Giving Due Emphasis to the Human Person in Catholic Moral Teaching

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The advent of the social sciences, psychology and sociology, and their development over the past eighty years or so have made us much more aware of the integrated nature of the human person. Today we are less likely to speak about souls and bodies as separate entities or to be dualistic in our thinking. Nevertheless, the influence of the Stoics in their teaching on natural law and its ethical implications, based on what is natural physically, and later the attempt by Descartes to extend his mechanical approach to science to include human beings (he explicitly describes the body as a machine in his work, Description of the Human Body, (La description du corps humain) is an unfinished treatise, (1647) still seem to infect our thinking in the area of moral teaching and practice.1

An example from real life, with some changes to render the case anonymous, may help to situate the title and give a base for interpreting the official statements which are listed later on and, in my opinion, embody the tradition. It is the case of a woman, pregnant with a foetus not yet viable, suffering from multiple co-morbidities. The obstetrician believed that the patient was at risk of maternal death in the current pregnancy given the following

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1. See Brian Johnstone C.Ss.R, ‘What Does it Mean to be a Person?’ Studia Moralia 48 (2010): 125-141, ‘[T]he concept of person, as it has been presented in philosophy and Christian theology, has sometimes focused one-sidedly on the person as individual and rational, to the neglect of the person as relational and, most notably, as loving and loved, rather than merely rational’, 125.

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grounds: Chorioamnionitis (inflammation of the foetal membranes and placenta due to bacterial infection) was evident and is a recognised cause of maternal death which does not get better until the focus of infection—placenta and membranes—is surgically removed. The patient had had three days observation with medical treatment (antibiotics) but the condition was worsening and there was no longer any doubt about the diagnosis. Two specialists and another obstetrician agreed that the only reasonable obstetric treatment was to evacuate the placenta and membranes surgically even though this unfortunately entailed a previable, preterm delivery of the foetus. This particular patient faced several additional complications over and above chorioamnionitis if a non-surgical approach had been elected: she has a scar on the body of the uterus from her prior complicated pregnancy. This is at high risk of rupture if uterine contractions commence. Labour after preterm premature ruptured membranes with chorioamnionitis is inevitable. Uterine rupture is a recognised cause of maternal mortality. She has an abdominal cerclage in situ. Once chorioamnionitis progresses to septicaemia (bacteria in the blood) this will seed a foreign body such as a cerclage and the infection in such a site will also be incurable until the foreign body is removed as the maternal immune system of white cells and soluble mediators including antibodies cannot reach such foreign bodies. To remove a foreign body such as a cerclage risks severe haemorrhage from surrounding blood vessels and also ureteric and bladder damage due to the cerclage location. Other complications of mid-trimester premature ruptured membranes include placental separation (abruption) in at least 10% of cases, with much higher incidence in the presence of infection. Abruption is a recognised cause of maternal mortality, postpartum uterine atony (failure of the uterus to contract after the foetus, placenta and membranes have been expelled) is a recognised complication of mid-trimester premature ruptured membranes. This leads to excessive blood loss, complicating blood loss anticipated due to the need for surgical delivery in the current case. Excessive blood loss is a recognised cause of maternal mortality. What is one to do or advise? If one does not follow the advice of the specialist clinicians in all probability the mother will die and the inviable foetus with her. The tradition following the recognized ‘manualists’ would call this a casus complexus (or dilemma situation, the perplexed conscience).²

This is one example of complicated cases which demand a judgment assessed on a holistic approach to this person rather than a simplistic decision based on a physical intervention. A purely logical approach would say one

2. A. Vermeersch, SJ, Theologiae Moralis Tomus I, Theologia Fundamentalis, editio altera (Roma, 1926), no. 361: ‘A casus perplexus exists where you fear that you will sin whatever you do in practice, acting or not acting. Per se you should choose the lesser evil, prefer a divine natural precept to a human one. If the gravity of the action seems to be the same either way there is no freedom to make a choice. Therefore, whatever way you act you will not sin,’ 322; Cf. Dominic Prümmer, OP, Handbook of Moral Theology (Cork: Mercier Press, 1956), 61. Prümmer’s wording is almost the same as Vermeersch’s.
cannot remove an inviable foetus from a living mother seeing her as the physical source of the foetus’ life here and now, even though it will be a tragedy to lose the mother. But, the mother in this case is much more than the physical provider of life to the foetus. She is a person in her own right with all that that implies physically, psychologically, spiritually. There are two persons and both are equally important. Yet both cannot be saved.

