

Jorge Nicolás Lafferriere

Catholic University of Argentina

ORCID: 0000-0003-2600-2226

## *The teachings of John Paul II and the paradoxes of the right to life in the International Human Rights discourse*

**Abstract:** The right to life has a unique and outstanding importance in the International Human Rights Law. However, at the same time, this right suffers from new threats and contradictions. In this paper, I will address these paradoxes, concerning the moment, in which the legal protection of the human being begins; the tendency to accommodate the beginning of life to biotechnological interests; the manipulation of language, as well as the relativization of the right to life and the pretensions of justifying abortion and euthanasia as a requirement of the right to life. I will offer an assessment of these paradoxes in the light of the *Magisterium* of John Paul II, and I will end with four signs of hope and commitment at the beginning of the 21<sup>st</sup> century in relation to the protection of the right to life.

**Keywords:** John Paul II; Right to Life; Abortion; Euthanasia.

### 1. Introduction

“Precisely in an age when the inviolable rights of the person are solemnly proclaimed and the value of life is publicly affirmed, the very right to life is being denied or trampled upon, especially at the more significant moments of existence: the moment of birth and the moment of death”.<sup>1</sup>

Studying this contradiction, denounced by John Paul II in his prophetic encyclical *Evangelium Vitae*, will be the axis of the present text. To this end, I will first present five paradoxes of the regulation of the right to life in the human rights

<sup>1</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, 18, [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae.html](https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html).

law, especially in the international field. Next, I will offer an assessment of these paradoxes in the light of the *Magisterium* of John Paul II. I will conclude with four signs of hope and commitment at the beginning of the 21st century in relation to the protection of the right to life.

## 2. Paradoxes of the right to life in the international human rights discourse

In 1996, at the Symposium in the Vatican entitled “*Evangelium Vitae* and Law”, Giuseppe Dalla Torre pointed out the ambiguous evolution of the legal experience in the relationship between life and law, so that while the legal protection of the Fundamental Rights is broadened, the same protection is reduced through a splitting of the subject into an individual and a person.<sup>2</sup> Taking the reflections of the Italian jurist as a reference, I would like to deepen what I consider to be some paradoxes that are verified today around the right to life in the international human rights law.<sup>3</sup>

In the field of protection, the first paradox involves the moment in which the legal protection of the human being commences. Thus, although there are clear references in the Human Rights Treaties to the right to the recognition of legal personality for all the human beings, it is also true that there are still positions that deny the character of a person to the conceived, even though there exists overwhelming evidence regarding the first moment, in which the existence of the human being begins.

Another paradox in this field refers to the tendency to accommodate the beginning of life to biotechnological interests. This happened in the famous Warnock

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<sup>2</sup> Dalla Torre pointed out three areas of ambiguity. In the area of legality, the incorporation of “biological damage” was verified, on the one hand, as an assumption of compensable damage for the mere injury to physical integrity, and, on the other hand, the de-juridization of relevant bioethical issues, such as the protection of human embryos “in vitro” or the decriminalization of abortion. In the area of protected subjects, Dalla Torre pointed out that supernumerary embryos raised the need to determine a special legal status for the embryo, but such concern for the embryo does not translate into abortion, in which the personality of the unborn is ignored. The third area of ambiguity was, for Dalla Torre, the doctor-patient relationship. On the one hand, the autonomy of the patient is emphasized, and yet, on the other hand, the doctor is granted new powers to decide on the patient’s life, as occurs with euthanasia in cases of the unconscious. Giuseppe Dalla Torre, “Le leggi contro la vita”, in: *Evangelium Vitae e Diritto. Evangelium Vitae and Law. Acta Symposii Internationalis In Civitate Vaticana Celebrati 23-25 Maii 1996*, Libreria Editrice Vaticana, Città del Vaticano 1997, pp. 99-119.

<sup>3</sup> Puppincck has carried out a complete analysis of the transformation in the field of human rights. See: Grégor Puppincck, *Mi deseo es la ley*, Encuentro, Madrid 2020.

report, which, to facilitate the performance of in vitro fertilization techniques, pointed to day fourteen as the limit to cultivate human embryos in vitro.<sup>4</sup> But in 2021, the International Society for Stem Cell Research issued new Guidelines that extend that limit to day twenty-eight, so that embryos can be experimented on for a longer time.<sup>5</sup>

In 2012, the Inter-American Court of Human Rights introduced a new variant in the strategies to cease the protection of human embryos and facilitate in vitro fertilization techniques. Indeed, article 4.1 of the American Convention on Human Rights protects life from the moment of conception. Despite the clarity of this norm, the Inter-American Court held: “that the ‘conception’ in the sense of article 4.1 takes place from the moment in which the embryo is implanted in the uterus, which is why, prior to this event, Article 4 of the Convention would not be applicable”.<sup>6</sup>

We see a flagrant manipulation of language to facilitate in vitro fertilization, since it is evident that the word conception refers to the initial moment of the emergence of a new being.

