

HUMAN LIFE AS A BASIC GOOD: A DIALECTICAL CRITIQUE*



VIDA HUMANA COMO UN BIEN BÁSICO: UNA CRÍTICA DIALÉCTICA

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ABSTRACT

In this article I argue that the fundamental axiological claim of the New Natural Law Theory, according to which human life has an intrinsically valuable, cannot be defended within the framework assumed by the New Natural Law Theory itself, and further, that such a claim turns out to be false relative to a wider eudaimonistic framework that the Natural Law theorist is committed to accept. I do this this by adopting a dialectical standpoint which excludes any assumptions that could be denied by the New Natural Law theorist, except for the axiological claim, and show that the New Natural Law theorist cannot argue for the axiological claim's plausibility, and moreover, that in such a setting the New Natural Law theorist is compelled to replace the axiological claim by the claim that human life is instrumentally valuable.

Keywords: morals, New Natural Law, human life.

RESUMEN

La afirmación axiológica fundamental de la Nueva Ley Natural (NLN) según la cual la vida humana tiene un valor intrínseco, no puede ser defendida dentro del marco teórico asumido por dicha teoría, y resulta ser falsa en un marco eudemonista más amplio, que debe ser aceptado por el teórico de la ley natural. Se asume una posición dialéctica que excluye cualquier suposición que pueda ser negada por el teórico de la NLN, con excepción de la afirmación axiológica, y se demuestra que él no puede mostrar la plausibilidad de la afirmación axiológica; más aún, que se ve forzado a reemplazar la afirmación axiológica por la aceptación de que la vida humana tiene un valor instrumental.

Palabras clave: moral, Nueva Ley Natural, vida humana.

Introduction

Perhaps the most distinctive normative thesis put forward by the ethical theory that has come to be known as “New Natural Law Theory”,¹ is what Germain Grisez called “the basic principle of the inviolability of human life” (Grisez 1970 65) the immediate implication of which is that human life *as such* should be respected and protected.

Although the idea behind such a principle has been expressed in the Natural Law (NL) tradition in terms of the peculiar *integrity, dignity, or sanctity* inherent to human life, it is John Finnis’ particular way of formulating this idea, equating human life to a *basic human value* or *good* (cf. Finnis 1980 86) that has enjoyed the widest acceptance among more recent philosophical proponents of this theory. It is this axiological claim (as I shall now refer to it) that I will be discussing in this article—the axiological claim that is meant to *support* the principle of inviolability, and the whole edifice of normative implications that derive from it.

Notice that the axiological claim that human life is a basic or intrinsic good for human beings is not a *prescriptive* claim, in the sense that it does not tell us how we should behave with regard to human life or what sort of attitudes should we adopt with regard to it. The axiological claim is a kind of evaluative claim, in that it says that a life is an intrinsic *good*, and it only acquires a prescriptive force (such as the one specified in the principle of inviolability, a prescriptive principle) when attached to the prescriptive principle or guideline of Respect for Goods, according to which “we should never intentionally destroy an instance of a human good because doing so would be an act of practical irrationality” (Gómez-Lobo 47). Given that the claim I will be discussing in this article is the *axiological* claim underpinning the principle of inviolability, my discussion will not be primarily a discussion about the principle of inviolability and its prescriptive implications, but rather a discussion about the axiology or theory of value underlying that principle.

A basic human good can be characterized both as: a) something that is desirable or worth pursuing for its own sake (and not only instrumentally); and as b) something that can be described as an integral aspect of human flourishing or well-being. I shall assume, as do new NL theorists, that this double characterization amounts to the same thing: “the fundamental reasons for acting *are* aspects of an agent’s well-being” (Murphy 176).² Therefore, the claim I shall be discussing in this article

1 I borrow the label from Hittinger (1987). Hittinger has in mind the theory initially developed by Germain Grisez, Joseph Boyle and John Finnis in the seventies and eighties.

2 This is what Murphy calls the “real identity thesis”. Chappell calls it the “Working Hypothesis” (cf. Chappell 24-26).

is that human life, as such, is a basic human good in accordance with these two characterizations.³

When referring to “a human being that is alive”, let the provisional understanding of this be in the most basic biological sense of the phrase. “By life”, says Gómez-Lobo, “I mean here human life at the basic biological level, manifesting itself in the typical functions of a human organism (taking nourishment, growing, etc.)” (Gómez-Lobo 10). The rationale for this definition of “human life” is that the content of *human life* in the axiological claim must be identical to the content of *human life* in the principle of inviolability, for otherwise the axiological principle would fail to support the latter principle. And given that the most distinctive normative claim of the NL theory (whether classical or revisionist, old or new) is a strict reading of the principle of inviolability –as a principle protecting *all conceptually defensible levels* of (innocent) human life, including the non-conscious life of the cortically dead, the anencephalic, or the life of the embryo at its earliest stages– a definition such as the one indicated above is meant to fulfill this condition. As we shall see in section 5, however, other new NL theorists have preferred a “focal” definition of human life in terms of its fullest realization in mental and physical health and integrity. For reasons that we shall discuss in section 5, however, this focal conception fails to support a strict reading of the principle of inviolability. Accordingly, I will provisionally assume that a biologically minimal definition of “human life” is preferable.

The principle of inviolability has come under attack on several fronts over the past few decades, but most of these objections are silent on the strictly *axiological* question regarding the intrinsic value of human life. There is, for instance, the family of eminently *pragmatic* objections, such as the argument from Impracticability, which says that the principle has to be rejected, “because it is too absolutist to deal with all the circumstances that can arise” (Singer 1994 192-193). The same is true of those *indirect* objections to the principle that arise from conceptions of self-determination or self-ownership quite extraneous to NL theory (a classic example is McCloskey 1975), and also of another family of objections that has tended to emphasize the inconsistencies in the NL *tradition* with regard to the application of the principle of inviolability (for example, why should capital punishment and killing in self-defense

3 There have been philosophers that do not subscribe to Natural Law theory, but who nonetheless have argued in favour of the intrinsic goodness of human life. The most famous example perhaps is Ronald Dworkin (cf. 1993 ch. 3). Because Dworkin is looking for a consensus between liberals and conservatives, however, his argument seeks support for the claim that we all do, *as a matter of fact*, attribute intrinsic value to human life. As far as I know, only Natural Law theory has illustrated as tried to show how the axiological principle can be justified.

be *allowed* by the principle, as is traditionally argued by NL theorists?) –see for instance Devine 2000. Again, none of these objections directly confront the truth of the axiological claim.

