

The Linacre Quarterly

Volume 45 | Number 2

Article 23

May 1978

Two Comments on: Human Existence, Medicine and Ethics by William E. May

Thomas J. O'Donnell

James J. Doyle

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

Recommended Citation

O'Donnell, Thomas J. and Doyle, James J. (1978) "Two Comments on: Human Existence, Medicine and Ethics by William E. May," *The Linacre Quarterly*: Vol. 45: No. 2, Article 23.

Available at: <http://epublications.marquette.edu/lnq/vol45/iss2/23>

While little ground is broken in *Death and Dying*, the book is exemplary of the multi-dimensional approach it advocates. Its contributors are clinically involved, psychologically and ethically reflective, and willing to share with others their own perceptions of human dying and "caregiving."

— Lisa Sowle Cahill
Assistant Professor of Theology, Boston College

TWO COMMENTS ON:

Human Existence, Medicine and Ethics

William E. May

Franciscan Herald Press, 1434 W. 51st St., Chicago, Ill. 60609, 1977. ix + 179 pp., \$7.95.

(1)

This is a very readable book, divided into seven chapters, expertly dealing with such current medical-moral questions as the dimensions of consent in human experimentation, euthanasia, determination of clinical death and cadaver organ donation, as well as some of the more practical problems of genetic engineering. The author's basic orientation is a Christian ethic strongly stressing human dignity and human rights. This orientation is keynoted in his introductory concept of a human being as a "created word" of God, as echoing the Christian concept of the "uncreated Word" made flesh in Jesus Christ.

Dr. May builds his concepts on consent and clinical research on infants, minors and the retarded around the published opinions of Paul Ramsey and Richard McCormick, rejecting the latter's theory of "proxy consent." In the case of appropriate therapeutic research consent of a parent or guardian is not properly called "proxy" since the only consent required is the personal consent of the responsible party in the proper exercise of parental responsibility. In the case of non-therapeutic research, May holds (with Ramsey) that any so-called "proxy" consent is invalid because extrinsic to the unknowing experimental subject and that no one can rightly volunteer another for procedures which, of their very nature, require personal consent.

Dr. May likewise rejects test-tube human fertilization as illicit experimentation because (among other considerations) it exposes the experimental subject to the danger of great harm. In regard to artificial insemination in general, he likewise rightly rejects the arguments that attempt to defend masturbation (to obtain sperm) as part of the current consequentialist biologicistic approach to morality. He contends, moreover, that artificial insemination ruptures the fabric of the marriage covenant by rejecting the husband as the person that he is. Although Dr. May seems to hold that the difference between *AIH* and *AID* is only a difference of degree (p. 47), it seems to this reviewer that although either form of artificial insemination is a utilitarian and anti-personal biologicism, *AID* seems to add a deeper distortion to the marriage covenant. The author makes reference to the condemnation of artificial insemination by Pope Pius XII and that Pontiff's beautiful presentation of the sacred and personalistic values of natural intercourse but does not mention the distinction between artificial insemination and artificial aids to natural insemination.

In his treatment of artificial contraception and sterilization Dr. May clearly explains the moral difference between these illicit means of family planning and periodic continence, and in doing so, presents a careful analysis of the classical determinants of morality (moral object, motive and circumstance) in clear and admirably contemporary language. Fortunately, he includes comment on Bernard Haring's unfortunate article in *Theological Studies* proposing that the practice of periodic continence promotes spontaneous abortion due to the fertilization of aging ova, a theory which (as Dr. May points out) has received the scorn of distinguished scientists.

There is very little that one could find fault with in this excellent and scholarly book. While his reference to some Catholic theologians who veer very far from Catholic teaching in the matter of contraception as "reputable" may be conventional terminology, a writer as authentically Catholic as Dr. May might well have noted that the Holy See has clearly stated that the opinions of such dissenting theologians are not theological sources and cannot be followed by Catholics when such opinions are contrary to Catholic teaching. (Congregation for the Doctrine of the Faith, 3/13/75, prot. 2027/69). This reviewer likewise considers reference to the encyclical *Humanae Vitae* as though it were a specific teaching of Pope Paul VI (pp. 77-78) unfortunate since this type of phrasing has led some Catholics to think of the long standing teaching of the ordinary Magisterium on contraception as "Pope Paul's ban on birth control" and its authority as "merely encyclical." It is important to remember that the controversy which is said to be over *Humanae Vitae* is not really over the encyclical at all, but over the constant teaching of the Catholic Church which the encyclical merely reviews and reaffirms.

