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Catholic Physicians' Guild

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Health Care Ethics

Benedict M. Ashley, O.P. and Kevin D. O'Rourke, O.P.

Catholic Health Association of the United States, St. Louis, Mo. 6314, 1984 (revised edition), 483 pp., \$16.

Ashley and O'Rourke have presented us here with one of the more concise and helpful Catholic treatises on medical ethics to appear in recent years. Their work is marked by 1) its continuity with the mainstream of Catholic moral tradition across the centuries, especially as it is articulated day by day by the Magisterium of bishops teaching in union with the popes; 2) its respectfulness and irenic approach to those who hold positions of their own, including those who find themselves in conflict with the teaching of the Church.

Those familiar with the work's first edition (1978) know that a reviewer can't even begin to mention all the issues covered by the authors, let alone all aspects of the present edition.

First, Ashley and O'Rourke present a developed version of the Thomistic moral analysis (act, motive, circumstances) in order both to refute the proportionalism now much in vogue, as well as to offer an alternative Christian enough to begin to satisfy one's appetite for solid traditional matters. The present reviewer would like to see a more developed version of this which any health professional and, indeed, any responsible clergyman or lay person could comprehend — terms even clearer than we find in chapters 8 and 9. Nonetheless, Ashley and O'Rourke have made more progress than most in beginning. They note the roots of proportionalism in German phenomenism, and the resultant dualistic bias of proportionalism: "leave to science the study of human nature as an object to be measured, and reserve to philosophy the study of the *subject* in his world of man-created values" (p. 165). Hence, the basic premise of proportionalism that, in the final analysis, the physiological structures of the body never determine any truly *human* issue, such as whether, for instance, one should ever directly *attack* the bodily life of an unborn child in order to save the life of the mother (or vice-versa), or to pursue heterosexual acts when the conjugal act is not possible for a given individual.

The authors also expand and re-enforce with examples the basic critiques of proportionalism by John Connery, Germain Grisez, William May, and others (pp. 172-174). At the same time, they recognize the valid claim of many proportionalists that moralists of the past did not sufficiently recognize the historicity and developmental nature of human moral consciousness. They would point out, however, the fatal flaw of the overall proportionalist approach, namely, its failure to save 1) continuity with the moral insights of past generations of Christian humanists; 2) a human identity which is realized in every human being.

matter what his culture or era of history; and 3) the civil discourse and growing consensus absolutely required for us to live together in a truly human society (pp. 165, 166).

Second, the authors competently defend both the quintessence of the principle of double effect and the need to develop its implications beyond the standard views of moralists prior to Vatican II. In this regard, they mention favorably the efforts of Germain Grisez (p. 190). I find parts of this section, however, somewhat lacking in clarity. With Marcellino Zalba I would, for example, see in the removal of healthy sexual organs in order to prevent the spread of cancer an application of the principle of totality, not the principle of double effect. Zalba has also argued for the development of the latter principle in the context of the difficult question which Grisez also treats: May one remove an inviable fetus from the womb when otherwise both the mother and the fetus will die because the pregnancy itself is killing the mother? (See Zalba's article in *Estudios Eclesiasticos* in 1975.) Both Grisez and Zalba would respond yes, but Zalba, I think, with better argumentation.

Third, Ashley and O'Rourke examine the principle of totality with profound insight into its role in protecting the individual from manipulation by a totalitarian science or state. They seem unaware, however, that much needed development of the principle has taken place among significant theologians without any proportionalist orientation whatsoever. Zalba, for instance, in a 1968 article practically unknown in this country (the authors do not list it in their bibliography, nor does Richard McCormick in his compendium, *Notes on Moral Theology*) defends a physiologically direct sterilization as a means for a woman to defend herself against impregnation from a rape which she sees is a real and imminent threat. ("La Portata del Principio de Totalita nella Dottrina de Pio XI e Pio XII e la sua applicazione nei casi di violenze sessuali," *Rassegna di Teologia* 9, 1968, pp. 225-237.) Zalba traces his position back to the discourses of Pius XII on the principle of totality. At least seven other theologians of the "Roman school" have explicitly or implicitly taken the same position. The Sacred Congregation for the Doctrine of the Faith worded its 1975 reply to the American Bishops on sterilization in Catholic hospitals in such a way as precisely to avoid condemning this position. The doctrine of Pius XII which underlies this development is that one may sacrifice any part of the body if there is *no other way* to provide for the overall (not only the physical) good of the person.

