly in German as *Selbst* or *Seele*), the investigation of the word *ātman* in the Upanishads will illustrate how these correlate very heterogeneous components of meaning forming a cohesive whole. Ernest Wood, a Sanskrit scholar, for example, generally translates *ātman* as “Self”, which is really the highest principle in man, being above him, and therefore his very self. However, Wood limits its meaning: “This is beyond all that could be called mind, including his will, his highest intelligence or wisdom or intuition, which includes love of the lives in the forms, and his mental operations relating to all his bodily activity and environment.”¹⁴⁴⁶

Moreover, the problem with regard to the concept of *ātman*, Self or individual and the related concepts of “I” and its identity, stems not only from its comparison to the “Western” philosophy; it is already present within the philosophy of the *Upaniṣads*. For example, in Sanskrit, the personal reflexive pronoun “I” (*aham*, self) and its everyday use is problematic in its comparison to the philosophical reflection of its content. Wood therefore warns¹⁴⁴⁷:

Students do well to take care when using the words Self (*ātman*) and I (*aham*), because when thinking of the Self we are philosophizing about a topic. Even if we say that the Self is beyond thought, because beyond all comparison in any particular with any not-self, it is still, so to say, a noun, the name of something.¹⁴⁴⁸

According to Wood, the application of the philosophical “I” is one of consciousness, the content of which is our existence or being. He says, “But if we allude to I we are alluding to that consciousness which we are conscious that we are”.¹⁴⁴⁹ When one thinks about oneself as “I”, it is not a thought of any object, but a pure experience, without any object.¹⁴⁵⁰ In other words, according to Wood, there could be a conception of “I” even without reflecting, consolidating or definitely validating the impression of “I”.¹⁴⁵¹

In its widest sense, the concept of *ātman* corresponds to *brāhman*, the all-encompassing, highest principle. This identification of *ātman* and *brāhman* is a novelty in Indian philosophy, which

¹⁴⁴⁵ Cf. Vaman Shivram APTE, *The Practical Sanskrit-English Dictionary*, Vol.1, ed. by P. K. GODE and C. G. KARVE, Prasad Prakashan, Poona 1957-1959, 323. This dictionary will be hereafter abbreviated as APTE.

¹⁴⁴⁶ Ernest WOOD, *Vedanta Dictionary*, Philosophical Library, New York 1964, 16. Cf. SEELE, „Das bist du!...“, 31-32.

¹⁴⁴⁷ Cf. *ibid.*, 30-31.

¹⁴⁴⁸ WOOD, *Vedanta Dictionary*..., 84.

¹⁴⁴⁹ *Ibid.*, 16. Cf. SEELE, „Das bist du!...“, 31.

¹⁴⁵⁰ Cf. WOOD, *Vedanta Dictionary*..., 16. Cf. SEELE, „Das bist du!...“, 31.

¹⁴⁵¹ Cf. WOOD, *Vedanta Dictionary*..., 16. Cf. SEELE, „Das bist du!...“, 31.

finds its first expression in the *Upaniṣads* while differing from the *Vedic* philosophy.¹⁴⁵² *Ātman* is also the highest goal of knowledge and as such the path to *mokṣa*¹⁴⁵³ (liberation).¹⁴⁵⁴ The nature of the Self or *ātman* is declared to be being or absolute existence (*sat*¹⁴⁵⁵), pure consciousness (*cit*¹⁴⁵⁶) and happiness or bliss (*ānandā*¹⁴⁵⁷), which are the triad that go to make the famous saying *sat-cit-ānandā*, also a synonym for *brāhman*.¹⁴⁵⁸ Therefore, it is necessary to understand the concept of *brāhman*, which is closely linked to the concept of *ātman*, in order to understand it. The word *brāhman* too has several meanings, which is derived from the verbal root *bṛih*.¹⁴⁵⁹ When used in the *Vedas*, *brāhman*¹⁴⁶⁰ means sacred utterance or that by which the *devas* (gods) become great. At a later stage, the word came to denote the ritual and those who employed it, namely, the *Brāhmaṇas*. The *Upaniṣads* use it as a designation for the ultimate reality, denoting the life breath of the universe. In a loose sense, *brāhman* is analogously used for the word, the eye, the ear, the heart, the sun, and the space. In popular Hinduism, *brāhman* is equated with *Viṣṇu*, *Śiva*, or *Devī*, giving it the qualities and attributes of the creator, the preserver, and the destroyer respectively.¹⁴⁶¹

Apte, gives the following translations for *brāhman*: 1) The Supreme Being; 2) A hymn of praise; 3) A sacred text; 4) The Vedas; 5) The sacred and mystic syllable *om*; 6) The priestly of Brahmanical class (collectively); 7) The power or energy of a *Brāhmaṇa*; 8) Religious penance or austerities; 9) Celibacy, chastity; 10) Final emancipation or beatitude; 11) Theology, sacred learning, religious knowledge; 12) The *Brāhmaṇa* portion of the Veda; 13) Wealth; 14) Food; 15) A *Brāhmaṇa*; 16) Truth.¹⁴⁶² Apte also characterizes the Supreme Being. According to him, the Supreme Being is “regarded as impersonal and divested of all quality and action [...] according to the *Vedāntins*,¹⁴⁶³ Brahman is both the efficient and the material cause of the visible universe, the all-pervading soul and spirit of the universe, the essence from which all created things are produced and into which they are absorbed”.¹⁴⁶⁴

¹⁴⁵² Cf. SEELE, „Das bist du!...“, 32. Cf. MICHAELS, *Der Hinduismus...*, 70. English tr. IDEM, *Hinduism; Past and Present...*, 56.

¹⁴⁵³ In Skt., *mokṣa* means emancipation, liberation, release from worldly existence or transmigration and final or eternal emancipation. Cf. MWM, 835.

¹⁴⁵⁴ Cf. SEELE, „Das bist du!...“, 32.

¹⁴⁵⁵ In Skt. *sat* means being, existence, the self-existent, truth or Universal Spirit, *brāhman*. ‘Absolute existence’ is one of the three attributes of *brāhman*. (The other two are consciousness [*cit*] and the happiness or bliss [*ānandā*]). Cf. MWM, 1134.

¹⁴⁵⁶ In Skt., the word *cit*, a synonym for *manas* could mean to perceive, fix the mind upon, observe, to understand, comprehend, know, be conscious of and reflect upon. Cf. MWM, 395 & 783.

¹⁴⁵⁷ In Skt., *ānandā* means happiness, joy, enjoyment, sensual pleasure. Cf. MWM, 139.

¹⁴⁵⁸ Cf. WOOD, *Vedānta Dictionary...*, 165.

¹⁴⁵⁹ Skt. meaning to grow great or strong, increase, expand. Cf. MWM, 735.

¹⁴⁶⁰ Skt. literally meaning ‘growth’, expansion, swelling of the spirit or soul from the root *bṛih*, pious effusion or utterance, outpouring of the heart in worshipping the gods, the sacred word (as opposed to *vāc*, the word of man), the Veda, sacred text. Cf. MWM, 737. In comparison to *brāhman*, the nominative neutral *Brahmā* is used for the impersonal (*nirguna*) Spirit and the nominative masculine *Brahmā* for the personal (*saguna*) god. Cf. *ibid.*, 738.

¹⁴⁶¹ *Bṛihadārnyaka Upaniṣad* 3.9.1&9. *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 119-121. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 167.

¹⁴⁶² Cf. APTE, Vol.2, 1173. Cf. SEELE, „Das bist du!...“, 35.

¹⁴⁶³ A follower of *Vedānta* philosophy. Cf. APTE, Vol.3, 1496.

¹⁴⁶⁴ APTE, Vol.2, 1173. Emphasis by author.

These different contours of meanings point to the fact that the concept of *bráhman* is equally as difficult to understand as the concept *ātman*. Therefore, how does one comprehend their meanings?

The central concern of the *Upaniṣads* is the knowledge of and path to *ātman* and *bráhman*. An obvious tendency found in the *Upaniṣads* is the repeated attempt to arrange those that are seemingly infinite plurality of things in a limited number of categories, by coordinating macrocosm and microcosm, by attempting to understand manifold reality as a combination of relatively few primordial elements. Through a process of progressive reduction, one arrives at the One, which is further reduced to an immaterial essence that pervades everything without itself being identical with them. In other words, the wise men of the *Upaniṣads* seek to grasp the real as the ultimate support of all phenomena.¹⁴⁶⁵

How is this process achieved? The wise men of the *Upaniṣads* follow two distinct paths. First, beginning from the outside world and the manifold object, they reduce everything to five elements, then to three and finally to one. Second, they begin with a person's subjective consciousness and discover in its depths the real, which is ultimately the source of everything. Both these types of realization narrows down to the truth that the immanent *ātman* is identical with the transcendent *bráhman*, in other words, *ātman* is *bráhman*.¹⁴⁶⁶ This is the sum and substance of the *Upaniṣad* teaching.¹⁴⁶⁷

To illustrate the above process, in the derivation of the two words *ātman* and *bráhman*, a text from *Taittirīya Upaniṣad* will be useful, where these terms are brought into play. The text here reveals the complex meaning of the terms involved. It further supports the point that was made above that these terms cannot be equated to the Western understanding of the term *soul* and *Supreme Being*. Reproduced below are parts of the text from *Taittirīya Upaniṣad* 2.1-8 that clarifies these terms *ātman-bráhman* realization:

Om! He who knows Brahma, attains the highest! As to that this [verse] has been declared:— He who knows Brahma as the real (*satya*), as knowledge (*jñāna*), as the infinite (*ananta*), set down in the secret place [of the heart] and in the highest heaven (*paramavyoman*), He obtains all desires, together with the intelligent (*vipaścit*) Brahma.

From this Soul (*Ātman*), verily, space (*ākāśa*) arose; from space, wind (*vāyu*); from wind, fire; from fire, water; from water, the earth; from the earth, herbs; from herbs, food; from food, semen; from semen, the person (*puruṣa*) [...].

This, verily, is the person that consists of the essence of food. This, indeed, is his head; this, the right side; this, the left side; this, the body (*ātman*); this, the lower part, the foundation [...]. From food, verily, creatures are produced, whatsoever [creatures] dwell on the earth. Moreover, by food, in truth, they live. Moreover, into it also they finally pass. For truly, food is the chief of beings [...]. Verily they obtain all food who worship Brahma as food.

Verily, other than and within that one that consists of the essence of food is the self that consists of breath. By that this is filled. This, verily, has the form of a person [...]. The gods

¹⁴⁶⁵ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 166. Bernard Kölver, an Indologist from Leipzig, explains that the human being in his/her constitution is a fraction and image of the whole Cosmos. In other words, he/she is the miniature of the Cosmos. The macrocosm world corresponds to the microcosm man. See KÖLVER, *Das Weltbild der Hindus*..., 69.

¹⁴⁶⁶ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 166.

¹⁴⁶⁷ Cf. DASGUPTA, *A History of Indian Philosophy*, Vol.1, *op. cit.*, 45.

do breathe along with the breath (*prāṇa*), as also men and beasts, for truly, breath is the life (*āyus*) of beings. Therefore it is called the Life-of-all (*sarvāyuṣa*). To a full life (*sarvam āyus*) go they who worship Brahma as breath. For truly, breath is the life of beings; therefore it is called the Life-of-all. This, indeed, is its bodily self (*śarīra-ātman*), as of the former.

Verily, other than and within that one that consists of breath is a self that consists of mind (*mano-maya*). By that this is filled. This, verily, has the form of a person [...].

Verily, other than and within that one that consists of mind is a self that consists of understanding (*vijñāna-maya*). By that this is filled. This, verily, has the form of a person. According to that one's personal form is this one with the form of a person. Faith (*śraddhā*) is its head; the right (*ṛta*), the right side; the true (*satya*), the left side; contemplation (*yoga*), the body (*ātman*); might (*mahas*), the lower part, the foundation [...]. Understanding, directs the sacrifice; and deeds also it directs. 'Tis understanding that all the gods do worship as Brahma, as chief [...].

Verily, other than and within that one that consists of understanding is a self that consists of bliss (*ānanda-maya*). By that this is filled. That one, verily, has the form of a person. According to that one's personal form is this one with the form of a person. Pleasure (*priya*) is its head; delight (*moda*), the right side; great delight (*pra-moda*), the left side; bliss (*ānanda*), the body (*ātman*); Brahma, the lower part, the foundation [...].

In the beginning, verily, this [world] was non-existent. Therefrom, verily, Being (*sat*) was produced. That made itself (*svayam akuruta*) a Soul (*Ātman*). Therefore it is called the well-done (*su-kṛia*). Both he who is here in a person and he who is yonder in the sun – he is one. He who knows this, on departing from this world, proceeds on to that self which consists of food, proceeds on to that self which consists of breath, proceeds on to that self which consists of mind, proceeds onto that self which consists of understanding, proceeds on to that self which consists of bliss [...]. Wherefrom words turn back, Together with the mind, not having attained – The bliss of Brahman he who knows, Fears not from anything at all.¹⁴⁶⁸

The above passage speaks of the five strata of *ātman*, which corresponds to five different *brāhman* realities. Each reality is the inner core of the one preceding it, until one reaches the very heart of being, which is *ānandā*, or the bliss and which cannot be further qualified as “exterior” or “interior”. The self of person requiring nourishment builds up on a material self that requires breath, which further builds on a subtle material self that requires mind, on which the intellectual self develops, that further requires understanding and finally developing the sphere of deep insight. Finally, the *ātman* is seen as consisting of and resting on *brāhman* as the core and heart of all reality where the sphere of bliss (*ānandā*) is found. In order to reach the true ultimate, the sphere of the self has to realize systematically a corresponding ultimate.¹⁴⁶⁹ The *Bṛihadārnyaka Upaniṣad* further explains the immanence of *brāhman* in all things as the result of entering into them after creating them. Thus, the *Upaniṣads* instructs us that the one who meditates on the *ātman* realizes that all things to be one, and oneself to be one with it. The *Bṛihadārnyaka Upaniṣad* 1.4.1 states:

In the beginning this (world) was only the self [*ātman*], in the shape of a person [*puruṣa*]. Looking around he saw nothing else than the self [*ātman*]. He first said, ‘I am’ [*so'ham asmī*]. Therefore arose the name I. Therefore, even to this day when one is addressed he says first

¹⁴⁶⁸ *Taittirīya Upaniṣad* 2.1-8. *Taittirīya Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 283-289. Additions and emphasis in the original.

¹⁴⁶⁹ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 168-169.

‘This is I’ and then speaks whatever other name he may have. Because before all this, he burnt all evils, therefore is a person [*puruṣah*].¹⁴⁷⁰

Thus, in the beginning of the world there is the Self or *ātman*, who knows himself that he exists “I am” (*so’ham asmī*).¹⁴⁷¹ This Self has the form or shape of a *puruṣa* (see Chapter 14.4.2 below). Thus, the *Bṛihadārnyaka Upaniṣad* establishes here clearly a contact with the Vedic Creation Myth, while reinforcing it, in the already mentioned Vedic *Puruṣa* hymn (*Puruṣa-Sūkta*; see Chapter 14.3 above).¹⁴⁷²

After the *ātman* recognizes his existence and creation, he finds himself alone without happiness or bliss (similar to the creation story of biblical Adam). Nonetheless, there was no necessity for *ātman* of a God who could create a woman out of his ribs. The *ātman* developed longing, desire and lust. These driving forces are adequate for creation of a second being, more specifically, the division of the *ātman* into two whole beings. Then, perhaps, the two became four, four became eight, eight became sixteen. This process continued so on and so forth in a chain reaction leading to the creation of humankind.¹⁴⁷³ The *Bṛihadārnyaka Upaniṣad* 1.4.3 explains this process:

Verily, he had no delight. Therefore one alone has no delight. He desired a second. He was, indeed, as large as a woman and a man closely embraced. He caused that self to fall (*√ pat*) into two pieces. Therefrom arose a husband (*pati*) and a wife (*patni*). Therefore this [is true]: ‘Oneself (*sva*) is like a half-fragment,’ [...]. Therefore this space is filled by a wife. He copulated with her. Therefrom human beings were produced.¹⁴⁷⁴

Interestingly, in *Bṛihadārnyaka Upaniṣad* 1.4.6, the word *brāhman* is substituted for *ātman* as the designator for the creator Being.¹⁴⁷⁵

That was Brahma’s super-creation: namely, that he created the gods, his superiors; likewise, that, being mortal, he created the immortals. Therefore was it a super-creation. Verily, he who knows this comes to be in that super-creation of his.¹⁴⁷⁶

¹⁴⁷⁰ *Bṛihadārnyaka Upaniṣad* 1.4.1: “*ātmaivedam agra āsīt puruṣavidhaḥ, so’nuvīkṣya nānyad ātmano’paśyat, so’ham asmī agre vyāharat; tato’ham nāmābhavat, tasmād apy etarhy āmantritaḥ; aham ayam ity evāgra uktvā, athānyan nāma prabrūte yad asya bhavati. sa yat pūrvo’smāt sarvasmāt sarvān pāpmana auṣat, tasmāt puruṣah.*” English Text and transliteration from *Bṛhad-āranyaka Upaniṣad*, in: *The Principal Upaniṣads. Edited with Introduction, Text, Translation and Notes*, by S. Radhakrishnan, Humanities Press, Atlantic Highlands, New Jersey 1996, 163. Addition by author. The word *puruṣah* is the masculine form of *puruṣa*. Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 89 & 171. Cf. also SEELE, „*Das bist du!*...“, 44.

¹⁴⁷¹ Cf. *ibid.* Seele explains that this knowing itself is similar to the Cartesian *cogito ergo sum*, “I think, therefore I am”. Descartes following the methodical doubt of one’s own existence comes to the truth that the very act of doubting serves as proof of the reality of one’s own existence. The Cartesian doubting that led to the *cogito ergo sum* is the final reason how the world can be known. However, the “Ego” verifying doubt does not exist in the *Upaniṣads*. Cf. *ibid.* at fn.24.

¹⁴⁷² Cf. SEELE, „*Das bist du!*...“, 44.

¹⁴⁷³ Cf. *ibid.*, 44-45.

¹⁴⁷⁴ *Bṛihadārnyaka Upaniṣad* 1.4.3: “*sa vai naiva reme; tasmād ekākī na ramate; sa dvitīyam aicchat; sa haitāvān āsa yathā strī-pumāṁsau sampariśvaktau; sa imam evātmānam dvedhāpātayat, tataḥ patiś ca patnī cābhavatām; tasmāt idam ardha-br̥galam iva svaḥ, iti ha smāha yājñavalkyaḥ; tasmād ayam ākāśaḥ striyā pūryata eva. tām samabhavat, tato manuṣyā ajāyanta.*” *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, op. cit., 81. Cf. also SEELE, „*Das bist du!*...“, 44-45.

¹⁴⁷⁵ Cf. *ibid.*, 45.

¹⁴⁷⁶ *Bṛihadārnyaka Upaniṣad* 1.4.6: “*saiśā brahmaṇo’tisṛṣṭiḥ, yac chreyaso devān asṛjata: atha yan martyaḥ sañn amṛtān asṛjata, tasmād atisṛṣṭiḥ. atisṛṣṭyaṁ hāsyaitasyām bhavati ya evaṁ veda.*” *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, op. cit., 82. Cf. also SEELE, „*Das bist du!*...“, 45.

Then again, in the *Bṛihadārnyaka Upaniṣad* 1.4.10, the Creation-myth is repeated once again from the perspective of the *brāhman*:¹⁴⁷⁷

Verily, in the beginning this world was Brahma. It knew only itself (*ātmānam*): ‘I am Brahma!’ [*aham brahmāsmi*] Therefore it became the All. Whoever of the gods became awakened to this, he indeed became it; likewise in the case of seers (*ṛṣi*), likewise in the case of men [...]. Whoever thus knows ‘I am Brahma!’ [*aham brahmāsmi*] becomes this All; even the gods have not power to prevent his becoming thus, for he becomes their self (*ātman*). So whoever worships another divinity [than his Self], thinking ‘He is one and I another,’ he knows not.¹⁴⁷⁸

Brāhman now realizes that he is ‘I am Brahma!’ (*aham brahmāsmi*) and became everything. The ‘I am Brahma!’ (*aham brahmāsmi*) referred to in the tenth Stanza above (*Bṛihadārnyaka Upaniṣad* 1.4.10) corresponds to the previously cited ‘I am’ (*so’ham asmī*) of the first stanza (*Bṛihadārnyaka Upaniṣad* 1.4.1). This circular reference causes an additional affirmation of the statement that *brāhman* and *ātman* are one, or rather that they are two aspects of the same matter.¹⁴⁷⁹ *Bṛihadārnyaka Upaniṣad* 4.4.25 clearly affirms this same wonderful and supreme Reality: “This is that great unborn Self [*ātman*] who is undecaying, undying, immortal, fearless, *Brahman*.”¹⁴⁸⁰

This unity is constituted by the execution of *ātman* as *jīva* (individual) in the diversity of the world.¹⁴⁸¹ According to Wood, the unity between *ātman* and *brāhman* is the cardinal doctrine of *Vedānta* “that the world has sprung from the Self (*Ātman*) – that true Self which on being found in oneself reveals itself as the Self of all beings, as Brahman as well as *Ātman*”.¹⁴⁸² Both the premises, namely, that *ātman/brāhman* is comprised in every living being, including the plants, as well as every single incarnation of *jīva ātman* (individual soul; see Chapter 14.4.4 below) that has come into being, is due to the original desire (*sa dvitīyam aicchat* – “He desired a second”) that was expressed in *Bṛihadārnyaka Upaniṣad* 1.4.3. In other words, this impulse triggered the first creative act.¹⁴⁸³ Wood thus declares that every further single creative incarnation of *jīva ātman* is a joint responsibility: “This being the case, all these selves are

¹⁴⁷⁷ Cf. *ibid.*, 47.

¹⁴⁷⁸ *Bṛihadārnyaka Upaniṣad* 1.4.10: “*brahma vā idam agra āsīt, tad ātmānam evāvet, aham brahmāsmīti: tasmāt tat sarvam abhavat, tad yo yo devānām pratyabubhyata, sa eva tad abhavat, tathā ṛṣīṇām, tathā manuṣyāṇām.[...] tad idam api etarhi ya evaṁ veda, aham brahmāsmīti sa idam sarvam bhavati; tasya ha na devās ca nābhūtyā īśate, ātmā hy eṣām sa bhavati. atha yo anyām devatām upāste, anyo’sau anyo’ham asmīti, na sa veda.*” *Bṛihad-āranyaka Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 81. The first two additions are by author. Cf. SEELE, „Das bist du!...“, 47. Cf. Paul DEUSSEN, *Allgemeine Geschichte der Philosophie. Mit besonderer Berücksichtigung der Religionen, Erster Band, Zweite Abteilung. Die Philosophie der Upanishad’s*, Brockhaus, Leipzig 1920, 311. Paul Deussen, a German Orientalist, Sanskrit Scholar, Philosopher and Indologist, explaining the term *aham brahmāsmi* says: „Ich bin Brahman“, bin in Wahrheit nicht Individuum, sondern der *Ātman*, der Inbegriff aller Realität, bin das Prinzip, das alle Welten schafft, trägt und erhält. „Und auch heutzutage, wer also eben dieses erkennt: «Ich bin Brahman!» der wird zu diesem Weltall; und auch die Götter haben nicht Macht, zu bewirken, dass er es nicht wird. Denn er ist die Seele (*ātman*) derselben.“ (*Bṛih* 1.4.10).“ Addition in original.

¹⁴⁷⁹ Cf. SEELE, „Das bist du!...“, 47.

¹⁴⁸⁰ *Bṛihadārnyaka Upaniṣad* 4.4.25: “*sa vā eṣa mahān ajātma, ajaro, amaro’ mṛto’bhayo brahma.*” English Text and transliteration from *Bṛhad-āranyaka Upaniṣad*, in: *The Principal Upanishads*; op. cit., 281. Addition by author. Cf. GONSALVES, *How did I begin?*..., 216, at fn.99.

¹⁴⁸¹ Cf. SEELE, „Das bist du!...“, 47.

¹⁴⁸² WOOD, *Vedanta Dictionary*..., 165. Cf. SEELE, „Das bist du!...“, 47.

¹⁴⁸³ Cf. *ibid.*

responsible directly or indirectly for the production of every form. Such ideas justify the scriptural statement that ‘All this is only the Self’.¹⁴⁸⁴

Similarly, the emergence of the idea of the unity of all creation culminates in another famous dictum: *tat tvam asi*, which means, “That art thou”.¹⁴⁸⁵ The *Chāṇḍogya Upaniṣad* 6.8.7 declares:

That which is the finest essence [*aṇima*] – this whole world has that as its soul [*ātman*]. That is Reality (*satyam*). That is Ātman (Soul). That art thou [...].¹⁴⁸⁶

The term *tat tvam asi*, “That are thou”, is a valid Summa of all *Upaniṣadic* teaching.¹⁴⁸⁷ Two things in this quotation are of central importance: First, that *tat tvam asi* is applied for the first time as an identification of the *ātman* with the real truth (*satyam*) of microstructure of the Universe. Second, there is an allusion to the qualitative difference between matter and *aṇima*¹⁴⁸⁸ (finest essence). That which is no longer divisible has fundamentally a different quality than that which is divisible because it is no more a sensual experience.¹⁴⁸⁹

Along with the above ideas, namely, *aham brahmāsmi* and *tat tvam asi*, two other expressions explain the unity of *brāhman* and *ātman*, namely, *ayam ātma brāhman*, “This Self is *brahman*”,¹⁴⁹⁰ and *prajñānam brahman*, “Wisdom is *brahman*”.¹⁴⁹¹ These four sayings, or *mahāvākyas*, are the Great Sayings, which express the gist of the *Upaniṣadic* teachings in a concise formula, the understanding of which leads to ultimate liberation.¹⁴⁹²

Thus, one can see that different possibilities were analyzed in order to arrive at an answer to the question: “Who am I?” The answer was obviously, ‘that art thou’ (*tat tvam asi*). Nevertheless, to find an answer to this question was tedious and confused. Perhaps, what was arrived at after such an investigation was that it is the inmost essence, a soul; an answer that seems not so different from that of Christianity. Nevertheless, the ‘that art thou’ cannot be both. In the last analysis, a solution was found. A word was coined that above all has a very neutral meaning, namely, *ātman*. It was quite simply used as a reflexive pronoun, namely, “itself, the self”. However, this answer also seemed evasive, because the question remained as to the characteristics and properties of *ātman*. A pliable answer was insufficient. Behind this search

¹⁴⁸⁴ WOOD, *Vedanta Dictionary*..., 165-166. Cf. SEELE, „Das bist du!...“, 47.

¹⁴⁸⁵ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 169 & 171. The English word “that” when translated in Skt. is *tat*. It means either that or this, as a demonstrative pronoun. It could also mean: on that account, for that reason, therefore or consequently. Here it means you are that, namely, the *Ātman*. It is from this the famous saying is derived: *tat tvam asi*, which means “that art thou”. For a brief description of *tat tvam asi* and the origin of the term within the context of a story see Simone RAPPEL, *Gemeinsame Weltverantwortung und globales Ethos. Christentum-Hinduismus-Konfuzianismus-Daoismus*, Ferdinand Schöningh, Paderborn/München/Wien/Zürich 2007, 228.

¹⁴⁸⁶ *Chāṇḍogya Upaniṣad* 6.8.7: “*sa ya eṣo’nimā aīta ātmyam idaṃ sarvaṃ, tat satyam, sa ātmā: tat tvam asi [...]*” *Chāṇḍogya Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 246. Addition by author.

¹⁴⁸⁷ Cf. *Chāṇḍogya-Upaniṣad*, in: Paul DEUSSEN, *Sechzig Upaniṣad’s des Veda: aus dem Sanskrit Übersetzt und mit Einleitungen und Anmerkungen versehen*, Dritte Auflage, F. A. Brockhaus, Leipzig 1921, 61-205, 157. English tr. from *Chāṇḍogya Upaniṣad*, in: Paul DEUSSEN, *Sixty Upaniṣads of the Veda*, tr. from German by V. M. BEDEKAR/G. B. PALSULE, Part I, Motilal Banarsidass Publishers Private Limited, Delhi 1990, 61-205; 159. See also KÖLVER, *Das Weltbild der Hindus*..., 69.

¹⁴⁸⁸ Skt. for minuteness, smallness, fineness, atomic nature. Cf. APTE, Vol.1, 37.

¹⁴⁸⁹ Cf. SEELE, „Das bist du!...“, 61.

¹⁴⁹⁰ *Bṛihadārnyaka Upaniṣad* 2.5.19. *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 105. Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 171.

¹⁴⁹¹ *Aitṛeya Upaniṣad* 3.1.3. *Aitṛeya Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 301.

¹⁴⁹² Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 171.

remained the fact that a great potential was hidden under this word *ātman*, namely, it is not all that.¹⁴⁹³

A core text in the *Bṛihadārnyaka Upaniṣad* 3.9.26 applies the incomprehensible characteristics of the *ātman*:

That self [*ātman*] is not this, not this [*na iti na iti*]. It is incomprehensible for it is not comprehended. It is indestructible for it is never destroyed. It is unattached for it does not attach itself. It is unfettered. It does not suffer. It is not injured.¹⁴⁹⁴

Thus, this expression ‘not this, not this’ (often described as *neti neti*) has become a famous saying. One uses this expression because one’s conceptual thought cannot describe it by any positive content.¹⁴⁹⁵

Interestingly, while describing the form of the *puruṣa*, *Bṛihadārnyaka Upaniṣad* 2.3.6 also describes it as *neti neti* (not this, not this):

–But the characterization of this (*Puruṣa*) is: ‘it is not so’ ‘it is not so’ (*neti, neti*); because there is nothing outside this (characterization) that is not so, not anything else. (*na hi etasmād ‘iti na’ iti anyat param asti*) –But its name is ‘the reality of reality’. i.e. the vital spirits are the reality and he (the *Puruṣa* or Brahman) is its reality.¹⁴⁹⁶

In the above passage, two formulations are given for the *puruṣa*, namely, *neti neti* and ‘the reality of reality’. This means ultimately that the rigorous negation of *ātman/brāhman/puruṣa* in every possible way cannot be bound by any language or its barriers. Neither as ‘not this, not this’ (*neti neti*) nor as ‘the reality of reality’ is *ātman/brāhman/puruṣa* cognitively comprehensible, in that, both formulations are beyond the cognitive access.¹⁴⁹⁷ Through this expression, the Self eliminates its characteristics (in other words, it is without attributes) and raises it beyond the level of the material world, without removing it out of the system. One can thus imagine that through this idea a hierarchical order was strengthened.¹⁴⁹⁸ Consequently, this definition *neti neti* served the purpose of not confining the *ātman* but leaving it open to its boundlessness.

In the last analysis, what now remains to be figured out is the relationship of *ātman* in the microcosm to the macrocosm. The answer was found in the ambit of the Sacrifice, namely, the

¹⁴⁹³ KÖLVER, *Das Weltbild der Hindus...*, 69.

¹⁴⁹⁴ *Bṛihadārnyaka Upaniṣad* 3.9.26: “*sa eṣa, na iti. Na ity ātma, agrhyaḥ, na hi grhyate, aśīryaḥ na hi śīryate, asaṅgaḥ na hi saṅgyate, asito na vyathate, na riṣyati.*” Transliteration and translation from *Bṛhad-āranyaka Upaniṣad*, in: *The Principal Upaniṣads*; op. cit., 242-243. Addition by author. Cf. KÖLVER, *Das Weltbild der Hindus...*, 69. Cf. SEELE, „Das bist du!...“, 71. A parallel verse can also found in *Bṛihadārnyaka Upaniṣad* 4.2.4, 4.4.22 and 4.5.15. See *Bṛhad-āranyaka Upaniṣad*, in: *The Principal Upaniṣads*; op. cit., 194. Cf. KÖLVER, *Das Weltbild der Hindus...*, 69. Cf. SEELE, „Das bist du!...“, 71.

¹⁴⁹⁵ Cf. DASGUPTA, *A History of Indian Philosophy*, Vol.1, op. cit., 45.

¹⁴⁹⁶ *Bṛihadārnyaka Upaniṣad* 2.3.6. “*athāta ādeśaḥ na it na iti, nah hy etasmād iti, na ity anyat param asti; atha nāma-dheyam satyasya satyam iti. prāṇā vai satyam, teṣām eṣa satyam.*” *Bṛhad-āranyaka Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, op. cit., Part I, 389-544; 432-433. Addition and emphasis in original. Here one can see that Deussen also translates this same passage and equates *ātman* with *puruṣa* or *brāhman*. Transliteration from *Bṛhad-āranyaka Upaniṣad*, in: *The Principal Upaniṣads*; op. cit., 194. The German Original tr. from Skt.: „Aber die Bezeichnung für ihn [den *Puruṣa*] ist: ‚es ist nicht so! es ist nicht so‘ (*neti, neti*); denn nicht gibt es außer dieser [Bezeichnung], dass es nicht so ist, eine andre (*na hi etasmād «iti na» iti anyat param asti*). –Sein Name aber ist: ‚die Realität der Realität‘; nämlich die Lebensgeister sind die Realität, und ist ihre Realität.“ *Bṛhad-āranyaka Upaniṣad*; in DEUSSEN, *Sechzig Upanishad's des Veda*, op. cit., 414-415. Addition and emphasis in original. Cf. SEELE, „Das bist du!...“, 69-70.

¹⁴⁹⁷ Cf. *ibid.*, 70.

¹⁴⁹⁸ KÖLVER, *Das Weltbild der Hindus...*, 70. Cf. also SEELE, „Das bist du!...“, 67-74.

power of the Sacrifice, which unfolds itself through the effect that contained in *brāhman*. The process of creation by *brāhman* is stated in the *Śatapathabrāhmaṇa* 11.2.3:

Verily, in the beginning, this (universe) was the Brahman (neut.). It created the gods; and, having created the gods, it made them ascend these worlds: Agni this (terrestrial) world, Vāyu the air, and Sūrya the sky. And the deities who are above these he made ascend the worlds which are above these; and, indeed, just as these (three) worlds and these (three) deities are manifest, so are those (higher) worlds and those (higher) deities manifest – (the worlds) which he made those deities ascend. Then the Brahman itself went up to the sphere beyond.¹⁴⁹⁹

This same *brāhman* is the one, “who plucks apart and puts together these persons and passes beyond them”¹⁵⁰⁰ It is to him, i.e., *brāhman*, that the *ātman* returns after death, just as the air leaves a person after death the limits of his/her earthly body. Thus, a person eventually goes beyond this world to the otherworldly realm. Therefore, one can understand *brāhman* being designated as the “world soul”, because all souls return to him.¹⁵⁰¹

In this way, the two levels, that of the individual *ātman*, and that which lies beyond every grasp, namely, the *brāhman* are constantly brought together and set against each other. This is explained *Chāṇḍogya Upaniṣad* 3.14.3-4 as:

[...] this Soul of mine within the heart is smaller than a grain of rice, or a barley-corn, or a mustard-seed, or a grain of millet, or the kernel of a grain of millet; this Soul of mine within the heart is greater than the earth, greater than the atmosphere, greater than the sky, greater than these worlds [...].¹⁵⁰²

This very soul, which is tiny as well as great, finally returns to its destination, namely *brāhman*. The above verse then ends with this assertion: “this is the Soul of mine within the heart, this is Brahma. Into him I shall enter on departing hence.”¹⁵⁰³

The spiritual knowledge of the identity (*ātman*) with the Supreme Reality (*brāhman*) helps the Self to end his individuality with himself – in other words to attain the *mokṣa* (salvation). To achieve this goal, the Self journeys from one body to another. Death is not the end, but just a crossroad – from one physical body to another until the final destination is reached.¹⁵⁰⁴

However, the conditional nature of the *ātman* to recognize its identity with *brāhman*, is the doctrine of *karma*, namely, the deeds and the consequence of those deeds.¹⁵⁰⁵ The identity of *ātman* with *brāhman* is explained in the *Bṛihadārnyaka Upaniṣad* 4.4.5 and the doctrine of *karma* is treated within that context:

Verily, this soul [*ātman*] is Brahma, made of knowledge, of mind, of breath, of seeing, of hearing, of earth, of water, of wind, of space, of energy and of non-energy, of desire and of nondesire [stet], of anger and of non-anger, of virtuousness and of nonvirtuousness [stet]. It

¹⁴⁹⁹ *Śatapathabrāhmaṇa* 11.2.3. *Satapatha-Brāhmaṇa according to the Text of the Mādhyandina School*, tr. by Julius EGGELING, Part V, The Clarendon Press, Oxford 1900, 27. Cf. KÖLVER, *Das Weltbild der Hindus...*, 70.

¹⁵⁰⁰ *Bṛihadārnyaka Upaniṣad* 3.9.26. *Bṛihad-āranyaka Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 125. Cf. KÖLVER, *Das Weltbild der Hindus...*, 70.

¹⁵⁰¹ Cf. *ibid.*

¹⁵⁰² *Chāṇḍogya Upaniṣad* 3.14.3. *Chāṇḍogya Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 210. Cf. KÖLVER, *Das Weltbild der Hindus...*, 70.

¹⁵⁰³ *Chāṇḍogya Upaniṣad* 3.14.4. *Chāṇḍogya Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 210. Cf. KÖLVER, *Das Weltbild der Hindus...*, 70.

¹⁵⁰⁴ Cf. Ramchandra Narayan DANDEKAR, „Der Mensch im Denken des Hinduismus“, in: Andreas BSTEHL (Hg.), *Sein als Offenbarung in Christentum und Hinduismus*, Verlag St. Gabriel, Mödling 1984, 139-179; 149.

¹⁵⁰⁵ Cf. SEELE, „Das bist du!...“, 74-75.

is made of everything. This is what is meant by the saying “made of this, made of that.” According as one acts, according as one conducts himself, so does he become. The doer of good becomes good. The doer of evil becomes evil. One becomes virtuous by virtuous action, bad by bad action.¹⁵⁰⁶

The first half of the above passage deals with the *ātman*, which is the same as *brāhman*. The second half treats the topic of *karma*. The above passage also emphasizes that every living being has the opportunity to improve his *karma*.¹⁵⁰⁷

14.4.2 *Puruṣa*

Etymologically, the word ‘*puruṣa*’ in Sanskrit means “the real man or Self”¹⁵⁰⁸ or *ātman*.¹⁵⁰⁹ The word *puruṣa* literally means a “city dweller”. It is derived from the root *pur* meaning rampart, wall, stronghold, fortress, castle, city, town, the body and from *usha* a derivative of *vāśa* meaning abiding, dwelling, residence.¹⁵¹⁰ *Puruṣa* is also a word phonetically close and equivalent to the concept of person as portrayed in the *Sāṃkhya* and *Yoga* tradition. *Puruṣa* represents the “male”, or the thinking principle, as the witness (*sākṣī*) of all activity performed by the female counterpart *prakṛti* (nature), as a distinct principle in all human beings of which the supreme example is God himself (*paramapuruṣa*). While *ātman* is considered as a feminine concept of immanence, inherence and substratum, *puruṣa* is essentially a male concept connoting distance, transcendence and awareness.¹⁵¹¹

From a scriptural background, in the *Viṣṇu Sahasranāma* (Thousand Names of Shri Maha Viṣṇu) Stanza 2 (which forms part of the *Mahābhārata*)¹⁵¹², the word *puruṣah* (masculine form of *puruṣa*) is used to refer to the *ātman* in each of us. The etymology of the word *puruṣah* itself serves as the proof that it dwells in the body, i.e. in the soul or *ātman* or the Self. *Puruṣah* or the Self is described in *Viṣṇu Sahasranāma* as, “that which dwells or resides or sleeps within the township/Fort-city of the body” (*puri shete iti puruṣah*). Alternatively, “He that lies in a *pura* (meaning a fort or the nine-doored mansion,), i.e., the body”. The soul while remaining in

¹⁵⁰⁶ *Bṛihadārnyaka Upaniṣad* 4.4.5. *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 140. Addition by author. See also *Bṛihadārnyaka Upaniṣad* 3.2.13. Cf. SEELE, „Das bist du!...“, 75-76 and Cf. DHAVAMONY, *Classical Hinduism...*, 134.

¹⁵⁰⁷ Cf. SEELE, „Das bist du!...“, 77.

¹⁵⁰⁸ WOOD, *Vedānta Dictionary...*, 141. Cf. SEELE, „Das bist du!...“, 41.

¹⁵⁰⁹ Cf. *Viṣṇu Sahasranāma. Thousand Ways to the Transcendental*, commentary by Swami CHINMAYANANDA, Central Chinmaya Mission Trust, Mumbai 2008, 21.

¹⁵¹⁰ Cf. MWM, 635 & 947. Cf. WOOD, *Vedānta Dictionary...*, 141. Cf. SEELE, „Das bist du!...“, 41.

¹⁵¹¹ Cf. George GISPert-SAUCH, “The Concept of Person and Indian Thought – An Attempt at a Cross-Cultural Dialogue”, in: *Philosophy and Human Development (Essays in honour of Father Emilio Ugarte, S.J.)*, Satya Nilayam Publication, Madras 1986, 27-44; 37.

¹⁵¹² The Skt. transliteration of the *Viṣṇu Sahasranāma* Stanza 2 reads: “*pūtātmā paramātmā ca, muktānām paramā gatiḥ, avyayaḥ puruṣah sākṣī, kṣetrjñō kṣara eva ca*”. See *The Mahābhārata* 13.135.15. *Pūtātmā*: One whose nature is pure, one with an extremely Pure Essence. *Paramātmā*: being entirely the soul of the universe or the *Ātman*, that which transcends all limitations and imperfections of matter, the Transcendental Reality. *Muktānām paramā gatiḥ*: The final or supreme goal (*paramā gatiḥ*) attained by the liberated souls. *Avyayaḥ*: not liable to change, imperishable, indestructible. *Puruṣah*: One who reposes in the body/Fort-city or *pur* (considered as the stronghold). *Sākṣī*: One who witnesses, evidences, testifies. *Kṣetrjñā*: ‘knowing the body’, i.e., the soul, the conscious principle in the corporeal frame, one who knows the body and all the experiences within the body. *Akṣara*: imperishable, unalterable and indestructible, i.e., the *brāhman*. Cf. MWM, 3, 111, 332, 588, 635, 637, 641, 820 & 1198. Cf. CHINMAYANANDA, *Viṣṇu Sahasranāma...*, 19-22. Cf. also RAVI, *Viṣṇu Sahasranāma. A Comprehensive Treatise*, Manblunder Publications, Chennai, India 2012, 26-30.

the body, rules it.¹⁵¹³ Two other variations are suggested to the nature of the Self. First, *Puruṣa* can mean, “One who existed before anything else existed” (*pura aseet iti puruṣaḥ*). Second, it can mean, “One who completes and fulfills existence everywhere” (*purayati iti puruṣaḥ*). This *Ātman* remains in the bodies of all living creatures as their individuality (*jīva*) and in all activities, physical, mental and intellectual, without himself involving but remaining as an observer or witness to all that happens (*sākṣī*).¹⁵¹⁴ As mentioned earlier, *puruṣa* in *Sāṃkhya* Philosophy is considered as *ātman* in *Vedānta* Philosophy. However, whether one calls it *puruṣa* or *ātman*, “it is the indispensable factor in the creation of a life”.¹⁵¹⁵ The body is the field (or *kṣetra*) and the knower is the *Kṣetrajña*. In other words, using Aristotelian category, the matter is *kṣetra* and the form or the soul functioning in it is *Kṣetrajña*.¹⁵¹⁶

Yaska, a Sanskrit grammarian (ca. 6BCE-5BCE), in his work *Nirukta*, renders a further evidence to the meaning of the word *puruṣaḥ*.¹⁵¹⁷ Here he gives an original interpretation and root meaning of the word *puruṣaḥ*. It reads:

Puruṣaḥ (person) = puri-śādaḥ (one who sits in a city), or = puri-śayaḥ (one who sleeps in a city), or is derived from (the root) pr (to fill), i.e. he fills the interior, with reference to the inner soul.

This entire (universe) is filled by that inner soul, to whom there is nothing anterior, nothing subsequent, than whom there is nothing more minute, nor more great, and immovable like a tree, who alone lives in heaven.¹⁵¹⁸

Uma Shankar Sharma ‘Rishi’, Philosopher and Scholar of Sanskrit Language, comments that, when the individual (or *vyakti*) is targeted at as being filled (*pūraya*) in the interior of the body, then he may be referred to as *puruṣa*. Moreover, referring to the *Śvetāśvatara Upaniṣad*, Sharma ‘Rishi’ draws out an example of *puruṣa* as, “Than whom there is naught else higher, than whom there is naught smaller, naught greater, the One stands like a tree established in

¹⁵¹³ Metaphorically, the *rṣis* or the great sages conceived the body as a fortress with nine gateways (*navadvāre pure*). The nine openings/gateways in the body are - pair of eyes, pair of ears, pair of nostrils, mouth, organs of procreation and excretion. Cf. BG, 5.13. Cf. Commentary No. 14 to *Vishnu Sahasranāma* Stanza 2, by CHINMAYANANDA, *Vishnu Sahasranāma*..., 21. Cf. also RAVI, *Viṣṇu Sahasranāma*..., 28. Note that the word *puruṣaḥ* is in masculine gender and the corresponding masculine pronoun ‘he’ (*śaḥ*) was used.

¹⁵¹⁴ Cf. Commentary No. 14 & 15 to *Vishnu Sahasranāma* Stanza 2, by CHINMAYANANDA, *Vishnu Sahasranāma*..., 21.

¹⁵¹⁵ RAVI, *Viṣṇu Sahasranāma*..., 29.

¹⁵¹⁶ Cf. *ibid.*, 30.

¹⁵¹⁷ The author of *Nirukta* is Yaska. *Nirukta* is a technical treatise on etymology, philology and semantics. In interpreting the *Veda*, *Nirukta* attempts to explain the root and the meaning of words. See Lakshman SARUP, *The Nighaṇṭu and the Nirukta. The Oldest Indian Treatise on Etymology, Philology, and Semantics. Critically edited from Original Manuscripts and Translated for the first time into English, with Introduction, Exegetical and Critical Notes, Three Indexes and Eight Appendices*, Motilal Banarsidass, Delhi, Varanasi, Patna 1966, 5. In this work, which is divided into two, the Sanskrit text is found from pages 1-298. In the second part, once again, the introduction and English tr. and notes is found from pages 1-260.

¹⁵¹⁸ *Nirukta* 2.3: “[...] *puruṣaḥ puri-śādaḥ. puri-śayaḥ. pūrayater vā. pūrayaty antar ity antara puruṣam abhipretya.*” See Lakshman SARUP, *The Nighaṇṭu and the Nirukta* ..., *op. cit.*, the original Skt. text at 45 and the English commentary at 23. Here Yaska refers to *Śvetāśvatara Upaniṣad* 3.9 (see next fn.1519 below). For a German commentary, see Rudolph ROTH (Hg.), *Jāśka's Nirukta sammt den Nighaṇṭavas*, Verlag der Dieterischen Buchhandlung, Göttingen 1852, Skt. Text 1-228. Erläuterung zum *Nirukta* 1-230. Here the original Skt. text at 41 and the German commentary at 18. This was the first German work that became the *editio principes* of the *Nirukta*. See also a similar commentary by Uma Shankar SHARMA ‘RISHI’ (ed.), *Nirukta of Yāśka*, Second Edition, Chowkhambha Vidya Bhawan, Varanasi, 1966, 39-40.

heaven. By Him, the Person [*puruṣa*], this whole world is filled”.¹⁵¹⁹ This is exactly what Yaska in his *Nirukta* had already quoted (see above).

Having seen the etymological and scriptural background of the word *puruṣa*, one can raise the question here, namely, in which sense can one use the term *puruṣa* to the questions of the beginning of life? Perhaps, the metaphysical content of it might enlighten here. In the *Sāṃkhya Kārikā* of *Īśvara Kṛṣṇa*¹⁵²⁰, the *puruṣa* is argued through five arguments, which taken together, gives us an idea of the metaphysical content of this idea. It can be summarized as follows:

1. The *puruṣa* in opposition to *prakṛti* (nature) is discriminating (*vivekī*) or conscious of differences, non-object (*aviśaya*) and hence a subject, particular (*asamānya*) and hence the principle of individuation, conscious (*cetana*), but non-active or non-productive (*aprasava-dharmī*). The characteristic role of the *puruṣa* is one of a witness (*sāksī*) of the activity, it itself not being an activity, remaining uninvolved and impartial.
2. The *puruṣa*, which may be defined in terms of *pour soi* (being-for-itself), in opposition to the composite external reality that is not for itself but for another (*parārtha*), is both simple and an end in itself.
3. The *puruṣa* is the abode, basis, or seat of all activity (*adhiṣṭhāna*¹⁵²¹).
4. Although, *puruṣa* is the uninvolved term of references of all knowledge (as *sāksī*) and of all activity (as *adhiṣṭhāna*), yet it is the term of reference of all enjoyment (*Bhokṛtṛbhāvāt*).
5. The *puruṣa* is the focus or transcendental purpose of all activity, the pure aloneness (*kaivalya*) which is the metaphysical explanation for the activity of the world or *prakṛti*. The *puruṣa* is the *causa finalis* of all (cf. 2 above) in whose presence the cosmic dance takes place. Thus, in Indian traditions, the abstract term *values* are often expressed as *puruṣārthas*¹⁵²² (namely, wealth [*artha*], desire or pleasure [*kāma*], duty [*dharma*] and liberation [*mokṣa*]), or so to say, the purpose or aim of the *puruṣa*. In legal and moral literature, the *puruṣārthas* give a holistic and organized vision of the area of values operative in all human activity, proceeding from wealth (*artha*) to liberation (*mokṣa*) while passing through pleasure (*kāma*) and duty (*dharma*).¹⁵²³

Deliberating on the theological understanding of the term *puruṣa*, one can affirm the following. As already mentioned, the macrocosmic man (*Puruṣa*; see Chapter 14.3 above) is the prototype of the microcosmic man (*puruṣa*). The *Upaniṣads* confirm this fact that the cosmic *Puruṣa* is very much person-centred, and becomes more evident in a hymn of *Kathā Upaniṣad* 3.10-11 as well as in the *Śvetāśvatara Upaniṣad* 3.8:

Higher than the senses are the object of sense. Higher than the objects of sense is the mind (*manas*); And higher than the mind is the intellect (*buddhi*). Higher than the intellect is the great Self (*Ātman*). Higher than the great is the unmanifest (*avyakta*). Higher than the

¹⁵¹⁹ Cf. *ibid.* Sharma ‘Rishi’ is quoting here *Śvetāśvatara Upaniṣad* 3.9 in Hindi. The English tr. is from *Śvetāśvatara Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, *op. cit.*, 400. Addition by author.

¹⁵²⁰ See Chapter 14.4.2 above.

¹⁵²¹ Skt. for a receptacle, place or situation. Cf. MWM, 138.

¹⁵²² Skt. meaning any object of human pursuit; any of the four objects or aims of existence (viz. *kāma*, the gratification of desire; *artha*, acquirement of wealth; *dharma*, discharge of duty; *mokṣa*, final emancipation). Cf. MWM, 637.

¹⁵²³ Cf. GISPERT-SAUCH, “The Concept of Person...”, 37-39.

unmanifest is the Person. Higher than the Person there is nothing at all. That is the goal. That is the highest course.¹⁵²⁴

I know this mighty Person (*Puruṣa*). Of the color of the sun, beyond darkness. Only by knowing Him does one pass over death. There is no other path for going there.¹⁵²⁵

The religious thinker of the *Upaniṣads* frees himself from the ritualistic conceptions and identifies with the Cosmic *Puruṣa*, first with the natural phenomena and then with the inmost Self of man.¹⁵²⁶ There are eight different persons (*puruṣas*) identified with the physical bases.¹⁵²⁷ However, the 'Upaniṣadic' *Puruṣa* is above all these other *puruṣas*. The individual person (*puruṣa*) is composed of sixteen parts. These parts are compared to a tree and poetically identified with those of the tree.¹⁵²⁸ The individual man (*puruṣa*) is identified with the self (*ātman*) which is composed of desire, and therefore determines his action and rebirth.¹⁵²⁹ The term *puruṣa* is also used as a synonym of the supreme Self (*ātman*) as the ultimate ground of the manifold world and of the individual in the *Praśna Upaniṣad*:

Truly, this seer, toucher, hearer, smeller, taster, thinker (*mantr*), conceiver (*boddhr*), doer, the conscious self (*vijñāna-ātman*), the person [*puruṣa*] – his resort is in the supreme imperishable Soul (*Ātman*, Self).¹⁵³⁰

Again, he who meditates on the highest Person (*Puruṣa*) with the three elements of the syllable *Om* [namely *a + u + m*], is united with brilliance (*tejas*) in the sun. As a snake is freed from its skin, even so, verily, is he freed from sin (*pāpman*). He is led by the *Sāman* chants to the world of Brahma. He beholds the Person that dwells in the body and that is higher than the highest living complex.¹⁵³¹

The *Muṇḍaka Upaniṣad* attests to the fact that *Puruṣa* is not only the ultimate ground of the objective world but also the animating principle of the subjective structure of man:

He on whom the sky, the earth, and the atmosphere are woven, and the mind, together with all the life-breaths (*prāṇa*), him alone know as the one Soul (*Ātman*). Other words dismiss. He is the bridge to immortality.¹⁵³²

It is interesting to note that *puruṣa* in *Sāṃkhya* Philosophy is considered as *ātman* in *Vedānta* Philosophy. A very clear pronouncement of the word *puruṣa* as equivalent to *ātman* is employed in the *Muṇḍaka Upaniṣad* 2.1-2¹⁵³³:

¹⁵²⁴ *Kathā Upaniṣad* 3.10-11. *Kathā Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 352. Cf. DHAVAMONY, *Classical Hinduism*..., 122.

¹⁵²⁵ *Śvetāśvatara Upaniṣad* 3.8. *Śvetāśvatara Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 400. Cf. DHAVAMONY, *Classical Hinduism*..., 122.

¹⁵²⁶ Cf. *ibid*.

¹⁵²⁷ *Bṛihadārnyaka Upaniṣad* 3.9.11-18. *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 121-123. Cf. DHAVAMONY, *Classical Hinduism*..., 122.

¹⁵²⁸ *Bṛihadārnyaka Upaniṣad* 3.9.28, *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 126. Cf. DHAVAMONY, *Classical Hinduism*..., 122.

¹⁵²⁹ *Bṛihadārnyaka Upaniṣad* 4.3.7-9, *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 126. Cf. DHAVAMONY, *Classical Hinduism*..., 122-123.

¹⁵³⁰ *Praśna Upaniṣad* 4.9. *Praśna Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 387. Addition by author. Cf. DHAVAMONY, *Classical Hinduism*..., 123.

¹⁵³¹ *Praśna Upaniṣad* 5.5. *Praśna Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 388. Addition by author. Cf. DHAVAMONY, *Classical Hinduism*..., 123.

¹⁵³² *Muṇḍaka Upaniṣad* 2.2.5. *Muṇḍaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 372. Cf. DHAVAMONY, *Classical Hinduism*..., 123.

¹⁵³³ Cf. WOOD, *Vedānta Dictionary*..., 165. Cf. also DHAVAMONY, *Classical Hinduism*..., 123.

1. This is the truth:– As, from a well-blazing fire, sparks by the thousand issue forth of like form, so from the Imperishable, my friend, beings manifold are produced, and thither also go.
2. Heavenly (*divya*), formless (*a-mūrtta*) is the Person (*Puruṣa*). He is without and within, unborn, breathless (*a-prāṇa*), mindless (*a-manas*), pure (*śubhra*), higher than the high Imperishable.¹⁵³⁴

The first passage above speaks of the whole universe with its diverse modes and contents as well as the self that come out from that imperishable infinite Being. The self is essentially of the same nature as that of the *puruṣa*, even as the spark is the same as the fire. The difference lies only in magnitude and not in kind; one is infinite and the other is finite. However, unlike the fire spark, this self has but one common destiny, namely, the dissolution into *puruṣa* again. Here *puruṣa* or *brāhman* is indicated as both the material and efficient cause of the universe. Nevertheless, this is the creative or *saguna* (with qualities) aspect of *brāhman*, as the common origin of all life and existence. The second passage speaks of the *nirguna* (without qualities) or the transcendental absolute aspect of the *brāhman*. Here, the absolute state of *brāhman* is spoken of as superior to and beyond the *saguna* aspect of *brāhman*.¹⁵³⁵

The *Kathā Upaniṣad* further speaks of the *Puruṣa* as one who abides in the individual self (*ātman*):

- A Person of the measure of a thumb stands in the midst of one's self (*ātman*),
 Lord of what has been and of what is to be, one does not shrink away from him.
 This, verily, is That! A Person of the measure of a thumb, like a light without a smoke,
 Lord of what has been and what is to be. He alone is today, and tomorrow too.¹⁵³⁶

From all that has been described above, in the *Upaniṣads* the term *puruṣa* is portrayed for many entities such as, “for the individual human person, Cosmic Person, the Personal Absolute and the impersonal Ground of the objective universe and of the human persons”.¹⁵³⁷ However, one should be cautious not to translate the Sanskrit term *puruṣa* as individual or person. Nonetheless, since the term *puruṣa* has a wide spectrum of meanings and forms, it may be a useful concept in dealing with the issues related to the beginning of life, especially from a metaphysical and theological content of the term.

14.4.3 Śarīra

There is no single concept in the *Upaniṣad* to designate the body of the human being. Sometimes even the concept *ātman* is used in its place. In the *Vedānta* philosophy man is described as having five encasements or coverings or bodies (*kóśas*¹⁵³⁸), one within the other, so to say, as follows: 1) The outermost is the “body made of food” (*anna-maya-kóśa*). 2) The “body made of vitality” (*prāṇa-maya-kóśa*). 3) The “body made of mind” (*mano-maya-kóśa*). 4) The “body made of understanding” or wisdom or evaluation (*vijñāna-maya-kóśa*). 5) The

¹⁵³⁴ *Muṇḍaka Upaniṣad* 2.1-2. *Muṇḍaka Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 370. Cf. WOOD, *Vedānta Dictionary*..., 165.

¹⁵³⁵ Cf. *Muṇḍaka and Mandukya Upanishads: with Sanskrit Text, Paraphrase with word-for-word Literal Translation, English, Rendering and comments*, tr. by Swami SHARVANANDA, Sri Ramakrishna Math, Mylapore, Madras 1920, 29-30.

¹⁵³⁶ *Kathā Upaniṣad* 4.12-13, *Kathā Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 355. Cf. DHAVAMONY, *Classical Hinduism*..., 124.

¹⁵³⁷ *Ibid.*

¹⁵³⁸ Skt. *kóśa* means a cask, vessel for holding liquids, a sheath. Cf. MWM, 314.

“body made of bliss” (*ānanda-maya-kōsa*).¹⁵³⁹ These five encasements or *kōsas* are further classified into three, called *śarīras*, which means “body” (in German „Körper“).¹⁵⁴⁰ These three are: 1) The dense or gross body (*sthūla*¹⁵⁴¹ *śarīra*) is made of food (*anna*), 2) The subtle or fine body (*sūkṣma*¹⁵⁴² *śarīra*) is made of vitality (*prāṇa*), mind (*manas*) and understanding/wisdom/evaluation (*viñāna*), and 3) The causal body (*kāraṇa*¹⁵⁴³ *śarīra*) made of bliss (*ānanda*).¹⁵⁴⁴ The Gross or dense body (*sthūla śarīra*) includes the ten organs, five of which are sense or knowledge organs (*jñāna-indriyas*) and the other five action organs (*karma-indriyas*). The five sense organs are ears, skin, eyes, mouth and nose. The five action organs are legs, hands, mouth and the organs of excretion and generation.¹⁵⁴⁵ The subtle body (*sūkṣma śarīra*) thus contains seventeen things in all – five organs of sense, five organs of action, five vital airs, mind and understanding.¹⁵⁴⁶ The causal body (*kāraṇa śarīra*) is called so because it is the root from which all other “bodies” (named above) sprout. This body is also the residence of the “I-maker” (*ahamkāra*), which is the reflection of the “I” or self, an inseparable part of the Self which is *brāhman*.¹⁵⁴⁷

One cannot identify the body with the *ātman*. Despite this overwhelming distinction between the *ātman* as a purely spiritual self and the physical body of the human, yet there is a close bond between them, so close that sometimes the meanings of the names of the two are not sharply distinguished. Owing to this close affinity of the *ātman* with the body, the very use of the word “*ātman* as a reflexive pronoun in the singular” has emerged in the *Upaniṣads*.¹⁵⁴⁸

Even through successive incarnations, the “I” always remains the same and preserves the experience of the sameness through all erroneous notions of self.¹⁵⁴⁹ While deliberating about the physiology of the *Upaniṣad*, Deussen distinguishes two types of bodies, namely the gross body and the fine or subtle body. The fine or subtle body is the carrier of psychological organs

¹⁵³⁹ Cf. WOOD, *Vedanta Dictionary*..., 26.

¹⁵⁴⁰ The Skt. word *śarīra* (which comes from the root *śrī* and means ‘that which is easily destroyed or dissolved’) means the body, the bodily frame, solid parts of the body, any solid body, one’s body, i.e., one’s own person, bodily strength, dead body. Cf. MWM, 1057.

¹⁵⁴¹ The Skt. word *sthūla* stands for 1) Large, great, big, bulky, huge; 2) Fat, corpulent, stout; 3) Strong, powerful; 4) Thick, clumsy; 5) Gross, coarse, rough (fig. also); 6) Foolish, doltish, silly, ignorant; 7) Solid, dull, thick-headed; 8) Not exact; 9) In Philosophy: Material, tangible (opp. to *sūkṣma* or subtle). In combination with *śarīram*, it means the grosser or material and perishable body. Cf. APTE, Vol.3, 1724. Cf. MWM, 1266.

¹⁵⁴² Skt. for subtle, minute, atomic, small, fine, thin, delicate, exact, precise accurate. Cf. APTE, Vol.3, 1696.

¹⁵⁴³ Skt. for cause, reason, the cause of anything, instrument, means; motive; origin, principle; a cause (in philosophy, i.e., that which is invariably antecedent to some product). Cf. MWM, 274.

¹⁵⁴⁴ Cf. WOOD, *Vedanta Dictionary*..., 26-27.

¹⁵⁴⁵ Cf. *ibid.*, 28. Deussen clarifies about the ten organs as: „Den Organen des individuellen Atman entsprechen im Weltganzen die Naturkräfte (Naturgötter) als Organe des kosmische Atman“. “The organs of the individual *Ātman* correspond in the universe to the forces of nature (nature gods) as organs of the cosmic *Ātman*.” See DEUSSEN, *Allgemeine Geschichte der Philosophie*..., 241. Tr. by author.

¹⁵⁴⁶ Cf. WOOD, *Vedanta Dictionary*..., 29.

¹⁵⁴⁷ Cf. *ibid.*, 39. Cf. SEELE, „Das bist du!...“, 37-38.

¹⁵⁴⁸ Cf. *ibid.*, 39. Cf. Jeannette M. VAN GELDER, *Der Ātman in der Großen-Wald-Geheimlehre (Bṛhad-Āraṇyaka-Upaniṣad)*, Mouton & Co., S-Gravenhage 1957, 123.

¹⁵⁴⁹ Cf. WOOD, *Vedanta Dictionary*..., 39.

of the soul that accompanies it in their migrations until salvation. The soul at death releases the gross body like a mango from its stem.¹⁵⁵⁰

14.4.4 *Jīva*

The next term that needs examination in this section is *jīva*, commonly translated in English as ‘individual’. However, many Hindu scholars would deny attributing the English equivalent ‘individual’ or ‘person’ to *jīva*. It certainly does not mean individual or person as understood today. Etymologically, it means a living being or even ‘life’. As the latter, it is sometimes used in the sense of a being with life or a living being (*sajīva*) as distinguished from a lifeless being or a non-living being (*nirjīva*). In this sense, all living beings – human as well as plants and animals – are *jīvas*. However, only human beings are considered as individuals or persons and not animals.¹⁵⁵¹

Apte translates *jīva* as: 1) The principle of life, the vital breath, life, soul; 2) The individual or personal soul enshrined in the human body and imparting to it life, motion and sensation (called *jīvātman* as opposed to *paramātmān*, the Supreme Soul); 3) Life, existence; 4) A creature, living being; 5) Livelihood, profession.¹⁵⁵² Wood describes *jīva* as an individual soul. He explains about *jīva* as that which “makes a man conscious of his own consciousness, or conscious of himself, even without any definition or thought of himself or of others, or indeed of anything else at all.”¹⁵⁵³

Further, *jīva* is the organ of self-consciousness. His intellect or mind (*manas* or *buddhi*) makes him conscious of the world and other selves. However, even without their (*manas* or *buddhi*) functioning, *jīva* knows itself, just as “in the new born babe, which at first knows itself, then others, and then itself as one of the “others” – a mistake which will be corrected in course of Vedāntic learning”.¹⁵⁵⁴

Another important aspect of *jīva* can also be derived based on its origin from the world-creating *ātman*.¹⁵⁵⁵ In *Chāṇḍogya Upanishad* 6.3.2, the word *jīva ātman*, which means “the individual soul” here, appears for the first time in comparison to the highest. However, in fact there is no such contrast here, because it is the only existing, world-creating *Ātman* that enters as *jīva ātman* into his created world.¹⁵⁵⁶

¹⁵⁵⁰ „Vom feinen Leib, welcher als Träger der psychischen Organe die Seele auf ihren Wanderungen bis zur Erlösung begleitet, ist zu unterscheiden der grobe Leib, den die Seele beim Tod loslässt wie die Mangofrucht ihren Stengel (Bṛih. 4.3.36).“ See DEUSSEN, *Allgemeine Geschichte der Philosophie...*, 255. Cf. SEELE, „Das bist du!...“, 38. The reference Deussen is making here, is in the context of soul at death described in the *Bṛhadāraṇyaka Upaniṣad* 4.3.36: “When he comes to weakness – whether he come to weakness through old age or through disease – this person frees himself from these limbs just as a mango, or a fig, or a berry releases itself from its bond; and he hastens again, according to the entrance and place of origin, back to life.” See *Bṛihad-āraṇyaka Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 139.

¹⁵⁵¹ Cf. PRASAD, *A Conceptual-Analytic Study...*, 125.

¹⁵⁵² Cf. APTE, Vol. 2, 739. Cf. MWM, 422. Cf. SEELE, „Das bist du!...“, 39.

¹⁵⁵³ WOOD, *Vedānta Dictionary...*, 93. Cf. SEELE, „Das bist du!...“, 39.

¹⁵⁵⁴ Cf. WOOD, *Vedānta Dictionary...*, 93. Cf. SEELE, „Das bist du!...“, 39.

¹⁵⁵⁵ See Chapter 14.4.1 above.

¹⁵⁵⁶ *Chāṇḍogya Upanishad* 6.3.2 reads: “That divinity [i.e. Being] bethought itself: ‘Come ! Let me enter these three divinities [i.e. heat, water, and food] with this living Soul (*jīva*) *ātman*), and separate out name and form.” See *Chāṇḍogya Upanishad*, in: *The Thirteen Principal Upanishads*, op. cit., 242. Addition {*jīva*} by author. The “name and form” is the Skt. idiom for ‘individuality’. Cf. *ibid.* at fn. 1. Cf. DEUSSEN, *Allgemeine Geschichte der Philosophie...*, 232-233. See SEELE, „Das bist du!...“, 40.