For this reason it is important to recall the emphasis placed on the integrated understanding of the human person during and since Vatican II with the hope of being more human in our approach to practical moral questions. Some examples of the many official statements on the nature of the human person that would support this approach follow, with an attempt later on to translate the theory into practice.

**Person in Church Teaching**

*The Church in the Modern World* states: ‘For the human person deserves to be preserved; human society deserves to be renewed. Hence the pivotal point of our total presentation will be man himself, whole and entire, body and soul, heart and conscience, mind and will.’ And, ‘Nevertheless, 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 pre-eminent. These values are all rooted in God the Creator and have been wonderfully restored and elevated in Christ.’

In the *Catechism of the Catholic Church* we read: ‘The unity of soul and body is so profound that one has to consider the soul to be the ‘form’ of the body: that is, it is because of its spiritual soul that the body made of matter becomes a living, human body; spirit and matter, in man, are not two natures united, but rather their union forms a single nature.’ And, ‘the human person, created in the image of God, is a being at once corporeal and spiritual. The biblical account expresses this reality in symbolic language when it affirms that “then the Lord God formed man of dust from the ground, and breathed into his nostrils the breath of life; and man became a living being.”’

Pope John Paul II in the Encyclical *Veritatis Splendor* states: ‘An act is therefore good if its object is in conformity with the good of the person with respect for the goods morally relevant for him.‘

Karl Rahner stressed the theological importance of a correct understanding of the person: ‘The notion of person (firstly in the modern sense) is of great importance in theology, because it draws attention to those human characteristics

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4. *Catechism of the Catholic Church* (Homebush, NSW: St Pauls, 1994), no. 365 and no. 362. See also, for example, no. 2293.
which are the necessary condition of his relationship to God and his salutary acts.\(^6\)

Fortunately, too, in the secular arena in recent centuries many countries have grown more sensitive to the dignity of the human person. It is scarcely two hundred years since nations recognized that slavery was contrary to human dignity. Now most nations at least subscribe to the United Nations Universal Declaration of Human Rights promulgated over fifty years ago, whereby we acknowledge that all people are born equal with basic rights to life and freedom. Fundamental respect for the dignity of the human person is the foundation of a well-ordered society which acknowledges justice for all.

The Teaching on Person Specifically Applied to Marriage and Sexuality

Since the Catholic moral tradition speaks often of respecting the nature of marriage and sexuality it is good to examine the meaning of Christian marriage and sexuality in the Church’s tradition. The 1983 Code of Canon Law describes marriage as follows:

The marriage covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordained to the well-being of the spouses and to the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament.\(^7\)

This definition of marriage follows the description set out in the Vatican II Constitution The Church in the Modern World, no.50. It makes clear that Christian marriage is above all a covenant relationship; upon that relationship hang the responsibilities and goals of the well-being of the spouses and the procreation and upbringing of the children. The covenant relationship is the priority of marriage founded upon its respect for the dignity of the persons involved.\(^8\)

Pope John Paul II reiterated the emphasis on the person in regard to marriage and procreation when he said:

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6. Rahner continues: ‘[H]is spirituality (as grounded in his transcendence) and presence to himself, his permanent and inescapable orientation to being as a whole and thus to God (the *a priori* condition of his ability to judge [objectively] and deal with particular being), his freedom of choice in relation to all that is recognized as finite, particular being dealing with it in a certain critical detachment. To be a person, therefore is to possess oneself as a subject in conscious, free relation to reality as a whole and its infinite ground and source, God.’ Karl Rahner & Herbert Vorgrimler, *Concise Theological Dictionary* (London: Burns & Oates 1965), 351.

7. Canon 1055 #1.

8. Catholic marriage tribunals are well aware of this priority since so many annulments are based on the inability of the couple to meet the basic requirement of being able to live a community of life with its consequent responsibilities.
Clearly when one speaks of ‘natural’ regulation, respect for the biological rhythm alone is not what is meant. In a much more complete way, it entails upholding the truth of the person’s profound unity of spirit, psyche and body, a unity that can never be reduced to a simple set of biological mechanisms. It is only in the context of complete and limitless reciprocal love by the married couple that the act of procreation, on which the future of humanity itself depends, can be carried out in all its dignity.9

When one asks whether a particular method of assisting conception is moral or not one must be directed by the nature of marriage as basically a personal or covenant relationship as described in the Catholic tradition. An important witness here is that the Church has always accepted the marriage relationship of those who cannot procreate by reason of age or sterility.

