

Medical violence and the most vulnerable

La violencia médica y los más vulnerables

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Summary

Medical violence can be pursued in different modalities and in different medical interventions. One example of it is obstetric violence. But in this article, it is intended that from all the patients that can receive violence, the embryos and fetuses are, the ones who are in a more vulnerable position, and therefore here, violence becomes bloodier.

1. Introduction

If the biotechnological development, has shown undeniable useful therapeutic applications, it is also true that with intellectual integrity, the physician and the society in general, that want to do good, and not only find a good, they must do a thinking about the ethicality of certain techniques, and the social impact projected to a near future, that comes to be the true human ecology (1).

However, the ethical analysis would be buried in the oblivion, if this one is not analyzed jointly with other factors, as the political and economic interests, that are reflected in legislations clearly

Received on July 27, 2018. Accepted on August 1, 2018.

illogical, and in surrealist and Machiavellian publicity means, that by highlighting an apparent good, justify any means whatsoever.

An example, among many others, in order to visualize the projection of this type of impacts, is the use of the term pre-embryo (2) which refers to the period previous to the ending of the phenomenon of uterus implantation of the embryo. The use of the term, was used for the first time by Dr. Edwards,¹ in order to prevent that the British Scientific Society would have expelled Dr. Steptoe for manipulating human embryos. Later on, the Warnock Commission (3, 4) used the term, in order to be able to change British legislation, regarding the usage of embryos in various techniques and researches.

Eventually, this term, which is not based in any scientific reason whatsoever, it is taken as an irrefutable truth, both in the medical bibliography, as well as an argument pro-abortion (5, 6), and pro embryonic manipulation, in assisted reproduction techniques (7, 8) in cloning and the collecting of mother cells from embryonic origin (9, 10).

Moreover, the science field has migrated to the field of economics and politics. Thus, the concept has served as the basis for the redefinition of gestation, with a beginning after the end of the implantation (11-13), in order to allow the pharmaceutical companies not having to include in the leaflets of some of the contraceptives, its early abortive effect, which could demotivate its use in some women, and with it, diminish very important revenues. It is also used as the main argument for the judicial de-penalization of abortion, which facilitates the implementation of an ideology of trivialization of the same, and of a supplement of reduction from the population quota (14).

The objective that is pursued in this chapter, is to show the reader, with the example of abortion, how medicine without an ethical thinking, can develop, towards being manipulated until changing its purpose of being therapeutic,² in the widest sense of the term.

It isn't ignored that, there exist other uncountable techniques, sanitary protocols and research which also justify this hypothesis, and that each one of them would deserve a specific chapter. The reason for this is that finally, it is not about an interpretation mistake, and with that, a scientific advancement in a line of mistaken concepts. If this would be so, as historically it has already happen, reaching a point, it could reverse, and correct the mistake and its consequences.

The problem is that with this new phenomenon, which covers one more aspect in the change objective of the biomedical science, the possibility of taking advantage of men in its totality and its body in particular, manipulating this last one, in order to exert power on him. Media includes judicial changes, ideological changes, and the implementation of economic needs and with it political interests, besides the use of biotechnology and medicine as a means particularly refined, to obscure the certainty of human identity (15), and with it, give room to a manipulation not only of the conduct, but also of its own biology, and even the evolution of the same. And this, it is not only physical violence, but to transgress the essence of human nature.

2. Who is the human embryo?

“Given that to kill is always prohibited, the destruction of the fetus is also illicit, during the period in which blood is transformed
in a human being.

To prevent a birth, is the same as a premature death; and there is no difference if somebody kills life already born, or interrupts life already aimed towards birth, and in the process of development: it is already a man he who shall be; as the fruit is already in the seed.”

Tertullian *Apologeticus adversus gentes pro christianis* c. IX (PL1, 319-320)

The central topic when ethically analyzing abortion, is the statute of the human embryo. That is to say, the definition of **who** is that

being, which is in an intrauterine phase of development. To whom it belongs to? That embryo which we were sometime? Inasmuch as soon as it will be recognized, that this organism is human, it will have the moral statute every person has, with a dignity from which the already known rights, arise from.³ But in case that it would not be, the embryo could be used as an optimum organism for experimentation.