As already indicated, *jīva* is also the name given to the human, who has survived death and reborn and therefore can be redeemed. A living human who will not be reborn again is termed as *jīvanmukta*.¹⁵⁵⁷ According to Wood, *jīvanmukta* is described as:¹⁵⁵⁸

One who has reached liberation while still living in the world and still having a body. Though living in the waking state in the midst of the creations (*vikshepas*) of others, his mind never loses sight of Brahman, and never loses the joy of Brahman, and he is not bound, because he has no personal or egoistic desires and no emotional attachments to sense-objects [...]. This man has no plans, it is said, about “I and mine,” or about the past or the future, and is always fair or impartial. His actions are determined as for the welfare of all beings (*loka-sangraha*), and thus are devoid of the bondage of karma.¹⁵⁵⁹

From the previously mentioned discussions, it becomes clear that neither a self (*ātman*), nor a body (*śarīra*) can be a moral agent. According to a modern Philosopher Rajendra Prasad, the *jīva*, being an embodied self (*śasarīra ātman*), a self in a body, has all the advantages and disadvantages of an embodied being. This *jīva*, equipped with a certain level of mental and bodily ability that is proper to a human being, can be called a moral being. It is to this human *jīva* (the human individual, as a member of a moral community), that moral or ethical predicates can be attributed.¹⁵⁶⁰

14.4.5 *Vyakti*

In Sanskrit, the word *vyakti* (cf. *The Bhagavad-Gītā* 7.24) means specific appearance, distinctness, individuality, it is also a term used as an individual in opposition to *jāti* (species as opposed to individuals).¹⁵⁶¹ This word *vyakti* is set in contrast to another word *avyakta* (cf. *The Bhagavad-Gītā* 7.24), which means not manifest or unmanifest, unapparent, and indistinct. As used in masculine gender *avyakta* can also mean the Universal Spirit, the Supreme Being, *brāhman*.¹⁵⁶² The word *vyakti* is also used in Hindi. However, this is a modern coinage for both of the English terms ‘individual’ and ‘person’. This becomes obvious from the fact that the abstract noun of *vyakti*, namely, the term *vyaktitva*, is used as a synonym for both ‘individuality’ and ‘personality’.¹⁵⁶³

In *The Bhagavad-Gītā* 7.24, it is stated that only the unintelligent men who do not know perfectly the Supreme Being think that the Godhead was impersonal or unmanifest (*avyaktam*) before and has now assumed personality (*vyaktim*). Due to one’s small knowledge, one does not know His higher nature, which is imperishable and supreme.¹⁵⁶⁴ In his introduction, Abhay Charanaravinda Bhaktivedanta Swami Prabhupāda, teacher and founder of International Society for Kṛṣṇa Consciousness, referring to this citation from *The Bhagavad-Gītā*, remarks that we are all individual living beings and have our individuality. Similarly, the Supreme

¹⁵⁵⁷ The Skt. word *mukta* means absolved or emancipated from sin or worldly existence. The word is derived from *muc* meaning set free, liberate or deliver. Cf. APTE, Vol.2, 1273 & 1276. Cf. SEELE, „Das bist du!...“, 40.

¹⁵⁵⁸ Cf. *ibid*.

¹⁵⁵⁹ WOOD, *Vedanta Dictionary*..., 93-94. Cf. SEELE, „Das bist du!...“, 40.

¹⁵⁶⁰ Cf. PRASAD, *A Conceptual-Analytic Study*..., 126.

¹⁵⁶¹ Cf. MWM, 1029.

¹⁵⁶² Cf. MWM, 111. Cf. APTE, Vol.1, 271.

¹⁵⁶³ Cf. PRASAD, *A Conceptual-Analytic Study*..., 125.

¹⁵⁶⁴ BG 7.24 reads: “Fools think of Me as one unmanifest [before] who has reached [the stage of] manifestation: they know nothing of my higher state, the Changeless, All-Highest.”

Absolute Truth is also, in the final analysis, a person and the realization of the personality of Godhead is the realization of his transcendental features.¹⁵⁶⁵ According to Zaehner's commentary, the reference to 'unmanifest' (*avyaktam*) is also a term that is used for 'primal, undifferentiated matter' in the *Sāṃkhya* system (*Sāṃkhya Kārikā* of *Īśvara Kṛṣṇa* 10-11¹⁵⁶⁶). It is from this matter that the intellect (*buddhi*), mind, ego, the senses, etc., proceed. In *The Bhagavad-Gītā* 2.25, the word *avyakta* appears for the first time. It is used in the sense of the individual self-in-itself. It refers to the *puruṣa*. As unmanifest, the concept is repeated again, as described earlier (in *The Bhagavad-Gītā* 7.24), and in *ibid.* 8.18-20.¹⁵⁶⁷

Thus, once again the problem with the usage of words in Sanskrit confronts one, namely, that there are words that are similar to one another and that are used by modern scholars for both person (*puruṣa*; here as unmanifest or *avyakta*) and individual (*vyakti*; here as manifest). Having seen the various nuances of the terms of person, self, individual, soul, life, etc., the next section will narrow down to the concept of person.

14.5 THE CONCEPT OF PERSON

In this section, the ideas of George Gispert-Sauch¹⁵⁶⁸, a Spanish born contemporary Jesuit, Indologist and Philosopher, will be developed in order to derive the concept of the human person in Hindu Scriptures while simultaneously making a comparative study with the Western world.

Gispert-Sauch notes that at the very outset, there is the methodological problem involved, namely, that the concept of 'person' comes from a Western philosophical tradition and there is no equivalent translation in the Indian language. Therefore, the problem is whether it is fair to approach the Indian tradition through a concept that is alien to it, which involves a risk of looking at or evaluating a philosophy constructed elsewhere. A solution to the problem is by studying the concept of man or human being in its various aspects as seen within the Indian tradition. De Smet made one such attempt. However, Gispert-Sauch finds that this solution has a risk of diffusing the focus of the study and introducing a very general discussion on the meaning of man. What is required is a detailed study of the exact meaning of the concept of person in the Indian and Western tradition.¹⁵⁶⁹ Therefore, his discussion will be handled here.

Before analyzing the approach of Gispert-Sauch, one basic model can be acknowledged. With few variations from early times in traditional and orthodox Hinduism, it is proposed that the human person is a composite of two essentially disparate but intimately conjoined principles –

¹⁵⁶⁵ Cf. BG. "As It Is", Complete Edition, Revised and Enlarged with original Sanskrit text Roman transliteration, English Equivalents, translation and elaborate purports, ed. by A. C. Bhaktivedanta Swami PRABHUPĀDA, The Bhaktivedanta Book Trust, London *et al.* 1985, 14. German tr. of the book is *Bhagavad-Gītā. Wie sie ist*, hg. v. A. C. Bhaktivedanta Swami PRABHUPĀDA, The Bhaktivedanta Book Trust, Hamburg 1974, 12.

¹⁵⁶⁶ Cf. Swami VIRUPAKSHANANDA (ed.), *Īśvara Kṛṣṇa, Sāṃkhya Kārikā: with the Tattva Kaumudī of Śrī Vācaspati Miśra with Sanskrit text of the Kārikā, transliteration and word-for-word meaning, and a free rendering into English of the Tattva Kaumudī with notes*, Sri Ramakrishna Math, Mylapore, Madras 1995, 38-42.

¹⁵⁶⁷ See the commentary of Zaehner in *The Bhagavad-Gītā, op. cit.*, 135, 253 & 266-267.

¹⁵⁶⁸ Cf. GISPERT-SAUCH, "The Concept of Person...", 27-44.

¹⁵⁶⁹ Cf. *ibid.*, 28. Thumma is of the opinion that a person is a moral agent to whom moral praise and blame can be attached, which is not the case with the soul or *ātman* in Hinduism. Therefore, the concept of person is to be considered as a category by itself and differentiated from other beings. Seen from this point of view, the concept of person is very underdeveloped if not totally missing in Indian culture. See THUMMA, "Human Person...", 251.

spirit (*ātman* or *puruṣa*) and matter (*prakṛti*). The locus of consciousness and bliss is the spirit, which is impervious to substantial change, while matter is essentially insentient and changeable. Spirit and matter together produce the distinctive individual. The union of the two brings in self-awareness that is characterized by the congenital illusion that fails to distinguish between the “real” self and the “false” self. In order to internalize the awareness of the distinction between real self and false self, liberation is important. Until this human goal of liberation is not attained, each of us repeatedly die and are physically reborn as a continuum of different personalities, determined by *karma* (i.e., meritorious and unmeritorious action). For every individual, this process of *karma* and rebirth is without beginning and continues indefinitely. It is only terminated by enlightenment, whereupon the individual soul is liberated from the wheel of rebirth.¹⁵⁷⁰ Keeping this basic structure of the human person in mind, in this section, the research of Gispert-Sauch will be analyzed.

Here the metaphysical concept of person will be dealt with and confined to the classical Hindu view. It was seen (Chapter 2.5.1) that a philosophical discussion on person starts in the Western tradition with Boethius’ definition: *naturae rationalis individua substantia* (individual substance of a rational nature)¹⁵⁷¹ and Thomas’: *subsistens in rationali natura* (a subsistent individual of a rational nature).¹⁵⁷² In these two formulations, three metaphysical concepts come into conjunction in dealing with the concept of person, namely, rationality, substance and individuality.¹⁵⁷³ These three metaphysical concepts are described below from a Western understanding and contrasted with the philosophy of Hinduism.

14.5.1. Rationality

In Western metaphysics, only an intelligent being is a person. Only intelligent beings are subject of rights and duties from which it follows that they are liable to the protection of society and its judicial structures. The Scholastic tradition also held that consciousness is constitutive of personhood, but need not be the “rational” consciousness that is experienced by human beings. Angels too were perceived as person, but it was an intuitive kind of consciousness because they were super-rational. So also, the divine Reality, itself personal, is the pure act of knowledge or rather consciousness. This also brings in a sharp dichotomy between rational and irrational beings. Thus, rationality was considered as an essential element of the person.¹⁵⁷⁴

Hindu metaphysics also conceives of the basic substratum of the human being as rational (*cit* or *manas*) or preferably as conscious (*caitanya*¹⁵⁷⁵), self-luminous (*svayamjyotiṣṭva*), “witness” (*sākṣitva*¹⁵⁷⁶, as applied specially to the concept of *Puruṣa*), etc. Traditional Hindu metaphysics believes that consciousness is found in all beings. In the visible world, the basic distinction is

¹⁵⁷⁰ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 52-53.

¹⁵⁷¹ BOETHIUS, *Contra Eutychen et Nestorium*, 3..., 85.

¹⁵⁷² AQUINAS, *Summa Theologiae* I, 29, 3.

¹⁵⁷³ Cf. GISPERT-SAUCH, “The Concept of Person...”, 30. See also Gilles EMERY, „Einheit und Vielheit in Gott. Trinitätslehre (S.th, I, qq.27-43)“, in: Andreas SPEER (Hg.), *Thomas von Aquin: Die Summa Theologiae. Werkinterpretation*, Walter de Gruyter, Berlin 2005, 77-97; 92. Emery writes: „Die Person wird also durch drei Kennzeichen definiert: Unterschiedenheit (Individualität), Existieren durch sich selbst (Substanz) und freies Handeln durch sich selbst (Vernunftbegabtheit).“ *Ibid.*

¹⁵⁷⁴ Cf. GISPERT-SAUCH, “The Concept of Person...”, 31-32.

¹⁵⁷⁵ Skt. for consciousness, intelligence, sensation, soul and spirit. Cf. MWM, 402.

¹⁵⁷⁶ Skt. meaning the office of any legal witness, evidence, testimony, attestation. Cf. MWM, 1198.

between *cetana*¹⁵⁷⁷ vs. *acetana*¹⁵⁷⁸ (conscious vs. non-conscious) beings. *Cetana* applies to all life, even animal existence. Although there are various degrees of consciousness, a sharp dichotomy between rational and irrational beings as in the Western thought is not to be found in Indian thinking. However, there is a continuum in the concept of person in the Indian thinking. To restrict the metaphysical concept of person to human beings would be philosophically unjustified. In connection with the dogma of reincarnation, which covers all living beings (or at least all sentient), this makes sense. In Hindu ethics, it stems from the primacy of *ahimsā* (non-injury) which extends to all living beings and consequently in vegetarianism which is characteristic of Indian orthodox spirituality.¹⁵⁷⁹

The above idea of the extension of “personhood” to all living beings, however, needs to be qualified, especially in Hindu law books. When it comes to the question *dharma*, there is no such concept with regard to animals except in a metaphorical sense. However, in the metaphysical perception that was dealt above, the duties (*dharma*) of human beings extend to one’s compassion to animals, feeding them and prohibit killing them.¹⁵⁸⁰

From what has been discussed above it can be concluded that rationality is an essential element of the person, a characteristic at the core of the human being, in his or her very *ātman*, which is different in its boundaries and outline when compared to Western thought.

14.5.2 Substantiality

The *substantia* of Western thought is seen as the support and the underpinning of the phenomena that we perceive. The Scholastics considered the *substantia* as beings. A strong distinction was made in the primary mode by which the beings manifested, namely, *inseitas* (being in oneself or self-sufficiency) and *aseitas* (being from oneself or independence). Substance, according to Western Christian metaphysics, means *in-oneness* and not *from-oneness*. That is to say, one can conceive of a substance as totally derived from existence – created and sustained into being by a Prime Cause – and yet operating at the level of creature as its centre of action and of being, or being *in-itself*, and thereby being the support or substratum of all passing accidents.¹⁵⁸¹

This concept of substance, although it appears in the Indian tradition, is used with a different wording and with a different contour in comparison with the Western perception. The *Upaniṣads* describe about the *pratiṣṭhā*¹⁵⁸² (foundation) of beings. “The ultimate foundation is that on which all our experiences are established and which is itself not established on anything else.”¹⁵⁸³

However, the concept in Hinduism that is closest to the Western idea of substance is the *ātman*, the Self, the ultimate root of all existence, which the *Upaniṣads* proclaim to be the *brāhman* or underlying immanent cause of the ancient sacrificial universe, as mentioned earlier (Chapter

¹⁵⁷⁷ Skt. meaning visible, conspicuous, conscious, sentient, intelligent. Cf. MWM, 397.

¹⁵⁷⁸ Skt. meaning without consciousness, inanimate; unconscious, insensible, senseless, fainting Cf. MWM, 9.

¹⁵⁷⁹ Cf. GISPERT-SAUCH, “The Concept of Person...”, 31-32.

¹⁵⁸⁰ Cf. *ibid.*, 32.

¹⁵⁸¹ Cf. *ibid.*, 34.

¹⁵⁸² Skt. for ground, base, foundation, support. Cf. MWM, 671.

¹⁵⁸³ GISPERT-SAUCH, “The Concept of Person...”, 33.

14.4.1). “This *ātman* which man experiences as the term of all his conscious life, is the substratum of all reality.”¹⁵⁸⁴

The *Upaniṣads* describe the *ātman* to be a correlational term that expresses the pole of subjectivity and interiority in comparison to what is more objective and external. *Ātman* is more enduring, subtle and which cannot be “objectified” but pervades as the underlying or inner cause and as the objective phenomena of our consciousness.¹⁵⁸⁵

On the one hand, the concept of *ātman* is close to but not identical with the *substantia* of ancient Western thought, namely as the support and the underpinning of the phenomena we perceive. Nevertheless, on the other hand, the concept of *ātman* is perceived different from the Western thought. Christian metaphysics makes a strong distinction between *inseitas* (being in oneself or self-sufficiency) and *aseitas* (being from oneself or independence). In Hindu metaphysics, the reality of *in se* is also *a se*, cause of its own existence, or rather eternal, self-explanatory *qua* existent.¹⁵⁸⁶ Gispert-Sauch explains that the different apprehension stated above is because the Western tradition arrives at the concept of God through the model of efficient causality (creation). However, Hindu philosophy finds this explanation too external. Therefore, it holds for an immanentist position in its search for the *ātman*. In other words, Hindu metaphysics seeks rather the immanent cause or the substratum of existence that is permanent. The phenomenological being does not and cannot sever itself from the umbilical cord that feeds its existence. It is always in the womb, inhering in the source of its being. Apart from this source, it is absolutely nothing. In Hindu metaphysics, it would be a *māyā*¹⁵⁸⁷ (illusion) if the being in oneself (*inseitas*) were conceived as distinct from being from oneself (*aseitas*). It would be a false superimposition.¹⁵⁸⁸

14.5.3 Individuation

Integral to the idea of the person is also the fact that he/she must be an individual, singular or distinct. Western metaphysics divides the concept of person into two separate ideas, namely, internal (*indivisum in se*) and external distinction (*divisum ab omni alio*).¹⁵⁸⁹

Hindu Philosophy finds no problem in internal unity (*akhaṇḍita*¹⁵⁹⁰), namely, the inner ultimate reality, the Self, as an unbroken and simple, perfectly one (*ekam evā’dvītīyam*¹⁵⁹¹). However, the question is whether it has frontiers or is separate from everything else. Hindu metaphysics affirms that the absolute reality is without a second, that is, *advaita*, meaning transcendent and of a nature eternally pure, awakened and free (expressed in one composite word: *nityaśuddhabuddhamuktasvarūpa*). Hindu metaphysics also speaks of the person as not distinct from others, that is, it remains the soul of everything, intimately united to the universe,

¹⁵⁸⁴ *Ibid.*, 33.

¹⁵⁸⁵ Cf. *ibid.*

¹⁵⁸⁶ Cf. *ibid.*, 34.

¹⁵⁸⁷ Skt. word that can variously mean art, wisdom, extraordinary or supernatural power (only in the earlier language of the *Vedas*); illusion unreality, deception, fraud, trick, sorcery, witchcraft, magic. Cf. MWM, 811. The concept of *māyā* being important will be dealt with later.

¹⁵⁸⁸ Cf. GISPert-SAUCH, “The Concept of Person...”, 34-35.

¹⁵⁸⁹ Cf. *ibid.*, 35.

¹⁵⁹⁰ Skt. meaning unbroken, undivided, unimpaired. Cf. MWM, 4.

¹⁵⁹¹ *ekam* = the same, one and the same, identical; *evā* = likeness, sameness of manner (thus); *dvītīyam* = second. In other words, the one without the second. Cf. MWM, 227; 232 & 506.

*sarvātman*¹⁵⁹², with which all things have a relation of *tādātmya*¹⁵⁹³, “having That as its Self”.¹⁵⁹⁴ This relation is not reciprocal.¹⁵⁹⁵

In conclusion, taking into consideration the different contours and distinctive metaphysical content of the Hindu perception, one can affirm that the ancient concept of personhood that is found in the Western Tradition can be equivalently found in the idea of the Absolute Ultimate in the Hindu Tradition.¹⁵⁹⁶

14.6 SOCIAL ETHICS IN HINDUISM

From the discussion above it becomes clear that religion and philosophy are closely bound to one another in Hinduism. Similarly, Hinduism is also bound to social system.¹⁵⁹⁷ French Indologist Louis Renou remarks: “In some regards, it [Hinduism] is inseparable from philosophic speculations; in others, it is inseparable from social life”.¹⁵⁹⁸ Therefore, it is necessary to see the social ethics of Hinduism that is relevant to the topic.

Gispert-Sauch – apart from the metaphysical explanation of person, as described in the last section, in Hinduism –, gives a modern approach to the meaning of person in Hinduism. According to him, the human person is conceived more in terms of relationship, freedom, self-transcendence and a subject of human rights and duties. Consequently, the human person is seen as the centre of moral responsibility. During the ancient Vedic times, man was seen as the focus of a complex set of relationships that made him an integral part of the complex universe, as a microcosm of the various worlds in existence. In the speculations of the *Brāhmaṇas*, the term *bāndhutās*¹⁵⁹⁹ relate the microcosm of man to the great world of the physical universe, consisting of the unseen world of gods, and to the sacred world of the sacrificial ritual. These worlds are correlated in which man is the sun and *Viṣṇu*¹⁶⁰⁰, the sacrificial altar. Each organ and function of man’s physical and psychic complexity had its correlative, its *bāndhu*, in the other universe. To discern these relationships is to approach salvation that culminates in the process of the great *Upaniṣadic bandhutā*, namely, where *brāhman* = *ātman* (as already mentioned in Chapter 14.4.1 above).¹⁶⁰¹

¹⁵⁹² Skt. meaning the whole person, the universal Soul, entire in person or nature. Cf. MWM, 1188.

¹⁵⁹³ Skt. meaning sameness or identity of nature or character with the other. Cf. MWM, 442.

¹⁵⁹⁴ For a brief description of this term, see Chapter 14.4.1, fn.1485 above.

¹⁵⁹⁵ Cf. GISPERT-SAUCH, “The Concept of Person...”, 35.d

¹⁵⁹⁶ Cf. *ibid.*, 35.

¹⁵⁹⁷ Cf. Louis DUMONT, *Religion/Politics and History in India. Collected Papers in Indian Sociology. Le Monde d'outre-mer Passé et Présent. Série I. Études. 34*, Mouton Publishers, Paris/The Hague 1970, 37-38.

¹⁵⁹⁸ “A certains égards, il est inséparable de la spéculation philosophique; à d’autres, de la vie sociale.” See Louis RENOU, *L’Hindouisme*, Dixième édition revue et corrigée, Presses Universitaires de France, Paris 1991, 28. English tr. quoted from DUMONT, *Religion/Politics and History in India...*, 38, fn.10. Addition is by Dumont. See KLOSTERMAIER, *A Survey of Hinduism...*, 288.

¹⁵⁹⁹ Skt. from the root *bāndhu* meaning connection, relation, association, kinship, kindred. Along with the suffix *-tā* it meant connection, relation, kinship. Cf. MWM, 721.

¹⁶⁰⁰ The word *Viṣṇu* comes from the Skt. root *vish* meaning all pervader or worker. *Viṣṇu* is one of the principal Hindu deities. He is regarded in the later mythology as ‘the preserver’. Along with *Brahmā* ‘the creator’ and *Śiva* ‘the destroyer’, they constitute the *Tri-mūrti* or triad. Cf. MWM, 999.

¹⁶⁰¹ GISPERT-SAUCH, “The Concept of Person...”, 39.

Based on the above perception, Gispert-Sauch is of the opinion that it must have influenced the emergence of the duties pertaining to the caste system¹⁶⁰², namely, the *varnāśramdharma*.¹⁶⁰³ When dealing with the human *dharma*, the legal texts do not speak directly about the duties or rights of man, but of the functions of the castes and the states of life. The society exists prior to the individual, and he/she is born a member of the caste and is understood only within the multiple structures of relations that the caste embodies. As a member of the caste, man is the subject of personal relationships, obligations and responsibilities and therefore, man does not exist as an atomic individual.¹⁶⁰⁴

Thus an essential institution of Hinduism from the very beginning, based on the above relationship, has been the caste system or the *caturvarṇa*.¹⁶⁰⁵

The division into the four castes comes perhaps from the *Puruṣa-Sūkta* 10.90, which was already discussed (see Chapter 14.3, above). The *Puruṣa-Sūkta* hymn explains the formation of the castes from the dismemberment of the *Puruṣa*. It reads:

11. When they divided Puruṣa how many portions did they make? What do they call his mouth, his arms? What do they call his thighs and feet?
12. The Brāhman was his mouth, of both his arms was the Rājanya made. His thighs became the Vaiśya, from his feet the Śūdra was produced.¹⁶⁰⁶

Broadly speaking it is a four-fold classification of people based originally on four types of human nature:

Brahmin (spiritual-introvert, i.e., *sattvik*), Kshatriya (spiritual-extrovert, i.e., *sattvik/rajasik*), Vaishya (extrovert, guided by the constraint of inertia, i.e., *rajasik/tamasik*), and Shudra (guided by the principle of inertia, i.e., *tamasik*). Different duties in life have been assigned to each group depending on the nature of the people, which, to a large extent, is determined by the family environment. Teaching and priestly duties fall to the Brahmin, protection of the country and maintenance of justice to the Kshatriya, agriculture and commerce to the Vaishya, and the duty of assisting others to the Shudra.¹⁶⁰⁷

¹⁶⁰² The origin of the word ‘caste’ is from Portuguese ‘casta’ meaning race, species or lineage. It inadequately translates two Indian words: *varṇa* (Skt. meaning colour of the face, especially good colour or complexion) and *jāti* (= birth). *Varṇa* stands for the four original divisions of humankind into classes, namely, *Brāhmaṇas*, *Kṣatriyas*, *Vaiśyas*, and *Śūdras*. The *Brāhmaṇas* who belong to the highest class are the custodian of ritual and sacred word, teachers and advisors of society. The *Kṣatriyas* are the defenders and warriors. The *Vaiśyas* comprised of farmers and merchants. The *Śūdras* were considered the lowest among the class. They were a class of servants and menials. Each *varṇa* is further divided into *jātis* that are hierarchically ordered. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 289. Cf. MWM, 924.

¹⁶⁰³ For a brief description about the origin of the *varnāśramdharma*, see RAPPEL, *Gemeinsame Weltverantwortung und globale Ethos...*, 130-132.

¹⁶⁰⁴ Cf. GISPERT-SAUCH, “The Concept of Person...”, 40.

¹⁶⁰⁵ Cf. DUMONT, *Religion/Politics and History in India...*, 38. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 289. The word *catur* is translated as ‘four’. Thus, *caturvarṇa* means the four *varṇas* or castes.

¹⁶⁰⁶ *Rg Veda* 10.90. From *The Hymns of the Rigveda...*, 519. *Rājanya* is the second or *Kshatriya* caste, the regal and military caste. See *ibid.*, fn. 12. Cf. also KLOSTERMAIER, *A Survey of Hinduism...*, 289.

¹⁶⁰⁷ Sitansu S. CHAKRAVARTI, *Hinduism. A Way of Life*, Motilal Banarasidas Publishers, Delhi/Madras/Bangalore/Patna/Varanasi 1994, 24-25. *Rg Veda* dramatically explains the origin of humankind out of the sacrifice of the primeval *puruṣa* and his dismemberment as: from his mouth originated the Brahmins, from his chest the *Kshatriyas*, from his belly the *Vaiśyas* and from his feet the *Śūdras*. *Rg Veda* 10.190. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 289. The investiture of boys of the upper three social classes (*varṇas*) through the ceremony of *Upanayana* (sacred thread), conferred on them the status of “twice-born” (*dvija*) and this “second birth” permitted them to hear the *Veda* and participate in sacrifices. Cf. HILTEBEITEL, “Hinduism...”, 3991.

The successive stage of life of a high-caste person was correlated to the *caturvarga*¹⁶⁰⁸, that is, “the four aims/goals of life” (or the *puruṣārtha*), namely, *dharma* (moral law or the fulfillment of religious and ethical obligations), *artha* (material goods), *kāma* (sexual, emotional enjoyment or aesthetic satisfaction), and *mokṣa* (final liberation).¹⁶⁰⁹ *Dharma*, *artha* and *kāma* form the ‘group of three’ (*trivarga* or *trimārga*). *Mokṣa* or total liberation was considered as the supreme goal (*paramapuruṣārtha*), which is not on a level with other goals (*trivarga*) but in fact, a goal of the other goals.¹⁶¹⁰

The holistic idea of man that was discussed in the previous section is important here in opposition to his conception as a mere part. By his empirical limits, the Vedic man is not an insulated being but prolonged not only by his wife, children, cattle and pasturelands, but also by his very complementarity with the other *varṇas* and with gods themselves.¹⁶¹¹ In other words, in early times, in the Vedic society, the ideal man is a householder integrated within the hierarchical system of his pastoral-agricultural society; who is essentially social and his society consists of a hierarchy, which includes the visible *varṇas* of men and the invisible gods. Thus, he stands as a hub of horizontal and vertical relationships of complementarity and reciprocity resulting in his wholesomeness and integration.¹⁶¹²

The attraction to ascetic life as a Renouncer became strong in the Brahmanical society while trying to accommodate it to its own way by gradually developing the scheme of the *caturāśramas*.¹⁶¹³ As mentioned earlier, although the atomic individual does not exist, one can conceive of such an idea by a *saṃnyāst*¹⁶¹⁴ (renouncer) within the scheme of *caturāśramas*.¹⁶¹⁵

¹⁶⁰⁸ Skt. literally *varga* means a separate division, class, set; and *caturvarga* means a collection of 4 things. Here the four aims of life. Cf. MWM, 923.

¹⁶⁰⁹ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 291. See Chapter 14.4.2 and fn.1522 above on *puruṣārtha*.

¹⁶¹⁰ Cf. George M. SOARES-PRABHU, “The Christian Puruṣārthas. Meaning and Goals of Life in Jesus’ Teachings”, in: *Jeev* 67 (1982) 69-86; 69. George Soares-Prabhu was an Indian Jesuit Biblical Scholar and Theologian.

¹⁶¹¹ Cf. DE SMET, *The Indian Understanding of Man...*, 4.

¹⁶¹² Cf. *ibid.*, 11.

¹⁶¹³ Cf. *ibid.*, 6. Cf. RAPPEL, *Gemeinsame Weltverantwortung und globale Ethos...*, 132. The *caturāśrama* consists of four stages of life: the *brahmacharya* or the student-hood, in which he learns the sacred texts, acquires necessary skills for ritual functions, disciplines himself and prepares for his future life. The stage terminates with the marriage of the student and he enters the second stage of life *grahstya*, the life of a householder, in which he enjoys life and does the duties associated with the care of the family while acquiring *artha* or material wealth. When his children grew to adulthood, he hands over his worldly business to his sons and retires to spiritual pursuits. Thus, he enters the next stage, *vānaprasthya*, i.e., life in the forest, preparing and devoting himself to receive *mokṣa*, for the end of life. Ideally, this stage is followed by an even more radical renunciation – *saṃnyāsa*, which is the life of a homeless ascetic, possessing nothing and desiring nothing but liberation from the body. Cf. Pandurang Vaman KANE, *History of Dharmaśāstra (Ancient and Mediaeval Religious and Civil Law)*, Vol. 2, Part 1, Bhandarkar Oriental Research Institute, Poona, 1941, 416-417 & 420. Cf. *ibid.*, Vol. 2, Part 2, 930-975. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 291-292. Not all Hindus follow this sequence of stages in their lives. However, the structure that the *caturāśrama* suggests and the interests to be pursued according to the *caturvarga* scheme have deeply influenced the personal and social history of Hindus and Hinduism. Cf. *ibid.*, 292. The *caturāśrama* is also known as *āśramadharmā*. In comparison to *varṇāśramadharmā*, which divides the society in its social life, the *āśramadharmā* with its four *āśramas* is seen as a chronological structure of the career of one’s life.

¹⁶¹⁴ From Skt. root *saṃnyāsa*, is the state of putting or throwing down, laying aside, resignation, abandonment, renunciation of the world, profession of asceticism. A *saṃnyāsin* is an ascetic or devotee who has renounced all earthly concerns and devotes himself to meditation of the scriptures. It could also mean a Brahmin in the fourth stage of life or *āśrama*. Cf. MWM, 1148. Cf. DHAVAMONY, *Classical Hinduism...*, 371.

¹⁶¹⁵ Cf. GISPERT-SAUCH, “The Concept of Person...”, 40.

At the end of the *Rg Vedic* period, clear allusions to the houseless condition of some who practice asceticism (*tapas*) in various forms can be found. The one who practices asceticism (*tapas*) or the Renouncer (*Samnyāsī*) is deliberately the opposite of the Vedic householder. He is a detached atom, a self-isolating individual who withdraws himself from the rights and duties of his *varṇa* and status while setting himself completely outside the very structure and hierarchical framework of secular society.¹⁶¹⁶

The Renouncer (*Samnyāsī*) also introduced a new ontology of man. First, the divine, cosmogenic forces of man as a sacrificer are replaced by physiological and psychological functions. The Renouncers are encouraged to adopt attitudes by giving attention to the three states of consciousness (waking, dreaming and sleeping) and through practice of *yoga*.¹⁶¹⁷

Second, the Renouncer (*Samnyāsī*), more through his life than his teaching, introduces the dynamism of the intellect and will. On the one hand, the Renouncer tends to suppress desire in the form of greed, lust, envy etc. On the other hand, he is constantly sustained by a spiritual desire that burns like a flame until it is fulfilled by the perfect realization of truth, which makes man transcend himself.¹⁶¹⁸

Third, the new ontology introduced by the renouncer's personality is the doctrine of the five *ātman*s (the physical, the biological, the sentient, the conscious and the blissful). This is found in several *Upaniṣads* and especially described in the *Taittirīya Upaniṣad* (3.1-6).¹⁶¹⁹ The five 'selves' (*kóśas*) that was described (Chapter 14.4.3, above), have each the next as its *ātman*, its soul or point of reference. Together they form a complex metaphysical whole. This transition from *ātman* to *kóśa* can be seen as a philosophy of the authentic inner reality of the individual. The core of this teaching is that we are not just a self "made of" bliss, but *bliss* (*ānandā*) itself. *Taittirīya Upaniṣad* (3.6) acknowledges this fact, namely, "[...] bliss is Brahman, (because) from bliss these creatures are verily born; having been born, by bliss they live; and having departed, into bliss again they enter."¹⁶²⁰ Therefore, one can summarize that "Bliss (*ānandā*) is a characteristic Indian metaphysical concept, and it is placed at the heart of the personality [...]. *Ānandā* is the very core of man and of the universe [...]."¹⁶²¹

Fourth, another new concept of man is introduced, namely, instead of being a dynamic conqueror through will power and concentration winning the Godhead, "he is now a receiver of divine grace, the beneficiary of a divine election".¹⁶²² Further, the love of God communicated to man by God himself, is the supreme integrator of man.¹⁶²³ Thus, through the transcendence, the human spirit attains immortality because of being favoured and blessed by its divine Lord and by which at least some of the renouncers become devotees.

¹⁶¹⁶ Cf. DE SMET, *The Indian Understanding of Man...*, 6-7.

¹⁶¹⁷ Cf. *ibid.*, 8.

¹⁶¹⁸ Cf. *ibid.*, 9.

¹⁶¹⁹ *Taittirīya Upaniṣad with Sanskrit Text, Paraphrases with word-for-word Literal Translation, English rendering and Comments*, tr. by Swami SHARVANANDA, The Ramakrishna Math, Mylapore, Madras 1921, 100-115. Cf. GISPERT-SAUCH, "The Concept of Person...", 41.

¹⁶²⁰ Quoted from SHARVANANDA, *Taittirīya Upaniṣad...*, 110.

¹⁶²¹ GISPERT-SAUCH, "The Concept of Person...", 41.

¹⁶²² Cf. DE SMET, *The Indian Understanding of Man...*, 10.

¹⁶²³ Cf. *ibid.*, 11.

Thus, in summarizing the above successive views of man, one can stress some important aspects of his complex being. Man's relatedness and openness can be enumerated in three directions: First, his social character (social, cosmic and divine) as complementarity with others. Second, his dynamism towards integration on all possible levels as a renouncer (his radical freedom which enables him to refuse and reject whatever he deems worthless and to accept and embrace what he finds excellent). Finally, his intrinsic worth as an end in himself proved by the fact that he is a desirable object of love (*ista*) for God Himself.¹⁶²⁴

14.7 THE CONCEPT OF REBIRTH

Hinduism holds that humans are in a state of "fall" in their empirical existence. The beginning of the "fall" remains unanswered. However, the present life of a human being can be traced to its previous life, and so on *ad infinitum*. How does one solve the mystery of this infinite regress? Hinduism holds that although *jīva* (life) is *anādi* (beginning-less; without beginning), still life has an end, meaning that humans are not condemned to be in the state of fall forever. The bondage of this cycle can be terminated through the redemptive grace of God, by performing action (*karma*), devotion (*bhakti*) and pursuing knowledge (*jñāna*).¹⁶²⁵ Thus, the association with the material component is important for the spirit so that the human being can overcome the bondage by living a purposive life as a moral agent and a spiritual being.¹⁶²⁶

Based on the above problem of the cycle of bondage, there is an important doctrine, which affects human personality, namely, the doctrine of rebirth. The human being's life on earth is a result of unending succession of births always striving after liberation in order to recover the primordial, purely metaphysical oneness or bliss with the *brāhman*. In a certain sense, man is complete metaphysically insofar as he/she is completely one with the source, the Absolute. Nevertheless, in another sense, that is, psychologically, he/she is incomplete. Many forms are taken in order to achieve this liberation such as the fulfilling of the ancient *dharma*, or through the isolation of *Yoga* or the path of the *Vedānta*.¹⁶²⁷

All this is possible only if the birth or rebirth is as a human being. Therefore, human birth is preferable to others, in that it ushers in the possibility of salvation (*mokṣa*). For a "Western" mind, this poses a problem because of the belief in rebirth in Hinduism. The question for the Western thinking is how could the same soul be born in another? Therefore, the choice of a special term "person", like in the West, to designate the status of the human being, is difficult to reconcile with, because of the possibility of the same soul being reborn in all sorts of bodies (i.e., not only humans, based on the *karma*).¹⁶²⁸

Returning back to the theme that was mentioned above, namely, liberation, it also means never to be born again. Once one has reached this beatific state (*jīvanmukta*, see 14.4.4 above), he/she draws near to God Himself, participates in His mode of being and enters into Him.¹⁶²⁹

¹⁶²⁴ Cf. *ibid.*, 12.

¹⁶²⁵ These three ways or paths (literally "three ways" or *trimārga*) to liberation, namely, *karma*-, *jñāna*- and *bhaktimārga*.

¹⁶²⁶ Cf. BALASUBRAMANIAN, "The Origin of the World...", 38.

¹⁶²⁷ Cf. GISPERSAUCH, "The Concept of Person...", 41-42.

¹⁶²⁸ Cf. DE SMET, "Materials toward an Indo-Western Understanding...", 44.

¹⁶²⁹ Cf. *The Bhagavad-Gītā*, *op. cit.*, 29. BG 8.16 reads: "The worlds right up to Brahmā's realm [dissolve and] evolve again; but he who come right nigh to Me shall never be born again."

Insofar as one hinders the achievement of the soul towards this liberation, one prevents the human soul in the course of the cycle of rebirth in two ways. First, the person who hinders is doing evil by preventing the human soul to partake in the cycle of rebirth; second, he/she is preventing the soul from liberation and therefore, not giving a chance to the other to strive towards liberation. It could be indicated here that this action of prevention or hindrance, for example, in the case of abortion, would amount to prevention of the soul from participating in the cycle of rebirth in order to be liberated. The process of liberation is also the acknowledgement of the immortality of the human soul. However, the human being needs to overcome the bondage of a cycle by living a purposive life as a moral agent and a spiritual being. To achieve this end or purpose, a being that is conceived in the mother's womb need to live. This issue will be deliberated further when the topic of the beginning of human life will be taken up in the next Chapter.

14.8 DIGNITY OF THE HUMAN PERSON

Having laid down the foundational concepts, one can now deliberate on the theme of dignity of the human person. This section will deal with the research of De Smet in tracing out the dignity of the human person in Hindu Scriptures while making a comparative study with the Western world.

As mentioned in Part I-III, the notion of dignity of the human person is defined through a reference to Kant ("Act in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means" [GMS IV, 429]).¹⁶³⁰ Thus, the dignity of human person is to be an end in himself/herself owing to his/her rational nature. It is for the same reason that the UDHR 1948 declared all human beings to be equal in dignity and rights in its very first article: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."¹⁶³¹

Accordingly, rational nature and reason play an important role here, which marks a human being from other creatures. When the above notion of human reason in the *Vedas* is examined, one finds several hymns to Speech, to Thought or to the Mind. The verses on Mind, from the *Vajasiñya Samhitā* 34, 3-6, for example, reads:

That which is wisdom, intellect, and firmness, immortal light which creatures have within them. That without which men can do no single action, may that, my mind, hanker after God and be moved by noble resolve.

Whereby, coupled with immortal God, the past, present and future all are comprehended [...], may that, my mind, aim at salvation.

Wherein the Richas, Samans, Yajur-verses and the Atharva veda, like spokes within a cart's nave, are included, and all the knowledge of human beings is inwoven, may that, my mind, be actuated with the noble resolve of propagating the Vedas.

¹⁶³⁰ KANT, „Die Metaphysik der Sitten“, in: *Kants gesammelte Schriften; Band VI, op. cit.*, 429. English tr. from IDEM, *Groundwork for the Metaphysics of Morals, op. cit.*, 230. Cf. DE SMET, "Materials toward an Indo-Western Understanding...", 39.

¹⁶³¹ *Universal Declaration of Human Rights*, 1948, Article 1. UN GENERAL ASSEMBLY, "Universal Declaration of Human Rights, 1948...", 24. Cf. DE SMET, "Materials toward an Indo-Western Understanding...", 39.

As a skilful charioteer drives with reins the fleet-foot horses, so does the mind control men.
It dwells within the heart, is free from old age, drives men into sensuality, and is most rapid.
May that, my mind, be moved by right intention.¹⁶³²

These verses above point out to the fact that thought or the Mind (*manas*) is the dynamic principle, which is the sovereign characteristic of man. It is not just a psychological but also a cosmic principle.

As already mentioned in Part I, Chapter 2.2, the famous text of Sophocles in his *Antigone* makes it clear that it is the rational thought that makes man's greatness. This is similar to the architectonic *māyā* (in the sense of art, wisdom, extraordinary or supernatural power) of the *Vedas*.¹⁶³³ Similarly, the *Protagoras* and *The Republic* of Plato manifests the full complexity of the human excellence. This excellence is not just political or philosophical contemplation. Human dignity is fed on divine Excellence.¹⁶³⁴ Hence, dignity is conferred on one who has human excellence, whether political, or philosophical or divine. However, according to Aristotle it is the dignity of political excellence, which confers on a citizen a share in the democratic government of the city. It excludes foreigners and slaves. In a similar way, in India, human excellence belongs to the one who belongs to one of the *varṇas*, especially the upper three castes and excludes aliens and outcasts.¹⁶³⁵

As mentioned earlier in Part I, Chapter 2.2, a universal notion of dignity appears with the Stoics. Their teachings moved away from social standing, or accomplishments that bestowed dignity. According to them, the estimable ἀξίος (*axios* = the worth or value of a thing; of person) are those who conform to nature of humanity and consequently to the great whole which makes the dignity ἀξία (*axia*) of a human person. The very fact that human beings possess reason bestows on them dignity. On this account, Christians could feel an affinity with the Stoics and made use of their philosophy. However, Christianity introduced a greater change in the notion of dignity, namely, that every human, free or slave, is a creature "in the image and likeness" of God. Every human being is assured of the salvation through Jesus Christ and equally worthy of a fundamental worthiness that the world cannot give.¹⁶³⁶

A similar change occurs in India with the apparition of the concepts of *mokṣa* and *saṃnyāsa*. As an antithesis to the three goals of man (*dharma*, *artha* and *kāma*), *mokṣa* was seen as a new value and demanded a renunciation to them. As already noted (Chapter 14.6 above), renunciation or *saṃnyāsa* sets a man in the margins of society. It excludes him from all his rights and duties towards it and paradoxically raises him to a new status of excellence, to eternal realities, to *brāhman* (or negatively *nirvāṇa*), immortality, perfect knowledge, transcendence of all that is finite. Therefore, a *saṃnyāsin* is venerated as a true individual, completely on his own, detached from *varṇa* and caste, indifferent to all differences of status; securing his

¹⁶³² *The Yajur Veda*, tr. by Devi CHAND, Published by Devi Chand, Hoshiarpur 1959, 321. It is to be noted that the *Vajasesniya Samhitā* is contained in the *Yajurveda*. Cf. DE SMET, "Materials toward an Indo-Western Understanding...", 39-40.

¹⁶³³ Cf. *ibid.*, 40.

¹⁶³⁴ *Ibid.*, 41.

¹⁶³⁵ Cf. *ibid.*, 40.

¹⁶³⁶ Cf. *ibid.*, 40.

personality through a free option made with reference to a transcending aim. This teaching is found in the *Upaniṣads*.¹⁶³⁷

The *Bhagavad-Gītā* sets in a new motion. It raises *bhakti*¹⁶³⁸ (devotion or love of God) to the religious level,¹⁶³⁹ as the animating element of all relationship with the gods.¹⁶⁴⁰ The goal of the *Upaniṣadic saṃnyāsin* is obtainable by everyone through *bhakti*. *Bhagavad-Gītā* thus brings in the dignity of the human person in the name of the *brāhmaṇ* manifested as Krishna, in such a way that the individual person is not cut off from its associations with others but is linked with them “for the fight of” secular life.¹⁶⁴¹

From then on, in Hinduism, frequent assertions are made, namely, that human birth is preferable to others because it ushers in the possibility of salvation (*mokṣa*). However, since Hinduism believes in rebirth, therefore, as mentioned earlier (Chapter 14.7 above), “the belief in the possibility of the same soul being reborn in all sorts of bodies prevents the choice of a special term like in the West the term ‘person’ to designate the status of the human being”.¹⁶⁴²

On the contrary, Christian thinkers make use of the term ‘person’, which began to be used already in law courts. These thinkers define it in such a way that it will designate precisely the above-mentioned privileged status of the human. For example, Thomas writes:

Among particular individuals, some have a more perfect existence than others. They are those that are masters of their own activity and act of themselves. Therefore, those singular rational substances receive the special name of *person* (*Summa Theologiae* I, 29,1). *Person* signifies what is noblest in the whole of nature (*ibid.*, I, 29,2) [...]. Men are principles, not mere instruments. They are not made for anyone’s utility. Their actions have a personal value and are not simply from and for human nature (III *Summa contra Gentiles*, 111 sq.).¹⁶⁴³

The above teaching had already begun with Augustine. However, it was Thomas who directed more attention to intellectual consciousness and the various acts of the intellect and will of the human.¹⁶⁴⁴

Owing to the fact that the term “person”, as conceived in the secular world, does not exist in Sanskrit and Hinduism, one may think that India had in the past no awareness of the dignity of the human person. However, the facts that were deliberated above point to the conclusion that “India has known the reality of the dignity in a manner not unlike that of the West”.¹⁶⁴⁵

14.9 CONCLUSION

Owing to its lengthy discussion of the basic concepts in Hinduism, it would not be fair to draw out a summary here. Instead, what is proposed is to make a few observations and derive certain implications for further analysis.

¹⁶³⁷ Cf. *ibid.*, 41-42.

¹⁶³⁸ The word *bhakti* has a variety of meanings like ‘loving devotion’, ‘to participate in something or someone through affection’ and God’s love for man. In the *Bhagavad-Gītā*, it means devotion and loyalty to Krishna, the personal God, trust in Him and love of Him. See *The Bhagavad-Gītā*, *op. cit.*, 26 and 181.

¹⁶³⁹ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 44.

¹⁶⁴⁰ Cf. DHAVAMONY, *Classical Hinduism...*, 200.

¹⁶⁴¹ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 44.

¹⁶⁴² Cf. *ibid.*, 44.

¹⁶⁴³ As quoted in *ibid.*, 44-45.

¹⁶⁴⁴ Cf. *ibid.*, 45.

¹⁶⁴⁵ *Ibid.*, 46.

At the very outset, it must be acknowledged that in classical Hindu Scriptures one cannot directly find the concept of human dignity, because neither the concept “dignity” nor does the term “person”, as conceived in the “West” exist in them. The lack of these terms may be compared to the Christian Scriptures. The words “human dignity” or the concept “person” as conceived today is not found in them too. However, in Christian theology, these concepts have their deep roots and rich meaning based on the Christian Scriptures. Similarly, in classical Hinduism too, the awareness of the concept of the dignity of the human person can be derived from their Scriptures.

Having discussed on the concepts of *ātman*, *brāhman*, *puruṣa*, the concept of person as understood in Hinduism and the social dimension of the human being, the whole question of human dignity could now be discussed. From the fact that *ātman* and *brāhman*, the human self and the Supreme Being, are not two but one and identical, yet distinct and separate, it follows that the human being is of divine origin and descent; that he/she is an image of the Primaeval Man (*Puruṣa*). In other words, being spiritual self (*ātman*), the individual human being is also an image of the divine (*brāhman*). This is expressed in the equation, *ātman* = *brāhman*. This is the sum and substance of the *Upaniṣads* and a novelty in Indian Philosophy. *Ātman* is also the highest goal of knowledge and as such the path to *mokṣa* (liberation). The nature of *ātman* is *sat-cit-ānandā* (being, consciousness and happiness), a synonym for *brāhman*. It acknowledges the fact of the immortality of the *ātman*. The *puruṣa* (individual or person) residing in the body (*śarīra*) is identified with the *ātman* (self), which is nothing other than the *brāhman*. This representation raises the individual human person in his/her spiritual nature to the summit of creation and acknowledges the intrinsic worth, as an end in himself/herself.

These above ideas are somewhat similar to the Christian tradition, especially the spiritual nature, his/her share in the divine nature and the image of God likeness in human being. It may be recalled that this latter idea is the basis of human dignity in the Christian tradition.

The basic model in traditional orthodox Hinduism is that the human person is a composite of two essentially disparate but intimately conjoined principles – spirit (*ātman* and *puruṣa*) and matter (*prakṛti*). Similar to the definition of Boethius and Thomas – who held for the three metaphysical concepts in a person, namely, rationality, substance and individuality –, Hindu metaphysics too have somewhat similar ideas. In addition to the three components of the person, Hindu metaphysics adds another notion, which is an important doctrine that affects human personality, namely, the doctrine of rebirth.

Therefore, it is acknowledged that Hinduism too has ample reasons to admit that every human individual or person has inherent dignity. Hence, the next step is to see how one can apply the above findings to the question of the beginning of life in the field of Bioethics in classical Hinduism. This will be the next venture in the following Chapter.

CHAPTER 15

CLASSICAL HINDU PERSPECTIVE II: BIOETHICS AND THE BEGINNING OF LIFE ISSUES

15.1 INTRODUCTION

Ethics is the science of moral values. In Hinduism, the Sanskrit word used for ethics is *dharma*. It signifies what upholds law, custom, and religion. It is analogous to the concept of ‘Natural Law’ in Christian ethics. However, *dharma* is not a static but dynamic notion; in that, it signifies activity, mobility and catalytic qualities.¹⁶⁴⁶ The underlying essence of human dignity, respect and love for human beings are based on the principle of *dharma*. Its aim is to make all human beings good human beings. This is the essence and crux of Indian Philosophy. *Dharma* is also the basis of human rights.¹⁶⁴⁷

Bioethics consists of the moral principles, which guide medical professionals in their dealing with each other, their patients, society and the State. In India, since time immemorial, the rules and regulations for different social groups and the code of conduct for people belonging to various professions were framed in order to lead them to the highest spiritual culmination of their life, by following one’s duty or *svadharma* (literally, good *dharma*). The teaching of the *Bhagavad-Gītā* 18.45-46, makes this point clear:

By [doing] the work that is proper to him [and] rejoicing [in the doing], a man succeeds, perfects himself. [Now] hear just how a man perfects himself by [doing and] rejoicing in his proper work. By dedicating the work that is proper [to his caste] to Him who is the source of the activity of all beings, by whom this whole universe was spun, a man attains perfection-and-success.¹⁶⁴⁸

In other words, each individual attains a high state of perfection by rightly following one’s duty or *svadharma*, which includes also the medical professionals.¹⁶⁴⁹ One can find some similarity here with the Hippocratic Oath.

As mentioned earlier, the life of a Hindu has an axiological orientation towards the four *puruṣārthas* (see Chapter 14.6 above), namely, *dharma*, *artha*, *kāma* and *mokṣa*. Although *mokṣa* has its pride of place among all four goals, still all of them are valid as the goals of human endeavor in which morality plays a central role in the scheme. Morality (or *dharma*) is the controlling value in relation to wealth or power (*artha*), aesthetics or sex (*kāma*) and is the enabling value in relation to salvation (*mokṣa*). In other words, the field of bioethics would be controlled and enabled through ethical regulation (*dharma*).¹⁶⁵⁰

It was already discussed that Hinduism has been associated with the concept of caste system (see Chapter 14.6 above) which poses special problems in the application of human dignity and

¹⁶⁴⁶ Cf. S. Cromwell CRAWFORD, *Hindu Bioethics for the Twenty-First Century*, State University of New York Press, Albany 2003, 11. Cf. also IDEM, *Dilemmas of Life and Death. Hindu Ethics in North American Context*, State University of New York Press, Albany 1995, 9-10.

¹⁶⁴⁷ Cf. Veeranna AIVALLI, “Human Rights Challenges in the 21st Century”, in: P. J. ALEXANDER (ed.), *Policing India in the New Millennium*, Allied Publishers Pvt. Ltd., New Delhi 2002, 482-497; 483.

¹⁶⁴⁸ BG.18.45-46. Addition in the Original. Cf. Swami BRAHMESHANANDA, “Medical Ethics in Ancient India”, in: *Prabuddha Bharata* 97/4 (1992) 190-196; 190.

¹⁶⁴⁹ Cf. *ibid*.

¹⁶⁵⁰ Cf. Arvind SHARMA, “Hinduism and Cloning”, in: *Vedanta Kesari* 88 (2001) 62-64; 63. Cf. also IDEM, “The Hindu Tradition...”, 4.

consequently, human right. Klaus K. Klostermaier, a Research Scholar in Hinduism, Indian History and Culture, points out this fact when he remarks:

The Brahmins did not articulate “human rights” but “caste rights,” which had the side effect that in the course of time, about one-fifth of the total population, as “outcastes,” had virtually no rights. They were treated worse than cattle, which even in legal theory ranked above them.¹⁶⁵¹

If the caste system could play such a major role, then the enquiry is, Does this concept of caste also affect the birth of a human being and consequently, his/her dignity? Notwithstanding this problem, in the following sections, the view of Hinduism on procreation and the value and respect that an embryo possesses in this context will be discussed. Finally, the Hindu Medical System known as the Ayurveda system and its application in matters relating to the beginning of life will be discussed.

15.2 PROCREATION AND EMBRYOLOGY OF THE HUMAN BEING

Since the classical view on Hinduism is still being dealt, mention is to be made that it is in the *Upaniṣadic* period that procreation and embryology have been systematically developed in the *Garbhopaniṣad*. This text has three parts, namely, the first dealing with the gross developmental stages of an embryo, the second with factors responsible for male, female and impotency, and the third with the development anomalies of the foetus. Thus, one can assume that they already had a systematic knowledge of the early human development.¹⁶⁵²

Garbhopaniṣad explains that that an embryo (*garbha*¹⁶⁵³) is formed through the fertilization of the male semen (*śukra*, i.e., the male seminal fluid) and female blood (*śoṇīta*, i.e., the female vital energy). The early development stage are marked with *kalala* (nodule, that is, after one night), *budbuda* (which means a bubble; after seven nights) and *piṇḍa* (a lump within a fortnight). The vertebral column becomes distinct in the fifth month and mouth, nose, eyes and ears are formed in the sixth month.¹⁶⁵⁴

Garbha Upaniṣad also clarifies that if the father’s seed is more predominant, it becomes a male and if the mother’s seed is more predominant, then it results in a female. However, the equality of both the characteristics gives rise to a hermaphrodite (*napuṃsaka*; i.e., neither male nor female).¹⁶⁵⁵

With regard to the anomalies and deformities of the foetus, the *Garbhopaniṣad* attributes its responsibility to the disturbed psychic condition present during the sexual indulgence. Twins,

¹⁶⁵¹ KLOSTERMAIER, *A Survey of Hinduism...*, 296-297. Cf. Arvind SHARMA, *Hindu Narratives on Human Rights?*, ABC-CLIO, Santa Barbara, California 2010, 107.

¹⁶⁵² Cf. GONSALVES, *How did I begin?...*, 193.

¹⁶⁵³ Skt. word from the root *grabh*, which means the womb. It refers to the inside, the middle, interior of anything. It also means a foetus or embryo, child. Cf. MWM, 349.

¹⁶⁵⁴ Cf. GONSALVES, *How did I begin?...*, 193. Cf. *Garbha Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, op. cit., Part 2, 639-644; 642. Cf. *Garbha-Upaniṣad*, in: DERS., *Sechzig Upaniṣad's des Veda*, op. cit., 608. Cf. *Garbha-Upaniṣad*, in: *Thirty Minor Upaniṣads*, tr. by K. Nārāyaṇasvāmi AIYAR, Theosophical Society, Madras 1914, 117.

¹⁶⁵⁵ Cf. GONSALVES, *How did I begin?...*, 193. Cf. *Garbha Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, op. cit., Part 2, 642. Cf. *Garbha-Upaniṣad*, in: DERS., *Sechzig Upaniṣad's des Veda*, op. cit., 608. Cf. *Garbha-Upaniṣad*, in: *Thirty Minor Upaniṣads*, op. cit., 117-118.

for example, are said to be a deformity due to the interference of *vāyú*¹⁶⁵⁶ (a factor responsible for cell division and fetal growth).¹⁶⁵⁷

Human procreation is seen by the *Upanishads* as beyond the biological sphere. The “Universal Self” is responsible for the generation of individual selves. The *Bṛihadārnyaka Upaniṣad* (6.4.22-24) explains that the production of an embryo is compared to the production of the fire out of the fire sticks of *Āśvins*.¹⁶⁵⁸ A prayer of a father is recorded there in which he pleads that any mistake he has made in the performance of the sacrifice may not affect the newborn.¹⁶⁵⁹

Thus, one can conclude that for the traditional Hindu procreation is essential for the continuation of society and for one’s family. Vedic rituals reflect such expectation, where one prays for abundant and strong progeny, whether male or female. One of the major life aims of a Hindu is to procreate, and according to the central aspect of *dharma*, preserving and promoting life is important. In this context, it may be pointed out that the classical texts consider causing an abortion or miscarriage as a serious crime and sin.¹⁶⁶⁰

The *Upaniṣad* also teaches that the destiny of man is already in the seed of the father. The *Aitareya Upaniṣad* (2.1-6) describes the birth of a son as a continuation of the father. In other words, the father is born as the son. The depiction of this process is explained thus in the *Aitareya Upaniṣad*:

In a person (*puruṣa*), verily, this one [*Ātman*]¹⁶⁶¹ becomes at first an embryo (*garbha*). That which is semen (*retas*), is the vigor (*tejas*) come together from all the limbs. In the self, indeed, one bears a self [*ātman*]. When he pours this in a woman, then he begets it. This is one’s first birth.¹⁶⁶²

It comes into self-becoming (*ātma-bhūya*) with the woman, just as a limb of her own. Therefore it injures her not. She nourishes this self of his that has come to her.

She, being a nourisher, should be nourished. The woman bears him as an embryo. In the beginning, indeed, he nourishes the child [and] from birth onward. While he nourishes the child from birth onward, he thus nourishes his own self [*ātman*], for the continuation of these worlds; for thus are these worlds continued. This is one’s second birth.¹⁶⁶³

The above passage makes it stark clear that the *ātman*, which is in the body of the father, becomes semen. The father holds this *ātman* within his body and nourishes it. When he releases semen within the woman, the *ātman* is procreated in the form of an embryo and is born again.¹⁶⁶⁴

¹⁶⁵⁶ Skt. for wind, air, breath, the wind of the body, a vital air, in medicine it could mean the windy humour or any morbid affection of it. Cf. MWM, 942.

¹⁶⁵⁷ Cf. GONSALVES, *How did I begin?*..., 193.

¹⁶⁵⁸ *Āśvins* are the name “of two divinities (who appear in the sky before the dawn in a golden carriage drawn by horses or birds; they bring treasures to men and avert misfortune and sickness; they are considered as the physicians of heaven)”. MWM, 116.

¹⁶⁵⁹ Cf. GONSALVES, *How did I begin?*..., 193-194.

¹⁶⁶⁰ Cf. Werner MENSKI, “Hinduism”, in: Peggy MORGAN/Clive A. LAWTON (ed.), *Ethical Issues in Six Religious Traditions*, Second Edition, Edinburgh University Press Ltd., Edinburgh 2007, 1-60; 35-36.

¹⁶⁶¹ “That is, the *Ātman*.” *Aitareya Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, op. cit., 298 at fn. 2.

¹⁶⁶² “The words *asya prathamam janma* may denote either ‘his (i.e. the Self’s) first birth’ or ‘a self’s first birth (as a particular individual).’ Either interpretation is possible according to pantheistic theory.” *Aitareya Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, op. cit., 298 at fn.3.

¹⁶⁶³ *Aitareya Upaniṣad* 2.1-3. *Aitareya Upaniṣad*, in: *The Thirteen Principal Upaniṣads*, op. cit., 298-299. Cf. GONSALVES, *How did I begin?*..., 194 and 204.

¹⁶⁶⁴ Cf. *ibid.*, 204.

The *Upaniṣads* also portrays life (*prāṇa*; meaning the life breath) – which was expressed in the *Vedas* with an ecstatic attitude of joy and thankfulness for the gift of life – as a treasure and that we are this life. In the four *Vedas*, life (*prāṇa*) means the biological fact of movement, growth, and non-reflective consciousness. *Prāṇa* is that cosmic life present in all beings. It is the breath of the universe, which from God down to the particles of earth share it, and the same is the breath of men. The *Praśna Upaniṣad* develops a theory of *prāṇa* as the principle of life through a dialogue between the great master *Pippalāda* and his six students in the form of six questions posed by them.¹⁶⁶⁵ Indian-Spanish Theologian Raimundo Panikkar summarizes these questions and states:

Life is not that which gives form, but that which gives existence [...] that life has its origin in the *ātman*, the Self, and that life is as it were the shadow of the *ātman*. It is not the *ātman*, but at the same time it is inseparable from it. It is its first manifestation.¹⁶⁶⁶

Therefore, it can be summarized that life (*prāṇa*) is not *ātman* and in the order of temporality, *ātman* comes before *prāṇa*. *Prāṇa* is the first manifestation of *ātman*.

The conclusion to the above discussion is that life (*prāṇa*) was held in high esteem as the principle of potentialities united symbolically in a concentrated form. This positive attitude towards life continues even in the later writings, namely, the *Anugītā*.¹⁶⁶⁷ The *Anugītā* describes a kind of mythical embryology. In proportion to one's merits, a man, being incarnated, takes a body in the womb. The man, being an immaterial self:

Within the womb of a woman, (he) obtains as the result of action a body good or else bad, made up of virile semen and blood. Owing to (his) subtlety and imperceptibility, though he obtains a body appertaining to the Brahman, he is not attached anywhere; hence is he the eternal Brahman. That is the seed of all beings, by that all creatures exist. That soul, entering all the limbs of the foetus, part by part, and dwelling in the seat of the life-wind, supports (them) with mind. Then the foetus, becoming possessed of consciousness, moves about its limbs. As liquefied iron being poured out assumes the form of the image, such you must know is the entrance of the soul into the foetus.¹⁶⁶⁸

Having discussed about procreation, its importance for the Hindus and the embryology in classical Hinduism, the next section will deal with the moral status of an embryo.

15.3 MORAL STATUS OF AN EMBRYO

It was already discussed in the last three Parts (I-III) that the questions regarding ethical regulations of the beginning of life, its nature and the moral status one attributes to it determines the right to life of an embryo and its biotechnical manipulation. These topics are contents of intense discussion in the West. In India, apart from Catholic Moral Theology, these issues are

¹⁶⁶⁵ Cf. Raimundo PANIKKAR, *The Vedic Experience, Mantramanjari. An Anthology of the Vedas for Modern Man and Contemporary Celebration*, University of California Press, Berkley/Los Angeles 1977, 209. Cf. GONSALVES, *How did I begin?...*, 194.

¹⁶⁶⁶ PANIKKAR, *The Vedic Experience...*, 209-210. Cf. *Praśna Upaniṣad*, 6.4 in *The Thirteen Principal Upaniṣads*, op. cit., 389. and *Mundaka Upaniṣad* 2.1&3, in: *The Thirteen Principal Upaniṣads*, op. cit., 370-371 & 374-377.

¹⁶⁶⁷ Cf. Germain GRISEZ, *Abortion. The Myths, the Realities, and the Arguments*, Corpus Books, New York and Cleveland 1970, 120. *Anugītā* is part of the epic of *Mahābhārata*.

¹⁶⁶⁸ *Anugītā* 3. See "The Bhagavadgītā with the Sanatsugātiyā and the Anugītā", tr. by Kāsinath Trimbak TELANG, in: Friedrich Max MÜLLER (ed.), *The Sacred Books of the East. Translated by Various Oriental Scholars*, Vol. 8, Clarendon Press, Oxford 1882, 241-242. Cf. GRISEZ, *Abortion...*, 120.

not of a great concern and still lie below the surface in the public mind.¹⁶⁶⁹ Given this context, it is all the more important to approach this topic from the Hinduism point of view in order to attempt a dialogue with them. In this section, the approach that Julius J. Lipner, a scholar in Hinduism of Indo-Czech origin, has taken will be analyzed.¹⁶⁷⁰ While dealing with the moral status of an embryo¹⁶⁷¹, philosophical, historical, medical and other observations will also be taken into consideration. It must be noted that classical Hinduism in this respect is for the most part uncharted in a systematic way. Therefore, this section will focus on the concept of abortion, which will further help one to come to grips with the complex idea of the Hindu view of the moral status of an embryo.¹⁶⁷² In Sanskrit there is a distinction made between the terms for abortion (*garbhahatyā*¹⁶⁷³ or *garbhavadhā*¹⁶⁷⁴ and *bhrūṇahatyā*¹⁶⁷⁵ or *bhrūṇavadhā*) and those for spontaneous miscarriage, which refers simply to a falling or emission of an embryo. Abortion was considered as a morally reprehensible killing (*hatyā*) rather than an ethically neutral evacuation, dislodging, or excision.¹⁶⁷⁶

The next section deals with the *śruti* and *smṛti* texts on abortion. Both the texts show a consistence stance of respect for human life, importantly for the life of the unborn.¹⁶⁷⁷

15.3.1 Moral Evaluation of Abortion in *Śruti*

The earliest *śruti* texts attest to the fact that an embryo in the womb specially deserves protection and therefore, abortion is a morally intolerable act. Since an embryo because of its inviolability and physical vulnerability requires special protection, the deity invoked to as a “protector of the child-to-be” is *Viṣṇu*. *Viṣṇu* is known as the preserver of life.¹⁶⁷⁸ A text from

¹⁶⁶⁹ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 41.

¹⁶⁷⁰ Cf. *ibid.*, 41-69. A major portion of similar arguments may also be found in the *FABC Papers*, No.120, 10-13.

¹⁶⁷¹ The term “embryo” is used here as in the previous chapters and will be used in the following chapters too. In Hindu texts there is no significant distinction intended between the terms “embryo” and “foetus”. Although they do not use the term “embryo”, yet the discussion pertains to the living human embryo as in those texts except where it is made clear to the contrary. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 61 at fn.2.

¹⁶⁷² Cf. *ibid.*, 41. *Dignitas Personae* for instance reminds, “that the category of abortion ‘is to be applied to the recent forms of *intervention on human embryos* which, although carried out for purposes legitimate in themselves, inevitably involve the killing of those embryos [...]”. See *DP* III, 34. Emphasis in original.

¹⁶⁷³ The Skt. word *hatyā* means killing, slaying and slaughter. Thus, *garbhahatyā* stands for killing of an embryo. Cf. MWM, 1287.

¹⁶⁷⁴ *Vadhā* in Skt. stands for the act of striking or killing, slaughter, murder, death or destruction. Thus, *garbhavadhā* means killing or destruction of the embryo. Cf. MWM, 916.

¹⁶⁷⁵ *Bhrūṇā* in Skt. means an embryo. Thus, *bhrūṇahatyā* is the killing of an embryo in general. However, *bhrūṇaghna* is the proper word for one who procures abortion. Cf. MWM, 771.

¹⁶⁷⁶ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 42.

¹⁶⁷⁷ Cf. *FABC Papers*, No.120, 10.

¹⁶⁷⁸ *Rg Veda Samhitā* 7.36.9, where *Viṣṇu* is called as the *viṣṇum niṣikṭapām*, which means “the guardian of the embryo”. See *Rig-Veda-Samhitā. A Collection of Ancient Hindū Hymns, Constituting the Fifth Aṣṭaka, or Book, of the Rig-Veda: The oldest authority for the religious and social Institutions of the Hindūs*, tr. from the original Sanskrit by H. H., WILSON, ed. by E. B. COWELL, N. Trübner and Co., London 1866, 100. See also *Rg Veda Samhitā* 10.184.1, where *Viṣṇu* is regarded as *viṣṇuryoniṃ kalpayatu*, i.e., the one who, “construct[s] the womb”. Cf. *Rig-Veda-Samhitā. A Collection of Ancient Hindū Hymns, Constituting Part of the Seventh and the Eighth Aṣṭaka of the Rig-Veda*, tr. from the original Sanskrit by H. H. WILSON, ed. by W. F. WEBSTER, N. Trübner and Co., London 1888, 410. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 43 & fn.12. Cf. also *FABC Papers*, No.120, 10.