There is, however, one particular family of objections that directly challenges the axiological claim underlying the principle of inviolability. I refer here to the family of objections based on Quality of Life Assessments. Various philosophers have argued, on similar grounds, that the worth of a particular human life is not automatically determined by its being a token of *human life*, but rather (within broad limits) by the person whose life is at stake. Jonathan Glover sets the agenda for Quality of Life theories when he claims that the view that being alive is intrinsically valuable:

[...] is a view that will seem unattractive to those of us who, in our own case, see a life of permanent coma as in no way preferable to death. From the subjective point of view, there is nothing to choose between the two. (45)

Glover argues, for instance, that a “permanently comatose existence is subjectively indistinguishable from death, and unlikely often to be thought intrinsically preferable to it by people thinking of their own future” (46). Accordingly, what is crucial for judging the value of a life, says Glover, is “how much the person himself gets out of life” (192), or as Peter Singer repeatedly claims, the question of whether life is worth living “from the inner perspective of the person” who leads or will lead that life (*cf.* Singer 1993 ch. 7).

Nonetheless, this sort of objection to the intrinsically valuable standing of human life has a fundamental dialectical drawback, in that it is based precisely on what the new NL theorist should deny, to wit, a subjective theory of value. Glover’s argument about the subjective indifference between permanently comatose existence and death is questionable from the new NL perspective because, as Mark Murphy observes, “on an objectivist account of goods, it is likely to be the case that there will be some situations in which the structure of preferences of actual agents will not mirror what there is reason to prefer” (Murphy 104-105).⁴ And the case of people who are subjectively indifferent between a life of permanent coma and death might well be a non-mirroring case of this sort.

What I intend to do in what follows is to confront the very axiological claim behind the principle of inviolability in a genuinely dialectical fashion. I will therefore not start with a question-begging, subjective conception of value, but rather with one that is objective and relevantly

4 See also Lee and George (2007 161-162).

similar to the new NL theory. As a matter of fact, I will assume the truth of the new NL theory, except for the axiological claim, and ask the new NL theorist to show that the claim in question can be ultimately withheld *within* the new NL framework. The motivation behind this dialectical confrontation is the conviction that it is more effective than the Quality of Life approach, in terms of persuading the new NL theorist of the groundlessness of the axiological claim, and ultimately, of its falsity –relative to the objective eudaimonistic framework that the new NL theorist is committed to accept.

The Dialectics with the Suicidal Person

A good place to start discussing the view that life is a grounding basic human good, is by observing the following, quite natural objection; the objection of someone who considers his situation impossible to endure and whose intention is, consequently, to terminate his own life (this person shall be referred to as the “suicidal person”): “How can being alive be intrinsically good, if it can become so intolerable as to turn into something positively evil and impossible to endure?”

To this sort of objection the new NL theorist is likely to reply that what is evil from the perspective of the suicidal person is not *life itself*, but rather defective conditions such as sickness, clinical depression, acute pain, poverty, solitude, friendlessness, and so on; added perhaps to the hopeless prospect of seeing an improvement in the foreseeable future (cf. Gómez-Lobo 11; Novak 50-51). These are all deficient conditions that either straightforwardly amount to the lack of a basic good –we might call them “basic evils”– or that impede future participation in one or more of them –poverty being the clearest example. Accordingly, it is the troubled existence consisting of the lack of one or more of the undisputed basic goods, rather than life itself, what misleadingly makes life itself seem like something positively evil and not worth participating in anymore.

Now, even though this sort of response to the objection of the suicidal person seems to dispel our initial worries concerning the intrinsic goodness of being alive, it also seems to open a conceptual space for a much more serious concern, for the response leaves any axiology that regards human life as something intrinsically *neutral* or *indifferent* wholly unscathed.

We can give more substance to this new concern as follows. That life itself cannot be a constitutive ingredient of happiness (nor therefore an intrinsic or basic good), was clearly recognized by Aristotle, particularly in Book I of the *Eudemian Ethics*, where he first urged us to distinguish the question “What does our living well consist of?” from the question “What are the indispensable conditions of our living well?”. Aristotle

believes that failure to distinguish these two questions is the cause of much confusion in ethical inquiry: “some people regard the things that are indispensable conditions of being happy as actual parts of happiness” (1214b27-28).⁵ How can we distinguish the merely indispensable (and thus only instrumentally desirable) conditions of happiness from its constitutive parts? An initial suggestion that Aristotle endorses in the same book (cf. 1215b15-1216a23) is the following. Any genuine *candidate* for a constituent of happiness x –and thus for the title of “basic good”– should at least be able to answer the question: “Is x such that any adult, rational human being would choose to be alive, in order to possess or enjoy x , over non-existence?” Evidently, the very framing of the question itself precludes the following answer: “to be alive” (*to zên*) –for the question is, precisely, what *makes* being alive more preferable than not being alive. For Aristotle, being alive is rather a mere condition *sine qua non* of happiness: “without breathing or being awake or participating in movement *we could not possess any good or any evil at all*” (1214b20-22, emphasis added). Notice that Aristotle is also indicating a further reason why being alive cannot be a constituent of happiness: being alive is also the condition for the possession of *evils* –but presumably no intrinsic good can also be a constitutive part of an intrinsic evil. This point will be important in the following sections.

It is not clear whether Aristotle thinks only genuine intrinsic goods (as opposed to genuine candidates) can give a correct answer to the aforementioned question, but he evidently thinks that all genuine intrinsic goods –such as virtuous activity, honours, virtuous friendship, genuine pleasure or theoretical understanding– should at least be able to answer it. Aristotle, however, does not mention “being alive” as one of these goods. Accordingly, we have at our disposal an axiology that considers being alive as something that is neither good nor bad in itself, but that can be *made* good or bad by the immediate presence of intrinsically good or bad items respectively, and perhaps also by the mere possibility of these items. This is not an axiology of the sort that is propounded by Quality of Life theorists, where a life’s worth is primarily determined by the subjective preferences of the person whose life is at stake. On the contrary, this is an objective theory relevantly similar to the new NL theory, except that it does not regard life as an intrinsic good –the reader might even prefer to consider a slightly modified version of the Aristotelian axiology that includes all the basic goods standardly recognized by new NL theorists, *except life*: health, knowledge, friendship, work and play, or the appreciation of beauty.⁶

5 All the quotations from Aristotle’s Eudemian Ethics are taken from Rackham’s translation.

6 For a survey of the various lists offered by new NL theorists, see Oderberg 2007.

Consequently, assuming that the reply offered by the new NL theorist to the suicidal person is basically correct and what is bad in the life of the suicidal person is the mere lack of one or more undisputed basic human goods, this reply does not impugn the view of the illustrated suicidal person, now equipped with an Aristotelian axiology: *because* his life is devoid of the undisputed basic human goods, his life is not worth living –precisely because life, in itself axiologically indifferent, has a derivative value (in the broad sense of “value”), and in this particular case, a negative value derived from the lack of one or more undisputed basic human goods.