Even more, given the existence of a dilemma on how to interpret the term, the Inter-American Court does not apply the rule of the *pro homine* principle and chooses the interpretation that results in a restriction of rights for the unborn person.

Given that a person exists from the moment of conception and possesses the right to life, there should be no controversy here and the law should not admit attempts to deprive the unborn person of her life.

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<sup>4</sup> Report of the Committee of Inquiry Into Human Fertilisation and Embryology, Chairman: Dame Mary Warnock DBE, July 1984, <https://www.hfea.gov.uk/media/2608/warnock-report-of-the-committee-of-inquiry-into-human-fertilisation-and-embryology-1984.pdf>.

<sup>5</sup> Robin Lovell-Badge *et al.*, “ISSCR Guidelines for Stem Cell Research and Clinical Translation: The 2021 update, Stem Cell Reports”, <https://doi.org/10.1016/j.stemcr.2021.05.012>; Sophia McCully, “The time has come to extend the 14-day limit” *J Med Ethics* 0:1–5, <https://pubmed.ncbi.nlm.nih.gov/33531360/>, doi: 10.1136/medethics-2020-106406.

<sup>6</sup> Inter-American Court of Human Rights, “Artavia Murillo y otros c. Costa Rica”, 264, 28 November 2012, [https://www.corteidh.or.cr/cf/Jurisprudencia2/ficha\\_tecnica.cfm?lang=en&nId\\_Ficha=235](https://www.corteidh.or.cr/cf/Jurisprudencia2/ficha_tecnica.cfm?lang=en&nId_Ficha=235).

This point is decisive, as even the Supreme Court of the United States itself recognized in the ruling “*Roe v. Wade*”: “If this suggestion of personhood is established, the appellant’s case, of course, collapses, for the fetus’ right to life would then be guaranteed specifically by the Amendment”.<sup>7</sup>

Now, at the beginning of the 21<sup>st</sup> century, from the Inter-American Human Rights system, we can find pretensions to relativize the right to life. Indeed, even acknowledging that we are dealing with a person in the prenatal stage, the Inter-American Court of Human Rights has said that the protection of the right to life in accordance with article 4.1 of the Convention “is not absolute, but is gradual and incremental according to its development because it does not constitute an absolute and unconditional duty but implies an understanding of the applicability of exceptions to the general rule”.<sup>8</sup>

But the most radical way of altering the scope of the right to life is the attempt to justify abortion as a requirement of the right to life. This is what the Human Rights Committee has done in the “General Comment No. 36 on Article 6: right to life” of the International Covenant on Civil and Political Rights:

“8. Although States parties may adopt measures designed to regulate voluntary termination of pregnancy, those measures must not result in violation of the right to life of a pregnant woman or girl, or her other rights under the Covenant. Thus, restrictions on the ability of women or girls to seek abortion must not, inter alia, jeopardize their lives, subject them to physical or mental pain or suffering that violates article 7 of the Covenant, discriminate against them or arbitrarily interfere with their privacy. States parties must provide safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable. In addition, States parties may not regulate pregnancy or abortion in all other cases in a manner that runs contrary to their duty to ensure that women and girls do not have to resort to unsafe abortions,

<sup>7</sup> Supreme Court of the United States, *Roe v. Wade*, 410 US 113, 1973, 156-157.