The Catholic Moral Tradition is at Heart an Objective Morality

We must be clear about what this means, avoiding a narrow and untraditional ‘act morality’, where, for instance, the integral morality of the situation is judged solely or fundamentally by the physical nature of the act. Vatican II and post-Vatican II documents stress that objective morality must relate to what is good or bad for the human person integrally considered.

Thus, the Encyclical, *Veritatis Splendor*, no. 78, on the fundamental principles of morality, says:

By the object of a given moral act, then, one cannot mean a process or an event of the merely physical order, to be assessed on the basis of its ability to bring about a given state of affairs in the outside world. Rather, that object is the proximate end of a deliberate decision which determines the act of willing on the part of the acting person.

The same Encyclical in no. 79 goes on to speak of the content of the natural law as the complex of personal goods which serve the good of the person, the good which is the person himself and his or her perfection.

The Instruction *Donum Vitae*, on respect for human life, stresses the same principle of respect for the dignity of the person and his or her integral vocation when making decisions about human life. It states: ‘Physical life, with which the course of human life in the world begins, certainly does not itself contain the

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9. ‘Respecting the person and God’s design for procreation’ (Address to an international convention on natural birth regulation) in *L’Osservatore Romano*, (11 February 2004), 4.
whole of a person’s value, nor does it represent the supreme good of man who is called to eternal life.’\textsuperscript{10}

The Encyclical, \textit{Humanae Vitae}, on contraception, no. 7, upholds the principle when it states: ‘The question of the birth of children, like every other question which touches human life, is too large to be resolved by limited criteria, such as are provided by biology, psychology, demography, or sociology. \textit{It is the whole man and the whole complex of his responsibilities that must be considered}, not only what is natural and limited to this earth, but also what is supernatural and eternal’\textsuperscript{11} [emphasis mine].

When introducing its \textit{Instruction on Sexual Ethics}, the Congregation for the Doctrine of the Faith takes up the recognition of the human person as such as fundamental to judging the morality of human sexual activity:

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With regard to the matter in hand, the [Vatican] Council declares that when assessing the propriety of conjugal acts, determining if they accord with true human dignity, ‘it is not enough to take only the good intention of the evaluation of motives into account. Objective criteria must be used, criteria based on the nature of the human person and of human action, criteria which respect the total meaning of mutual self-giving and human procreation in the context of true love.’\textsuperscript{12}
\end{quote}

While it would be dualistic thinking to base moral decisions fundamentally on how they affect the physical aspect of the person, a biologism approach, one must be careful not to disregard the physical integrity of the person, for we are a unity of body and spirit. The difficulty often lies in finding the right balance between the two aspects so that we work towards the good of the person integrally considered.

A proper understanding of the principle of totality (here, what is good for the person as such) helps to clarify what is sometimes a moral dilemma.\textsuperscript{13} Specifically, in considering the human person we need to take care in declaring

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\textsuperscript{10} Introduction, Chapter 2. Cf. below \textit{Humanae Vitae} no. 7, where similar principles are enunciated, but where the consequent norm stated is based on a physical act morality. The \textit{Declaration on Certain Problems of Sexual Ethics} of the Congregation for the Doctrine of the Faith (1975) prefaces its practical norms with ‘The human person, present-day scientists maintain, is so profoundly affected by sexuality that it must be considered one of the principal formative influences on the life of a man or woman. In fact, sex is the source of the biological, psychological, and spiritual characteristics which make a person male or female and which thus considerably influence each individual’s progress towards maturity and membership of society…Nowadays people are increasingly convinced that man’s destiny, and indeed his development, demand that they should apply their intelligence to the discovery and constant development of the values inherent in human nature and should give practical effect to them in their lives.’ (nos. 1, 3)
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\textsuperscript{11} No.7.
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\textsuperscript{12} \textit{CDF Declaration on Certain Problems of Sexual Ethics}, Dec. 29, 1975, no. 5.
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\textsuperscript{13} It seems to me that the basic capacities which define human personhood would indicate that to intervene physically (preventative medicine) to avoid genuine life-threatening consequences or mental or psychological collapse would be respecting the right hierarchy of values for the good of the whole person.
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exactly what are the basic capacities of the person. For instance, it is not the physical capacity to procreate which is absolutely basic; that is common to most species, but rather the capacity to relate in a human way which may in certain circumstances lead to procreation of new human life. That marriage in itself is promoted and named a sacrament between the baptized, even when there is no possibility of procreation, is a telling factor in itself. To remove the capability of physical procreation might be necessary to preserve the much more fundamental capacity, life and health, to build up and keep a human relationship, be it marriage or the upbringing of children already born.¹⁴