Finally, a sharper delineation of the difference between "direct" and "indirect" abortion (p. 104) might have made the distinction between these a bit clearer, particularly for those who are unfamiliar with the moral idiom.

This book is a definite contribution to the contemporary moral scene, and clearly presents the material which Dr. May has selected for his analysis and comments. It is, moreover, a welcome addition to the growing number of texts which signal the demise of the new casuistry of the so-called "liberal" theologians and a return to scholarly and sound moral teaching.

— Thomas J. O'Donnell, S.J.
Seminary of St. Pius X

(2)

Santayana once wrote, "There is no cure for birth and death save to enjoy the interval." This quietistic sentiment is quite out-of-date today; birth and death as well as the interval between them have become the objects of biomedical interventionism in a way that Santayana could hardly have imagined.

May, Catholic University moral theologian, author, and lecturer, and well-known to the readers of this journal, offers in his latest book his ethical reflections on a wide range of these new biomedical interventions. Among the topics he treats are: experimentation on human subjects; beginning human life; sterilization and contraception; screening fetuses and abortion; genetic therapy, genetic counseling and responsible family planning; care of the dying (the ethics of euthanasia); and death, dying and organ donation. He bases his discussion of these specific issues on principles laid down in an excellent introductory chapter, "Christian Faith, Human Existence and Human Acts."

May's treatment is marked by close fidelity to official Catholic teaching. Where such teaching is nonexistent on a particular matter, he relies heavily on the insights of Ramsey and Grisez, while frequently disassociating himself from the views of Curran, Dedek, Haring and Maguire. The result is that May rejects as ethically untenable a number of the new reproductive technologies, e.g., artificial insemination (both AIH and AID), *in vitro* fertilization, and cloning. He similarly finds ethically unacceptable artificial contraception, abortion (including the pre-implantation period), direct sterilization, direct euthanasia, and suicide.

Physicians, nurses, and other health-care professionals will find many points of interest and practical importance in this book, among them discussions of: proxy consent for nontherapeutic experimentation of children (a negative critique of McCormick's position), the procreative and unitive aspects of sexual activity (a rebuttal of the ethics of the CTSA "Human Sexuality" report), the uses of amniocentesis, the fertilization-implantation dispute (a rejection of the stand of Dr. J. Diamond), periodic abstinence and its alleged relationship to spontaneous abortion (a repudiation of Haring's views) and the Karen Quinlan case (May believes the N. J. Supreme Court ruling is a step toward the legalization of the ethics of euthanasia). The more philosophically inclined reader will find May's treatment of the "ethics of proportionate good" helpful in understanding how it is that contemporary ethicists, by starting with different ethical methodologies, can arrive at such different conclusions.

May writes with forthrightness, clarity and a wide acquaintance with both the scientific and ethical literature. His cogent restatement of traditional Catholic positions and the reasons behind them will be welcomed by the many who hold these positions; hopefully, it will also reveal to those who are prone to dismiss these views as the merely arbitrary impositions of an authoritarian Church the important values that the Church has tried to protect by its teaching. For this reason his book is a worthwhile addition to current bioethical literature and is deserving of wide reading and discussion.

— James J. Doyle, C.S.C.
King's College

Genetics and the Law

Aubrey Milunsky and George J. Annas, editors

Plenum Press, 227 W. 17th St., New York, N.Y. 10010, 1976. xii + 532 pp., no price given.

The results of a national symposium on genetics and law held in 1975, this volume presents the papers delivered, the responses, and discussion from the floor. There are five major selections: 1) the fetus and the newborn, 2) genetic counseling, with an emphasis on screening, 3) genetics and family law, 4) research and experimentation focusing on *in vitro* fertilization and cloning, and 5) a section on eugenics, ethics, law and society. These topics are discussed by the leading experts in the various fields. The vast majority of the papers are excellent, either pushing an argument further or helping to clarify a confused issue. Others, few in number, are brief statements of problems that are introductory and consequently superficial. Also, the responses and discussions of the papers are uneven, as one would expect, and they could easily have been omitted. The majority of the articles have