The obvious conclusion to draw from this dialogue between the suicidal person and the new NL ethicist, is that the axiological claim needs to be *argued for*. I will begin with an argument that could be interpreted as addressing this impasse between the new NL theorists and our illustrated suicidal person.

The Argument of Inclinationism and Intelligibility

Most philosophers working in this tradition want to say, in line with Thomas Aquinas, that all those things towards which the human being has a natural inclination are naturally and non-inferentially apprehended as good by practical intelligence, as ends-to-be-pursued by action.⁷ In the case of human life, for example, “life itself” (*ipsa vita*) is something which “we naturally desire” (*Summa Theologiae* 1.2, Q.5, A.3). Now, if the object of the inclination one experiences is grasped as a form of the good “by a simple act of non-inferential understanding” (Finnis 1980 34), it follows that “life is naturally understood as a good to be preserved” (Grisez 1983 180).

It should be noted that these ideas have not, to my knowledge, been explicitly presented as an *argument* in favour of the inherently valuable standing of human life. Still, it is worth noticing that it will not suffice to reply to our suicidal person (now armed with an axiology à la Aristotle): “The natural inclination to preserve your life is naturally present in you, but given that your practical reason is not in good order, you will have difficulty recognizing human life as a basic good at all, and therefore the categorical prescription to maintain yourself in being. That is why you *deny* the intrinsically valuable standing of human life. If your practical reason was in good order, on the other hand, you would not circumvent the natural inclination already present in you by giving precedence to the avoidance of suffering or any other subjectively intolerable circumstance over the inclination to continue in life, because you would immediately grasp its intrinsically valuable

7 For an interpretation of Aquinas’ view, see Finnis (1980 34) and Murphy (6-17).

standing”. This sort of argument is not dialectically legitimate, because it merely assumes the view that the illustrated suicidal person wants to deny, given his own experience of things and armed with an Aristotelian axiology as he might be; namely, that there is such a thing as a natural inclination to preserve one’s life in the first place or, alternatively, that the object of such an inclination is intrinsically good⁸.

Perhaps because of the difficulties in rendering Inclinationism palatable to the modern mind, many new NL theorists have preferred an alternative way of capturing the inclinationist intuition, by appealing to the notion of *practical intelligibility*. According to this view, basic goods are not only items we have a natural tendency to pursue but more fundamentally perhaps, they are items that provide actions within that tendency with practical intelligibility. According to this view, *x* is a human good if (and only if) the mere fact of pursuing, protecting or promoting *x* can be cited as an *ultimate reason* for a course of intentional action, or alternatively, if *x* makes our actions *immediately intelligible* from the practical point of view, without having to appeal to the pursuit or avoidance of a further item *y*. And this of course applies to human life: “when one acts in order to preserve or protect one’s life, that action may be immediately intelligible.” (Murphy 101).

Now, the notion of immediate (because non-derivative or ultimate) practical intelligibility might initially appear as the ordinary notion of a practical reason that confers immediate intelligibility upon an action from the internal perspective of the agent, and new NL theorists often write as if immediate practical intelligibility consisted merely in this ordinary notion. Someone who stabs his leg with a fork at regular intervals and has no reason for doing so, fails to confer intelligibility (immediate or not) upon his action in the ordinary sense that “we cannot understand what the agent is *up to*, we cannot see a *point* to his actions” (Murphy 2). Moreover, even if the man in the example had replied, *à la* Davidson, “I want to give the impression that I am mentally insane, and I believe that by stabbing my leg in this fashion I will achieve this”, we do not have to move from his internal perspective in order to judge that he has failed to meet the *ultimacy* or *immediacy* condition: he is rationalizing his action, but we still want to know why he wants to give the impression that he is mentally insane. Nonetheless, despite appearances to the contrary, the concept of immediate intelligibility employed by new NL theorists is not the ordinary, unproblematic concept that we characteristically presume to be present in those actions ultimately or immediately rationalized by the agent’s beliefs and pro-attitudes.

8 I have been greatly assisted by David Novak’s account of *Summa Theologiae* II.2, Q.65, A.5, in Novak chapter 3.

Suppose the man in our example does provide such an ultimate reason: “I want to be sent to a mental institute so that I don’t have to work anymore; I just don’t like working”. Even if, from the perspective of the agent, we have reached rock bottom in the chain of rationalizations, the new NL theorist is likely to point out that this ultimate rationalization fails to make the self-stabbing behaviour immediately intelligible. Although the action has been ultimately referred to some item *x* (i. e. idleness) that is not in fact desired by the agent himself in virtue of some further item, this item *x* that he is ultimately pursuing is not intrinsically *worth pursuing* or *desirable* (cf. Chappell 33-36). The concept of *practical intelligibility* or *desirability* as used by the new NL theorist is a substantive normative concept: it applies to things that are worth desiring, to things that are rational to desire in a substantive sense of “rational”. And if pressed to provide content to this latter claim, the new NL theorist will undoubtedly have recourse to the requirement that the immediate intelligibility-conferring reason be a genuine aspect of human well-being, understood as an objectively ascertainable state of human beings. As new NL theorists put it, “desires and preferences are rational only if they are in line with what is genuinely good, that is, genuinely fulfilling.” (Lee and George 2008 180). And only reference to a basic human good (but certainly not to idleness) will fulfil *this* substantive requirement of practical intelligibility.

In light of the identity between intelligibility-conferring reasons and integral aspects of human well-being held by new NL theorists, this result should not perhaps be unexpected; but it does show that the dialectical pressure is now on the claim that human life is an integral aspect of human well-being. We shall concentrate on this latter claim in the following sections, but before that I would like to draw attention to the difficulties involved in the appeal to *evidence* to the effect that the preservation or protection of mere human life may immediately confer intelligibility on actions allegedly aiming at it.⁹ An appeal to evidence of this sort may seem like an attractive manoeuvre at this juncture. Joseph Boyle, for instance, argues as follows:

Family members and health-care workers have chosen to give life-preserving care to persons they knew to be in irreversible coma. Not everyone would make such a choice or consider it correct. But the fact that some have made it gives evidence that life is a basic good –one which offers for choice an intelligible ground which need have no ulterior ground. (238-239)

9 John Finnis claims that, based on “the evidence of (inter alia) empirical anthropology”, his book *Natural Law and Natural Reason* “offered a list of basic reasons for willing (*intelligent wanting*) and doing” (cf. 2011 28).

Assuming that this is *all* the evidence at our disposal, Boyle's example is far from supporting the claim that human life is *per se* an intelligibility-conferring reason. It does not tell us whether these health-care workers and family members have freely chosen to give life-preserving care to patients in a comatose state instead of having been coerced by the law or different forms of social pressure to do so –in which case, their life-preserving care would not be *immediately* intelligible. Neither does it tell us whether, because of their empirical knowledge that the coma was irreversible, these people had absolutely no faith or hope that the comatose patient could perhaps be an exception to the rule and eventually recover, or that a miracle could happen –in which case the remote possibility that the patient could eventually come to participate in the undisputed basic goods could be what *ultimately* informs their life-preserving decisions.