<sup>8</sup> Inter-American Court of Human Rights, “*Artavia Murillo y otros c. Costa Rica*”, 28 November 2012, op. cit., 264, [https://www.corteidh.or.cr/cf/Jurisprudencia2/ficha\\_tecnica.cfm?lang=en&nId\\_Ficha=235](https://www.corteidh.or.cr/cf/Jurisprudencia2/ficha_tecnica.cfm?lang=en&nId_Ficha=235).

and they should revise their abortion laws accordingly. For example, they should not take measures such as criminalizing pregnancy of unmarried women or applying criminal sanctions to women and girls who undergo abortion or to medical service providers who assist them in doing so, since taking such measures compels women and girls to resort to unsafe abortion. States parties should remove existing barriers to effective access by women and girls to safe and legal abortion, including barriers caused as a result of the exercise of conscientious objection by individual medical providers, and should not introduce new barriers. States parties should also effectively protect the lives of women and girls against the mental and physical health risks associated with unsafe abortions. In particular, they should ensure access for women and men, and especially girls and boys, to quality and evidence-based information and education on sexual and reproductive health and to a wide range of affordable contraceptive methods, and prevent the stigmatization of women and girls who seek abortion. States parties should ensure the availability of, and effective access to, quality prenatal and post-abortion health care for women and girls, in all circumstances and on a confidential basis”.<sup>9</sup>

The same problem involves the end-of-life issues, given that the HRC recognizes the legitimacy of euthanasia based on the right to life:

“While acknowledging the central importance to human dignity of personal autonomy, States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations, including individuals deprived of their liberty. States parties that allow medical professionals to provide medical treatment or the medical means to facilitate the termination of life of afflicted adults, such as the terminally ill, who experience severe physical or mental pain and suffering and wish to die with dignity, must ensure the existence of robust legal and institutional safeguards to verify that medical professionals are complying with the free, informed, explicit and

<sup>9</sup> Human Rights Committee, “General comment No. 36. Article 6: right to life”, 8, 3 September 2019, CCPR/C/GC/36, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>.

unambiguous decision of their patients, with a view to protecting patients from pressure and abuse”.<sup>10</sup>

At the base of all these paradoxes lies the controversy over the notion of human dignity, which has ceased to possess an objective and ontological foundation, rooted in the excellence of being. Legislators, jurists, and judges that approve abortion and euthanasia tend to identify human dignity exclusively with personal autonomy.

### 3. John Paul II's teachings on the right to life

Defending and promoting the right to life is one of the axes of the *Magisterium* of Saint John Paul II. In this sense, it is impossible to summarize here all the richness of his teachings on this right.<sup>11</sup> With this clarification, I will now refer to six aspects of his teachings that I consider particularly significant to address the paradoxes I have mentioned before.

In the first place, Saint John Paul II has deepened the relationship between natural law and human rights. This is a decisive issue to face the legal challenges posed by the paradoxes around the right to life. Indeed, after the Second World War, the expansion of the law of human rights meant an overcoming of legalistic positivism. However, as Saint John Paul II observed in 1995, without connection to natural law, these human rights could soon lead to new and more powerful threats to the human person, as indeed they have done.<sup>12</sup> The teachings of John Paul II on the necessary relationship between natural law and human rights are especially important to respond to the challenges posed to the right to life.

Secondly, Saint John Paul II offers criteria to consider this problem in its international perspective. As he well pointed out in *Evangelium Vitae*, “one cannot overlook the network of complicity which reaches out to include international institutions, foundations and associations which systematically campaign for the

<sup>10</sup> Human Rights Committee, “General comment No. 36. Article 6: right to life”, op. cit., 9.

<sup>11</sup> To see a compilation of documents of Saint John Paul II on the right to life, see: Augusto Sarmiento, *El don de la vida. Documentos del Magisterio de la Iglesia sobre bioética*, Biblioteca de Autores Cristianos, Madrid 2002.

<sup>12</sup> “... values such as the dignity of every human person, respect for inviolable and inalienable human rights, and the adoption of the “common good” as the end and criterion regulating political life are certainly fundamental and not to be ignored. The basis of these values cannot be provisional and changeable “majority” opinions, but only the acknowledgment of an objective moral law which, as the “natural law” written in the human heart, is the obligatory point of reference for civil law itself”. John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 70.

legalization and spread of abortion in the world”.<sup>13</sup> At this point, the 21<sup>st</sup> century has seen a worsening of the problem, due to the growing power and influence exercised by international courts, which tend to force countries to reform their laws to legalize abortion and euthanasia.