Atharva Veda too attests the same attitude towards the unborn child while reiterating that abortion (*bhrūṇahatyā*) is one of the most heinous crimes¹⁶⁷⁹:

Enter into the rays, into smoke, O sin; go into the vapours, and into the fog! Lose thyself on the foam of the river! Wipe off, O Pūshan, the misdeeds upon him that practiseth abortion [*bhrūṇagni*]!¹⁶⁸⁰

The *Upanishads* too disapprove of abortion. The *Bṛihadārnyaka Upaniṣad* 4.3.22 relegates to the slayer of an embryo to the despicable position in the society, namely, a thief.¹⁶⁸¹ As a conclusion to the text, Lipner is of the opinion that, “[...] abortion violated *dharma* – the socio-religious order – in a most serious way. This implies that the living embryo enjoyed a special moral status in the eyes of the Hindu and was specially deserving of protection and respect”.¹⁶⁸² Later *Upaniṣads*, like the *Kauṣītaki Upaniṣad*, implicitly stresses that abortion (*bhrūṇahatyā*) is a reprehensible killing, which is ranked alongside particularly heinous forms of murder.¹⁶⁸³ In *Mahānārāyaṇa Upaniṣad*, abortionists are listed among offenders such as the violator of the guru’s bed, those who are unfaithful to their vow of chastity and the drunkard.¹⁶⁸⁴

15.3.2 Moral Evaluation of Abortion in *Smṛti*

The *smṛti* tradition is sometimes explicit with regard to the view of the status of the unborn and the censure attached to abortion. The special respect shown in these texts pertains both to the special allowance given to the pregnant woman and also the explicit condemnation and punishment of those who procure abortion.¹⁶⁸⁵

The *Law Book of Viṣṇu* (*Viṣṇudharmasūtra*) protects the pregnant woman and the embryo directly. Killing of either of them was considered as a serious offence that a Hindu could commit. *Viṣṇudharmasūtra* 36.1 reads, “Killing a Kṣatriya or Vaiśya engaged in sacrifice, a menstruating woman, a pregnant woman [...] (and) [...] the embryo (even) of a stranger [...]”

¹⁶⁷⁹ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 43. See also *Atharva Veda* 6.112.3. Cf. also *FABC Papers*, No.120, 10.

¹⁶⁸⁰ *Atharva Veda* 6.113.2. “Hymns of the Atharva-Veda. Together with Extracts from the Ritual Books and Commentaries”, tr. by Tope BLOOMFIELD, in: MÜLLER (ed.), *The Sacred Books of the East*, Vol. 42, *op. cit.*, 165. Addition by author. The verse above is a repetition of *Atharva Veda* 6.112.3: “[...] Wipe off, O Pūshan, the misdeeds upon him that practiseth abortion! Cf. LIPNER, “The Classical Hindu View on Abortion...”, 43.

¹⁶⁸¹ *Bṛihadārnyaka Upaniṣad* 4.3.22: “There a father becomes not a father; a mother, not a mother; the worlds, not the worlds; the gods, not the gods; the Vedas, not the Vedas; a thief, not a thief. There the destroyer of an embryo [*bhrūṇahā*] becomes not the destroyer of an embryo; a Cāṇḍāla [the son of a Śūdra father and a Brahman mother] is not a Cāṇḍāla; a Paulkasa [the son of a Śūdra father and a *Kshatriya* mother] is not a Paulkasa; a mendicant is not a mendicant; an ascetic is not an ascetic. He is not followed by good, he is not followed by evil, for then he has passed beyond all sorrows of the heart.” *Bṛihad-āranyaka Upanishad*, in: *The Thirteen Principal Upanishads*, *op. cit.*, 136-137. Commenting on this passage Lipner says that the *Upaniṣad* is referring here to a state of awareness in which the significant relationships and designations have no more meaning. This applies especially in the context to the one, who is a destroyer of an embryo, who in contrast to monks and ascetics, is relegated the vilest position of a thief. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 44. Cf. also *FABC Papers*, No.120, 10.

¹⁶⁸² LIPNER, “The Classical Hindu View on Abortion...”, 44. Cf. also *FABC Papers*, No.120, 10.

¹⁶⁸³ *Kauṣītaki Upaniṣad* 3.1: “[...] So he who understands me – by no deed whatsoever of his is his world injured, not by stealing, not by killing an embryo, not by the murder of his mother, not by the murder of his father; if he has done any evil (*pāpa*), the dark color departs not from his face.” *Kauṣītaki Upanishad*, in: *The Thirteen Principal Upanishads*, *op. cit.*, 321. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 44.

¹⁶⁸⁴ Cf. *ibid.*

¹⁶⁸⁵ Cf. *ibid.*, 44-45.

is tantamount to killing a Brahmin.”¹⁶⁸⁶ This same *dharmasūtra* also provides protection or respect for the pregnant woman: “Likewise, a ferry-man, or an official at a toll-office, who takes a fare or toll from a student, or Vānaprastha (hermit), or a Bhikshu (ascetic or religious mendicant), or a pregnant woman, or one about to visit a place of pilgrimage; And he shall restore it to them”.¹⁶⁸⁷ Further, respect and protection for the pregnant woman is clearly stated in the *Mahābhārata* 13.107.50: “One must give way to the Brahmin, to cows, to kings, to the old, to one burdened by a load, to a pregnant woman and to the infirm”.¹⁶⁸⁸

The above examples show that “for the Hindus, pregnancy was a very special state and that the unborn had a (moral) status meriting protection.”¹⁶⁸⁹

The *smṛti* tradition is also noteworthy for its reprehensibility of abortion. The censure attached to this deed was indeed severe. The law book of *Gautama* (*Gautamadharmasūtra*, 6th century B.C) 21.9 prescribes that a woman loses her caste by committing abortion and by sexual connection with men of lower castes.¹⁶⁹⁰ The law book of *Āpastamba* (*Āpastambadharmasūtra*, a century or two later after the *Gautamadharmasūtra*) makes a similar point.¹⁶⁹¹ Losing a caste was a terrible consequence for a Hindu and one of the ultimate socio-religious penalties one can think of in Hindu *dharma*.¹⁶⁹²

The law texts, for example, the *Laws of Manu* (*Manusmṛti*) prohibits offering of ancestral libations of water to one who has caused abortion.¹⁶⁹³ Another law text, *Yajñavalkyasmṛti* 2.36 imposes a heavy fine for the abortion of embryo of a female slave. A commentary well known as *Mitākṣarā* (11-12th C.E.) on *Yajñavalkyasmṛti* by Vijñāneśvara, makes injunctions for abortion carried out on other than those pertaining to female slaves and Brahmin women. The law books make a distinction between high and low caste and between slaves and nobles. Nevertheless, whatever be the social status of a person, abortion was considered morally as a heinous crime.¹⁶⁹⁴

¹⁶⁸⁶ As quoted in LIPNER, “The Classical Hindu View on Abortion...”, 45. Addition in original. Cf. also *FABC Papers*, No.120, 10.

¹⁶⁸⁷ *Viṣṇudharmasūtra* 5.132-133. See “Institutes of Vishnu”, tr. by Julius JOLLY, in: MÜLLER (ed.), *The Sacred Books of the East*, op. cit., Vol.7, 36. See also *Manusmṛti* 9.283. See “The Laws of Manu. Translated with extracts from seven commentaries” tr. by G. BÜHLER, in: MÜLLER (ed.), *The Sacred Books of the East*, op. cit., Vol.25, 392. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 45. Cf. also *FABC Papers*, No.120, 10.

¹⁶⁸⁸ Cf. *ibid.*, 11. Quotation from LIPNER, “The Classical Hindu View on Abortion...”, 45.

¹⁶⁸⁹ *Ibid.*

¹⁶⁹⁰ *Gautamadharmasūtra* 21.9: “A woman becomes an outcast by procuring abortion by connexion with a (man of) lower (caste) and (the like heinous crime).” See “The Sacred Laws of the Āryas: As Taught in the Schools of Āpastamba, Gautama, Vāsishtha and Baudhāyana, Part I: Āpastamba and Gautama”, tr. by BÜHLER, in: MÜLLER (ed.), *The Sacred Books of the East*, op. cit., Vol. 2, 277-278. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 45. Lipner gives the citation as *Gautamadharmasūtra* 3.3.9, which is perhaps incorrect.

¹⁶⁹¹ *Āpastambadharmasūtra* 1.7.21.7-8: “(These are) stealing (gold), crimes [...], homicide, neglect of the Vedas, causing abortion, incestuous connexion with relations born from the same womb as one’s mother or father [...]” See “The Sacred Laws of the Āryas...”, 73-74. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 45-46.

¹⁶⁹² Cf. *ibid.*, 46.

¹⁶⁹³ *Manusmṛti* 5.89-90. See “The Laws of Manu...”, 184. Cf. *FABC Papers*, No.120, 10. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 46.

¹⁶⁹⁴ Cf. *ibid.* Cf. also *FABC Papers*, No.120, 10.

The *Mahābhārata*, which was regarded as a representative of authoritative texts on *dharma*, shows evidences against the acceptability of abortion. *Mahābhārata* condemns abortion in four contexts:

- a. *Mahābhārata* 12.86.26 speaking of the safe conduct to be given to an envoy obligates the king thus: “If a king is intent upon the code of the (battle-) field but slays an envoy who speaks as he has been commanded – his ancestor incur (the crime of) abortion” (*Mahābhārata* 12.20.8).¹⁶⁹⁵
- b. Abortion thwarted the great importance that was given to legitimate procreation. *Mahābhārata* 1.78.33 makes this clear: “He who does not accede, when importuned privately, to a willing and available woman, is called a killer of the embryo by those wise in matters of law”.¹⁶⁹⁶
- c. In order to exalt the religious importance of the *Mahābhārata*, a reference to abortion was made (1.1.205): “There can be no doubt that the wise man, having heard this Veda of Kṛṣṇa (i.e., the *Mahābhārata*) would shed even the crime of abortion”.¹⁶⁹⁷
- d. As a device to exalt the Brahmin, reference to abortion was used as we find in *Mahābhārata* 12.56.31-32: “O excellent one, the twice-born (i.e., Brahmins) must be protected. Even if they are grave offenders you should only banish them from your dominions (-harm them no further). Chief of all, you should show mercy to the transgressors among them, even for slaying a Brahmin, violating the guru’s bed, or killing an embryo.”¹⁶⁹⁸

This last injunction is repeated once again, with a few modifications in *Anugītā* 36: “One who drinks spirituous liquors, one who kills a *Brāhmaṇa*, one who steals, one who destroys an embryo, one who violates the bed of his preceptor, is released from that sin only by penance well performed.”¹⁶⁹⁹ Here, the text suggests that the sin of abortion can be expiated through penance. Although *Anugītā* 3 (see Chapter 15.2 above) described an embryo as “the seed of all things”, the belief in the doctrine of reincarnation lessens the horror of abortion. Perhaps, the author here has left behind the sense of sacredness of the *Vedas* and adhered to the mentality of the *Bhagavad-Gītā*, which considers the body as mere clothing of the self. Thus, the self or *ātman* is not killed when the body is killed, because the true self is impassible.¹⁷⁰⁰

The above texts make it clear that abortion was reckoned as a serious wrong. In Hinduism, social and moral values are closely connected. Social injunctions, for example, have moral dimensions and moral injunctions have social consequences. Thus for example, social transgressions like drunkenness, incest and illicit mixing of castes, are listed along with abortion. Similarly, it is listed with vices on the moral dimension such as unchastity, thieving, violating the bed of one’s guru, killing, especially, one’s father or mother. Thus, one can conclude that in classical Hinduism, “the unborn [...] were accorded a moral status deserving

¹⁶⁹⁵ As quoted in LIPNER, “The Classical Hindu View on Abortion...”, 46. Addition in original.

¹⁶⁹⁶ As quoted in *ibid.*, 47. See also *Mahābhārata* 1.78.32.

¹⁶⁹⁷ As quoted in LIPNER, “The Classical Hindu View on Abortion...”, 47. Addition by author. See also *Mahābhārata* 1.56.18.

¹⁶⁹⁸ As quoted in LIPNER, “The Classical Hindu View on Abortion...”, 47. Addition in original.

¹⁶⁹⁹ *Anugītā* 36. See “The Bhagavadgītā with the Sanatsugātiyā and the Anugītā...”, 389. Cf. GRISEZ, *Abortion...*, 120. These five sins are the cardinal sins in Hinduism and is known by the term “*pañca mahā pātaka*” (Five grave sins). Cf. MWM, 797.

¹⁷⁰⁰ “[...] the embodied (self) which is eternal, indestructible, and indefinable [...] is not killed when the body is killed.” BG 2: 27. Text quoted from “The Bhagavadgītā with the Sanatsugātiyā and the Anugītā...”, 44-45. Cf. GRISEZ, *Abortion...*, 120-121.

a special protection and that abortion was generally reprehensible because thereby the integrity of the human person (of both victim and abortionist) was seriously violated”.¹⁷⁰¹

In classical times, the status of the unborn and the question of abortion had both a moral and social significance. Procreation between different castes, which was called as *varṇasamkara* (mixing of the caste), was unacceptable. This is referred to as “miscegenation”. One can speak of three kinds of issues resulting from sexual unions that were recognized in traditional Hindu society: 1. Endogamous marriage, which was a licit marriage between members of the same caste (within one’s own *varṇa*), 2. *Anuloma* (“with the grain”) intercaste marriage that was permissible in which the man belonged to the higher caste (anthropologically a hypergamous marriage), and 3. *Pratiloma* (“against the grain”) intercaste marriage that was considered as reprehensible in which the woman belonged to the higher caste.¹⁷⁰² The greater the disparity of caste between partners, the more disgraceful was the union and the offspring from that union. For example, the *Cāṇḍāla* (the child of a Brahmin mother and a *Śūdra* father) and *Paulkasa* (the child of a *Kṣatriya* mother and *Śūdra* father) were the most despised offspring. The reason is that due to miscegenation the offspring of *pratiloma* unions could result in new categories of outcastes. However, no Hindu texts recommended abortion in the case of *pratiloma* unions.¹⁷⁰³

15.4 THE BASIS FOR THE CLASSICAL VIEW

Thus far, it has been demonstrated that the scriptural texts objected to the heinous crime of abortion. Several reasons are given as the basis for the above view on abortion and the moral status of the unborn. They are:

15.4.1. Lack of Linguistic Evidence

There has also been a tendency in the West to introduce linguistic terms such as “pre-embryo” in the context of the moral status of an embryo as mentioned earlier (see Chapter 4.2.1 and 5.4.2 above) in order to distinguish the successive stages of development of a human being. However, it is to be pointed out that in classical Hindu view there is at no stage of pregnancy a distinction made between an embryo/foetus and designated by a term that would make it susceptible to abortion. Although the term *brūhṇa* (embryo/foetus) is used in Hindu texts only to express in connection with the reprehensible act of abortion, yet it is never used as a recognized term for designating a particular stage of development of an embryo. “Thus, there is no linguistic evidence to enforce a distinction positing different moral statuses in the unborn, or by implication, favouring abortion.”¹⁷⁰⁴

15.4.2 *Karma* and Rebirth

It was already mentioned that the human person needs to be liberated from the cycle of *karma* and rebirth (see Chapter 14.7 above). According to traditional Hinduism, because of this belief in *karma* and rebirth, abortion was unacceptable. Abortion thwarted the unfolding of *karma* of

¹⁷⁰¹ LIPNER, “The Classical Hindu View on Abortion...”, 49. Cf. also *FABC Papers*, No.120, 11.

¹⁷⁰² Cf. LIPNER, “The Classical Hindu View on Abortion...”, 50-51. Cf. HILTEBEITEL, “Hinduism...”, 3996. A major implication of the prohibition of *pratiloma* marriage was to limit the *Brāhmaṇa* women to marriages with only *Brāhmaṇa* men. Cf. *ibid*.

¹⁷⁰³ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 50-51. Cf. *Mahābhārata* 6.23.40-44

¹⁷⁰⁴ LIPNER, “The Classical Hindu View on Abortion...”, 57.

both the unborn and those who procure it. Abortion unnaturally terminates the possibility of the *karma* of the unborn that could mature through its prenatal and postnatal experiences. Abortion gravely affects the liberation of a person's destiny, while it was believed that it is as a human being that one could act most effectively to achieve this end.¹⁷⁰⁵

One could raise an objection here whether abortion was also a predetermined *karma*. The answer to the objection is that the Hindus maintained that the experience of free choice was not an illusion, that the law of *karma* did not abolish the laws of *dharma* (i.e., right living in accordance with freedom and responsibility). This means that procurement of a deliberate abortion as a free act violates *dharma*, and therefore reprehensible. Moreover, in Hindu tradition a real distinction was recognized between "timely" and "untimely" death. If abortion were considered as a premature death and as an effect of *karma*, then it would be against the free and responsible action needed by *dharma*. This would undermine the law of *karma*. It is to be noted that the decrees of *karma* and the freedom of *dharma* were not regarded as incompatible. Therefore, one can conclude that one cannot justify abortion as the instrument of *karma* when it is clearly condemned by *dharma*.¹⁷⁰⁶

15.4.3 The Sacrosanctity of an embryo

The embryo in traditional Hindu view of life was considered sacrosanct because it was a potent symbol of a dominant motif – of birth, regeneration, new life and immortality. Hindu folklore also considered the primeval egg of creation as that from which the world of plurality emerges. In *Mahābhārata* 1.1.27-28 it is written, "When all this (universe) was (originally) darkness, unilluminated, covered on all sides by obscurity, the Great Egg arose, the sole imperishable seed of creatures. They say that at the beginning of an age this is the great, divine cause, and that on which (it rests) is revealed as the true Light, the eternal Brahman."¹⁷⁰⁷ In the light of this symbolism, one can conclude about the sanctity attributed to an embryo and consecutively the condemnation of abortion.

15.4.4 Social and Religious Reasons attributed to the Embryo

Social and religious reasons may be adduced for safeguarding the life of an embryo and the condemnation of abortion. The reasons stem from the need to produce offspring, especially male offspring. This was necessitated in order to perpetuate the family, the community, to sustain social economic stability within the caste framework of a patriarchal society and for religious purposes. By religious purposes is meant those performances of the priestly and domestic ritual, especially the *śrāddha*¹⁷⁰⁸ rite, which ensured that the deceased parents entered a satisfactory post-mortem existence.¹⁷⁰⁹ One can see here that the need to produce offspring for these reasons articulates the attitude that the traditional Hindu society have towards women.

¹⁷⁰⁵ Cf. *ibid.* Cf. also *FABC Papers*, No.120, 11-12.

¹⁷⁰⁶ Cf. LIPNER, "The Classical Hindu View on Abortion...", 57-58. Cf. also *FABC Papers*, No.120, 12.

¹⁷⁰⁷ As quoted in LIPNER, "The Classical Hindu View on Abortion...", 58. Addition in original.

¹⁷⁰⁸ Skt. word derived from the root word *śrād*, which means faithful, true, loyal, believing. It also means relating to a *śrāddha* ceremony. This is a ceremony in honour and for the benefit of dead relatives observed with great strictness at various fixed periods and on occasions of rejoicing as well as mourning by the surviving relatives. It should be borne in mind that a *śrāddha* is not a funeral ceremony but a supplement to such a ceremony. Cf. MWM, 1095 & 1097.

¹⁷⁰⁹ Cf. LIPNER, "The Classical Hindu View on Abortion...", 58.

Women's role was to be a wife and a mother, that is, child-bearer and child-rearers.¹⁷¹⁰ The law text of *Manusmṛti* reads:

1. The husband, after conception by his wife, becomes an embryo and is born again of her; for that is the wifehood of a wife (gāyā), that he is born(gāyate) again by her.¹⁷¹¹
2. As the male is to whom a wife cleaves, even so is the son whom she brings forth; let him therefore carefully guard his wife, in order to keep his offspring pure.¹⁷¹²
3. To be mothers were women created, and to be fathers men; religious rites, therefore, are ordained in the Veda to be performed (by the husband) together with the wife.¹⁷¹³

Thus, in Hindu society begetting children is not just a duty of individual parents, but also a social duty, a demand of *dharma* to maintain numbers in society and its stability by perpetuating the line of the family. Hence, on the one hand, to carry out this duty, and on the other hand, avoidance of abortion, are not private matters, but demands of social *dharma*.¹⁷¹⁴

15.4.5 *Ahimsā* as a Pro-life Argument

The principle of *ahimsā* (nonviolence or non-injury), as mentioned earlier (Chapter 13.5.1 above), would also go against the practices of anti-life. Along with *satya* (truth), *ahimsā* (which was considered as a cardinal virtue) forms the basis for the religious culture of Hinduism. *Ahimsā* as a supreme virtue and guiding principle of life enters the mainline Hinduism owing to the influence of the two heterodox religions, Jainism and Buddhism. This virtue influences the Hindu ethos of respect for all life,¹⁷¹⁵ especially in its state of vulnerability, such as an embryo. *Chāṇdogya Upaniṣad*, considers *ahimsā* as a mode of life towards all beings (*sārva bhutani*). *Ahimsā* had a two-fold aspect: a negative and a positive. As a negative precept, it means avoiding violence in thought and deed. As a positive precept, it means being well disposed towards everyone in thought and deed. Since abortion, which was unacceptable from both precepts that resulted in injuring or destroying the seed of life, it went against the Hindu genius of reverence for all life and beings. This is a main feature of the rationale behind the concept of *ahimsā*.¹⁷¹⁶

The five reasons enumerated above make it clear that Hinduism considers an embryo worthy of protection and abortion as a crime. This perspective on the embryo was viewed not only on a philosophical, moral, social or a religious level, but also from the level of medicine. One such strong evidence comes from the ancient medicine of Ayurveda. This will be dealt with in the next section.

15.5 INDIAN MEDICAL SYSTEM: AYURVEDA

The great Vedic seers and sages who produced India's original systems of *yoga* and meditation were also responsible for an indigenous natural healing system in India, namely, the Ayurveda. Ayurveda is also one among the eighteen sacred systems of Hinduism, which was in practice

¹⁷¹⁰ Cf. *ibid.*, 58-59. Cf. also *FABC Papers*, No.120, 12.

¹⁷¹¹ *Manusmṛti* 9.8. "The Laws of Manu...", 329. Cf. LIPNER, "The Classical Hindu View on Abortion...", 59.

¹⁷¹² *Manusmṛti* 9.9. "The Laws of Manu...", 329. Cf. LIPNER, "The Classical Hindu View on Abortion...", 59.

¹⁷¹³ *Manusmṛti* 9.96. "The Laws of Manu...", 344. Cf. LIPNER, "The Classical Hindu View on Abortion...", 59.

¹⁷¹⁴ Cf. *ibid.* Cf. also *FABC Papers*, No.120, 12.

¹⁷¹⁵ Cf. KANNIYAKONIL, *Fundamentals of Bioethics...*, 343. Cf. MENSKI, "Hinduism...", 37.

¹⁷¹⁶ Cf. LIPNER, "The Classical Hindu View on Abortion...", 59. Cf. also *FABC Papers*, No.120, 12-13.

before 4000 BCE. The wisdom of Ayurveda grew and flourished until the first millennium A.D.¹⁷¹⁷ Thus, a reflection on the system will make sense here in order to understand how ancient medicine regarded human life at the beginning of its existence. The *Caraka Saṃhitā* and *Suśruta Saṃhitā* are the two main sources of Ayurveda. It is a medical system built on *Vedic* and non-*Vedic* literature, philosophy, science and religion and is sometimes regarded as the fifth *Veda*. It is more usually regarded as a supplementary *Veda* (*upaveda*); or considered as one of the four *upavedas*, i.e., having a *Vedic* foundation and as an offshoot of the *Vedas*, and therefore, it is a science of life that is eternal.¹⁷¹⁸

Since Ayurveda is built on religious and philosophical traditions, it is therefore, *sine qua non* to contextualize Ayurveda in its religious and philosophical tradition.¹⁷¹⁹ The religious and philosophical understanding of the human individual was already discussed in the last Chapter. This section will devote mainly to the biological understanding of the human individual in Ayurveda, especially to matters pertaining to the beginning of human life. However, before reflecting on the biological understanding, a short description of Ayurveda will be appropriate. Indian medicine referred to as Ayurveda, finds no expression in the *Vedas*, *Upanishads*, *Mahābhārata* or *Ramayana*, nor in the Buddhist works in *Pāli*.¹⁷²⁰ The term first appeared in *Ashtadhyāyī* (IV.2.60; IV.4.102), a work by *Pāṇini* around 700 BCE.¹⁷²¹

Etymologically, the Sanskrit word Ayurveda is made of two words: *āyuh*, which signifies “life” and *Veda*, which refers to “a branch of learning” (*vidyā-sthāna*). Together then, Ayurveda means “the science or art of living”.¹⁷²²

The two earliest texts of the Ayurveda are *Caraka Saṃhitā*, which deals with inner medicine or therapeutics (*kaya-cikitsa*), and *Suśruta Saṃhitā*, which is dedicated to surgery (*salya*). *Caraka* (ca. 2nd Century BCE) and *Suśruta* (ca. 6th Century BCE), the physician and the surgeon, who represent them respectively, use the term Ayurveda to signify the entire corpus of the medical wisdom. The Sanskrit word *Saṃhitā* means ‘compendium’. *Caraka* is considered the principal exponent of the medical system and the father of Ayurveda medicine.¹⁷²³ The word used for ethics in Ayurveda literature was *sadvṛtta*: The etymological explanation of which means, “one

¹⁷¹⁷ Cf. David FRAWLEY, *Ayurvedic Healing. 2nd Revised and Enlarged Edition*, Lotus Press, Twin Lakes, Wisconsin 2000, 2 & 6.

¹⁷¹⁸ Cf. *Encyclopaedia of Indian Medicine, Vol.1 Historical Perspectives*, ed. by S. K. Vidyalkara RAMACHANDRA RAO, Dr. V. Parameshvara Charitable Trust, Bangalore 1985, 4, Cf. *Caraka Saṃhitā, Sūtrastāna* 30.27. Cf. *Agniveśa's Caraka Saṃhitā (Text with English Translation and Critical Exposition based on Cakrapāṇidatta's Āyurveda Dipikā)*, Vol. 1. *Sūtra Sthana*, tr. by Ram Karan SHARMA/Vaidya Bhagwan DASH, Chowkhamba Sanskrit Series Office, Varanasi 1983, 601-602. Cf. also GONSALVES, *How did I begin?...*, 180 and 195.

¹⁷¹⁹ Cf. *Encyclopaedia of Indian Medicine, Vol.1 op. cit.*, 4. Cf. GONSALVES, *How did I begin?...*, 180.

¹⁷²⁰ Cf. *Encyclopaedia of Indian Medicine, Vol.1 op. cit.*, 31.

¹⁷²¹ Jyotir MITRA, *History of Indian Medicine. From Pre Mauryan to Kushāna period*, The Jyotirālok Prasashan, Varanasi 1974, 4. Cf. GONSALVES, *How did I begin?...*, 220.

¹⁷²² Cf. *Encyclopaedia of Indian Medicine...*, 31. Cf. also *Agniveśa's Caraka Saṃhitā*, Vol. 1, *op. cit.*, xxi.

¹⁷²³ *Encyclopaedia of Indian Medicine...*, 44. The *Caraka Saṃhitā* is said to contain the substance of a comprehensive medical teaching given by the god Indra to a group of seers. One of the seers, namely, Ātreya Punarvasu, in turn committed the teaching to six disciples, among whom one was Agniveśa. He composed a treatise of the teaching. *Caraka* later became the authoritative redactor of Agniveśa's text, and known today as *Caraka Saṃhitā*. It embodies the standard Hindu outlook of the classical period on the conception, nature, and development of the human foetus. See LIPNER, “The Classical Hindu View on Abortion...”, 66-67 at fn.52.

who is desirous of his own wellbeing should always perform noble acts with proper care”.¹⁷²⁴ *Caraka* advises that one who desires peace and happiness needs to observe the rules of right conduct diligently. Those who follow the ethical code gain mastery over the senses and obtain a healthy body.¹⁷²⁵ It is in the *Caraka Samhitā*, *Vimānasthāna* that one can find an Oath of initiation, which predates the famous Hippocratic Oath by two centuries. Thus, already in ancient India there was a high level of professional ethics existing.¹⁷²⁶

The *Caraka Samhitā* is a compendium on therapeutic medicine and contains sections devoted to other seven branches. The scope of the treatise extends to ten specific topics (*Sūtrastāna* 30.32), namely, 1) *Śārīra* = anatomy, 2) *Vrtti* = physiology, 3) *Hetu* = etiology, 4) *Vyādhi* = pathology, 5) *Karma* = treatment, 6) *Kārya* = objectives, 7) *Kāla* = the influence of age and seasons, 8) *Kartr* = physician, 9) *Karana* = medicines and appliances, 10) *Vidhiviniśchaya* = procedure and sequence.¹⁷²⁷

The above topics are further divided into eight sections. They are: i) *Sūtrastāna* which deals with general principles, philosophy, etc., ii) *Nidānastāna* which deals causes and diseases, iii) *Vimānasthāna* dealing with taste, nourishment, general pathology, etc., iv) *Śārīrastāna* that deals with anatomy and embryology, v) *Indriyastāna* deals with diagnosis and prognosis, vi) *Cikitsāstāna* which deals with treatment of diseases, vii) *Kalpastāna* deals with pharmacy, viii) *Siddhistāna* dealing with cure of diseases.¹⁷²⁸ For the purposes of this research, the *Sūtrastāna* and *Śārīrastāna*, will be referred.

The *Suśruta Samhitā* is a representative work of Indian surgery. The eight branches that are dealt with in *Caraka Samhitā* are also handled here, but the emphasis is on the *śalya* branch (surgery) which is described there in detail.¹⁷²⁹

Ayurveda is open in its attitude towards different philosophical systems. The first chapter of *Śārīrastāna* in the *Caraka Samhitā*, which deals with the development of the human body and its relation to the development of the universe, is based on the philosophical principles of *Sāṃkhya* and *Yoga*. The eighth chapter of *Vimānasthāna* in the *Caraka Samhitā*, which deals with the methods of debate and theory of development, is based on the *Nyāya* system of philosophy. In the first chapter of the *Sūtrastāna*, the *Vaiśeṣika* School of philosophy is used. Besides the two philosophies cited, *Mīmāṃsā* and *Vedānta* have also contributed to Ayurveda. *Mīmāṃsā* holds that every soul or *puruṣa* is everlasting and travels through the cycle of birth and death. Ayurveda uses this law of *karma* to explain the incurability of certain diseases and teaches that they can be alleviated by spiritual or religious purification. The *Vedānta* view is accepted in Ayurveda, namely, that the inherent soul (*ātman*) is not free from all bonds of pain

¹⁷²⁴ *Caraka Samhitā*, *Sūtra Sthāna* 8.17: “*Tasmādātmahitam chikīrṣtā sarvena sarvam sarvadā smrtimāsthāya sadvṛttamanuṣṭeyam.*” *Agniveśa’s Caraka Samhitā*, Vol. 1, *op. cit.*, 170. Cf. BRAHMESHANANDA, “Medical Ethics...”, 190.

¹⁷²⁵ *Caraka Samhitā*, *Sūtra Sthāna* 8.17-18. Cf. *Agniveśa’s Caraka Samhitā*, Vol. 1, *op. cit.*, 170-173.

¹⁷²⁶ For the text of the Oath of Initiation, see *Caraka Samhitā*, *Vimānasthāna* 8.3,7 & esp. 13-14. Cf. *Agniveśa’s Caraka Samhitā*, Vol. 2, 1977, *op. cit.*, 222-225. Cf. “Oath of Hippocrates”, in: Warren Thomas REICH (ed.), *Encyclopedia of Bioethics*, Vol.5, Macmillan Library Reference USA, New York 1995, 2632-2633. Cf. Mitchell G. WEISS, “Hinduism, Bioethics in”, in: *Encyclopedia of Bioethics*, Vol. 2, Macmillan Reference USA, 3rd Edition, New York 2004, 1146-1147.

¹⁷²⁷ Cf. GONSALVES, *How did I begin?...*, 225.

¹⁷²⁸ Cf. *ibid.*

¹⁷²⁹ Cf. *ibid.*, 226.

and pleasure and its ultimate union with the universal soul is attained through liberation. Ayurveda, similar to *Vedānta*, bases itself on the principle of self-knowledge and aims at self-realization through the knowledge of the Divine Self in all beings.¹⁷³⁰

In this section, several topics that relate to the Bioethics in Ayurveda will be analyzed. They include the concept of the human person according to *Caraka Saṃhitā*, the question of ensoulment, the process of fertilization, the question of identical twins, as well as the prohibition of abortion in order to understand the moral status of an embryo. This will help to obtain a better picture on the respect and value accorded to an embryo in Hinduism from the point of view of Ayurveda.

15.5.1 The Concept of Human Person in *Caraka Saṃhitā*

Caraka Saṃhitā outlines the basic mode of human personhood. The integral outlook of the Hindus considered that a medical text also contained discussions on the nature of the human subject. According to Hindus, a physician is supposed to look integrally at the body with a spiritual perspective for an effective treatment.¹⁷³¹

A person is constituted of six elements. This is explained in *Caraka Saṃhitā Śārīrastāna* 5.4: It says: “*Puruṣa* is nothing but the combination of the six *dhātus* [elements], viz. *pr̥thvī* [earth], *jala* [water], *tejas* [fire], *vāyu* [air], *ākāśa* [ether] and *Brahman* the manifested one.”¹⁷³² Thus, the human person was seen a microcosmos of the macrocosmos, meaning that spirit and matter are not aliens or opposite to one another but parts of an integrated whole;¹⁷³³ something similar to the Aristotelian Hylomorphism, which Thomas adapted into his philosophy.

Conscious perception in an individual is due to the *puruṣa*, which integrates *ātman*, mind, senses and sense objects. *Caraka Saṃhitā Śārīrastāna* 1.39-42 explains this relation and the importance of *puruṣa* as a causative and integrative factor:

If the *Puruṣa* were not there, knowledge, ignorance, truth or falsehood, the *vedas*, good or bad action, the agent of action and the agent of knowledge could not exist. There would be no support, happiness, misery, movement, immobility, speech, knowledge, scriptures, birth, death, bondage or salvation. So *Puruṣa* is recognized as a cause (of creation) by those well versed in the theory of causality. If *Puruṣa* is not recognized as a cause, the above would be left without a cause. There would be no consciousness, non [stet] there would be any utility of theirs.¹⁷³⁴

Three elements that are essential for life to come into being are the mind, soul (*ātman*) and the body. Caraka explains that these three are like a tripod, which constitute the substratum of everything. The combination of the three elements is *puruṣa*.¹⁷³⁵

Coming to the spiritual aspect of the human person, the *Caraka Saṃhitā Śārīrastāna* gives the following description about the essential nature of the spirit or *ātman* as an acceptable

¹⁷³⁰ Cf. *ibid.*, 235-239.

¹⁷³¹ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷³² *Caraka Saṃhitā, Śārīrastāna* 5.4. English rendering from Agniveśa’s *Caraka Saṃhitā*, Vol. 2, *op. cit.*, 415. Addition is by author. Cf. CRAWFORD, *Dilemmas of Life...*, 28.

¹⁷³³ Cf. *ibid.*

¹⁷³⁴ *Caraka Saṃhitā, Śārīrastāna* 1.39-42. English tr. from Agniveśa’s *Caraka Saṃhitā*, Vol. 2, *op. cit.*, 322. Addition and emphasis in original. Cf. CRAWFORD, *Dilemmas of Life...*, 28.

¹⁷³⁵ Cf. *Caraka Saṃhitā, Sūtrastāna* 1, 46-47. Cf. Agniveśa’s *Caraka Saṃhitā*, *op. cit.*, Vol. 1, 33. Cf. CRAWFORD, *Dilemmas of Life...*, 29.

evidence.¹⁷³⁶ “Those who know the *ātman* say that it is action-less, self-dependent, sovereign, all-pervading, and omnipresent; that it has conscious control over the body (that is, is a *kṣetrājña*) and witnesses its doings.”¹⁷³⁷ It is interesting to note here that this text also says, “The foetus is produced out of the Soul. The *Antarātman* (Soul inside the animal body) is the same as *Garbhātman* (Soul in the foetus). This is known as *jīva* or animated Soul. According to religious scriptures, this Soul is eternal.”¹⁷³⁸ The inner self (*antarātman*) of the human person:

[...] does not get afflicted by diseases. He does not undergo the process of aging. He does not succumb to death. He does not undergo diminution. He cannot be penetrated. He cannot be cut [...]. He is omnipresent and omnipotent. He is invisible. He is without the beginning and end, and He is unchangeable.¹⁷³⁹

Commenting on this text, Sharma and Dash, two Sanskrit Scholars, explain that the term *antarātman* in the passage above “is used here in order to distinguish the Empirical soul as a causative factor of an embryo that is distinct from the physical self composed of six *dhātus*” (elements).¹⁷⁴⁰

The *Caraka Saṃhitā*, *Śārīrastāna* 3.8 explains about the Empirical Soul in these terms:

By entering into the uterus, it (soul) gets combined with the sperm and the ovum thereby reproducing Himself in the form of a foetus. Thus the foetus takes the designation of Soul. Again, the question of birth of the Soul does not arise as it is beginningless. Therefore it is not correct to say that He produces the unborn foetus either Himself being born or being unborn.

The same foetus during the course of time, attains the state of childhood, youth and old age. According to the state attained by Him, He is stated to be born in those states of life but with reference to the state of life ahead, He is considered to be unborn or in the process of taking birth. Therefore, he is both born and unborn simultaneously.¹⁷⁴¹

The Empirical soul is never born because it is eternal. Although He is never born, yet He produces an embryo that was never born earlier. In other words, the same Soul subsequently transforms Himself into an embryo and in that stage, He can be said to have been born. Therefore, it is by the process of transformation into the various stages of embryo that the Soul in a way is born. This seems to be the theory of evolution according to the *Sāṃkhya* system of philosophy.¹⁷⁴²

It is also to be noted that the state of mere existence of sperm and ovum prior to the combination of the soul cannot be called as an embryo. The entitlement to the term embryo is only possible when the soul combines with the sperm and the ovum.¹⁷⁴³ The implication here is that the human person comes into existence when the soul combines with the sperm and ovum. However, does

¹⁷³⁶ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷³⁷ *Caraka Saṃhitā*, *Śārīrastāna* 1.5. The Sanskrit Text is found in *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 311. English tr. quoted from LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷³⁸ *Caraka Saṃhitā*, *Śārīrastāna* 3.8. English rendering from *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 372.

¹⁷³⁹ *Caraka Saṃhitā*, *Śārīrastāna* 3.8. English tr. from *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 1977, 372. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷⁴⁰ English tr. from *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 373. *Puruṣa* comprises of six *dhātus*, namely, the five *mahābhūtas* (in their subtle form; the five *mahābhūtas* are *ākāśa* (ether), *vāyu* (air), *agni* (fire), *jala* (water) and *prthvī* (earth) whose attributes are sound, touch, vision, taste and smell respectively) and the elements of consciousness. Cf. *ibid.*, 314.

¹⁷⁴¹ *Caraka Saṃhitā*, *Śārīrastāna* 3.8. English tr. from *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 372-373.

¹⁷⁴² Cf. *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 373.

¹⁷⁴³ Cf. *Caraka Saṃhitā*, *Śārīrastāna* 3.8. Cf. *Agniveśa’s Caraka Saṃhitā*, Vol. 2, *op. cit.*, 373.

it mean that independently the sperm, ovum and soul can produce an embryo? The answer is in the negative. The text from *Caraka Saṁhitā*, *Śārīrastāna* 3.9 explains this:

Mother's father and Soul independently cannot satisfy all the requirements for the formation of a foetus [...]. It is only when these factors are added with the excellence of other factors, viz. mind, sense organs, sperm, ovum etc., depending upon the actions in the previous life, they have the capacity to manifest things by themselves.¹⁷⁴⁴

Besides the above factors, it is also important that there be "wholesomeness"¹⁷⁴⁵ in the factors involved. That is to say, that an embryo is produced from out of the wholesomeness. In other words, there can neither be the sterility of the man or woman through the circulation of the three *doṣas*¹⁷⁴⁶ nor by the intake of unwholesome things. Wholesomeness is a state of freedom from diseases, laziness and greed, but the presence of clarity of senses, excellence of voice and seeds and excessive sex vigor.¹⁷⁴⁷ Even when all these factors are present, namely, ovum, sperm, unimpaired uterus and wholesomeness, while the coitus takes place during the period of fertilization, yet without the soul, an embryo cannot be produced.¹⁷⁴⁸

Another factor essential for the production of an embryo is *rasa*¹⁷⁴⁹ (digestive product of the mother's food). The manifestation of *rasa* is seen through growth of the body, continuity of the strength, satisfaction, plumpness and enthusiasm.¹⁷⁵⁰

Therefore, all the above factors, namely, mother (ovum), father (sperm), Soul (*ātman*), wholesomeness and *rasa* are responsible for the coming into being of the embryo.¹⁷⁵¹

The important question here is, how does the Soul connects itself with the body? The answer is through the mind. The mind is responsible for uniting the *jīvātman* (animated soul) with the body, as a connecting link between.¹⁷⁵²

In the last analysis, in addition to what was said above, one can say that an embryo is a conglomeration of several factors, namely, mother (ovum), father (sperm), Soul, wholesomeness, *rasa* and mind. The mind serves as the connecting link.¹⁷⁵³ Commenting on these factors, Sharma and Dash say that the six procreative factors can be classified into two

¹⁷⁴⁴ *Caraka Saṁhitā*, *Śārīrastāna* 3.9. English tr. from *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 374. The phrase "mother's father" has been previously explained in *Śārīrastāna* 3.6 and 9. The phrase means from the mother's ovum and the father's sperm.

¹⁷⁴⁵ The Skt. word for wholesomeness is *sātmya*. It denotes what is agreeable to nature or natural constitution. In *Caraka Saṁhitā* it means wholesome or suitableness. The opposite of *sātmya* is *asātmya*, which means unwholesome. Cf. MWM, 1200 & 120. Wholesomeness is one of the factors responsible for the proper development of the foetus and does not include the wholesomeness of *rasa* (digestive product of mother's food). Wholesomeness thus indicates the wholesomeness of other factors, such as vision, regimen, etc. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 367.

¹⁷⁴⁶ Cf. *Caraka Saṁhitā*, *Śārīrastāna* 3.11. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 376. The word *doṣa* means a fault or error, an Ayurvedic term for biological humour. The three *doṣas* are *vāta*, *pitta* and *kapha*. These three are the biological humours that are the root forces of our physical life. They more or less correspond to the humours of the Greek medicine, namely, wind, bile and phlegm. See GONSALVES, *How did I begin?* ..., 231-232. Cf. also FRAWLEY, *Ayurvedic Healing*..., 9.

¹⁷⁴⁷ Cf. *Caraka Saṁhitā*, *Śārīrastāna* 3.11. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 376.

¹⁷⁴⁸ Cf. *ibid*.

¹⁷⁴⁹ Skt. word for sap or juice of plants, any liquid or fluid, a constituent fluid or essential juice of the body, serum, etc. Cf. MWM, 869.

¹⁷⁵⁰ *Caraka Saṁhitā*, *Śārīrastāna* 3.12. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 377.

¹⁷⁵¹ Cf. *Caraka Saṁhitā*, *Śārīrastāna* 3.14. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 380.

¹⁷⁵² Cf. *Caraka Saṁhitā*, *Śārīrastāna* 3.13. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 378.

¹⁷⁵³ Cf. *Caraka Saṁhitā*, *Śārīrastāna* 3.14 and 4.4. Cf. *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 380 & 387.

categories – the first category comprising of mother (ovum), father (sperm), mind and Soul and the second category consists of wholesomeness and *rasa*. The first category factors are responsible for initial formation of an embryo and the remaining two factors of the second category only help subsequently for the growth of an embryo.¹⁷⁵⁴

Certain objections to human personhood in Western thought were already discussed, namely, those who claim that a human person is present only if he/she is conscious. Consciousness for them is a criterion to attribute personhood to a being (Chapter 2.5 above).

The Ayurveda system clearly argues with regard to the question whether the soul (*ātman*) possesses consciousness. Irrespective of whether the sense organs are present or are not yet fully developed, Ayurveda affirms that consciousness is always present. *Caraka Samhitā*, *Śārīrastāna* 3.18 answers thus:

It is not that the Soul is endowed with consciousness only when He is possessed of sense organs and is devoid of consciousness otherwise. The soul can never be separated from the mind, and so, He is always endowed with consciousness.¹⁷⁵⁵

The implication here is that although in an embryo the sense organs are not developed, still the consciousness of the soul is present, namely, the inner consciousness. However, in the absence of the sense organs or their full functionality, the Soul is limited, i.e., with regard to actions which a fully developed foetus could perform or in comparison to an adult.¹⁷⁵⁶

Caraka also speaks of two bodies in this context: the gross body (*sthūlaśarīra*) and the subtle body (*sūkṣmaśarīra*) (See Chapter 14.4.3, above). In the scriptures (especially in *Sāṃkhya*), the gross body is described as the product of the subtle body. The subtle body consists of the soul, mind, ego, consciousness, and the five subtle principles (*tanmātras*). The subtle body can get out of the gross body. When the subtle body enters an individual there is life and when it exits, it results in the death of the individual; thus forming a link between two lives. The succession or continuity is due to the association of body and mind, whether of the gross or of the subtle body. The human person is conceived of on a still lower level as the gross body, senses, mind and the indwelling soul. The senses have a double role to play: either they establish contact with the outside world or they establish the link between body and soul. The living body is created out of the five inert gross elements: ether, air, fire, water and earth. The living body thus created serves as a dwelling place for the *puruṣa*. As a living being, the human person is called the person or *puruṣa* with six constituents, i.e., the five inert gross elements (i.e., the five *mahābhūtas* in their subtle form) and consciousness as the sixth element, namely, the Soul.¹⁷⁵⁷ Having seen the constitution of an embryo, Ayurveda also discusses the process of fertilization and the phenomenon of ensoulment. The next section will describe how these takes place.

¹⁷⁵⁴ Cf. *ibid.*, 380.

¹⁷⁵⁵ *Caraka Samhitā*, *Śārīrastāna* 3.18. English tr. from *Agniveśa's Caraka Samhitā*, Vol. 2, op. cit., 384.

¹⁷⁵⁶ Cf. *Caraka Samhitā*, *Śārīrastāna* 3.19. Cf. *Agniveśa's Caraka Samhitā*, Vol. 2, op. cit., 384-385.

¹⁷⁵⁷ Cf. S. N. BHAVASAR/Gertrud KIEM, "Spirituality and Health (Ayurveda)", in: Krishna SIVARAMAN (ed.), *Hindu Spirituality. Vedas through Vedānta*, The Crossroad Publishing Company, New York 1989, 338-357; 346. Cf. GONSALVES, *How did I begin?*..., 313. Cf. also *Caraka Samhitā*, *Śārīrastāna* 1.16. Cf. *Agniveśa's Caraka Samhitā*, Vol. 2, op. cit., 314 and *Caraka Samhitā*, *Śārīrastāna* 4.6. Cf. *Agniveśa's Caraka Samhitā*, Vol. 2, op. cit., 388.

15.5.2 Fertilization and Ensoulment

It was mentioned in Parts I-III that there are Catholic moral theologians/ethicists and philosophers who distinguish between human beings and human persons. These moral theologians/ethicists/philosophers would approve of abortion of a human being but not a human person. Having already discussed (Chapter 13.5 above) about the concept of person in Hinduism and the various nuances the term could mean, the next consideration is whether classical Hinduism too had a distinction between human beings and human persons, what moral status was accorded to an embryo and consequently what are its implication for abortion. Within this context, the question of ensoulment will be dealt.

First, the process of fertilization will be discussed in detail as has been described in the *Caraka Saṃhitā* and *Suśruta Saṃhitā*. Both these texts have detailed description of fertilization under the same name and section on *Śārīrastāna*.

Although the *Caraka Saṃhitā Śārīrastāna* described what an embryo is in its third chapter, a definition was not given there. However, in the fourth chapter the precise definition of an embryo (*garbha*) is given as follows: “The union of sperm, ovum and the Soul in the womb is designated as embryo”.¹⁷⁵⁸

Suśruta Saṃhitā Śārīrastāna 3.2 describes the elements that are involved in the formation of an embryo:

The male reproductive element (*Śukra*) is endowed with *soma-guṇa* (i.e. thermolytic properties) the female elements (*Ārtava*) presents the opposite property and is therefore *Agni-guṇa* (i.e. thermogenetic properties). The principles of earth, water, fire, air and ether are also present in men in their subtle forms and contribute to the formation of the material parts by their molecular adjustment in the way of being useful to each other and in way of the associating [stet] to each other in the formation of the body.¹⁷⁵⁹

Caraka Saṃhitā Śārīrastāna 4.6 goes further to explain how these five elements (*mahābhūtas*) that is, *ākāśa* (ether), *vāyū* (air), *agni* (fire), *jala* (water) and *pṛthvī* (earth), form the receptacle of consciousness for the sixth element, namely, the Soul. The text reads:

The embryo is formed by the five *mahābhūtas*, viz. *ākāśa*, *vāyū*, *agni*, *jala* and *pṛthvī* and it serves as the receptacle of consciousness. Applying this principle, it represents the combination of five *mahābhūtas* and is also a receptacle of consciousness. In fact, the Soul (i.e. conscious element) constitutes the sixth *dhātu* (element) responsible for the formation of embryo.¹⁷⁶⁰

¹⁷⁵⁸ *Caraka Saṃhitā, Śārīrastāna* 4.5. Agniveśa's *Caraka Saṃhitā*, Vol. 2, op. cit., 388. Sharma and Dash commenting on the above definition clarify the Skt. term *Kukṣi* which has been translated as “womb”. *Kukṣi* stands for the pelvis as a whole, but here it stands for only that part of the pelvis that is known as womb, which is the site of the formation of the embryo. Cf. also CRAWFORD, *Dilemmas of Life...*, 29.

¹⁷⁵⁹ *Suśruta Saṃhitā, Śārīrastāna* 3.2. English tr. from *Suśruta Saṃhitā*, op. cit., Vol.2, 155. Addition in original.

¹⁷⁶⁰ *Caraka Saṃhitā, Śārīrastāna* 4.6. English tr. from Agniveśa's *Caraka Saṃhitā*, Vol. 2, op. cit., 388. Addition in original. Commenting on the above text, Sharma and Dash say that the embryo is considered the receptacle of consciousness inasmuch as it is the *sine qua non* for the enjoyment of happiness and miseries by the soul who represents the pure consciousness. Cf. *ibid*. Here one can see that the Soul is the same as *puruṣa* constituted of six elements. See *Caraka Saṃhitā, Śārīrastāna* 1.16: “*Puruṣa* comprises six *dhātus* (elements), viz. five *mahābhūtas* (in their subtle form) and consciousness. Even the element of consciousness alone constitutes *Puruṣa*.” Cf. Agniveśa's *Caraka Saṃhitā*, Vol. 2, op. cit., 314. Addition and emphasis in the original.

The process of conception in which the sperm of the man and the ovum of the woman unite is described in *Caraka Saṁhitā*, *Śārīrastāna* 4.7. The conception and the animation process by the soul is explained vividly in *Suśruta Saṁhitā*, *Śārīrastāna* 3.3 in these words:

The local *Vāyu* (nerve-force) heightens or aggravates the heat generated by the friction of the sexual organs in an act of copulation. The *Vāyu* and heat thus aggravated tend to dislodge the semen from its sac or receptacle in a man which enters the uterus of a woman through the vaginal canal and there it mixes with the ovum (*Ārtava*) dislodged and secreted by similar causes. The combined ovum and semen are subsequently confined in the uterus (*Garbhāsāya*). After that, He who is known by the epithets of Self-conscious, impressioner (creator of sensations and perceptions), toucher, smeller, seer, hearer, taster, Self or Ego, creator, wanderer, witness, ordainer, speaker, though eternal, unmanifested and incomprehensible in his real nature, takes hold of the five subtle or essential material principles contributed by the united impregnating matter, assumes a subtle shape throughout, marked by the three fundamental qualities of *Sattva*, *Rajas* and *Tamas*, and led away by the *Vāyu*, lies confined in the uterus to be subsequently evolved out in the shape of a god, animal, or monster, as determined by his acts in the former existence.¹⁷⁶¹

The above text explains the fertilization of the ovum and subsequently the soul (*ātman*) which takes hold of the fertilized ovum. The way the soul evolves depends on the *karma* of the person's past life. It is to be noted that the soul (*ātman*) is omnipresent and as such, there is no question of the soul transmigrating from one body to another. However, when the soul comes in conglomeration with the mind, he/she forms an individual entity that transmigrates from one body that dies, to another body, which takes birth. Depending upon the *karma*, that is upon virtuous or sinful past acts, the soul takes birth in another suitable body for the sake of enjoyment of fruits of such action. Further, depending upon the past actions, the soul may enter into the body of any species, namely, human beings, animals etc.¹⁷⁶²

It was already mentioned (See Chapter 15.5.1 above) that *Caraka* distinguishes between the gross body and the subtle body. The sperm and the ovum after fertilization can manifest a gross body in the form of an embryo only when the subtle body (*sūkṣmaśārīra*) is associated with them. The association or combination of the subtle body with the sperm and ovum is conditioned by the actions in the past life. The characteristic features of the gross body, that is, both the physical and mental faculties of the individual, resemble those of the subtle body. Similarly, the subtle *bhūtas* (elements) that transmigrate through the Soul are identical in all individuals. Nevertheless, the psychic faculties are not the same. They depend on the *rajas* or *tamas*. Which of them dominates depends on the actions in the past life for the variations in the characteristic features of individuals.¹⁷⁶³

The union of the fertilized ovum with the soul (*ātman*) is even more elaborately described in *Caraka Saṁhitā*, *Śārīrastāna* 4.8. The soul is described in its manifold meanings:

First of all the conscious element i.e. the Soul endowed with mental equipment unites with the *mahābhūtas*. He is known as *Hetu* (Concomitant Cause), *kāraṇa* (Non-constituent cause),

¹⁷⁶¹ *Suśruta Saṁhitā*, *Śārīrastāna* 3.3. English tr. from *Suśruta Saṁhitā*, *op. cit.*, Vol.2, 156. Addition and emphasis in original.

¹⁷⁶² Cf. *Caraka Saṁhitā*, *Śārīrastāna* 2.31-32. Cf. Commentary in *Agniveśa's Caraka Saṁhitā*, Vol. 2, *op. cit.*, 361.

¹⁷⁶³ Cf. *Caraka Saṁhitā*, *Śārīrastāna* 2.31-36. Cf. Commentary in *Agniveśa's Caraka Saṁhitā*, Vol. 2, *op. cit.*, 361.

Nimitta (Efficient Cause), *Akṣara* (the Indestructible one), *Kartṛ* (The Agent), *Mantr* (the Thinker), *Veditā* (the Knower), *Boddhā* (the Intelligent one), *Draṣṭṛ* (the Seer), *Dhātṛ* (the Supporter), *Brahmā* (the creator), *Viśvakarman* (the Builder of the Universe), *Viśvakarman* (the Builder of the universe), *Viśvarūpa* (the Prototype of the universe), *Puruṣa* (the supreme person), *Prabhāva* (the source of origin), *Avyaya* (the Immutable), *Nitya* (the Eternal), *Guṇin* (the Receptacle of *mahābhūtas*), *Grahaṇa* (One having capacity to unite with the *mahābhūtas*), *Pradhāna* (the Nature), *Avyakta* (the Unmanifested one), *Jīva* (the Animated one), *Jñā* (the conscious one), *Pudgala* (the Ego), *Cetanāvat* (one having the power of sensation), *Vibhu* (Omnipresent), *Bhūtātman* (Empirical Soul), *Indriyātman* (Organic Soul) and *Antarātman* (Inner Soul).¹⁷⁶⁴

The various attributes of the soul exemplified here (as also in *Suśruta Saṁhitā*, *Śārīrastāna* 3.3 above) shows that this medical text is also very philosophical in its approach while establishing the fact that it is the soul with its attributes which unites with the fertilized ovum; while leaving no doubt for any other. Mention is also made of the *Puruṣa* (the supreme person) here, which is the same as *ātman*. The implication is that the soul is already the *Puruṣa* (macrocosm) uniting with the *puruṣa* (the microcosm). In other words, the human person is present right from the beginning of human life.

Therefore, the question in Ayurveda is not “when” exactly the soul descends into an embryo, but “how”.¹⁷⁶⁵ The process will be now be analyzed. Having explained the attributes of the soul, the text (*Caraka Saṁhitā*, *Śārīrastāna* 4.8) continues with the actual unity of the soul with the fertilized ovum. It reads:

The Soul, first of all, unites with [stet] *ākāśa* before uniting with the other *bhūtas*. This is like the creation of *ākāśa* by God after the period of deluge. As God, the indestructible one, equipped with the mind creates *ākāśa* first, and then the other *bhūtas* whose attributes are more and more manifested successively, so does the Soul, desirous of creating another body, first of all, unites with the *ākāśa*, and then with other four *bhūtas* whose attributes are more and more manifested successively. All this action (association of the Soul with the five *mahābhūtas*) takes place in a very short time.¹⁷⁶⁶

This text tells us how the soul unites with the fertilized ovum. There is no reference to when it actually takes place. The only hint given to us is that “all this action takes place in a very short time”. That is why, it was mentioned earlier that Ayurveda is not concerned with the time (when) but how the process of unity of the soul with the fertilized ovum takes place. S. Cromwell Crawford, a Hawaiian scholar of Comparative Religions and Ethicist, summarizing the phrase in the above quoted passage, namely, “takes place in a very short time”, says:

¹⁷⁶⁴ *Caraka Saṁhitā*, *Śārīrastāna* 4.8. English tr. from *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 390. Addition in original.

¹⁷⁶⁵ Cf. GONSALVES, *How did I begin?* ..., 371.

¹⁷⁶⁶ *Caraka Saṁhitā*, *Śārīrastāna* 4.8. English tr. from *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 390. Addition in original. Commenting on the above text, translators Sharma and Dash say: “According to the *Sāṁkhya* system, the Nature (*Prakṛti*) and the Soul (*Puruṣa*) are the only two entities that survive in the deluge when all the manifestations of Creation revert to their latent states. After the period of deluge is over and the equilibrium of the Nature is disturbed [...]. The first *mahābhūta* to be created in the process of evolution is *ākāśa*; thereafter come *vāyu* etc. which, comparatively speaking, have grosser forms. Similarly, the Soul, desirous of creating an embryo, first, unites with the *ākāśa*. His union with other grosser *mahābhūtas* follows. The union of the Soul with all the five *mahābhūtas* is, of course, completed in a very short time.” *Ibid.* 390-391.

In brief, the humanization of the individual takes place in the moment of conception and all future growth is only the actualization of conceptual potency.¹⁷⁶⁷

Crawford further states that if *Caraka's* archaic formulation of scientific intuitionism is translated into modern medical idiom, then one can say that the new being receives its genetic code at conception. It is in this instance of the act of conception that hominization takes place. Therefore, a being with a human genetic code is indeed a human being. Thus, the modern Hindu believes that human life begins with conception. Moreover, it makes no sense to discriminate between different degrees of human potentiality, namely, “ensoulment”, “viability” and “brain waves”. From the moment of conception, it is a self-evolving being. Thus, the genetic components being complete at conception, Hinduism affirms the inviolability of the fetus and rejects abortion.¹⁷⁶⁸

The above discussion also helps one to understand why the *ātman* (see Chapter 15.5.1 above) in the human subject seems to manifest contrary characteristics, namely, “a limited agent, mortal, dependent upon bodily functions, changeable, and so on”¹⁷⁶⁹. This false appearance and apparent characteristics of the *ātman* results from the *ātman's* union with matter (*śarīra*, i.e., the body). In *Caraka Saṁhitā*, *Śārīrastāna* 6.4 it is stated that, “The body which is maintained in a state of equilibrium represents the conglomeration of factors derived from five *mahābhūtas* and this is the site of manifestation of consciousness”.¹⁷⁷⁰ From this, one can assume that although the *ātman* is conscious in itself, the body is essential for its manifestation.¹⁷⁷¹ Therefore, being limited in the body, the *ātman* manifests contrary characteristics.¹⁷⁷²

With regard to the ensoulment, a distinction is to be made between two traditions here, namely, the “major” tradition (owing to its apparently weightier authority) and the “minor” tradition (which relied on weaker evidence).¹⁷⁷³

In the major tradition, according to the *Caraka Saṁhitā Śārīrastāna* 3.3, the formation of an embryo is described under the section “Factors responsible for procreation”. It says:

When a man with unimpaired sperm and a woman with unafflicted genital tract, ovum and uterine bed cohabit during the period of fertilization, the *jīva* (Soul) along with the mind descends into the zygote (combined form of the sperm and ovum) lodged inside the uterus. This results in the formation of the embryo [...]. This occurs due to the combination of the factors derived from the following sources: - (1) Mother, (2) Father, (3) Soul, (4) Wholesomeness and (5) Rasa (digestive product of the mother's food). Mind is also responsible for the transmigration of the Soul.¹⁷⁷⁴

¹⁷⁶⁷ S. Cromwell CRAWFORD, “Hindu Ethics for Modern Life”, in: IDEM, *World Religions and Global Ethics*, Paragon House, New York 1989, 5-35; 26. Cf. William A. YOUNG, *The World's Religions and Contemporary Issues*, Prentice Hall, Englewood Cliffs, New Jersey 1995, 127.

¹⁷⁶⁸ Cf. CRAWFORD, “Hindu Ethics...”, 26.

¹⁷⁶⁹ LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷⁷⁰ *Caraka Saṁhitā*, *Śārīrastāna* 6.4. English tr. from *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 427.

¹⁷⁷¹ Cf. commentary by *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 427.

¹⁷⁷² Cf. LIPNER, “The Classical Hindu View on Abortion...”, 53.

¹⁷⁷³ Cf. *ibid.* Cf. also *FABC Papers*, No.120, 11.

¹⁷⁷⁴ *Caraka Saṁhitā*, *Śārīrastāna* 3.3 English tr. from *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 366-367. Addition in original. Commenting on the “period of fertilization” in the above passage, Sharma and Dash informs that, it starts from the day the woman menstruates. However, during the first three days of the menstruation, cohabitation is prohibited because it is inauspicious (Cf. *Caraka Saṁhitā*, *Sūtrastāna* 25.40; Cf. *Agniveśa's Caraka Saṁhitā*, op. cit., Vol. 1, 433.). Cf. English commentary in *Agniveśa's Caraka Saṁhitā*, Vol. 2, op. cit., 367. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54. Cf. CRAWFORD, *Dilemmas of Life...*, 30.

From the above text one can conclude that conception coincides with the “descent” or presence of the spirit in the womb, meaning here that from the beginning onwards an embryo is the spirit-matter composite constituting the human person. Thus, one cannot draw a distinction between human being before “ensoulment” and human person after “ensoulment”, and one cannot imply that abortion at some early stage of pregnancy would be permissible.¹⁷⁷⁵

In the minor tradition, in contrast to what is stated above, the soul unites with an embryo some time after conception. It seems, therefore, that in the minor tradition one can draw a distinction between human being (before “ensoulment”) and human person (after “ensoulment”). However, it is to be remembered that the minor tradition is hardly a recognized authority in such matters, such as in a minor *Upaniṣad*, namely, the *Garbha Upaniṣad* (ca. 2-3d CE?). According to the *Garbha Upaniṣad*, the soul and embryo unite in the seventh month after conception.¹⁷⁷⁶ It reads:

From the pairing at the time of the season there originates after one night a nodule, after seven nights a bubble, within a fortnight lump, within a month it becomes hard, after two months originates the head, after three months originate the parts of foot, in the fourth month ankles, belly and hips, in the fifth the vertebral column, in the sixth the mouth, the nose, the eyes, the ears, in the seventh the embryo is equipped with the soul [*jīva*], in the eighth it is complete in all parts.¹⁷⁷⁷

It is important to remember that neither the *Garbha Upaniṣad* nor the minor tradition explicitly draw a distinction between human being and human person, especially to allow abortion based on the time lapse between conception and ensoulment.¹⁷⁷⁸

In conclusion, both from the major and minor tradition, “the overriding evidence of the classical texts as a whole speaks in favour of according the status of human personhood to the unborn throughout pregnancy, with consequent implications for the (impermissibility of) abortion, except in extreme circumstances”.¹⁷⁷⁹ Thus, both classical Hinduism and Ayurveda claim the protection of an embryo right from the moment of conception and accord a status to the embryo a respect from its inception owing to the presence of the *ātman* (soul) from that moment onwards. How does Ayurveda answer the intricate question of identical twins that poses a problem for the Western mind? The next section will deal with this problem.

¹⁷⁷⁵ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54. Cf. also *FABC Papers*, No.120, 11.

¹⁷⁷⁶ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54. Cf. also *FABC Papers*, No.120, 11.

¹⁷⁷⁷ *Garbha Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, op. cit., Part 2, 642. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54. On this citation, Lipner comments at fn.57 with regard to the phrase “(the foetus) is joined to the soul” (Skt. *jīvena saṃyukto bhavati*). Basing himself on the commentator Nārāyaṇa, who glosses this phrase as *Jīvalingena (saṃyukto...)*, that is, is joined to the mark of the soul, namely, consciousness, Lipner is of the opinion that if such interpretation was correct, then the implication is not ensoulment, but consciousness that occurs in the seventh month. Ensoulment could have already taken place at conception. This means the minor tradition agrees with the major. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54. Cf. also *Garbha-Upaniṣad*, in: *Thirty Minor Upaniṣads*, op. cit., 117. However, as said earlier, the soul and the consciousness cannot be separated and therefore, this explanation is wanting.

¹⁷⁷⁸ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 54.

¹⁷⁷⁹ LIPNER, “The Classical Hindu View on Abortion...”, 56. Cf. also *FABC Papers*, No.120, 11. By extreme circumstances is meant here that abortion is permissible as a last recourse when the life of both the mother and the embryo are in danger and only when it is clearly a question of weighing life against life. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 50.

15.5.3 The Question of Identical Twins

It was mentioned earlier that there are those who contend over the issue of monozygotic twins and propose a delayed animation. What does Ayurveda say about this issue?

Caraka Samhitā, Śārīrastāna speaks of various types of twins, namely, twins of male and female children, twins of female children, twins of male children, and multiple children.¹⁷⁸⁰

Caraka also explains why this takes place. He says:

Dominance of ovum during the conception results in the procreation of a female child, and dominance of sperm, of a male child. During the process of union, the sperm and ovum undergo divisions and if one division of sperm dominates over one of the divisions of the ovum and another division of ovum dominates over the other division of sperm, then there is formation of twins – one male child and a female child. When both the divisions of the sperm dominate over both the divisions of the ovum, then there is a twin of male children. When both the divisions of ovum dominate over both the divisions of the sperm, then there is a twin of female children.

When the excessively aggravated *vāta* brings about many divisions of the sperm and ovum, many children are born; their number depends upon the number of divisions. This is not under the control of the individual himself; this happens due to one's action during previous life.¹⁷⁸¹

As a commentary to the above text, Sharma and Dash explain that both the sperm and ovum have subtle forms. These subtle parts undergo unequal division due to *karma* of the past life of the individual and results in unequal development of foetus.¹⁷⁸²

Suśruta Samhitā, Śārīrastāna 2.39 gives a similar reason for the birth of twins and says, “A seed divided into two by the deranged *Vāyu* within the (cavity of the) uterus (*Kukṣi*) gives rise to the birth of *twins*, conditioned by the good or evil deeds of their prior existence.”¹⁷⁸³

Thus, *Caraka* attributes the birth of twins to the *vāta* and *Suśruta* to the *vāyú*. Both *vāta* and *vāyú* mean the same. However, it is to be noted that *Caraka* and *Suśruta* consider twins to be an abnormality. Interestingly, both consider that the individual so conceived is conditioned by the good or evil deeds of their past life.

Coming to the question of the beginning of the human individual, the determining factor is the *ātman* along with the other elements, as already mentioned, in the formation of an embryo (*garbha*). Therefore, the question to be answered is, whether there can be two *ātman*s in the case of twins.