Great debates exist, around the most polarized opinions, about the embryo and his humanity:

1. On one hand, when not finding biologically any substantial change in the embryonic development, because all this is continuous and uninterrupted. Supporting the argument at the end of the implantation, it is intended to speak of a gradual process of humanizing, with which the embryo would deserve a decent treatment, in as much as its development.
2. The other option, proper to ontological personalism, proposes to consider the embryo as a person, since the beginning of the fertilization, given that after the fusion of the two pronucleus, it has to do with an independent organism and different from its progenitors, that besides possesses the genome of the human species.

Therefore, it is worthwhile to distinguish three facts (16), the moment in which the embryo is assigned the statute of human being with all corresponding rights; the criteria used to assess such statute; and the anthropological foundation basis of such criteria.

Within the first group, there are various arguments to try to explain the slowly humanization of the embryo. The structural philosophy of the XX Century seeks for the human in the relations that the person is capable to have. For the embryo case, it would be equivalent to the desire of having it of his parents, that it usually is considered as the social acceptance. In this manner, if his parents do not want him, it is not human and therefore could be violently destroyed, regardless his stage of development.⁴ Accor-

ding to this proposal, the human statute could also be denied to the neonate, or in any other stage of life. Regarding the above there is a paradox example that occurred in Calcutta.

A child deposited his elderly mother in a bag and threw it away to a garbage deposit. Then it was collected and taken care lovingly by the Sisters of Charity.

We could ask to this philosophical proposal, if this woman lost a human statute while she was submitted to this abandonment by her son, and if she recovered it, once that she was loved again by the religious ladies. This stand is clearly reductionist, because the human being is not purely relationality. However, regarding abortion the wish of the parents, keeps being one of the greatest motives in favor of, and in justify death –by homicide–, of the child. I would like to highlight that except in the cases of abortion very early, as soon as the nervous system begins to develop, the suffering for the baby is very severe. His extremities are detached, pulling them out, his head is crushed and then the curettage is done. Or else a hypertonic salted solution is introduced in the embryonic sac (17), so it would die by dehydration, besides suffering burns in the skin. But the violence exerted on the embryo occurs for the intention of killing it, and not only through the methods when there is already an embryonic development sufficient to make him suffer.

In the second group, the embryo is considered as a person from the moment in which it acquires the human genome, in fertilization (18-22), it proposes not only the biological arguments (totally proven nowadays) that the zygote is a totipotent cell, but with unique characteristics which only exist in the human species, as far as their division by axes, and the self regulation characteristics that it has (23-25) but also some philosophical concepts such as the direct or indirect animation of Hippocrates and Aristotle respectively (26, 27), and above all the theory of the human identity which is not reduced only to the biological corporeality, but that includes the purpose of every person, both if it dies before the delivery, as

well as in the adulthood stage. But even more, even if there would be a doubt about if in the first embryonic stages it wouldn't be a person, no doubt because it is clear that eliminating it, it is prevented for it to develop as such.

3. Why does every person, deserves respect? In particular the most vulnerable

A man who is going to be a man is already a man
Tertullian *Apologeticus adversus gentes pro christianis* c. IX, 8.

“Behave in such a way that you treat humankind, both as a person as well as anybody else, always as an end and never only as a mean.”
Kant E. *Basis of the Metaphysics of costumes*, Ak. IV, 429.

Every person has an essence or an ontological nature, transcendent. That is to say that the ultimate purpose, the reason of each one of his actions and of his existence, from the embryonic stage up to his death, are carried out during his existence, and with the elements of his biologic corporeality. But they exceed the same, because it is not enough to fulfil the instincts, and the physiological needs, nor it is enough the pleasure and the usufruct of the human actions. It is not enough for any person, to perpetuate the species, to quench the thirst, or the joy of learning. Because every person looks beyond which exceeds (or transcends) the limits of his existence. A person is the way to be, which is specific of the human nature.

An example is the paternity that shows the form in which the good parents are capable of coming out of themselves, according to their needs, to give life to their kids. And that, furthermore, makes them happy. When they are good parents, they want above all the wellbeing of their kids. Thus, they are capable of guiding them “even with a good example” and virtues that maybe, before

being parents, had not acquired. And it is because the family relationships, are much more than a biological fact. They form a complex and profound interrelationship with affections that will shape the person forever.