On the issue of the world population problems, he notes in *Evangelium Vitae*: “Solutions must be sought on the global level by establishing a true economy of communion and sharing of goods, in both the national and international order. This is the only way to respect the dignity of persons and families, as well as the authentic cultural patrimony of peoples”.<sup>14</sup>

Thirdly, I highlight the clarity of the teachings of Saint John Paul II to condemn voluntary abortion and euthanasia.<sup>15</sup> This clear condemnation has been an indisputable reference for all the Catholics and for people of good will throughout the world, especially in the face of complex legislative debates in which, under the guise of tolerating the lesser evil, the ultimate outcome could be the undermining of the solidity and coherence of the defence of life. His teachings are particularly embedded in the Tradition of the Church: “by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops – who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine – I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church’s Tradition and taught by the ordinary and universal Magisterium”.<sup>16</sup>

Fourthly, we must thank Saint John Paul II who, through his *Magisterium*, offers timely distinctions regarding the right to life, which are decisive for these legislative debates. We can mention the distinction between direct abortion and the situations in which indirect abortion as an unwanted secondary effect is lawful. We must also highlight the precise distinctions between euthanasia and the decision to forego the so-called “aggressive medical treatment”.<sup>17</sup>

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<sup>13</sup> Ibid., 59.

<sup>14</sup> Ibid., 91.

<sup>15</sup> Ibid., 62 and 65.

<sup>16</sup> Ibid., 62.

<sup>17</sup> Ibid., 65.

Fifthly, I consider the distinction between negative and positive precepts of natural law to be of decisive importance for public and legislative debates on the right to life. This topic has been the subject of extraordinarily rich teachings by John Paul II, especially in the encyclical *Veritatis Splendor*. As far as the right to life is concerned, we must recognize that the negative precept that obliges “not to kill” does not allow exceptions, as explained in *Veritatis Splendor* no. 52.<sup>18</sup> On the other hand, the positive aspect of the right to life invites us to search for new and creative ways of guaranteeing and promoting life.<sup>19</sup> As John Paul II says: “By his words and actions Jesus further unveils the positive requirements of the commandment regarding the inviolability of life. These requirements were already present in the Old Testament, where legislation dealt with protecting and defending life when it was weak and threatened: in the case of foreigners, widows, orphans, the sick and the poor in general, including children in the womb (cf. Ex 21:22; 22:20-26). With Jesus these positive requirements assume new force and urgency, and are revealed in all their breadth and depth: they range from caring for the life of one’s brother (whether a blood brother, someone belonging to the same people, or a foreigner living in the land of Israel) to showing concern for the stranger, even to the point of loving one’s enemy.”<sup>20</sup>

Sixthly, Saint John Paul II contributed significantly to dimensioning the social projections of the threats to the right to life. That is to say, the problems of abortion, the elimination of human embryos, or euthanasia, are not exclusively the issues of individual morality, but have undoubted social consequences.

“The original and inalienable right to life is questioned or denied on the basis of a parliamentary vote or the will of one part of the people – even if it is the majority. This is the sinister result of a relativism which reigns

<sup>18</sup> “The negative precepts of the natural law are universally valid. They oblige each and every individual, always and in every circumstance. It is a matter of prohibitions which forbid a given action *semper et pro semper*, without exception, because the choice of this kind of behaviour is in no case compatible with the goodness of the will of the acting person, with his vocation to life with God and to communion with his neighbour. It is prohibited – to everyone and in every case – to violate these precepts. They oblige everyone, regardless of the cost, never to offend in anyone, beginning with oneself, the personal dignity common to all”. John Paul II, Encyclical *Veritatis Splendor*, 52, [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_06081993\\_veritatis-splendor.html](https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html).

<sup>19</sup> “In the case of the positive moral precepts, prudence always has the task of verifying that they apply in a specific situation, for example, in view of other duties which may be more important or urgent. But the negative moral precepts, those prohibiting certain concrete actions or kinds of behaviour as intrinsically evil, do not allow for any legitimate exception.” John Paul II, Encyclical *Veritatis Splendor*, op. cit., 67.

<sup>20</sup> Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 41.



unopposed: the “right” ceases to be such, because it is no longer firmly founded on the inviolable dignity of the person, but is made subject to the will of the stronger part. In this way democracy, contradicting its own principles, effectively moves towards a form of totalitarianism. The State is no longer the “common home” where all can live together on the basis of principles of fundamental equality, but is transformed into a tyrant State, which arrogates to itself the right to dispose of the life of the weakest and most defenceless members, from the unborn child to the elderly, in the name of a public interest which is really nothing but the interest of one part”.<sup>21</sup>

Thanks to his teachings, issues related to the right to life have been incorporated into the traditional social doctrine of the Church.