The theologians mentioned above would include in this overall good the right not to be impregnated unjustly. Therefore, on the one hand, since periodic or, if necessary in some rare cases, permanent abstinence is one "other way" for a wife to secure her overall good, contraceptive sterilization is ruled out. On the other hand, while having to agree in general, for *circumstantial* reasons, with Ashley and O'Rourke's rejection of sterilization for the extremely retarded woman, this reviewer does not see how such defensive sterilization can be *absolutely* ruled out, almost as if it were an intrinsically evil act (p. 280). Questionable too, is the opinion of the late Gerald Kelly (p. 309) that papal teaching makes it clear that organ donation of a living person for transplant purposes cannot be justified by the principle of totality. What Pius XII condemned on this point was a *misapplication* of the principle of totality by those who insinuated that the human individual is simply a part of a large organism which constitutes the human race. Zalba, although very skeptical in 1958 about the licitness of such donations, recognized even then that one could make an argument for them because they benefit the *donor himself* (a cardinal requirement of the principle of totality) *spiritually* through his own personal growth in charity.

Fourth, the authors firmly stand with the Magisterium against artificial contraception. Their position here in this second edition involves a change from that of their first edition, where they rejected only the proportionalist argument for

contraception, but speculated as to whether another argument could be made for the practice. They raise cautiously, however, the question of whether all logically incomplete sexual acts, deliberately chosen, are serious matter. Given the teaching of the 1975 Vatican Declaration on Sexual Ethics, however, as well as the statements of Pope John Paul II in September, 1983, it seems that the doctrine of the Church still answers that question affirmatively. Perhaps other points raised by Ashley and O'Rourke might have been more adequately answered if they had made more use of the theology of sexual acts as significant in authentic love one's self, one's spouse, and the world between them as foundationally *procreational* realities. This is the main point of Pope John Paul II against contraception in *Familiaris Consortio*, section 22. The present reviewer would not feel so free to raise questions about points in this fine book had not the authors themselves created the atmosphere of open and honest examination of some of the most burning issues of medicine today. It is a tribute to their approach that they bring out and invite us out of the storehouse of Catholic moral teaching things new as well as things old.

— Edward J. Bayer, S.T.D.
Director of Continuing Education
Pope John Center

TWO VIEWS ON: *An Apology for the Value of Human Life*

David C. Thomsma, Ph.D.

Catholic Health Association of the United States, St. Louis, Mo. 63134, 1983
169 pp., \$18.

I

Several years ago, TV comedian Pat Paulsen summed up in a short ditty the difficulty many of his contemporaries had in understanding the work of one of the more cryptic figures of our time:

"Marshall McLuhan,
What are you doin'?"

A similar perplexity will undoubtedly be experienced by readers of this book who likely will ask, "Dr. Thomsma, what are you sayin'?" Reviewing the book is difficult, since it is somewhat like attempting to summarize and assess the contents of a postgame interview with Casey Stengel.

The book begins by stating its unquestionably laudable purpose: "To stimulate reflection on the life-destroying tendencies of our culture, and to encourage re-dedication to the dignity and value of human life." Unfortunately, there follow passages of sheer ethical confusion such as this:

When we are forced to choose among lives, e.g., in triage decisions during emergencies, in war, in weighing the lives of women and the unborn, we ought not to claim that one life has less intrinsic merit than another. Rather, we ought to own up to the terrible dilemma. We must act immorally. If our

hand is forced to choose, we should not shrink from saying we had to sacrifice someone of inestimable worth, instead of hiding behind euphemisms and rationalizations. Perhaps this will help us establish greater respect for human lives in our public policy decisions (p. 17).

After being thus informed in the opening chapter that immorality can contribute toward greater respect for human life, the perceptive reader will now, as the saying goes, "expect little and not be disappointed." There follow three chapters on our religious, philosophical, and political heritage which are intended somehow to buttress a general claim that human life has value. The full meaning of that tradition is not made clear, however, for two reasons.

First, the chapters are poorly written. ("One and a half million babies are therapeutically [!] aborted every year. There are thousands of children in homes with only a single parent, 90 percent of these being mothers" [p. 72].)