Caraka Samhitā, Śārīrastāna 3.3 gives an answer to this question in the following manner:

Ātman is not produced by another *Ātman*. If it is stated that *Ātman* produces *Ātman* the question may arise as to whether the Soul, born produces another Soul or an unborn one? Both these propositions are untenable. As the Soul already born is in existence there is no question of His producing Himself. As the Soul unborn is non-existent He cannot produce Himself. Therefore the proposition is untenable both ways. Let us consider the problem from

¹⁷⁸⁰ Cf. *Caraka Samhitā, Śārīrastāna* 2.11.

¹⁷⁸¹ *Caraka Samhitā, Śārīrastāna* 2.12-14. English tr. from Agniveśa's *Caraka Samhitā, Vol. 2, op. cit.*, 354. The Skt. word *vāta* derived from the root *vā*, which means wind or air (and hence from which is derived the word *vāyú*, which in medicine means the windy humour or any morbid affection of it). Here it means the wind or air as one of the humours of the body or wind emitted from the body. Cf. MWM, 934 & 942. See also Chapter 15.2 at fn. 1656 above on *vāyú*.

¹⁷⁸² Cf. Agniveśa's *Caraka Samhitā, Vol. 2, op. cit.*, 355.

¹⁷⁸³ *Suśruta Samhitā, Śārīrastāna* 2.39. English tr. from *Suśruta Samhitā, op. cit.*, Vol.2, 151. Addition in original.

another angle. If the Soul is capable of reproducing Himself, then how is it that He does not choose a desirable womb endowed with lordship, unrestrained movement, capacity to have forms as He pleases, luste [stet], strength, speed, complexion, mental faculties, compactness and having freedom from aging, disease and death? The Soul wants Himself to be like this or even better.¹⁷⁸⁴

Thus, from the above passage it is clear that the *ātman* cannot divide itself in the case of twins. According to Ayurveda, which follows the *Upaniṣadic* teachings, animation by the soul (*ātman*) is possible only in association with the body. The soul is universal and not particular and its ultimate destiny is to unite itself with the *brāhman*. The cycle of rebirth (*karma*) determines that the soul be reborn in a subtle body. Unless it is liberated, the process of being born in another body continues. However, once liberated from the cycle of rebirth it joins the fullness of *brāhman*. Therefore, in the case of a monozygotic twin, each of the body receives a soul and hence there is no problem posed in Ayurveda at the time of conception with regard to the question of identical twinning.¹⁷⁸⁵

15.5.4 Abortion

It was already mentioned (see Chapter 15.3.1 at fn. 1678 above) that the deity invoked to protect the unborn is *Viṣṇu*. *Viṣṇu* is known as the preserver of life. In *Caraka Saṁhitā*, *Śārīrastāna* there is a mention about the deity *Viṣṇu*, who according to *R̥g Veda* is invoked in the ceremonies prior to conception.¹⁷⁸⁶ Moreover, the pregnant woman in her delicate condition is asked to be treated like a vessel brim-full of oil and that she should not be agitated in order to avoid a mishap.¹⁷⁸⁷ The idea that emerges in these instances is that for the Hindus, pregnancy was a very special state and that the unborn had a moral status meriting protection.¹⁷⁸⁸

The only exception that was allowed in a situation in which abortion was permitted is found in a classical text in Ayurveda in the *Suśruta Saṁhitā*, *Cikitsāstāna* 15.3,5 & 10-11. In its section called “The Foetus Astray” (*mūḍhgarbha*), the eventuality of aborting the foetus is considered.¹⁷⁸⁹

The text in *Suśruta Saṁhitā*, *Cikitsāstāna* 15.2a clearly describes the care with which the *garbha* (embryo) should be handled:

The extraction of a foetus [...] is the most difficult of all surgical operations, inasmuch as actual contact or actual manipulation is the only means accessible to a surgeon [...]. All surgical acts in respect of the foetus or the enceinte [...] could not be done otherwise than by actual contact of the hand, avoiding injury to the pregnant woman and to the foetus [...] all procedures should be carried out with utmost care.¹⁷⁹⁰

¹⁷⁸⁴ *Caraka Saṁhitā*, *Śārīrastāna* 3.3. English tr. from Agniveśa's *Caraka Saṁhitā*, Vol. 2, op. cit., 368-369.

¹⁷⁸⁵ Cf. GONSALVES, *How did I begin?*..., 331-333.

¹⁷⁸⁶ *Caraka Saṁhitā*, *Śārīrastāna* 8.11. The invocation in *R̥g Veda* 10.184.1 reads: “[May Lord *Viṣṇu* prepare the womb; May Lord *Tvastr̥* make respective forms; May Lord *Prajāpati* spray the sperm; May Lord *Dhātṛ* protect your (wife's) womb]”. Agniveśa's *Caraka Saṁhitā*, Vol. 2, op. cit., 469. Addition in original. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 43.

¹⁷⁸⁷ *Caraka Saṁhitā*, *Śārīrastāna* 8.22. The text reads, “A pregnant woman is to be treated very cautiously as if one is walking with a pot full of oil, in hand without letting a drop to fall.” English tr. from Agniveśa's *Caraka Saṁhitā*, Vol. 2, op. cit., 478. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 45.

¹⁷⁸⁸ Cf. *ibid.*

¹⁷⁸⁹ Cf. *ibid.*, 49. Cf. also *FABC Papers*, No.120, 11.

¹⁷⁹⁰ *Suśruta Saṁhitā*, *Cikitsāstāna* 15.2a. English tr. from *Suśruta Saṁhitā*, op. cit., Vol.2, 469. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 49.

The text further continues this gesture of care for an embryo: “Every care should be taken and no pains spared to bring a child alive into the world, which is not already dead in the womb”.¹⁷⁹¹ Thus, the text leaves no doubt about the ideal that one should strive for, namely, the safety of both mother and the foetus. However, if the foetus is already dead (*mṛte*), then various manipulatory measures may be taken. However, surgical removal by applying instruments (*śāstra*) should be the last resort.¹⁷⁹²

Another situation, in which the foetus cannot be safely delivered, is next considered. However, should this happen, removal by surgery is forbidden, but can be terminated:

In case it is not possible to correct the mal presentation [*Mūḍha-garbha*] it is better to terminate [*pātanaṃ*] the pregnancy. In no case, however, time should not be lost, so that the mother’s life may not be put in danger.¹⁷⁹³

The above texts make it clear that abortion (*pātanaṃ*)¹⁷⁹⁴ is the last recourse, only when it is clearly a question of weighing life against life – the life of the mother against the life of an embryo/foetus. The case described here is not a case in which *dharma* of respect for the unborn is neglected but rather, a case in which one has the duty to save the life of both the mother and an embryo; however, it may happen that both cannot be saved. In that case, abortion is permissible as a last resort to save the life of the mother. It is to be noted here that in all these texts, the lives of both, the mother and an embryo/foetus, are accorded the greatest respect and protection.¹⁷⁹⁵

15.6 CONCLUSION

For the traditional Hindu, reproduction is also seen as essential for the continuation of society and for one’s family. One of the major life aims of a Hindu is to procreate, and according to the central aspect of *dharma*, preserving and promoting life is important. Thus, abortion or miscarriage is considered as a serious crime and sin. Seen from another angle, abortion hinders the achievement of the soul towards liberation by preventing the human soul to either enter or exit out of the cycle of rebirth.

It is within this background of abortion that the moral status of an embryo or the unborn was discussed. Abortion was considered as a morally reprehensible killing (*hatyā*) rather than an ethically neutral evacuation, dislodging, or excision. To study the moral status of an embryo, philosophical, historical, medical and other observations were also necessary. The earliest *Śruti* texts attest to the fact that an embryo in the womb is specially deserving of protection and therefore, abortion is a morally intolerable act. An embryo, owing to its inviolability and

¹⁷⁹¹ *Suśruta Saṃhitā, Cikitsāstāna* 15.2. English tr. from *Suśruta Saṃhitā, op. cit.*, Vol.2, 470.

¹⁷⁹² Cf. *Suśruta Saṃhitā, Cikitsāstāna* 15.6-7. Cf. *Suśruta Saṃhitā, op. cit.*, Vol.2, 471-472. The text also warns the physician not to be negligent: “An intelligent physician should not waste a single moment in drawing out the foetus, as soon as it would be found to be dead in the womb, since neglect in such cases leads to the instantaneous death of the mother, like an animal dying of suffocation.” *Suśruta Saṃhitā, Cikitsāstāna* 15.12. English tr. from *Suśruta Saṃhitā, op. cit.*, Vol.2, 473. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 49.

¹⁷⁹³ *Suśruta Saṃhitā, Cikitsāstāna* 15.9. English tr. from *Suśruta Saṃhitā, op. cit.*, Vol.2, 472. Addition in italics by author. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 49-50.

¹⁷⁹⁴ The Skt. term used here *pātana* means causing the fall of the foetus or abortion. Cf. MWM, 616. However, it is not the same as *bhrūṇahatyā*, which is the proper word for abortion or slaying the embryo. Here the term *pātana* indicates that recourse to this procedure is used only in extreme circumstances. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 66 at fn.47.

¹⁷⁹⁵ Cf. *ibid.*, 50. Cf. also *FABC Papers*, No.120, 11.

physical vulnerability requires special protection. The *Upanishads* too disapprove of abortion. The *Smṛti* tradition is more explicit with regard to the view of the status of the unborn and the censure attached to abortion. The special respect shown in these texts pertains both to the special allowance given to the pregnant woman and also the explicit condemnation and punishment of those who procure abortion. The *Mahābhārata* too show evidences against the acceptability of abortion. In classical times, the status of the unborn and the question of abortion had both a moral and social significance. Although the classical texts object to the marriage between different castes, yet when a child is conceived through the marriage between two different castes, no Hindu texts would ever-recommended abortion in such unions. These facts point to the fact regarding the respect and value given to an embryo.

Having analyzed the classical orthodox Hindu Sanskrit texts from a historical and philosophical point of view on the moral status of the embryo, the prohibition of abortion as a criterion – the only known intervention to the growing embryo known at that time – that restores reverence of life for human life was deliberated, especially the vulnerable life of an embryo.

Based on the Hindu model of human personhood (that was already considered in Chapter 13.5 above) the moral status of the unborn irrespective of the stage of development in the womb was analyzed. There is no analogous literature in classical Hinduism that makes a distinction between human being and human person as found in some Western discussions that permits abortion. That is to say, *de facto*, Hindu tradition has always accorded personal moral status to an embryo or foetus throughout pregnancy. Other reasons in support of the moral status would were also considered.¹⁷⁹⁶

To elaborate the above point from a medical view, the ancient Medical system of Ayurveda was considered (which came later and after the classical period). The two main sources of Ayurveda are the *Caraka Saṃhitā* and *Suśruta Saṃhitā*.

The formation of an embryo is a complex phenomenon involving several factors that conglomerate together to form it, namely, the semen, the ovum, wholesomeness, the nutritive and digestive material of the mother (*rasa*), and the soul. Ayurveda fixes the question on the beginning of the human individual as the time of conception. The presence of the *ātman* is indispensable and plays an important role right from the first instance in the formation of the human individual.

The analysis of Chapter 13 above led to the fact that the *ātman* (self) residing in the body (*śarīra*) is identified with the *brāhman* raising the individual human person in his/her spiritual nature. This fact acknowledges the intrinsic worth of the individual and thereby his/her dignity. The present Chapter 15 confirms the idea both in the *śruti* and *smṛti* tradition. Moreover, Ayurveda endorses the same fact from a medical and philosophical point of view. These views continues to be carried forward in the modern view on Hinduism, especially from a new Hindu theological perspective. This will be the topic of discussion in the next Chapter.

¹⁷⁹⁶ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 60.

CHAPTER 16

NEW THEOLOGICAL PERSPECTIVES IN HINDUISM: VEDĀNTA SYSTEM

16.1. INTRODUCTION

The six systems of Hindu philosophy (see Chapter 14.2.2., above) were already mentioned. Of the six schools, two are rooted (*Mīmāṃsā* and *Vedānta*) primarily in the Vedic *śruti* tradition. They are sometimes called as *smārta* schools. Just like *smṛti*, they develop *smārta* orthodox theological ideas based directly on *śruti*. Of the *smārta* schools, the *Mīmāṃsā* has *dharma* as its proper subject rooted in the *Vedas* and the *Brāhmaṇas*. The *Vedānta* school, on the other hand, focusses on the *Upaniṣads*. These two *darśanas* (philosophies) are the ones that come closest to the idea of theology as developed in the West.

While the *Mīmāṃsā*, the “old theology”, uses *Mīmāṃsā Sūtra* of Jaimini¹⁷⁹⁷ (ca. 300-100 BCE) as its basic textbook and is most concerned with ritual traditions¹⁷⁹⁸, the “new theology” in Hinduism stems from the *Vedānta* system of philosophy. The foundational *Vedānta* is Bādarāyaṇa’s *Vedānta Sūtra*, also called as *Brahma Sūtra*¹⁷⁹⁹ (c.300-100 BCE). It is an exegesis of various *Upaniṣadic* passages in aphoristic style work easily susceptible to divergent interpretations.¹⁸⁰⁰ The schools of *Vedānta* are represented by Śaṅkarācārya¹⁸⁰¹, who is considered the great exponent of non-dualism (*advaita*), Rāmānuja, the famous exponent of qualified non-dualism (*viśiṣṭādvaita*) and Madhva, the illustrious defender of dualism (*dvaita*).¹⁸⁰² A common point of reference in these different systems within *Vedānta* makes use of the relationship between the absolute supreme *brāhman* and the individual *jīvātman* (Animated Soul). “Non-duality” (*advaita*) implies the ultimate identity of *brāhman* and *ātman*; “qualified non-duality” (*viśiṣṭādvaita*) maintains a crucial differentiation as well as a fundamental identity; and “duality” (*dvaita*) maintains an ultimate diversity of *brāhman* and *ātman*.¹⁸⁰³ These three *Vedānta* systems will be dealt with in this Chapter.

16.2 ŚAṅKARĀCĀRYA’S ADVAITA VEDĀNTA

Śaṅkarācārya (788-820 C.E.) or popularly known as Adi Shankara or simply Śaṅkarā, is acclaimed as the “new theologian” of Hinduism, as the oldest and extant complete commentator on the *Brahma Sūtra* and the great *Advaitin*.¹⁸⁰⁴ He was born in Kālādī, Kerala. He became a *saṃnyāsī* at the age of eighteen. He was a vigorous champion entrusted with the task of bringing

¹⁷⁹⁷ The ancient Indian sage Jaimini was a great philosopher of the *Mīmāṃsā* school of Indian philosophy. He was the disciple of the great sage *Veda-Vyāsa*. Jaimini composed the *Mīmāṃsā Sūtra*. Cf. “The Mimamsa Sutras of Jaimini”, in: B. D. BASU (ed.), *The Sacred Books of the Hindus*, tr. by Pandit Mohan Lal SANDAL, Vol. 27, Part I, Sudhindre Nath Vasu at the Panini Office, Allahabad 1923.

¹⁷⁹⁸ Cf. HILTEBEITEL, “Hinduism...”, 3997. Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 351.

¹⁷⁹⁹ The composer of the *Brahma Sūtra* or *Vedānta Sūtra* is attributed to the ancient Indian sage Bādarāyaṇa. Cf. BĀDARĀYAṆA, *Brahma Sūtras. Text, Word-to-Word Meaning, Translation and Commentary*, tr. by Swami SIVANANDA, The Divine Life Society, Uttarakhand, Himalayas 2008⁴.

¹⁸⁰⁰ Cf. HILTEBEITEL, “Hinduism...”, 3997.

¹⁸⁰¹ The term *ācārya* used after a proper noun refers to a well-renowned teacher.

¹⁸⁰² Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 355.

¹⁸⁰³ Cf. *ibid.*

¹⁸⁰⁴ Cf. *ibid.*, 355 & 357. The word *Advaitin* refers to one who held for the theory of *Advaita*.

unity of Hinduism over and against intra-Hindu divisions as well as the inroads of Buddhism and Jainism.

In contrast to the *Sāṃkhya* system of philosophy, which assigns a separate but full reality to both spirit (*puruṣa*) and matter (*prakṛti*), *advaita* (which means “non-dual”) *Vedānta* asserts that the absolute reality or absolute truth (*paramārthika*), namely *brāhman*, is non-dual. The world that is around us (*saṃsāra*) has merely a functional reality. The world is only a transformation (*pariṇāma*) or a mere appearance (*vivarta*) that arises from *brāhman*.¹⁸⁰⁵

Śaṅkarā constructed his *Advaita Vedānta* based on the principles of Gauḍapāda, his guru’s guru, in his *Kārikā* to the *Māṇḍukya Upanishad*.¹⁸⁰⁶ In it, he clarifies his epistemological position that all human subject-object knowledge is distorted by *adhyāsa* (superimposition), which falsifies knowledge so that the subject is unable to find objective truth.¹⁸⁰⁷ His argumentation is that lower views of reality must be rejected because they are contradicted or “sublated” by higher experiences of the real. In the last analysis, all dichotomous formulations must be abandoned in order to make way for the non-dual experience of the self (*ātman*) as *brāhman*. The world of appearance is sustained by ignorance (*avidyā*). *Avidyā* or ignorance “superimposes” (*adhyāsa*) limitations on reality. Illusion or fabrication (*māyā*) in itself is neither real nor unreal and is indescribable in terms of being or nonbeing. As long as *brāhman* is not experienced, it appears (*māyā*) real. However, it is empirically real relative to things that can be shown false from the standpoint of empirical observation.¹⁸⁰⁸ He gives the example of a traveler who mistakes a piece of rope on the road for a snake, or vice versa. He questions all sense perception as possibly misleading, due to preconceived, superimposed ideas. While this may be so, the existence of the doubter remains a fact. The subject remains in spite of no objective perception at all. The subject needs no proof because it precedes every proof as its inherent condition. The subject is distinct as well independent from all objects.¹⁸⁰⁹ Thus, *māyā* is said to be more mysterious and unknowable than *brāhman* himself.¹⁸¹⁰ *Ātman*, which is pure consciousness, remains even after *manas* (rational thought) has passed away. After removal of the ignorance (*avidyā*), the self or *ātman*, which is the essence of consciousness (*cit*), experiences *brāhman* as identical with the essence of being (*sat*). This experience ends in a bliss (*ānandā*). The experience is thus expressed in the term *sat-cit-ānandā* (the unity of being, consciousness and bliss; see Chapter 14.4.1 above).¹⁸¹¹ *Ātman* is *brāhman*, that is, the self of a person is identical with the ground of all being, the *brāhman*. However, *brāhman* is invisible, impervious to any sense or mind perception, and not identical with any one particular thing. Śaṅkarā introduced his most controversial distinction between *brāhman saguṇa* (the Supreme with attributes or the anthropomorphic qualified Godhead¹⁸¹²) and *brāhman nirguṇa* (the Supreme without attributes

¹⁸⁰⁵ David N. LORENZEN, “Śaṅkara”, in: JONES (ed.), *Encyclopedia of Religion, op. cit.*, Vol. 12, 8104-8106; 8105.

¹⁸⁰⁶ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 355 & 357. Cf. HILTEBEITEL, “Hinduism...”, 4003.

¹⁸⁰⁷ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 357.

¹⁸⁰⁸ Cf. HILTEBEITEL, “Hinduism...”, 4003.

¹⁸⁰⁹ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 357.

¹⁸¹⁰ Cf. HILTEBEITEL, “Hinduism...”, 4003.

¹⁸¹¹ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 357. Cf. HILTEBEITEL, “Hinduism...”, 4003. D. N., LORENZEN, “Śaṅkara...”, 8105.

¹⁸¹² Cf. Richard V. DE SMET, “Towards an Indian View of the Person”, in: Margaret CHATTERJEE (ed.), *Contemporary Indian Philosophy*, George Allen & Unwin Ltd, London 1974, 51-75; 54.

or the quality-less Absolute equivalent to the *Deus simplex* of Christian theology¹⁸¹³). In other words, the distinction between the personal and impersonal *brāhman*,¹⁸¹⁴ or, the *Īśvara* (God) of religious tradition and the Absolute (*brāhman*) unqualified reality, is a no-thing. *Īśvara* is only a temporary manifestation of the creator *brāhman* as long as creation lasts.¹⁸¹⁵

16.2.1 The Concept of Person

Earlier it was mentioned (see Chapter 14.5, above) that in the two formulations of Thomas, three metaphysical concepts come into conjunction in dealing with the concept of person, namely, rationality, substance, individuality. With regard to rationality, Śaṅkarā is of the opinion that the root of all being, of being *qua* being, fundamentally belongs to the nature of consciousness. Therefore, *ātman/brāhman* himself is the universal substratum and final subjectivity of all things, which is knowledge (*jñānam*).¹⁸¹⁶ Śaṅkarā states this fact: “Pure consciousness is *ātman* [...]. whereas the objects betray their own form, consciousness never fails”.¹⁸¹⁷ In India, the western idea of the rationality *qua* rationality would perhaps be relegated to the structures of the *buddhi* (intelligence), the *manas* (mind) or other internal faculties, which are directly derived from the material or bodily pole of the human being. All these are considered to be of a lower strata of intelligence and therefore of being. In spite of this fact, the consciousness of the spirit shines through the *buddhi* in all forms of rational activity, which is nothing other than the reflection of the innermost core, the pure *ātman*.¹⁸¹⁸

It is also interesting to note that the aforementioned proposition of the *Upaniṣadic* teaching (see Chapter 14.4.1, above), namely, *tat tvam asi* (That art thou) is interpreted by Śaṅkarā to affirm the absolute identity of *brāhman* and the individual self. That is to say, that for the *Advaitins*¹⁸¹⁹ there is no difference between the “that” (*brāhman*) and the “thou” (*ātman*). The individual self or *ātman* is *brāhman* in association with a particular psychical apparatus and a particular physical body. In other words, “that” is Pure Consciousness and “thou” too is Pure

¹⁸¹³ Cf. *ibid.*, 54.

¹⁸¹⁴ A word of caution is here necessary due to the possible confusion that could arise out of the traditional use of the English language in the explanation of Indian concepts. The *Vedāntic Brāhman* is considered by many Indian and foreign scholars to mean either as “impersonal” or non-personal. Originally, the expression “impersonal” was an imperfect translation of the traditional affirmation that the Absolute of itself is *nirguṇa*, that is, without qualities, as distinguished from the “personal” expression of the Absolute, the *saguṇa*, that is, with qualities. The translation of *nirguṇa* as “impersonal” is unfortunate because the word merely denies *Brāhman* the bonds of *prakṛti* or nature. *Brāhman* of itself is obviously beyond the limits of matter, and therefore not only *nirguṇa* but also without form (*nirākāra*). See Cf. GISPert-SAUCH, “The Concept of Person...”, 29-30.

¹⁸¹⁵ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 357. Cf. DE SMET, “Towards an Indian View of the Person...”, 54. De Smet commenting on this issue between Hindus and Christians on the Absolute and God says: “Today it is practically impossible to convince the Hindus that the personal God of Christianity is really the Absolute and as a rule the non-dualists among them consider that the Christians have inherited only an anthropomorphic conception of the Deity.” DE SMET, “Towards an Indian View of the Person...”, 54.

¹⁸¹⁶ Cf. GISPert-SAUCH, “The Concept of Person...”, 31.

¹⁸¹⁷ ŚAṅKARĀ, *Praśnopaniṣadbhāṣya*, 6.2 as quoted in Richard V. DE SMET, “Persona, Anima, Atman”, in: *Philosophical Quarterly* 30/4 (1958) 251-260; 258. See GISPert-SAUCH, “The Concept of Person...”, 31.

¹⁸¹⁸ Cf. *ibid.*, 31. Gispert-Sauch is of the opinion that Western metaphysics would basically agree with the above valuation of rationality, namely, that the consciousness which is constitutive of personhood need not be the “rational” consciousness that one experiences. For example, angels too are perceived as persons insofar as they are understood to possess a super-rational, intuitive kind of consciousness or the divine Reality, itself personal, is the pure act of knowledge or rather consciousness. Cf. *ibid.*

¹⁸¹⁹ That is, the follower of the *advaita* system of philosophy.

Consciousness, which is associated with the psychophysical organism. To say it in another way: the “thou” is the “that” temporarily limited.¹⁸²⁰

With regard to the individuation (see Chapter 14.5.3, above), which is a concept integral to the idea of person; a person must be an individual, singular or distinct. According to Śaṅkarā, the self or *ātman* is unbroken (*akhaṇḍita*) and simple, perfectly one (*ekam evā dvitīyam*). In one sense, the absolutely reality is without a second, *advaita*, transcendent. In another sense, it is not distinct from others, because it remains the soul of everything, intimately united to the universe, *sarvātman* (literally, soul of everything). Śaṅkarā affirms this fact in his *Brahma Sūtra Bhāṣya* when he says, “in spite of the non-otherness of cause and effect, it is the effect which has its *ātman* in the cause, but not the cause in the effect”.¹⁸²¹ Based on the facts that were analyzed, one can affirm that the ancient concept of personhood can be equivalently found as in the West in the idea of the Absolute Ultimate, the *brāhman/ātman*.¹⁸²²

If the Absolute Ultimate Self or *brāhman/ātman* is identical with the *jīvātman* (individual animated soul), how can one acknowledge that there is place for more than one person, or whether the personality of the Self leaves place for other persons? In other words, are the individual human beings (*jīvātman*) also persons? In what way can the content of the concept be applied to individual men and women?¹⁸²³

According to Śaṅkarā, the human (*jīva*) is a fragment of the Divine in the universe and human life is a part (*amsa*) or ray of the Divine life in the universe. Śaṅkarā employs two terms to denote the empirical self or the individual human being: *jīva* and *puruṣa*. *Jīva* – which is derived from the root *jiv* (to breathe), which signifies the being that breathes and refers to the biological aspect. *Puruṣa*, which is derived from *purisaya* meaning ‘that which is derived from the citadel of the heart’, indicates the soul, or the psychic dimension of the human.¹⁸²⁴ Although Śaṅkarā rejects the theory, that *jīva* is only one (*ekajīvavada*), yet he accepts the plurality of selves in the phenomenal level. According to him, the individual ego, which is determined by bodily organism (*jīva*) and psychic conditions (*puruṣa*), is a complex structure and as it were forms the centre of individual experiences. What determines the principle of individuation, according to Śaṅkarā, is the internal organ known differently as mind (*manas*), understanding (*buddhi*), self-sense (*ahamkāra*) etc. On the one hand, the Universal Self or the Ultimate Consciousness is formed due to the internal organ that differs from individual to individual, which is particularized into manifold individual consciousness. On the other hand, the individual self owing to its intelligence as its unifying principle and the faculty of memory, preserves its continuity.¹⁸²⁵

¹⁸²⁰ Cf. ORGAN, *Hinduism...*, 281.

¹⁸²¹ As quoted in DE SMET, “Persona, Anima, Atman...”, 259-260. See GISPERT-SAUCH, “The Concept of Person...”, 35.

¹⁸²² Cf. *ibid.*, 35.

¹⁸²³ Cf. *ibid.*, 35-36.

¹⁸²⁴ *Bṛihadārnyaka Upaniṣad* 2.5.18: *sa vā ayam puruṣah sarvāsu pūrshu puriṣayah*, meaning “he on account of his dwelling in all bodies is called Puruṣa”. See ŚAṆKARĀCĀRYA, *The Bṛhadārnyaka Upaniṣad with the Commentary*, tr. by Swami MĀDHAVĀNANDA, Advaita Ashrama, Almora, Himalayas, 1950, 401.

¹⁸²⁵ Cf. Thomas KULANGARA, “The Value of Human Life in the Hindu Traditions”, in: *Jeev* 31 (2001) 397-408; 403.

According to Śaṅkarā, the complex structure of the individual self is made of five layers: 1) the material body (*anna*), 2) the principle of breath that regulates all conscious activities (*prāṇa*), 3) mind or principle of conscious activities (*manas*), 4) intelligence which is the seat of ego or individuality (*buddhi* or *viññāna*) and 5) the principle of universal consciousness (*ātman*, which corresponds to bliss or *ānanda*). These five layers serve as a background for the whole structure.¹⁸²⁶

It was already mentioned that the self of the individual casts off the gross physical body at death (see 14.4.3 and 15.5.1, above). The subtle body, which is made up of transparent elements and vital forces continues as a permanent factor of the *jīva* during the course of transmigration. The individual self (*puruṣa*), owing to its spiritual nature, is neither a doer nor an enjoyer. However, due to its ignorance (*avidyā*) and its consequent association with the adjuncts of the internal organ and reasoning or intelligence (*buddhi* or *viññāna*), appears to be a doer and an enjoyer. Likewise, the soul is falsely said to be atomic. In fact, the *jīva* by nature is infinite and all pervading. Conclusively, the individuation of the *ātman* into a plurality of selves is only an appearance.

Therefore, according to pure *Advaita* of Śaṅkarā, the question of the plurality of individuals can make sense only at the phenomenological level, as the individual remains an individual only at this level. The individual is a person insofar as it is the manifestation of the Absolute *ātman* – it is a *vyakti* (an individual; a “manifestation”) which in this world acquires her/his proper characteristics, namely, the “gender” (here *vyakti* used in the grammatical sense) because it is an “adornment” (*vyakti*) of Reality. All these leads one to think of the original meaning of person in the Greek sense as πρόσωπον, a mask.¹⁸²⁷

16.2.2 The Dignity of the Human Person

As already seen (Chapter 14.4, above), the question that is often posed in India with regard to the human person is: Who am I? According to Śaṅkarā this question could be answered in its depth when one has recourse to *Śruti*. Śaṅkarā answers the question, “who am I?” by saying that the ground of the self is the supreme *Ātman*, which is none other than *brāhman* itself. However, by acknowledging this fact the very importance and dignity of the finite self goes into the background.¹⁸²⁸

Moreover, both in Śaṅkarā and in Thomas one finds a clear notion of the human self in its intellectual dynamism, range and goal. For Śaṅkarā, the desire to know is innate in the self and extends unto the *brāhman* and its goal is an intellectual penetration (*avagati*) into the divine Essence itself. Śaṅkarā affirms this fact in his *Brahma Sūtra Bhāṣya* I.1.1:

The direct object of the desire of knowing Brahman (*brahma-jijñāsā*) is a knowledge culminating in an intellectual penetration (*avagati paryantam jñānam*), desires having reference to fruits. Knowledge, indeed, constitutes the means (*pramāṇa*) through which the Brahman is desired to be intellectually penetrated into (*avagatam iṣṭam*). For this penetration of the Brahman is the end of man (*brahmāvagati hi purnṣārthaḥ*) since it extirpates

¹⁸²⁶ See *Taittirīya Upanishad* 2,1. The text has been quoted in Chapter 14.4.1, above. Cf. KULANGARA, “The Value of Human Life...”, 404.

¹⁸²⁷ Cf. GISPERSAUCH, “The Concept of Person...”, 36.

¹⁸²⁸ Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 45.

completely that which is bad, namely, nescience etc., which are the seeds of the entire *saṃsāra*.¹⁸²⁹

Śaṅkarā further clarifies that the knowledge is able to make the discernment between ignorance and *brāhman* through experience: “The knowledge that discerns the Brahman and discards nescience terminates in experience (*anubhava* + *avasānam*)”.¹⁸³⁰

As noted earlier (Chapter 16.2.1), the individual self (*puruṣa*) has intelligence as its unifying principle and the faculty of memory as that which preserves its continuity. The self in itself is only a changing formation and lacks any substantiality. Both the *jīva* (microcosm) and the universe (macrocosm) are in fact expressions of the objectification of the Universal Self and lack any substantiality. However, the human self has some uniqueness by the very fact that the human self in itself has the nature that seeks to transcend itself consciously by mental and spiritual effort.¹⁸³¹

The above statements is similar to Thomas when he acknowledges that happiness is derived not by one’s own unaided power but through a knowledge whereby we know God and our desire leads us to the very essence of God.¹⁸³² Thus, in order to see the divine essence, the intellect must see it through the divine essence itself, such that in that vision of the divine essence, the object and medium of vision are the same.¹⁸³³

Śaṅkarā’s acknowledgement of the existence of such dynamism in man bestows on him an excellence and a dignity that surpasses all others. However, the consequence that flows from this dynamism is abundantly developed by Thomas, which need not be elaborated here.¹⁸³⁴

One can observe that in the orthodox schools of Indian philosophy, except in the *advaita Vedānta* of Śaṅkarā, a strong current of realism is acknowledged in which the reality and the perennial value of life of the individual self is upheld. The *Advaita* School definitely accords great value to life and regard it as sacred and eternal. In other words, the dignity of the individual is acknowledged. However, according to Śaṅkarā the individuality of self is a product of ignorance. Human personality has only an empirical value. The self is to be assimilated by the highest intuition regarding the non-dual reality of *brāhman*.¹⁸³⁵ When this unity among sentient creatures is understood as one and that the distinctions are only external and artificial, then the virtues of universal goodwill, love, compassion etc. will find their real meaning.¹⁸³⁶

16.3. RĀMĀNUJA’S *VIŚIṢṬĀDVAITA VEDĀNTA*

Rāmānuja (†1137) lived until the ripe age of 120. He was the head of the great temple-monastery of Śrīraṅgam in South India. He is considered as the famous exponent of *Viśiṣṭādvaita*. He gave a theistic interpretation of the *Brahma Sūtra*. For him the reality that is

¹⁸²⁹ As quoted in *ibid.*, 45. Additions in original.

¹⁸³⁰ As quoted in *ibid.*, 45. Additions in original.

¹⁸³¹ Cf. KULANGARA, “The Value of Human Life...”, 403.

¹⁸³² Cf. AQUINAS, *Summa Contra Gentiles. Book Three: Providence*, *op. cit.*, 50. Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 46.

¹⁸³³ Cf. AQUINAS, *Summa Contra Gentiles. Book Three: Providence*, *op. cit.*, 51. Cf. DE SMET, “Materials toward an Indo-Western Understanding...”, 46.

¹⁸³⁴ Cf. *ibid.*, 46.

¹⁸³⁵ Cf. KULANGARA, “The Value of Human Life...”, 407.

¹⁸³⁶ Cf. Kedar Nath TIWARI, *Classical Indian Ethical Thought. A Philosophical study of Hindu, Jaina and Bauddha Morals*, Motilal Banarsidass, Delhi 1998, 62.

tiered is ultimately one. Just like Śaṅkarā so also for Rāmānuja, reality is one and not two; but the One is internally complex (*viśiṣṭā*) and not simple as Śaṅkarā maintained. *Brāhman* consists of three reals: the unconscious universe of matter (*prakṛti*), the multiplicity of individual conscious living beings – *jīvātman*, and the transcendent *brāhman*. Being a *Vaiṣṇava Vedāntin*,¹⁸³⁷ for Rāmānuja *brāhman* is identical with *Īśvara*, who is the same as *Viṣṇu*. In a qualified way, creation is the body of *brāhman*.¹⁸³⁸

Rāmānuja lived at a time when Hinduism was firmly established, Buddhism had almost disappeared and Jainism was concentrated in relatively small areas of western India. The inter-Hindu controversy during this time dealt with two levels. On the first level, with regard to religion, the main opponents for Rāmānuja were the *Śaivites* (followers of *Śiva*). On the second level, in the area of philosophy, the opponents were the *Advaitins* (followers of the *advaita* system of philosophy).¹⁸³⁹

Rāmānuja wrote massive polemics against Śaṅkarā while finding fault with his distinction between *saguṇa* and *nirguṇa brāhman* and his presupposition of *adhyāsa* (superimposition). *Īśvara* was himself considered the *saguṇa brāhman*, who is the creator, the lord of *prakṛti* as well as *jīvas* (individual souls) and having infinite number of supreme auspicious qualities, above whom there is none else. He is eternal, immutable, omnipresent, having a most perfect body full of *sattva*, radiant, full of beauty, youthful, strong and devoid of *rajas* and *tamas*. He is *antaryāmi*¹⁸⁴⁰, the inner ruler of all.¹⁸⁴¹ Thus, Rāmānuja, while maintaining the absolute supremacy of *brāhman*, rejected the doctrine of *māyā* and admitted the reality of the world and of individual souls (*jīvas*).¹⁸⁴²

With regard to the passages in the *Upaniṣad* that speak of a *nirguṇa brāhman*, Rāmānuja interpreted them as “absence of inauspicious qualities” rather than having absolutely no qualities. According to him, the individual souls or *jīvas* are of three kinds: *nityamuktas* (i.e., those who have always been free), *muktas* (those in time have become free) and *baddhas* (those who are still bound).¹⁸⁴³

16.3.1 The Concept of Person

For Rāmānuja, reality is not a bare identity but a determinate whole with internal differences that are real. *Brāhman* is a synthetic whole. In the wholeness of *brāhman* both the plurality of individual souls (*jīvas*) and of the material world (*prakṛti*) find their place as real moments or modes. Hence, for Rāmānuja the individual soul (*jīva*) is a real and distinct mode or part of the Supreme. The soul existed from all eternity in *brāhman* as a mode, as a unique individual being, while retaining its essential qualities. However, the soul is different from the body to which it is attached during the period of its bondage in the cycle of rebirth (*saṃsāra*). The body – which

¹⁸³⁷ The term *Vaiṣṇava* or *Vaiṣṇavites* is used for the followers of the deity *Viṣṇu*. Thus, a *Vaiṣṇava Vedāntin* is a follower of *Viṣṇu* who expounds the *Vedānta*.

¹⁸³⁸ Cf. ORGAN, *Hinduism*..., 281. Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 359.

¹⁸³⁹ Cf. *ibid*.

¹⁸⁴⁰ The Skt. word *antaryāmin* could mean ‘checking or regulating the internal feelings’ or the soul itself. Cf. MWM, 43.

¹⁸⁴¹ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 359 & 361.

¹⁸⁴² Cf. John MCKENZIE, *Hindu Ethics. A Historical and Critical Essay*, Oriental Books Reprint Corporation, New Delhi 1971², 159.

¹⁸⁴³ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 361.

belongs to the *prakṛti* – serves as an instrument or vehicle, as a psychophysical organism, until its liberation. The soul, being imperceptible and indestructible, maintains its identity through the process of births and deaths. In contrast to the grossness of the material world, the soul is a subtle entity and resides in the lotus of the heart. Above all, being endowed with intelligence and self-consciousness, the soul is a knower. Even though the soul is dissociated from the psychophysical organism provided by the *prakṛti*, its cognitive function is preserved. The essential nature of the soul is consciousness. For Rāmānuja, consciousness is both the innermost real nature (*svarūpa*) of the self and an eternal attribute. In comparison to Śaṅkarā who identifies consciousness of the soul with *brāhman*, Rāmānuja holds that the self – both finite and Divine – is not pure intelligence but a knowing agent with the attribute of consciousness. This is because the knower and the known are distinct.¹⁸⁴⁴

For Rāmānuja, with regard to the *Upaniṣadic* teaching *tat tvam asi* (That art thou), there is an affirmation of relationship of identity – a peculiar kind of relationship. For every relationship to take place, there must be at least two relate or two things to partake of a relationship. Therefore, the “that” and the “thou” can only be identical in one sense; namely, their non-duality (*advaita*) must be modified (*viśiṣṭā*). Even in their identical relationship, the two entities must be different. Here a difference between Śaṅkarā and Rāmānuja can be seen. For Śaṅkarā *tat tvam asi* means that the two are really one, no matter how different they may appear. Nevertheless, for Rāmānuja *tat tvam asi* means that the two are sufficiently different to be identified as “that” and “thou”. What is an apparent difference for Śaṅkarā is a real difference for Rāmānuja.¹⁸⁴⁵

Rāmānuja also uncompromisingly defends the abiding nature and value of the individuality of finite souls. The finite self is essentially a self-conscious subject, an eternal self, distinct from both *brāhman* and *prakṛti*. The personal identity of the soul comes both from the fact that it is able to be aware that it exists (‘I-awareness’) and is self-conscious. They also attest to the ontological reality of the finite self. This fundamental ‘I-awareness’ of the human cannot be sublimated by any other superior knowledge. The ‘I-awareness’ persists throughout the earthly existence as well as in the state of release of the soul. The realization of the distinction between one’s basic self-identity and one’s empirical self-identity is what is involved in enlightenment (*jñāna*). To achieve this, the material component that constitute the soul’s embodiment is necessary. The liberated soul continues to exist as individual person.¹⁸⁴⁶

Thus, in the qualified *advaita* of Rāmānuja one can see a more consistent ontologically rich reality of the human person. He uses expressions that a Western reader would qualify as pantheistic. The relation between soul and God may be expressed in different ways: as part, whole; as supported, and supporter; as mode and possessor of modes; as one of body and soul or in an inverse order, namely, of lord and vassal. Even more metaphysically and dynamic description is that of subsidiarity and principal.¹⁸⁴⁷

¹⁸⁴⁴ Cf. KULANGARA, “The Value of Human Life...”, 406.

¹⁸⁴⁵ Cf. ORGAN, *Hinduism...*, 28-2821.

¹⁸⁴⁶ Cf. KULANGARA, “The Value of Human Life...”, 406. Cf. “The Vedānta Sūtras with commentary by Rāmānuja”, tr. by George THIBAUT, in: MÜLLER (ed.), *The Sacred Books of the East, op. cit.*, Part III, Vol. 48, Clarendon Press, Oxford 1904, 69-72.

¹⁸⁴⁷ Cf. GISPert-SAUCH, “The Concept of Person...”, 36.

God possesses not only the metaphysical qualities of all-powerfulness etc. but also the highly esteemed moral qualities like forgiveness, compassion, straightforwardness, gentleness, tenderness, etc. Human beings in turn should inculcate and cultivate these moral qualities for the benefit of the ignorant, the poor, the weak etc. In other words, man's greater moral virtue is to imitate God's moral qualities in practice and behaviour. To imitate God results in the greatest devotion to Him.¹⁸⁴⁸

It is from the above imitation of God that Rāmānuja introduced the concept of devotion (*bhakti* or *upāsana*), which throws in a new perspective in the Indian understanding of the human person. The human person stands in immediate and intimate relationship of love with God. In his *Vedānta Sūtras* (I.1.1.), Rāmānuja explains that *upāsana* consists of abstention (*viveka*), freeness of mind (*vimoka*), repetition (*abhyāsa*), works (*kriyā*), virtuous conduct (*kalyāna*), freedom from dejection (*anavaśāda*) and absence of exultation (*anuddharṣa*).¹⁸⁴⁹ The personal identity of the human person includes both oneness with the supreme Person, the *Puruṣotama* and distinctiveness. In other words, the human person is a person-in-relation. This comes closer to the modern Western idea of a human person being defined in terms of relationship. In another sense, the relationship extends to other fellow human persons insofar as one is a member of the *satsanga* (a gathering of religious-minded seeking the truth), the order that one freely joins, or the *sampradāya* (a religious tradition or sect), belonging to one's family or caste.¹⁸⁵⁰ De Smet commenting on the relationship status of the human person says, "Thus the Indian mind discovers that the I-Thou relationship can endure beyond even the highest transcendence. The fullest integration of man, his integration with the personal Absolute, is possible without loss".¹⁸⁵¹

16.3.2 The Dignity of the Human Person

Rāmānuja is also of the same opinion as Śaṅkarā when he comes to the concept of the person. For him too, the ground of the self is the supreme *ātman*, that is, the *brāhman* itself. Although this fact tends to decrease the importance and dignity of the finite self¹⁸⁵², yet insofar as Rāmānuja maintains the non-duality of reality, while giving a theistic framework in which human personality and life have an abiding value, the dignity of the self is maintained.¹⁸⁵³ It is to be remembered that the *ātman* in one person and the *ātman* in another are equal in dignity and perfection. However, this equality, which is derived from the fact of having the same origin

¹⁸⁴⁸ Cf. TIWARI, *Classical Indian Ethical Thought...*, 62-63.

¹⁸⁴⁹ Cf. "Vedānta Sūtras with commentary by Rāmānuja", *op. cit.*, 17. Cf. TIWARI, *Classical Indian Ethical Thought...*, 63. The definition of all these terms are also given by Rāmānuja: Abstention (*viveka*) means keeping the body clean from all food, impure either owing to species (such as flesh of certain animals), or abode or accidental cause (such as food into which a hair or the like has fallen). Freeness of mind (*vimoka*) means absence of attachment to desires. By 'works' (*kriyā*) is understood the performance, according to one's ability, of the five great sacrifices. By virtuous conduct (*kalyāna*) are meant truthfulness, honesty, kindness, liberality, gentleness, absence of covetousness. Freedom from dejection (*anavaśāda*) means highness of spirit and cheerfulness. Absence of exultation (*anuddharṣa*) means absence of over great satisfaction, which stands in the way of meditation. Cf. *ibid.*

¹⁸⁵⁰ Cf. GISPERT-SAUCH, "The Concept of Person...", 42.

¹⁸⁵¹ Cf. DE SMET, *The Indian Understanding of Man...*, 12.

¹⁸⁵² Cf. *ibid.*, 45.

¹⁸⁵³ Cf. KULANGARA, "The Value of Human Life...", 406.

from *brāhman*, goes often unrecognized and one treats the other not an end in themselves but as a means for the realization of its own selfish ends.¹⁸⁵⁴

For Rāmānuja, *brāhman* is the master, the principal, while finite persons (i.e., human persons) are his servants, his accessories. This master-servant relationship (derived from *Bṛihadāranyaka Upaniṣad* 4.4.22¹⁸⁵⁵) portrays the point of our existence, namely, to magnify *brāhman* by acknowledging our existence, by recognizing our lowly place relative to him. It is further amplified by our life of devoted service. It is from this master-servant relationship that one ultimately derives the value and dignity as persons.¹⁸⁵⁶

The presence of God in the world is beautifully depicted by Rāmānuja by the term *antaryāmin*.¹⁸⁵⁷ As the *antaryāmin*, “God is also within us as a person trying to enter into fellowship with our own person”.¹⁸⁵⁸ This shows that God is present within the soul, sustaining and guiding it in an active fellowship between the willing soul and indwelling God. God also identifies with the soul by way of condescension. As an absolute God, he descends to earth as an *avatāra*¹⁸⁵⁹ to provide aid for humanity. To a soul that surrenders, there is a complete sense of familiarity and intimacy between it and God. The divine descent is for the benefit and moral uplift of the world.¹⁸⁶⁰ Therefore, “to a soul that surrenders entirely to God there is no condescension and no familiarity which God will not grant, provided however it remains consonant with divine and human dignity.”¹⁸⁶¹ Thus, Rāmānuja finds the identification of the *ātman* and *brāhman* as the cause of the inherent dignity of the human person.

With regard to the caste-system, Rāmānuja asserts that its distinction do not touch the nature of the soul. The distinction in the caste belong to the bodies and determine the individual’s duty towards the society.¹⁸⁶²

According to Rāmānuja, for the purpose of social stability and maintenance of order, the concept of justice was ingrained in human mind as an internal moral principle. Thus, one can see the notion of equality in Rāmānuja by which he meant that the recognition of rights for oneself implies a reciprocal acknowledgement in the other. In other words, it means to treat others as my equal. The concept of justice and equality are traceable in the emotions of the mind, expressed as pity and love. It is in this way that one recognizes human dignity in the other

¹⁸⁵⁴ Cf. Pierre JOHANNIS, “A Synopsis of to Christ through the Vedanta. Part II. Ramanuja”, in: *Light of the East Series No. 7*, Secretariate of the “Light of the East”, Calcutta 1931, 1-47; 20. Here, one finds that Pierre Johanns, a Jesuit of Belgian origin and an Indologist, is using the terms of Kant (who regarded a human person as an end in himself/herself and must be treated so) and applying it to the *ātman*.

¹⁸⁵⁵ *Bṛihadāranyaka Upaniṣad* 4.4.22: “In the space within the heart lies the ruler of all, the lord of all, the king of all [...]. He is the lord of all, the overlord of beings, the protector of beings.” *Bṛihad-āranyaka Upaniṣad*, in: *The Thirteen Principal Upanishads*, op. cit., 143.

¹⁸⁵⁶ Cf. Julius J. LIPNER, *The Face of Truth. A Study of Meaning and Metaphysics in the Vedāntic Theology of Rāmānuja*, State University of New York Press, Albany 1986, 132-133.

¹⁸⁵⁷ Cf. Sean DOYLE, *Synthesizing the Vedanta. The Theology of Pierre Johanns S.J.*, Peter Lang AG, Bern 2006, 217.

¹⁸⁵⁸ JOHANNIS, “A Synopsis of to Christ through the Vedanta...”, 34. Cf. DOYLE, *Synthesizing the Vedanta...*, 217.

¹⁸⁵⁹ Skt. word meaning descent, descent of a deity or incarnation in general. Cf. APTE, Vol.1, 245.

¹⁸⁶⁰ Cf. DOYLE, *Synthesizing the Vedanta...*, 217. Cf. JOHANNIS, “A Synopsis of to Christ through the Vedanta...”, 37.

¹⁸⁶¹ *Ibid.*, 39. Cf. DOYLE, *Synthesizing the Vedanta...*, 217-218.

¹⁸⁶² Cf. Abha SINGH, “Social Philosophy of Rāmānuja. Its Modern Relevance”, in: *Indian Philosophical Quarterly* 28/4 (2001) 491-498; 495.

and feels compassion towards the distressed. Further, the human dignity in human beings follows from the fact that they are divine. This urges one to give equal platform or equal opportunity to all and treat them with respect.¹⁸⁶³

16.4 MADHVA'S *DVAITA VEDĀNTA*

Madhva (1238-1317 CE) born in Udipi, Karnataka, is a *Dvaita Vedāntin*. He disagreed with the *Advaita* interpretation of *Vedānta* given by his teacher. He took a missionary tour engaging Jains, Buddhists and *Advaitins* in discussion and defeating them. Although his ideas are closer to Rāmānuja than to Śaṅkarā, he goes a step further toward uncompromising *Dvaita*.¹⁸⁶⁴ *Dvaita*, in contrast to the *Advaita* of Śaṅkarā, holds *brāhman* as a personal God, independent of all other things and different from them. For Madhva, just like Rāmānuja, the God or *Īśvara* is the same as *Viṣṇu*. He is absolute having infinite number of excellent qualities and a spiritual body. *Viṣṇu* possesses transcendent attributes of creation, preservation, dissolution, control, enlightenment, obscuration, bondage, and release and is the cause of all causes. Each individual self (*jīvātman*) is by nature a reflection of God. Nevertheless, unfortunately, no one is aware of this until one reads the scriptures and comes to understand his real nature. Having done so, he undertakes fervent devotion to the Lord, who in turn bestows grace on him in an appropriate manner, according to one's capacity. After that, the devotee abides in a state of servitude to God forever resulting in his liberation.¹⁸⁶⁵

His whole idea is developed on the presupposition based on the five differences (*pañca bheda*) between *īśvara* and *jīvātman*, between *prakṛti* and *īśvara* and between individual *jīvas* and the various inanimate objects. These differences are real and not illusory.¹⁸⁶⁶ Each individual *jīva* has a spiritual self-consciousness with the nature of *sat-cit-ānanda*, although it may be hidden for the duration of one's bodily life. In this sense, the *ātman* can be said to be a mirror image of God. The *ātman* is completely dependent on God in all its actions.¹⁸⁶⁷

16.4.1 The Concept of Person

Madhva too acknowledges that the ground of the self is the supreme *ātman*, or the *brāhman* itself.¹⁸⁶⁸ *Brāhman* is the One Independent Source of all reality, consciousness and activity found in the individual selves. In other words, there is a total dependence of the individual on *brāhman* for its existence. As mentioned above, the individual self (*jīvātman*) is by nature a reflection of God. Madhva uses the term *Bimba-Pratibimbahāva*¹⁸⁶⁹ (i.e., in the symbolic sense of metaphysical dependence of the *jīva* on *brāhman*) basing himself on a significant passage

¹⁸⁶³ Cf. *ibid.*, 497.

¹⁸⁶⁴ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 363. For a German rendering of Madhva see Helmuth von GLASENAPP, *Madhva's Philosophie des Vishnu-Glaubens. Mit einer Einleitung über Madhva und seine Schule. Ein Beitrag zur Sektengeschichte des Hinduismus*, Kurt Schröder, Bonn und Leipzig 1923, 14-75.

¹⁸⁶⁵ Cf. Karl H. POTTER, "Madhva", in: JONES (ed.), *Encyclopedia of Religion, op. cit.*, Vol. 8, 5550-5551; 5551.

¹⁸⁶⁶ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 365. Cf. also HILTEBEITEL, "Hinduism...", 4005.

¹⁸⁶⁷ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 365.

¹⁸⁶⁸ Cf. DE SMET, *The Indian Understanding of Man...*, 45.

¹⁸⁶⁹ The Skt. word *bimba* means image, shadow, reflected or represented form and the word *pratibimba* means a reflection, reflected image. The combination of *bimba-pratibimba* means object of comparison and that with which it is compared. Cf. MWM, 662 & 731.

from *Rg Veda* 6.47.18 to signify the relation between God and Soul.¹⁸⁷⁰ A similar text appears also in *Bṛihadāranyaka Upaniṣad* 2.5.19.¹⁸⁷¹ The coeternity of this relationship between *jīva* and *brāhman* is confirmed by Madhva based on a text in *The Bhagavad-Gītā* 2.12, which emphasizes the dependence of *jīva* on *brāhman* for his existence, consciousness and activity.¹⁸⁷² For Madhva this relation is a sacred and an inviolable relation. This relationship is in contrast to the one portrayed by Śaṅkarā. For Śaṅkarā, the *jīva* is a false appearance or projection of *brāhman* due to *avidyā* (ignorance). According to Madhva, the relation is not a false relation, which the *jīvas* are to be ashamed of or should try to shake off. On the contrary, the relation is truest, most beautiful permanent bond with the Supreme Being.¹⁸⁷³

16.4.2 The Dignity of the Human Person

Although for Madhva the ground of the finite self is *brāhman*, yet Madhva reasonably justifies the self by exalting the inner witness namely, the *sākṣin* (see Chapter 14.4.2 and 14.5.1, above), which is man's own consciousness.¹⁸⁷⁴ In this manner, Madhva attributes a divine image to the self or *jīvātman*. Insofar as the *jīva* or soul depends on an intrinsic relation (*nirupādhikasambandha*) with the *brāhman*, which is an essential and eternal metaphysical dependence,¹⁸⁷⁵ it bestows on the individual a certain dignity. In this way, the ideas of Madhva can be compared to the Biblical idea of man made in the image of God. One could conclude from these reflections that Madhva also knew the concept of dignity, perhaps in its own distinctiveness that ennobles a person above everything else.

16.5 CONCLUSION

In this Chapter three different personalities, namely, Śaṅkarā, Rāmānuja and Madhva, as representatives of the new Hindu theological system were analyzed. Their views on the concept of human person and human dignity were examined. According to the new theological perspective of *Vedānta* system, one finds that the human being has been regarded as the highest in creation, not from the fact of his/her rationality, but because of the spiritual nature present in him/her. The status accorded to human beings is because of a soul (*ātman*) in him/her, which is his/her essence. According to Śaṅkarā, Rāmānuja, or Madhva, it is because of the presence of *ātman* and insofar as *brāhman* himself is the ground of the finite self, the human being is attributed with sacredness, or more aptly portrayed as the divine. In the nature of his/her soul, the basic reality of *brāhman* or God is shared. For Rāmānuja, the soul in the human being is

¹⁸⁷⁰ Madhva derives the term *Bimba-Pratibimbahāva* from *Rg Veda* 6.47.18: “*rūpaṃ-rūpaṃ pratirūpo babhūva tadasya rūpaṃ praticakṣaṇāya*”. “With reference to each form of Jīva, He (the Lord) becomes the original Form. His Form is for this one (the Jīva) to perceive.” English text quoted from B. N. K. SHARMA, *Philosophy of Śrī Madhvācārya*, Motilal Banarsidass, Delhi *et al.* 1986, 306 at fn.1. Please note that the author Sharma in his book has quoted this verse as *Rg Veda* 7.47.18. This is a wrong citation of the text. It should be *Rg Veda* 6.47.18.

¹⁸⁷¹ *Bṛhadāranyaka Upaniṣad* 2.5.19. ““He (the Lord) became like unto every form, and this is meant to reveal the (true) form of him (the *Ātman*) [...]””. English tr. from “The Upanishads. *Bṛhadāranyaka-Upaniṣad*”, tr. by MÜLLER, in: IDEM (ed.), *The Sacred Books of the East*, *op. cit.*, Part II, Vol. 15, 117. Addition in original. Italics by author.

¹⁸⁷² *BG* 2:12 reads: “Never was there a time when I was not, nor you, nor yet these princes, nor will there be a time when we shall cease to be, – all of us hereafter.” Cf. SHARMA, *Philosophy of Śrī Madhvācārya*, 306.

¹⁸⁷³ Cf. *ibid.*, 306-307.

¹⁸⁷⁴ Cf. DE SMET, *The Indian Understanding of Man...*, 45.

¹⁸⁷⁵ Cf. SHARMA, *Philosophy of Śrī Madhvācārya...*, 310.

God's spark in him/her.¹⁸⁷⁶ The identification of the *ātman* and *brāhman* is for him that which causes a familiarity and intimacy between the two resulting in the inherent dignity of the human person.

According to Śaṅkarā, the human self has some uniqueness by the very fact that the human self has the nature that seeks to transcend itself consciously by mental and spiritual effort. The existence of such dynamism in the human being bestows on him/her an excellence and a dignity that surpasses all others. The *Advaita* School thus definitely accords greater value to life and regard it as sacred and eternal. However, this statement requires a qualification. The distinction between individuals is only external. Human personality has only an empirical value. When the self assimilates in the non-dual reality of *brāhman*, all differences vanish. When this unity among sentient creatures is understood as one, the apparent distinctions are only external and artificial.

For Rāmānuja, besides what is described above, the *ātman* in each person bestow equal dignity and perfection to each one and impels one to treat the other as an end in himself/herself. This idea is close to Kant.

For Madhva, the *ātman* is distinct from the *brāhman*. The *ātman* is a divine image or reflection of *brāhman* and there exists an intrinsic and essential relation as well a metaphysical dependence between them. They result in the dignity proper to human beings. These ideas are comparable to the Biblical idea of man made in the image of God.

Having discussed these three great personalities as representatives of the new theological Hindu perspectives, the contemporary Hindu view on human dignity will be discussed in the next Chapter 17.

¹⁸⁷⁶ Cf. TIWARI, *Classical Indian Ethical Thought...*, 36-37. Cf. GONSALVES, *How did I begin?...*, 203-204.

CHAPTER 17

CONTEMPORARY HINDU VIEW AND HUMAN DIGNITY

17.1 INTRODUCTION

The contemporary view of Hinduism stems from the 19th century Hindu Renaissance and consists of a series of challenges and responses to them from within and without. Within Hinduism, there was the struggle to cling tenaciously, on the one side to tradition, and on the other side, to keep abreast with times. The outside challenge came from Buddhism and Jainism. The response in both these cases was creative. However, the reaction to the challenge posed by Islam was almost totally negative and defensive, resulting in withdrawal, closing doors to changes, hardening of customs and beliefs. In spite of these struggles, Hinduism did not decay nor corrupt and the momentum of Hindu reforms that began in the early nineteenth century continued. The reformers tried first to rid Hinduism of practices that were considered inhuman and cruel, like burning of widows and female infanticide. Others wanted the caste system to be abolished, especially the disrespect shown to people outside the caste system. Improving social standing and education of women became a major issue. These changes and reforms appeared as an impact of new social consciousness coming from the influence of Christianity and as a response to accusation by Western missionaries.¹⁸⁷⁷

Only a few important reformers will be named in the following sections who are considered as important to the topic on human dignity. It is to be noted that all these reformers, although they stem from a religious Hindu background, had a great influence both in the political and social field.

17.2 RĀM MOHAN ROY

Rām Mohan Roy (1772-1833), the founder of the Brahmo Samaj, was a significant modern Hindu reformer and was often called “the Father of Modern India”. He was born in Burdwan district of West Bengal, near Calcutta to a wealthy orthodox Brahmin family. His aim was to purify Hinduism by returning to the *Upaniṣads*. In his *Upaniṣadic* studies, the *saguna* aspects of *brāhman* impressed him, while concluding that the *Upaniṣads* present monotheism rather than the abstract monism of Śaṅkarā.¹⁸⁷⁸

The turning point of the life of Roy occurred in 1811 when as a young boy he witnessed the *satī*¹⁸⁷⁹ of his sister-in-law. *Satī* was the practice of burning of widows (not always voluntary) on their husband’s funeral pyres. Roy vehemently opposed this cruel custom and succeeded in convincing the British government that *satī* was not part of original and pure Hindu *dharma*. The anti-*satī* law was finally passed on 4 December 1829.¹⁸⁸⁰

Roy devoted his energies to the social cause of the improvement of the lot of the Hindu women by working for the educational opportunities for girls, for the abolition of female infanticide, for the elimination of child marriage and polygamy, for removal of the stigma on widowhood,

¹⁸⁷⁷ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 413.

¹⁸⁷⁸ Cf. *ibid.*, 414. Cf. ORGAN, *Hinduism*..., 338.

¹⁸⁷⁹ Skt. a good and virtuous or faithful wife who burns herself with her husband’s corpse. Cf. MWM, 1135.

¹⁸⁸⁰ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 415. Cf. ORGAN, *Hinduism*..., 339.

and for legal equality for women and men.¹⁸⁸¹ Roy's approach was centred on the human being rather than God. This was a new approach to human reason and human dignity.¹⁸⁸²

Commenting on the role of Roy in restoring the dignity of man, the former President of India, Sarvepalli Rādhākṛishnan said, "Raja Rammohan Roy was a believer in human freedom, freedom in every sense of the term. He tried to emancipate the human mind from superstition, from obscurantism, for everything that lowers the dignity of man".¹⁸⁸³ Roy stood for the ideal that his fellow human beings may manifest their inherent dignity. Rādhākṛishnan attests to these facts of Roy in these words:

A truly religious man, if he is authentically religious, will feel that every human being has the dignity, has the spark of Divine. Everyone is a fragment of that impersonal Brahman, the Universe. You must help everyone to discard all things which prevent his inward life from manifesting itself.¹⁸⁸⁴

The Mughal ruler at that time, Akbar II conferred on him the title of "Raja", which means king. Roy's service to humankind was not only known in India but also abroad. In November 1830, he travelled to England and spoke on Indian affairs before a committee of the House of Commons on the need to assist the agricultural workers of India. There is no doubt, why the British Philosopher Jeremy Bentham once remarked about him as an "intensely admired and dearly beloved collaborator in the service of mankind".¹⁸⁸⁵

Roy also published a small booklet titled: *The Precepts of Jesus: The Guide to Peace and Happiness*. This booklet was an abstract of the four Gospels containing only the moral precepts while omitting the divinity of Jesus. This led to the estrangement both from his Hindu friends and from the Christian missionaries. While the Hindus accused him of canvassing for Christianity, the Christians objected to his Hinduizing of Christianity.¹⁸⁸⁶ Nevertheless, Roy's admiration for the Christian religion was well attested in his letter to the Reverend Henry Ware, an American clergyman: "I presume to think that Christianity, if properly inculcated, has a greater tendency to improve the moral, and political state of mankind, than any other known religious system".¹⁸⁸⁷

Although the reformers of Hinduism did not embrace Christianity, yet they considerably made use of Christian ethics.¹⁸⁸⁸ Roy would himself acknowledge: "[...] the consequences of my long and uninterrupted researches into religious truth has been that I found the doctrines of Christ

¹⁸⁸¹ Cf. *ibid.*, 341. Cf. Arun, RAY, *National Human Rights Commission of India. Formation, Functioning and Future Prospects*, Khama Publisher, New Delhi 2004, 61.

¹⁸⁸² Cf. *ibid.*

¹⁸⁸³ Sarvepalli RADHAKRISHNAN, *Living with a Purpose*, Orient Paperbacks, New Delhi 1977, 2006, 47.

¹⁸⁸⁴ *Ibid.*, 49.

¹⁸⁸⁵ ORGAN, *Hinduism...*, 342.

¹⁸⁸⁶ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 414-415. Cf. ORGAN, *Hinduism...*, 340. In a letter dated 5th September 1830 Roy commented on the Christian controversy in these words: "I regret only that the followers of Jesus, in general, should have paid much greater attention to inquire after his nature than to the observance of his commandments". ORGAN, *Hinduism...*, 340.

¹⁸⁸⁷ As quoted in *ibid.*, 340. The quotation may also be found in G. N. SHARMA/Moin SHAKIR, *Politics and Society. Ram Mohan Roy to Nehru*, Parimal Prakashan, Aurangabad 1983, 26

¹⁸⁸⁸ Cf. SHARMA/SHAKIR, *Politics and Society...*, 17. The authors mention a prominent exception to this fact, namely Pandita Ramabai who founded the Seva Sadan. Cf. *ibid.* at fn.2.

more conducive to moral principles and better adopted for the use of rational beings, than any other which have come to my knowledge”.¹⁸⁸⁹

On 20 August 1828, Roy and a group of his friends formed the Brahmo Samaj (One God Society), which combines the ideals of Hinduism and Christianity, and came to be known among the Englishmen as “The Theistic Church of India”. Roy’s intent was to revive monotheism in India based on the *Vedānta*.¹⁸⁹⁰

The Brahmo Samaj was an answer for the emergence of a pure religion with the monotheistic emphasis that rests on two basic supports, namely, faith in a single creative Divine Being of infinitively benevolent Nature and belief in the immortal nature of the souls of human beings. Roy believed that these basic tenets frees the individual from degrading ritualism and customs that he found in Hinduism. These tenets freed one to honour the Divine through service to fellow humans.¹⁸⁹¹ In practice, the Brahmo Samaj attempted in the purification of Hindu society by removing abuses as well as going back to first principles through combining what was worthy from the West. Its first principle was reason exemplified in the philosophical treatises of the *Upaniṣads*. From the West it borrowed the principle of human dignity as well as the ethical system expressed in the Sermon on the Mount.¹⁸⁹² According to Roy, “*Vedānta* could be shown to teach a kind of ancient monotheism that rejected polytheism and idolatry while inculcating a fundamental respect for the dignity of all human beings”.¹⁸⁹³

Thus, whether Roy tried for religious and educational reform or women’s emancipation, or in the establishment of Brahmo Samaj, he always stood steadfast in the attainment of human dignity and freedom of fellow human beings.¹⁸⁹⁴

Roy also raised his voice against the caste system. Speaking against caste system, he wrote in an article, “We have been subjected to such insults for about nine centuries and the cause has been our excess in civilisation as well as our division into castes which has been the source of want of unity among us”.¹⁸⁹⁵ In order to combat the caste system he encouraged inter-caste marriage.¹⁸⁹⁶ A greater opposition to caste system and the rightful place of dignity would come from another reformer, Swāmī Vivekānanda, which will be treated in the following section.

17.3 SWĀMĪ VIVEKĀNANDA

Among the best-known Hindu reform movements is the Ramakrishna Mission founded by Swāmī Vivekānanda (1863-1902). He was a disciple of Rāmakrishna Paramahansa (1834-1886).¹⁸⁹⁷ Although Rāmakrishna held on to the philosophy of Śaṅkarā, yet his *Vedāntism* was considerably modified and practically oriented being influenced by the tender character of Jesus

¹⁸⁸⁹ As quoted in SHARMA/SHAKIR, *Politics and Society*..., 17 and 26.

¹⁸⁹⁰ Cf. ORGAN, *Hinduism*..., 342.

¹⁸⁹¹ Cf. Philip H. ASHBY, *Modern Trends in Hinduism*, Columbia University Press, New York and London 1974, 31.

¹⁸⁹² Cf. M. G. AGRAWAL, *Freedom Fighters of India*, Isha Books, Delhi 2008, 17.

¹⁸⁹³ Brian A. HATCHER, “Contemporary Hindu Thought”, in: Robin RINEHART (ed.), *Contemporary Hinduism. Ritual, Culture and Practice*, ABC-CLIO Inc., California et al. 2004, 179-211; 189.

¹⁸⁹⁴ Cf. B. SUGUNA, *Women’s Movements*, Discovery Publishing House Pvt. Ltd., New Delhi 2009, 93.

¹⁸⁹⁵ As quoted in N. JAYAPALAN, *Indian Political Thinkers. Modern Indian Political Thought*, Atlantic Publishers and Distributors, New Delhi 2003, 17.

¹⁸⁹⁶ Cf. *ibid*.

