

ETHICS, EMBRYOS AND FAMILY

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§ 1. Introduction

I am conscious of the privilege accorded me by the invitation to deliver the 2007 Catholic Union lecture honouring the late Lord Craigmyle, the third bearer of that title. I like to think that he would be pleased at this address being delivered by a fellow Scot, and I hope he would recognise the acknowledgement of one of his abiding concerns in the inclusion of *family* in the subject of this lecture. In that connection I am also pleased that we are honoured this evening by the attendance of his widow Anthea, Lady Craigmyle.

Donald Mackay Shaw was also named 'Thomas' after his grandfather the first Baron Craigmyle who served as Solicitor General and Lord Advocate of Scotland. That Thomas Shaw was raised in Dunfermline the ancient capital of Scotland favoured by Malcolm Canmore and his Queen St Margaret, by their son King David and by Robert the Bruce. Its greatest benefactor, however, was the philanthropist Andrew Carnegie whom Thomas advised on the matter of his donation in 1901 of \$10,000,000 to the then four Scottish universities. Perhaps something of the tale of that benefaction influenced Thomas's grandson who was renowned for his considerable charity; certainly successive generations of Craigmyles have maintained the Scots connection.

Although not born into the Catholic faith, Lord Craigmyle was drawn towards it, following his wife into the Church in 1956 the year after their marriage.

Thereafter his service and generosity to Catholic causes, in particular charities concerned with providing for the needy and protecting the lives of the unborn, was profound and extensive. He was a supporter of the All Party Parliamentary Pro-Life Group, of the Society for the Protection of the Unborn Child, and of the Linacre Centre, the British Catholic bioethics institute. This interest in defending life in the womb is acknowledged in another element of my chosen subject: the embryo.

Lord Craigmyle was honoured in his lifetime by the award of Knight Commander with Star of the Order of Pius IX whose motto is *virtuti et merito*, and was President of the British Association of the Sovereign Military Order of Malta, and of the Catholic Union. The list of his associations, service and benefaction is long, and rather than proceed with it let me offer a philosophical observation about the character of these activities which will then lead me to my first topic which is the nature of ethics.

Ethical actions may be performed in conscious pursuit of some general goal, such as welfare or happiness, or in conscious observance of some specific principle expressing a positive or negative duty. They may also, however, flow naturally and without conscious reflection from the character of the agent. Our characters are made up of sets of active and reactive dispositions, some innate perhaps, many acquired – often with effort. These dispositions are inclinations to do or to refrain from doing various sorts of things. They also include emotional as well as cognitive aspects: attractions and revulsions as well as recognitions and judgements. When these various character-constituting dispositions are directed towards the bad they are described as vices, when oriented towards the good they are known as virtues.

Our natures are a mix of such dispositions, a blend of good and bad, of virtue and vice; but when one or other is predominant in a settled way we have the moral

character of the individual. It is evident from the actions flowing naturally from his character that the late Lord Craigmyle was one of virtuous character, or more plainly put, that he was a good man, one whom we should aim to emulate in the future as well as to honour today.

§ 2. *Ethics.*

I have now brought us to the point where I can take up directly my first main topic: that of ethics; and here I want to make three points.

1) that the styles of ethical thought that are now dominant are reductively monistic (an idea I shall explain in a moment).

2) that these reductive styles of thought are false to the realities of life, deliberation, choice and action.

3) that besides conditioning secular thought they have also shaped the thinking of Catholics, even of would-be conscientious ones.

First, then, the 'reductive monism'. There is a recurrent tendency when theorising to pursue the understanding of some seemingly diverse field by treating the diversity as merely apparent. The first philosophers, the Pre-Socratics, claimed (variously) that everything on earth and in the heavens is really water, or earth, or air, or fire; and millennia later other speculative theorists have claimed that everything is really energy. Whatever truth there may be to these claims about the material or medium out of which things are made they overlook the fact that there are other truths about things, such as what they are or what they do. Trees and tables are both made of wood but they are not on that account really just the same thing.

Applying the reductionist style of thought to the sphere of human value and ethics some have argued that everything is really about, i.e. is reductively identical

with, human happiness, or is about the pursuit of autonomy, or is identical with some other master value or principle. This is both simplistic and, since we are dealing with matters of practice and policy, dangerously false. The truth about moral reality is that it is multi-dimensional, and that within the several dimensions are certain asymmetries or priorities. Welfare is indeed something to be considered and taken account of; so is autonomy, in some understanding of this; but so too are the orientation towards the good that I mentioned earlier, that is to say the virtues.