But more importantly, even if we had *further* evidence and knew, for instance, these people's own sincere description of their ultimate reasons in terms of mere life-preservation, their ultimate reasons might "not mirror what there is reason to prefer", as the new NL theorist must recognize. There are also people who choose to terminate their own lives, or the lives of those they know to be in irreversible coma, because they consider these lives worthless or positively bad, and who would regard this sort of consideration as conferring immediate intelligibility upon their choice. Nothing in the ordinary sense of "intelligible" prevents them from doing so. No doubt the new NL theorist would argue that, unlike these latter cases, in those cases where the mere preservation or protection of human life is seen as the final aim, the agent's subjective preferences are *not likely* to be mistaken: life is a basic good, an integral aspect of human well-being. But then *this* is precisely the claim under dispute. Therefore, we should see if at this juncture the new NL theorist can have recourse to it.

The Arguments of Well-being

There is indeed a family of arguments specifically designed to support the claim that being alive has an intrinsically valuable standing. Indeed, as far as I can see, the family of arguments discussed in this and the next section are the only ones available in the literature that are explicitly and directly aimed at supporting the axiological claim.

In its clearest version (*cf.* Gómez-Lobo 12), the basic argument is based on what I shall call the "Principle of the Intrinsic Goodness of Parts" (or PIGP for short):

PIGP: For any composite thing or state *c*, if *c* is intrinsically good, the constituent elements of *c* must themselves be intrinsically good.

Relying on this principle, the argument goes as follows:

- i) We all agree that happiness (well-being or the good life) is a composite condition, and one that is intrinsically good; indeed, it is *the* intrinsic good par excellence.
- ii) Being alive is a constitutive element of happiness (or well-being, etc.)
- iii) PIGP.
Ergo: Being alive is intrinsically good.

I do not think this argument works. To see this, let us assume the following, equally compelling principle –which I shall call the “Principle of the Intrinsic Badness of Parts” (or PIBP for short):

PIBP: For any composite thing or state *c*, if *c* is intrinsically bad, the constituent elements of *c* must themselves be intrinsically bad.

Relying on this principle, the parallel argument goes like this:

- i') We all agree that human misery, defined as the total absence of the basic goods (except for life), is something intrinsically bad par excellence, something that is *per se* an object of our repulsion, etc.
- ii') Life is a constitutive element of our misery, ‘misery’ is just a *life* full of misery.
- iii') PIBP.
Ergo': Life is intrinsically bad.

Now, what is crucial about there being these two antithetical arguments can be shown by the following reasoning:

1. The two conclusions, firstly that human life is intrinsically good and secondly that human life is intrinsically evil, cannot both be true in the same sense.
2. The premises in both arguments stand and fall together, and so it cannot be the case that one conclusion is true and the other false. Let us elaborate on this point.

For example, premises (i) and (i'), stating that there are composite conditions that we call “happiness” and “misery” that are intrinsically good and bad respectively, stand and fall together. Anyone who wishes to maintain (i) must maintain (i'), since human misery is just the absence of human happiness. Some new NL ethicists might feel tempted to deny the existence of human misery, because they follow Aquinas in claiming that evil or badness is mere privation. As Murphy says: “Badness is not a positive entity but, rather, a lack.” (Murphy 97). So if human misery is the *total* lack or privation of the basic goods (except for life), then it is even clearer that human misery is not a positive entity. But why should this be a problem for my argument? After all, the claim that

human misery is not a “*positive* entity”, whatever that phrase means, does not mean that human misery is not an *entity*, that it does not exist. All that my argument requires is that there be some state or condition that can be adequately described as “human misery” and this, I think, is undeniable.

Premises (ii) and (ii’), stating that life is a constitutive element of happiness and misery respectively, also stand and fall together. If you wish to maintain that life is a constitutive element of happiness (e. g. the good of life “is life fully realized” –Gomez-Lobo 12–), you must also maintain that life is a constitutive element of misery (e. g. a miserable life is an unrealized life) on pain of inconsistency –assuming both (i) and (i’), of course: if the new NL theorist affirms (ii) while denying (ii’), then he is committed to denying the very possibility of human misery, i. e. (i’), which is absurd.

Finally, premises (iii) and (iii’), that is PIGP and PIBP, also stand and fall together. Evidently, if one assumes that PIGP is true, this is because one believes that this principle is an instance of a more general principle about intrinsic value that applies to both intrinsic goodness and intrinsic badness. Of course, you might want to *deny both* –perhaps, because they both commit the Fallacy of Division¹⁰– and if this is so, then all the better for my case. At any rate, I will proceed dialectically under the assumption that PIGP is true and that the new NL theorist is thereby committed to maintain the truth of PIBP as well.

Ergo: (from (1) and (2)), the only alternative is that *both* conclusions are false –because they both find themselves based on parallel false premises. Consequently, it is false that life is intrinsically good.

We can move a step further, both in the direction of reinforcing this argument and in the direction of finding the truth, if we try to identify the false premises in virtue of which both conclusions turn out to be false. Premises (i) and (i’) are perfectly true and undeniable, at least both from the standpoint of Aristotelian axiology and from the standpoint of NL theory. Premises (iii) and (iii’) seem true, and, in any case they are dialectically sound. Therefore, the false premises must be (ii) and (ii’), that is, the assumptions that life is a *constitutive element* of the composite intrinsic good of happiness and of the composite intrinsic evil of misery respectively. Indeed, as we shall see in section VI,¹¹ there are very good *independent* reasons to think that these two premises, (ii) and (ii’), must be false and that, accordingly, human life cannot be a constitutive element of happiness –nor of misery, of course.

10 So suppose I claim that knowledge is intrinsically good. PIGP would mean that constituent elements of knowledge, such as belief, truth and justification, are intrinsically good, which seems false, at least in the case of belief.

11 “Human life as a peculiar sort of instrumentally valuable condition”.

Note that the difficulty here is not, as in the previous section, that the new NL theorist is simply *assuming* that life is an intrinsic good, for he is not doing this: he is rather assuming that life is a constitutive ingredient of a composite intrinsic good such as happiness, and employing this assumption to show that life is also an intrinsic good. The difficulty is similar to the one presented in the previous section, however, in that in both cases new NL ethicists are assuming something that the suicidal person, armed with an Aristotelian axiology, is not committed to admit.