#### 4. Signs of hope and commitment

In this context, in which there are great contradictions around the right to life, I would like to present four signs of hope and commitment and try to show the connection they have with the teachings of Saint John Paul II.

In the first place, the advocacy to protect the rights of people with disabilities has emerged as a certain limit to biotechnological power. Aborting a person because of her disability is a serious form of discrimination and a violation of her right to life. The language itself (severe foetal malformations) already bears a discriminatory charge.

The eugenic use of abortion and euthanasia has meant that in countries with legalized abortion, up to 90% of people with disabilities are eliminated after an adverse prenatal diagnosis.<sup>22</sup>

In my country, Argentina, the bill that sought to legalize abortion had, until 2018, allowed abortion beyond the 14<sup>th</sup> week in the case of serious foetal malformations.

<sup>21</sup> Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 20.

<sup>22</sup> PA Boyd, Devigan C, Khoshnood B, Loane M, Garne E, Dolk H, and the EUROCAT working group. “Survey of prenatal screening policies in Europe for structural malformations and chromosome anomalies, and their impact on detection and termination rates for neural tube defects and Down’s syndrome”, *BJOG*; 115; 9 April 2008, pp. 689-696, DOI: 10.1111/j.1471-0528.2008.01700.x; J. L. Natoli *et al.*, “Prenatal Diagnosis of Down Syndrome: A Systematic Review of Termination Rates (1995-2011)”, *Prenatal Diagnosis* 32, no. 2, pp. 142-53, doi:10.1002/pd.2910; Melissa Hill *et al.*, “Has Noninvasive Prenatal Testing Impacted Termination of Pregnancy and Live Birth Rates of Infants with Down Syndrome?”, *Prenatal Diagnosis* 37, no. 13, pp. 1281-90, <https://doi.org/10.1002/pd.5182>.

Due to the opposition of groups of people with disabilities and pro-life groups, these grounds were not included in the 2020 bill, which was finally sanctioned.

At the international level, the Committee on the Rights of Persons with Disabilities has said: “Laws which explicitly allow for abortion on grounds of impairment violate the Convention on the Rights of Persons with Disabilities (Art. 4,5,8). Even if the condition is considered fatal, there is still a decision made on the basis of impairment. Often it cannot be said if an impairment is fatal. Experience shows that assessments on impairment conditions are often false. Even if it is not false, the assessment perpetuates notions of stereotyping disability as incompatible with a good life”.<sup>23</sup> The Committee made similar recommendations to Spain,<sup>24</sup> Austria,<sup>25</sup> Hungary,<sup>26</sup> and the United Kingdom.<sup>27</sup>

<sup>23</sup> Committee on the Rights of Persons with Disabilities, “Comments on the draft General Comment No. 36 of the Human Rights Committee on article 6 of the International Covenant on Civil and Political Rights”, 1, 2017, <http://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/CRPD.docx>.

<sup>24</sup> “The Committee also recommends that the State party: ... (b) Abolish any distinction made in law to the period within which a pregnancy can be terminated based on a potential fetal impairment, and ensure that there are no provisions in place to allow euthanasia on the grounds of disability, as such provisions contribute to the stigmatization of disability, which can lead to discrimination”. Committee on the Rights of Persons with Disabilities, “Concluding observations on the combined second and third periodic reports of Spain”, 13 May 2019, CRPD/C/ESP/CO/2-3, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslxq2MulDp%2fqMKQ6SGOn0%2fM2iqPHauvLINGLuCsnFfZ4vRELH5%2fNh4FYrSa2QosgVLtPe7xxuafZSKDf63JRE5MZmF9O7lX%2b5vuhjIWWQ0k>.

<sup>25</sup> “The Committee recommends that the State party abolish any distinction, allowed by law, in the period within which a pregnancy can be terminated based solely on disability”. Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of Austria, adopted by the Committee at its tenth session (2–13 September 2013)”, 30 September 2013, CRPD/C/AUT/CO/1, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsmzSGoLkOaUX8SsM2PfxU7s9lO-chc%2bi0vJdc3TEt6JuQH6d6LwuOqunaiCb0Z0e%2b%2fWmB4CH5VprCrZY%2bNACxgG%2b3FQ4iHroX8O6TU68Yogo>.