To help fix these ideas let us think of moral space as three dimensional, like a box. Along one axis runs the dimension of welfare; along another that of autonomy; and up the third that of virtue. Moral realities are situated within this moral space. This suggests that determining how to act may be a complex affair, though sometimes perhaps issues will lie in only one plane.

To this model let me introduce the asymmetry or priority that I just spoke of. With regard to some value, principle or virtue one may view it either as something to be *promoted* or as something to be *protected*. One may, of course, see it from both perspectives; but the asymmetry I wish to identify is that protection takes priority over promotion. Another way of putting this is to hold that some values are inviolable, which is not to say that they cannot be violated, but rather that they ought never to be treated so.

To see that this is so, think first of how it might be were it otherwise. Suppose with the utilitarian that we identify our ultimate value as human happiness, understood say as the satisfaction of deliberated preferences. (That is to say the preferences one arrives at having ranked initial desires and sorted out obvious conflicts between them). Then if we say that the proper attitude to human happiness is to promote it (indeed to maximise it) then it will be right in some cases, and not

merely permissible, to destroy the happiness of some for the sake of the greater happiness. Likewise, if we identify autonomy and adopt the exclusively promotional perspective then it will be right to override the autonomy of some for the sake of creating greater autonomy among others, or for creating more cases of autonomy.

If we say, however, first that there is not just one value, and second that we must first protect a value before promoting it, then we will be resistant to these sorts of sacrificial policies. In claiming that there are many values I am not excluding that some may be more central or weightier than others. And indeed there is, I believe, a central value, namely that of the good of human life, and that protecting this takes priority over promoting it. Put another way, one may not intentionally destroy or seriously harm an innocent human life for the sake of promoting the good of other lives, or happiness, or autonomy, or even virtue.

Not only is this perspective opposed to any simple consequentialism that evaluates an act directly by reference to its contribution to promoting some previously identified value, it is also at odds with views that accord certain values and principles only defeasible inviolability. These views, which are increasingly to be found among Catholic and other Christian thinkers, having been imported from secular ethical sources, hold that while it would be wrong simply to kill the innocent this could be justified in special circumstances, say where this might be for the sake of saving some greater number, and one which account one's policy could then be redescribed as acting to save innocents.

The once fashionable approach of 'Proportionalism' has something of this character and fails by trying to occupy a position somewhere between absolutism and consequentialism. Inevitably, like the rule utilitarianism to which it is related, it collapses back into the latter because it favours promotion over protection.

§ 3. *Embryos*

This brings me to the subject of the human embryo and to the need for some further philosophical reflection. The conclusion that one may never intentionally kill an innocent human being requires for its application an identification of innocent human life. Now by 'innocent' I mean materially innocent, that is to say innocent with regard to the matter at hand. If one were wanting to justify capital punishment, which I am not, or to justify the use of force known to be lethal in the conduct of war, which in some circumstances I would seek to do, then one would point to the idea that in these circumstances the human beings in question are not materially innocent. But the innocence of infants and babies is total; there is no respect in which they are or could be materially culpable; hence the wrongness of ever intentionally killing them.

But what about embryos? Nowadays defenders of abortion tend to reject the general ban on killing the innocent because they place the promotion of some other value or principle – happiness, or choice, say – above it. In the past, however, the more common defence of abortion accepted the general ban on killing but denied that human foetuses or embryos are human beings: human tissue, yes; but human individuals, no. This claim that early foetuses and embryos are not human beings is again being pressed today because liberals about the abortion issue tend also to be opposed to wars and genocide on the quite proper grounds that they kill innocents.

So how might it be denied that a human embryo is a human being? It has become common to speak of what is produced through conception as only a potential human being, and to argue that viewing it as an actual one is analogous to regarding a budding seed or tiny sapling as a tree. The general point which we are intended to recognise is that the fact that an adult human being, or a new born one, started out as

an embryo does not show that human embryos are human beings, only that they have the potential to become human beings.

‘Potential’, however, is a slippery word. Sometimes it is used simply to mean possibility, in the sense of not being impossible; but that bare logical understanding is too weak a sense to be of help in these issues. The relevant meaning is rather that of a potency or power possessed but not yet developed or not currently being exercised. In that sense, however, potentiality also points to actuality. If I have the power to walk then I am in that sense already a walking kind of thing; that is to say I am either a walker currently at rest, or I am a creature of a sort naturally endowed with the means of and aptitude for learning to walk. Likewise, when we say that human beings are linguistic animals we are not saying that babies can already speak English, but that they do already have the capacity for language though it is not yet developed.