Second, there are numerous logical inconsistencies and instances of question-begging. An example of the latter: We are told (p. 74) that "the fetus is not clearly a person, not that is, to everyone involved in the debate." Soon, however, we are expected simply to accept the author's assumption that the fetus is clearly not a person, but is rather a "not-yet-personal form of human life" which "unimpeded, will become a human person" (pp. 84, 86).

After a chapter urging that society place technology at the service of human good, the author closes with a chapter in which he outlines his theory of choice for this kind of "life-affirming society." He suggests three possible positions which he calls A, B and C. These are apparently intended to represent some sort of absolutist, middle, and utilitarian positions with regard to life-related choices — although what exactly the author means is not clear. He warns that A must be held consistently, or one cannot call himself a proponent of A, but then goes on to suggest that we adopt A, but keep B as a "backup" and use C "in an emergency" (p. 143).

At any rate, the whole theory does not refute but simply ignores the traditional distinction between evil which is directly done and thus intended, and evil which is indirectly done, i.e., accepted as an unwanted side effect, and thus unintended.

One wonders why the Catholic Health Association decided to publish this book. It contributes little of value to the discussion of contemporary life issues.

— Rev. William A. Ryan
Coordinator for Pro-Life Activities
Archdiocese of Washington

* * * *

II

The publication of this book raised the hopes of many in the Catholic health apostolate. The hope was ignited first by the title, in which "apology" is used in the sense in which Newman used *apologia*, that is, a form of defense. The sponsorship of the book by the Catholic Health Association raised expectations that, in the legal carnage occasioned by the Supreme Court's Akron Ordinance decision, the CHA was going to witness its intention to continue a high profile defense of the sanctity of human life. Finally, the author is a widely respected scholar with considerable literary skills and a background of indoctrination in traditional Catholic teaching. Thus prepared, one might approach this book with the hope that it would join a growing library of brilliant testimonials to life written by renowned

later converts to pro-life activism such as John Noonan, James Burtchaell, and Bernard Nathanson.

Measured against this background, *An Apology for the Value of Human Life* must be adjudged to be a major disappointment. It is noteworthy for its research into the religious, philosophical and political heritage of a respect for the value of human life. Prof. Thomasma is painstaking in his documentation of these traditions. He points out that a respect for the inherent and equal value of all human beings under God has been a normative basis for ethical discussions for centuries. He expands quite effectively on the notion that the equal worth of persons lies at the heart of all major religions and that the value of life is tied to a vision of God. With formidable documentation, he weighs the impact of the traditions and demonstrates that what people cherish about the past is a sense of commitment to the value of human life.

It is in completing his syllogism that Thomasma is deficient. He turns away from his own documentation to arrive at a conclusion that is a *non-sequitur*. The conclusion is that because society is so deeply divided on the issue, "it makes little sense to legislate one party's answer, an answer viewed as coercive by another." Pending the arrival of a consensus, he recommends that "it is better to err on the side of human choice than to artificially resolve the issue through legislation." What starts out as an apology for the value of human life thus deteriorates terminally into an apology for the "pro-choice" position.

Part of the problem derives from Thomasma's failure to define the issues properly. Early in the book, he describes the Supreme Court decisions in *Roe v. Wade* and *Doe v. Bolton* as "allowing states to draft laws permitting abortion during the first trimester." Anyone describing those infamous decisions in such a way 10 years after they were written and after 10 years of total implementation of abortion on demand for the full nine months of pregnancy, must be disqualified as an authority. No serious legal scholar, on either side of the abortion issue, believes that what Thomasma says is what the Supreme Court said or intended to say.

At another point, the author states categorically that "abortion does not lead to euthanasia. The two are quite distinct." Does he really want to deny that eugenic abortion for Down's syndrome was the precursor to the Baby Doe type infanticide of Down's syndrome newborns? Or that denial of therapy for newborns with Down's syndrome prepared the way for denial of therapy for older children with Down's syndrome (e.g., Philip Becker)?

Thomasma also fails to understand that we are not now in a state of suspended animation awaiting the arrival of a consensus. Legislation derivative of the Supreme Court's mysterious discovery of a right to privacy in the Constitution is in place in all 50 states. All attempts to find small areas where the right to abortion does not prevail have been futile. Spousal consent has failed, parental consent for minors has failed, rudimentary requirements for informed consent have failed, minimal medical standards for free-standing clinics have failed. Nothing less prevails than an unfettered maternal right to a dead baby.