But the ethical reason for the respect to the person, it is based on the argument that it is illicit to act when there is a doubt of conscience. Therefore, even if for somebody remains the doubt that the embryo –who from the biology has been proven that is a new individual of the human species– is a person subject to all the rights and obligations, then the doubt itself that he actually is it, it is an ethical reason for not acting. There is a school example that clarifies this argument:

If some hunters see far in the woods something that is moving, but they are not sure that it is actually a deer and not another hunter, they must not shoot.

The principle to recognize that an embryo is a person, is from the moment that his existence begins. As it is, also that a person who is dying or that is in a persistent vegetative state.⁵

In this sense, there exists an argument *by the absurd*, that it is also useful: if being a person would depend on the number of cells (organs, apparatus, and systems) or of the number of sane functions, particularly the capabilities of judgement, analysis and reasoning, then a person of great volume and height, healthy and intelligent, would be “more” of a person than somebody with lower size and weight and/or with less intelligence. Moreover, there would have been degrees of personification, just like it is stated by Tristram Engelhardt⁶ (28). Because the characteristics and the physical features are not what makes a person. These are only accidents in the strict metaphysical sense.

For all the above, it is important to consider not only the ontological nature of every person, but also the respect we owe to the same, because being a person is not a classification. It is the enormous difference between being somebody or something. The

person is an end in itself (30). This moral imperative does not forbid ALL instrumentalization, but it has to be from the concept of reciprocity, and always not to destroy nor utilize a person indecently (29). That is to say that the human person cannot be reduced to a social utility, because it has, even though it doesn't know it –as in the case of the embryo–, his own goals, and in justice must be able to fight for reaching them.

The nature of a person is the one that provides to the existence, and therefore to its corporeality, the form.⁷ To be a person is that nature. It is for this reason that we can make promises guaranteeing our future will. And also it is that we dream with something beyond WHAT we are, but not of WHO we are (29, 31), because our nature is immutable.

The value of human life, does not depend then on matter. This one decomposes, is limited, whereas its intellect is spiritualized. And it is for existing with “the other one”, which is how he fulfills himself (32). That is to say that man possesses a bi-dimensionality: the somatic and the spiritual (or rational soul). Notwithstanding, the value of the body is undisputable, but not its pragmatic use, because it constitutes the matter in which the person exists, and it will develop in a limited existence, both in time as in functions.

For that, all the pain and/or violence inflicted in the human corporeality implies an ethical act severely illicit.

4. Today's medicine

«Death (or its reference) makes men precious and pathetic ... each act that they perform can be the last one... Everything, among the mortals, has the value of the unrecoverable and of the eventful. Among the Immortals, on the contrary, each act (and each thought) is the echo of others that in the past preceded it... or the faithful omen that others in the future will repeat it until dizziness... nothing is preciously precarious.»

J.L. Borges. *The Immortals*

The medical act always is aimed to help in a situation of great vulnerability, as it is the state of health in risk.⁸ Bioethics always has been worried for the “vulnerable” because its objective is the human being, that always by definition, presents periods of vulnerability (33). One of the most fruitful and positive ideas, both for the progress of society, as well as for the education of each human being, consists in understanding that the weak are important. From that idea, medicine precisely was born (34). In the case of sickness, as Flanigan reminds us, if they don't have access to sanitary care, the vulnerability increases. Therefore, the fact that there exist people who cannot have access to health services, constitutes an act of violence against them.

Nevertheless, medical advances have been oriented towards objectives quite different: To modify the limits of the existence, both at the beginning as well as in the end, and in the middle of life there are great interventions in the area of sexuality, such as to change the nature of the sexual gender, to change the nature of the sexual act, and spread the pansexualism. All that for the purpose of undermine the family both in its unity, as well as in its structure and parental relationships, but above all towards the current path that takes to the person's isolation.⁹

Given that, it is characteristic of the human person to turn himself in liberty to the other (35) to complete itself, the fact that socially promoting the fantasy that he doesn't require of anybody else to fulfill his aspirations, which are reduced to desire, like it is to experiment a supposedly maternity through cloning, where nobody else is required for that purpose, it is not only unrealistic but it leads the person to alienation.

It can be observed through this series of historical examples about medical and scientific feat that have ethical, legal, and social consequences, two points:

- a) The first one is that the principles that are violated are basically two: The principle of life as a gift; and the principle of the corporeality: limits and identity.