It is worth noting that the same objection developed in the previous paragraphs is pertinent to other arguments relevantly similar to the one offered by Gómez-Lobo. The following is the version of David Oderberg. To make a case for the parallel antithetical argument I have inserted the relevant concepts in brackets:

[...] all of the basic human goods [evils] are ultimately pursued [avoided] for their own sakes, because together they make up human happiness [misery]: human happiness [misery] is not something over and above the goods [evils], but is a complex condition made of those goods [evils]. Since the pursuit [avoidance] of any of those goods [evils] cannot be separated in thought from the idea of life itself –every pursuit [avoidance] of a good [an evil] being a pursuit [an avoidance] of a living human being– life is itself necessarily pursued [avoided] for its own sake, as a constituent of happiness [misery], along with every other good [evil]. Why do I pursue knowledge [avoid ignorance]? For its own sake, since it is part of what fulfils a human being [what makes a human being miserable] to know [not to know] about the world around them. But what pursues knowledge [avoids ignorance] is *me*, a living human being. So my life itself, which is conceptually inseparable from the pursuit of knowledge [avoidance of ignorance], must also be pursued [avoided] as an ultimate constituent of human fulfilment [misery], moreover as the basic precondition of fulfilment [misery]. (Oderberg 2000a 142)¹²

In the version offered by Oderberg, the axiological claim is achieved by arguing, not that life is conceptually inseparable from the good life or living-well (as in Gómez-Lobo), but rather by arguing that life itself is conceptually inseparable from the pursuit of any of the *other goods* that constitute the good life or living-well. But the same objection as before is equally pertinent to the latter argument, as made clear by the concepts in closed brackets above: life is also conceptually inseparable from the avoidance of intrinsic evils, and so life itself must also be avoided as an ultimate constituent of human misery. Once more, we arrive at two mutually incompatible conclusions, and as I have argued,

12 For another version see Lee and George (2007 160-161).

we are rationally compelled, not only to abandon the view that human life has intrinsic value, but also the underlying view that human life is inseparable (conceptually or otherwise) from the pursuit of the other, undisputed basic goods –and from the avoidance of intrinsic evils.

The Argument of Health

It is worth considering another argument that can be seen perhaps as a particular version of the view that human life is inseparable from the pursuit of any of the undisputed basic goods. According to this argument, human life, in its fullest realization at least, is particularly inseparable from the intrinsic good of health. This is Mark c. Murphy's argument, and it deserves to be discussed in its own terms. The following is my reconstruction of it.

First, (1) suppose we assume the following characterization of the good of life as "the proper functioning of humans *qua* animate beings" (Murphy 101).¹³ In particular, participation in this good "does not consist only in bare survival but also in overall physical integrity and health" (*ibid.*).

Next (2), suppose we claim that human life in its full realization, that is, participation in overall physical integrity and health (including mental health) is an *intrinsic* good. For instance, Murphy believes that someone who possesses life alone in its full realization but is defective in the rest of the basic goods (knowledge, friendship, etc.) is obviously better off than not being alive.

And finally, (3) let us assume the following principle: "If there is some state of affairs the intrinsic goodness of which is constituted by its exhibiting feature(s) *F* to some degree, then any state of affairs that exhibits feature(s) *F* to some degree will be to some extent intrinsically good" (Murphy 104). And assume that the feature *F* in question is physical and mental health and integrity, and the degree to which this feature is exhibited by a human life (the "state of affairs" in this case) in order for it to be undeniably an intrinsic good, is an optimal level of physical and mental health and integrity.

According to Murphy, it follows from (1), (2) and (3) that "life is, at whatever level of vitality, a basic good" (102).

As I see it, the difficulty with Murphy's argument is that the principle in (3) depends on a questionable interpretation of the phrase "exhibiting feature(s) *F* to some degree". Succinctly put, the interpretation is too permissive.

13 See also Finnis' definition of "human life" as "every aspect of the vitality (*vita*, life) which puts a human being in good shape for self-determination. Hence, life here includes bodily (including cerebral) health, and freedom from the pain that betokens organic malfunctioning or injury" (Finnis 1980 86).

Suppose I claim that the intrinsic good involved in knowing how to read German is of a gradual nature. I am being too permissive if I take this gradual nature to entail that reading German extremely badly exemplifies knowing how to read German “to a certain degree”, for it may be the case that a) this knowledge is so defective that it does not even make sense to describe it as “reading German”, or alternatively, b) so defective that it is contradictory to say that *deficiently* knowing how to read German is a *good*. On the other hand, I am being reasonably strict if I do not take this gradual nature to entail either a) or b).

In this same vein, I am being too permissive if I take the gradual nature of physical and mental health and integrity to entail a) that severely diseased and infirm human organisms *exhibit* health and integrity to a certain degree (*i. e.* to a “lesser degree”), or b) that it makes good sense to say that severely diseased and infirm human organisms are functioning well, instead of *badly*. Only this over-permissive reading allows Murphy to conclude that human life is a good at *any* level of vitality, including severely diseased and defective human beings. The more strict and plausible reading of the phrase ‘exhibiting feature(s) F to some degree’ in the principle in (3) does not entail either a) or b): it should only entail that all degrees of human life that fall short of its full realization, *without yet being positively deficient*, are good (e. g. the life of the healthy foetus, for instance).

Murphy might well argue, as a rejoinder to this objection, that in cases of extreme disease and infirmity what exhibits health and integrity is the vital functioning that is keeping the human organism alive and that must be underway even when disease and defect is present in the rest of the organism, because this vital functioning does exhibit proper functioning. No matter how defectively a human organism as a whole might be functioning, if that organism is still alive there must be some vital function of that organism that is working properly. I am not denying this, of course. But from this rejoinder Murphy cannot conclude that *the whole* severely defective or infirm living human organism exhibits the intrinsic good of health and integrity to some degree and is *itself* intrinsically good. Admittedly, from the fact that a person knows only a bit of German it is possible to conclude that *he* exhibits, qua knower, the good of knowledge to some degree; but no one would say that due to this poor knowledge *he* is a *good* knower, for he also exhibits, to a greater extent, the evil of ignorance. It seems more reasonable to think that such a person is still a bad knower, and concede that there is a portion of what makes him a good knower that is “realized” in him. In the same vein, Murphy is merely authorized to conclude that, in severely diseased and infirm human organisms, what exhibits the intrinsic good of health and is itself intrinsically good is the

life of that healthy *organ* or *function* that is still underway, as opposed to the whole human organism, which exhibits disease and infirmity, as we are now assuming, to a greater extent.

When Murphy concludes that human life is a basic good at any level of “vitality”, he seems to take both “vitality” and “health” (or “proper functioning”) as standing indistinctly for the feature *F* in question – relying perhaps on a certain ambiguity affecting the term “vitality”, which can mean “the property of being alive” as well as “the property of being healthy”. As is clear from (1) and (2), however, feature *F* in the case of human life is physical and mental health and integrity –human life being the “state of affairs” mentioned in (3). And what the strict understanding of the gradual nature of health shows, is that *health* (as distinct from life and “vitality” in this sense), at whatever level, is a good. But this is not under dispute.