We might now devoutly wish that the pro-abortion lobby had waited for the arrival of a consensus before sabotaging our traditions of respect for the value of human life. Pro-abortionists were not deterred by the consistent failure of pro-abortion referenda in state after state. They were not deterred by the consistent refusal of almost every state legislature to accept abortion on demand. They are not deterred to this day by the accumulation of data from polls by Roper, Harris and Gallup which show that the majority of people in the United States still reject the Supreme Court position even after a decade of indoctrination. As Bernard Nathanson has clearly demonstrated, abortion on demand was an elitist minority position only salvaged from the rubbish heap of rejection by the imprimatur of seven justices.

Thomasma, as a man of good, may be dissuaded from his present position by an expanded dialogue with pro-life people willing to share their expertise. If Thomasma is articulating a change of political position for the Catholic Health Association, then the portents are ominous indeed.

— Eugene F. Diamond, M.D.
Professor of Pediatrics
Stritch School of Medicine

Test-Tube Babies, A Guide to Moral Questions, Present Techniques, and Future Possibilities

William Walters and Peter Singer, Editors

Oxford University Press, New York, 1982, 165 pp.

This small book appeared in 1982 to document the ethical and social considerations which surrounded the *in vitro* fertilization (IVF) efforts of the teams of Drs. Wood, Walters, and Leeton of Monash University in Victoria, Australia. The 13 brief chapters offer a variety of perspectives including one chapter (4) made up of press clippings, and another (12) recording the favorable disposition of a prospective IVF mother.

Chapter 5 on the "Moral Status of the Embryo" presents two viewpoints. Brian Johnstone argues the case for the human dignity and rights of the embryo. Helga Kuhse and Peter Singer argue the case against the embryo's full human dignity and rights. Other chapters discuss such topics as informed consent (Chapter 6 by Rev. B. E. Carey), sexual ethics in relation to IVF (Chapter 7 by Rev. William Daniel S.J.), possible consequences of IVF for the family (Chapter 8 by Rev. J. A. Henley), and surrogate motherhood (Chapter 10 by Alan Rassaby).

Although the book reflects some of the ethical controversy which surrounds IVF, the two editors, Doctor Walters and Professor Singer, make clear their approval of the procedure. Doctor Walters, of course, writes from his own perspective as a participant with the Monash IVF team.

In their concluding chapter, the editors state: "We believe that any excess embryos produced may either be preserved by freezing or disposed of in accordance with the preference of the biological parents" (p. 130). They approve IVF from unmarried persons if they have a sound relationship (p. 133); they find no valid reason for supposing that the individual created by IVF should be at any greater disadvantage in later life than any other member of society (p. 138); they consider surrogate motherhood ethically acceptable (p. 139); they consider experimentation with early human embryos ethically acceptable if the information to be gained cannot be readily obtained in any other way (p. 140).

This reviewer has co-edited two volumes, *A Handbook on Critical Life Issues* and *A Handbook on Critical Sexual Issues* (St. Louis, Mo.: Pope John Center, 1982 and 1983) which challenge all the above conclusions of Doctor Walters and Professor Singer. Unfortunately, this review cannot thoroughly explore all these issues.

However, IVF can be evaluated in the light of three ethical principles which are firm in the tradition of Catholic teaching although each successive principle in the triad has less support than the previous one among ethicists in general.

1.) *The equal human dignity and rights of developed and undeveloped human beings.* This principle depends upon the moral equality of all members of the human family regardless of physical or mental development. The entire human rights movement supports this principle in theory. However, significant numbers of ethicists attempt, as Helga Kuhse and Peter Singer do in this book, to diminish the dignity and rights of the embryo in accord with its proportionately more primitive stage of development as one looks backward to fertilization.

2.) *The moral necessity for a total and irrevocable marital commitment between the man and woman from whom a new human being originates.* This fundamental principle in the Judeo-Christian doctrine of human sexuality has already been compromised by artificial insemination from donors and the spreading practice of couples living together and generating children without making a marital commitment to each other. However, the natural moral law tradition and the contemporary personalist synthesis of this tradition argue cogently for the moral disorder of violating the unity of the marital relationship by producing new human beings extramaritally.