¹⁸⁹⁷ Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 417. Cf. also MCKENZIE, *Hindu Ethics*..., 199-200.

and by the Prophet Mohammed. For Rāmakrishna, God was unknowable in essence, yet who manifested Himself in everyone and in everything.¹⁸⁹⁸ He held that divinity dwelt in human beings. He said, “Man is like a pillow-case. The colour of one may be red, another blue, another black, but all contain the same cotton. So it is with man – one is beautiful, one is black, another is holy, a fourth wicked; but the Divine dwells in them all.”¹⁸⁹⁹ He considered that the creature should be regarded as God Himself and be served with a devout heart instead of posing to dole out mercy. For Rāmakrishna, service to humankind was worship to God.¹⁹⁰⁰ According to him, what hinders one from the unity with God is man himself: “God is in all men, but all men are not in God; that is the reason why they suffer”.¹⁹⁰¹ This distinction was familiar to the student of *Vedānta*. One of Rāmakrishna’s students who continued and defended this line of thought was Narendranath Datta, who would eventually become Swāmī Vivekānanda. He was a brilliant dynamic person who became the spokesperson for modern Hinduism both in India and in the West.¹⁹⁰²

After the death of his master Rāmakrishna, Vivekānanda organized the Rāmakrishna Order of Monks. Some of the monks of this Order wanted to be solely engaged in spiritual exercises and studies to which Vivekānanda responded saying that it was Rāmakrishna’s belief that service to man was worship to God.¹⁹⁰³

Vivekānanda wanted to adopt Western methods so that he might bring India in line with the more progressive nations of the West. In 1893, he attended the Parliament of Religions held in Chicago. On 19 September 1893, he made his famous speech before American audiences. In his speech, he said:

Ye are the Children of God, the sharers of immortal bliss, holy and perfect beings. Ye divinities on earth – sinners! It is a sin to call a man so; it is a standing libel on human nature. Come up, O lions, and shake off the delusion that you are sheep; you are souls immortal, spirits free, blest and eternal.¹⁹⁰⁴

During his last address at the Parliament on 27 September 1893, speaking in the context of religious unity, he said:

The Christian is not to become a Hindu or a Buddhist, nor a Hindu or a Buddhist to become a Christian. But each must assimilate the spirit of the others and yet preserve his individuality and grow according to his own law of growth.¹⁹⁰⁵

After the Parliament, Vivekānanda founded the Vedānta Society in New York in 1894. When he returned to India, he formed the Ramakrishna Mission on 1 May 1897. The Ramakrishna Mission has been engaged in a wide variety of charitable, missionary, and educational activities

¹⁸⁹⁸ Cf. *ibid.*, 199.

¹⁸⁹⁹ Max MÜLLER, *Rāmakrishṇa. His Life and Sayings*, Longmans Green and Co., New York *et al.* 1898, 101.

¹⁹⁰⁰ Cf. ORGAN, *Hinduism...*, 353.

¹⁹⁰¹ MÜLLER, *Rāmakrishṇa; His Life ...*, 103. Cf. MCKENZIE, *Hindu Ethics...*, 200.

¹⁹⁰² Cf. ASHBY, *Modern Trends in Hinduism...*, 39.

¹⁹⁰³ Cf. ORGAN, *Hinduism...*, 354.

¹⁹⁰⁴ Swāmī VIVEKĀNANDA, “Address at the Parliament of Religions. Paper on Hinduism. Read at the Parliament on 19th September, 1893”, in: *CWV* 1 (1998) 6-20; 11. Cf. MCKENZIE, *Hindu Ethics...*, 201. Cf. also ORGAN, *Hinduism...*, 355.

¹⁹⁰⁵ VIVEKĀNANDA, “Address at the Parliament of Religions. Address at the Final Session 27th September, 1893”, in: *CWV* 1 (1998) 23-24; 24. Cf. ORGAN, *Hinduism...*, 355.

through its hospitals, dispensaries, orphanages, schools and colleges. The Mission remains as one of the most active agencies of social service in India.¹⁹⁰⁶

Swāmī Vivekānanda continued what Roy had begun, namely, the effort to redefine *Vedānta* as a rational and socially responsible theology under the rubric of “Practical *Vedānta*” or sometimes known also as *neo-Vedānta* or synthetic *Vedānta*.¹⁹⁰⁷ Being a true *Vedāntin*, Vivekānanda considered that the different schools of *Vedānta*, namely, *Advaita*, *Viśiṣṭādvaita* and *Dvaita* are all different expressions of the *Vedānta*. They help one to realize the higher ideals of life, namely, that the ultimate goal of life is the wonderful unity with the creator. For him, man is the divine and the manifestation of God.¹⁹⁰⁸ Thus, for him the central meaning and the crux of the message of *neo-Vedānta* was “oneness”.¹⁹⁰⁹ Vivekānanda rejected all unreal manifoldness and held for absolute “oneness”. He stated, “‘I and the whole universe are one; I and Brahman are one’”.¹⁹¹⁰ This ultimately leads to the realization, “The Self is the essence of this universe, the essence of all souls; He is the essence of your own life, nay, ‘Thou art That’”.¹⁹¹¹ For Vivekānanda, the Self is the *ātman*. However, according to him, *ātman* “cannot be translated by the word soul or mind, so the word Atman is used, or, as Western philosophers have designated it, by the word Self”.¹⁹¹² The Self or *ātman*, according to Vivekānanda is indestructible, is beyond death, because it is “immaterial” and “immortal”.¹⁹¹³ He also held that the human self is absolute and indivisible; it is not a part of *brāhman*, but really is the infinite *brāhman*.¹⁹¹⁴ Therefore, his thesis was that “There is another way of looking at the truth [...] the Hindu way [...]. The Atman, Self, is the same as Brahman, the Lord. This self is all that is; It is the only reality”.¹⁹¹⁵

Vivekānanda’s social philosophy is derived from the *neo-Vedānta* conception of God as the one divine principle. The very fact of oneness leads to social action. Therefore, his social philosophy was one of practical nature. The most important idea of *neo-Vedānta* is that the one divine spirit resides in everything so that a sense of solidarity prevails in the universe. The divine “oneness” is capable of including everyone without making any distinction, because God resides in everyone and this awareness is created in him or her due to the sameness of spirit of God. Further, the feeling of oneness when accepted internally is expressed externally that all

¹⁹⁰⁶ Cf. *ibid.*.

¹⁹⁰⁷ HATCHER, “Contemporary Hindu Thought...”, 193. Cf. Abraham STEPHEN, *The Social Philosophy of Swami Vivekananda. Its Relevance to Modern India*, ISPCK, Delhi 2005, 71.

¹⁹⁰⁸ Cf. D. Vijaya BHARATHI/Digmurti Bhaskar RAO, *Educational Philosophy of Swami Vivekananda*, Discovery Publishing House, New Delhi 2005, 31.

¹⁹⁰⁹ Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 77.

¹⁹¹⁰ VIVEKĀNANDA, “The Work Before Us (Delivered at the Triplicane Literary Society, Madras)”, in: *CWV* 3 (1997) 269-284; 282. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 88.

¹⁹¹¹ VIVEKĀNANDA, “Reason and Religion (Delivered in England)”, in: *CWV* 1 (1998) 366-382; 374. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 88.

¹⁹¹² VIVEKĀNANDA, “Vedantism”, in: *CWV* 3 (1997) 116-135; 126. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 88.

¹⁹¹³ Cf. VIVEKĀNANDA, “The Atman. Its Bondage and Freedom. (Delivered in America)”, in: *CWV* 2 (1999) 254-262; 254. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 89.

¹⁹¹⁴ Cf. VIVEKĀNANDA, “The Free Soul (Delivered in New York, 1896)”, in: *CWV* 3 (1997) 6-18; 7. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 89.

¹⁹¹⁵ VIVEKĀNANDA, “Buddha’s Message to the World (Delivered in San Francisco, on March 18, 1900)”, in: *CWV* 8 (1999) 92-105; 100. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 89.

life is of the same value, which leads one to social concern. This can be expressed in the ideal that Vivekānanda held¹⁹¹⁶:

Do not injure another. Love everyone as your own self, because the whole universe is one. In injuring another, I am injuring myself; in loving another, I am loving myself. From this also springs that principle of Advaita morality which has been summed up in one word – self-abnegation.¹⁹¹⁷

The social concern of Vivekānanda, which is also the ideal of *Vedānta*, led him to assert, “[...] that if you cannot worship your brother man, the manifestation of God, how can you worship a God who is unmanifested?”¹⁹¹⁸ Vivekānanda also discovered an ethical implication in the *Advaita Vedānta*. His argument was:

If a man realizes his identity with *Brahman*, which is the all-powerful Absolute, then he must feel that the compass of his potentialities is just as unlimited as *Brahman* itself. This will give him boundless self-confidence and irresistible power. He will thus become capable of working efficiently for the spiritual recovery of India, and this will bring about a national reconstruction.¹⁹¹⁹

Thus, Vivekānanda emphasized on the *Vedāntic* identification of man and God in order to raise the dignity of man in the world. Therefore, he declared, “This human body is the greatest body in the universe, and a human being the greatest being. Man is higher than all animals, than all angels; none is greater than man.”¹⁹²⁰ Vivekānanda believed that *Vedānta* invests human personality with sacredness and dignity unknown to other religions.¹⁹²¹ He also believed that since a nation is composed of individuals, noble virtues like manliness, a sense of human dignity and honour needs to be cultivated in them.¹⁹²² Overall, Vivekānanda glorified Hinduism and asserted, “No religion on earth preaches the dignity of humanity in such a lofty strain as Hinduism”.¹⁹²³

Vivekānanda believed that there is no place for the caste system in Hinduism. He was of the opinion that the *Varnaśram* or caste system – which is nothing but a social plan of division of labour – was misused and misinterpreted. According to him, the original concept of *Varnaśram* existed in order to provide equal opportunity to the people of all castes to rise higher and attain the best self, and never as a barrier to social progress.¹⁹²⁴ Vivekānanda said, “Caste is good. That is the only natural way of solving life. Man must form themselves into groups and you cannot

¹⁹¹⁶ Cf. *ibid.*, 97-100.

¹⁹¹⁷ VIVEKĀNANDA, “The Vedānta Philosophy”, in: *CWV* 1 (1998) 357-365; 364. Cf. STEPHEN, *The Social Philosophy of Swami Vivekananda...*, 100.

¹⁹¹⁸ VIVEKĀNANDA, “Practical Vedānta Part II (Delivered in London, 12th November 1896)”, in: *CWV* 2 (1999) 309-327; 325-326. Interestingly he continues: “Do you not remember what the Bible says, ‘If you cannot love your brother whom you have seen, how can you love God whom you have not seen?’”. *Ibid.*, 326. Cf. also BHARATHI/RAO, *Educational Philosophy...*, 31.

¹⁹¹⁹ Paul HACKER, “Aspects of Neo-Hinduism as Contrasted with Surviving Traditional Hinduism”, in: Lambert SCHMITHAUSEN (ed.), *Kleine Schriften*, Franz Steiner Verlag, Wiesbaden, 1978, 580-608; 594. Cf. HATCHER, “Contemporary Hindu Thought...”, 193.

¹⁹²⁰ VIVEKĀNANDA, “Raja Yoga”, in: *CWV* 1 (1998) 121-194; 142. Cf. P. R. BHUYAN, *Swami Vivekananda. Messiah of Resurgent India*, Atlantic Publishers and Distributors, New Delhi 2003, 163.

¹⁹²¹ Cf. Kalpana MOHAPATRA, *Political Philosophy of Swami Vivekananda*, Northern Book Centre, New Delhi 1996, 37.

¹⁹²² Cf. *ibid.*, 98.

¹⁹²³ Romain ROLLAND, *The Life of Vivekananda and the Universal Gospel*, Advaita Ashrama, Calcutta 1960, 70. Cf. BHUYAN, *Swami Vivekananda...*, 18.

¹⁹²⁴ Cf. BHUYAN, *Swami Vivekananda...*, 60.

get rid of it. Wherever you go there will be caste.”¹⁹²⁵ Caste helps one in performing one’s duty efficiently in social life. However, in India, the caste system has become a barrier for social progress because it forms the basis of separation and not of unity in social life. Vivekānanda was shocked to find that the *Vedas* that spoke of the equality as the basis of society was misinterpreted and that casteism had become a source of inequalities.¹⁹²⁶

Vivekānanda’s Practical *Vedānta* furthered the democratizing vision of Roy and yoked the *Vedānta* in energizing the people of India to face the tasks of social uplift and national integration. *Vedānta* for Vivekānanda was a “man making religion” which would not only eradicate “don’t touch me-ism” of caste prejudice but also would strengthen India in its quest for national self-definition. In the last analysis, this was the primary aim of neo-Hinduism, namely a concern for nationalism.¹⁹²⁷

Vivekānanda’s ethics was a social ethic which pertained to issues of a social nature rather than individual issues like abortion, euthanasia etc. which are moral problems having social ramifications. Thus, his social ethics and socialism aimed at the removal of poverty, restoration of human dignity, provision of secular and spiritual knowledge for all people.¹⁹²⁸ To this end, Vivekānanda’s contribution to India at a time of political submission and spiritual immaturity, when everything seemed hopeless can be summed up in these words: “Vivekananda was the lover of all those who had suffered through the injustice of others, and he tried his best to restore them to a sense of human dignity [...]”.¹⁹²⁹

Vivekānanda also adhered to the principle of *ahimsā*.¹⁹³⁰ For him, *ahimsā* is not just not injuring others by thoughts words or deeds. For him, it was a duty that was obligatory on all of us in relation to all beings. Vivekananda states:

As with some, it does not simply mean the non-injuring of human beings and mercilessness towards the lower animals; nor, as with some others, does it mean the protecting of cats and dogs and feeding of ants with sugar – with liberty to injure brother-man in every horrible way! It is remarkable that almost every good idea in this world can be carried to a disgusting extreme. A good practice carried to an extreme and worked in accordance with the letter of the law becomes a positive evil [...]. The test of Ahimsa is absence of jealousy [...]. Therefore we must always remember that external practices have value only as helps to develop internal purity.¹⁹³¹

From his idea of *ahimsā*, one can assume that any injury that would result in the death of an embryo for whatever means would not be acceptable. The idea of *ahimsā* became even more

¹⁹²⁵ VIVEKĀNANDA, “Vedanta in its Application to Indian Life”, in: *CWV* 3 (1997) 228-247; 245; Cf. BHUYAN, *Swami Vivekananda*..., 60.

¹⁹²⁶ Cf. *ibid.*

¹⁹²⁷ HACKER, “Aspects of Neo-Hinduism...”, 594. Cf. HATCHER, “Contemporary Hindu Thought...”, 194. For an excellent historical contextualization of Neo-Hinduism, see Percival SPEAR, *A History of India*, Vol. 2, Penguin, London, 1965, 194-271 and Arvind SHARMA (ed.), *Neo-Hindu Views of Christianity*, E. J. Brill. Leiden, 1988. Cf. Gavin D’COSTA, *The Meeting of Religions and the Trinity*, T&T Clark Ltd., New York 2000, 68 at fn.1.

¹⁹²⁸ Ruma Nath CHAUDHURY/U. S. NATH, “Metaphysical Foundation of Swami Vivekananda’s Social Ethics”, in: *Barnolipi – An Interdisciplinary Journal* 1/4 (2011) 46-52; 46.

¹⁹²⁹ Swami JYOTIRMAYANANDA, *Vivekananda. His Gospel of Man-making with a Garland of Tributes and a Chronicle of His Life and Times with Pictures*, Swami Jyotirmayananda, Madras 1986, 246; Cf. Suniti Kumar CHATTERJI, “A Thought Leader of Modern India”, in: K. L. MIGLANI (ed.), *Vivekananda. Man, Message and Mission*, Hope India Publications, Delhi 2004, 71.

¹⁹³⁰ Skt. word, also written as *āhimsā*, means not injuring anything, harmlessness. Cf. MWM, 125.

¹⁹³¹ VIVEKĀNANDA, “Bhakti-Yoga or the Yoga of Love and Devotion”, in: *CWV* 3 (1997) 31-69; 67-68.

prominent and brought to light by Mahatma Gandhi. He was a reformer who stood for the dignity of man. This will be discussed in the next section.

17.4 MAHATMA GANDHI

Mohandas Karamchand Gandhi (1869-1948) well known as the “Father of the Nation” was a political leader, social reformer and religious visionary of modern India. His reputation as a champion against social and economic discrimination spread wide upon his return to India in 1915 after twenty-one years in England and Africa. He was equally known also as a religious reformer who encouraged the growth of a reformed, liberal Hinduism in India. In the West, he is known as a representative of a universal faith.¹⁹³²

His father Karamchand Gandhi and his mother Putlibai named him Mohandas. According to the Indian custom – adding the name of the father and his clan name – he came to be called Mohandas Karamchand Gandhi. Mohandas grew up in a home steeped in *Vaishnavism* (worship of the Hindu god *Viṣṇu*) with a strong tinge of Jainism, a morally rigorous religion, whose chief tenets are non-violence and the belief that everything in the universe is eternal. The strongest religious influence of Mohandas was the piety of his mother.¹⁹³³ His mother was also a follower of a popular Gujarati *Prānāmi* cult. This was a cult which was influenced by Islam and which rejected all images of God while advocating a direct link with the divine, unmediated by priests and ritual. Gandhi accepted this Protestant form of Hinduism as normative throughout his life.¹⁹³⁴ Jains and Muslims who frequented his family household also influenced him.

Mohandas was just a mediocre student at school. At the age of 13, during his studies in the high school, he was married to Kasturbai. In 1888, Mohandas’ family decided to send him to England to study law. Before he left for England, his mother demanded from him three vows: abstention from women, wine and meat.¹⁹³⁵ During the three years he spent in England, his main preoccupation was with personal and moral issues rather than with academic ambitions. Mohandas returned to India after qualifying as a barrister. Since his experience as a lawyer in India was not so encouraging, he left for South Africa in 1893 to plead for an Indian Muslim firm.¹⁹³⁶

While he was in England, at the age of nineteen, he was exposed to Christianity and read the Bible. He also encountered the Theosophists and Fabian Socialists. These forms of Western spirituality too made a deep impression on Gandhi that motivated him to find parallels in the Hindu tradition. In 1893, when he was employed as a lawyer in South Africa, he was impressed by a Trappist monastery. He then set up ashrams (religious retreat centres) in South Africa.¹⁹³⁷ Several factors, as seen above, influenced Gandhi. However, one can enumerate three decisive factors. First, his own Hindu tradition convinced him of *ahimsā*. *Ahimsā* was a core concept for the Buddhists, Jains, and so to *Vaishnavites* (worshippers of God *Viṣṇu*) Hindus to which sect

¹⁹³² Cf. HILTEBEITEL, “Hinduism...”, 4008. Cf. Mark JUERGENSMEYER, “Gandhi, Mohandass”, in: JONES (ed.), *Encyclopedia of Religion*, op. cit., 3271-3273; 3271.

¹⁹³³ Cf. Daniel ACHARUPARAMBIL, “Gandhi, the Messenger of Non-violence”, in: *Euntes Docete* 35 (1981) 163-164.

¹⁹³⁴ Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹³⁵ Cf. ACHARUPARAMBIL, “Gandhi, the Messenger...”, 164.

¹⁹³⁶ Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹³⁷ Cf. *ibid.*, 3272.

Gandhi belonged. Second, Hindu scriptures also influenced him. Gandhi explains this in his own words, “I must unclaim any intention of straining the meaning of Hinduism or the *Gita* to suit any preconceived notions of mine. My notions were an outcome of a study of the *Gita*, *Ramayana*, *Mahabharata*, *Upanishads*, etc.”¹⁹³⁸ The third influence was the New Testament. Gandhi was profoundly moved by Christ’s words in the *Sermon on the Mount*. He was touched by Christ’s message of human compassion, renunciation and forgiveness. He affirmed this when he said, “But the New Testament produced a different impression, especially the Sermon on the Mount which went straight to my heart.”¹⁹³⁹

Scriptures of other religions like Buddhism, Zoroastrianism and Islam were among those that helped him in his quest for truth. Among the modern writers that most influenced him, was a Christian writer, Leo Tolstoy, especially the works, *Anna Karenina* and *War and Peace*. The writings of Thoreau and Ruskin too had a great impact on him. Mohandas’ own life and teaching were “the product of a series of experiments that he carried on in the light of these many and varied influences.”¹⁹⁴⁰

On his return to India in 1915, he met the Indian poet Rabindranath Tagore, joined the growing nationalist movement and immediately plunged into action on behalf of the Indian National Congress and its struggle for India’s Independence. Tagore designated Gandhi a mahatma, or “great soul”.¹⁹⁴¹ From then on, he became known as “Mahatma Gandhi”.

17.4.1 The Cardinal Virtues

Gandhi began to unify the message of *Bhagavad-Gītā* and the *Sermon on the Mount*. He considered that the messages in them are all firmly rooted in the Indian religious tradition.¹⁹⁴² In Indian Ethics, there is the mention of five cardinal virtues that one should practice: *Ahimsā* (nonviolence), *Satya* (truthfulness), *Asteya* (Non-Stealing), *Aparigraha* (Non-acceptance or Non-possession) and *Brahmacarya* (Chastity). Gandhi accepted all these but added his own ideas and some other virtues too.¹⁹⁴³ His ideas can be summarized as follows:

1. *Satya* (“truthfulness”) that he equated to God. The implication is that morality and spirituality are ultimately the same.
2. *Ahimsā* (“nonviolence”), which was already an ancient Indian concept that prohibits violence, was given a broader meaning encompassing any form of coercion or denigration.
3. *Tapasya* (“renunciation”), which he considered as an asceticism that is closely connected with social and political involvements.

¹⁹³⁸ Mohandas Karamchand GANDHI, *Non-Violence in Peace and War*, I, Navajivan Publishing House, Ahmedabad 1948, 13.

¹⁹³⁹ Mohandas Karamchand GANDHI, *An Autobiography or The Story of My Experiments with Truth*, tr. by Mahadev DESAI, Beacon Press, Boston, 1957, 68.

¹⁹⁴⁰ ACHARUPARAMBIL, “Gandhi, the Messenger...”, 165.

¹⁹⁴¹ Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹⁴² Uma MAJUMDAR, *Gandhi’s Pilgrimage of Faith. From Darkness to Light*, State University of New York Press, Albany, New York 2005, 86. Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹⁴³ Cf. THACHIL, “Attitudes and Practice...”, 493.

4. *Swaraj* (“self-rule”) that meant not only a freedom from the British but also referring to an ideal of personal integrity. He linked it to the notion of finding one’s inner self.¹⁹⁴⁴

Besides these concepts, Gandhi also held for the Hindu notion of *karma* and *dharma*.¹⁹⁴⁵ For Gandhi, *dharma* was considered as a value equal to *moksha* because he interpreted *dharma* as being the same as *moksha*.¹⁹⁴⁶

However, his writings show that he had very little to do with the emblematic Hinduism which includes anthropomorphic deities and the involvement of Brahmanical priests. His emphasis was rather on social ethics as an integral part of the faith.¹⁹⁴⁷

In the last analysis, although Gandhi did not systematize the above ideas, yet when taken together, they form a coherent theological position. The cardinal virtues of *satya* and *ahimsā* will be discussed below, which is interesting because Gandhi held that these two are the only remedy to the agonizing problems of humanity of every generation.¹⁹⁴⁸

In the following sections, two of the cardinal virtues that have a significance to this research, namely *Satya* or Truth-God and *ahimsā* will be discussed.

17.4.1.1 *Satya or Truth-God*

There are thousands of definitions for God, and Gandhi accepted all these definitions, but he personally preferred to define Him as Truth, because God alone is real. God alone IS. As mentioned above, Gandhi was preoccupied with the quest for truth. When writing in English, he capitalizes the term Truth. *Satya* is the word that he used for Truth. The primary meaning of *Satya* – derived from the Sanskrit term in the Hindu tradition, namely, *sat* – is “to be”, “to exist”. For Gandhi, “Truth in the sense of being, does not connote change. Changelessness is part of the Indian and Gandhian definition of Truth and God and Being.”¹⁹⁴⁹ Gandhi after a continuous and relentless search after truth also modified “God is Truth” and concluded, “Truth is God”.¹⁹⁵⁰ He himself attests that it just occurred to him that “Truth is God”. He describes, “When such things occur to me, they spring straight from the heart as if they were original

¹⁹⁴⁴ Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹⁴⁵ Cf. *ibid*.

¹⁹⁴⁶ Cf. Lal Deosa RAI, *Human Rights in the Hindu-Buddhist Tradition*, Nirala, New Delhi 1995, 56. The *Mīmāṃsā* School of Philosophy conceived *dharma* as an end-in-itself and an intrinsic value, in anticipation of Kant’s Categorical Imperative, and considered *dharma* not as instrumental to *moksha*. However, later the school fell in line with other systems of Hindu philosophy and accepted *moksha* as a supreme value. Cf. *ibid*.

¹⁹⁴⁷ Cf. JUERGENSMEYER, “Gandhi, Mohandass...”, 3272.

¹⁹⁴⁸ Cf. Antonius DOONGDOONG, *The Dignity of Man according to Gandhi and its Evaluation in the Light of Vatican II’s Teaching on Human Dignity as Found in Gaudium et Spes (nn. 11-22)*, Excerpta ex dissertatione ad Lauream in Facultate Theologiae, Pontificiae Universitatis Gregorianae, Roma 1973, 1-108; 9-10.

¹⁹⁴⁹ Ignatius JESUDASAN, *A Gandhian Theology of Liberation*, Gujarat Sahitya Prakash, Anand 1987, 167. Although Gandhi used the term *satya* (Truth), he specified neither its meaning nor is it easy for one to know precisely whether in a particular passage or statement he was referring to relative truth or to Absolute Truth or both. However, he did make a distinction between relative truth and Absolute Truth while identifying Absolute Truth with God. Cf. DOONGDOONG, *The Dignity of Man...*, 9-10 at fn.1

¹⁹⁵⁰ Cf. ACHARUPARAMBIL, “Gandhi the Messenger...”, 169. “I claim to be a votary of truth from my childhood. It was the most natural thing to me. My prayerful search gave the revealing maxim “Truth is God” instead of the usual one, “God is Truth.” That maxim enables me to see God face to face as it were. I feel Him pervade every fibre of my being.” GANDHI, *Non-Violence in Peace and War...*, 414.

intuitions. For me, these truths have the certainty of a personal experience”.¹⁹⁵¹ Thus, Gandhi identified Reality with God and God with Truth.¹⁹⁵² Truth-God for him meant the ultimate reality, the Supreme Being, Spirit, Self (*Ātman*). It is all pervading, all embracing, personal and impersonal, immanent and transcendent, the ultimate end of man’s life. Gandhi also realized that Truth-God could not be found outside man but only in man.¹⁹⁵³

For Gandhi, “[...] God is Truth and Love; God is ethics and morality”¹⁹⁵⁴ and therefore, the ontological meaning of Truth is never divorced from the moral meaning, in fact, there is hardly any transition from the ontological to the moral meaning.¹⁹⁵⁵ Absolute Truth or Truth-God was the ultimate foundation or the core of Gandhi’s life, teaching and activities.¹⁹⁵⁶

Gandhi speaking about truth says:

For me truth is the sovereign principle, which includes numerous other principles. This truth is not only truthfulness in word, but truthfulness in thought also, and not only the relative truth of our conception, but the Absolute Truth, the Eternal Principle, that is God [...]. Truth resides in every human heart, and one has to search for it there, and to be guided by truth as one sees it. But no one has a right to coerce others to act according to his own view of truth.¹⁹⁵⁷

He always believed that, “Truth alone will endure, all the rest will be swept away before the tide of time. I must, therefore, continue to bear testimony to Truth even if I am forsaken by all. Mine may today be a voice in the wilderness, but it will be heard when all other voices are silenced, if it is the voice of Truth.”¹⁹⁵⁸ Each individual is to do this for the highest purpose of life, that is, to follow truth as a matter of principle. The service of truth is achieved through love.¹⁹⁵⁹

¹⁹⁵¹ Mohandas Karamchand GANDHI, “Letter to Narayan M. Khare. February 8, 1932”, in: *CWG* 49 (1972) 78. Cf. D. MANGALATH, “Gandhi’s Philosophy of Truth”, in: Augustine THOTTAKARA (ed.), *Gandhian Spirituality*, Centre for Indian and Inter-Religious Studies (CIIS, Rome) and Dharmaram Publications, Bangalore 1992, 77-85; 80.

¹⁹⁵² Cf. *ibid.*

¹⁹⁵³ Cf. Mohandas Karamchand GANDHI, *Young India* (1924-1926), The Viking Press, New York 1927, 497. Cf. Anthony DOONGDOONG, “The Dignity of Man According to Mahatma Gandhi”, in: *Sevartam* (1976) 50-67; 56.

¹⁹⁵⁴ GANDHI, *Young India* (1924-1926)..., 497. GANDHI, “God and Congress. *Young India*, 5.3.1925”, in: *CWG* 26 (1967) 222-225; 224.

¹⁹⁵⁵ JESUDASAN, *A Gandhian Theology of Liberation*..., 167.

¹⁹⁵⁶ Cf. DOONGDOONG, *The Dignity of Man*..., 9-10 at fn.1

¹⁹⁵⁷ R. K. PRABHU/U. R. RAO, *The Mind of Mahatma Gandhi*, Navajivan Publishing House, Ahmedabad 1967, 42.

¹⁹⁵⁸ *Ibid.*, 47. These statements can be compared with 1 Cor 13, where St. Paul is speaking about love. Since Gandhi has equated love with truth as mentioned above, “truth alone will endure”. In addition, there seems to be an allusion to John the Baptist crying in the wilderness, making way for the Lord. See Mt 3,2; Mk 1,3; Lk 3,4 and Jn 1, 23.

¹⁹⁵⁹ Gandhi sums up his teachings as regards to individuals through the discipline of the following Vows: 1. *Sharira-shrama* (bread-labour); 2. *Sarvatra-bhayavarjana* (fearlessness); 3. *Swadeshi* (love and use of things made by persons nearest oneself); 4. *Sparsha-bhavana* (removal of untouchability); 5. *Sārva-dharma-samabhava* (equal respect for all religions); 6. *Ahimsā* (not only non-injury but also active love expressed in service and sacrifice); 7. *Satya* (truth, not merely abstract truth but the truth of daily life and day-to-day experience); 8. *Asteya* (non-stealing, includes the use of things as belonging to God and using them as trustees); 9. *Brahmacarya* (not mere continence but the use of all the vital forces for attainment of good and noble ends); 10. *Asangraha* (not only non-accumulation for oneself but use of what one has for others); 11. *Aswada* (not only non-indulgence of the palate and taste of all kinds but use of only healthy, life giving food and other things). Cf. Ranganath Ramachandra DIWAKAR, *Gandhi’s Triple Message*, Bhavan’s Book University, Bombay 1966, 21-22.

Gandhi's faith in "Truth-God" translated in terms of action was *satyagraha*. *Satyagraha* is an active side of non-violence.¹⁹⁶⁰ The way and means to the Absolute Truth was *satyagraha*, which itself was a relative truth. In other words, *satyagraha* is "non-violence applied to practical life, in order to rectify some wrong, vindicate some right, redress some grievance."¹⁹⁶¹ For Gandhi, *satyagraha* meant, "Truth-force" and also "a relentless search for truth and a determination to reach truth."¹⁹⁶² Hence, the search for truth had a wider dimension for Gandhi, namely, "Satyagraha then would constitute the exploration, experimentation, discovery and realization" of God as Truth.¹⁹⁶³ Gandhi distinguished *satyagraha* from passive resistance, "While passive resistance has been used as a political weapon of expediency, the Gandhian *satyagraha* is a moral weapon based on the superiority of Truth-force or soul-force over physical force."¹⁹⁶⁴ *Satyagraha* was Gandhi's well-known strategy against the Colonial Government in South Africa and against the British Rule in India. Following his victorious campaign against them, world leaders, both religious and political, have presented Gandhi as a model to be imitated.¹⁹⁶⁵

Thus, the instrument that Gandhi used to proclaim *Satya* or Truth-God was through *satyagraha* and *ahimsā*. This will be the next topic of discussion.

17.4.1.2 *Ahimsā*

According to Gandhi, the most distinctive and the largest contribution of Hinduism to India's culture is the doctrine of *ahimsā*.¹⁹⁶⁶ "*Ahimsā* was invoked in the *Mahabharata* to condemn cruel practices, to point to the futile destructiveness of worldly existence, to underline the sanctity of all life and to proclaim the dignity and the redeemability even of anti-social delinquents."¹⁹⁶⁷ *Ahimsā paramo dharma* (*ahimsā* is the highest law) is an axiom that has entered into the ethical formulations of Hinduism and Jainism from ancient Indian folklore.¹⁹⁶⁸ Gandhi's mission was to teach, "God is Truth" by example and precept through the matchless weapon of *satyagraha* and *ahimsā*.¹⁹⁶⁹ For Gandhi, the cardinal virtue of *Ahimsā* has a wider

¹⁹⁶⁰ It was Gandhi who coined the word *satyagraha* in 1906 while he was in South Africa. It was a campaign to secure elementary human rights of Indian immigrants. Since the phrase "passive resistance" gave rise to confusion, he preferred the word *satyagraha*. The doctrine of *satyagraha* was mainly derived from the Sermon on the Mount, *Bhagavad-Gītā*, Tolstoy and Thoreau. Cf. Raghavan N. IYER, *The Moral and Political Thought of Mahatma Gandhi*, Oxford University Press, New York 1973, 269-270. The word *satyagraha* is etymological derived from *satya* = truth and *agraha* = firmness. Hence, *satyagraha* means holding on steadfastly to Truth. Cf. DOONGDOONG, *The Dignity of Man...*, 10, at fn.3.

¹⁹⁶¹ ACHARUPARAMBIL, "Gandhi the Messenger...", 179.

¹⁹⁶² *Ibid.*, 167.

¹⁹⁶³ JESUDASAN, *A Gandhian Theology of Liberation...*, 141.

¹⁹⁶⁴ ACHARUPARAMBIL, "Gandhi the Messenger...", 179.

¹⁹⁶⁵ Cf. DOONGDOONG, *The Dignity of Man...*, 10.

¹⁹⁶⁶ Cf. Thomas VITHAYATHIL, *Mahatma Gandhi and Promotion of Human Rights*, Theses ad Lauream in Utroque Iure, Pontificia Universitas Lateranensis, Rome 1993, 25. The word *himsā* means killing, doing violence or injury; *ahimsā* is its opposite, which means non-killing, the renunciation of the will to kill or to hurt any living being, abstention from hostile thought, word or act. Cf. *ibid.*

¹⁹⁶⁷ IYER, *The Moral and Political Thought of Mahatma Gandhi...*, 179. Cf. VITHAYATHIL, *Mahatma Gandhi...*, 25.

¹⁹⁶⁸ Cf. *ibid.*

¹⁹⁶⁹ "I claim to be a passionate seeker after truth, which is but another name for God. In the course of that search the discovery of non violence came to me. Its spread is my life and mission. I have no interest in living except for the prosecution of that mission." GANDHI, *Non-Violence in Peace and War...*, 282.

meaning than the literal sense of non-injury. *Ahimsā*, which is generally translated as non-violence, though having a negative connotation, has an absolutely positive meaning in Gandhian thought. “Perhaps the word ‘non-violence’ is an inadequate rendering of *ahimsā* which itself is an incomplete connotation of all it is used for conveying. A better rendering would be love or good will”.¹⁹⁷⁰ Although for Gandhi, the word *ahimsā* when translated as ‘non-violence’ conveys a negative meaning using the negative particle “non”, yet it is not a negative force.¹⁹⁷¹ Positively *ahimsā* conveys a universal love, which is an “all-embracing reality”. Since Gandhi knew the Pauline meaning of love and was aware that in English the word “Love” could have other connotations, he was hesitant to use the word “Love”. Gandhi did not dispute the definition of God as love. He said, “It is very difficult to understand “God is love” (because of a variety of meanings of love) but I have never found a double meaning in connection with Truth, and not even atheists have denied the necessity or power of Truth”.¹⁹⁷² The word “Truth” for Gandhi was unambiguous. Therefore he writes, “Rather seeing the unambiguity of Truth in the perspective of every individual beholder, be he theist or atheist, he preferred Truth rather than love as the definition of God.”¹⁹⁷³

Gandhi held that: “Not to hurt any living thing is no doubt a part of *ahimsā*. Nevertheless, it is its least expression. The principle of *ahimsā* is violated by every evil thought, by undue haste, by lying, by hatred, by wishing ill to anybody”.¹⁹⁷⁴ Therefore, Gandhi urged his followers not only to abstain from hurting anybody but also to actively love everybody.¹⁹⁷⁵ Gandhi, while keeping the writings of St. Paul in his first letter to the Corinthians in mind, writes, “*Ahimsā* means love in the Pauline sense, and yet something more than the “love” defined by St. Paul, although I know St. Paul’s beautiful definition is good enough for all practical purposes”.¹⁹⁷⁶ He goes a step further than St. Paul to include the whole creation in understanding universal love. Therefore, he says, “*Ahimsā* means something more than the “love” defined by St. Paul [...]. It includes the whole creation, and not only human [...]. It does not express negative force, but a force superior to all the forces put together.”¹⁹⁷⁷

Thus, the virtue of *Ahimsā*, which was advocated and revitalized by Gandhi, promoted reverence for all life forms, which includes also life forms such as embryo. In *Chāṇḍogya Upaniṣad*, *ahimsā* is associated with and depicted as a mode of behaviour towards all beings.

¹⁹⁷⁰ GANDHI, “Khudai Khidmatgars and Badshah Khan. *Harijan*, 19.11.1938”, in: *CWG* 68 (1977) 115-119; 116.

¹⁹⁷¹ Cf. GANDHI, “Interview to American Negro Delegation (February 21, 1936). *Harijan*, 14.3.1936”, in: *CWG* 62 (1975) 198-202; 199-200. Cf. Mohandas Karamchand GANDHI, *Harijan*, An English Weekly (1933-1956), Harijan Sevak Sangh, Navajivan Trust, Poona, March 14, 1936, 39. Cf. John MONIZ, “*Liberated Society*”. *Gandhian and Christian Vision. Comparative Study*, Documenta Missionalia -23, Editrice Pontificia Università Gregoriana, Roma 1996, 152.

¹⁹⁷² GANDHI, Speech at Meeting in Lausanne, December 8, 1931”, in: *CWG* 48 (1971) 403-409; 404.

¹⁹⁷³ JESUDASAN, *A Gandhian Theology of Liberation...*, 169. Cf. also ACHARUPARAMBIL, “Gandhi the Messenger...”, 169.

¹⁹⁷⁴ Mohandas Karamchand GANDHI, *From the Yerwada Mandir*, Navajivan Publishing House, Ahmedabad 1945, 7. Emphasis by author. Cf. THACHIL, “Attitudes and Practice...”, 493. Cf. also MONIZ, “*Liberated Society*”...; 152.

¹⁹⁷⁵ Cf. THACHIL, “Attitudes and Practice...”, 493.

¹⁹⁷⁶ GANDHI, “Interview to American Negro Delegation...”, 200. GANDHI, *Harijan*..., 39. Gandhi is referring to 1Cor 13 here. Cf. MONIZ, “*Liberated Society*”...; 152.

¹⁹⁷⁷ Mohandas Karamchand GANDHI, *The Law of Love*, ed. by A. T. HINGORANI, Bharatiya Vidya Bhavan, Bombay 1962, 12.

Ahimsā, as discussed above, has a double aspect: a negative and a positive aspect. In its negative aspect, it meant not to desire injury to others or any living being. As a positive aspect, it entails a positive well disposition towards all, in thought and deed. In this regard, abortion meant injuring or destroying the seed of life, a physical violence to the point of death, which was unacceptable to the Hindu genius of reverence for all life.¹⁹⁷⁸

Thus, Gandhi's effective weapon to spread *Satya* or Truth-God was *ahimsā* and *satyagraha*. Through them, the respect for life and protection of life is assured. Gandhi would instrumentalize his theory and put it into practice through his social involvement and political mission. These two topics will be handled in the following sections.

17.4.2 Gandhi's Social Involvement

Gandhi realized that India is truly and deeply spiritual, intensely religious and a land of *dharma* (religion, duty) and *nīti* (morals).¹⁹⁷⁹ "Gandhi believed that if India stuck to truth and achieved independence through non-violent means, she would be in a position to teach new lessons to the world."¹⁹⁸⁰ Through his life of simplicity, sincerity, sympathy, love and understanding, he showed the world the true meaning of human life and he insisted by word and example on Truth, which is none other than God himself, and *ahimsā* which he declared as the universal law of love.¹⁹⁸¹

Within the Indian society, he dreamt of bringing into existence a *Sarvodaya* society, that is, "a society based on the principle of achieving the prosperity of all sections of society", wherein there would be a casteless and classless society with a view to "wipe out all privileges and distinctions of high and low based on birth".¹⁹⁸² His central theme after his retirement in 1933 was the campaign to uplift the untouchables (*harijans* – "the people of God").¹⁹⁸³ Gandhi, who held that Truth is God, translated it in practical terms as social service. Religion and politics were inseparable for him. Mark Juergensmeyer, an American scholar and sociologist, sums up Gandhi's position in these words:

Gandhi's innovations include the use of the concept of truth as a basis for moral and political action, the equation of nonviolence with the Christian notion of selfless love, the broadening of the concept of *karmayoga* to include social service and political action, the redefinition of untouchability and the elevation of untouchables' tasks, and the hope for a more perfect world even in this present age of darkness (*kaliyuga*).¹⁹⁸⁴

Gandhi was well aware of the fact of poverty in India. Besides, he was also aware of the vast work force in India. Therefore, he was in favour of "the full employment of the available manpower to the fullest possible extent by starting village industries, on a country-wide scale."¹⁹⁸⁵ On his part, Gandhi showed his solidarity with the lowly and he equated himself with

¹⁹⁷⁸ Cf. *FABC Papers*, No.120, 12-13. Cf. LIPNER, "The Classical Hindu View on Abortion...", 59.

¹⁹⁷⁹ Cf. DIWAKAR, *Gandhi's Triple Message...*, 25. The Skt. word *nīti* denotes right or wise moral or behaviour, moral precept. Cf. MWM, 565.

¹⁹⁸⁰ DIWAKAR, *Gandhi's Triple Message...*, 25.

¹⁹⁸¹ Cf. DOONGDOONG, *The Dignity of Man...*, 10 & 13.

¹⁹⁸² Cf. DIWAKAR, *Gandhi's Triple Message...*, 26.

¹⁹⁸³ Cf. JUERGENSEMEYER, "Gandhi, Mohandass...", 3273.

¹⁹⁸⁴ *Ibid.*, 3272. The term "untouchables" and the phenomenon of "untouchability" was a derogatory term to signify the lower caste members of the society.

¹⁹⁸⁵ DIWAKAR, *Gandhi's Triple Message...*, 27.

the poor masses of India. He identified himself by deliberately reducing his standard of living to that of the poorest and lowliest. That is the reason that Amrit Kaur, a Gandhian and social activist, could acknowledge: “Gandhiji has the enviable capacity of being able to put himself into the shoes of another person, more especially when that person is the underdog”.¹⁹⁸⁶

Gandhi also worked towards the emancipation of women. His long-time English friend and collaborator C. F. Andrews commented on him over his deep concern for women in these words:

I passionately desire the utmost freedom for our women. I detest child marriages. I shudder to see a child widow [...]. I deplore the criminal indifference of parents who keep their daughters utterly ignorant and illiterate, and bring them up solely for the purpose of marrying them off to some young man of means.¹⁹⁸⁷

Gandhi also vehemently condemned child marriages in the following words: “This custom of child marriage is both a moral as well as a physical evil. For it undermines our morals and induces physical degeneration”.¹⁹⁸⁸ Thus, Gandhi’s social involvement strived to restore human dignity.

17.4.3 Gandhi’s Political Mission

It was in South Africa that Gandhi began to experience racial prejudices. “There he saw and experienced in person the inhuman treatment which the white men meted out to the coloured people. He made up his mind to fight at all cost against oppression and racial discrimination; but it was to be a moral, non-violent fight.”¹⁹⁸⁹ He was aware that his own motherland, India, was under the oppression of the British.

Along with his political activities, Gandhi also worked hard to establish Hindu-Muslim unity and to improve the condition of the backward classes of India. He announced a *satyagraha* struggle against the British government in 1919. “*Satyagraha*”, for Gandhi meant, “as a method of direct action for settling conflicts, assumes various forms in accordance with the situations. The most important ones which Gandhi employed were: Non-cooperation, Civil Disobedience, and Fasting.”¹⁹⁹⁰

Tolerance and genuinely religious spirit lay behind the great merit of Gandhi, which manifested in his love of God and service to humankind.¹⁹⁹¹ He gave a religious interpretation of human existence for the service that he rendered to humanity. He found his service to humanity in politics, which for him was a religious duty. In his own words:

¹⁹⁸⁶ Amrit KAUR, “Foreword”, in: Mohandas Karamchand GANDHI, *Women and Social Injustice*, Navajivan Publishing House, Ahmedabad 1958, iii-vii; iii. Cf. DOONGDOONG, *The Dignity of Man...*, 10-11.

¹⁹⁸⁷ Charles Freer ANDREWS, *Mahatma Gandhi’s Ideas. Including Selections from his Writings*, George Allen & Unwin, London 1929, 323.

¹⁹⁸⁸ GANDHI, *Women and Social Injustice*, *op. cit.*, 33. Cf. MONIZ, “*Liberated Society*”...; 204.

¹⁹⁸⁹ ACHARUPARAMBIL, “Gandhi, the Messenger...”, 164.

¹⁹⁹⁰ *Ibid.*, 180. *Non-cooperation* means to refuse to collaborate with or support injustice and evil in whatever form. It is expressed through strikes, walk out, and resignation of offices, abandoning of titles and honour, non-payment of taxes, and so on. *Civil Disobedience* is an open, non-violent defiance of an unjust or immoral law. *Fasting*, on the other hand, is a self-imposed suffering with a view to bringing about a change of heart in the opponent. Fasting has always been practiced for health reasons or ascetic purposes, the credit for using it as a political weapon goes to Gandhi. Cf. *ibid.* 181-182.

¹⁹⁹¹ Cf. KLOSTERMAIER, *A Survey of Hinduism...*, 417.

To see the universal and all-pervading spirit of Truth face to face one must be able to love all the meanest of creation as oneself. And a man who aspires after that cannot afford to keep out of any field of life. That is why my devotion to Truth has drawn me into the field of politics; and I can say without the slightest hesitation, and yet in all humility, that those who say that religion has nothing to do with politics do not know what religion means.¹⁹⁹²

India won its independence on 15 August 1947. Thereafter, India was partitioned into two domains: India and Pakistan. It was one of the greatest disappointments of Gandhi's life that Indian freedom was realized without Indian unity. When partition of the subcontinent was accepted - against his advice, he threw himself heart and soul into the task of healing the scars of the communal conflict, toured the riot-torn areas in Bengal and Bihar, admonished the enthusiast, consoled the victims, and tried to rehabilitate the refugees. In the atmosphere of that period, surcharged with suspicion and hatred, this was a difficult and heart-breaking task. Partisans of both the communities blamed Gandhi. However, he did not know that the partition would become the cause of his death.

Gandhi had said, "I am not afraid to die in my mission, if that is to be my fate."¹⁹⁹³ Gandhi really meant what he said. On 30 January 1948, while he was on his way to his evening prayer meeting in Delhi, Nathuram Godse, a young Hindu fanatic, shot him down. Commenting on his death Merton said:

"A man ends by becoming what he thinks," Gandhi said, "and it will be the same for India if she remains firmly attached to Truth by means of Love (*satyagraha*)." But he himself recognized that politically his battle had really been lost. Without complacency, without self-pity, he faced the truth that there was only one thing left. He must lay down his life for India, and he was in fact killed by a brother "whom he had failed to convince."¹⁹⁹⁴

Thus, Gandhi, who practiced what he preached through his political mission, raised the dignity of human persons with a heavy price of his life. What was his idea of human dignity?

17.4.4 Human Dignity according to Gandhi

Gandhi's whole life and work was centred on the human person. What was the understanding of a human person according to him? At the outset, it must be acknowledged that Gandhi has not given a theory of human dignity. Rarely does the phrase "human dignity" occur in his writings.¹⁹⁹⁵ However, his dedicated life and service on behalf of the poor, the oppressed, and women, as discussed above, shows the respect and value that he set on the human person and as a fearless advocate of the dignity of the human person. It is in weaker part of the society that he saw that the human person was stripped and denied of his/her basic dignity and sacred value. Thus, one can only interpret his concept of human dignity based on the implicit reference he makes to human dignity in his writings and in the light of his deeds, which were religiously coloured.¹⁹⁹⁶

¹⁹⁹² Mohandas Karamchand GANDHI, *Gandhi's Autobiography. The Story of My Experiment with Truth*, tr. by Mahadev DESAI, Public Affairs Press, Washington, D.C. 1948, 615. Cf. THACHIL, "Attitudes and Practice...", 493.

¹⁹⁹³ DIWAKAR, *Gandhi's Triple Message...*, 16.

¹⁹⁹⁴ Thomas MERTON (ed.), *Gandhi on Non-Violence. Selected Texts from Mohandas K. Gandhi's Non-Violence in Peace and War*, A New Directions Paperbook, New York 1965, 19.

¹⁹⁹⁵ Cf. DOONGDOONG, "The Dignity of Man...", 54.

¹⁹⁹⁶ Cf. *ibid.*, 54. See also MONIZ, "Liberated Society...", 96 & 462.

Gandhi's very idea of man was shattered during his stay for a year in South Africa. He discovered that "[...] as a man and as an Indian he had no rights. More correctly, he discovered that he had no rights as a man, because he was an Indian".¹⁹⁹⁷ Perhaps, this explains why Gandhi plunged himself into liberating action when one looks at the pressing need of liberation of what he had experienced, both for the oppressed and oppressor.¹⁹⁹⁸

From a philosophical understanding of the concept of human dignity, in its scope and meaning, there are two areas of emphases: areas of *worth* (i.e. dignity as worth – which defines the moral-spiritual centrality of personhood) and one's *sense* of dignity. The dictionary definition of *worth* is "value". These words capture in some way the aspects of dignity, but not nearly its totality. For Kant, "inner worth" or dignity – possessed only by human beings – is not to be confused with value, which is always relative and reflects a good that can substitute as its equivalent. However, dignity has no price or relative value and is not substitutable. By virtue of dignity – as Kant defined – human beings belong to the realm of ends and therefore capable of as well as entitled to certain moral action.¹⁹⁹⁹ In this definition of Kant there seems to be a limitation that is remedied by Gandhi.²⁰⁰⁰ An explanation follows.

Taking the thoughts of Kant, many have adopted the expression "humans should be treated as ends, not as means". Kant himself, who focused on ends, took the following position:

When [...] universal goodwill has become a principle for you, to which you always subordinate your actions, then love for the suffering still remains, but it has now been transformed from a higher standpoint into the true relation of your whole duty [...]. As soon as this feeling has attained its proper universality, it is sublime, but at the same time colder. For it is not possible to fill our hearts with tender sympathy for every man and to be bathed in sorrow at the distress of every stranger.²⁰⁰¹

The above passage shows that Kant is shifting his emphasis from humans to the abstract sphere of universal good. In doing so, he seems to have been willing to overlook individuals or treat them as means to the "common good".²⁰⁰²

¹⁹⁹⁷ Sarvepalli RADHAKRISHNAN, (ed.), *Mahatma Gandhi. Essays and Reflections of his Life and Work. Presented to him on his Seventieth birthday, October 2nd, 1939*, Allen & Unwin, London 1939, 366. Cf. MONIZ, "Liberated Society" ...; 186-187.

¹⁹⁹⁸ Cf. *ibid.*

¹⁹⁹⁹ Cf. Winston E. LANGLEY, "Human Dignity. An Emerging Norm in International Law", in: *Gandhi Marg: Journal of the Gandhi Peace Foundation* 12/1 (1990) 24-37; 27. KANT, „Grundlegung zur Metaphysik der Sitten...“, *op. cit.*, 433. IDEM, *Groundwork for the Metaphysics of Morals*, *op. cit.*, 233-234.

²⁰⁰⁰ Cf. LANGLEY, "Human Dignity...", 27.

²⁰⁰¹ Ernst CASSIRER, *Rousseau, Kant, and Goethe. Two Essays*, tr. by James GUTMANN/Paul Oskar KRISTELLER/John Herman RANDALL JR., Princeton University Press, Princeton, New Jersey 1970, 16. The German text reads: „Wenn [...] die allgemeine Wohlgelegenheit gegen das menschliche Geschlecht in euch zum Grundsatz geworden ist, welchem ihr jederzeit eure Handlungen unterordnet, alsdann bleibt die Liebe gegen den Notleidenden noch, allein sie ist jetzt aus einem höheren Standpunkte in das wahre Verhältnis gegen eure gesamte Pflicht versetzt worden [...]. Sobald nun dieses Gefühl zu seiner gehörigen Allgemeinheit gestiegen ist, so ist es erhaben, aber auch kälter. Denn es ist nicht möglich, dass unser Busen für jedes Menschen Antheil von Zärtlichkeit aufschwelle und bei jeder fremden Not in Wehmut schwimme [...]“. Immanuel KANT, „Vorkritische Schriften II. 1757-1777“, in: *Kants gesammelte Schriften. Band II*, hg. v. der Königlich Preußischen Akademie der Wissenschaften, Georg Reimer, Berlin 1912, 216. Cf. LANGLEY, "Human Dignity...", 27.

²⁰⁰² Cf. *ibid.*, 27-28.

Although Gandhi agreed with Kant on the issue of worth, yet he saw the problem of emphasis on ends. According to Gandhi, human dignity can be accorded its proper moral standing only if means and ends are regarded as the same.²⁰⁰³ In his words:

Means and end are convertible terms in my philosophy of life. They say ‘means are after all means’. I would say ‘means are after all everything’. As the means so the end. There is no wall of separation between means and end. Indeed the Creator has given us control (and that too very limited) over means, none over the end. Realization of the goal is in exact proportion to that of the means. This is a proposition that admits of no exception.²⁰⁰⁴

Thus, one can see that one who embraces the Gandhian position does not run the risk of becoming “colder” on encountering suffering. It is in this sense, that Gandhi in dealing with “means and ends” acknowledged, “I am more concerned in preventing the brutalization of human nature than in the prevention of the sufferings of my own people”.²⁰⁰⁵ In fact, Gandhi was very committed to the relieving of suffering. Here he meant to say that his effort entailed more, namely, the prevention of brutalization of human nature itself. He found such brutalization takes place both in the perpetrators and the victims of that suffering. Therefore, he held, “One cannot violate the dignity of another person without doing violence to one’s own.”²⁰⁰⁶

One can move from the above philosophical understanding to a theological understanding of the concept of human dignity in Gandhi. This will be discussed below. It was already noted that Rāmānuja and Rām Mohan Roy attested to the fact that the human being is a spark of the Divine.²⁰⁰⁷ Gandhi expressed this view of man’s relationship with Truth-God through relation between sparks and fire, rays and the sun, threads and the spider, drops and the ocean. Through his deeds and words, Gandhi affirmed that the dignity of man does not originate from birth, caste, race, colour, occupation, education, creed and religion. In other words, it is not from what man/woman has, but from what he/she is. This fact is derived from the origin and nature of the spirit of *ātman* within him/her that makes his/her nature essential divine, as a part of God himself.²⁰⁰⁸

The manifestation of the Truth-God is seen more clearly in living beings as compared to non-living and in the case of human beings more so than in other living beings. Truth-God is also present in his fullness in every human being. In other words, the human being is the abode of

²⁰⁰³ Cf. *ibid.*, 28.

²⁰⁰⁴ Mohandas Karamchand GANDHI, *All Men are Brothers. Life and Thought of Mahatma Gandhi as Told in his Own Words*, Compiled and ed. by Krishna KRIPALANI, UNESCO, Switzerland 1958, 81.

²⁰⁰⁵ GANDHI, *All Men are Brothers...*, 83. Cf. LANGLEY, “Human Dignity...”, 28 & 34.

²⁰⁰⁶ Cf. *ibid.*, 34.

²⁰⁰⁷ Sarvepalli RADHAKRISHNAN/John Henry MUIRHEAD (ed.), *Contemporary Indian Philosophy*, G. Allen & Unwin, London 1952, 21. Radhakrishnan writes here, “We are all sparks of Truth [...] Truth which is God”. Cf. DOONGDOONG, “The Dignity of Man...”, 56.

²⁰⁰⁸ Cf. *ibid.* It is to be noted here that Gandhi’s idea about human person and his/her dignity were typically Hindu, even in his expressions. He accepted in principle that creation of man and woman and his/her relationship with God. Therefore, on a theoretical level, Gandhi’s ideas about man/woman and his/her dignity may be radically different from the Christian teaching. However, on examination of his actual living-out and in practice, based on his religious faith and experience, one can conclude that on a practical level there are not as many points of divergence as on the doctrinal and theoretical level.

God, his dwelling place and temple, because “man alone is made in the image of God”.²⁰⁰⁹ From this acknowledgement, one can conclude, “according to Gandhi, the privilege and dignity of man lies in the fact that man alone is made in the image of God, he alone is born to realize Truth-God, the source of his soul, dwelling within him”.²⁰¹⁰

Owing to the spark of the Divine in man/woman, human nature is essentially good and divine. Given this fact, however, Gandhi admitted, on the one hand, that because of animosity in man/woman, he/she could be violent. On the other hand, he refused to admit that human being’s natural tendency is downward or evil. With this conviction, he was deeply concerned about preventing brutalization of the human being. He strongly believed that nature is the same in all human beings, endowed with the same rights and dignity. This being the case, neither tradition nor religious sanction, nor any power or authority on earth can justify contempt of any human person. The inviolable dignity to which the human person is entitled comes from the spirit within and claims a permanent respect. It is in this respect that Gandhi detects *ahimsā* as the law of the human person’s very being. His vision of *ahimsā* was a deeply enriched religious postulate. *Ahimsā* according to him was born of Truth, and Truth is God. He saw that Truth and *ahimsā* are inseparable and inviolable, mutually inclusive, two sides of one coin. The worth and meaning of *Ahimsā*’ are derived from Truth-God.²⁰¹¹ For Gandhi *ahimsā* is the means and Truth is the end. In order that means be means, it must be within our reach, and therefore, *ahimsā* is the supreme duty. If one takes care of the means, then one is bound to reach the end eventually. According to Gandhi, the quest for Truth, which is God himself, should not be given up.²⁰¹²

Gandhi also believed that the application of *ahimsā*, either in the individual or in the social or political field, must include its inviolable and inherent connection with Truth. One must therefore see the weapon of *ahimsā*, within this context of an inseparable connection with Truth-God, which he used against the British to gain India’s freedom. The moment one awakens to the spirit within, one cannot be violent. Thus, according to Gandhi, human dignity consists in obeying the call and relying on the strength of the spirit within.²⁰¹³

Gandhi’s involvement with the society was already mentioned. For him, the individual comes before all else. In other words, the individual is the unit, the centre, the foundation of society. The individual has a soul and not the society. The society is soulless machine. In order that the society remain in a healthy state, it needs to recognize and preserve the inherent dignity of each

²⁰⁰⁹ GANDHI, *Young India* (1924-1926)...., 949. Gandhi continues to write, “That some of us do not recognize that status of ours, makes no difference, except that then we do not get the benefit of the status”. *Ibid.* Cf. DOONGDOONG, “The Dignity of Man...”, 56. Anthony Doongdoong, an Indian Jesuit, in his dissertation on the dignity of man according to Gandhi, explains that it appears to be the belief and preaching of Gandhi, who portrayed through his writings and discourse, that God created man in His own image. Gandhi did not attempt to explain what the term meant or in what the image consisted. However, he affirmed that the great religious teachers of humankind have shown the image of God in their persons, and therefore it was not necessary to demonstrate or prove the validity of the affirmation that man is made in the image of God. Doongdoong is of the opinion that theoretically Gandhi’s affirmation of man as image of God could mean that man has within himself the spirit (*ātman*) to a higher degree than all other living or non-living beings, and by virtue of this man is the spark par excellence of the divine. Doongdoong further notes that the uniqueness of man as image of God lies, not in the mere presence of the spirit, but in the fact that man possesses the highest degree of the spirit. Cf. *ibid.*, at fn.15.

²⁰¹⁰ *Ibid.*, 57.

²⁰¹¹ Cf. *ibid.*, 58-59. GANDHI, *All Men are Brothers*...., 81.

²⁰¹² Cf. *ibid.*, 81.

²⁰¹³ Cf. DOONGDOONG, “The Dignity of Man...”, 59-60.

human individual. Society too, which is composed of individuals, depends on the supreme value of the individual person. If this value is not recognized, the society too loses its real value.²⁰¹⁴ From a moral point of view, Gandhi was a staunch defender of human freedom and conscience. God endows the human person with freedom and no power or authority can deprive him/her of the privilege. According to Gandhi, one cannot conceive morality without personal liberty. Man/woman is moral, because he/she is responsible, which is rooted in his/her personal freedom. Therefore, according to his view, listening, obeying and acting according to one's conscience is the key to good moral life, which forms the ultimate moral guide of his/her freedom and final judge of the righteousness of his/her every deed and thought. The dignity of the human person is guaranteed, affirmed and consists in the exercise of the freedom of conscience.²⁰¹⁵

Gandhi also seeks and finds that it is in religion that the ultimate realization of human personhood is achieved. In religion one's inherent and restless inner longing and yearning of the human soul seeks and leads to a transforming union with God. Religion for him is the vital core of man/woman's being and personality, which inspires him/her in all activities. One who is religious, truly man/woman of God, is one whose whole being, thought, word and action is permeated by one's longing for God.²⁰¹⁶

Therefore, in order to understand Gandhi's idea of human dignity one has to follow the basic pattern of his conception of human reality. Gandhi's idea of human reality can be represented through the following diagram of concentric circles. The concentric circles in the figure below helps one to see how Gandhi's ideas of *ahimsā*, morality, religion and the phenomenal world are intrinsically connected with each other and how Truth-God unites and holds together the whole of Gandhi's thought. The ultimate foundation of the structure of his thinking revolves around the concept of Truth-God. Thus, placing Truth-God at the centre of the circle, one can form concentric circles of *ahimsā*, morality, religion and the phenomenal world around it.²⁰¹⁷

Thus, for Gandhi Truth-God is at the very core of one's being. *Ahimsā*, morality, and religion are constitutive elements of one's life. One ceases to be human without these elements. Therefore, Gandhi's view of human person rests on religious structures as shown below²⁰¹⁸:

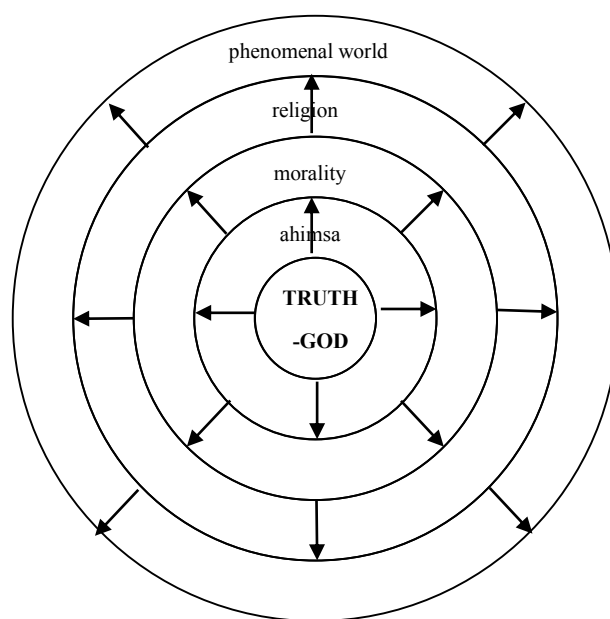
²⁰¹⁴ Cf. *ibid.*, 59.

²⁰¹⁵ Cf. *ibid.*, 62.

²⁰¹⁶ Cf. *ibid.*, 63.

²⁰¹⁷ Cf. DOONGDOONG, *The Dignity of Man...*, 15-16.

²⁰¹⁸ Cf. *ibid.*, 15. The diagram below has been adapted.



It is in the phenomenal world that one lives and acts. Here his/her basic dignity is secured and guaranteed by the recognition of his/her fundamental rights, namely, justice, liberty, equality and fraternity. According to Gandhi, these rights are inherent in the divine law and must be recognized in human laws.²⁰¹⁹ Without these basic human rights, human life cannot be human. Therefore, Gandhi took up the cause and fought for the rights on behalf of the poor and the oppressed in South Africa and India. Throughout his life Gandhi struggled to achieve these rights for them and ultimately for the self-respect and dignity of the human person.²⁰²⁰

Commenting on Gandhi's view on human dignity, Doongdoong, asserts, "This human dignity, secured and guaranteed by the recognition of the fundamental human rights, is to be perfected and raised to a higher level by the full operation of morality and religion: this is how Gandhi sees the dignity of the human person".²⁰²¹

Although Gandhi was not a participant in the sessions of the Human Rights Commission of the United Nations during 1947, and therefore did not have any direct influence on the formulation of the Universal Declaration on Human Rights (1948), yet his words did have an effect. By 1940, Mahatma Gandhi had become an internationally well-known figure. The impact of his words and ideas had already influenced the whole world. When asked by Julian Huxley, the then Director General of UNESCO, to give his opinion concerning the project of the Universal Declaration of Human Rights, before it was adopted in 1948, Gandhi declared:

I learnt from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus, the very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to

²⁰¹⁹ Cf. DOONGDOONG, "The Dignity of Man...", 55. It is interesting to note that the Constitution of India, in its Preamble has enumerated these fundamental rights: justice, liberty, equality and fraternity. See Chapter 18.4.1 below.

²⁰²⁰ Cf. DOONGDOONG, "The Dignity of Man...", 55.

²⁰²¹ *Ibid.*, 55.

define the duties of Man and of Woman and correlate every right to some corresponding duty to be first performed.²⁰²²

Gandhi showed the correlation between right and *dharma*, in the sense of duty. In other words, the above understanding can be situated in the context of *dharma* as the sense of duty. That is to say, the right of one person invokes the obligation of others to recognize and respect it. The effect of Gandhi's intervention, perhaps, is seen in the reference made to duties in Article 29 of the Universal Declaration, "Everyone has duties to the community in which alone the free and full development of his personality is possible".²⁰²³ One can also see here the shift in emphasis from individual to communal dimension of *dharma*. This is a major transformation in Hinduism wrought by Gandhi through precept and practice.²⁰²⁴

UNESCO took the task of gathering into a book, the views and texts of those who exercised moral influence on the experts who drafted the Declaration. Gandhi's above comment has been given the pride of place as the first article in this volume. The first article of the Universal Declaration, namely, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood", reflects exactly Gandhi's stance and action in this regard.²⁰²⁵

Gandhi thus became conscious that his mission was addressed not only to a particular group or persons but also to the whole humanity. Two instances illustrate this fact. Tolstoy once wrote to Gandhi appreciating him for what he was doing (that is, *Satyagraha*) in Transvaal and that it had a universal significance.²⁰²⁶ One of the greatest admirers of Gandhi was Albert Einstein, who saw in Gandhi's non-violence a possible antidote to the massive violence unleashed by the fission of the atom.²⁰²⁷ The appreciation of Gandhi's work was not outdated. It is attested even after his death. For instance, Gandhi's contribution to raising the dignity of human beings was well appreciated by Pope John Paul II when he made his first visit to India in 1986. He praised Gandhi and promoted his teaching as a model for India and the world:

Mahatma Gandhi taught that if all men and women, whatever the differences between them, cling to the truth, with respect for the unique dignity of every human being, a new world order – a civilisation of love – can be achieved. Today we hear him still pleading with the world: 'Conquer hate by love, untruth by truth, violence by self-suffering.'²⁰²⁸

²⁰²² Robert TRAER, *Faith in Human Rights*, Georgetown University Press, Washington D.C. 1991, 131-132. See Arvind SHARMA, *Hinduism and Human Rights. A Conceptual Approach*, Oxford University Press, New Delhi 2003, 17.