Furthermore, a comparably significant result of the previous considerations is that health and life must be kept separate. The opposite of health is disease, and you exhibit health or proper functioning to the extent to which you are not diseased or defective, and this comes in degrees. The opposite of life, however, is not disease but death, and in this sense you exhibit life to the extent to which you are not dead, and this does not come in degrees. For these reasons, I think, a biologically minimal definition of human life such as that of Gómez-Lobo is preferable, and so too is it preferable to count health as a good that is distinct from life, as several new NL theorists actually do.

Human Life as a Peculiar Sort of Instrumentally Valuable Condition

I have argued that, if both happiness and misery are intrinsically valuable composites –in the broad sense of “valuable” that includes disvalue, and this I shall assume from now on– and any constitutive element of an intrinsically valuable composite is itself intrinsically valuable, human life cannot be a constitutive element of happiness: otherwise human life would also have to be a constitutive element of misery, and it would be both intrinsically good and bad, which is impossible. Since being a constitutive element of human flourishing or happiness is what makes an item intrinsically or “basically” good, it follows from this wider eudaimonistic setting that human life cannot be intrinsically good in this sense.

On the other hand, many new NL theorists feel that an instrumentality view of the value of human life is unviable, because the good life, quite obviously, cannot be a *product* or a *consequence* of life, nor can it be instrumental in the way my shoes are instrumental for walking or money instrumental for buying things. Surely, they think, the relation-

ship between human life and the good life must be more intimate, must be constitutive. What I wish to do in this section is to show that life might well be a truly *peculiar* kind of instrumentally valuable condition of human happiness or well-being. This peculiarity might well account for the initial appeal of the idea that life is a constitutive part of happiness, while showing at the same time why this idea cannot be correct.

It is widely thought that *c* is an instrumentally valuable condition of goal *G* if *c* is valuable for its causal properties contributing to the attainment of *G*. For instance, I want private wealth because it offers me the resources to acquire theoretical knowledge. Without the economic stability that private wealth offers me, as things stand, I would not be able to participate in the good of theoretical knowledge. Nonetheless, if I could secure these results by other means (*c*₂ or *c*₃), these other means would be just as good. For instance, if I could secure theoretical knowledge by the economic stability that *state funding* offers me, state funding would be just as good as private wealth in this regard. So far so good. But now notice that both private wealth and state funding are valuable because they offer me economic stability, which in turn is valuable because it releases me from the *anxiety* involved in constantly searching for the means of sustaining myself (or my family) and provides me with *spare time* to pursue theoretical knowledge. Both mental tranquillity and spare time are instrumentally valuable conditions of the pursuit of theoretical knowledge. And now, given that I want economic stability because, as things stand, it releases me from mental anxiety and offers me spare time, we can apply the same sort of conditional criterion to economic stability itself. If I could secure mental tranquillity and spare time, and ultimately theoretical knowledge, by means other than economic stability, these other means would be just as good.

Notice that the closer these means are to the final goal (in our case, theoretical knowledge), the more difficult it is to apply the conditional criterion to the means. Suppose the application of the conditional criterion to economic stability in our example does make sense. For instance, we can conceive a completely different system for managing the resources of planet earth, a system in which there is nothing we could recognize as “economic” stability, but where we human beings can still achieve some sort of stability that releases us from anxiety and offers us spare time to pursue the good of theoretical knowledge. Now, we may genuinely wonder if the conditional criterion can now be sensibly applied to mental tranquillity and spare time themselves. Could it be possible to secure and participate in the good of theoretical knowledge *without* mental tranquillity and spare time? Well, as far as my knowledge of the workings of human life on earth and the laws that

govern such life goes (nomologically¹⁴ speaking, that is), it is clear that the answer is no. Even though mental tranquillity and spare time are instrumentally valuable conditions, they seem to be *indispensable* conditions as well, at least in this sense. But mental tranquillity and spare time are clearly not constitutive ingredients of theoretical knowledge. In fact, if they were, they would also have to be constitutive ingredients of the indifference to, and lack of concern for, theoretical knowledge that characterizes *theoretical ignorance* under these conditions. How can we explain then this axiological peculiarity of mental anxiety and spare time in our example? What occurs, I think, is that even though these conditions are instrumentally valuable, they are conditions of such a kind, so closely related “nomologically” speaking to the goal of theoretical knowledge that, as far as my knowledge of the workings of human life on earth and the laws that govern such life goes, I could not secure such a goal by other means.

Let us call these nomologically irreplaceable, instrumentally valuable conditions, such as tranquillity and spare time in our example, “irreplaceable instrumentally valuable” conditions or “iiv” conditions for short. Notice that precisely because these conditions such as tranquillity and spare time are obviously *not* instrumentally related to the goal of theoretical knowledge *in the way* more remote conditions such as wealth or economic stability are, one might be strongly tempted to consider them as *constitutive* ingredients of the goal of theoretical knowledge. That is to say, there is an important sense in which it is senseless or absurd to ask about them –as it is not with regard to remote and dispensable conditions– whether other instrumental conditions with relevantly similar causal properties could replace them, and so whether these other instrumental conditions would be just as good –or just as “bad” for that matter.

The point of this whole disquisition is that the relationship between human life and happiness seems to be precisely like that which exists between mental tranquillity or spare time on the one hand, and the cultivation of theoretical knowledge on the other. Being alive (and not only in its biologically minimal expression, as we shall see) could be an “iiv condition” of happiness. Being alive is clearly not like money from the axiological point of view, in the sense that, given our knowledge of the actual world and the laws governing it, it is simply not possible to promote the intrinsic goods that constitute the whole of happiness by means other than being alive –these are the only means we know and can make sense of.

14 I use the term “nomological” to refer to something that is made not only true, but also intelligible or graspable because of the way the natural world is constituted.

Of course, one could in principle *conceive* a supernatural condition in which I do not need the operation of my vital organs in order to function as a conscious being or participate in the undisputed basic goods – a supernatural condition that would then be “just as good”. Still, the mere conceivability of such a supernatural condition does not impugn the thought that, given our present knowledge of the world, such a condition is not possible for human beings made out of flesh and bones living on planet earth.

The assumption that being alive is an instrumentally valuable condition of happiness satisfactorily explains, I contend, why it can also be an instrumentally valuable condition of its opposite, misery, pretty much in the same way that mental tranquillity and spare time can also be instrumental conditions of genuine indifference to, and lack of concern for, theoretical knowledge. Nonetheless, being alive also has the peculiarity of being an IIV condition of happiness, and this explains in turn why it might be tempting to think that it is *not* instrumentally related to happiness at all. Since it is not instrumentally related to it *in the way* more remote and dispensable conditions are, one might think, particularly if one has not noticed the existence of IIV conditions, that it is not instrumentally related to happiness at all.