<sup>26</sup> “The Committee recommends that the State party abolish the distinction made in the Act on the protection of the life of the foetus in the period allowed under law within which a pregnancy can be terminated, based solely on disability”. Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial periodic report of Hungary, adopted by the Committee at its eighth session (17–28 September 2012)”, 22 October 2012, CRPD/C/HUN/CO/1, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsmg8z0DXeL2x2%2fDmZ9jKjsk-Z6Y9eRc83PT5FhFy95TQZkyGQot9vWZBNEf0eAwM4AH0py5P0KQ9jmr6ZHDZ17dnUAKIzS4Qpi81YhvnXxVrA>. In 2022, this recommendation did not appear in the Concluding Observations of the Committee.

<sup>27</sup> “The Committee recommends that the State party amend its abortion law accordingly. Women’s rights to reproductive and sexual autonomy should be respected without legalizing selective abortion on the ground of fetal deficiency”. Committee on the Rights of Persons

I must admit that the Committee on the Rights of Persons with Disabilities has not recognized explicitly the right to life of persons with disabilities from conception, and has a contradictory record on this issue. For instance, the Committee has recommended Poland to ensure to women with disabilities access to abortion.<sup>28</sup> But, overall, I think that we can see a sign of hope in the advocacy for the rights of persons with disabilities.

This issue has been the subject of important interventions by John Paul II. As early as 1982, in his address to the First International Medical Congress of the Pro-Life Movement, he stopped to consider the moral issues involved in prenatal diagnoses.<sup>29</sup>

Then the teachings of the encyclical *Evangelium Vitae* stand out:

“Special attention must be given to evaluating the morality of prenatal diagnostic techniques which enable the early detection of possible anomalies in the unborn child. In view of the complexity of these techniques, an accurate and systematic moral judgment is necessary. When they do not involve disproportionate risks for the child and the mother, and are meant to make possible early therapy or even to

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with Disabilities, “Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland”, 3 October 2017, CRPD/C/GBR/CO/1, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspCUZhK1jU66fLQJyHlkqMIT3RDaLiqzhH8tVNxhro6S657eVNwuqlzu0xvsQUehREyYEQD%2bldQaLP31QDpRclCKZKktydtAkeqh77NLo1>.

<sup>28</sup> “The Committee recommends that the State party withdraw its reservation to article 25 (a) of the Convention, and that it: (e) Take the measures necessary to ensure that the autonomy and decisions of women with disabilities are respected, that women’s rights in relation to reproductive health are secured, that access to safe abortion is provided, and that women with disabilities are protected from forced sterilization and forced abortion”. Committee on the Rights of Persons with Disabilities, “Concluding observations on the initial report of Poland”, 29 October 2018, CRPD/C/POL/CO/1, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhspCUZhK1jU66fLQJyHlkqMIT3RDaLiqzhH8tVNxhro6S657eVNwuqlzu0xvsQUehREyYEQD%2bldQaLP31QDpRclCKZKktydtAkeqh77NLo1>. The Reservation made upon signature reads as follows: “The Republic of Poland understands that Articles 23.1 (b) and 25 (a) shall not be interpreted in a way conferring an individual right to abortion or mandating state party to provide access thereto”. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-15&chapter=4&clang=\\_en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-15&chapter=4&clang=_en#EndDec).

<sup>29</sup> John Paul II, “Speech to members of the Pro-Life Movement”, 3 December 1982, [https://www.vatican.va/content/john-paul-ii/it/speeches/1982/december/documents/hf\\_jp-ii\\_spe\\_19821203\\_movimento-vita.html](https://www.vatican.va/content/john-paul-ii/it/speeches/1982/december/documents/hf_jp-ii_spe_19821203_movimento-vita.html).

favour a serene and informed acceptance of the child not yet born, these techniques are morally licit. But since the possibilities of prenatal therapy are today still limited, it not infrequently happens that these techniques are used with a eugenic intention which accepts selective abortion in order to prevent the birth of children affected by various types of anomalies. Such an attitude is shameful and utterly reprehensible, since it presumes to measure the value of a human life only within the parameters of “normality” and physical well-being, thus opening the way to legitimizing infanticide and euthanasia as well”.<sup>30</sup>

A second sign of hope is the emergence of a concern for vulnerable persons. At the beginning of human life, we can find a new and stronger commitment to vulnerable motherhood. In other words, abortion does not solve the real problems that can influence the mother to make the dramatic decision to abort. Thus, there are growing efforts by jurists and policymakers to try to design public policies that address the causes of vulnerability in motherhood. Among other responses, legislators and public administrators adopt policies such as the so-called “1000 days”, or other measures that seek to ensure that maternities comply with essential obstetric and neonatal conditions, the education of mothers, or the coordination of the health system.