²⁰²³ *Universal Declaration of Human Rights*, 1948, Article 29 § 1. See UN GENERAL ASSEMBLY, "Universal Declaration of Human Rights, 1948..."; 28. Cf. VITHAYATHIL, *Mahatma Gandhi...*, 217.

²⁰²⁴ Cf. SHARMA, *Hinduism and Human Rights...*, 19.

²⁰²⁵ Cf. UNESCO, *Autour de la Nouvelle Déclaration Universelle des Droits de l'Homme*, Sagittaire, Paris 1949. Gandhi had given a short comment emphasizing on fulfilling one's duties. Rights derive from duties well performed. See GANDHI, "Letter to Parasram Mehrotra: April 22, 1932", in: *CWG* 49 (1972) 347. Here Gandhi connects the violation of moral principles with corresponding action. He says: "if a person has violated a moral principle in any one sphere of his life, his actions will certainly have an effect in other spheres. *Ibid.*, 347. Cf. VITHAYATHIL, *Mahatma Gandhi...*, 217 & 219.

²⁰²⁶ Cf. DIWAKAR, *Gandhi's Triple Message...*, 32.

²⁰²⁷ Cf. Dale HOIBERG, "Gandhi, Mohandas Karamchand", in: *Students' Britannica, Vol.2*, Encyclopaedia Britannica (India) Private Limited, Hong Kong 2000, 150.

²⁰²⁸ "Tribute to the Monument of Gandhi, New Delhi, 1 February 1986", in: Francesco GIOIA (ed.), *Interreligious dialogue. The official teaching of the Catholic Church (1963-1995)*, Pauline Books and Media, Boston 1994, 309. Cf. GANERI, "Catholicism and Hinduism...", 127.

For Gandhi, more than the emphasis he laid on the formulation of human rights, was his effort to uphold the truth that the creative purpose of God is reflected in every human face as the ultimate source of the “inherent dignity”.²⁰²⁹

17.4.5 Gandhi’s Respect for life and *Ahimsā*

The topic on *ahimsā* was already dealt (see Chapter 17.4.1.2 above). It also has a corresponding bearing on respect for life. *Ahimsā*, according to Gandhi, entails sensitivity for all life. In Hinduism, the norm of *ahimsā* is based on the doctrine that holds the unity of all life. Gandhi thus declared, “The duty of not killing animals generally and, therefore, protecting them must be accepted as an indisputable fact.”²⁰³⁰ However, Gandhi, who esteemed the worth and sacredness of human life in preference to other living creatures, said:

My non-violence is not merely kindness to all the living creatures. The emphasis laid on the sacredness of subhuman life in Jainism is understandable. But that can never mean that one is to be kind to this life, in preference to human life. While writing about the sacredness of such life, I take it that the sacredness of human life has been taken for granted. The former has been over-emphasized. And, while putting into practice, the idea has undergone distortion.²⁰³¹

The above passage implicitly means that Gandhi, being a practical person, knew that it is impossible to avoid all violence completely. He did favour the benevolent taking of the life of suffering animals, provided the intention was pure and selfless, for example, it is better to take the life of a rabid dog, than to confine them in a certain place allowing them a slow death. However, in the case of taking of human life, Gandhi was cautious.²⁰³² He said:

Should my child be attacked by rabies and there was no hopeful remedy to relieve his agony, I should consider it my duty to take his life. Fatalism has its limits. We leave things to Fate after exhausting all the remedies. One of the remedies, and the final one to relieve the agony of a tortured child, is to take his life.²⁰³³

In other cases with regard to animals, such as when they become a threat to the well-being of humans, one could do away with them. Nevertheless, when it was a question of human beings, Gandhi asserted, “Such killing becomes a duty. The question may arise as to why this rule should not apply to human beings. It cannot because, however bad, they are as we are. Unlike the animal, man has been given the faculty of reason.”²⁰³⁴

Ahimsā, as Gandhi understood, is a condition and exercise of human dignity.²⁰³⁵ It was already mentioned that the virtue of *Ahimsā* in a positive way promoted reverence for all life forms, which includes also an embryo. Therefore, one can interpret, from what was deliberated above

²⁰²⁹ Cf. VITHAYATHIL, *Mahatma Gandhi...*, 222-223.

²⁰³⁰ GANDHI, “Cow Protection. *Young India*, 11.11.1926”, in: *CWG* 32 (1969) 26-28; 27. Cf. VITHAYATHIL, *Mahatma Gandhi...*, 26.

²⁰³¹ GANDHI, “Religion v. No Religion. *Harijan*, 9.6.1946”, in: *CWG* 84 (1981) 230-231; 231. Cf. Dinanath Gopal TENDULKAR, *Mahatma. Life of Mohandas Karamchand Gandhi*, Vol. 7, Jhaveri & Tendulkar, Bombay 1953, 152; Cf. VITHAYATHIL, *Mahatma Gandhi...*, 26.

²⁰³² Cf. *ibid.*, 26-27.

²⁰³³ GANDHI, “Is this Humanity? – VI [November 14, 1926]. *Young India*, 18.11.1926”, in: *CWG* 32 (1969) 40-43; 42. Cf. VITHAYATHIL, *Mahatma Gandhi...*, 27.

²⁰³⁴ GANDHI, “The Monkey Nuisance. *Harijan*, 5.5.1946”, in: *CWG* 84 (1981) 62; Cf. VITHAYATHIL, *Mahatma Gandhi...*, 27.

²⁰³⁵ Cf. DOONGDOONG, “The Dignity of Man...”, 67.

that destruction of an embryo, for whatever purpose, defeats the very condition and exercise of human dignity.

When a young man questioned Gandhi with regard to abortion, he strongly objected it and said, “It seems to me clear as daylight that abortion would be a crime”.²⁰³⁶ In another case, when a man approached him with regard to his ailing baby, Gandhi firmly asserted that it is not legitimate to take the life of a suffering baby for selfish motives. In Gandhi’s words:

There would be no warrant for taking the life of the baby even if all the doctors in the world were to pronounce the case to be hopeless because it would always be possible for its father to nurse it [...]. It is only when every possible avenue of service however small is closed and the last ray of hope of the patient surviving seems extinct that one is justified in putting him out of pain, and then too only if one is completely free from the taint of selfish feeling [...]. Largeness of the family or one’s pecuniary difficulty can never serve as a justification for putting an end to the life of an ailing patient and I have not the slightest doubt that in the present instance, it is the bounden duty of the father to lavish all his love and care on his suffering baby.²⁰³⁷

Taking the life of another person against his/her will violates the principle of *ahimsā*. However, Gandhi held the theory that if all the following conditions are fulfilled, one can warrant the taking of life from the point of *ahimsā*:

1. The disease from which the patient is suffering should be incurable.
2. All concerned have despaired the life of the patient.
3. The case should be beyond all help or service.
4. It should be impossible for the patient in question to express his or its wish.

So long as even one of these conditions remains unfulfilled, the taking of life from the point of view of *ahimsā* cannot be justified.²⁰³⁸

Although Gandhi agreed that violence is preferable to cowardice²⁰³⁹, yet he reiterated that non-violence or *ahimsā* is infinitely superior.²⁰⁴⁰ The dignity of the human person requires that one try to obey this higher law of the spirit. Therefore, he said, “The moment he awakes to the spirit within he cannot remain violent. Either he progresses towards *ahimsā* or rushes to his doom”.²⁰⁴¹ In the last analysis, one can affirm about Gandhi that the concept of Truth-God that he held raises the dignity of the human person and the concept of *ahimsā* protects the very dignity of the person.

Gandhi’s inspiration and hard work to set new values based on human dignity and rights of every individual will go a long way in the decision making processes, perhaps even in the field of Bioethics pertaining to beginning and end of life issues. As Gandhi declared:

²⁰³⁶ GANDHI, *All Men are Brothers*..., 165. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 29.

²⁰³⁷ GANDHI, “Some More Posers in Ahimsa. *Young India*, 22.11.1928”, in: *CWG* 38 (1970) 66-69; 66-67. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 29.

²⁰³⁸ GANDHI, “More about Ahimsa. *Young India*, 1.11.1928”, in: *CWG* 37 (1970) 408-411; 410. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 36. Cf. Prakash N. DESAI, “Hinduism and Bioethics in India. A Tradition in Transition”, in: Baruch A. BRODY/B. Andrew LUSTIG/H. Tristram ENGELHARDT/Laurence B. MCCULLOUGH/Thomas J. BOLE III (ed.), *Bioethics Yearbook. Theological Developments in Bioethics*, Kluwer Academic Publishers, Dordrecht/Boston/London 1991, 41-60; 55.

²⁰³⁹ Cf. GANDHI, “The Doctrine of the Sword. *Young India*, 11.8.1920”, in: *CWG* 18 (1965) 131-134; 132. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 29.

²⁰⁴⁰ Cf. GANDHI, “The Doctrine of the Sword...”, 410. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 29.

²⁰⁴¹ TENDULKAR, *Mahatma*..., Vol.5, *op. cit.*, 1952, 392-393. Emphasis by author.

[...] only Truth quenches untruth; Love quenches anger; self-suffering quenches violence. This eternal rule is a rule not for saints only, but for all. Those who observe it may be few but they are the salt of the earth, it is they who keep the society together, not those who sin against light and truth”.²⁰⁴²

Gandhi’s ideals, inspired and influenced by his life and actions, had a tremendous influence on the immediate framers of the Constitution of India, which came into existence in 1950.²⁰⁴³

17.5 SARVEPALLI RĀDHĀKRISHNAN

Sarvepalli Rādhākṛishnan was born on 5 September 1888, in Tiruttani, Tamil Nadu. He was educated in Madras Christian College in South India. He became the first Vice President of India (1952–1962) and subsequently elected as the second President of India (1962–1967).

Rādhākṛishnan may be described as the “unofficial successor and torch-bearer of Neo-Hinduism”²⁰⁴⁴ began by Swāmī Vivekānanda and “the most impressive figure of twentieth century neo-Hinduism”.²⁰⁴⁵ He was well read in Eastern and Western philosophical and religious literature. He could be described as an excellent example of a living bridge between the East and the West.²⁰⁴⁶ Klostermaier describes him as:

[...] a successful diplomat and politician, a prolific writer and an excellent speaker, he seems to embody what all are looking for: purified, spiritualized, non-sectarian Hinduism, the “religion of the spirit” and “the world religion of the future,” a valid and final answer to all the great questions of our time. As president of India he served, in an eminent way, as the “conscience of the nation,” and wherever he spoke he stressed the importance of spirituality, regardless of his audience. More than any other representative of the Indian intelligentsia, Dr. Radhakrishnan took up also the concrete problems of India, attempting to contribute a religious dimension to their solution.²⁰⁴⁷

In a short volume, titled *The Hindu View of Life* (originally delivered as a series of lectures at Oxford in 1926), Rādhākṛishnan equates *Vedānta* to Hinduism. One finds in this book his perspective, which was thoroughly informed by classical *Vedāntic* metaphysics and *neo-Vedāntic* ethics.²⁰⁴⁸

For Rādhākṛishnan, the central claim of Hinduism is that it is fundamentally a religion of experience. He wrote, “Religion is not the acceptance of academic abstractions or the celebration of ceremonies, but a kind of life or experience”.²⁰⁴⁹ The experience itself was considered self-validating. It meant that there was no further authority needed to certify its validity. The genius of *Vedānta* is that it identified the self-validating essence of religious experience. *Vedānta* entailed the core of all that can be found in other sacred scriptures. He claimed, “The Vedanta is not a religion, but religion itself in its most universal and deepest

²⁰⁴² GANDHI, “Speech at Chokhamela Boarding House, Nagpur, January 24, 1942. *Harijan*, 1.2.1942”, in: *CWG* 75 (1979) 253–255; 255. Cf. VITHAYATHIL, *Mahatma Gandhi*..., 230.

²⁰⁴³ Cf. *ibid.*, 193. Cf. DOONGDOONG, *The Dignity of Man*..., 19.

²⁰⁴⁴ HATCHER, “Contemporary Hindu Thought...”, 194.

²⁰⁴⁵ KLOSTERMAIER, *A Survey of Hinduism*..., 420.

²⁰⁴⁶ Cf. Paul Arthur SCHILPP (ed.), *The Philosophy of Sarvepalli Radhakrishnan*, Tudor Publishing Co., New York 1952, xi. This is an excellent book for an informative survey with an autobiographical sketch of Radhakrishnan. Cf. KLOSTERMAIER, *A Survey of Hinduism*..., 574, at fn.25.

²⁰⁴⁷ Cf. *ibid.*, 420.

²⁰⁴⁸ HATCHER, “Contemporary Hindu Thought...”, 195.

²⁰⁴⁹ Sarvepalli RADHAKRISHNAN, *The Hindu View of Life. Upton Lectures Delivered at Manchester College, Oxford, 1926*, George Allen & Unwin, London 1927, 15. Cf. HATCHER, “Contemporary Hindu Thought...”, 195.

significance”.²⁰⁵⁰ This assertion was an ultimate assertion of independence for Hindus living under the British rule and subject to Christian claim of superiority. Unlike Mohan Roy who conveyed that Hinduism is not simply one valid religious path, Rādhākṛishnan asserted that it is in fact the very core of religion.²⁰⁵¹

17.5.1 Concept of Human Person

Rādhākṛishnan being a philosopher and a spiritual person wanted always to give a philosophical answer but with a spiritual slant. According to him, philosophical enterprise must not only provide rational verification and analysis but also give a profound and transforming insight into the spiritual content of existence in its personal and historical dimensions. This is even more necessary as an antidote to the dehumanizing values increasingly predominant in Western civilization. The unique strength of the *Vedānta* was its validation of personal spiritual striving for deeper penetration into the meaning of life itself.²⁰⁵²

Therefore, before proceeding to the concept of human person in Rādhākṛishnan, it is to be seen how he visualized and believed in God. Rādhākṛishnan, basing himself on the *Upaniṣads*, comments that the *brāhman* and *ātman* are one:

The two, the objective and the subjective, the *Brahman* and the *Ātman*, the cosmic and the psychical principles, are looked upon as identical. *Brahman* is *Ātman*.²⁰⁵³ “He who is this *Brahman* in man, and who is that in the sun, those are one.”²⁰⁵⁴

For Rādhākṛishnan who follows Śaṅkarā’s version of *Vedānta*, *brāhman* is the Absolute God. He uses the personal pronoun “He” in spite of the impersonal nature of *brāhman*. This usage may be due to the influence of Christianity on him. Rādhākṛishnan also acknowledged that *brāhman* could be described only in negative terms. There is however no question of Agnosticism in him.²⁰⁵⁵ He admits that, “if somewhere in ourselves we did not know with absolute certainty that God is, we would not live”.²⁰⁵⁶ In this way, he sees the quest in us for the divine and connects the human with the divine. However, one may ask the question as to wherein is found this quest in man? As an answer, Rādhākṛishnan does not treat man merely as a worldly being or a creature but as essentially a divine being, a spark of God. Although Rādhākṛishnan recognizes the empirical self in man is subject to change, pleasure and pain, yet he acknowledges that the *ātman* in man remains the same because it is universal and real.²⁰⁵⁷

²⁰⁵⁰ RADHAKRISHNAN, *The Hindu View of Life*..., 23. Cf. HATCHER, “Contemporary Hindu Thought...”, 195-196.

²⁰⁵¹ Cf. *ibid.*, 196.

²⁰⁵² Cf. Peter A. PARDUE, “Radhakrishnan”, in: *Encyclopedia of World Biography*, McGraw-Hill Book Company, New York *et al.* 1973, 77-78.

²⁰⁵³ Sarvepalli RADHAKRISHNAN, *Indian Philosophy*, Vol. 1, George Allen & Unwin, London 1948, 169. Emphasis by author. Cf. *Taittirīya Upaniṣad* 1.5. See *Taittirīya Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, *op. cit.*, Part I, 225.

²⁰⁵⁴ RADHAKRISHNAN, *Indian Philosophy*, Vol. 1..., 169. Emphasis by author. Cf. *Taittirīya Upaniṣad* 2.8. See *Taittirīya Upaniṣad*, in: DEUSSEN, *Sixty Upaniṣads of the Veda*, *op. cit.*, Part I, 240.

²⁰⁵⁵ Cf. Emmanuel E. JAMES, “Bonhoeffer, Radhakrishnan and Modern Secularism”, in: *Indian Journal of Theology* 19/3-4 (1970) 127-144; 128.

²⁰⁵⁶ Sarvepalli RADHAKRISHNAN, *An Idealist View of Life*, George Allen & Unwin, London 1951, 158. Cf. JAMES, “Bonhoeffer, Radhakrishnan...”, 128.

²⁰⁵⁷ Cf. JAMES, “Bonhoeffer, Radhakrishnan...”, 136.

Although man, according to Rādhākṛṣṇan, is essentially a spiritual being, who is ultimately identical with the Absolute in some way and to some degree, yet man is a complex being belonging to both the infinite and the finite order, the divine and the human. Thus, Rādhākṛṣṇan in his doctrine of the relation between the Absolute and the empirical world justifies metaphysically man's highest spiritual aspirations for identity with the ultimate as well the significance of his ethical conduct in the empirical world.²⁰⁵⁸

Besides, Rādhākṛṣṇan also notes that among the finite objects the individual self has the highest reality. Its nature is close to that of the absolute, though not the absolute itself. The finite self is as it were a reflection of the universe. Rādhākṛṣṇan commenting on the *Upaniṣad* explains this tension caused by the different elements in man. He says,

The whole world is the process of the finite striving to become infinite, and this tension is found in the individual self. According to the *Taittirīya* the several elements of the cosmos are found in the nature of the individual. In the *Chāndogya Upaniṣad* (vi. II. 3 and 4) fire, water and earth are said to constitute the *jīvātman* or the individual soul, together with the principle of the infinite.²⁰⁵⁹

Further, speaking about God and the self, Rādhākṛṣṇan writes, "There is in the self of man, at the very centre of his being, something deeper than the intellect, which is akin to the Supreme".²⁰⁶⁰ He also acknowledges that the non-empirical self (*ātman*) is identical with the *brāhman*. In full accordance with the *Advaita Vedānta*, he writes, "The true and ultimate condition of the human being is the divine status".²⁰⁶¹ He loosely employs the Christological term to express this identity between the true self (*ātman*) and the divine *brāhman*. He says, "The consubstantiality of the spirit in man and God is the conviction fundamental to all spiritual wisdom."²⁰⁶²

Elsewhere, Rādhākṛṣṇan makes it clear that:

"I am Brahman" (aham brahmāsmi) does not mean direct identity of the active self with the ultimate Brahman, but only identity of the real self when the false imposition is removed. The ethical problems arise, because there is the constant struggle between the infinite character of the soul and the finite dress in which it has clothed itself."²⁰⁶³

D'Costa explains the stand of Rādhākṛṣṇan on the identity between the *ātman* (the real self) and *brāhman* in these words:

For Radhakrishnan's ontological assumptions in this claim are that finally, all created persons are not in any sense real, for in the ultimate liberative state there is no such thing as relations, nor persons, but only pure consciousness of pure being, intelligence and joy—*satcitānanda*—all analogically understood. To put it crudely there is no distinction between God and creation, for in a final ontological sense, there is no creation.²⁰⁶⁴

²⁰⁵⁸ Cf. *ibid.*, 137.

²⁰⁵⁹ RADHAKRISHNAN, *Indian Philosophy*, Vol. 1..., 204. Italics by author.

²⁰⁶⁰ IDEM, *An Idealist View of Life*..., 103. Cf. JAMES, "Bonhoeffer, Radhakrishnan...", 137.

²⁰⁶¹ RADHAKRISHNAN, *An Idealist View of Life*..., 102. Cf. D'COSTA, *The Meeting of Religions* ..., 61. Cf. JAMES, "Bonhoeffer, Radhakrishnan...", 137.

²⁰⁶² RADHAKRISHNAN, *An Idealist View of Life*..., 103. Cf. D'COSTA, *The Meeting of Religions*..., 61. British Catholic Theologian Gavin D'Costa warns his readers that orthodox Christianity, Judaism and Islam do not hold the use of the term consubstantiality as Radhakrishnan understood. Cf. *ibid.*

²⁰⁶³ Sarvepalli RADHAKRISHNAN, *The Vedānta According to Śaṅkara and Rāmānuja*, George Allen und Unwin, London 1928, 188. Addition and emphasis in original.

²⁰⁶⁴ D'COSTA, *The Meeting of Religions*..., 61. Cf. also JAMES, "Bonhoeffer, Radhakrishnan...", 137.

The real self (*ātman*) being a timeless being, in its highest insight becomes aware not only of its own existence but also of the omnipresent spirit of which it is. Having affirmed this fact, Rādhākṛishnan goes on to say, “We belong to the real and the real is mirrored in us. The great text of the *Upaniṣad* affirms it – *Tat tvam asi* (That art Thou). It is a simple statement of an experienced fact”.²⁰⁶⁵ This once again confirms Rādhākṛishnan’s belief that Hinduism is fundamentally a religion of experience.

During the celebration of the Birthday of Mahāvīra on 5 April 1955, in New Delhi, Rādhākṛishnan, while speaking about the popularity of the *Upaniṣads* and the affirmation of *tat tvam asi*, said:

The great statement by which the *Upaniṣads* are known to the world is *tat tvam asi* – that art thou. The potential divinity of the human soul is asserted thereby. We are called upon to understand that the soul is not to be confused with the body which can be broken, or the mind which can be moulded, but it is something which is superior to the relics of the body or the fluctuations of the mind – something which each individual has, which is unseizable, so to say, which cannot be merely objectified. The human being is not something thrown off, as it were, in a cosmic whirl. As a spirit he is lifted above the natural and the social world. Unless we are able to realize the inwardness of the human self, the principle of subjectivity, we lose ourselves.²⁰⁶⁶

Rādhākṛishnan thus makes a clear statement about the importance of the soul or *ātman* of the human person, which cannot be just ignored or thrown off or annihilated, but that which must be respected *per se*.

It is also interesting to note that he tries to substantiate the identity of the *ātman* with *brāhman* brought about in a spiritual experience with evidences from the Bible. He says, “The Biblical text, ‘So God created man in his own image; in the image of God created he him,’ asserts that in the soul of man is contained the true revelation of God. ‘The spirit of man is the candle of the Lord.’”²⁰⁶⁷ He further refers to the statements that Jesus made: “‘I and my Father are one,’ ‘All that the Father hath are mine,’ is the way in which Jesus expressed the same profound truth”.²⁰⁶⁸ His argument is that these statements are not of one chosen individual’s (he means to say, Jesus) relation with God but of every self (that is, every *ātman*) with God. Jesus’ ambition in life was to make known and pass on to all men and women what he himself had experienced, seen and known.²⁰⁶⁹

It must also be noted that Rādhākṛishnan described man not only as an essentially spiritual being, he/she is also a creature of this world. It is here that Rādhākṛishnan introduced the

²⁰⁶⁵ RADHAKRISHNAN, *An Idealist View of Life...*, 103-104. Addition in original. Italics by author. Cf. JAMES, “Bonhoeffer, Radhakrishnan...”, 137.

²⁰⁶⁶ Sarvepalli RADHAKRISHNAN, *Occasional Speeches and Writings. October 1952 January 1956*, The Publications Division, Ministry of Information and Broadcasting, Government of India, Delhi 1956, 221. Mahāvīra was the founder of Jainism. He was the one who gave the central tenets of the religion.

²⁰⁶⁷ RADHAKRISHNAN, *An Idealist View of Life...*, 104. In his footnote here, Rādhākṛishnan cites Genesis 1,27 and Proverbs 20,27 respectively.

²⁰⁶⁸ RADHAKRISHNAN, *An Idealist View of Life...*, 104.

²⁰⁶⁹ Cf. *ibid.* According to the author’s opinion, it seems that Rādhākṛishnan is mixing up with the Trinitarian experience within the Godhead with human beings. He seems to consider only Jesus’ human nature without reference to his divine nature. He also seems to equate the relation of Jesus to God the Father as same as that of every individual self to God.

doctrine of *māyā*. It reminds that the empirical world is not the ultimate and the order of transcendent and the order of empirical are closely related.²⁰⁷⁰

Rādhākṛṣṇan uses the term *puruṣa* for person. The highest category that one can use of the human person is that of self-conscious personality. Concerning God, he describes Him as perfect personality (*uttamapuruṣa*). He analyses the concept of human personality and states that, “it includes cognition, emotion, and will”. When these functions are viewed in God, then He is “the supreme knower, the great lover, and the perfect will”.²⁰⁷¹

Thus, for Rādhākṛṣṇan the human person is always spoken of in the context and realm of God. It can be acknowledged that Rādhākṛṣṇan attributed to the human person the spiritual qualities without ignoring the empirical.

17.5.2 Human Dignity

It was mentioned that according to Rādhākṛṣṇan there is a tension between the finite self and the infinite. However, what confers dignity on the self of man is the indwelling of the infinite within the finite. He explains:

The reality of the self is the infinite; the unreality which is to be got rid of is the finite. The finite individual loses whatever reality he possesses if the indwelling spirit is removed. It is the presence of the infinite that confers dignity on the self of man. The individual self derives its being and draws its sustenance from the universal life.²⁰⁷²

The respect for human person is derived from the inherent worth in a person. Rādhākṛṣṇan acknowledges this fact, “The Hindu theory that every human being, every group and every nation has an individuality worthy of reverence is slowly gaining ground”.²⁰⁷³ Rādhākṛṣṇan believes that in the Hindu tradition every person has an individuality worthy of reverence, and calls for the fostering of the spiritual development of the individual. Hinduism therefore “insists on the development of one’s intellectual conscience and sensibility to truth”.²⁰⁷⁴

It was mentioned that for Hinduism, religion is an experience. For Rādhākṛṣṇan, religion “is insight into the nature of reality (*darsana*), or experience of reality (*anubhava*). This experience is not an emotional thrill, or a subjective fancy, but is the response of the whole personality, the integrated self to the central reality”.²⁰⁷⁵ Because of *darsana* and *anubhava*, one can speak of the respect for human person.²⁰⁷⁶

Rādhākṛṣṇan attributed a new significance to the “the four aims/goals of life” (or the *puruṣārtha*). He brings the sacred into the field of the secular. He acknowledges:

[...] a recognition of spiritual realities not by abstention from the world, but by bringing to its life, its business (*artha*) and its pleasure (*kāma*), the controlling power of spiritual faith.

²⁰⁷⁰ Cf. JAMES, “Bonhoeffer, Radhakrishnan...”, 137.

²⁰⁷¹ Cf. RADHAKRISHNAN, *The Hindu View of Life*..., 27.

²⁰⁷² IDEM, *Indian Philosophy*, Vol. 1, *op. cit.*, 205.

²⁰⁷³ IDEM, *The Hindu View of Life*; 51.

²⁰⁷⁴ *Ibid.*; 49. Cf. Monika KIRLOSKAR-STEINBACH, “Toleration in Modern Liberal Discourse with Special Reference to Radhakrishnan’s Tolerant Hinduism”, in: *Journal of Indian Philosophy* 30 (2002) 389-402; 395.

²⁰⁷⁵ RADHAKRISHNAN, *The Hindu View of Life*..., 15.

²⁰⁷⁶ Cf. James VADACKUMCHERY, *United Nations and Indian Mysticism. Parallels on Human Rights and Police*, Concept Publishing Company, New Delhi 2002, 143.

Life is one and in it there is no distinction of sacred and secular. *Bhakti* and *mukti* are not opposed. *Dharma*, *artha* and *kāma* go together.²⁰⁷⁷

This new secularism dominates Hindu life and thought today. Commenting on the secularism in India today, which follows the neo-Hinduism as envisaged by Rādhākṛṣṇan, Emmanuel E. James, an Indian Research scholar and theologian, writes that secularism:

[...] gives significance to the world of things as contributing to the individual and collective welfare of man in this present moment in history, as a desirable and worthwhile end to be purposefully realized. This kind of secularism recognizes material values; it gives worth and dignity to human person; it places importance on all purposive endeavour to realize a just social order and, above all, it points to the need to take this present moment in world-life seriously.²⁰⁷⁸

Rādhākṛṣṇan also brings in the idea of dignity in the realm of the four stages of life: *āśramadharma*. He says this institution is one of the central features of Hinduism that attempts to fill the whole life of the individual with the power of spirit. The stage of *brahmacharya* consists of a life of rigorous chastity as a preparation for married life. One enters into the second stage of life *gṛahstya*, the householder, through the religious sacrament of marriage, which is a form of divine service. Rādhākṛṣṇan describes what follows next:

After the individual realises to the full the warmth and glow of human love and family affection, through marriage and parenthood, he is called upon to free himself slowly from attachment to home and family in order that he might realise his dignity as a citizen of the universe.²⁰⁷⁹

Rādhākṛṣṇan glorifies this stage of *saṁnyāsī* and describes them: “They are the ambassadors of God on earth, witnessing to the beauty of holiness, the power of humility, the joy of poverty and the freedom of service”.²⁰⁸⁰ The stage of the Renouncer (*Samnyāsī*) for Rādhākṛṣṇan is the stage where one realizes one’s inner worth and dignity to its full. He states this clearly – always in relation to God – when he says, “The *saṁnyāsī* is above all rules, caste and society. This symbolises the infinite dignity of man, who can strip himself of all externals, even wife and children, and be self-sufficient in the solitude of the desert if he has his God with him”.²⁰⁸¹ With regard to *karma* and human dignity, Rādhākṛṣṇan is of the view that the theory of *karma* is very valuable in life and conduct. Whatever happens in this life is a result of our past doings. However, one can shape the future. It is in his/her power. He affirms: “Karma inspires hope for the future and resignation to the past. It makes men feel that the things of the world, its fortunes and failures, do not touch the dignity of the soul”.²⁰⁸² By this statement, Rādhākṛṣṇan confirms the way Hinduism understood dignity as that which is inherent in the soul, which is ultimately eternal and inviolable.

Various instances can be mentioned in the teachings of Rādhākṛṣṇan where he emphasized the need to recognize and respect the dignity of human person.

²⁰⁷⁷ Sarvepalli RADHAKRISHNAN, *Religion and Society*. Allen & Unwin, London 1948, 106. Cf. JAMES, “Bonhoeffer, Radhakrishnan...”, 141.

²⁰⁷⁸ JAMES, “Bonhoeffer, Radhakrishnan...”, 141.

²⁰⁷⁹ RADHAKRISHNAN, *Indian Philosophy*, Vol. 1, *op. cit.*, 222.

²⁰⁸⁰ *Ibid.*, 222.

²⁰⁸¹ *Ibid.*, 580.

²⁰⁸² *Ibid.*, 249.

For instance, recognizing the value of the Declaration of Human Rights, Rādhākṛishnan (on the occasion of the United Nations Day, 24 October 1953, in a Broadcast from All India Radio) cautioned, “If the Declaration of Human Rights is not to lose its meaning, if it is not to be dismissed as a mere scrap of paper, the United Nations should not compromise with its own ideals”.²⁰⁸³ In the same speech Rādhākṛishnan (while referring to the tremendous changes that is occurring in the world and the revolution that is happening in the hearts of people), made his vision concrete in these words:

We must recreate and re-enact a vision of the world based on the elements of reverence, order and human dignity, without which no society can be held together. The new world of which the United Nations is a symbol may seem to be a dream but it is better than the nightmare world in which we live.²⁰⁸⁴

On another occasion, on 15 November 1955, while proposing a toast to Hatta, the Vice-President of Indonesia, emphasizing the Independence of India and Indonesia, which showed a striking similarity, spoke of the freedom and human dignity that Gandhi envisioned. Rādhākṛishnan said, “Gandhiji said that we wanted freedom for the sake of the millions of India, to give them food, clothes, homes and more than all, a sense of human dignity and self-respect”.²⁰⁸⁵

Similarly, during an Inaugural Address at the Indian History Congress, Waltair, 29 December 1953, Rādhākṛishnan recalled the sense of inevitability about historical sequence that had taken place as the result of the free will of humans. He then suggested what one must do to strive for peace²⁰⁸⁶. This occasion makes clear the faith he had in human dignity. He said:

Man must take charge of events on a worldwide scale. He should cease to be a helpless, mechanical puppet and become a wakeful, responsible, truly creative being. Where freedom is absent, history is fate. As people who possess faith in human dignity, we must not passively wait for a world order of peace but we must strive actively to bring the nations into the ways of peace [...]. It must bring into proper focus the great heroes who have stressed the dignity and the brotherhood of man.²⁰⁸⁷

As mentioned earlier, Rādhākṛishnan as a head of State, “served, in an eminent way, as the ‘conscience of the nation’ and wherever he spoke he stressed the importance of spirituality, regardless of his audience”.²⁰⁸⁸ A striking example can be seen during an Inaugural Address at the UNESCO Round Table Conference, on the theme of “Teaching of Social Sciences in South Asia”, held on 15 February 1954. Rādhākṛishnan said, “Man is not body and mind alone. He has, in addition, the spiritual dimension”.²⁰⁸⁹ In the same Inaugural Address, while emphasizing the need to make the world safe for peace, Rādhākṛishnan said, “To make the world safe for peace, our conscience must grow and our comprehension of human dignity must increase”.²⁰⁹⁰ One can only comprehend from this statement the importance that he attributed to human

²⁰⁸³ IDEM, *Occasional Speeches*..., 6.

²⁰⁸⁴ *Ibid.*, 10.

²⁰⁸⁵ *Ibid.*, 32.

²⁰⁸⁶ *Ibid.*, 79-80.

²⁰⁸⁷ *Ibid.*, 80-81. By the phrase “the great heroes”, he is perhaps alluding to Gandhi.

²⁰⁸⁸ KLOSTERMAIER, *A Survey of Hinduism*..., 420.

²⁰⁸⁹ RADHAKRISHNAN, *Occasional Speeches*..., 95.

²⁰⁹⁰ *Ibid.*, 99.

dignity while calling for a comprehension of the term, perhaps groping to find the inner meaning of what human dignity entails.

Rādhākṛishnan was also the Chairman of the Executive Board of UNESCO (1948) and later became the President, General Conference of UNESCO, from 1952 to 1954. In his Presidential Address, he strongly reiterated that, “If our professions about the dignity of the individual are to be taken seriously, we must do away with all sorts of discriminatory practices”.²⁰⁹¹ Rādhākṛishnan’s statement once again reaffirms his faith in the dignity of the human person and the ways and means by which it can be implemented.

On another occasion, during the celebration of the Birthday of Mahāvīra on 5 April 1955, in New Delhi, he recalled the teachings of the *Upaniṣads*, namely, *ātmānam viddhi*, that is, know thyself. There is nothing greater in this world than knowing oneself, than possessing of one’s soul. Different writers have attested to the fact that the true man is one who uses all possessions of the world in order to realize the innate dignity of the soul. Rādhākṛishnan gave the example of Mahāvīra, who is a man who renounced the things of the world without being entangled in the bonds of matter but one who was able to realize the inward dignity of his own self.²⁰⁹² By this Rādhākṛishnan wishes to inform us that dignity is something innate to the soul.

17.5.3 Caste System:

Rādhākṛishnan favoured caste system because of the in-built code and tradition it entails. His view was that: “Each caste has its social purpose and function, its own code and tradition [...]. The serenity of the teacher, the heroism of the warrior, the honesty of the business man, the patience and the energy of the worker all contribute to social growth. Each has its own perfection”.²⁰⁹³ It is interesting to note here that Rādhākṛishnan connects each of the caste to a moral virtue. In other words, one’s duty in life (*dharma*) leads to the classification of the *varṇāśramdharma*. *Dharma* entails an inclusive, functional and practical division for a better living on earth. However, due to egocentric and selfish nature of humans, the original motive was forgotten, which eventually led to abuse and its consequences.²⁰⁹⁴

Still holding on to his view of caste driven society, Rādhākṛishnan pointed out in 1926: “It is not true that all men are born equal in every way, and everyone is equally fit to govern the country or till the ground”.²⁰⁹⁵ However, all said and done, at the end of his long career in 1950, he declared, “If democracy is to be seriously implemented, then caste and untouchability should go”.²⁰⁹⁶ His opinion was that “caste” should be based on worth and not on birth.²⁰⁹⁷

Thus, Rādhākṛishnan’s idea of caste system evolved so that he began to reprimand it. This is made clear in his Inaugural Address, during a “Seminar on Casteism and the Removal of

²⁰⁹¹ The context was in October 1954 during the UNESCO General Conference. Eighth Session, Montevideo, while referring to United Nations Charter, which affirms faith in the fundamental human rights and in the dignity and worth of the human person and the need for securing economic conditions that will validate the faith in the dignity of the human person. See RADHAKRISHNAN, *Occasional Speeches...*, 135.

²⁰⁹² Cf. *ibid.*, 222.

²⁰⁹³ RADHAKRISHNAN, *The Hindu View of Life...*, 107-108.

²⁰⁹⁴ Cf. MONIZ, “*Liberated Society*”...; 43. Cf. SHARMA, *Hinduism and Human Rights...*, 56.

²⁰⁹⁵ RADHAKRISHNAN, *The Hindu View of Life...*, 114. Cf. SHARMA, *Hinduism and Human Rights...*, 56.

²⁰⁹⁶ RADHAKRISHNAN, *The Brahma Sūtra; The Philosophy of Spiritual Life*, George Allen & Unwin, London 1960, 163. Cf. SHARMA, *Hinduism and Human Rights...*, 53.

²⁰⁹⁷ Cf. *ibid.*

Untouchability” held on 26 September 1955. While referring to the *Mahābhārata*, he categorically stated that casteism is a crime. He said:

It is evident that the practice of untouchability is anti-social and a violation of the principles of dharma. The State has decided to remove the discriminations resulting from the practice of untouchability by making them criminal. It is not consistent with the modern trends of politics or the principles of religion. It is a social crime and the sooner we get rid of it the better for the good name of our country and for our national solidarity.²⁰⁹⁸

He also connected the theme of casteism with the concept of dignity. Although it is necessary to give special opportunities to weaker sections of the society to help them forge ahead, yet mere material rehabilitation of the submerged people is not sufficient. Therefore, he said, “we must give them a sense of human status and dignity”:²⁰⁹⁹ In this way, he sought to regain the status and the dignity of those who were plagued by casteism.

17.6 CONCLUSION

Great Reformers of Hindu Renaissance like Rām Mohan Roy, Swāmī Vivekānanda, Mahatma Gandhi and Sarvepalli Rādhākṛishnan formed part of the discussion in the above topic.

Roy wanted to purify Hinduism by returning to the *Upaniṣads*. He strived towards the emancipation of the weaker class of the society and women. The Brahmo Samaj he formed envisioned a pure religion with the monotheistic emphasis that rests on two basic supports, namely, faith in a single creative Divine and belief in the immortal nature of the souls of human beings. The Brahmo Samaj borrowed the principle of human dignity from the West as well as the ethical system expressed in the *Sermon on the Mount*. Roy believed that *Vedānta* stood for monotheism and inculcated a fundamental respect for the dignity of all human beings. He believed that everyone is a fragment of that impersonal *brāhman*. Every human being has dignity and is the spark of the Divine.

Vivekānanda believed that “No religion on earth preaches the dignity of humanity in such a lofty strain as Hinduism”. Vivekānanda organized the Rāmakrishna Order of Monks to carry his master’s vision, namely, that divinity dwelt in human beings. The Ramakrishna Mission that he founded in 1897 is engaged in charitable and educational works and remains as one of the most active agencies of social service in India. His social philosophy is derived from the *neo-Vedānta* conception of God as one divine principle. According to him, the ethical implication in the *Advaita Vedānta* is that, if one realizes one’s identity with *brāhman*, then one must also feel the compass of his potentialities just as unlimited as *brāhman* is. Vivekānanda emphasized the *Vedāntic* identification of man and God in order to raise the dignity of man in the world.

Gandhi unified the message of *Bhagavad-Gītā* and the *Sermon on the Mount*. His two main outcomes of this unification was the cardinal virtue of *Ahimsā* (nonviolence) and *Satya* (truthfulness) among others. *Satya* is the word that he used for Truth. After a continuous and relentless search after truth, he also modified “God is Truth” and concluded “Truth is God”. Non-violence or *ahimsā* was the most distinctive and the largest contribution of Hinduism to India’s culture. The virtue of *Ahimsā* promoted reverence for all life forms, even embryos. In

²⁰⁹⁸ RADHAKRISHNAN, *Occasional Speeches...*, 359.

²⁰⁹⁹ *Ibid.*

this regard, abortion meant injuring or destroying the seed of life, which was unacceptable to the Hindu genius of reverence for all life.

It must however be acknowledged that Gandhi has not given a theory of human dignity. However, he held that human dignity could be accorded its proper moral standing only if means and ends are regarded as the same. Through his deeds and words, Gandhi affirmed that the dignity of man is not from what man/woman has, but from what he/she is, from his/her inner worth. This fact is derived from the origin and nature of the spirit of *ātman* within him/her that makes his/her nature essential divine, as a part of God, or as a spark of the Divine. The spirit within claims a permanent respect. He also believed that the privilege and dignity of man lies in the fact that man alone is made in the image of God.

Rādhākṛishnan, who has been described as the “unofficial successor and torch-bearer of Neo-Hinduism” as well as “the most impressive figure of twentieth century Neo-Hinduism”, held that man is not merely a worldly being or a creature but essentially a divine being, a spark of God. He held that “The true and ultimate condition of the human being is the divine status” and therefore one can acknowledge “That art Thou” (*tat tvam asi*). Rādhākṛishnan uses the term *puruṣa* for person and the indwelling of the infinite within the finite confers dignity on the self of man. Rādhākṛishnan also brings in the idea of dignity in the realm of the four stages of life: *āśramadharma* and glorifies the stage of the Renouncer (*Samnyāsī*) which symbolizes the infinite dignity of man. He connects *karma* to human dignity. *Karma* makes one feel that the things of the world, its fortunes and failures, cannot touch the dignity of the soul. The dignity of the soul is eternal because soul is eternal and inviolable.

Having deliberated on the modern Reformers of Hinduism and their influential teaching with regard to the dignity of the human person, the focus will now turn on the beginning of life issues in modern India. How does modern India, in a milieu of plurality of religions and multi-cultural context answer questions pertaining to the beginning of life in the field of Bioethics?

CHAPTER 18

BEGINNING OF LIFE ISSUES: CONTEMPORARY PRAXIS IN INDIA TODAY

18.1 INTRODUCTION

Although India is known to be a religious country, influenced mainly by Hinduism and steeped in *Vedic* and *Upaniṣadic* teachings, yet in reality and practice there seems to be a lacuna between teaching and practice when it comes to issues pertaining to the beginning of life. The value and respect for human life is found wanting in modern India, which in turn reflects on the stand that is lacking to acknowledge the inherent dignity of human persons. Given this background, this Chapter discusses on the Hindu Praxis on Bioethics and certain questions pertaining to Bioethics. The Chapter will also analyze the legal implications of Bioethical decisions in Indian context. The Chapter will conclude with an excursus on the Constitution of India, which upholds human dignity.

18.2 HINDU PRAXIS ON BIOETHICS

In spite of being current issues of debate, , with regard to interventions at the beginning of life from a Hindu perspective, discussions on recent development in the field of biomedicine is still undeveloped.²¹⁰⁰ Prakash N. Desai, a Hindu Physician, writes about the present situation in India faced by a Hindu bioethicist. He says:

An organized body of knowledge for the ethical resolution of conflicts inherent in modern medicine is yet to be formulated in India. Given the diversity of belief and practice this task is overwhelming. But in the day-to-day life of Hindus, folk history is an important source of inspiration and moral examples. Ancient myths are renewed and reshaped, and as in the Hindu use of history, they become answers to philosophical and psychological dilemmas. It cannot be overemphasized that without an authoritative book or prophet to interpret ethical conduct for all Hindus at different times, the mythologies of ancestors serve as examples, and a single proper course does not exist.²¹⁰¹

Limited by this body of knowledge, in the next section, the modern biomedical interventions on an embryo and its acceptability in modern Hinduism from the point of view of prominent scholars of Hinduism will be discussed.

18.2.1 Abortion and Sex-Selection

Although we have already seen (especially in Chapters 15.3.1-15.3.2 and 15.5.4 above) that in Hinduism abortion is frowned in the scriptural texts, yet there is a contrast between theory and practice. On the one hand, in order to curb the population and on the other hand, as a family planning and welfare measure, abortion has been legalized in 1971 by the Government of

²¹⁰⁰ Cf. MENSKI, "Hinduism...", 35.

²¹⁰¹ Prakash N. DESAI, *Health and Medicine in the Hindu Tradition. Continuity and Cohesion*, Crossroad, New York 1989, 66.

India.²¹⁰² The law provides for termination of medical pregnancy with certain restrictions.²¹⁰³ However, they can be interpreted liberally.²¹⁰⁴ One can only interpret that this stance taken by the Government of India over abortion is from a secular perspective and in no way reflects the religious traditions that India has inherited.

Personal opinions of Hindus with regard to abortion are varied. Nevertheless, “many Hindus are disturbed by the use of elective abortion as birth control”.²¹⁰⁵ Another such opinion is the use of abortion that could be welcome in the interest of the mother’s survival or her mental health. However, unacceptable would be the case when abortion is sought in order to avoid the possibility of a deformed or unhealthy child (causing no danger to the mother). In addition, abortion would also be unacceptable in cases where it is procured as a remedy either for contraceptive failure or to ensure maintenance of a standard of life for those already living. Moreover, in all these cases, abortion for valid reasons require the consent of both the mother and her husband.²¹⁰⁶

Another opinion aired by Desai would be appropriate to be mentioned here. The moral evaluation of abortion in *śruti* and *smṛti* tradition was already discussed (see Chapter 15.3, 15.3.1 and 15.3.2 above). The arguments used were chiefly that of Lipner. He bases himself on ancient authorities condemning abortion. However, according to Desai, the ancient is history and has no bearing in the modern India. Desai criticizes Lipner saying, “[...] he ignores the contextual nature of Hindu ethics, its reliance on conduct and local tradition, and the advocacy that preceded and followed the enactment of the Medical Termination of Pregnancy Act. Most

²¹⁰² MINISTRY OF LAW AND JUSTICE, *The Medical Termination of Pregnancy Act, 1971*, Act No.34 of 1971, The Gazette of India, The Controller of Publications, Delhi 10th August, 1971. It reads, “a pregnancy may be terminated by a registered medical practitioner, –

- (a) where the length of the pregnancy does not exceed twelve weeks, if such medical practitioner is, or
 - (b) where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioners are,
- of opinion, formed in good faith, that –
- (i) the continuance of the pregnancy would involve a risk to the life of the pregnancy woman or of grave injury to her physical or mental health; or
 - (ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.”

Two appendices follow:

“Explanation-I: Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation-II: Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.”

²¹⁰³ The Medical Termination of Pregnancy Act 1971 was an exception given to the Indian Penal Code (Act No. 45) of 1860. Sections 312-318 of the Code deals with injuries to unborn child.

²¹⁰⁴ Cf. SHARMA, “The Hindu Traditions...”, 7.

²¹⁰⁵ Cf. YOUNG, *The World’s Religions...*, 128. Cf. SHARMA, “The Hindu Traditions...”, 7.

²¹⁰⁶ Sri THANDAVESWARA, “The Bearing of Traditional, Cultural, Social and Moral Attitude on the Ethical Issues in Abortion – A Hindu View”, in: *Bulletin of the Christian Institute for the Study of Religion and Society* 19/2 (1972) 24-32; 32. Thandaveswara is Editor of Integrated Management, Bangalore. This paper was presented at the Seminar on ‘The Ethical Implications of the Legalisation of Abortion in the Indian Context’, held at the Christian Medical College, Vellore, from January 14 to 16, 1972. Cf. *ibid.*, 24. Cf. SHARMA, “The Hindu Traditions...”, 7.

importantly, he fails to see the distinction in ancient medical texts between the moral status of the unborn and that of a woman resorting to abortion".²¹⁰⁷ Desai's own conclusion is:

Absolutist interpretation of scriptural injunctions does not have the force in modern India which it does elsewhere. Indian independence and the subsequent secular democratic tradition required abrogation of many religious strictures, untouchability and women's rights foremost among them.²¹⁰⁸

Indian Anthropologist Veena Das is of the opinion that one should shift the emphasis in the discussion on abortion from rights and utility to a consideration of virtue.²¹⁰⁹

Added to the above diverse opinions there is another factor that needs to be considered. The legalization of abortion had encouraged the phenomenon of gender bias and the practice of sex selection in India.²¹¹⁰ Male progeny is hailed and prized in India, compared to the female.²¹¹¹ Moreover, India is pre-dominantly a patriarchal country. Besides its patriarchal mentality, social, cultural and religious factors determine the idea that family line runs through male representative. Besides, the mind-set of the large sections of the society is gender-biased. This has contributed to the secondary status of women in India. Therefore, there is a strong desire to avoid the birth of a female child. This has resulted in a sharp decline on the Child Sex Ratio (CSR).²¹¹² This is a matter of a great concern to India, because it is harmful to the society having socio-economic, demographic and cultural implications.²¹¹³

Although it is difficult to determine when exactly in the development of Hindu tradition the lawgivers gave a greater value to the lives of men than to those of women, yet it is certain in the *Laws of Manu* that women were regarded with apprehension. This is reflected in the restrictive code of conduct that was formulated by not allowing independence for women.²¹¹⁴ *Laws of Manu* declared:

In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent.²¹¹⁵

²¹⁰⁷ DESAI, "Hinduism and Bioethics...", 52.

²¹⁰⁸ *Ibid.* It is to this effect that the Hindu Renaissance of pre and post Independent India (See Chapter 17 above) was already discussed.

²¹⁰⁹ Cf. Veena DAS, "The Debate on Abortion", in: *Seminar* 74 (1983) 31-35; 35.

²¹¹⁰ Cf. SHARMA, "The Hindu Traditions...", 7.

²¹¹¹ CRAWFORD, *Hindu Bioethics...*, 116.

²¹¹² Cf. GOVERNMENT OF INDIA: MINISTRY OF HEALTH AND FAMILY WELFARE, *Annual Report on implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act*, PNDT Division, New Delhi 2005, v, Foreword. Child sex ratio (CSR) in India is defined as the number of girls to every 1000 boys in the 0 to 6 years age group. The CSR has declined from 945 in 1991 to 927 in 2001 and an all time decline to 914 in the Census 2011. See GOVERNMENT OF INDIA: MINISTRY OF HEALTH AND FAMILY WELFARE: "Statement 16. Sex Ratio of total population and child population in the age group 0-6; India. 1961-2011", in: *Census of India 2011. Provisional Population Totals. Paper 1 of 2011. India Series 1*, Office of the Registrar General & Census Commissioner, New Delhi 2011, 90. Cf. also CENTRE FOR YOUTH DEVELOPMENT AND ACTIVITIES, *Reflections on the Campaign Against Sex Selection and Exploring Ways Forward*, Pune 2007, xiv-xv; 24-25 and Arokiasamy PERIANAYAGAM, "Provisional results of the 2011 Census of India. Slowdown in growth, ascent in literacy, but more missing girls", in: *International Journal of Social Economics* 39/10 (2012) 785-801; 793-795.

²¹¹³ Cf. G. Janaki RAMAIAH/T. CHANDRASEKARAYYA/Vinayaka MURTHY, "Declining Child Sex Ratio in India. Trends, Issues and Concerns", in: *Asia-Pacific Journal of Social Sciences* 3/1 (2011) 183-198; 183-184.

²¹¹⁴ Cf. DESAI, "Hinduism and Bioethics...", 48.

²¹¹⁵ *Manu* 5.148. "The Laws of Manu...", 195.

Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence.²¹¹⁶

This shows the mentality regarding the place of women in Hindu society. A statistic shows the enormity of the practice of sex selection: “One authoritative study said 78,000 female fetuses were aborted from 1978 to 1983 nationwide following sex-discrimination test”.²¹¹⁷

According to Anubha Rastogi, an attorney in Mumbai, adhering to such techniques and practices “are considered discriminatory to the female sex and not conducive to the dignity of women”.²¹¹⁸ With regard to gender bias sex-selection, the Constitution of India is clear in its Article 51A (e), which reads, “It shall be the duty of every citizen of India – [...] (e) to renounce practices derogatory to the dignity of women.”²¹¹⁹ Therefore, sex selection is against the spirit of the Constitution of India.²¹²⁰

Considering this grim picture, Hindu religious leaders oppose abortion because it interferes with child’s *karmic* development. They also consider abortion for sex selection and the preference for male children as immoral, which amounts to infanticide.²¹²¹

18.2.2 New Reproductive Technologies

Modern Hinduism would have no difficulty in accepting new reproductive technologies, such as *in vitro* fertilization.²¹²² Nevertheless, Hindu Bioethics would consider the possible harm that is involved in such procedure, such as the hormone therapy, the surgical laparoscopy, the risks involved in extra-corporeal management of the egg, sperm and embryo, the limited rate of success, the high emotional and financial costs, and above all the wishes and the rights of the couple.²¹²³ In all such situations, the Hindus are guided by religion. For example, the *Laws of Manu* prescribes, “To be mothers were women created, and to be fathers men; religious rites, therefore are ordained in the Veda to be performed (by the husband) together with the wife”.²¹²⁴ Besides, there are ample examples in the sacred literature that vouch to the fact that there have been figures known to metamorphose themselves into various animal forms in order to enjoy the joys of sex. Hinduism did have the practice of a widow marrying the brother of her deceased husband (*niyoga*,²¹²⁵ the levirate). This practice could be considered as an ancient form of

²¹¹⁶ *Manu* 9.3. “The Laws of Manu...”, 328. Addition in original. Cf. DESAI, “Hinduism and Bioethics...”, 48.

²¹¹⁷ Seema SIROHI, “Indians Embrace the ‘Boy-Girl Test’”, in: *Honolulu Star-Bulletin*, Associated Press, March 22, 1988 as quoted in CRAWFORD, *Hindu Bioethics...*, 142. Cf. also IDEM, *Dilemmas of Life...*, 34. Cf. SHARMA, “The Hindu Traditions...”, 7.

²¹¹⁸ Cf. Anubha RASTOGI, *Claiming Dignity. Reproductive Rights & the Law*, Human Rights Law Network (HRLN), New Delhi 2009, 128.

²¹¹⁹ *The Constitution of India...*, 92.

²¹²⁰ Cf. RASTOGI, *Claiming Dignity...*, 134.

²¹²¹ Cf. YOUNG, *The World’s Religions...*, 127-128. Cf. SHARMA, “The Hindu Traditions...”, 7.

²¹²² Cf. *ibid.* Cf. also CRAWFORD, *Hindu Bioethics...*, 116.

²¹²³ Cf. *ibid.*

²¹²⁴ *Manu* 9.96. “The Laws of Manu...”, 344. Addition in the original. Cf. CRAWFORD, *Hindu Bioethics...*, 116.

²¹²⁵ The purpose of *niyoga* “was the impregnation of a wife of an impotent or dead man so that his family may be preserved and he may have sons to offer oblations for the welfare of his soul in the next world.” CRAWFORD, *Hindu Bioethics...*, 117.

artificial insemination. Besides, there are Hindu lore that describe babies born in jars²¹²⁶ anticipating modern procedures of *in vitro* fertilization. Although Hindu practice may resist to modern technologies, yet the desire and the value attached to progeny might open the possibility and acceptability of such procedures.²¹²⁷

18.2.3 Genetics

In order to assess the Hindu view on genetics, the role played by the doctrine of reincarnation is crucial and significant. While genetics deals with the biological continuity of an individual life, Hinduism sees life as a spiritual continuity, spiritual here denoting the philosophical adjectival form of the concept of self or *ātman*. This spiritual continuity is expressed through the concept of *samsāra* (see Chapter 14.3 at fn. 1417 above). It corresponds in a spiritual sense to that of genes. However, *samsāras* are not biological but psychic in nature. Therefore, Arvind Sharma, a scholar of Comparative Religion, is of the opinion that, “[...] since the nature of reincarnation is determined by one’s *karma*, it might be permissible to argue that in Hinduism the genetic endowment one obtains could be viewed as the outcome of one’s *karma*”²¹²⁸. The conclusion is that any form of genetic determinism is reductive and therefore Hinduism would strongly resist it. The spiritual would be considered “higher” than the genes, which are themselves “lower”. Perhaps, genes may be considered as only one factor among a complex of other spiritual factors, which affect the outcomes in life.²¹²⁹

On the other hand, two reasons for fostering genetic engineering can be enumerated. First, the basic Hindu ethical stance is that nature cannot be totally controlled but may be manipulated for the greater good and individual advancement.²¹³⁰ Second, the emphasis on conscious decision-making (the four aims/goals of life or the *puruṣārthas*, see Chapter 14.6 above), which disposes one favouring experimentation in general, would encourage genetic engineering and experimentation. Moreover, in principle, there are no Hindu objections to any of the reproductive manipulations, because they perceive Nature and man as one interlinked whole. When it is a case of an individual, then the determining factor would be whether any such manipulation served private and/or public interest in terms of promoting *dharma*. Therefore, a childless couple seeking a child through new technological advancement would not violate the Hindu ethical principle, although adoption remains a possibility.²¹³¹ However, in all these ethical protocols, the chief consideration would be whether and to what extent the experiments in genetics involve wanton destruction of human life and to what extent it involves cruelty to any form of life.²¹³²

²¹²⁶ William BUCK, *Mahabharata*, The Regents of the University of California, University of California Press, USA 1981, 33-34. Here there is a description of the hundred sons and a daughter born to Gandhari the wife of Kuru King Dhritarashtra from a hard ball of flesh. This ball of flesh was divided into several pieces and placed in one hundred and one bronze jars filled with clear butter. After two years when they were opened, one every day for hundred and one days, hundred sons and a daughter were born. Cf. *ibid.*

²¹²⁷ SHARMA, “The Hindu Traditions...”, 7.

²¹²⁸ *Ibid.*, 8.

²¹²⁹ Cf. *ibid.*

²¹³⁰ Cf. MENSKI, “Hinduism...”, 35.

²¹³¹ Cf. *ibid.*

²¹³² SHARMA, “The Hindu Traditions...”, 8.

Insofar as Gene Therapy and Genetic Screening techniques are used as preventive medicine, they are acceptable in Hinduism.²¹³³ According to Crawford, with regard to therapeutic possibilities, Hindu Bioethics is on the side of progress. Yet the acceptance of a particular type of treatment depends on several reasons. He enumerates them:²¹³⁴

First, Hindu Bioethics supports treatment based on the principle of *beneficence*.²¹³⁵ If Gene therapy is the only hope for a particular cure, then Hindus see no threat in accepting it.²¹³⁶

Second, Hindu Bioethics has no problem with self-improvement, as long as a clear notion of the nature of the self that is to be improved is known. The *Bhagavad-Gītā* would vouchsafe for it²¹³⁷: “Let a man lift himself by himself; let him not degrade himself; for the Self alone is the friend of the self [person] and the Self alone is the enemy of the self.”²¹³⁸ One can infer from this passage that the *Bhagavad-Gītā* is informing us that divinity in all its richness resides within the ordinary self. The Self can work on behalf of us (friend) or against us (enemy), depending on how much it is part of our consciousness.²¹³⁹

Third, from the point of view of medicine, Hindu Bioethics relies on the principle of *non-maleficence*. If Somatic Cell enhancement, for example, threatens human values owing to our limited knowledge, then it is a risk to be avoided.²¹⁴⁰

Fourth, with regard to enhancement engineering Hindu Bioethics would respond with reference to the principle of *consequentialism*. This is understandable to the Indian mind, which interprets that everything works on the principle of *karma*.²¹⁴¹

Fifth, based on the spiritual heritage, Hindu Bioethics appeals to the principle of *justice*. All life come from one universal source, the *Paramātmā*. Therefore, all individuals are equal and raises the question of social fairness. Thus, insofar as genetic engineering works within this principle of justice, it is acceptable.²¹⁴²

Sixth, when the question of fairness is resolved, the next question would be to see if the enhancement engineering is medically sound. The *Āyurvedic* view is that health must be understood in terms of the principle of *balance*. If genetic engineering adversely affects in one area, this balance may be lost in other areas.²¹⁴³

²¹³³ Cf. *ibid.*

²¹³⁴ Cf. CRAWFORD, *Hindu Bioethics*..., 154.

²¹³⁵ This and the other three principles enumerated by Crawford in this and the next section may have their analogical derivation from two Philosophers Tom L. Beauchamp and James F. Childress. They were the first to introduce the four principles in the field of biomedical ethics, namely, the principles of respect for autonomy, nonmaleficence, beneficence and justice. See Tom L. BEAUCHAMP/James F. CHILDRESS, *Principles of Biomedical Ethics. Sixth Edition*, Oxford University Press, New York 2009, 12-13. The principles themselves are enumerated in detail in Chapters 4-7, Cf. *ibid.* 99-287.

²¹³⁶ Cf. CRAWFORD, *Hindu Bioethics*..., 152.

²¹³⁷ Cf. *ibid.*, 154.

²¹³⁸ *Bhagavad-Gītā* 6.5. *The Bhagavad-Gītā*, tr. by Sarvepalli RADHAKRISHNAN, Allen and Unwin, London 1928, 189. Cf. CRAWFORD, *Hindu Bioethics*..., 154.

²¹³⁹ Cf. *ibid.*

²¹⁴⁰ Cf. *ibid.*, 155.

²¹⁴¹ Cf. *ibid.*, 155.

²¹⁴² Cf. *ibid.*, 156.

²¹⁴³ Cf. *ibid.*

Seventh, Hindu Bioethics approach is pluralistic. It values diversity and finds richness in individuality ordained by Nature. A homogenized society with overriding traits and values would be unacceptable.²¹⁴⁴

Eight, Hindu Bioethics is inclusive in its approach toward humans and other forms of being.²¹⁴⁵

18.2.4 Cloning

With regard to cloning, the Hindu approach is more accommodating.²¹⁴⁶ The mythic lore of Hinduism has such stories that are analogous to cloning.²¹⁴⁷ In spite of this fact, the editors of an international Journal *Hinduism Today*, acknowledged, “[...] there is really no easily found scripture directly addressing the practice of cloning [...] endorsements or objections to cloning are necessarily based upon induction and extrapolation.”²¹⁴⁸ In a survey of seven Hindu leaders conducted by *Hinduism Today*, the common opinion was against the idea of cloning.²¹⁴⁹ The reply of the Editor of *Hinduism Today* to President Clinton and the National Bioethics Advisory Commission (NABC) was:

Hinduism neither condones nor condemns the march of science. If done with divine intent and consciousness, it may benefit; and if done in the service of selfishness, greed and power, it may bring severe *karmic* consequences. The simple rule is this: Let *dharmā* – the law of good conduct and harmony with the universe and its many forces and creatures – be the guide for all such explorations.²¹⁵⁰

According to Sharma, Hinduism would be opposed on moral grounds to egoistic or spare-part cloning of other creatures.²¹⁵¹ Cloning further creates interesting issues for the doctrine of *karma* and the concept of *ātman*.²¹⁵² According to Christian view, the soul is created at conception. On the other hand, Hindu view holds that the God-created soul inhabits the body. Therefore, the question would arise as to what kind of soul would inhabit in a cloned body.²¹⁵³ However, since

²¹⁴⁴ Cf. *ibid.*

²¹⁴⁵ Cf. *ibid.*

²¹⁴⁶ Cf. SHARMA, “The Hindu Traditions...”, 8. Sharma was consulted by the President Clinton’s National Bioethics Advisory Commission (NBAC) regarding human cloning.

²¹⁴⁷ Cf. Arvind SHARMA, “Hinduism and Cloning”, in: *Vedanta Kesari* 88 (2001) 62-64; 62 or IDEM, “Hinduism and Cloning”, in: *Ecumenism* 142 (2001) 27-29; 27. The story is told about the encounter of the Great Goddess with the Demon *Raktabija*. The demon had the power to recreate himself in his entirety from a single drop of blood, as it fell on the ground. In order to overpower this demon, who could clone himself, the Goddess had to lap up all of his blood before it fell to the ground with an extraordinary protrusion of her tongue. Cf. SHARMA, “Hinduism and Cloning...”, 62. There are also other examples of asexual procreation found in the Hindu literature. For example, the creation of Lord Ganesha from the skin of his mother, Lord Murugan from the spark of Lord Shiva’s third eye, Kunti’s conception of the Pandavas through *mantras* (sacred formulas) offered to God. See “Playing God?”, in: *Hinduism Today* (June 1997) 22-25; 24.

²¹⁴⁸ *Ibid.*

²¹⁴⁹ Cf. *ibid.*, 24-25.

²¹⁵⁰ EDITOR, “A Hindu Perspective. For the President, Mr. Bill Clinton”, in: In-Depth Issues: *Hinduism Today* April 1, 1997. See <http://www.hinduismtoday.com/modules/smartsection/makepdf.php?itemid=5043>, accessed on 02.07.2014. Italics by author. See also EDITORIAL, “Swami, Bill Clinton Has a Question”, in: *Hinduism Today*, *op. cit.*, 8-9; 9.

²¹⁵¹ Cf. SHARMA, “The Hindu Traditions...”, 8.

²¹⁵² Cf. IDEM, “Hinduism and Cloning...”, 62-63. Cf. IDEM, “The Hindu Traditions...”, 8.

²¹⁵³ “Cf. Playing God?”, in: *Hinduism Today*..., 24-

the body is distinct from *ātman* or the self/soul, it is beyond the reach of material science and cannot be harmed by cloning.²¹⁵⁴

According to Crawford, the view of Hindu Bioethics on cloning stands between a prohibitive stance and permissive stance. Three principles govern the discussion on cloning: *Nonmaleficence*, *Beneficence* and *Autonomy*. The principle of *nonmaleficence*, which is derived from *ahimsā*, would concern about “the safety of fetuses and/or potential children whose wellbeing must not be sacrificed on some high altar of promoting a greater social and scientific good”.²¹⁵⁵ Current scientific evidence makes it clear that a high risk of failure rates is involved in producing a clone. Therefore, Hindu Bioethics, based on *nonmaleficence*, concludes that cloning is morally unacceptable. According to the principle of *beneficence*, the primary welfare of the patient is the top priority for a medical practitioner. Cloning could be seen here as an *alternate* way necessitated by circumstances instead of being challenged as a *substitute* to nature’s way of procreation. Hindu Bioethics thus is sensitive to circumstance and therefore, opposed to branding it as *intrinsically wrong*. “The genius of Hindu ethics is that it allows for a *dharma in extremis*. Its strength is autoplasmicity.”²¹⁵⁶ Further, following the principle of *autonomy*, according to Patañjali’s *karma* doctrine, each of us are free agents. Autonomy plays an important role in the context of right priorities. The principle of *autonomy* affirms procreative rights, including the right to self-replication. Hindu Bioethics, following the principle of *autonomy*, endorses the respect for human individuality, provided no harm is inflicted on children reproduced. Nevertheless, owing to the safety assurance factor being unavailable at this time in cloning procedures, Hindu ethics is cautious in permitting cloning based solely on *autonomy*. Thus, one can see that the principle of *autonomy* in Hindu ethics is regulated by the other two principles, namely, the principle of *nonmaleficence* or *ahimsā* and the principle of *beneficence*. *Ahimsā*, being the highest virtue takes precedence over other values.²¹⁵⁷

In all the Bioethical discussions that was discussed above, the question often appears about “Playing God”. *Ayurveda* gives rational explanations in this regard. First, suffering is a part of life. That is to say, whatever be the perfect will of God for humans, biological perfection is not among them. Second, the primary motive of medicine is amelioration of suffering, which is the noblest of all human aspirations. Third, genetic engineering proves to be a powerful way of removing suffering. Fourth, the basic goal of genetic engineering is to alleviate suffering. Fifth, based on the above reasons, it would be *adharmic* for a rational person not to pursue genetic research.²¹⁵⁸

18.3 BIOETHICS IN THE SECULAR CONTEXT OF INDIA

Having seen Hindu Bioethics, the secular Bioethics and its legal implication in India will be discussed. Due to the British influence on India, the Ayurveda system with its sources through

²¹⁵⁴ NATIONAL BIOETHICS ADVISORY COMMISSION, “Cloning Human Beings. Religious Perspectives on Human Cloning”, Commissioned paper by Courtney S., CAMPBELL, Department of Philosophy, Oregon State University, 1997, D1-D64; D26.