As we try to avoid a dualistic or an over-physical approach to describing the human person we also need to be careful of misunderstanding the term ‘rational’ or logical when discussing morality and the human person.

The Human Person as a Rational, Logical Being

In philosophical language and also in the terminology of the Church’s moral teaching ‘rational’ is usually taken to mean strictly according to reason or logic. A conclusion is accepted when it flows strictly and logically from the premiss.

This may be fair enough in mathematics and logical analysis of language. But what if we are talking about what is reasonable, rational, for a human being? Human beings are not like computers which can use logic to analyse a proposition or complex array of data exclusive of the real situation or context. This is why the computer’s solution to some of our human goals and language, such as translating, can be so frustrating; some fundamental human aspects including context have been left out of the equation.¹⁵ We are not logical in the same sense. The context, the feelings, and emotional aspects of our humanness demand to be heard if we are to decide what is good or bad for the human person.

Hence, if we are speaking of rationality and the human person in the same breath, then it is quite irrational to detach the context, the feelings, and the emotional side of our brain, and then treat the human person as if he or she were a computer or subject of logical or mathematical analysis. Rational in that sense makes a caricature of a human person.¹⁶

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¹⁴. A total hysterectomy for menorrhagia might be done not initially to save the woman’s life, but to make life more healthy and bearable for that woman.
¹⁵. ‘Einstein repeatedly expressed suspicion of the restrictions of linear thought, concluding that propositions arrived at by purely logical means were completely empty of reality even if one could properly explain what ‘reality’ means; it was intuition, he declared, that had been crucial to his thinking.’ Peter Matthiessen, The Snow Leopard (London: Picador (Pan Books), 1980), 64.
¹⁶. We live by faith, not by propositions extracted from time, history and culture. ‘Faith cannot be reduced to individual propositions, “firmly held” as they may be. Rather, faith forms an organic whole of many truths (not propositions) that influences and directs our lives. In a proposition one can find that “certainty” which, since Descartes, has been the concern of moderns. In regard to truth, however, one can only enter into it, live it “do” it (Jn 3:21).’ Peter Henrici in ‘What does fundamentalism mean?’ Theology Digest 50 (2003): 238. Cf. Vatican II, Declaration on Human Freedom, Dignitatis Humanae, no. 1: ‘Truth cannot impose itself except in virtue of its own truth.’
Thus moral reasoning, the type, for example, which begins with a premise, which may be generally true, and then proceeds purely deductively to a conclusion and applies it to a particular real-life case runs the risk of making a wrong decision. For example, if you take the common definition of a lie: ‘to say what is false with the intention of deceiving another’ you may well make an inhuman decision. We are aware of the various ways employed to get around the logic of this definition such as ‘mental reservation’, ‘white lies’ when the outcome of giving the facts would be clearly unjust. If a terrorist confronts you asking if a particular person is in the house with the intention of killing that person, is it a lie to say ‘no, he left an hour ago’ when he is hiding in the basement? It seems to me that a just resolution of the situation would be to define a lie to include the overall human situation including fundamental value of the life of the person. Thus, a lie would be to speak or act against the truth in order to lead someone into error who has the right to know the truth. The medievalists, like St Thomas Aquinas, understood this, warning that the further you moved from the general principle to the practical situation the more likely the general principle would not strictly apply.17

The moral conclusions and decisions from such strictly deductive reasoning do not always sit well, especially with educated or thinking persons who believe it their dignity as human beings to think about and evaluate a situation in a human way. These people find some of the Church’s decisions on moral matters inhuman and therefore irrational. For example, the case of the prohibition of condoms to prevent AIDS, when, at the same time, we accept as moral the sterilization of a man or woman to prevent further disease; simple IVF for infertile couples, contraception for the woman for whom pregnancy is a serious health risk or even life-threatening situation; some divorce-remarriage cases. For such people these abstract conclusions are not human decisions; they seem to contradict common sense and, indeed, can be difficult even for the trained theologian to explain satisfactorily. They do not enhance the credibility of the Church in their eyes. While one might not agree with these criticisms, both parties might learn from a mutual dialogue.