In addition, from the beginning of his pontificate, John Paul II assigned concern for mothers a principal place in his teachings on the right to life. In the General Audience on 3 January 1979, he stated:

“The mother who is about to give birth cannot be left alone with her doubts, difficulties and temptations. We must stand by her side, so that she will not put a burden on her conscience, so that the most fundamental bond of man’s respect for man will not be destroyed. Such, in fact, is the bond that begins at the moment of conception, as a result of which we must all, in a certain way, be with every mother who must give birth; and we must offer her all the help possible”.<sup>31</sup>

In *Evangelium Vitae*, he calls for a new commitment to promote laws in favour of vulnerable mothers:

<sup>30</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 63.

<sup>31</sup> John Paul II, “General Audience”, 3 January 1979, [https://www.vatican.va/content/john-paul-ii/en/audiences/1979/documents/hf\\_jp-ii\\_aud\\_19790103.html](https://www.vatican.va/content/john-paul-ii/en/audiences/1979/documents/hf_jp-ii_aud_19790103.html).

“Here it must be noted that it is not enough to remove unjust laws. The underlying causes of attacks on life have to be eliminated, especially by ensuring proper support for families and motherhood. A family policy must be the basis and driving force of all social policies. For this reason there need to be set in place social and political initiatives capable of guaranteeing conditions of true freedom of choice in matters of parenthood. It is also necessary to rethink labour, urban, residential and social service policies so as to harmonize working schedules with time available for the family, so that it becomes effectively possible to take care of children and the elderly”.<sup>32</sup>

This is an urgent task, as Pope Francis pointed out in his Exhortation *Evangelii Gaudium*:

“Precisely because this involves the internal consistency of our message about the value of the human person, the Church cannot be expected to change her position on this question. I want to be completely honest in this regard. This is not something subject to alleged reforms or “modernizations”. It is not “progressive” to try to resolve problems by eliminating a human life. On the other hand, it is also true that we have done little to adequately accompany women in very difficult situations, where abortion appears as a quick solution to their profound anguish, especially when the life developing within them is the result of rape or a situation of extreme poverty”.<sup>33</sup>

At the end of human life, the law must promote palliative care as an adequate response to the problem of the vulnerable suffering person, as John Paul II proposed:

“In modern medicine, increased attention is being given to what are called “methods of palliative care”, which seek to make suffering more

<sup>32</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 90.

<sup>33</sup> Francis, Apostolic Exhortation on the Proclamation of the Gospel in Today’s World *Evangelii Gaudium*, 24 November 2013, 214, [https://www.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html).

bearable in the final stages of illness and to ensure that the patient is supported and accompanied in his or her ordeal”.<sup>34</sup>

A third sign of hope is the legal recognition of the right to conscientious objection. John Paul II was a strong defender and promoter of this right. His teachings laid the foundation for the growth in the number of objectors throughout the world, especially in the health professions. Regarding conscience, it is unavoidable to mention the clarity and sharpness of the encyclical *Veritatis Splendor*, which is intricately connected with the later encyclical *Evangelium Vitae*.<sup>35</sup>

In the latter, John Paul II highlights conscientious objection as a “duty”:

“Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection”.<sup>36</sup>

In addition, Saint John Paul II provides safe and clear criteria to discern complex situations, such as the one faced by legislators in countries that debate laws on abortion. It is the famous passage from the Encyclical *Evangelium Vitae* that has been so studied and so applied in these years:

“A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. Such cases are not infrequent. It is a fact that while in some parts of the world there continue to be campaigns to introduce laws favouring abortion, often supported by powerful international organizations, in other nations—particularly those which have already experienced the bitter fruits of such permissive legislation—there are growing signs of a rethinking in this matter. In a case like the one just mentioned, when it is not possible

<sup>34</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 65.

<sup>35</sup> John Paul II, “Speech to the International Symposium of ‘Evangelium Vitae and Law’”, Vatican City, 24 May 1996, [https://www.vatican.va/content/john-paul-ii/es/speeches/1996/may/documents/hf\\_jp-ii\\_spe\\_19960524\\_evangelium-diritto.html](https://www.vatican.va/content/john-paul-ii/es/speeches/1996/may/documents/hf_jp-ii_spe_19960524_evangelium-diritto.html).