So if in this sense of ‘potential’ we say that an embryo is a potential adult human being we are saying that it is already something that has the power to develop into adulthood. But what then could that *something* be? The answer is a human being at an earlier stage of development. Hence the claim that embryos are not potential human beings, but actual human beings with potential. The mistake of the deniers of human individuality to embryos is that they confuse stages or phases of life with individual life itself. A budding seed or a tiny sapling are not a full grown oak tree, but budding seed, sapling and full grown tree are proper stages in the continuous life and career of a single individual entity: an oak. Likewise embryo and infant are proper stages in the life of *a* human being.

This sort of reasoning used to be familiar in Catholic moral theology, anthropology and psychology, but as in the case of ethics much of what is now practiced bears the mark of secular thought that is incompatible with and often hostile

to Catholic teachings. Indeed, there is even a fashion in Catholic academic circles for criticising traditional understandings and undermining them. This brings me to the issue of whether, as some suggest, modern Catholic teaching about the origins of life is at odds with what was taught in the past, and whether it is refuted by contemporary embryology.

Critics are apt to point out that Thomas Aquinas maintained that human 'ensoulment' only occurs a month or so after conception for males, and at three months for females. This differentiation ought, however, to alert us to the possibility of his having a false embryology; and indeed it is so. The details are complex but in brief it follows from Aquinas's account of human beings that the human soul or organising principle only comes into existence when the body generated by the parents is sufficiently organised to be disposed for it. This principle requires the material organisation sufficient for *the development of* those organs that support all of the operations proper to the human species.

On the basis of mistaken embryological assumptions, Aquinas himself believed that such organisation did not occur until the distinct organs were visibly present, but when his principle is applied to what is now known about reproduction-gestation the conclusion is that the organisation of the body required for human ensoulment occurs at or close to conception. Even at the two cell stage the cells of the developing organism are differentiated, serving as primordia of different systems of organs.

The fact of monozygotic twinning, in which a single zygote splits to produce two embryos, has been taken to imply that the original product of conception is not a human individual and that the latter only comes to exist after a couple of weeks. But all that such twinning shows is that at the earliest stage of embryonic development the

degree of specialisation of the cells is limited so that groups of them may, if divided, become whole organisms. It does not follow that prior to division the embryo is a mere mass of cells and not a unitary human organism.

Not only are scholars generally aware of the scientific flaws in Aquinas's views about human ensoulment, but the Catholic Church itself has made reference to them in its declarations. In the important 1974 'Declaration on Procured Abortion', the Sacred Congregation for the Doctrine of the Faith states that

“In the course of history, the Fathers of the Church, her Pastors and her Doctors have taught the same doctrine [that human life must be protected and favored from the beginning, just as at the various stages of its development]—the various opinions on the infusion of the spiritual soul did not introduce any doubt about the illicitness of abortion. It is true that in the Middle Ages, when the opinion was generally held that the spiritual soul was not present until after the first few weeks ... But it was never denied at that time that procured abortion, even during the first days, was an objectively grave fault”.

The principal factor in effecting a change in the Church's teaching about the nature of early abortion was the development of a modern understanding of the ovum, the process of fertilization and the principle of foetal self-development. Allowing that there may be some indeterminacy in best current accounts of when exactly a new human being begins to exist, the Church nevertheless teaches that this should be deemed to occur at conception. The point is stated clearly in *Donum Vitae*: “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”.

Abortion is a serious moral and political issue, but unlike many others confronting us it is not one that is remote from the experience or influence of most individuals. Perhaps too often, and too easily, Catholics seek to align themselves with causes proclaimed by the world; for it is an important test of who we are, and of where we stand, whether we are willing to oppose ourselves to the temper of the times. There is no virtue in approving what is approved of, nor any defence in having only followed the order of the day.

§ 4. *Family*

The connection between embryos and families is obvious enough. IN one of its common uses the idea of family is related to reproductive ancestry and progeny; and until recently embryos were exclusively the result of intercourse between sexually mature male and female. Even where the couple did not make a home together offspring were generally raised in a household that was familial both in the biological and cultural senses.

Contraception and reproductive technology have severed the connections between sex and procreation and thereby also weakened the fundamental natural bond between men and women. Alongside this subversion of natural union now comes an undermining of the family as a cultural or social institution. In discussing this briefly before concluding I want to link the issue of education to that of family life, and a point to notice I show the secular theorist's ambition to achieve unity.