²¹⁵⁵ CRAWFORD, *Hindu Bioethics*..., 163.

²¹⁵⁶ *Ibid.*, 164.

²¹⁵⁷ Cf. *ibid.*, 165.

²¹⁵⁸ Cf. *ibid.*, 165-166.

Caraka Samhitā and *Suśruta Samhitā* and other indigenous system in India lost their impact. Being a secular State, India brought in its own set of Code of Ethics for Medical Practitioners in 1956²¹⁵⁹, which is similar to Nuremburg Code and Helsinki Declaration.

India is advancing at a fast pace in global clinical research and trials. Thus, a need was felt in the 1980s to draft national codes and guidelines. The Central Ethics Committee on Human Research (CECHR) of the Indian Council of Medical Research (ICMR) drafted the “Ethical Guidelines for Biomedical Research on Human Subjects (2000)” and further amended through “The Ethical Guidelines for Biomedical Research on Human Participants (2006)”.²¹⁶⁰

There exists two categories of Ethics Committee (EC), namely, the Institutional Ethics Committee, which is comparable to Institutional Review Boards (IRB) in the developed countries and Independent Ethics Committee (IEC).²¹⁶¹ In a study conducted by ICMR, it was found that there were no legal experts on most of the ECs. A survey conducted by ICMR showed 200 institutions with functional ECs in India. However, the Bulletin report of the World Health Organization (WHO) reported that there are less than 40 ECs in India.²¹⁶²

Confining ourselves to the area of Bioethics pertaining to the beginning of life issues, described below are some of the State recognized regulations. They are mentioned for two reasons: 1. In order to show to what extent the respect and dignity of the human person is accorded in them. 2. To show how these State regulations (in spite of influences from other religions, as enumerated earlier, especially through Hinduism) do not necessarily reflect in practice the religious sentiment.

18.3.1 Pre-conception and Pre-Natal Diagnostic Techniques

Prenatal diagnostic techniques like amniocentesis and ultrasonography, though useful in detecting genetic or chromosomal disorders or congenital malformations or sex linked disorders, are often used on a large scale to detect the sex of the foetus and consequently to

²¹⁵⁹ MINISTRY OF LAW AND JUSTICE, *The Indian Medical Council Act, 1956*, Act 102 of 1956, The Gazette of India, The Controller of Publications, Delhi 30 December 1956. Due to the progress of medical education in India, the said Act of 1956 was repealed and a new one was enacted and further modified in 1964, 1993 and 2001.

²¹⁶⁰ INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines for Biomedical Research on Human Subjects*, Director-General Indian Council of Medical Research, New Delhi 2000, Foreword 2 and INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines for Biomedical Research on Human Participants*, Director-General Indian Council of Medical Research, New Delhi 2006, Foreword vi. Cf. Nigel J. DENT/Anand KRISHAN, “Ethics Committees in India”, in: *The Quality Assurance Journal* 11/2 (2008) 143-150; 143-144. The Central Ethics Committee on Human Research (CECHR) was constituted mostly of members from the medical profession, except for the Chairman of the Committee who was a Former Chief Justice of India and Chairperson of National Human Rights Commission, few scientists and educationists. Interestingly there were no representatives from among philosophers, scholars/experts/theologians.

²¹⁶¹ Cf. DENT/KRISHAN, “Ethics Committees in India...”, 144-145. “An EC is an independent body constituted of medical/scientific professionals and non-medical/non-scientific members, whose responsibility is to ensure the protection of the rights, safety and well being of human subjects involved in a trial.” *Ibid.*, 144. One of the responsibilities of the Independent Ethical Committee (IEC) is to protect the dignity, rights and well-being of the potential research participants. The IEC should be composed of a chairperson, 1-2 basic medical scientists, 1-2 clinicians, a legal expert, a social scientist or representative of a NGO, a philosopher/ethicist/theologian, a layperson from the community and a member secretary. Cf. *ibid.*, 146-147. An example of the IEC is the one in Mumbai. It is interesting to note that on their board they have a chairperson, a member secretary, seven medical professionals, two librarians, a community development officer and one theologian from the Evangelical Church. See http://www.iecindia.org/iec_members.htm, accessed on 10 October 2013.

²¹⁶² Cf. Rashmi KADAM/Shashikant KARANDIKAR, “Ethics committees in India. Facing the Challenges!”, in: *Perspectives in Clinical Research* 3/2 (2012) 50-56.

terminate the pregnancy of a female foetus. Such techniques (as discussed in Chapter 18.2.1) are also used to select the sex of the child before conception in *in vitro* fertilization.²¹⁶³

Social activists noticed in the 1980s that amniocentesis tests were conducted in some clinics to determine the sex of the foetus and resulted in subsequent termination of pregnancy when the foetus was found to be a female. Thereafter, the Indian Parliament enacted the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act on 20 September 1994.²¹⁶⁴

The Act provides for:

- the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital mal-formations or sex linked disorders; and
- the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female feticide.²¹⁶⁵

A Bill was introduced in 2002 in the Parliament of India by the then Minister of Health and Family Welfare Shatrughan Sinha. The Bill condemns the practices and techniques that are considered discriminatory to the female sex and not conducive to the dignity of the women.²¹⁶⁶

The Act and the previously mentioned Bill respect the dignity of women and consequently the female foetus. Although abortion is allowed in India, yet one cannot selectively choose to eliminate the female foetus, which affects the dignity and status of women.²¹⁶⁷

18.3.2 Medical Intervention on Human Subjects

The “Ethical Guidelines for Biomedical Research on Human Subjects (2000)” deals with issues such as Genome-Mapping, Genetic Recombinant Engineering, Stem Cell Research, Human cloning etc. The Ethical Guidelines speaks on the issue of the respect for embryos.²¹⁶⁸

With regard to the general ethical guidelines, the above Guidelines (2000) specifies:

All the research involving human subjects should be conducted in accordance with the four basic ethical principles, namely autonomy (respect for person/subject) beneficence, non-maleficence (do no harm) and justice.²¹⁶⁹

²¹⁶³ Cf. RASTOGI, *Claiming Dignity...*, 128.

²¹⁶⁴ MINISTRY OF LAW AND JUSTICE, *Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994*, Act No.57 of 1994, The Gazette of India, The Controller of Publications, New Delhi 20 September 1994. Cf. PNDT DIVISION MINISTRY OF HEALTH AND FAMILY WELFARE, *Annual Report...*, v.

²¹⁶⁵ PNDT DIVISION MINISTRY OF HEALTH AND FAMILY WELFARE, *Annual Report...*, 8. The above Act was further modified in 1996 in order to make it more comprehensive and was renamed as “Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PNDT)”. Cf. *ibid.*

²¹⁶⁶ Cf. *The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Bill, 2002*. This was a Bill to amend further the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, New Delhi 19th July 2002. See <http://indiacode.nic.in/incodis/whatsnew/prenatal.htm>, accessed on 02.07.2014. Further amendment to the Act was made on 17 January 2003. See MINISTRY OF LAW AND JUSTICE, *Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002*, Act No. 14 of 2003, The Gazette of India, The Controller of Publications, New Delhi 17 January 2003. Once again, an Amendment of Rules on 14 February 2003 was issued. See MINISTRY OF LAW AND JUSTICE, *Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Rules 2003*, Extraordinary Part II- Section 3-Sub-section (i), The Gazette of India, The Controller of Publications, New Delhi, 14 February 2003.

²¹⁶⁷ Cf. *The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994) along with The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996*, Universal Law Publishing Co. Pvt. Ltd., New Delhi 2011, 1. Cf. also RASTOGI, *Claiming Dignity...*, 134.

²¹⁶⁸ INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines 2000*, *op. cit.*, Foreword 2.

²¹⁶⁹ *ibid.*, 17.

With regard to Prenatal Diagnosis, the Guidelines (2000) says:

This should be performed only for reasons relevant to the health of the foetus or the mother. Prenatal diagnosis should not be performed solely to select the sex of the child (in the absence of an X-linked disorder). Sex selection, whether for male or female, denigrates the fundamental personhood of those yet to be born, and has the power to harm societies by unbalancing sex ratios.²¹⁷⁰

In the above statements, the document repeats what has already been said in the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. However, The Ethical Guidelines for Biomedical Research on Human Subjects (2000) acknowledges the fact about the personhood of the unborn and makes an important contribution when it remarks about “the fundamental personhood of those yet to be born”.

Consistent with the above statement, the said Guidelines (2000) when dealing with Assisted Reproductive Techniques, stipulates:

[...] respect for the embryo’s moral status can be shown by careful regulation of conditions of research, safeguards against commercial exploitation of embryo research, and limiting the time within which research can be done to 14 days i.e. when the primitive streak appears. This restriction is in keeping with the policy in several nations that permit research with embryos. At this time, the development of nervous system begins and the embryo begins to become a distinct individual.²¹⁷¹

The above statement has been made in order to fall in line with several other nations with regard to research on embryos. Nevertheless, the use of the phrase “the respect for the embryo’s moral status” is a positive breakthrough in according respect to the embryo.

With regard to cloning, the Guidelines (2000) says:

[...] since its safety, success, utility and ethical acceptability is not yet established, research on cloning with intent to produce an identical human being, as of today, is prohibited”.²¹⁷²

This statement does not speak anything about the fundamental personhood or moral status or the dignity of the cloned human being. All one can conclude here is that the document agrees

²¹⁷⁰ *Ibid.*, 48.

²¹⁷¹ INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines 2000*, *op. cit.*, 47. Perhaps, the Ethical Guidelines is referring to the Warnock Committee Report that recommended that in the case of *in vitro* fertilization research on embryos might not be conducted beyond fourteen days after fertilization. See DEPARTMENT OF HEALTH & SOCIAL SECURITY, *Report of the Committee of Inquiry into Human Fertilisation and Embryology*, Her Majesty’s Stationery Office, London 1984, 66. The Chairman of the Committee was Dame Mary Warnock. This report is now referred to as “The Warnock Report 1984”. The Warnock report formed the basis for the Human Fertilisation and Embryology Act 2008. See PARLIAMENT OF THE UNITED KINGDOM, *Human Fertilisation and Embryology Act 2008* (c.22), Part I, Amendments of the Human Fertilisation and Embryology Act 1990, UK 2008, 4.

²¹⁷² INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines 2000*, *op. cit.*, 48.

with the Instruments of other countries²¹⁷³ of the same nature and fall back on the argument that “ethical acceptability is not yet established”.

The World Health Organization (WHO) that carried out a multinational study on the problem of infertility places the incidence in India between 10 and 15%.²¹⁷⁴ Since there was neither proper guideline nor legislation with regard to the practice of Assisted Reproductive Technology (ART) in India, the Indian Council of Medical Research brought out a separate document named “National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India (2005)” under the auspices of the Ministry of Health and Family Welfare, Government of India.²¹⁷⁵ The said National Guidelines (2005) makes neither the mention about the respect for embryos nor the question of its dignity.

After the publication of “The Ethical Guidelines for Biomedical Research on Human Subjects” (2000), there followed a number of developments in science and technology. The ICMR then drafted guidelines under the title: “The Ethical Guidelines for Biomedical Research on Human Participants” (2006).²¹⁷⁶

With regard to stem cell research in the section on “Permissible Research Areas”, the Guidelines (2006) allows for the *in vitro* studies on already established cell lines from any type of stem cell namely, embryonic or fetal/adult stem cells. In its section on “Restricted Areas of Research”, it specifies the restriction of generating, namely, the creation of a zygote by IVF, Somatic Cell Nuclear Transfer or any other method with the specific aim of deriving a human embryonic stem cell line for any purpose. In its section on “Prohibited Areas of Research”, it prohibits any research related to reproductive cloning and the transfer of human blastocysts generated by somatic cell nuclear transfer into a human or non-human uterus.²¹⁷⁷

On the question that involves human embryonic stem cells, the Guidelines (2006) makes several regulations. Scientists whose research involves human embryonic stem cells should work closely with monitoring/regulatory bodies, demonstrate respect for autonomy and privacy of those who donate gametes, blastocysts, embryos or somatic cells for somatic cell nuclear transfer, and be sensitive to public concerns about research that involves human embryos.²¹⁷⁸

²¹⁷³ By the term “Instrument of other countries”, is meant the first International Statement on the ethics of medical research using human subjects namely, the Nuremberg Code 1947, The Universal Declaration of Human Rights 1948, which concern about rights of human beings being subjected to involuntary maltreatment, the efforts of the Council for International Organizations of Medical Sciences (CIOMS) in 1964 at Helsinki, the World Medical Association which formulated general principles and specific guidelines on use of human subjects in medical research, known as the Helsinki Declaration; the Proposed International Guidelines for Biomedical Research involving Human Subjects 1982 issued by WHO and CIOMS; the subsequent document of the CIOMS that brought out the ‘International Guidelines for Ethical Review in Epidemiological studies’ in 1991, the ‘International Ethical Guidelines for Biomedical Research involving Human Subjects’ in 1993, UNESCO’s “The Universal Declaration on Human Genome and Human Rights” (1997), “The International Declaration on Human Gene Data” (2003) and “Universal Declaration on Bioethics and Human Rights” (2005). Cf. INDIAN COUNCIL OF MEDICAL RESEARCH, *Ethical Guidelines* 2000, *op. cit.*, 7.

²¹⁷⁴ Patrick J. ROWE/Ekaterina Michailovna VIKHLYAEVA, *Diagnosis and treatment of infertility*, Hans Huber Publishers, Toronto/Stuttgart 1988, 60-62. Cf. GOVERNMENT OF INDIA: MINISTRY OF HEALTH AND FAMILY WELFARE, *National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India*, Indian Council of Medical Research, National Academy of Medical Sciences, New Delhi 2005, Foreword ix.

²¹⁷⁵ INDIAN COUNCIL OF MEDICAL RESEARCH, *National Guidelines for Accreditation...*, Foreword ix-x.

²¹⁷⁶ Cf. IDEM, *Ethical Guidelines* 2006, *op. cit.*, Foreword vi.

²¹⁷⁷ Cf. *ibid.*, 92-93.

²¹⁷⁸ Cf. *ibid.*, 95-96.

The above statement on human embryonic stem cell speaks of the respect for autonomy of the donors. There is no mention about the respect for an embryo itself.

Having discussed on the legal aspects pertaining to the field of Bioethics in the secular context of India, an excursus on the Constitution of India will be appropriate, which will highlight the importance give to dignity and the right to life enforced in it.

18.4 EXCURSUS: THE CONSTITUTION OF INDIA

At the very outset, it must be made clear that India is a secular Nation. A common misunderstanding among the Western countries is that the rule and Government in India is by Hindus owing to their majority and therefore, laws are made by them. Although there have been influences from the religion, yet India is a secular State and it owes its secularism to the religious Reformers. It must also be noted that India does not have a state religion unlike some other countries.

However, in the same breath one must acknowledge that the Ancient Indian Culture, influenced especially by Hinduism, which “could withstand and flourish amidst ‘foreign’ ideologies, both social and religious, speaks volumes of its eclecticism”.²¹⁷⁹ The fundamental principles of modern day philosophy of human rights was already emphasized from time past as evidenced by *Rg Veda*: “No one is superior or inferior. All are brother. All should strive for the interest of all and should progress collectively.”²¹⁸⁰ Again, in *Atharva Veda Sāmmanasya Sūkta* the following verse is written with regard to charms designed to secure harmony:

All have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together with harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and the hub.²¹⁸¹

These *Vedic* texts forcefully declare the equality among human beings. The above verse makes it clear that no spoke of a wheel is superior to the other; no individual can claim to be superior to the other. Equality among all demands that each strive for the happiness of the other.²¹⁸²

It is no wonder why from time immemorial Indians have called their culture as ‘human culture’ (*māṇav dharma*)! Thus, no one can refute the fact that human dignity had universal appeal in Indian culture. The culture itself tried to be so comprehensive to suit the needs of every human being, irrespective of age, colour, sex or caste.²¹⁸³

Thus, one can see that religion did have some influence on the Constitution. However, since India is a secular State, the nature of its Constitution too is secular. Commenting on the secularism in the Constitution of India, Rādhākṛṣṇan said:

²¹⁷⁹ JOSHI, “The Right to Equality...”, 83.

²¹⁸⁰ “*ajyeṣṭhāso akanīṣṭhāsa ete sam bhrātaro vāyṛdhuḥ saubhaghāya*”. *Rg Veda* 5.60.5. English tr. from JOSHI, “The Right to Equality...”, 83. Cf. also Sunil DESHTA/Lalit DADWAL, “Genesis of Human Rights in India”, in: T. S. N. SASTRY, (ed.), *India and Human Rights Reflections*, Concept Publishing Company, New Delhi 2005, 35-47; 37.

²¹⁸¹ *Atharva Veda* 3.30.6: “*Samāni prapā saha voannabhāgha samāne yoktre saha vo yunajmi. Samyachognim saparyatārā nābhimivābhitah*.” “Hymns of the Atharva-Veda...”, *op. cit.*, 134 & 361-362. English tr. from DESHTA/DADWAL, “Genesis of Human Rights...”, 46 at fn.8.

²¹⁸² Cf. *ibid.*, 37.

²¹⁸³ Cf. JOSHI, “The Right to Equality...”, 83. Cf. also DESHTA/DADWAL, “Genesis of Human Rights...”, 40. This fact is reflected in the working definition of human dignity in this research. See Chapter 1.4 above.

It may appear somewhat strange that our Government should be secular one while our culture is rooted in spiritual values. Secularism here does not mean irreligion or atheism or even stress on material comforts. It proclaims that it lays stress on the universality of spiritual values which may be attained by a variety of ways.²¹⁸⁴

Thus, the Constitution of India enshrines the crux of secularism.²¹⁸⁵ In spite of Hinduism being the largest religion in India, the Constitution has its own secular origin. A study on the Constitution of India will enlighten on the value that the concept of human dignity finds in it. Before a study of the Constitution of India is done, three personalities need to be mentioned, whose influence among others have shaped the Constitution of India.

First, stands the contribution of Roy to the modern Renaissance movement and the impact he had in the enactment of the Indian Constitution. The human rights advocate Raj Kumar, aptly describes Roy in these words: “The Indian Constitution is the end-product of the modern reform movement inaugurated by Raja Rām Mohan Roy.”²¹⁸⁶ Roy’s influence can be seen today not only in the Preamble of the Indian Constitution which guarantees the dignity of the individual, but also Article 21 that assures the right of every individual to live with human dignity.²¹⁸⁷

Second, is the contribution of Gandhi in the visualization of the Constitution of India. At the very core of the Indian Constitution lays the essence of Gandhi’s dream in the form of social justice and social democracy. On the 50th Anniversary of the Republic of India, President K. R. Narayanan referred to Gandhi and his dream of the Constitution of India. In his address, Narayanan said, “Mahatma Gandhi had visualized the new Constitution of India in terms of universal values applied to the specific and special conditions of India.”²¹⁸⁸ As early as 1931, when a Reuter correspondent questioned Gandhi (on his way to London as a representative of nationalist India, to the Second Round Table Conference) as to what sort of a Constitution he envisaged, he expressed:

I shall strive for a constitution which will release India from all thralldom and patronage, and give her, if need be, the right to sin. I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice; an India in which there shall be no high class and low class of people; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability, or the curse of the intoxicating drinks and drugs. Women will enjoy the same rights as men.²¹⁸⁹

²¹⁸⁴ Sarvepalli RADHAKRISHNAN, “Foreword”, in: Abid S. HUSAIN, *The National Culture of India*, Asia Publishing House, Bombay 1961², vii-viii; vii. Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 129.

²¹⁸⁵ *The Webster’s Third International Dictionary* defines secularism as a “system of social ethics based upon a doctrine that ethical standards and conduct should be determined exclusively with reference to the present life and social well-being without reference to religion”. See *The Webster’s Third International Dictionary*, Vol.2, Springfield, Massachusetts 1966, 2053. For a detailed understanding on secularism with particular reference to India, see DEVASAHAYAM, *Human Dignity in Indian Secularism...*, *op. cit.*

²¹⁸⁶ Raj KUMAR, *Encyclopaedia of Untouchables. Ancient, Medieval and Modern*, Kalpaz Publications, Delhi 2008, 437.

²¹⁸⁷ Cf. UNITED NATIONS: OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, INTERNATIONAL BAR ASSOCIATION, *Human Rights in the Administration of Justice. A Manual on Human Rights for Judges, Prosecutors and Lawyers*, Professional Training Series No.9, United Nations, New York/Geneva 2003, 746.

²¹⁸⁸ K. R. NARAYANAN, *Address on the occasion of the 50th anniversary of the Republic of India from the Central Hall of Parliament*, Government of India, Press Information Bureau, 27th January, 2000.

²¹⁸⁹ Cf. *ibid.* Quotation from GANDHI, “Statement to Reuter. September 3, 1931”, in: *CWG* 47 (1971) 388-389. Cf. DOONGDOONG, *The Dignity of Man...*, 19-20.

The third personality to be considered is Bhimrao Ramji Ambedkar (1891-1956). Among the social Reformers, he can be undoubtedly ranked with the greatest leaders of modern India. He obtained his doctoral degree from the University of Columbia. Well-versed both in Indian and Western traditions, he fought against the system of Hindu injustice of untouchability and caste system.²¹⁹⁰ Thus, one can truly acclaim about Ambedkar as the one who raised the “untouchables from dust to dignity ‘*manuski*’, which means human dignity”.²¹⁹¹ He was well known as the “modern Manu”, the ‘chief Architect’ and the ‘Father of the Indian Constitution’.²¹⁹² The key words and the philosophy of Ambedkar can be derived from his own words: “Positively, my social philosophy may be said to be enshrined in three words: liberty, equality and fraternity. Let no one, however, say that I have borrowed my philosophy from the French Revolution. I have not.”²¹⁹³ The Government of India honoured Ambedkar, the architect of the Indian Constitution, by bestowing on him India’s highest civilian award the ‘Bharat Ratna’, on 14 April 1990, posthumously.²¹⁹⁴

One can observe that behind the fundamental rights envisioned in the Constitution of India, namely, justice, freedom, equality and fraternity, there lays Gandhi’s noble and convinced ideas and inspirations, as mentioned in the statement above²¹⁹⁵ and those of Roy and Ambedkar.

It is also interesting to note that the Constitution of India speaks of both rights and duties to citizens, especially the emphasis given to duty in Indian tradition of *dharma*.²¹⁹⁶

The Constitution of India was adopted by the Constituent Assembly on 26 November 1949. It became fully applicable since 26 January 1950.

The Indian Constitution gives an adequate treatment and importance to the concept of human dignity, by its very mention in the *Preamble*. The “right to life” and its extension, which includes the right to live with human dignity, is dealt with in Article 21 of the Constitution. The following sections will deal with them.

18.4.1 The *Preamble* to the Constitution

The *Preamble* to the Constitution of India, 1949, ensures the dignity of the individual. The value of human dignity is constitutive of the constitutional vision of India, because of its explicit reference in the *Preamble* of the Constitution.²¹⁹⁷

The *Preamble* reads:

²¹⁹⁰ Cf. SHARMA/SHAKIR, *Politics and Society*..., 248-249. Cf. RAJKUMAR, *Encyclopaedia of Untouchables*..., 436.

²¹⁹¹ Ambedkar often used the Marathi word ‘*manuski*’ in his speeches, which when translated in English means ‘humanness’ or ‘humanity’. The word serves to evoke feelings of self-respect and human attitudes towards another. Cf. H. C. SADANGI, *Emancipation of Dalits and Freedom Struggle*, Isha Books, Delhi 2008, 275.

²¹⁹² Cf. S. G. BHAT, *Bharat Ratna Dr. B. R. Ambedkar and the Indian Constitution*, Journal Society, Dr. Ambedkar Govt. Law College, Pondicherry 2001, 118. Cf. SHARMA/SHAKIR, *Politics and Society*..., 275.

²¹⁹³ B. R. AMBEDKAR, “My Personal Philosophy. *All-India Radio Broadcast of Speech on October 3, 1954*”, in: *Modernisation of Buddhism. Contributions of Ambedkar and Dalai Lama-XIV (History, Religion, Social Sciences)*, Gyan Publishing House, New Delhi 2002, 205 at Appendix I. Cf. RAJKUMAR, *Encyclopaedia of Untouchables*..., 437.

²¹⁹⁴ Cf. S. N. MISHRA, *Socio-Economic and Political Vision of B. R. Ambedkar*, Concept Publishing Company Pvt. Ltd., New Delhi 2010, 45.

²¹⁹⁵ Cf. DOONGDOONG, *The Dignity of Man*..., 19..

²¹⁹⁶ Cf. SOOSAI, *Human Dignity and Human Rights*..., *op. cit.*, 14.

²¹⁹⁷ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism*..., 12, at fn.50.

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and *integrity* of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT; ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.²¹⁹⁸

The age-old Indian culture that was referred above, is enshrined in the three words of the Constitution, namely, Liberty, Equality and Fraternity. It is interesting to note that it was not a mere accident that the Constitution of India bears an unmistakable imprint of the UDHR 1948 in almost all of its provisions. The concern for human dignity is the coveted theme of the Constitution expressed vividly above in the *Preamble*. Both the ideals as well as the inspiration of the Indian people have been enshrined in the *Preamble*.²¹⁹⁹

The nation-state of India was thus constituted as a multi-religious, multi-cultural, multi-ethnic and multi-linguistic civilization. To India's diversity, especially religious diversity, the founders of modern India saw secularism as an appropriate and relevant answer. It is in this culture, which esteems diversity, that the value of human dignity is embedded. The framers of the Constitution of India ensured that respect for diversity in the political community is an affirmation of human dignity.²²⁰⁰

There have been attempts to establish a Christian view on the foundation of human dignity in the international instruments and Constitutions.²²⁰¹ Although, one cannot establish similar stance with regard to the Constitution of India, the Catholic Church in India through its apex body, the Catholic Bishop's Conference of India (CBCI) has taken a historical decision in support of Indian Secularism. Therefore, one can raise a question here, "[...] why should the Indian Church support the Indian form of secularism enshrined in the Indian Constitution?"²²⁰²

The answer is simply:

[...] It is the respect for human dignity that constitutes the ultimate reason for the Indian Church to support the Indian secularism as enshrined in the secular provision of the Constitution. Human dignity is central to Indian secularism and to Christian theology of human person [...]. The dignity of the human person as moral subject is central to Indian Constitution's secular provisions and its allied articles that respect diversity in the civil society.²²⁰³

In concrete terms, it means that the Indian Constitution provides safeguard to the evil of violating the inalienable worth and dignity of the human person. This is in accordance with the Christian theology, which holds that human persons are made in the image of God and endowed with intrinsic inviolable dignity and inalienable rights. Thus, the CBCI has granted recognition of the Indian secularism engraved in the Indian Constitution.²²⁰⁴

²¹⁹⁸ Durga Das, BASU, *Constitutional Law of India*, Prentice-Hall of India Private Ltd., New Delhi 1991⁶, 1. Emphasis in Original.

²¹⁹⁹ Cf. JOSHI, "The Right to Equality...", 83-84.

²²⁰⁰ Cf. DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 12.

²²⁰¹ Cf. KUSUMALAYAM, *Human Rights...*, 180.

²²⁰² DEVASAHAYAM, *Human Dignity in Indian Secularism...*, 482.

²²⁰³ *Ibid.*

²²⁰⁴ Cf. *ibid.*

18.4.2 Article 21 of the Constitution

Article 21, which appears in Part III that deals with the Fundamental Rights of the Constitution of India 1949, reads: “No person shall be deprived of his life or personal liberty except according to procedure established by law.”²²⁰⁵ Accordingly, this Article 21 speaks of the “right to life”. A study on this Article will help us observe how the Supreme Court while dealing with different cases gradually developed the concept of human dignity embedded in it.

The Chairperson, Rajasthan State Human Rights Commission and Former Chief Justice of Madras & Karnataka High Court, N. K. Jain explains the extent of Article 21, which includes various rights to life.

First among them is the right to live with human dignity. The Supreme Court of India gave this interpretation in a case involving Francis Coralie Mullin vs. Administrator, Union Territory of Delhi (AIR 1981 SC 746). With this interpretation given to Article 21, the door was made open for various kinds of rights, which will have to be read into the right to life with human dignity.²²⁰⁶

Second, the Supreme Court in a case involving Vikram Deo Singh Tomar vs. State of Bihar (AIR 1988 SC 1782) further highlighted the quality of life consistent with human personality.

The Supreme Court,

[...] has emphasized that India is a welfare state and the Indian Constitution lays special emphasis on the protection and well being of the weaker section of the society including women and children. Article 21 envisages a quality of life consistent with his human personality. “the right to live in human dignity is the fundamental right of every Indian citizen.”²²⁰⁷

Third, the right to life in Article 21 of the Constitution of India was given an extensive interpretation by the Supreme Court of India in another writ petition case involving *Consumer Education & Research Centre and Others vs. Union of India and Others* (AIR 1995, SC 922).

While making a mention to the UDHR 1948, Article 1, the Supreme Court stated in this case²²⁰⁸:

The jurisprudence of personhood or philosophy of the right to life envisaged under Article 21, enlarges its sweep to encompass human personality in its full blossom [...] to sustain the dignity of person and to live a life with dignity and equality.²²⁰⁹

Fourth, the Supreme Court further gave an explanation to the expression “life” in Article 21 as follows:

The expression ‘life’ assured in Article 21 of the Constitution does not connote mere animal existence or continued drudgery through life. It has a much wider meaning which includes right to livelihood, better standard of living, hygienic conditions in the workplace and leisure [...]. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live, leave aside

²²⁰⁵ See *The Constitution of India*..., 46.

²²⁰⁶ Cf. N. K. JAIN, *Article-21 of the Constitution of India*, Human Rights Article-21, Legal Literacy & Awareness Series 7, Rajasthan Human Rights Commission, Jaipur 2006, 4. Cf. *The Constitution of India*..., 54.

²²⁰⁷ JAIN, *Article-21 of the Constitution of India*..., 23.

²²⁰⁸ JOSHI, “The Right to Equality...”, 95.

²²⁰⁹ UN: OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, INTERNATIONAL BAR ASSOCIATION, *Human Rights in the Administration of Justice*..., 746. The quotations are taken from SUPREME COURT OF INDIA, *Consumer Education & Research Centre and Others vs. Union of India and Others*, 27 January 1995, in: 1995 *All India Reports 922/Supreme Court Cases (3)* 42, New Delhi 1995, 640-663; 658.

what makes life liveable. The right to life with human dignity encompasses within its fold, some of the finer facets of human civilisation which makes life worth living. The expanded connotation of life would mean the tradition and cultural heritage of the persons concerned.²²¹⁰

The extent of Article 21 goes even further than the legal dimensions enumerated above to philosophical and religious allusions implicit in it. Parvinrai Mulwantrai Bakshi in his commentary on the *Constitution of India* explains this scope of Article 21:

“Life”, in article, 21 is not merely the physical act of breathing. This has been recognised by the courts. In fact, as philosophers tell us, life is lived at many levels. The Rig Veda [110.177.2], gives a subtle description of the mundane activity of speech. The soul (which, in the Rig Veda, is compared to a bird soaring high in the heavens), inspires or fills up the mind with speech. The “Gandharva” (the mind) carries it to the heart; and then, the luminous inspired speech takes shape, in words that can be heard. One can pursue this imagery further. While the external mundane activities of life have their own place, they are the manifestations of an inner, unseen, unperceived activity – which, indeed is the real “life” that a human being lives. It is true that judicial decisions on article 21 do not embark upon such an analysis in depth. But they do take note of the width of the right to life.²²¹¹

From all that was discussed above, it is clear that the Constitution of India has a well-defined stand on human dignity, both in its *Preamble* and in its interpretation of Article 21. Nevertheless, whether the concept of human dignity – enshrined in the Constitution of India and interpreted by the Apex Court of India – can be effectively used in Bioethical discussions is a matter to be debated.

For example, one may raise a valid question here: Does the *Preamble* (which assures the dignity of the individual) and Article 21 of the Constitution of India (that provides a right to live with human dignity) also protect the life of the unborn and safeguard its dignity? An illustration would explain the problem involved here. Does the right to abortion overrule the right of the unborn? In the secular field, it is believed by some that every mother has a right to abortion and this should prevail over the right of an unborn. One can thus see an anomaly here. Although Article 21 provides for the right of life and the Supreme Court of India’s interpretation of the Article speaks of the sustainment of the dignity of person and to live a life with dignity and equality, yet in theory and practice, the right of the life of an unborn does not prevail over the right of the mother. This is made evident by the promulgation of legalization of abortion, namely, *The Medical Termination of Pregnancy Act, 1971*. It may be observed that in this Act, there is neither a mention of dignity, nor a mention of respect, either for the mother or for the growing embryo in her.

18.5 CONCLUSION

The modern Hindu views on abortion is varied. When abortion follows an “unwanted” pregnancy, for whatever reasons, the developing embryo is also treated as “unwanted”.

In principle, with regard to new reproductive technologies, modern Hinduism would have no difficulty in accepting them. Practices such as *in vitro* fertilization, artificial insemination have

²²¹⁰ The quotations is from SUPREME COURT OF INDIA, *Consumer Education & Research Centre...*, 658-659. Cf. also JAIN, *Article-21 of the Constitution of India...*, 17 and JOSHI, “The Right to Equality...”, 96.

²²¹¹ *The Constitution of India...*, 55. Addition and emphasis in the original.

roots in Hindu Scriptures and therefore, owing to the value attached to progeny, it might open the possibility and acceptability of such procedures.

Hindu view on genetics stems from the belief in the spiritual continuity of the self or *ātman*. The spiritual continuity or *samsāra* is of a psychic nature and correspond in a spiritual sense to genes. Therefore, the genetic outcome one inherits is based on the *karma* of a person. Procedures such as Gene Therapy and Genetic Screening techniques, insofar as they are used as preventive medicine, are acceptable in Hinduism. Hinduism would however, be opposed on moral grounds to egoistic or spare-part cloning of other creatures for selfish motives. The guiding principle in these explorations is *dharma*.

In the secular context, Bioethics does not reflect anything pertaining to any religion. Abortion has been legalized in India since 1971. The sad situation prevailing even today following the enactment of the Medical Termination of Pregnancy Act, 1971 is sex selection. Being a patriarchal society, Hinduism favours sons more than daughters. This has resulted in a low child sex ratio. It is harmful to the society by causing social instability.

The “Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994” safeguards the respect and the dignity of women and consequently, the female foetus.

The “Ethical Guidelines for Biomedical Research on Human Subjects (2000)” and its subsequent revision, “The Ethical Guidelines for Biomedical Research on Human Participants” (2006) acknowledges the fundamental personhood of the unborn.

The discussion above brings the importance of the question behind the excursus of the Constitution of India. There are two instances in the Indian Constitution that places importance to the concept of human dignity, namely, the *Preamble* to the Constitution and Article 21 of the Constitution.

PART IV

Conclusion

Hinduism is philosophies, religious beliefs and practices of over 80% of the Indian population. There is neither an organized formal teaching authority nor an organized body of knowledge. Philosophy and religion are so intermingled that one can perhaps say that Hinduism is not a religion but a philosophy of life. In the classical Hindu Scriptures, one cannot directly find the concept of human dignity. However, the values contained in the concept can be derived using their Scriptures.

Although in Western thought there is distinction between God, human beings and the world, there is no such distinction in the classical Hindu Scriptures between the Supreme Being (*bráhman*), the human beings or the nature. The human being, whose individual self (*puruṣa*) is the *ātman* is part or identical to the *bráhman*. The *Vedānta* system of Philosophy discusses how the *ātman* or self is part or identical to the Universal Self or *bráhman*.

What is the theological explanation for inherent human dignity? The *advaita* and the *viśiṣṭādvaita* system hold that the *ātman* and *bráhman*, the human self and the Supreme Being, are not two but one and identical. Therefore, it follows that the human being is of divine origin and descent. The *ātman* can also be described as an image of the Primaeval Man (*Puruṣa* or *Manu*), which is the prototype of the microcosmic man (the individual human being). In other words, being a spiritual self (*ātman*), the individual human being is also an image of the divine (*bráhman*). This is expressed in the equation, *ātman* = *bráhman*. The nature of *ātman* is *sat-cit-ānandā* (being, consciousness and happiness). It is a synonym for *bráhman*. If one adopts the *dvaita* system, then *ātman* and *bráhman* are distinct and separate. Yet *ātman* depends on the *bráhman* for its existence. Each individual *jīva* or *ātman* has a spiritual self-consciousness with the nature of *sat-cit-ānanda*. In this sense, the *ātman* can be said to be a mirror image of the Supreme Being, the *bráhman*. Thus, whether one follows the *advaita*, *viśiṣṭādvaita* or *dvaita*, the individual self, which is variously designated as *ātman*, *jīva* or *puruṣa*, is an image of the Supreme Being or the *bráhman*. In this sense, one can see some similarities between the Christian Scriptures and the Hindu Scriptures, both of which acclaims that the human being is made in the image of God. Therefore, just as the concept of the inherent human dignity from a Christian theological point of view is based on the image and likeness of God, so too for Hinduism, insofar as *ātman* is the image of *bráhman*, the individual self has inherent dignity. The difference between the two lies in the fact that while Christianity asserts that the human being and the soul is a created being, Hinduism holds that the *ātman* is not created but as part or identical with *bráhman*, which inhabits the body as though wearing a clothing.

What ethical status has the human person? The ethical life is guarded by the four goals of life (the *puruṣārthas*), namely, *dharma*, *artha*, *kāma* and *mokṣa*. Ethics is to do with actions that are either good or evil. The Sanskrit word used for ethics is *dharma*. Its aim is to make all human beings lead a good and a right life, which is the essence and crux of Indian Philosophy. *Dharma* is also the basis of human rights. The teaching of the *Bhagavad-Gītā* clarifies that an individual attains a high state of perfection by rightly following one's duty or *svadharma* (literally good *dharma*), which includes also the medical professionals. As an antithesis to the three goals of man (*dharma*, *artha* and *kāma*), *mokṣa* was seen as a new value and demanded a

renunciation to them through *saṁnyāsa*. Moreover, the concept of *bhakti* (devotion or love of God) introduced by the *Bhagavad-Gītā*, raises one to the religious level that confers the special status given to the human person, which is an acknowledgment of her/his human dignity.

What social status has the human person? In Vedic times, the human being was seen as the focus of a complex set of relationships that made her/him an integral part of the complex universe. It is in this system of relationships that *varnāśramdharma* (the duties pertaining to the caste system) emerges. The human relatedness and openness can be enumerated in three directions. First, her/his social character was considered as complementarity with others. Second, her/his dynamism pointed towards an integration on all possible levels as a renouncer (*Samnyāsī*) and finally, her/his intrinsic worth oriented towards an end in herself/himself. This is proved by the fact that she/he is a desirable object of love (*ista*) for God Himself.

What is the philosophical explanation for human dignity? The Western understanding of human dignity, following Kant, is that it is inherent in human persons through human excellence and consequently, one cannot use persons as a means but an end in themselves. Human excellence is rooted in his/her rationality. In Hinduism, the concepts of rationality and its importance as a human excellence – along with the concepts of *mokṣa*, *saṁnyāsa* and *bhakti* – point to the fact that these are inherent in human beings, which is due to the dignity proper to her/him. However, more than the human excellence or the rationality of human being, it is the spiritual nature (understood here in a philosophical sense), owing to the *ātman* inhabiting her/him, which regards her/him as the highest in creation. This is due to the dignity inherent in the human person. Thus, the concept of human dignity in Hinduism is in some way similar to that of the West.

Who ultimately is a human person? The term that comes close to the concept of person in the West is the term *puruṣa* (individual or person). Etymologically, *puruṣa* means to reside inside something. Thus, *puruṣa* that resides in the body (*śarīra*) is identified with the *ātman* (self), which is nothing other than the *brāhman*. This representation raises the individual human person in his/her spiritual nature to the summit of creation and acknowledges the intrinsic worth, as an end in himself/herself. Therefore, human person as a *puruṣa* acknowledges the intrinsic dignity of the human person.

The main problem for the Western mind posed by Hinduism is the doctrine of rebirth and reincarnation, which presupposes the theory of *karma*. This results in the *ātman* reappearing in all forms until it is liberated (*mokṣa*) from the cycle of rebirth. Because the same soul is reborn in all sorts of bodies, the choice of a special term such as “person” in the West to designate the status of the human being becomes difficult.

In summary, it can be said that in the classical Hindu belief – which stresses on the *karma* and the cycle of rebirth – individual historical existence is not so significant. Therefore, there is no serious concern with regard to the dignity or the personhood of humans. Nevertheless, the inherent respect and value of each person is asserted in all the texts – both in classical Hinduism and in Ayurveda. Thus, although the term “human dignity” does not exist in classical Hinduism, the meaning inherent in it is acknowledged.

The classical Hindu view saw man as a part of the universe in the natural order, and as part of the *Ātman* (*Puruṣa*) in the ontological order. Because of the theory of *karma* and rebirth, the human being is taken beyond the sphere of one’s life. Therefore, the human individual does not

begin, does not die definitively. There is a passage of birth and death, until one is finally liberated (*jīvanmukta*) from the earthly reality to be united with the Ultimate *Ātman*, namely, the *brāhman*. Thus, every human individual is a human person from the very moment of the beginning of its existence and irrespective of the stage of development. The dignity of the human individual is not conferred by an external element, rather, the human individual owns it by his/her very nature.²²¹² Is not this what Reiter acknowledges?:

Human dignity pre-exists with existence of man and is not awarded (*Zuerkenntnis*), but acknowledged (*Anerkenntnis*). The dignity is intrinsic to the existence of man, “coextensive” with his life, it is not divisible, in no phase of his life is he without it. The temporal sequence of the phases of the life of a subject (embryo, foetus, child, adult) should not be reinterpreted into a series of different subjects.²²¹³

The final goal of every human person would be the striving of the human soul (*ātman*) to be liberated and finally to be joined with the Eternal Soul (*Ātman*) so that *aham brahmāsmi* (I am *brāhman*), *tat tvam asi* (that art thou), becomes an actuality. The divine image of *sat-cit-ānandā* in human beings reflects the all Eternal Being, the Supreme Being, the Eternal Self, which is the *brāhman*. This again is close to the idea of the image of God likeness in human beings in the Christian Tradition.

Thus, from a philosophical and a religious perspective there are some similarities between the Western and the Indian thought, although their approaches are different. One cannot attempt for a univocal merger of the two, which would result in injustice to both. One need to appreciate what is common, while respecting the differences²²¹⁴ in an attempt towards a dialogue between them.

What role does procreation play in the life of a Hindu? One of the major life aims of a Hindu is to procreate, and according to the central aspect of *dharma*, preserving and promoting life is important. Thus, for the traditional Hindu reproduction was essential for the continuation of society and for one’s family. The reasons stem from the need to produce offspring, especially male offspring, in order to perpetuate the family, the community, to sustain social economic stability within the caste framework of a patriarchal society and for religious purposes.

The *Upanishads* see human procreation beyond its biological sphere. That is to say, the “Universal Self” (*Puruṣa/Ātman*) is responsible for the generation of individual selves (*puruṣa/ātman*). The *Upanishads* portrays life (*prāṇa*) as a treasure. Life is existence and not form. Life has its origin in the *atman*, the Self. However, life is not the *atman*, but at the same time, life is inseparable from *ātman* as its first manifestation. The discovery of life leads to immortality. The *Ātman* carries the *ātman* within and when a man releases his seed within the woman, the *Ātman* is born again as *ātman*.

²²¹² Cf. GONSALVES, *How did I begin?...*, 359.

²²¹³ “Die Würde des Menschen ist mit seiner Existenz gegeben und Gegenstand nicht einer Zuerkenntnis, sondern Anerkenntnis. Die Würde ist der Existenz eines Menschen immanent, dem Leben eines Menschen „koextensiv“, sie ist nicht teilbar, in keiner Phase seines Lebens ist der Mensch ohne sie. Die zeitliche Folge von Lebensphasen eines Subjekts (Embryo, Fetus, Kind, Erwachsener) darf nicht in eine Aufeinanderfolge verschiedener Subjekte umgedeutet werden.“ REITER, „Die Menschenwürde und ihre Relevanz...“, 135. Tr. by author.

²²¹⁴ Cf. GONSALVES, *How did I begin?...*, 358.

What is the moral status of an embryo? In classical Hinduism, it is within the background of abortion that one can deliberate about the moral status of an embryo. Abortion was considered as a morally reprehensible killing (*hatyā*) rather than an ethically neutral evacuation, dislodging, or excision. Thus, abortion or miscarriage is considered as a serious crime and sin. Abortion hinders the achievement of the soul towards liberation by preventing the human soul to either enter or exit out of the cycle of rebirth. The prohibition of abortion, when considered as a criterion, restores reverence of life, especially the vulnerable life of an embryo.

Does the concept of caste (actually the high caste Brahmins developed caste rights and not human rights) have a say to the right of life of an unborn? From the earliest times, especially during the classical period, both in canonical and collaborative orthodox Hindu literature, abortion at any stage of pregnancy was morally condemned as violating the personal integrity of the unborn, except in extreme cases when it pertains to the question of preserving the mother's life. There is no other consideration, social or otherwise, which have been allowed to override this viewpoint, and this includes every caste.²²¹⁵ Although the classical texts object to the marriage between different castes, yet when a child is conceived through the marriage between two different castes, no Hindu texts would ever-recommended abortion in such unions. Moreover, the principle of *ahimsā* (nonviolence or non-injury) would also go against the practices of anti-life. Thus, one can say that *de facto* Hindu tradition has always accorded personal moral status to an embryo/foetus throughout pregnancy.

How does one medically affirm in classical Hinduism regarding the ontological status of an embryo? Ayurveda, the ancient medicine of the Hindus provides an answer to the ontological status of an embryo. The two main sources of Ayurveda are the *Caraka Samhitā* and *Suśruta Samhitā*.

The above sources, answers the question as to how exactly the soul/self/*ātman* descends into an embryo (see Chapter 15.5.2 and 15.5.3 above). According to Hindu scriptures the soul is eternal. The soul/*ātman* is the one that produces an embryo, which was never born before. In other words, the same soul/*ātman* informs a new embryo. It is in this way that the soul/*ātman* can be said to have been born. The animated *ātman* or soul is known as *jīva*. However, the soul/*ātman* cannot be animated without combining with other elements. An embryo is a conglomeration of several factors, namely, mother (ovum), father (sperm), soul, wholesomeness, *rasa* (the digestive matter derived from the mother as nutrition) and mind. The mind serves as the connecting link between the body and the soul/*ātman*. Ayurveda also answers the question about the consciousness of an embryo. Ayurveda holds that the soul is endowed with consciousness even before it possesses sense organs. The soul can never be separated from the mind, and so, it is always endowed with consciousness, although, from a functionality perspective, the soul is limited with regard to actions that it is capable of when compared to a fully grown foetus.

In Ayurveda, conception coincides with the “descent”/presence/inhabitation of the spirit in the womb. It means that from the beginning onwards an embryo is the spirit-matter composite constituting the human person. In other words, from the beginning, that is, from the moment of

²²¹⁵ Cf. LIPNER, “The Classical Hindu View on Abortion...”, 60.

conception a human person is constituted. Therefore, one cannot draw a distinction between human being before “ensoulment” and human person after “ensoulment”:

Traditional Hindu medical texts emphasize that the *jiva*, the individual abode of consciousness, is present from the moment of conception onwards through the process of foetal growth. These texts note no significant break or leap forward in this growth which would lead one to conclude that some qualitative change had taken place equivalent to the distinction suggested by some modern ethicists from human being to human person.²²¹⁶

To repeat what has already been affirmed, “In brief, the hominization of the individual takes place in the moment of conception and all future growth is only the actualization of conceptual potency.”²²¹⁷ The genetic components are complete at conception, and therefore, Hinduism affirms the inviolability of the fetus. Consequently, abortion at some early stage of pregnancy would not be permissible.

Therefore, the question in Ayurveda is not “when” exactly the soul descends into an embryo, but “how”. Ayurveda provides a precise definition of an embryo (*garbha*): After the ovum and sperm fertilize, the soul (*ātman*) takes hold of the fertilized ovum. The way the soul evolves depends on the *karma* of the person’s past life. The text explains elaborately how this happens. However, there is no reference to when it actually takes place. The only hint given to us is that “all this action takes place in a very short time”. That is the reason why it was mentioned that Ayurveda is not concerned with the time (when exactly) but how the process of unity of the soul with the fertilized ovum takes place.

Taking this discussion further, from a medical-physiological-philosophical point of view (i.e. Ayurveda), insofar as the soul/self/*ātman* inhabits the body from the beginning of life, essentially and integrally with consciousness as part and parcel of the soul/self/*ātman*, one can allude that inherent dignity is present from the moment of conception.

Thus, there is absolutely no possibility of a delayed animation. The reason is that in conception both material and non-material elements unite to form a unique entity. Ayurveda treats the human individual not in terms of matter and form or soul and body (Platonic thought), but as an integral whole.²²¹⁸ Therefore, one can say that Ayurveda as a medical system is based on a holistic psychosomatic model of integration.

Difficult questions in modern embryology, for example, identical twinning, poses no problem in Ayurveda. The omnipresent, non-created, ever-existing soul/*ātman* determines itself in which individual it would enter within the framework of a species, based on the *karma* of one’s previous life. Therefore, when it comes to the question of identical twinning, each *garbha* (embryo) receives its own soul, based on the *karma* of the past life.

Ayurveda too is against abortion. Abortion is allowed only when it is clearly a question of weighing life against life – the life of the mother against the life of an embryo/foetus. When it happens that both cannot be saved, abortion is permissible as a last resort to save the life of the mother. It is to be noted here that in all these texts, the lives of both, the mother and the

²²¹⁶ Harold G. COWARD, “Introduction”, in: IDEM *et al.* (ed.), *Hindu Ethics. Purity, op. cit.*, 1-7; 4. Addition by author. Harold Coward is referring to Lipner’s article. Cf. LIPNER, “The Classical Hindu View on Abortion...”, 53-54.

²²¹⁷ CRAWFORD, “Hindu Ethics...”, 26. Cf. YOUNG, *The World’s Religions...*, 127.

²²¹⁸ Cf. GONSALVES, *How did I begin?...*, 308 & 332-333.

embryo/foetus, are accorded the greatest respect. Once again, these facts prove the respect due to an embryo.

It is astounding to see how the insights of Ayurveda, which was written before the beginning of the Christian era, could already answer the challenges posed by modern day biology. Being primitive and using the philosophy of their time, the thrust laid on the respect and value of each human being needs to be appreciated, which perhaps the modern science seems to have neglected. The integral psychosomatic approach of Ayurveda using philosophy, religion, cosmology, psychology etc., is perhaps what is missing in today's medical world.

Turning now to new theological perspectives, the three systems of *Vedānta* Philosophy, namely, non-dualism (*advaita*), qualified non-dualism (*viśiṣṭādvaita*) and dualism (*dvaita*) are represented by Śaṅkarā, Rāmānuja and Madhva.

For Śaṅkarā and Rāmānuja, God and human individuals are not two and for Madhva they are not one either. They are distinct and not separate! For Śaṅkarā and Rāmānuja, the ground of the self (*ātman*) is the *brāhman*. In a way, this tends to decrease the importance and dignity of the finite self. However, Madhva asserts it by exalting the inner witness (*sākṣin*) or man's consciousness. These facts point to the conclusion that Śaṅkarā, Rāmānuja and Madhva had known the reality of the dignity of human person akin to the development of the concept in the West,²²¹⁹ and in some way parallel to the Biblical "image of God likeness in human beings".

From what was discussed about Śaṅkarā, two things become clear in the discussion in the field of Bioethics. First, that an embryo, insofar as it has the *ātman* right from the beginning, is a person. Second, based on the fact of that consciousness is present in an embryo, because of the *ātman* in it right from the beginning (see Chapter 15.5.1, above); one can acknowledge that an embryo is a person. Ayurveda further confirmed this fact. However, according to Śaṅkarā, the presence of the individual self (*puruṣa*) is only a product of ignorance and has no substantial value. For him, it is an illusion, a spiritual ignorance or fabrication (*māyā*). However, what is valuable in the human embryo is the Universal Self, i.e., *brāhman*, which is the fundamental substratum of the individual self (*puruṣa*) and consciousness. Consequently, the value of the individual self is due to the presence of *brāhman*. However, one does not recognize this fact. All that can be said here is that the appearance of *brāhman*, as manifold *jīvas*, is a mystery.²²²⁰

For Śaṅkarā, life (*jīva*) in an embryo is prior to the senses. The life (*jīva*) in an embryo regulates the development of the fertilized ovum. If it were not so, the ovum would putrefy. The senses with their apparatus develop out of the ovum subsequently. This life (*jīva*) is the same as *puruṣa*, which is another term employed by Śaṅkarā for the individual self. Therefore, one can observe here too that an embryo is a person from the beginning.²²²¹

From the deliberation on Rāmānuja, one can imply, as in Śaṅkarā, that the soul or the *ātman* with its integral consciousness is present right from the beginning of life. For Rāmānuja the self or the *ātman* that once informs the body, exists as an individual person and continues its existence until its realization with the *brāhman* as one and yet distinct but real. For Śaṅkarā *ātman* and *brāhman* are one and not distinct. For Rāmānuja, the soul in the human being is

²²¹⁹ Cf. DE SMET, "Materials toward an Indo-Western Understanding...", 46.

²²²⁰ Cf. KULANGARA, "The Value of Human Life...", 404-405.

²²²¹ Cf. ŚAṅKARĀ, *Śārīraka-Bhāṣya*, Chapter II, *Pāda* 4, *Sūtra* 9. Cf. Brajendranath SEAL, *The Positive Sciences of the Ancient Hindus*, Moti Lal Banarsi Dass, Delhi 1991, 243. See GONSALVES, *How did I begin?...*, 327.

God's spark in him/her.²²²² The gracious condescension of God through pervading immanence and divine descent in man raises the man to his/her dignity. The identification of the *ātman* and *brāhman* is for Rāmānuja that which causes a familiarity and intimacy between the two and the ground for the inherent dignity of the human person.

Moreover, based on the above implication of Rāmānuja, one can extend the argument to an embryo. It can be acknowledged that an embryo is qualified to be a person, endowed with intrinsic dignity from the beginning of life and persists to exist as an individual person in its lifetime on earth and even after it is liberated. Second, insofar as one recognizes the human dignity in an embryo, owing to its divinity, it is worthy of being given an equal platform and opportunity as other human individuals and to be treated with respect, so that it may have an opportunity to realize its liberation (*moksha*).

Madhva's attribution of a divine image to the self or *jīvātman*, its intrinsic relation with the *brāhman*, which is an essential and eternal metaphysical dependence for existence, consciousness and activity, and yet very distinct, bestows on a human individual a certain dignity. The dignity that is intrinsic to the individual can be extended even to an embryo as in the previous arguments, especially when compared to the Biblical idea of man made in the image of God.

Given the fact that the term "human dignity" has gained its importance in the Twentieth Century, Śaṅkarā, Rāmānuja, or Madhva may not have used the term as it is meant today. Nevertheless, in their own way, while treating the subject of God and human being through their philosophical concepts, have ennobled and exalted the individual person as having a dignity beyond comparison.

The metaphysical principle of equality of human beings can be seen in the realm of spirituality and mysticism in Hinduism. In Christianity, every human is an image of God. In Hinduism, both classical and modern, it was observed that *ātman* or the self is not different from *brāhman*. This implies an equality of humans in both the religions, although one may not be able to observe it.

How does one see classical Hinduism interpreted by the Reformers of Hindu Renaissance in the twentieth century? Some of the influential persons who shaped the history of modern India and promoted human dignity are Roy, Vivekānanda, Gandhi and Rādhākṛishnan.

Roy's aim was to purify Hinduism by returning to the *Upaniṣads*. He tried to emancipate the human mind from superstition, from obscurantism, for everything that lowers the dignity of man. He put this into practice by working for the social cause of the improvement of the lot of the Hindu women, promoting educational opportunities for girls, standing for the abolition of female infanticide, for the elimination of child marriage and polygamy, for removal of the stigma on widowhood, as well as for legal equality between women and men. In order to combat the caste system he encouraged inter-caste marriage. The Brahmo Samaj (One God Society) that he formed combined the ideals of Hinduism and Christianity. From the West, the Brahmo Samaj borrowed the principle of human dignity as well as the ethical system expressed in the *Sermon on the Mount*. Roy believed that *Vedānta* stood for monotheism and inculcated a fundamental respect for the dignity of all human beings. He believed that everyone is a fragment

²²²² Cf. TIWARI, *Classical Indian Ethical Thought...*, 36-37. Cf. GONSALVES, *How did I begin?...*, 203-204.

of that impersonal *brāhman*. Every human being has dignity and is the spark of the Divine. His contribution to Hindu Reformism could be said to result in the end product, namely, the Indian Constitution.

Vivekānanda held that divinity dwelt in human beings. He considered that the creature should be regarded as God Himself and be served with a devout heart instead of posing to dole out mercy, because service to humankind was worship to God. For him the central meaning and the crux of the message of *neo-vedānta* was “oneness”. The ethical implication in the *Advaita Vedānta* according to him was the realization of self’s identity with *brāhman*, which is the all-powerful Absolute. This realization leads further to acknowledge one’s compass of potentialities, which is just as unlimited as *brāhman* is. Vivekānanda emphasized the *Vedāntic* identification of man and God in order to raise the dignity of man in the world. However, Vivekānanda was shocked to find that the *Vedas*, which spoke of equality as the basis of society, were misinterpreted and that casteism had become a source of inequalities. Although he did not deal with individual issues of abortion or euthanasia, yet his social ethics and socialism were aimed at the removal of poverty, restoration of human dignity, provision of secular and spiritual knowledge for all people.

Gandhi, the “Father of the Nation” was a religious reformer who encouraged the growth of a reformed, liberal Hinduism in India. Gandhi unified the message of *Bhagavad-Gītā* and the *Sermon on the Mount*. His two main outcomes of this unification was the cardinal virtue of *ahimsā* (nonviolence) and *satya* (truthfulness) among others. He also held for the Hindu notion of *karma* and *dharma*. *Satya* is the word that he used for Truth. After a continuous and relentless search after truth, he proclaimed, “God is Truth” and concluded, “Truth is God”. His faith in “Truth-God” put in terms of action was *satyagraha*. *Satyagraha* is an active side of *ahimsā*. *Ahimsā* was the most distinctive and the largest contribution of Hinduism to India’s culture. The virtue of *ahimsā* promoted reverence for all life forms, including an embryo. In this regard, abortion meant injuring or destroying the seed of life, a physical violence to the point of death, which was unacceptable to the Hindu genius of reverence for all life.

Although Gandhi’s whole life and work was centred on the human person, yet one must acknowledge that Gandhi has not given a theory of human dignity. However, the value that he set on the human person attests to the fact that he was a fearless advocate of the dignity of the human person. Through his deeds and words, Gandhi affirmed that the dignity of man does not originate from birth, caste, race, colour, occupation, education, creed and religion. This fact is derived from the origin and nature of the spirit of *ātman* within him/her that makes his/her nature essential divine, as a part of God himself, and just like Rāmānuja and Roy, he too attested to the fact that the human being is a spark of the Divine. According to Gandhi, the privilege and dignity of man lies in the fact that man alone is made in the image of God, he alone is born to realize Truth-God. The inviolable dignity to which the human person is entitled comes from the spirit within and claims a permanent respect. Human dignity consists insofar as one obeys the call and relies on the strength of the spirit within. He also held that the dignity of the human person is guaranteed, affirmed and consisted in the exercise of the freedom of conscience.

The basic dignity of man and woman is secured and guaranteed by the recognition of her/his fundamental rights, namely, justice, liberty, equality and fraternity. According to Gandhi, these rights are inherent in the divine law and must be recognized in human laws. These words are

enshrined in the Constitution of India that was promulgated in 1950, two years after his death. Gandhi did have an influence on the formulation of the Universal Declaration on Human Rights (1948), though not directly, but through his words.

Rādhākṛishnan, is the “unofficial successor and torch-bearer of Neo-Hinduism” as well as “the most impressive figure of twentieth century Neo-Hinduism”. He equated *Vedānta* to Hinduism. For him the central claim of Hinduism is that it is fundamentally a religion of experience. He based himself on the *Upaniṣads* and commented that the *brāhman* and *ātman* are one. He sees the quest in us for the divine and connects the human with the divine. Rādhākṛishnan does not treat man merely as a worldly being or a creature but as essentially a divine being, a spark of God. Hence, he acknowledges that there is in the self of man, at the very centre of his being, something deeper than the intellect, which is akin to the Supreme. This implies the importance of the soul or *ātman* of the human person, which cannot be just ignored or thrown, off or annihilated, but that which must be respected *per se*. He also tried to substantiate the identity of the *ātman* with *brāhman* with evidences from the Bible.

Rādhākṛishnan uses the term *puruṣa* for person, which is a self-conscious personality that includes cognition, emotion, and will. What confers dignity on the self of man is the indwelling of the infinite within the finite. He believed that in the Hindu tradition every person has individuality worthy of reverence, and calls for the fostering of the spiritual development of the individual. The dignity of the soul is eternal because soul is eternal and therefore inviolable. He emphasized that beyond material help to the submerged people, a sense of human status and dignity has to be instilled in them.

In the last analysis, the theme that runs through Roy, Vivekānanda, Gandhi and Rādhākṛishnan, is the sacredness of life, meaning that God dwells in the human and therefore he/she is also divine. The human person is a “spark of the divine” so that the culmination of the concept *aham brahmāsmi* or *tat tvam asi* could be realized in them. This corresponds in some way to the image of God and likeness in the human being as envisaged in the Christian point of view. However, one notices that in Hinduism, especially in the empirical and social realm, there is no ethical equality of persons due to caste system.²²²³ Therefore, one also needs to reckon with negative aspects of caste system and the patriarchal system that shows an exaggerated desire for sons more than daughters that diminish the very concept of being human, exaggerated respect for cow worship and protection to the neglect of greater and due respect for human dignity and respect for human life. Reformers have struggled to correct some of these negative aspects.²²²⁴ Hindu Renaissance Reformers wanted to change these negative traits by giving a renewed meaning that confers dignity on all human beings. Although some of them, like Vivekānanda, Gandhi and Rādhākṛishnan wanted the caste system to be left as it is or by sidelining it, they strived to bring equality, worth and dignity among all Indians. Their view can be extended even to the beginning of life.

Turning to modern Hinduism, one can raise the question regarding the issues pertaining to the beginning of life. How does modern Hinduism perceive them? Let us first take the instance of abortion. In cases of avoiding the possibility of a deformed or unhealthy child, or as a remedy

²²²³ Cf. THUMMA, “Human Person...”, 249-250.

²²²⁴ Cf. *FABC Papers* No.133, 5.

for contraceptive failure, or for reasons that affects the standard of living, abortion would be unacceptable to Hindus. Abortion would be acceptable in cases where the growing embryo is a threat to the mother. While some would emphasize that an absolutist interpretation of scripture play no longer a central role, others would interpret any discussion on abortion should be based on virtue and not on rights and utility. Since Hinduism is embedded in a patriarchal mentality, social, cultural and religious factors determine the idea that family line runs through male representative. Several cases of female foeticide have been reported until today. However, Hindu religious leaders consider abortion used for the sake of sex selection and the preference for male children to be immoral amounting to infanticide.

Hindu view on genetics stems from the belief in the spiritual continuity of the self or *ātman*. The spiritual continuity or *samsāra* is of a psychic nature and correspond in a spiritual sense to genes. Therefore, the genetic outcome one inherits is based on the *karma* of a person. Consequently, genetic determinism is unacceptable to Hindus. However, the basic Hindu ethical stance is that one cannot totally control nature. However, it may be manipulated for the greater good and individual advancement. In all such technological interventions, the decisive factor is whether it leads to the destruction of human life or to what extent it involves cruelty to any form of life, which is unacceptable. Procedures such as Gene Therapy and Genetic Screening techniques, insofar as they are used as preventive medicine, are acceptable in Hinduism. Hindu Bioethics bases itself on the principle of *beneficence*, self-improvement, principle of *non-maleficence*, principle of *consequentialism* or *karma*, principle of *justice* and principle of *balance*. In applying these principles, Hindu Bioethics favours plurality, namely, diversity and richness in individuality ordained by Nature. Hindu Bioethics approach to cloning is accommodative. Hinduism would however, be opposed on moral grounds to egoistic or spare-part cloning of other creatures for selfish motives. If the basic goal of medicine is to alleviate suffering, then it is welcome.

In the secular context, religion does not play a great role in bioethical discussions. For example, abortion has been legalized in India following the enactment of the Medical Termination of Pregnancy Act, 1971. However, the sad situation is that it has also encouraged sex selection. This mentality stems from gender-bias and the secondary status given to women in India, even to female foetuses. It has resulted in a sharp decline on the Child Sex Ratio (CSR) that could cause social instability and has become a serious concern in India.

Bioethical decisions in modern India poses several sensitive and difficult problems. When it is a question pertaining to the beginning of life, the dilemma often confronted is whether one could experiment, destroy embryos in the name of scientific advancement or throwaway excess of them from what are cryopreserved in the process of *in vitro* fertilization, etc. In India, there are Independent Ethics Committee (IEC) that follow the guidelines of the Indian Council of Medical Research (ICMR) to approve clinical trials and research on human subjects.

The “Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994” safeguards the respect and the dignity of women and consequently, the female foetus. Although, abortion is allowed in India, yet one cannot selectively choose to eliminate the female foetus, which affects the dignity and status of women. This is a praiseworthy step taken by the Government of India in promoting the dignity of the unborn female foetus.

The “Ethical Guidelines for Biomedical Research on Human Subjects (2000)” acknowledges the fundamental personhood of the unborn. Similarly, the inclusion of the phrase in its Ethical Guidelines, namely, “the respect for the embryo’s moral status”, is a positive breakthrough in according respect to an embryo. With regard to the human embryonic stem cell research, the Ethical Guidelines speaks of the respect for autonomy of the donors. There is no mention about the respect for an embryo itself.

India is a secular country and its Constitution too is secular, which assures and provides safeguard to the evil of violating the inalienable worth and dignity of the human person. It is in this secular culture, which esteems diversity, that the value of human dignity is embedded. The framers of the Constitution of India ensured that respect for diversity in the political community is an affirmation of human dignity. The CBCI has recognized that the Constitution of India, owing to its secular nature, provides safeguard to the evil of violating the inalienable worth and dignity of the human person. This falls in accordance with the Christian theology that holds human persons as made in the image of God and therefore endowed with inviolable dignity and inalienable rights.

In the *Preamble* to the Constitution is enshrined the words: “assuring the dignity of the individual”. By this phrase, the Constitution assures everything that is entailed in the concept of the dignity of the human person. The concern for human dignity thus became the coveted theme of the Constitution of India expressed vividly in the *Preamble*. By its explicit reference in the unity in diversity of the Indian culture, human dignity is embedded as a constitutive value in the *Preamble*.

Article 21 of the Constitution of India, 1950 states: “No person shall be deprived of his life [...]” The right to life in Article 21 encompasses human personality in its full blossom, to sustain the dignity of person and assures a life with dignity and equality. Thus, Article 21 provides the right to live with human dignity. The right to life with human dignity encompasses within its fold, some of the finer facets of human civilization, which makes life worth living.