<sup>36</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 73.

to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects”.<sup>37</sup>

His teachings regarding the problem of cooperation with the evil were also truly unambiguous and guiding for the pro-life movement:

“From the moral standpoint, it is never licit to cooperate formally in evil. Such cooperation occurs when an action, either by its very nature or by the form it takes in a concrete situation, can be defined as a direct participation in an act against innocent human life or a sharing in the immoral intention of the person committing it”.<sup>38</sup>

Regarding the problem of cooperation with abortion, his teachings on the questions concerning the correct relationship of Catholic pregnancy counselling centres with the State-regulated counselling in Germany are particularly important.<sup>39</sup>

A fourth sign of hope is the beauty of the Christian Culture, deeply rooted in the communion between a man and a woman, who build the family. In his Letter to the Families, John Paul II spoke about the beauty of the family and the fairest love: “The beauty of love and the beauty of the human being who, by the power of the Holy Spirit, is capable of such love. We are speaking of the beauty of man

<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 74. Pope Benedict XVI said: “the moral conscience, to be able to judge human conduct rightly, above all must be based on the solid foundation of truth, that is, it must be enlightened to know the true value of actions and the solid criteria for evaluation. Therefore, it must be able to distinguish good from evil, even where the social environment, pluralistic culture and superimposed interests do not help it do so”. Benedict XVI, “Address to the participants in the General Assembly of the Pontifical Academy for Life”, Clementine Hall, 24 February 2007, [https://www.vatican.va/content/benedict-xvi/en/speeches/2007/february/documents/hf\\_ben-xvi\\_spe\\_20070224\\_academy-life.html](https://www.vatican.va/content/benedict-xvi/en/speeches/2007/february/documents/hf_ben-xvi_spe_20070224_academy-life.html).

<sup>39</sup> John Paul II, “Letter to the Bishops of the German Episcopal Conference”, 11 January 1998, [https://www.vatican.va/content/john-paul-ii/en/letters/1998/documents/hf\\_jp-ii\\_let\\_19980111\\_bishop-germany.html](https://www.vatican.va/content/john-paul-ii/en/letters/1998/documents/hf_jp-ii_let_19980111_bishop-germany.html); John Paul II, “Letter to the German Bishops”, 3 June 1999, [https://www.vatican.va/content/john-paul-ii/en/letters/1999/documents/hf\\_jp-ii\\_let\\_03061999\\_german-bishops.html](https://www.vatican.va/content/john-paul-ii/en/letters/1999/documents/hf_jp-ii_let_03061999_german-bishops.html); J. Ratzinger, A. Sodano, “Letter to the German Bishops”, 18 September 1999.

and woman: their beauty as brother or sister, as a couple about to be married, as husband and wife”.<sup>40</sup> And, as the Saint said to the artists, “people of today and tomorrow need this enthusiasm if they are to meet and master the crucial challenges which stand before us. Thanks to this enthusiasm, humanity, every time it loses its way, will be able to lift itself up and set out again on the right path. In this sense it has been said with profound insight that ‘beauty will save the world’”.<sup>41</sup>

## 5. Concluding remarks

Faced with these paradoxes presented by the right to life in the context of human rights, the teachings of Saint John Paul II remain current and constitute an unavoidable source for addressing these problems. I have tried to show four signs of hope, linked with limits to the existing tendency to legalize abortion and euthanasia.

“Although laws are not the only means of protecting human life, nevertheless they do play a very important and sometimes decisive role in influencing patterns of thought and behaviour”.<sup>42</sup> Therefore, it is particularly essential to abrogate those laws that legalize abortion, euthanasia, and any violation of the right to life. At the same time, it is important to work for a culture of life, through legislation that promotes this right, valid from conception to natural death.

<sup>40</sup> John Paul II, “Letter to the Families. *Gratissimam Sane*”, 2 February 1994, 20, [https://www.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf\\_jp-ii\\_let\\_02021994\\_families.html](https://www.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_02021994_families.html).

<sup>41</sup> John Paul II, “Letter to Artists”, 4 April 1999, 16, [https://www.vatican.va/content/john-paul-ii/en/letters/1999/documents/hf\\_jp-ii\\_let\\_23041999\\_artists.html](https://www.vatican.va/content/john-paul-ii/en/letters/1999/documents/hf_jp-ii_let_23041999_artists.html).

<sup>42</sup> John Paul II, Encyclical on the Value and Inviolability of Human Life *Evangelium Vitae*, op. cit., 90.



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