Perhaps because new NL theorists have failed to notice the peculiarity of these instrumental conditions, we can say, with Aristotle, that they are among those people who wrongly “regard the things that are indispensable conditions of being happy as actual parts of happiness” (1214b27-28). Possibly what makes being alive seem like a constitutive ingredient of living-well is that, as Gómez-Lobo says, “life is not external or instrumental to the good life. The good life is not a product or a consequence of life.” (Gómez-Lobo 12). In a sense, this claim is correct. The good life or happiness cannot be the “product” or “consequence” of life, *in the way* my participation in the good of theoretical knowledge is an extrinsic product of my investing money in education. Again, Joseph Boyle says that human life “seems to be an element of the human being’s full-being. It certainly is not extrinsic and instrumental as are the possessions persons use” (Boyle 237). And once more, I think that this is correct: human life is not *as* instrumental as are the possessions people use. The assumption that these authors seem to make is that, from the instrumentality point of view, the relationship between human life and well-being must be like that which exists between private wealth and the cultivation of theoretical knowledge. Because this seems patently false, it is assumed that the instrumentality view cannot be true. Nonetheless, the view that human life is an IIV condition clearly shows how human life can be instrumentally valuable, without being instrumentally valuable in the way the possessions persons use.

Accordingly, not only is the new NL theorist rationally compelled to accept that human life cannot be intrinsically or “basically” good, he also has no plausible grounds for rejecting the only objective view of the value of human life that can account for the fact that human life is both a condition of human flourishing as well as a condition of human misery, namely, the instrumentality view that I have presented here. If human life were not instrumentally related to well-being, it would not be instrumentally related to misery either –it would be an intrinsic part of misery, and so on and so forth.

The Indirect Argument of Dualism

Grisez and Boyle (1979) propose an indirect argument in support of the inherently valuable standing of human life. The argument is intended to show that the alternative position, according to which human life is merely instrumental in value, has highly untenable implications. In particular, these philosophers argue that the instrumentality view “implies that the *human person* or some parts of the human person are one thing and that a person’s *living body* is quite another thing” (Grisez and Boyle 370, emphasis added). They argue that this implication amounts to dualism, and since dualism is obviously false, by implication so is the instrumentality view.

Now, the instrumentality view, as I have presented it at least, is not that human life is instrumental to, and thus not a constituent of, *the human person*. The view is rather that human life is instrumental to *happiness*, well-being or the good life. Nor should the instrumentality view hold that human life is a “thing”, that is, a substance or entity such as a *living body*. Accordingly, for their argument to work, Grisez and Boyle need to identify (as they do in fact) the well-being of a human person with the human person, or at least with a fundamental part of the human person –“that part of the person which the person realizes by his or her own choices and actions” (376). And they also need to identify human life with the human body, which they regard as a merely extrinsic aspect of the human person. Exactly the same manoeuvre is made by other new NL theorists who employ the indirect argument of dualism (*cf.* Paterson 51; Lee and George 2007 161). Once they have made this move, these authors can claim that the instrumentalist position is committed to dualism, since the distinction between the human person and his living body “must be a distinction between two entities” (Grisez and Boyle 376).

Now, it is plain to see that the instrumentalist position is neither committed to identifying happiness with the human person, nor to identifying human life with the living body. I think that it can be plausibly demonstrated that these two identity-claims are false. Let us first

consider human flourishing or happiness. It might be correct to say that human flourishing is an “aspect” of *some* persons or human beings, namely, those that are living well or flourishing. But clearly, human flourishing is not an aspect of *all* persons or human beings, because not all human beings are flourishing. Furthermore, and more importantly: even if, *per impossibile*, all human beings were flourishing, I cannot see why the instrumentality view should be committed to the admittedly absurd claim that human flourishing is an “entity” or “substance” –as distinct from an activity, for instance. And finally, the instrumentality view is obviously not committed to claiming that human life is to be identified with the living human body, as opposed to the set of capacities or functions that *pertain* to a human body, in virtue of which a body is alive –that is, able to perform these functions and exercise these capacities. I do not see therefore why *every* instrumentalist view should be committed to some sort of “substance dualism” about living human beings or persons.¹⁵

The second and more crucial point I wish to make concerns the particular reasons underpinning the NL theorist’s conviction that “[t]he dualism to which an instrumentalist view of life inevitably leads is false” (Grisez and Boyle 377). Grisez and Boyle’s main argument in support of this judgement is particularly eloquent:

[L]ife is not merely one process among others, which might be distinguished from breathing, feeling pain, choosing, talking, and administering treatments. The life of a living entity is indistinguishable from the very reality of the entity –a reality which pervades and includes all that the entity does. Breathing, feeling pain, choosing, talking, and administering treatments can all be enlivened and real by one and the same life of one single individual, and all these activities are parts of the individual’s whole life process. For any organism to exist is for it to live, and all of its activities are part of its life. The same is true for human individuals.

Thus, human activities, including those which seem most distinctively personal, those which no one denies to be intrinsic constituents of human flourishing, are not separate from a person’s life. Life is not a characteristic of one part of a whole, and these activities properties of some other part of it. Rather, life pervades these activities [...] (377-378)

15 Surely these authors are thinking of views such as Singer’s or those defended by the advocates of neocortical death, which are based on Lockean anthropology (where the holder of rights and value is the person, defined by the capacities for self-consciousness required by imputability, and therefore distinct from the living body), and there is indeed a case for the view that Lockean anthropology is dualistic (*cf.* Schumacher 2010 25). Nonetheless, it is not essential to instrumentalist views about the value of human life to be based on Lockean anthropology.

By now this line of reasoning should be familiar, and so should be our objection to it as detailed in the previous sections. Yes, life “pervades” all the activities that are un-controversially part of the flourishing of a human person. Nonetheless, the view that human life is an *iv* condition explains this, and the same view also explains why human life also “pervades” all the activities that are un-controversially part of the misery of a human person. Unfortunately, new *NL* theorists tend to overlook this obvious point. As we saw, provided we make some dialectically plausible assumptions, it follows from this double aspect of human life that human life cannot be a *constituent part* of human flourishing.

The same can be said against similar arguments to the effect that the sort of dualism in question is unsound. Craig Paterson, for instance, offers the following argument:

Bodies are intrinsically and not merely extrinsically valuable to us because they are seamlessly integral to the very reality of who and what we are as persons. A body is not something “sub-personal” to “personal life” as if *x* (consciousness life) can be radically juxtaposed with *y* (bodily life) such that *x* can be held intrinsically valuable to us but not *y*. Both *x* and *y* are fully integral to our personal beingness. (51)

Nonetheless, the instrumentality view –as I have presented it, at least– is not that mere biological or “bodily” human life is instrumental to “conscious life”, but rather to *human happiness*. Furthermore, the instrumentality view should also hold that conscious life is merely instrumental to human happiness, because conscious human life is also a condition of human misery; so that, if it were a constituent of human happiness it would also have to be a constituent of human misery. Therefore –granted a few dialectically plausible assumptions– conscious life would be both intrinsically good and intrinsically evil, which is impossible. It is much more natural to think of both biologically minimal human life *and* conscious human life as instrumentally valuable, though nomologically indispensable, conditions of both human flourishing and misery.