Contraception and reproductive technology In 1994, on the occasion of the tenth anniversary of the International Year of the Child, the then Secretary General of the United Nations, Kofi Annan, wrote as follows:

“The family has a continuing and crucial role in social and human development as well as in provision of care and support to individuals. Strong family bonds have always been part of most societies, and families in most places continue to make important contributions to social and economic well-being”

As an affirmation of the value of family life this is welcome, and although Annan does not make the point it is fair to presume that in speaking of ‘the family’, in full generality, he was mindful of the fact that there is a diversity of forms of family relationship, in some cases with three generations sharing the home, in some with tasks of child-rearing being shared among parental siblings with little distinction within the children of the extended family between brothers, sisters and cousins, and so on. This diversity of practices and structures reflects other differences between physical and built environments, patterns of work, material resources and long-standing beliefs and traditions.

Allowing that there may be bad cases, as there are in all things human, the situation of strong families of various sorts contributing to human development, and providing care and support for their members constitutes an example of benign pluralism.

Even at the time when Annan was writing, however, and ever more so since, another rhetoric has developed which also speaks of pluralism, but not in the interest of sustaining traditional forms of family life but with the opposed purpose of undermining them. So it is said by progressives, and defensively echoed by some ‘conservatives’ who fear being left behind by the ebbing tide of social change, that families come in all shapes and sizes and no form should be privileged.

What this means is that those who choose to be single parents; or those who choose to conceive different children with different partners; or those who enter in and out of relationships with children present; or those of same-sex who choose to act as a parent pair, perhaps even resorting to assisted reproduction to have a child. All of these are to be regarded as equally valid to those forms of family life at whose core stand a man and a woman united in life-long marriage.

I termed the earlier diversity ‘benign pluralism’ but this is quite different and deserves the description ‘pathological pluralism’, because not only are the forms I have described departures from a settled social norm, departures that are evidently dysfunctional and damaging to those involved; but the affirmation of them as acceptable is by implication a denial of the special value of marriage as traditionally conceived of in European societies, and in those societies that derive from them. And, having made that move, progressives are often inclined to go further and say that far from being superior to these new arrangements, the traditional European understanding of family is an artefact of oppression, commanding and controlling sexuality in line with heterosexist essentialism, coercing women into reproduction and child-rearing, and providing opportunities for the mental and physical abuse of children.

Some of those who say this kind of thing are moral nihilists, or social anarchists, but many see themselves as advocates of a superior, comprehensive moral doctrine, namely that of liberty rights. For these people, the attack on traditional forms and values is part of a constructive revolution designed to implement a unitary moral order in terms of which all institutions, practices, loyalties and relationships may be judged.

Earlier I mentioned education as being, along with the family, a target of such attacks. It is unsurprising that these two feature prominently, for they are central to intimate human relationships, and they are primary vehicles for the transmission of values from one generation to the next. Consider then the following from a recent United Kingdom report on children and family policy:

“The absence of a rights approach guiding the relationship between the interests of children and families is significantly in evidence around concessions to that ill-defined attribution parental autonomy which in some circumstances one sees perversely preserved at the expense of children’s rights.

. . .

In education, for example, parental choice of school and religious education for their child has been questioned as undermining children’s rights . . . Overall the Government’s role in the parent-child-state axis is to support individuation and opportunity for self-determination and fulfilment. But the relationship is seriously undefined and needs principal clarification.

There are several aspects of this that should be noted. First the idea that family relationships are to be morally assessed through the medium of *rights*. Second, that at present the claims of parents not to be interfered with in the education of their children are *improperly conceded to*. Third, and relatedly, that the exercise of parental choice in the matter of schooling and religious education subverts the *rights of children*. Fourth, that these matters are to be resolved by reference to the ‘*parent-child-state axis*’ which remains to be clarified by a proper understanding of moral

obligations and permissions. And finally, that this understanding will be provided by a system of *universal rights*.

At this point I wish to remind you that this is an example, now bridging the practical and the theoretical, of the ambition, and, has just been seen, of the grim and threatening determination, to reduce the range of moral categories to a unitary form, that of legally enforceable rights. Notice that these moral imperialists are not content to pursue exclusive control of conceptual space and the associated moral language; they also want to implement ideological mastery in the real world of human relationships using the force of the state to do so.

Promotional announcements of forthcoming films used to be accompanied by the slogan 'coming soon to a cinema near you'. Adapting this I might say 'look out for a unitary moral system and its socio-political implementation for it will be coming soon to a community near you'. I realise that this has all of the brevity and literary style of a Stalinist policy directive, but that very association may serve to imprint the warning it carries.

It is a warning that I think Lord Craigmyle would have welcomed if not in the style of its expression then in the substance and urgency of its message. So far as responding to it is concerned he might perhaps have quoted words familiar to him from the King James version of the Bible where in his First letter to the Thessalonians (5:21) St Paul advises "Prove all things; hold fast that which is good. Abstain from all appearance of evil". That as Christians is where we need to begin; and with God's help it is where we might also hope to end up.