Interestingly, a similar discussion went on amongst the great theologians of the medieval Church when they were confronted with Aristotelian logic. Blessed John Duns Scotus, known as the ‘subtle doctor’ and a rigid logician, was quite clear that ‘rational’ for a human being had to take into account the nature of the human person.

The question of artificial intelligence as rational would amuse someone like Scotus, because his notion of rationality is much broader than the ability to analyse. He ties it to love and the human ability to choose to love the highest

17. St Thomas, Summa Theologicae I-II, q. 94 where he treats of the secondary principles of natural law, the concrete application, where the universal principle cannot apply to all situations. Also I-II, q. 94, a. 4; II-II, q. 51, a. 4: the virtue of prudence demands we take into account all the circumstances of the concrete situation.
good, to be capable of self-control. Rationality has nothing to do with the human intellect, since this is merely a tool that serves in deliberation. Scotus’ approach to the question of rationality begins with the will, that is, the human affective desire for union with God. If the fullest development of the rational person involves love and communion, then the ability to think rightly is only a small part of a much larger picture of what it means to be human.

In his Commentary [Book IX, q. 15, n. 7] on the questions of Aristotle’s Metaphysics, Scotus states quite clearly that the intellect is only rational when it works with the will, that is, when it is informed by and serves the activity of ordered loving. It is easy, he explains, to confuse the intellect with rationality, since at the first turn to introspection, we are distracted by the activity of intellectual reflection. This is what happened to Aristotle.18 St Thomas Aquinas and theologians down to the present day evaluated the object of the moral act not simply as the physical thing done, but above all as the intention of the person, making it the decision of or about the whole person.19

An essential part of any scientific inquiry today is inductive reasoning, inferring of a general norm from particular instances, the production of facts to prove a general statement or hypothesis. Although the medievalists did not speak of inductive reasoning, they did have the dictum: Contra factum non valet argumentum (one cannot argue against facts). If moral theology is to be called a science, indeed, if it is to be true to the Catholic tradition of reasonableness (recta ratio), it must employ inductive reasoning as well as the deductive approach.

Besides the Bible, one of the foundational sources of our moral teaching is what God has made, the human person, the integral person of body and spirit, as Vatican II has stressed in The Church in the Modern World. There should be no contradiction between our moral norms and what is good or bad for the human person understood integrally.20

19. ‘St Thomas insists that the primary concept in moral theology is the object’…This is perhaps surprising since we often associate morals with acts, for example acts of lying, acts of contraception, acts of homosexuals etc. But for Thomas ethics is about objects. In English the word ‘object’ is like the phrase ‘subject matter’; object is something conceptual, rather than physical. For Thomas the object as first found is the intention or as he also calls it the internal act and then later in the external act…But the meaning of your external action is derived from the object of your internal act…[Thomas] wants us to realise that what we think, what we intend, what we engage as our purpose is really what we must measure morally. ‘If the intention is wrong, then the external act will be wrong. If the intention is right, then for the external act to be right it must be a “fitting” or “appropriate” expression of the intention. If it falls short, then, though the intention or internal act is right, the external act is wrong.’ James Keenan SJ, ‘Ten Reasons why Thomas Aquinas is Important for Ethics Today,’ New Blackfriars 74 (1994): 358-360 at 358.
20. When introducing its Instruction on Sexual Ethics, (par. 5) the Congregation for the Doctrine of the Faith takes up the recognition of the human person as such as fundamental to judging the morality of human sexual activity, as cited above. So, too, the Instruction Donum Vitae, on respect for human life, stresses the same principle of respect for the dignity of the person and
Other Practical Human Situations

Take a situation which is common enough though the details may differ from case to case. A woman is currently in her ninth pregnancy and has had five caesarean sections previously. At her last caesarian it was noted that the lower segment of the uterus was very thin and the bladder was adherent to the old scar. Her next caesarean is expected to be difficult.