- b) In the second one, to point out that many of the technical advances have been occurred in the birth regulation, the possibility of fertilization, the possibility of exerting an active sexual life, without consequential pregnancies, and finally, in the extension of agony.

Due to all these facts, it can be concluded that, if there have been therapeutic advances, it is the purpose of this work to refer myself to some of the advances that attack the human nature, being this physical violence, as in the case of abortion –already explained– or about euthanasia. But also violence against human corporeality in those proposals of the transhumanism or the changes of concept regarding sexuality that only have been mentioned.

Advancements break concept barriers about the person, that is to say, dehumanize and change the sense of corporeality. But somehow they seem to be self-limiting:

In fact, given that the hope for eternity exceeds the hope for perpetuity, is that the updating freedom exceeds the desire for autonomy, that the hope of complementarity exceeds the impulse of the libido, and that the hope for donation exceeds the hope of pregnancy; none of these proposals would suffice, and from the point of view of the organism and/or of human biology, this road cannot be extended.

On the other hand, it is important to point out that, if the bias taken by science is wrong, and therefore it takes us to goals irreconcilable with human nature, the purpose pursued is the right one in many of the cases, for it is our duty to propose other alternatives before the beginning.

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¹ Robert Edwards and Patrick Steptoe, were the first ones, in achieving the birth of Louise Joy Brown (July 25, 1978), by using Fertilization in Vitro techniques. In

2010, Edwards was granted the Nobel Prize in Physiology and Medicine, for this event, even though the design of those techniques date back to their use in livestock farming.

² Medicine not always can cure, and for that, the therapeutic term also covers rehabilitation, to palliate, or when the illness overcomes medicine possibilities, to accompany and comfort the patient.

³ The Universal Declaration of Human Rights, which was issued long time after the beginning of Man on Earth, recognizes these rights. But the explanation about their existence lies in the study of metaphysics which corroborates them.

⁴ We have to remember that in 1992, M. Haskell proposed abortion at the time of childbirth delivery, when the head of the baby has topped or "crowned", for the extraction of the brain, which is still legally accepted, for considering it, "only" an abortion, because the expulsion stage "has not finished yet". This technique is actually the last resort, as it has been decided for the baby, not to be born, even though he is already alive, in a way which is particularly violent, and with great cruelty, for the baby which goes through a great deal of pain.

⁵ A persistent vegetative state, is a clinical diagnostic which has altered levels of consciousness, where the patients keep constant their vital functions spontaneously: their sleep wakefulness rhythm, and at the same time, they are lacking of voluntary activity. It is said that it is persistent when, it stays or is maintained for more than a month time. It is said to be permanent when an irreversibility prognosis criterion in such state, is established. It is observed and duly noted, that there are cycles of wakefulness and sleep, but he does not show any brain metabolic evidence or behavioral evidence, which would indicate there isn't any cognitive function, or a signal that he is capable of answer or interact in a learned manner, to external stimulation.

⁶ This author says that there are four types of human beings: the people who are adults, that think and act and thus, they can be useful to society; those who were, but they are not anymore: they are the individuals who have lost the capability of reasoning, either due to insanity, or because they are in a state of coma or in a state of vascular or senile dementia, etc..; In the third place are, individuals who are not persons yet, but they still have the opportunity to become one of them, as the healthy children are. And lastly, there are those who have never been and never will become a person, as the patients born with a mental incapacity or feeble-mindedness. For Engelhardt, their "rights" vary from more important to less important, or from a greater to a lower right, in the same order as stated above, so evidently, to suppress or end the life of a fourth level individual by reasons of social usefulness, would not be considered neither violent, nor opposed or contrary to ethics.

⁷ The form is philosophically defined as the necessary essence or the substance of things that have matter. Aristotle refers to the natural things which are made of matter and form, and observes that the form is Nature. Hegel would say that it is

the essence, when it appears as a phenomenon. In Abbagnano N. "Dictionary of Philosophy" (Diccionario de Filosofía) México, Fondo de Cultura Económica, 2ª Edición 1974, Págs. 566-67.

⁸ With it, prevention, treatment, rehabilitation, and palliative care are covered, for medicine has as an objective, to cure, to palliate, to comfort, and to generate knowledge which will allow to enhance and improve the therapeutic conditions.

⁹ It is appropriate here, to make a stopover, a brake in the discussion, to remind us that all psychological pathology, implies the isolation of the person

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