What ramifications does the Constitution have in praxis in the field of secular Bioethics? In 2004, a woman named Switi Kotecha, who was seven months pregnant, died in a car accident along with her husband and her father-in-law. Her mother-in-law, Kanta Kotecha, filed a claim of Insurance for the couple, her husband and the unborn child. The United India Insurance Company Ltd. refused to pay compensation for the unborn child. However, the Consumer Court of Maharashtra State overruled the insurance company’s decision. The highest civil court of Mumbai declared in 2007 in an unprecedented verdict that the unborn child is a living person, because the term “human foetus” implies an organism that is alive and growing. Therefore, an unborn child is considered as a living being and be entitled to personhood. Cardinal Oswald Gracias of Mumbai, who is the president of the CBCI, welcomed this decision.²²²⁵

Thus, the secular field of Bioethics has taken steps to safeguard the inviolable dignity and worth of the unborn. The question now remains for an Indian Catholic Moral Theologian. How far can she/he apply the Constitution of India, which engrains human dignity, in a manner similar

²²²⁵ Jehangir B. GAI, “Unborn child is a living person”, in: *Times of India* 5th March 2007. See at: http://articles.timesofindia.indiatimes.com/2007-03-05/india/27877954_1_unborn-child-kanta-kotecha-foetus, accessed on 13-10-13. Cf. Anto AKKARA, “Court Declares foetus a living person”, in: *The Tablet* 17 March 2007, 32. See at: <http://archive.thetablet.co.uk/article/17th-march-2007/33/india>, accessed on 19.11.13.

to the German Moral Theologians in their bioethical discussions? This research informs that the application of the rich heritage of Hinduism and the value and worth that it places on human person and thereby her/his dignity in dilemmas confronting the beginning of life has still a long way to go in Indian Catholic Moral Theology.

GENERAL CONCLUSION

“Human Dignity is inviolable” (*Grundgesetz* Art. I, 1). So begins the highest principle of respect for human dignity that is enshrined in the Preamble of the German Constitution. The affirmation is becoming all the more important and pertinent in our contemporary society and in particular in the field of Bioethics. The importance attributed to the question of human dignity from the beginning of life has gained significant relevance and application in German Moral Theology. Following this impetus, this research has investigated the question posed in the General Introduction, namely, how can one construct a foundation of human dignity as a moral principle, which is acceptable universally, so that the inviolability of human life be assured from the very beginning of its existence? In order to probe into the question, two different perspectives, namely, German Moral Theological and Indian Moral Theological were handled, in order to see whether the inviolable dignity of the human person is still relevant in our modern society. Historically speaking, the concept of the dignity of the human person evolved from a Stoic Philosophy, refined by Medieval Theologian and Philosopher Thomas, English Philosophers Hobbes and Locke, crowned by German Philosopher Kant, and defended by contemporary Philosophers such as Spaemann and others. The outcome of their contribution has been absorbed and applied in Bioethics. The concept in Indian Moral Theology basically depends for its entirety on the Philosophy borrowed from the so-called “western” culture. In other words, Germany and India, although miles apart, as representatives of West and East respectively, reflect basically the development of Roman, Anglo-Saxon, European and German culture. However, the question still remained whether a universal claim of human dignity can be guaranteed. Therefore, in order to explore this possibility and the development of the concept of human dignity and its application in Bioethics in a very different culture and religion, an attempt was made to dialogue with Hinduism.

In this investigation, the aim was to first assess why German Moral Theology gives so much importance to the dignity of the human person and uses the concept as a normative principle in the field of Bioethics. The findings suggest that, in general and with a few exceptions, German Moral Theology establishes the intrinsic worth of a human person in a systematic manner and grounds a normative basis for the dignity of the human person right from the moment of conception.

In order to arrive systematically at the above conclusion, a working definition of human dignity was proposed that includes autonomy and reason based on the foundations of human dignity as envisaged by Kant and theological argument, namely, that human beings are created in the image of God. The definition read as: independent of the sex, origin, country, society, class, caste, profession, religion, culture or family every human individual, because of being human and made in the image of God has an inviolable intrinsic worth owing to his/her autonomy and endowed with reason which is recognized throughout one’s human life and respected but not granted; that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.

In the above definition, human dignity is seen to be rooted in being human, i.e., it bases on specific characteristics. At least two hurdles can be foreseen. The first is the question of who is a human being? Does the human genetic code suffice to qualify as a human being?

Alternatively, does it depend on certain characteristics or a certain constitution to qualify and if so, should the actual exercise of the capacities or potential presence of them be sufficient?²²²⁶ The second hurdle is with regard to its plausibility. Those who neither believe in the existence of God nor accept the notion of the image of God would reject this approach. Others who try to accord a special dignity to the human race *per se* reject this approach in the name of racism or sexism (Singer). Thus, every approach to human dignity finally rests on some form of an *anthropological creed*. Their plausibility therefore needs assessment.²²²⁷ Answers to these two hurdles will become clearer in the following paragraphs.

Therefore, after having derived the above definition, it was necessary to see how German Moral Theology in particular establishes the human dignity of a human person in the field of Bioethics. Besides others, two important factors emerged, which play a major role in bioethical decision in Germany. The first is the influence of Kant and the second, the historically and philosophically influenced and shaped contours of *Grundgesetz*. These two facts contribute to the important role that human dignity plays in Bioethics from a philosophical and ethical-legal point of view. Why is such an approach adopted? It is because of the pluralistic milieu in which they live, German Moral Theologians makes ample use of the legal forum as well as philosophical arguments that appeal to all, especially in order to address people of all nationalities, religions and cultures.

Since human dignity is a secular concept, is it not constitutive that it be based on secular reasons alone? A secular reason does not disagree with the religious foundation or put religious truths in jeopardy; in fact, they complement one another. Thus from a theological perspective, the religious reason enhances and connects the privileged status of people with their background and their transcendent future. It is in their creation as human persons by God that they are justified for the ultimate ground of their personal dignity. This special dignity is further enhanced by the fact of liberating action of Jesus who becomes the Saviour of the rejected, abandoned, downtrodden, helpless and the insignificant people. The triple-compound proximity of humans to God – the Creator God’s image in humans, God made man as a brother in Jesus, God’s intervention in perfecting a new man through Jesus – is theologically speaking, the final legitimation of human dignity and has its culmination in the eschatology.

The evidences in this research also suggest that the concept of human dignity alone does not suffice to answer questions in the field of bioethics. The centrality of the concept of human person too plays a major role. The understanding of the concept of person is more important during the early developmental stage of the human being than the concept of human dignity itself.²²²⁸ Therefore, it was necessary to understand – parallel to the concept of human dignity – the notion of the human person.

The concept of human person evolved and gained importance rather late in a similar vein as the concept of human dignity. The term “person” has become a cause of disagreement among some philosophers and more so in the field of Bioethics. Although, some hold that not all human

²²²⁶ John F. KILNER, “Human Dignity”, in: Stephen G. POST (ed.), *Encyclopedia of Bioethics*, 3rd Edition, Vol. 2, Macmillan Reference/Thomson Gale, New York 2004, 1193-1200; 1197.

²²²⁷ Cf. *ibid.*

²²²⁸ Cf. HILPERT, „Die Idee der Menschenwürde...“, 52. See Chapter 9.2 at fn.924 above.

individuals are human persons, while others hold that all human persons are human individuals, it was argued that every human individual is necessarily a human person.

Some philosophers use the concept of person as a genuinely practical attributive term to earmark the moral status of a human being: Following Kant – for whom a person is a moral being – one is attributed personhood insofar as he/she has the capacity as a moral agent. The normative understanding of the concept of person and one's obligatory moral behaviour towards another is essential in order to apply it to bioethical questions, especially to issues related to the beginning of life. Since it belongs to human beings the moral capacity to act (owing to the body-soul unity), one must have respect for the dignity of his/her person even though the full expression of self-consciousness and rationality, and its explicit expression of the will is not clear at the beginning of one's existence.

Hence, the working definition of human dignity described above becomes problematic. If autonomy and reason are included as constitutive of human dignity, then at the beginning of life when these characteristics are not yet manifested, human dignity cannot be acknowledged. However, one cannot deny that these characteristics are not potentially present. Particularly, according to the arguments of Spaemann, a person does not begin his/her existence after the human being, nor does he/she end his/her existence before the human being. The one criterion for personality is the biological membership of the human race (See Chapter 2.5.3 above). It is only a question of time when the characteristics will be manifested.

From a systematic theological perspective, the image of God likeness in the human person from the beginning of life and God's call better explains to us that human dignity is to be recognized from that moment onwards and consequently a claim to the right to life.

Since the concept of person belongs to a philosophical category and the concept of human dignity to the political, legal, anthropological and theological category, these two concepts need to be kept apart. Modern ethics associates the general prohibition on killing with the moral status of human being as a person. Therefore, when dealing with an embryo as a human being, giving it a status that is morally relevant becomes essential in order to protect it. Consequently, the moral status of the human being as an adult person and the moral status of an embryo needed deliberation.

Various sciences like biological, philosophical, anthropological and legal, *per se* and without reference to one another, cannot solve the above problem of the personhood of an embryo. It is necessary that all these sciences be taken in an integrated way to solve the problem. Based on this wisdom, the Catholic Church draws the conclusions from various sciences in order to take a position. The official position held by the Church and the German Legislators is the one that favours Karyogamy, as the beginning of a person. This position is termed by some as a "zygotist" position. The life of a human person begins with the moment of fertilization. The fusion of sperm and ovum, as non-persons, result in zygote that is a person and thereafter the process is a continuous one. With the coming into being of the zygote as a new human person there is a radical break from its sources. The radical break results in a person from non-persons. In other words, in the merging of two organelles, namely sperm and ovum, there results a new being, having a specific genetic structure that constitutes a human person. The resulting human person is both a biological organism as well as in the personal sense. From here on one could

date the spiritual soul of human person. It is in this spirit that the German legislature decided the Embryo Protection Act of 1990.

It was also necessary to demonstrate differing opinions with regard to the individuation of the embryo from a historical perspective, in order to determine when the human person is ensouled. However, there is no one theory that is acceptable by all. The question of ensoulment remains unanswered and left open. Nevertheless, it must be stated here that the time of ensoulment does not play an important role when compared to the role of right to life and human dignity from the moment of its conception. In other words, from the beginning of life, an embryo is worthy of human dignity, has the right to life and therefore worthy of protection. The Catholic Church, although is aware of such debates regarding the exact moment when the zygote becomes a human person, has in the last analysis stood the ground and continues to teach that it is from the moment of conception that the journey of a human person begins.

In Germany, six different positions are held with regard to the beginning of the moral status of the human embryo.²²²⁹ However, a majority of Moral Theologians hold on to the above theory that right from the moment of conception the fertilized ovum which is a human being, is absolutely worthy of intrinsic human dignity. The arguments put forward by those who hold this position are: the fact of the belongingness to the human species (*Speziesargument*), that human development is continuous (*Kontinuumsargument*), that there exists an identity between an embryo and a new born (*Identitätsargument*) and the potentiality that is present from the beginning of life, which characterizes it as a self-existent being (*Potentialitätsargument*). These four arguments together are the so-called SCIP argument, an abbreviation for species, continuous, identity and potential. These arguments must be understood in the sense that all of them are dependent on one another. Taken together, these arguments prove that right from the beginning of its existence, a human embryo is worthy of dignity.

The most obvious result to emerge from the research is that the single-celled zygote is an individual organism. From conception onwards, the zygote takes on human characteristics and therefore must be assumed that personhood exists right after fertilization. Human life is personal life from its beginning. There is not a single significant feature during the development that could be stated as a separate beginning of individuation. The earliest possible moment of the anthropogenesis in the personal sense is the conception, i.e. “after” the fusion of egg and sperm. Personhood constitutes the essence and the dignity of human life.

The terms such as “sanctity of life” and “reverence for life” have also been promoted and attempts have been made to identify them with human dignity. The concept of sanctity of life remains a useful and meaningful concept insofar as the protection of life in its weakest forms such as an embryo is concerned. However, the term “sanctity of life” does not provide direct and immediate help for the debate on normative ethics in bioethical issues. They are helpful and useful insofar as they provide a policy framework within which the debate on ethical standards can be extended. In the contemporary discussion, the term is actually used in the sense of “inviolability” or “untouchability” of human life (*Unantastbarkeit des Lebens*). Perhaps, a better term could be “sacredness of life”.

²²²⁹ Cf. REITER, „Bioethik...“, 15-17. See Chapter 5.2 at fn.599 above.

The two ideas of sacredness of life and human dignity intersect each other in the course of history repeatedly. One can observe that the two terms, namely, “sacredness of life” and “dignity” are brought together in play in *Dignitas Personae*.²²³⁰ Both these value terms are threatened in the present, especially when it comes to the question of prohibition on killing and euthanasia debate. Perhaps, due to the esteem given to human biological life, the idea of the sacredness of life could better preserve the esteem and integrity of physical vitality than the idea of the image of God itself.²²³¹

The significant findings to emerge from this study from an Indian Perspective shows that there are no major conflicts in the understanding of the human person and human dignity. Both, in Germany and India, the philosophical and theological foundations of human dignity are the same. From an Indian perspective, at the very outset it was said that it is imperative to make human dignity the universal key to moral interpretation, because there is no other value greater than human person is. However, the context in India is different from that of Germany. Violations of human dignity are very high in India. That speaks of the approach to the question of human dignity. Therefore, it is important to note here that the Western approach to human rights differs from the Eastern approach. “Generally speaking, the Asians have a holistic way of thinking which is distinct from the European individualistic way of thinking. Therefore, Asian people put higher value on holistic happiness and the welfare of the whole group or nation to which they belong rather than on their individual human rights.”²²³²

The results of this research also support the idea that the evils enumerated above needs to be addressed by Moral Theologians in India. In such circumstances, it is inadequate to have an ethical approach, which is based on the dignity of the human person that is merely individualistic. The modern understanding of human rights was based on the theory of natural law and an appeal to reason. Indian Moral Theology uses a more person-oriented approach as well as a communitarian one. This is attested by Wilfred who argues that an Asian approach would be more spiritual in the sense of a movement away from the world of the self toward the world of the other, in order to participate in the suffering of the other and not cause harm to the other, something akin to *ahimsā*.²²³³

Although, in India the concept of human dignity is acknowledged in the field of Bioethics, their application is not widely used as it is used in Germany. Nonetheless, in secular fields, especially in cases of suicide and euthanasia, appeals to human rights and human dignity have been raised. Campos suggests that the approach of Indian ethicists to human rights, which is seen from the perspective of the victims, is both social and communitarian, with a preferential option for the rights of the powerless.²²³⁴ In a milieu of Pluralism, as in an Asian context, that presents a challenge to theological ethics, he suggests that:

²²³⁰ “The respect for the individual human being, which reason requires, is further enhanced and strengthened in the light of these truths of faith: thus, we see that there is no contradiction between the affirmation of the dignity and the affirmation of the sacredness of human life.” *DP* 1,7.

²²³¹ Cf. BARANZKE, „Heiligkeit des Lebens...“, 109-110.

²²³² Hyakudai SAKAMOTO, “The Foundations of a Possible Asian Bioethics”, in: Ren-Zong QIU (ed.), *Bioethics. Asian Perspectives. A Quest for Moral Diversity*, Kluwer Academic Publishers, Dordrecht, Boston 2004, 45-48; 47.

²²³³ Cf. CAMPOS, “Doing Christian Ethics in India’s ...”, 88.

²²³⁴ Cf. *ibid.*

The most common approach is to resort to the natural law or to appeal to the *humanum* in its relational and responsible dimensions or to seek common ground in dialogue on the basis of shared human values and universal human rights. Dialogue is vital. We have much to learn, for example, from the teachings of Jainism and Buddhism about inward purity in ethical action and the ways of peaceful coexistence with all people and indeed with all creation.²²³⁵

Therefore, considering their majority as the largest religion in India, this study ventured to attempt at a dialogue with Hinduism. All the texts, both in classical Hinduism and Ayurveda, point out to the fact that every person is endowed with respect and value. It was found that although in Hinduism the term “human dignity” in general does not exist, the meaning inherent in it is acknowledged. Vivekānanda glorified Hinduism and asserted, “No religion on earth preaches the dignity of humanity in such a lofty strain as Hinduism”.²²³⁶ Indian Legalists, such as Sunil Deshta and Lalit Dadwal, too acknowledge this fact. They write:

It may be recalled that from time immemorial Indians have called their culture by the name of ‘human culture’ (Manav Dharam/Manav Samriti). No gain saying the fact that human dignity had universal appeal and Indian culture had tried to be so comprehensive as to suit the needs of every human being, irrespective of age, colour, sex or caste.²²³⁷

It is to be noted that the above fact of a comprehensive inclusion of every human being, irrespective of age, colour, sex or caste has been taken into account and is reflected in the working definition of human dignity.

Hinduism considers that the final goal of every human person would be the striving of the human soul (*ātman*) to be liberated and finally to be joined with the Eternal Soul (*Ātman*). The divine image in human beings reflects the All Eternal Being, the *Brāhman*.²²³⁸ This again is close to the idea of the image of God likeness in human beings in the Christian Tradition.

Similar to the definition of Boethius and Thomas, who held for the three metaphysical concepts in a person, namely, rationality, substance and individuality, Hindu metaphysics too have somewhat similar ideas. The Western rationality corresponds to the Hinduism namely, rational (*cit*), or conscious (*caitanya*), self-luminous (*svayamjyotiṣṭva*) and “witness” (*sākṣitva*, as applied specially to the concept of *Puruṣa*). The concept in Hinduism, which is closest to the Western idea of substance, is the *ātman*, the Self, the ultimate root of all existence. With regard to individuality, Hindu metaphysics affirms that the absolute reality is without a second, that is, *advaita*, meaning transcendent and of a nature eternally pure, awakened and free (*nityaśuddhabuddhamuktasvarūpa*). In another sense, it speaks of the person as not distinct from others, that is, it remains the soul of everything, intimately united to the universe (*sarvātman*). Besides, the three components of the person, Hindu metaphysics add another notion, which is an important doctrine that affects human personality, namely, the doctrine of rebirth. The fact that Hinduism believes in rebirth that presupposes the theory of *karma*, which results in the *ātman* re-appearing in all forms is a main obstacle for the “Western” mind. This difficulty, namely, the possibility of the same soul being reborn in all sorts of bodies, prevents the choice of such a special term as “person” to designate the status of the human.

²²³⁵ *Ibid.*, 89.

²²³⁶ ROLLAND, *The Life of Vivekananda*..., 70. Cf. BHUYAN, *Swami Vivekananda*..., 18.

²²³⁷ DESHTA/DADWAL, “Genesis of Human Rights...”, 40. Cf. JOSHI, “The Right to Equality...”, 83.

²²³⁸ Cf. DHAVAMONY, *Classical Hinduism*..., 117 & 135. See also KLOSTERMAIER, *A Survey of Hinduism*..., 365.

It was also shown that Hinduism was concerned about the well-being and health of a person that is enshrined in the medical system of the Hindus, namely, the ancient Ayurveda system. This medical system itself was influenced by religion as any other system in the world. The religious influence dictated over the ethical behaviour of a person in his/her daily life.

One of the more significant findings to emerge from this study of the Ayurvedic system was the moral status of an embryo. According to Ayurveda, an embryo is produced from the Soul (*ātman*). The *antarātman* (Soul inside the animal body) is the same as *Garbhātman* (Soul in the foetus). This is known as *jīva* or animated Soul. According to religious scriptures, this Soul is eternal. The soul is the one that produces an embryo, which was never born earlier. In other words, the same Soul subsequently transforms itself into an embryo and in this way, the Soul can be said to have been born. Therefore, it is by the process of transformation into the various stages of embryo that the Soul in a way is born. However, the soul cannot achieve this without combining with other elements. The embryo is a conglomeration of several factors, namely, mother (ovum), father (sperm), Soul, wholesomeness, *rasa* (the digestive matter derived from the mother as nutrition) and mind. The mind serves as the connecting link between the body and the soul. Ayurveda also answers the question about the consciousness of the embryo. Ayurveda holds that the Soul is endowed with consciousness even when it does not possess sense organs. The soul can never be separated from the mind, and so, it is always endowed with consciousness, although from a functionality perspective the Soul is limited with regard to actions that it is capable of as in a fully-grown foetus. However, many of the modern Anglo-Saxon and European philosophers deny the fact of the presence of consciousness in an embryo. Classical Hinduism and Ayurveda are clear in this regard. Consciousness cannot be separated from the soul.

In Ayurveda, conception coincides with the “descent” or presence of the spirit in the womb, meaning that from the beginning onwards the embryo is the spirit-matter composite constituting the human person. Thus, one cannot draw a distinction between human being before “ensoulment” and human person after “ensoulment”. The implication is that abortion at some early stage of pregnancy would not be permissible.

Therefore, the question in Ayurveda is not “when” exactly the soul descends into the embryo, but “how”. The precise definition of the embryo (*garbha*) attest to this fact: “The union of sperm, ovum and the Soul in the womb is designated as embryo”.²²³⁹ After the ovum and sperm fertilize, the soul (*ātman*) takes hold of the fertilized ovum. The way the soul evolves depends on the *karma* of the person’s past life. The text explains elaborately how this happens in a very short span of time.²²⁴⁰ However, there is no reference to when it actually takes place. This is the reason why Ayurveda is not concerned with when (the exact time) but how (the process) the soul unites with the fertilized ovum.²²⁴¹

The following conclusions can be drawn from the above study that the classical Hindu view saw man as a part of the universe in the natural order, and as part of the *Ātman* (*Purusha*) in the ontological order. Because of the theory of *Karma* and rebirth, the human being is taken beyond

²²³⁹ *Caraka Samhitā, Śārīrastāna* 4.5. *Agniveśa’s Caraka Samhitā, Vol. 2, op. cit.*, 388.

²²⁴⁰ *Caraka Samhitā, Śārīrastāna* 4.8. *Agniveśa’s Caraka Samhitā, Vol. 2, op. cit.*, 390.

²²⁴¹ Cf. GONSALVES, *How did I begin?...*, 371.

the sphere of one's life. Therefore, the human individual does not begin and does not die definitively. There is a passage of birth and death, until one is finally liberated (*jīvanmukta*) from the earthly reality to be united with the Ultimate *Ātman*, namely, the *Brāhman*.

Thus, irrespective of the stage of development, every human individual is a human person. The dignity of the human individual does not come from without; rather, from within by his/her very nature.²²⁴²

Given the fact that the term "human dignity" has gained its importance in the Twentieth Century, the renowned philosophers of Hinduism like Śaṅkarā, Rāmānuja, or Madhva may not have used the term as it is meant today. Nevertheless, in their own way, while treating the subject of God and human being through their philosophical concepts, have ennobled and exalted the individual person as having a dignity beyond comparison. Taking this discussion further, from a medical-physiological-philosophical point of view, insofar as the soul so described by them is present from the beginning of life, essentially and integrally with consciousness as part of the soul, one can only conclude that inherent dignity is present from the beginning of life. The virtue of *dharma*, a concept similar to human rights in the Western tradition, exhorts the Hindus to refrain from causing harm to others but at the same time to uphold the right to life. This virtue of *dharma* can be developed by one's own will. Similarly, the virtue of *ahimsa* promotes reverence for all life forms and also forbids the killing of another, especially the weaker forms of life, in our context, even embryos. This teaching is coupled with the question of rebirth for two reasons. First, the person who hinders an embryo by causing its death prevents its partaking in the cycle of rebirth. Second, consequent to this prevention, the embryo is not given a chance to strive towards its salvation. This is something evil in the eyes of the Hindus. The human being needs to overcome the bondage of a cycle of rebirth by living a purposive life as a moral agent and a spiritual being, finally achieving liberation. This whole purpose is defeated in cutting short the life of an embryo. Interestingly, the Western tradition, especially the Christian tradition is foreign to these virtues and concepts.

The theme that runs through modern reformers, like Mohan Roy, Vivekānanda, Gandhi and Rādhākṛishnan, stands out very clear. They held for the sacredness of life meaning that God dwells in the human and therefore he/she is also divine, having a "spark of the divine" so that the final culmination of the concept *aham brahmāsmi* (= I am God) or *tat tvam asi* (That thou art) could be realized in them. Thus, the Indian Renaissance thinking corresponds in some way to the image of God and likeness in the human being as envisaged in the Christian point of view. It is this fact that acknowledges the inherent dignity of the human person. All these reformers strived to bring equality and worth among all Indians, thereby sidelining the caste system.

Ratzinger attests to the above fact with regard to the Christian concept of the person taken over by the Hindu reformers. Ratzinger brings out this aspect in a passage referring to Horst Bürkle regarding the actual practice in the life of Hindu society, in which the idea of a person is irreplaceable as an ultimate value. Bürkle says:

²²⁴² Cf. *ibid.*, 359. A comparison can be made here with regard to the comments of Reiter, namely, "Die Würde des Menschen ist mit seiner Existenz gegeben und Gegenstand nicht einer Zuerkenntnis, sondern Anerkenntnis. REITER, „Die Menschenwürde und ihre Relevanz...“, 135. "Human dignity pre-exists with existence of man and is not awarded (*Zuerkenntnis*), but acknowledged (*Anerkenntnis*).” Tr. by the author.

The development of modern Hinduism shows that for the idea of man in India today, also, this concept of personhood has become indispensable [...]. The experience of identity as found in the Upanishads, *tat tvam asi*, offers no adequate basis for the enduring validity and dignity of the uniqueness, as an individual, of every single person. This cannot be reconciled with the notion that this life is merely a transitory phase in the rhythm of changing levels of reincarnation. It is impossible to maintain the individual value and dignity of the person if this is merely a passing phase and subject to variation [...]. The modern reforms of Hinduism are thus quite logically committed to asking about the dignity of man. The Christian concept of the person is taken over by them in the Hindu context as a whole, without its foundation in the concept of God.²²⁴³

Based on the above passage of Bürkle, Ratzinger then concludes:

It would not be difficult to show, however, that the concept of the individual as a person, and thus the defense of the individual value and dignity of each person, cannot in the end itself be maintained without its foundation in the idea of God.²²⁴⁴

Ratzinger points out two important facts here that are verified in Hinduism. First, the idea of personhood cannot be maintained without its foundation in the idea of God. In the current research, it has been shown that not only in classical Hinduism, but also in the Hindu theologians like Śaṅkarācārya, Rāmānuja and Madhva, as well as every modern Hindu Reformer, indeed always brought along the idea of God and the concept of the human person together, based on their indigenous understanding of personhood in Hinduism. Therefore, the fact that Ratzinger states is verified in Hinduism, which acclaims a person as *tat tvam asi* (That art thou), founding the idea of personhood on the idea of God. Although, the ideas of personhood in Catholicism and Hinduism is different (owing to its basis on different philosophies), yet it was noted that one can draw some similarities between the understanding of personhood, especially with regard to rationality, substance and individuality.

Second, Ratzinger points out that the defense of the individual value and dignity of each person cannot be maintained without its foundation in the idea of God. Again, what Ratzinger is stating is verified in Hinduism and this has been pointed out in the research. The value and dignity of

²²⁴³ Bürkle writes: „Die Entwicklung im neuzeitlichen Hinduismus zeigt, dass auch für das heutige indische Menschenbild dieses Personverständnis unverzichtbar geworden ist... Die upanishadische Identitätserfahrung des *tat tvam asi* vermag die bleibende Gültigkeit und Würde der individuellen Einzigartigkeit jedes einzelnen Menschen nicht zu begründen. Sie lässt sich nicht mit der Vorstellung vereinen, dieses Leben sei nur eine Durchgangsphase im Rhythmus wechselnder Wiedergeburtstufen. Der Eigenwert der Person und ihre Würde lassen sich nicht als Durchgangsstadium und unter den Bedingungen ihrer Variabilität festhalten [...]. Die Reformen des Hinduismus in der Neuzeit setzen darum auch konsequent in der Frage nach der Menschenwürde ein. Das christliche Personverständnis wird bei ihnen ohne seine Grundlegung im Gottesverständnis in den hinduistischen Gesamtzusammenhang übernommen [...]“. Horst BÜRKLE, *Der Mensch auf der Suche nach Gott – die Frage der Religionen*, AMATECA, Lehrbücher zur katholischen Theologie, Bd. 3, Bonifatius, Paderborn 1996, 130-131. See Joseph RATZINGER, *Truth and Tolerance: Christian Belief and World Religions*, Ignatius Press, San Francisco 2004³, 47. Original German Title: Joseph RATZINGER, *Glaube-Wahrheit-Toleranz. Das Christentum und die Weltreligionen*, Herder, Freiburg im Breisgau 2004³, 39-40.

²²⁴⁴ Cf. RATZINGER, *Truth and Tolerance*..., 47. Ratzinger writes here in German: „Es wäre nicht schwierig zu zeigen, dass das Verständnis des einzelnen als Person und so die Verteidigung von Eigenwert und Würde jeder Person sich aber letztlich gerade nicht ohne die Grundlegung im Gottesgedanken selbst durchhalten lässt.“ IDEM, *Glaube-Wahrheit-Toleranz*..., 40.

each person, in Hinduism is based on the fact that the human is made in the image of God (*ātman* = *brāhman*).²²⁴⁵

However, having acknowledged these facts, yet it becomes difficult for Christian Theologians to reconcile with the fact of rebirth theory, with the question of individual, unique and enduring validity of each person beyond one's death. For a classical Hindu believer – which stresses on the *karma* and the cycle of rebirth – individual historical existence is not significant. Therefore, there is no serious concern with regard to human dignity or personhood that is enduring even after death. The main and serious concern for a Hindu is that one's *ātman* becomes united with *brāhman*.²²⁴⁶ Human life in the present world is significant insofar as it helps one to overcome the cycle of rebirth and achieve this purpose, namely, to re-join in the individuality of *brāhman*. Nevertheless, in claiming the transitory nature of human life, the Hindus do not mean that human beings have no dignity, worth, value, or be treated with disrespect, because their idea of dignity is based on the idea of God. This has been clarified in this research.

From a legal point of view, one can make a comparison of Germany with India. Somewhat similar to the *Grundgesetz* of Germany, one can find affirmative assertions in the Constitution of India. Although India is a secular country, it assures through its Constitution and provides safeguard to the evil of violating the inalienable worth and dignity of the human person. Article 21 of the Constitution encompasses human personality in its full blossom, to sustain the dignity of person assuring a life with dignity and equality. Nonetheless, as far as it is known, these laws enshrined in the Constitution have not been given sufficient importance in the field of Bioethics to draw any consequence on the human dignity with issues related to the beginning of life. However, in Germany, and for some Western traditions, the consequence of the laws enshrined in their Fundamental Constitution or Legal instruments bear a central significance in their bioethical debates as well as in German Moral Theology. This is found wanting in Indian Moral Theology.

Taken together, these results suggest that from a philosophical, religious, medical and legal perspective there are some similarities between Catholic Theology and Hinduism, although their approaches are found to be different. The approaches, as such, are not contradictory but are complementary to the understanding of human dignity, especially from the beginning of life. It must be remembered that one cannot attempt for a univocal merger of the two, which would result in injustice to both. One needs to appreciate what is common, while respecting the differences²²⁴⁷ in an attempt towards a dialogue between them. This has been the project in this research.

²²⁴⁵ Gandhi had already affirmed the idea of man as image of God. According to him, it could mean that man has within himself the spirit (*ātman*) to a higher degree than all other living or non-living beings, and by virtue of this man is the spark par excellence of the divine. Cf. DOONGDOONG, "The Dignity of Man...", 56 at fn.15. Doongdoong notes here that the uniqueness of man as image of God lies, not in the mere presence of the spirit, but in the fact that man possesses the highest degree of the spirit. See Chapter 17.4.4 at fn. 2009 & 2010 above.

²²⁴⁶ RATZINGER, *Truth and Tolerance*..., 45. Ratzinger writes here: "[...] the final aim of man is to become one with, and dissolve in, the All-One". The German version reads: „[...] und das Ziel des Menschen das Einswerden und Aufgehen im All-Einen ist.“ IDEM, *Glaube-Wahrheit-Toleranz*..., 38. Ratzinger is here basing himself on Bürkle with regard to the *ātman-brāhman* identity. See BÜRKLE, *Der Mensch auf der Suche nach Gott*..., 127. Cf. RATZINGER, *Truth and Tolerance*..., 45 at fn. 1. IDEM, *Glaube-Wahrheit-Toleranz*..., 40, fn.33.

²²⁴⁷ Cf. GONSALVES, *How did I begin?*..., 358.

The findings of this study suggest that human dignity is to be recognized and acknowledged from the beginning of life irrespective of origin, caste, creed, religion, sex, culture, nationality, etc.²²⁴⁸ Insofar as human dignity is recognized and acknowledged as a fundamental principle of morality, the respect and protection worthy of the embryo be assured. The protection itself is ensured through the right to life of an embryo from its very beginning through instruments of human rights.

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights, which are commonly known as human rights. These rights of human beings are not derived from being a national of certain State, but belong to them because of their very existence and are based upon the attributes of human personality. They are derived from the inherent dignity and worth of human being [...]. The expression ‘dignity of the human person’ means nothing if it does not signify that the human person has the right to be respected, is the subject of rights, possesses rights. To have human rights, one need not do anything special than be born a human being.”²²⁴⁹

This study has shown that religious arguments, whether they stem from Christian Theology or Hindu Theology, cannot, as stand-alone argument in a pluralistic multi-religious society, legitimize right to life in assuring human dignity to all, especially to those who are in their weakest form, namely, from the beginning of life. Right-to-life discourse demands that the reasons for its implementation be accessible to all, which means not only to people of all faiths, but also to those who do not believe in a personal God. This is possible through the outcome of the integrated effort of philosophical, anthropological, social, medical or legal sciences, as well as the contribution of other sciences in the understanding of right to life. Ultimately, the right-to-life discourse must be related to the ethical principles of safeguarding life in its weakest form. One such fundamental ethical principle is human dignity. In other words, Srampickal sums up some basic and essential conclusions that can be drawn from the present study, which is necessary for:

[...] an integral approach, enlightened by scientific findings, philosophical reflection and sufficiently based on a theological anthropology, which helps us to understand and appreciate the dignity and value of the human person/life and take a corresponding stand with regard to the embryo”.²²⁵⁰

The most obvious result to emerge from this research, which enhances the understanding of human dignity from the beginning of life, can be summarized as follows:

- That, each one of us is a human individual, is sacred, worthy of respect and value. In short, each one is intrinsically endowed with human dignity. This is acknowledged in both German and Indian Moral Theology, in a philosophical and theological sense. It is to be noted that there is an enduring continuance of the individuality and personality that begins at conception. In Hinduism too the sacredness, value and worth of every individual, which ultimately refers to the

²²⁴⁸ Cf. JOSHI, “The Right to Equality...”, 83 and DESHTA/DADWAL, “Genesis of Human Rights in India...”, 35.

²²⁴⁹ *Ibid.* Deshta and Dadwal are following here the theory of Jacques Maritain, who is invoking natural law in order to establish human rights. See Jacques MARITAIN, *The Rights of Man and Natural Law*, Geoffrey Bles, London 1958, 37. Cf. Maurice CRANSTON, *What are Human Rights?*, The Bodley Head, London/Sydney/Toronto 1973, 7.

²²⁵⁰ SRAMPICKAL, “The Catholic View of Human Life...”; 96.

inherent dignity, is claimed and acknowledged from the very moment of conception. However, the enduring continuance of the individuality and personality is short-lived, in the sense that after death the self or *ātman* re-enters into another individual and continues the cycle until its final salvation depending on *karma*. Because of its sacredness, the self or *ātman*, which continues through the cycle, insofar as it becomes the animating principle in a human being, the human individual has intrinsic dignity during one's lifetime. At the final salvation, the self or *ātman* returns back to the individuality of the *Brāhman*.

- That, everyone is worthy (*being*) because of one's very being (*Dasein*) and not because of what one possesses (*having*) as characteristics which began at the beginning of life. The problem (as claimed by some Anglo-Saxon philosophers), namely, the absence of certain characteristics of an embryo based on which an embryo is disqualified to be a person, does not exist in Hinduism. For them, since the *ātman* possesses these characteristics, the human person exists right from the moment of conception, because the *ātman* is part of the definition of an embryo that animates it.
- Therefore, each one of us from the beginning of our life as human individual – which is at the moment of fertilization/conception – have inherent human dignity.
- Hence it follows: *Independent of the sex, origin, country, society, class, caste, religion, culture or family every human individual, because of being human, from the beginning of life has an inviolable intrinsic dignity recognized throughout its life and respected but not granted; that cannot be lost, taken away, or damaged but can be disrespected and assaulted and is therefore subject to being defended and protected by human rights.*

In the last analysis, a variety of historical, philosophical, cultural, religious as well as medical resources have been drawn, from both Germany and India, in order to grapple with the threats that Science poses to the contemporary world. It was observed that an integrated contribution of these sciences is necessary to answer the human dignity from the beginning of life and to its right of life. This is attested by Schockenhoff's deliberation, namely, that the human dignity that one owes to the human embryo from the moment of conception as an unconditional moral and legal respect (which is accorded to every human being in the physical and spiritual wholeness of existence), can rely on a remarkable convergence of developmental-biological, anthropological and philosophical arguments. These arguments can be regarded as well-founded even without alluding to a religious coloring, especially in a pluralistic society.²²⁵¹

These findings have enhanced the understanding of the dignity of the human person from the beginning of life. Therefore, owing to the respect and protection due to the human embryo this research does not support any recommendations of experimentation on them that will eventually

²²⁵¹ Cf. SCHOCKENHOFF, *Ethik des Lebens...*, 507-508.

destroy them, not even for the greater good of future generations.²²⁵² One cannot sacrifice even one embryo for the good of others, because each of them has an inviolable and inherent dignity. Pope Benedict XVI had reiterated this. Speaking in the context of Stem Cell Research, he said:

Those who advocate research on embryonic stem cells in the hope of achieving such a result make the grave mistake of denying the inalienable right to life of all human beings from the moment of conception to natural death. The destruction of even one human life can never be justified in terms of the benefit that it might conceivably bring to another.²²⁵³

However, those experiments that will further the medical research in finding solutions to problems without bringing any harm to the embryos or those experiments that will eventually help in their survival as a therapeutic measure are strongly supported.²²⁵⁴

In summary, as envisioned by Hilpert, it can be stated that the legal commitment to human dignity and its associated human rights heritage goes back to 2,000 years of Christian tradition. National law and government as well as international law today will continue and maintain that legacy for the sake of respect for religion and freedom of conscience of each individual. It is a manifestation of the human dignity and not so much as former premises of a largely self-evident and of shared religious beliefs. The society that has become pluralistic today would do well by engaging the religious traditions and interpretations in order to ascertain repeatedly by considering those resources to strengthen, secure and renew permanently the ethos of respect for those gifted with human dignity. At least this consideration needs to go beyond them while being sensitive and strengthening those who are in a precarious condition as something humane.²²⁵⁵

Thus, this research, heeding to the humane point of view, has endeavored to claim that human dignity is inherent from the beginning of human life.

²²⁵² See *Ibid.*, 237. Here in the latest 2013 edition Schockenhoff explains: „Jeder Mensch ist um seiner selbst willen zu achten, und niemand darf ausschließlich als Mittel zu einem fremdem Zweck – auch nicht um einen hohen Gutes wie der Gesundheit künftiger Generationen willen – geopfert werden.“ “Every person is to be respected for his/her own sake, and no one may be willed exclusively outside its intended purpose to be sacrificed – not even for the sake of the higher level of good health of future generations.” Tr. by author.

²²⁵³ BENEDICT XVI, *Address of his Holiness Benedict XVI to Participants in an International Conference Promoted by the Pontifical Council for Culture on Saturday 12 November 2011 in Clementine Hall, Vatican*, Libreria Editrice Vaticana, Vatican 2011.

²²⁵⁴ Cf. *ibid.*

²²⁵⁵ Cf. HILPERT, „Die Idee der Menschenwürde...“, 53-54.

ABBREVIATIONS

1. General Abbreviations, Periodicals, Series, Source Works and Handbooks for German and some English works are taken from “Abkürzungsverzeichnis”, in *LThK*³ (Sonderausgabe) 11 (2009) 692-733.
2. Biblical Abbreviations from: *Holy Bible: Revised Standard Version*, *op. cit.*
3. Other special Abbreviations used:

Apte	APTE, V. S., <i>The Practical Sanskrit-English Dictionary</i> , <i>op. cit.</i> , 4 vols.
BG	<i>Bhagavad-Gītā, The. With a commentary based on the original source</i> , ed. by R. C. ZAEHNER, <i>op. cit.</i>
BVerfG	<i>Bundesverfassungsgericht</i> . Federal Constitutional Court of Germany
BVerfGE	<i>Bundesverfassungsgericht Entscheidung</i> . Federal Constitutional Court of Germany Decision
CBCI	Catholic Bishop’s Conference of India
CCBI	Conference of Catholic Bishops of India
CCC	Catechism of the Catholic Church
Com.	PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, <i>Compendium of the Social Doctrine of the Church</i> , <i>op. cit.</i>
CSR	Child Sex Ratio
CWG	GANDHI, M. K., <i>The Collected Works of Mahatma Gandhi</i> , <i>op. cit.</i> , 93 vols.
CWV	VIVEKĀNANDA, S., <i>The Complete Works of Swami Vivekananda</i> , <i>op. cit.</i> , 9 vols.
FABC	Federation of Asian Bishop’s Conference
FBMEC	FIAMC Bio-Medical Ethics Centre (Mumbai)
FIAMC	Fédération Internationale des Associations Médical Catholique
fn.	footnote
ICMR	Indian Council of Medical Research
MWM	MONIER-WILLIAMS, M., <i>Sanskrit-English Dictionary</i> . <i>op. cit.</i>
Nr./No.	Nummer, number (s)
Skt.	Sanskrit
Tr./tr.	translator/translation/translated
vs.	versus

TRANSLITERATION AND PRONUNCIATION OF SANSKRIT LETTERS

VOWELS:

<i>a</i>	short 'a', pronounced like 'a' as in America.
<i>ā</i>	long 'a', pronounced like 'a' as in father.
<i>e</i>	short 'e', pronounced like 'e' as in get.
<i>ē</i>	long 'e', pronounced like 'ai' as in aid.
<i>i</i>	short 'i', pronounced like 'i' as in pin.
<i>ī</i>	long 'i', pronounced like 'ee' as in bee.
<i>ai</i>	diphthong 'ai', pronounced like 'y' as in try.
<i>o</i>	short 'o', pronounced like 'o' as in home.
<i>ō</i>	long 'o', pronounced like 'o' as in cool.
<i>u</i>	short 'u', pronounced like 'u' as in put.
<i>ū</i>	long 'u', pronounced like 'oo' as in food.
<i>au</i>	diphthong 'au', pronounced like 'ow' in how.
<i>ṛ</i>	short 'ri', pronounced like 'ri' as in merrily.
<i>ṛi</i>	long 'ri', pronounced like ri' as in marine.

CONSONANTS:

Generally as in English.

<i>ś</i>	's', pronounced like 'sh' as in sure.
<i>ṣ</i>	'sh', pronounced like 's' as in shun.
<i>s</i>	's', pronounced like 's' as in hiss.
<i>m̐</i>	nasalization of the previous vowel, pronounced like 'm'.
<i>n</i>	'n' pronounced like 'n' as in nut.
<i>n̐</i>	nasalization, pronounced like 'n' as in sing.
<i>ṇ</i>	nasalization like 'n' in none.
<i>ñ</i>	palatal nasal, pronounced like 'n' as in binge.
<i>ṭ</i>	't', pronounced like 't' as in true
<i>th</i>	't' as in pent-house.

GLOSSARY OF SELECTED SANSKRIT TERMS*

<i>acetana</i>	non-conscious.
<i>advaita</i>	non-dualism. The system of philosophy that believes that ultimate reality is <i>bráhma</i> n and all creation is merely a manifestation of <i>bráhma</i> n in time and space. It refers to the identity between <i>ātman</i> and <i>bráhma</i> n, that is, the self of a person is identical with the ground of all being, the <i>bráhma</i> n.
<i>Advaitins</i>	follower of the <i>advaita</i> system of philosophy.
<i>adhyāsa</i>	superimposition, i.e., all human subject-object knowledge is distorted because of superimposition so that the subject is unable to find objective truth.
<i>agni</i>	fire. One of the five <i>mahābhūtas</i> . One of the important Vedic gods.
<i>aham</i>	ego, self.
<i>ahamkāra</i>	literally the “I-maker”. A reflection of the “I” or self, principle of individuation, egotism.
<i>aham brahmāsmi</i>	‘I am Brahma!’
<i>ahiṃsā</i>	written also as <i>āhiṃsā</i> , i.e., not injuring anything, harmlessness, “nonviolence”. It is the opposite of <i>himsa</i> , which is killing, causing violence or injury.
<i>ākāśa</i>	ether, space. One of the five <i>mahābhūtas</i> .
<i>anādi</i>	beginning-less; without beginning, eternal.
<i>ānandā</i>	bliss, happiness, joy, enjoyment. ‘Pure happiness’ is one of the three attributes of <i>Bráhma</i> n. The other two are <i>cit</i> and <i>sat</i> .
<i>aṇima</i>	minuteness, smallness, fineness, atomic nature.
<i>antarātman</i>	the inner self or the soul that resides within the being, conscience.
<i>antaryāmi</i>	the inner ruler, namely, the soul, <i>bráhma</i> n in one’s heart.
<i>anubhava</i>	perception or experience of reality.
<i>Anugītā</i>	part of the epic of <i>Mahābhārata</i> and the second discourse of <i>Kṛṣṇa</i> to his disciple <i>Arjuna</i> .
<i>anuloma</i>	permissible intercaste marriage in which the man belonged to the higher caste.
<i>aparigraha</i>	without any possessions.
<i>araṇya</i>	forest.
<i>artha</i>	object, meaning, wealth. It is one of the <i>puruṣārthas</i> or goals of life. The others are <i>kāma</i> , <i>dharma</i> and <i>mokṣa</i> .
<i>Aryans</i>	A group of tribes that invaded India about two thousand years BCE.
<i>Āraṇyaka</i>	are forest treatises of the <i>Vedas</i> .
<i>Arjuna</i>	Warrior and hero of <i>Mahābhārata</i> and <i>Bhagavad-Gītā</i> . Disciple of <i>Kṛṣṇa</i> .
<i>āśramas</i>	hermitage, stages of life.

*Glossary compiled from the following sources: MONIER-WILLIAMS, *Sanskrit-English Dictionary...*, *op. cit.*, WOOD, *Vedanta Dictionary...*, *op. cit.*, KLOSTERMAIER, *A Survey of Hinduism...*, 587-610 and GONSALVES, *How did I begin?* ..., xxi-xxxii.

<i>asteya</i>	not stealing.
<i>āstika</i>	orthodox. Hindu Philosophical system that accepts the authority of the <i>Veda</i> .
<i>Atharva Veda</i>	<i>Veda</i> containing a collection of magical formulas.
<i>ātman</i>	the essential Divinity, or light of consciousness that resides in each individual; self, soul, being The ultimate goal in Hinduism is to achieve mokṣa through the realization that one's <i>ātman</i> and <i>brāhman</i> is the same.
<i>ātmānaṃ viddhi</i>	know thyself.
<i>avatāra</i>	descent of a deity or incarnation of God.
<i>avyakta</i>	unmanifest, unapparent, and indistinct. Refers also in masc. gender to the Universal Spirit, the Supreme Being, <i>brāhman</i> .
<i>avidyā</i>	ignorance.
<i>āyuh</i>	literally means "life". Ayurveda is the <i>Veda</i> of <i>āyuh</i> or life. Thus, Ayurveda is "the science or art of life".
<i>bāndhu</i>	connection, relation or association.
<i>Bhagavad-Gītā</i>	literally "the song of the sublime" or the song of <i>Kṛṣṇa</i> . It is part of the epic of <i>Mahābhārata</i> .
<i>bhakti</i>	devotion or love of God.
<i>bhāṣya</i>	commentary.
<i>bheda</i>	difference.
<i>Brāhmā</i>	personal God, the creator God.
<i>brāhman</i>	(neuter gender): the impersonal God, devoid of all qualities; the Omnipresent, All-pervading, Transcendent Reality. This supreme Reality is called <i>brāhman</i> when regarded as transcendent, and <i>ātman</i> when regarded as the Life Principle in the individual person, the power behind and within the cosmos that makes it function and live; the Ultimate Reality. In the early Vedic religion, this was the focus of worship by the Brahmins.
<i>Brāhmaṇas</i>	sacrificial texts of the post-Vedic period consisting in theological treatises explaining the <i>vedas</i> . They expound the sacrificial ceremonial in minute detail. They probably belong to about the seventh century B.C. Refers also to an individual belonging to the highest <i>varṇa</i> ; considered as custodians of the sacred texts and teachers (also written as Brahmin).
<i>bhrūṇahatyā</i>	is the killing of an embryo in general.
<i>bhrūṇaghna</i>	the proper word for one who procures abortion.
<i>bimba-pratibimba</i>	image, shadow, reflected or represented form. <i>Pratibimba</i> is a reflection, reflected image. The combination of <i>bimba- pratibimba</i> means object of comparison and that with which it is compared.
<i>brahmacharya</i>	first stage in life, celibate student-hood.
<i>buddhi</i>	or <i>vijñāna</i> is reasoning or intelligence.
<i>cāṇḍāla</i>	term used for lower class, outcast. Also used for a child of a Brahmin mother and a <i>Śūdra</i> father.

<i>Caraka Samhitā</i>	the classical inner medicine or therapeutic text on Ayurveda medicine written by <i>Caraka</i> (ca. 2nd Century BCE), a physician.
<i>cit</i>	to perceive, to understand, comprehend, know, be conscious of and reflect upon. 'Pure consciousness' is one of the three attributes of <i>brāhman</i> .
<i>caturāśrama</i>	four stages of life: the <i>brahmacarya</i> , the <i>grahstya</i> , the <i>vānaprasthya</i> , life and <i>saṁnyāsa</i> .
<i>caturvarga</i>	the four aims of life or the <i>puruṣārthas</i>
<i>caturvarṇa</i>	the four principle <i>varṇas</i> or classes.
<i>cetana</i>	conscious.
<i>darśana</i>	philosophy.
<i>dharma</i>	variously translated as ethics, duty; conformity to the laws; justice, piety; equity; law; usage; etc. It is also the basis of human rights.
<i>Dharmaśāstra</i>	treatise of <i>Dharma</i> , law books. Any book recognized as having divine authority, but particularly the ancient books of Hindu law.
<i>dhātus</i> or <i>bhūtas</i>	elements. It refers to six elements that comprises a <i>puruṣa</i> , namely, the five <i>mahābhūtas</i> and the element of consciousness.
<i>doṣa</i>	means a fault or error, an Ayurvedic term for biological humour. The three <i>doṣas</i> are <i>vāta</i> , <i>pitta</i> and <i>kapha</i> . These three are the biological humours that are the root forces of our physical life.
<i>dvaita</i>	dualism. The system that considers <i>brāhman</i> as a personal God and creator of everything.
<i>garbha</i>	from the root <i>grabh</i> , meaning the womb. It refers to the inside, the middle, interior of anything. A foetus or embryo, child.
<i>garbhahatyā</i>	killling of an embryo.
<i>garbhavadhā</i>	killling or destruction of the embryo.
<i>grahstya</i>	second stage in the life, the life of a householder
<i>guṇa</i>	quality or properties. The chief quality of all existing beings (the three <i>guṇas</i> , namely, <i>sattva</i> , <i>rajas</i> and <i>tamas</i>).
<i>guru</i>	a venerable respectable person, spiritual preceptor who instructs the disciples in the <i>śāstras</i> .
<i>Harijan</i>	Literally means 'Children of God' or 'people of God'. Mahatma Gandhi gave this name to the category of the Untouchables.
<i>hatyā</i>	killling.
<i>hiṁsā</i>	killling, violence or causing injury.
<i>indriyas</i>	organs. Ten in number; five sense or knowledge organs (<i>jñāna-indriyas</i>) and five action organs (<i>karma-indriyas</i>).
<i>Īśvara</i>	personal God, manifestation of the creator <i>brāhman</i> .
<i>jāti</i>	species as opposed to individuals, position assigned by birth, rank, caste
<i>jīva</i>	the principle of life, individual or personal soul imparting life to the human body, individual consciousness.
<i>jīvātman</i>	animated soul or self.

<i>jīvanmukta</i>	liberated soul. One who has reached liberation while still in body and will not be reborn again because of being devoid of <i>karma</i> .
<i>jñāna</i>	knowledge.
<i>jñāni</i>	a knower of the absolute.
<i>kāma</i>	desire, longing, pleasure, enjoyment, love, especially sexual love.
<i>kāraṇa</i>	cause, non-constituent cause, author, title for <i>ātman</i> .
<i>karma</i>	action, religious rite, results of immoral acts or the eternal law of retribution.
<i>kōsa</i>	the five sheaths or coverings of the body. They are: the outermost “body made of food” (<i>anna-maya-kōsa</i>), the “body made of vitality” (<i>prāṇa-maya-kōsa</i>), the “body made of mind” (<i>mano-maya-kōsa</i>), the “body made of understanding” or wisdom or evaluation (<i>viññāna-maya-kōsa</i>) and the “body made of bliss” (<i>ānanda-maya-kōsa</i>).
<i>Kṛṣṇa</i>	name of the most famous <i>avatāra</i> of
<i>Kṣatriyas</i>	one of the four <i>varṇas</i> . Defenders and warriors who also ruled as kings and administrators.
<i>kṣetra</i>	field.
<i>kṣetrājña</i>	the knower, i.e., the <i>puruṣa</i> or <i>ātman</i> , who knows the field or matter.
<i>mahā</i>	great.
<i>Mahābhārata</i>	written perhaps in the 8 th and 9 th centuries B.C.E. It is one of the Sanskrit epics of ancient India attributed to <i>Vyāsa</i> . A principal part of <i>Mahābhārata</i> is the <i>Bhagavad-Gītā</i> .
<i>mahābhūtas</i>	the great elements which are five in number in their subtle form, i.e., earth (<i>prthvī</i>), water (<i>jala</i>), fire (<i>tejas</i>), air (<i>vāyu</i>), ether (<i>ākāśa</i>).
<i>mahātmā</i>	great soul, title of honour.
<i>manas</i>	or also <i>buddhi</i> is the intellect or mind, a synonym for <i>cit</i> . In Philosophy, it also means the internal organ of perception and cognition, the faculty or instrument through which thoughts enter or by which objects of sense affect the soul. In this sense, it is always regarded as distinct from <i>ātman</i> and <i>puruṣa</i> .
<i>māṇav dharma</i>	laws given by <i>Manu</i> , valid for all human kind, humanism.
<i>mantra</i>	Sacred word or formula to be chanted. It is called mantra, because it induces <i>manana</i> or reflection on the Supreme and because it provides <i>trana</i> or protection from the whirling of transmigratory life.
<i>Manu</i>	progenitor of humankind, the first ancestor of human race and the first sacrificer of fire.
<i>Manusmṛti</i>	<i>Laws of Manu</i> . A compilation of existing laws and creeds probably of about the third century BCE but based upon earlier works, attributed to <i>Manu</i> .
<i>mārga</i>	way, path of salvation through <i>karma</i> -, <i>jñāna</i> - and <i>bhaktimārga</i> .
<i>māyā</i>	extraordinary or supernatural power, illusion, unreality or deception.
<i>mīmāṃsā</i>	inquisition. One of the six orthodox system of Hindu philosophical system that defends and justifies the <i>Vedic</i> ritualism.

<i>mokṣa</i>	liberation, release from worldly existence.
<i>mūḍhgarbha</i>	“The Foetus Astray” or mal position of the embryo in the uterus.
<i>mukta</i>	liberated.
<i>mukti</i>	liberation
<i>nāstika</i>	heterodox. A system of Hindu Philosophy that does not accept the authority of the <i>Veda</i> .
<i>neti neti</i>	<i>neti</i> derived from a composite of two words <i>na iti</i> , “not so”. A denial, namely, “not this, not this”. A term used to describe the incomprehensible characteristics of the <i>ātman</i> .
<i>nirākāra</i>	without any form with reference to <i>brāhman</i> .
<i>nirguṇa</i>	without qualities or attributes.
<i>nirguṇa brāhman</i>	<i>brāhman</i> as “impersonal”, having no qualities or the quality-less, implying that <i>brāhman</i> of itself is obviously beyond the limits of matter.
<i>Nirukta</i>	a technical treatise on etymology, philology and semantics.
<i>nīti</i>	ethics, right moral behaviour, moral precept, rules of conduct.
<i>nitya</i>	eternal.
<i>niyama</i>	discipline, commandment.
<i>niyoga</i>	the impregnation of a wife of an impotent or dead man in order to bear a child that will continue the progeny.
<i>nyāya</i>	rule, method, logic. One of the six orthodox system of Hindu philosophy. Traditionally it meant ‘formal reasoning’. It bases itself on four methods of arriving at the truth, namely, perception, inference, analogy and verbal testimony.
<i>Om</i>	the primal sounds [namely <i>a + u + m</i>], the sound or vibration from which the whole universe emanates. In the <i>Vedas</i> , the most sacred of all words and has the meaning of <i>brāhman</i> .
<i>pāda</i>	section of a text.
<i>pañca</i>	the number five. used in compound with other substantives, e.g., <i>pañca bheda</i> (five differences).
<i>pañcamavarṇa</i>	the fifth <i>varṇa</i> ; the category of out-caste-castes or non-caste-castes; the category of Untouchables, of <i>Harijans</i> or of the depressed castes.
<i>pañca mahā pātaka</i>	The five cardinal sins, namely, killing a Brāhmaṇa, drinking intoxicating liquors, stealing, destroying an embryo, committing adultery with the wife of a <i>guru</i> .
<i>param</i>	chief, primary, in the highest degree, supreme.
<i>paramārthika</i>	absolute reality or absolute truth which is <i>brāhman</i> itself.
<i>paramātmān</i>	the Supreme soul.
<i>pātana</i>	causing the fall of the foetus or abortion. Recourse to this procedure is used only in extreme circumstances.
<i>Prajāpati</i>	literally lord of creatures, creator. Same as <i>puruṣa</i> and sacrifice.
<i>prakṛti</i>	literally ‘making or placing before or at first’, primal matter, primary substance. It is an individual’s inherent nature influencing consciousness and activity. It consists of the three <i>guṇas</i> .

<i>pramāṇa</i>	logical proof or means of cognition.
<i>prāṇa</i>	life; the life breath.
<i>pratiloma</i>	intercaste marriage that was considered as reprehensible in which a man of lower caste marries a woman belonging to a higher caste.
<i>Purāṇas</i>	sources of folklore and popular religion. Purāṇas succeeded the famous epics, the <i>Rāmāyaṇa</i> and the <i>Mahābhārata</i> .
<i>pura</i>	township, fort.
<i>puruṣa</i>	is the same as <i>Manu</i> . Literally, it means ‘person’ or ‘Self’. The original, primaeval being, the sacrifice of which was believed to create from its body the phenomenal world, in particular the four castes. It is the pure consciousness, or the spirit which is also synonymous of <i>brāhman</i> and therefore of <i>atman</i> .
<i>puruṣārthas</i>	the aims/goals of life required for human fulfilment, namely, wealth (<i>artha</i>), pleasure (<i>kāma</i>), duty (<i>dharma</i>) and liberation (<i>mokṣa</i>).
<i>puruṣotama</i>	supreme person.
<i>Rāma</i>	main hero of <i>Rāmāyaṇa</i> . General name of God.
<i>Rāmāyaṇa</i>	a great epic written between 5 th to the 4 th centuries B.C.E, attributed to sage Valmiki. It describes the ‘goings’ (<i>ayana</i>) of <i>Rāma</i> and his wife <i>Sītā</i> .
<i>rajas</i>	one of the three <i>guṇas</i> or qualities, namely, passion, energy or turbulence.
<i>Ṛg Veda</i>	verses recited during sacrifices.
<i>rasa</i>	a bodily fluid. In Ayurvedic embryology, it refers to the digestive product of the mother’s food.
<i>ṛṣi</i>	written also as <i>rishi</i> are patriarchal sages or saints, authors or seers of <i>Vedic</i> hymns.
<i>sadvṛtta</i>	the word used for ethics in Ayurveda.
<i>saguṇa</i>	with qualities or attributes
<i>saguṇa brāhman</i>	<i>brāhman</i> as “personal”, with qualities or the anthropomorphic qualified Godhead.
<i>śaivites</i>	followers of <i>Śiva</i> .
<i>sākṣī/sākṣitva</i>	legal witness, evidence, testimony, <i>brāhman</i> present in humans.
<i>Sāma Veda</i>	the Veda that comprises of chants or melodies
<i>saṁhitā</i>	a compendium, a compilation of hymns and formulas. The <i>mantra</i> part of the <i>Vedas</i> .
<i>sāṁkhya</i>	figure, number. One of the six orthodox system of Hindu philosophy. It means ‘enumeration’. It bases itself on perception, inference and verbal testimony. The universe is the outcome of union of spirit (<i>puruṣa</i>) and primal matter (<i>prakṛti</i>).
<i>saṁnyāsa</i>	fourth stage of life. A life of renunciation.
<i>saṁnyāsī</i>	An ascetic or devotee who lives a life of renunciation of all earthly concerns and devotes himself to meditation of the scriptures.
<i>sampradāya</i>	a religious tradition or sect.

<i>saṃsāra</i>	the world, secular life, cycle of death and rebirth.
<i>sanātana dharma</i>	another word for Hinduism. The eternal religion based on the eternal sustaining values of life.
<i>śarīra</i>	corporeal human body, classified into three, namely, The dense or gross body (<i>sthūla śarīra</i>) made of food, subtle or fine body (<i>sūkṣma śarīra</i>) made of vitality, mind and understanding and the causal body (<i>kāraṇa śarīra</i>) made of bliss.
<i>Śārīrastāna</i>	Ayurvedic text that deals with anatomy and embryology.
<i>sārva</i>	all in all; general.
<i>svarūpa</i>	real nature of the self.
<i>śastra</i>	instrument, sword, weapon.
<i>śāstra</i>	teaching, instruction, a manual or compendium of rules.
<i>sat-cit-ānandā</i>	absolute existence-pure consciousness-perfect bliss; a synonym for <i>brāhman</i> .
<i>sat</i>	being, existence, truth, the self-existent or Universal Spirit, <i>brāhman</i> . 'Absolute existence' is one of the three attributes of <i>brāhman</i> .
<i>satī</i>	a virtuous or faithful wife who burns herself (not always voluntary) on her husband's funeral pyres.
<i>sātmya</i>	wholesomeness, that which is agreeable to nature or natural constitution. In <i>Caraka Samhitā</i> it means wholesome or suitableness as a factor responsible for the production of an embryo.
<i>satsanga</i>	a gathering of religious-minded people seeking the truth.
<i>sattva</i>	one of the three <i>guṇas</i> or basic qualities, namely, goodness or purity.
<i>satya</i>	truth.
<i>satyagraha</i>	<i>agraha</i> = firmness. Hence, <i>satyagraha</i> means holding on steadfastly to Truth (Gandhi equated Truth to God).
<i>Sītā</i>	In the <i>Rāmāyaṇa</i> the proper name of the consort of <i>Rāma</i> .
<i>Śiva</i>	the destroyer God.
<i>smārta</i>	the two schools of orthodox theological ideas of Hinduism based on <i>śruti</i> , namely, <i>Mīmāṃsā</i> and <i>Vedānta</i> .
<i>Smṛti</i>	the oral tradition and non-canonical scriptures, which derive their authority from <i>śruti</i> .
<i>soma</i>	juice of the Soma plant offered in libation.
<i>śoṇīṭa</i>	the female vital energy.
<i>śrāddha</i>	a rite performed in honour and for the benefit of dead relatives. It is not a funeral ceremony but a supplement to such a ceremony.
<i>Śruti</i>	what has been revealed and heard. The revealed canonical scriptures of the Hindus, comprising of the <i>Veda</i> .
<i>sthūla</i>	large, fat, strong, gross. In combination with <i>śarīra</i> , it means gross body. In Philosophy it refers to material or tangible as opposed to <i>sūkṣma</i> .
<i>Śūdras</i>	one of the four <i>varṇas</i> . Individuals belonging to the lowest class. They were a class of servants and menials.
<i>śukra</i> and <i>śoṇīṭa</i>	the male and female sexual fluids and hormones, respectively.

<i>sūkṣma</i>	subtle.
<i>sūkta</i>	Vedic hymn, the <i>puruṣa-sūkta</i> .
<i>Suśruta Saṁhitā</i>	surgical texts of Ayurveda written by <i>Suśruta</i> (ca. 6th Century BCE), a surgeon.
<i>sūtra</i>	a thread, sacred thread worn by the first three classes, a short sentence or aphoristic rules and a manual consisting of strings of such rules.
<i>sūtrastāna</i>	Ayurvedic text that deals with general principles and philosophy of medicine.
<i>swaraj</i>	self-rule, personal integrity.
<i>tamas</i>	one of the three <i>guṇas</i> or qualities that signify darkness, dullness or ignorance.
<i>tat</i>	that; designation of the Supreme being, <i>brāhman</i> .
<i>tat tvam asi</i>	“That art thou”.
<i>tattva</i>	principle, nature, reality.
<i>tri</i>	the number three.
<i>trimārga</i>	or <i>trivarga</i> . Literally three ways or <i>mārga</i> to liberation, namely, <i>karma</i> , <i>jñāna</i> and <i>bhaktimārga</i> .
<i>Upaniṣad</i>	Literally, it means, “sitting down” of a disciple “near to” his guru. Theological treatises forming the concluding portions of the Veda, and therefore called the Vedānta on which is based much of the later Indian Philosophy.
<i>upāsanā</i>	devotion (<i>bhakti</i>) or worship
<i>vaiśeṣika</i>	One of the six orthodox system of Hindu philosophy. It means ‘difference’. It accepts only two sources of knowledge: perception and inference.
<i>vānaprasthya</i>	third stage of life, life of a forest dweller.
<i>varṇa</i>	Literally means colour; generally used to designate the four traditional social and occupational classes; class and social division based on birth, namely, <i>Brāhmaṇas</i> , <i>Kṣatriyas</i> , <i>Vaiśyas</i> , and <i>Śūdras</i> . Each Varna can be divided into a number of <i>jātis</i> . Below these four <i>varṇas</i> are the Untouchables.
<i>varnāśramdharma</i>	Goals of life and the functions performed according to the system of the four <i>varṇas</i> .
<i>Vaiśyas</i>	one of the four <i>varṇas</i> . Individuals comprised of farmers and merchants.
<i>vāyu</i>	wind, air (as one of the five <i>mahābhūtas</i>), another name for <i>prāṇa</i> or vital force, associated with the God of the wind, Indra, wind of the body.
<i>Vedas</i>	The oldest collection of Hindu sacred texts. The four principal books of sacred knowledge are <i>Ṛg</i> , <i>Yajur</i> , <i>Sāma</i> and <i>Atharva</i> .
<i>vedānta</i>	One of the six orthodox system of Hindu philosophy. Literally, it means the end of the <i>Vedas</i> and is concerned with knowledge and <i>mokṣa</i> (liberation). This system is further divided into dualism (<i>dvaita</i>), non-dualism (<i>advaita</i>) and qualified non-dualism (<i>viśiṣṭādvaita</i>).

<i>Vedic</i>	An adjective referring to the <i>Vedas</i> (as in “Vedic Scriptures”), the people who originally created and used the <i>Vedas</i> , the period from 1500 to 500 BCE during which they were written, or any form of Hinduism or Hindu teachings that derive from the <i>Vedas</i> .
<i>vijñāna</i>	understanding, wisdom, evaluation.
<i>viśiṣṭā</i>	qualified, modified or complex.
<i>viśiṣṭādvaita</i>	qualified non-Dualism. It considers <i>brāhman</i> to be impersonal, transcendent, indescribable, and the essence of pure consciousness.
<i>Viṣṇu</i>	the Sustainer or preserver God.
<i>vyakt</i>	manifest.
<i>vyakti</i>	specific appearance, distinctness, individuality, an individual in opposition to <i>jati</i> or species. Used in modern times for both of the English terms ‘individual’ and ‘person’.
<i>vyaktitva,</i>	a synonym for both ‘individuality’ and ‘personality’.
<i>Vyāsa</i>	or also known as <i>Kṛṣṇa Dvaipāyana</i> ; author of <i>Mahābhārata</i> ; one who arranged or compiled the <i>Vedas</i> , therefore known also as <i>Veda-Vyāsa</i> .
<i>yajña</i>	<i>Vedic</i> sacrifice.
<i>Yajur Veda</i>	<i>Veda</i> comprising a collection of sacrificial formulas.
<i>yoga</i>	One of the six orthodox system of Hindu philosophy. It means “yoke”. It refers to an organized form of discipline that leads to a goal, namely, <i>moksha</i> , which is the release of the soul from cycle of death and rebirth (<i>samsara</i>).

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