There would be a significant medical risk should she become pregnant again. The surgery does tend to become more difficult each time with risk of injury to the bladder and she is at high risk of placenta accreta (60%+) which is a potentially lethal condition, the incidence of which increases with increasing number of previous caesareans. The specialist doctor is rightly concerned to offer preventative medical treatment in the form of tubal ligation for this patient at her next caesarean. For comment on moral dilemma such as this see Richard McCormick who examined this situation in detail some years ago. There is a pertinent paragraph in the footnote below.21

In the light of the above discussion of the importance of the human person adequately considered let us look at two more difficult, frequently arising practical moral situations since they have given rise to some discussion amongst ethicists and moral theologians: for example, the ectopic pregnancy and treatment of male infertility. As we consider questions like the above and the values involved we might keep in mind Jesus’ words to the scribes and Pharisees lest they apply to us: ‘You blind guides, straining out a gnat and swallowing a camel!’ (Mt 23:24)

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21. Richard McCormick SJ, ‘Sterilization: the Dilemma of Catholic Hospitals’, in The Critical Calling: Reflections on Moral Dilemmas Since Vatican II (Georgetown Uni. Press: 1989), Chapter 16. ‘I have the unavoidable impression that some more fundamentalistic Catholics are more concerned with defending past formulations than in critically testing them in new circumstances. A significant number of theologians have therefore found these arguments (in official documents) insufficient to establish the absolute prohibition of direct sterilization. Such arguments either beg the question—by assuming what is to be established, that is, that sterilization is always a moral evil—or absolutize a biological aspect of the human person by equating the unequatable: human life and the sources of human life. Depriving a person of life is one thing; depriving oneself of the power to procreate is a remarkably different thing and ought not to be treated in an identical way ethically,’ 277 [emphasis mine].
The Question of the Ectopic Pregnancy

Moralists have traditionally regarded the treatment of the condition caused by an ectopic pregnancy or cancer of a pregnant uterus as being an indirect abortion, coming under the principle of double effect. Thus they would allow the removal of part of the tube in which the pregnancy is situated in order to cure the pathological condition which is dangerous to the woman’s health, (or the removal of the cancerous, but pregnant uterus). They allowed you to remove the pregnancy with the tube or the uterus.

Some moralists have questioned the need to remove a section of the tube (thus affecting the fertility of the woman) when the same result might be obtained by simply removing the trophoblast tissue which is causing the pathological condition, and which is attached to the foetus, from the tube.

In both cases the foetus loses its life when separated from its life support and nourishment. Both the intention and the procedure are aimed at curing the pathological condition.

However, a few moralists would not approve this latter procedure, arguing that to remove the trophoblast tissue with the foetus is a direct abortion.22 We leave aside here the clinical question as to which procedure is better in an individual case, since any trophoblast tissue left behind may grow again.

It seems to me that the moralists who call the removal of the trophoblast tissue from the tube, and consequently the foetus with it, a direct abortion have first of all misunderstood what is happening medically. It is the trophoblast (placental) tissue which is causing the medical condition and this is what is first of all removed, unfortunately causing the death of the foetus. The confusion is also caused by a misunderstanding of the nature of the object in moral theology. This can lead to an inappropriate application of the principle of double effect.

Leaving aside the question of a false premise (understanding the object in a purely material sense), let us compare the approach allowing only the removal of the tube with the meaning of rational or reasonable as described earlier.

The purely mechanical approach does not allow its proponents to take into account the whole human circumstance. It concentrates only on the logical meaning of direct or indirect (apart from what we now know to be the precise medical situation of the removal first of the trophoblast). What may be more damaging to the woman and her future fertility, including, perhaps, the psychological effect of losing her fertility, is not taken fully into account. The result to the foetus is the same and occurs at the same time. ‘Pure’ logic is the stumbling block. Yet, if we look at what rational means when we consider the actions of a human person or what happens to a person then the mechanical/mathematically logical approach may not be rational.