A Digression Concerning the Minimal Definition of Human Life

Grisez and Boyle in particular assume a very thick concept of human life, a concept closer to what is sometimes called the “biographical” concept of life, and in any case, one that allows them to refer to the “underlying, pervasive, and inclusive character of life with respect to all of a person’s activities” (Grisez and Boyle 378) including “the most spiritual activities of human persons” (*id.* 380). But suppose we hold a much thinner concept of human life as the set of vital functions that is necessary and sufficient for a human organism not to be dead in the

ordinary sense: respiration, pulsation, metabolism, etc. If we assume this biologically minimal concept of life, it is obvious how *different* these functions or activities are to the ones that constitute human flourishing, such as participating in friendship, knowledge, play, etc. Aristotle, for instance, clearly saw that the goodness of any “function” of human life that is not peculiar to humans, such as the goodness of the nutritive soul that characterizes the life of plants, “is not a constituent of goodness as a whole” (1219b22).

On the other hand, if we assume a more robust notion of human life, as Grisez and Boyle do in criticizing the instrumentalist view, this later view seems perhaps more dubious, and life seems eminently “pervasive” and conceptually “inseparable”. And yet, *even* in this thicker sense of “human life” (*i. e.* conscious life) in which human life is said to pervade any activity admitted to be part of human flourishing, human life in this sense also pervades any activity admitted to be part of human misery. I think that Aristotle also saw this clearly, when he says that “without breathing or *being awake* or participating in movement we could not possess any good or any evil at all” (1214b20-22).

Therefore, it follows from my argument that whatever definition of “human life” we adopt, human life cannot be intrinsically good in the sense intended by the new NL theorist (*i. e.* a constitutive ingredient of human flourishing), and its value can only be the one appropriate to an IIV condition. This is the main conclusion of my argument.

Before closing this article, however, it is worth considering an objection that has been levelled against the biologically minimal definition of human life that, as I have argued, should be adopted by new NL theorists –the one tailored to a strict reading of the principle of inviolability. Animals and plants of all levels of complexity also have a life, and a sort of life that seems to contain the very same functions contained in the biologically minimal concept of human life. Nonetheless, new NL theorists emphatically deny that the lives of animals and plants have an inherently valuable standing. Accordingly, they need to resort to a biologically minimal concept of human life that allows them to attach an exclusive intrinsic value to the life that is peculiarly human, while excluding animal or plant life from this standing –even though these forms of life seem to partake of functional features relevantly similar to the ones contained in the minimal human concept.

A good way of initially dealing with this problem is defining the basic concept of human life in terms of the basic vital functions of *an organism having the complete set of standard human chromosomes*.¹⁶ Now,

16 See Gómez-Lobo (2002 10). Grisez and Boyle suggest a similar move. They argue that “*biologically* the remaining functions, however minimal, are such as no cabbage or

a minimal definition such as this solves the initial problem, because it offers a minimal definition of human life that at the same time excludes vegetable and animal life that would *otherwise* (in functional terms, for instance) seem to fulfill the very same definition. But now, a minimal definition such as this is open to another objection. Unless there are good reasons to think that the property of *having the complete set of standard human chromosomes* (or any other differentiating property fulfilling the same role) is a *relevant* feature for attributing an intrinsic value to the life of an organism having that property, a minimal definition such as this is open to the charge of being highly arbitrary. Jeff McMahan, for instance, has forcefully objected to this sort of definition on the grounds that it is unclear how “the bare difference between types of genes that individuals carry in their cells” (2002 212) can have any moral significance at all.

I do not think this objection is unsurmountable, however. The value of human life is determined, according to NL theory, by its intrinsic connection to human flourishing, and it might well be the case that only *human* flourishing has intrinsic value for us humans (and accordingly, that only human flourishing can ground a principle of inviolability). If this is so, then a differentiating property such as the one indicated above is not morally or axiologically arbitrary. Now, one might argue of course that this property in particular still sets too narrow a restriction, because we humans should also care about the flourishing of rational creatures in general, of which we might well be only one species among others –after all, human flourishing is of value to us *as* the flourishing of a rational creature; a creature capable of conceptual thought, deliberation, free choice, etc. But I see no conceptual barrier preventing the new NL theorist from preferring a non-biological distinguishing feature of human life-sustaining functions –such as “belonging to a rational creature”– in order to meet *this* latter demand. Notice, however, that the force of *my* objections is not diminished if the new NL theorist chooses an alternative definition such as this.

Concluding Remarks

I have tried to show that human life cannot be shown to have an intrinsically valuable standing in the sense agreed upon by the parties in our objective and eudaimonistic dialectical setting, and furthermore, that in such a setting human life most plausibly emerges as an instrumental good, albeit a peculiar one. I believe that this is a noteworthy result in its own right. But how serious a threat is this result

carrot does, for they are still specifically human processes of specifically human organs” (Grisez and Boyle 1979 374, emphasis added).

for the new NL theorist? What is of ultimate importance to the new NL theorist is the principle of inviolability, the normative principle that most characteristically distinguishes new NL theory from other moral theories. But surely this principle, one might think, can be based on normative concepts other than the concept of intrinsic or basic good. Most conspicuously perhaps, the concept of personal dignity. This possibility notwithstanding, however, even those new NL theorists initially attracted to this alternative recognize that an adequate defence of the principle of inviolability ultimately requires a distinct defence of the axiological claim (*cf.* Lee and George 2007 156-162, 2008 182).

Given the new NL method of justifying normative principles, this seems to be the right way to proceed for new NL ethicists. According to this method of justification, any claim to the effect that a certain item is intrinsically good generates an injunction to respect any instance of that good, in conjunction with what Gómez-Lobo calls “the prescriptive principle of Respect for Goods”, according to which “we should never intentionally destroy an instance of a human good because doing so would be an act of practical irrationality” (47). This is why the axiological claim can generate the principle of inviolability, and this is how new NL ethicists understand the principle when they resort to it in the context of applied ethics (*cf.* Oderberg 2000b 3, 67; Keown 41). Accordingly, if, as I have argued, such a claim turns out to be not only untenable relative to the new NL framework but also positively false relative to the objective eudaimonistic framework that the NL theorist is committed to accept, the principle of inviolability itself should inherit these shortcomings.

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