22. See Benedict M. Ashley, OP, Kevin D. O’Rourke OP, Health Care Ethics—A Theological Analysis (Georgetown: Georgetown University, 1997), 253ff. for an evaluation.
Assisting Male Infertility

Since male infertility is a major problem for married couples (over 30%), it would also be important to apply to the question of how to treat male infertility and assist conception the considerations set out in the first part of this paper where the moral evaluation is based on the nature of the person understood integrally. There is a fairly recent procedure for assisting conception called MIFT (micro injection of sperm, retrieved after conjugal relations, into the outer skin of the ovum and then inserting the ovum into the fallopian tube where conception takes place some eighteen hours later). It is akin to the GIFT procedure and avoids the problem of IVF and ICSI where conception takes place in a petri dish or test tube.

If we try to understand the person, here the married couple, integrally considered, their marriage covenant, their motivation to conceive a child as the fruit of their marital relation, the fact that there is some mechanical assistance should not be an obstacle. Indeed, it may help us to avoid a purely naturalistic approach.23

Beyond Narrow Legalism: Respecting the Whole Person: The Catholic Tradition of Probabilism and Equity

The tradition of Catholic moral theology, following the spirit of the Gospel of freeing people from legalistic interpretations of God’s commandments, has developed certain principles to express this spirit that respects the freedom and therefore dignity of the human person. The principle of Probabilism states that you cannot bind people to observance when there is a doubt of law or a doubt of fact. The accepted principle of probabilism allows the person to follow the less strict opinion when there is genuinely probable opinion that the act is not contrary to moral law. The detail can be found in the moral theology manuals.

Canon Law follows a similar spirit of the Gospel when it embraces the Roman Rule of Law, Odiosa sunt restringenda; favorabilia sunt amplianda.24 That is, when the law is restrictive of freedom you interpret it narrowly to include only those cases which can be definitely included under the law. If it is a matter of something favourable then you extend the law to include everything that might come within range. Noteworthy, too, is the last canon of the Code on canonical equity, respecting the nature and dignity of the individual human person, which any human expression of law cannot fully comprehend (canon 1782).

23. Cf. Pius XII’s allocution of May 19, 1956, AAS 48, p.471: ‘One does not necessarily proscribe the use of certain artificial methods intended simply to facilitate the natural act or enable the natural act, effected in a normal manner to attain its end.’ (An example of that time was to collect sperm in a syringe or cervical spoon and then reinsert it into the vagina). The final and official text of Donum Vitae defines the embryo (or zygote here) as a cell arising from the fission of the two gametes. You do not have a new cell until the gametes have actually fused and formed a nucleus.

24. ‘Oidia restringi et favores convenit ampliari; in poenis benignior est interpretatio facienda.’ Regulae Iuris in Libro sexto Decretalium, 15 & 49.
We see just the opposite when the religious leaders in Jesus’ time tried to impose the narrow and legalistic interpretation of God’s law on the people. Jesus castigated the religious leaders for imposing intolerable burdens on the people in the name of religion. He called them man-made precepts. It is clearly not the Catholic tradition to bind people to opinions which are not certain, particularly in this age of rapid scientific development and technical change and advances.25

It is clear that God did not create a perfect world. Indeed, in creating human beings, God endowed them with the marvelous dignity of free will whereby they could chose to do evil. God cooperating in evil! While we must try to be perfect as our Heavenly Father is perfect, we still have to live in the imperfect world of human persons with the freedom to do the less perfect or even evil. Our long moral tradition takes this into account into trying to bring about the best possible result in imperfect situations.

Conclusion

If we follow through the teaching of the Church since Vatican II on morality being judged on what is good or bad for the human person integrally considered, together with the theological tradition on the proper meaning of the object and the nature of the rational person, we will hopefully arrive at a more human, reasonable, and credible approach to questions of sexuality, marriage and reproductive technology. Such an approach, based on the integrity and dignity of the person, besides fostering good morality, will at the same time open the way to a spirituality based on respect for the human person as created by God. ‘[I]t remains each man’s [sic] duty to preserve a view of the whole human person, a view in which the values of intellect, will, conscience, and fraternity are pre-eminent. These values are all rooted in God the Creator and have been wonderfully restored and elevated in Christ.’26

25. Inga Clendinnen, True Stories: History, Politics, Aboriginality [Boyer Lectures] (Melbourne: Text Publishing, 2008), describes this approach to life’s problems: ‘These administrators [of aboriginals] were not good men. They were holy terrors. Holy terrors are always with us, in every generation, and rather too often directing some part of government social policy. They are men and women who fall in love with an idea, and who will pursue it without the least recognition of its human consequences: who simply lack the imaginative capacity to count the human cost.’