3.) *The moral necessity that new human beings should be generated by an interpersonal conjugal act of their parents.* This ethical principle is grounded in the unique relationship between offspring and parents in a personalist view of the interpersonal procreative enterprise. Producing new human beings in a laboratory isolates their origin from the marital activity of the parents. The marital relationship of the parents is left unexpressed in IVF. At the same time, the child conceived in the laboratory is marked with a form of privation; the child's right to have parents in a strict sense and to come from their interpersonal union is violated in the IVF procedure.

This book edited by Walters and Singer offers an interesting introduction to the new procedure for producing test-tube babies. Unfortunately, it permits compromise of all three of these foundational ethical principles.

— Rev. Donald G. McCaskey, Ph.D.
Director of Education
Pope John XXIII Center

Choosing Well

Russell Shaw

University of Notre Dame Press, Notre Dame, Ind., 1982, 90 pp., \$2.95

This brief, well-written book is intended as a simple and straightforward presentation of the ethical theory of Germain Grisez, a theory more fully set forth in the work Shaw co-authored with Grisez, *Beyond the New Moralism*, and in the other writings of Grisez. In my opinion, Shaw has admirably succeeded in this purpose. Readers familiar with Grisez's work will find it an excellent summary of his thought, useful for communicating it to a wider audience. In my view, Shaw's book, with its stimulating questions for discussion, is one which can be of particular value in teaching high school students and in adult education.

The volume, however, needs to be assessed not only as a summary of Grisez's moral theory, but as a study of our moral life. Viewed from this perspective, it is most welcome. Shaw begins by discussing freedom, clearly distinguishing its various meanings and showing why freedom of self-determination is the sort of freedom which is of most crucial concern and why this freedom is central to our existence as moral beings, for through free self-determination, we give to ourselves our identity as moral beings.

Shaw then proceeds to discuss the goods or purposes for the sake of which human beings, as intelligent agents, can act, i.e., the goods or purposes which make intelligent human activity possible to begin with. He distinguishes eight basic sorts of human goods or purposes, each of which, when grasped intelligently, functions as a starting point or principle for deliberating about what we can do. He stresses that these goods or purposes (life, play, aesthetic experience, knowledge for its own sake, integrity, practical reasonableness, friendship, and religion) are equally basic in that none is subordinate to others or reducible to some common denominator and in that all are dimensions or aspects of our being as persons. Human fulfillment consists in participating in goods of this nature, and through our choices we disclose how we regard these goods and determine ourselves in relationship to them.

Shaw's next move is to show that morality is basically a matter of *how* we choose, inasmuch as in choosing we show how we will to respond to the appeal of these basic goods (and of the *Summum Bonum* from which they flow — a point that is not, unfortunately, well brought out in the work). Shaw proposes here a basic moral norm, namely, that we are to choose inclusivistically and not exclusivistically. By this he means that we are to choose in such a way that we are open to all the goods of human existence, even to those that we leave unchosen, and that we are unwilling to close our hearts, our persons, to these goods. Thus Shaw writes, "it is essential that we *not* choose in such a way that we act against or close off the possibility of realizing some other fundamental purpose (good). For these purposes (goods) together constitute the possibilities of fulfillment which are open to human beings; to act to the detriment of any is tantamount to denying some aspect of our personhood. Morally bad choices restrict some dimension of one's self" (p. 26).

The presentation of this basic moral norm is followed by a chapter in which Shaw provides "guidelines for choosing," or what can be termed modes of responsible choice. Here readers familiar with Grisez's work will note that Shaw presents these guidelines in a negative way, insofar as these guidelines for choosing rightly should "tell us which ways of acting are *not* consistent with inclusivistic choice" (p. 44). This marks a new development in Grisez's work (for in his earlier writings, including *Beyond the New Moralism*, he had articulated his modes of responsibility in an affirmative way, except for the negative norm that we are *not* to destroy, impede, or inhibit any human good); yet this is a development that Grisez makes in his as yet unpublished monumental work on fundamental moral theology and Shaw, who is familiar with Grisez's more recent work, incorporates this development into his presentation.

In the final chapters, Shaw admirably shows why some specific sorts of concrete moral norms are absolute (those, namely, whose violation would mean that one acts in ways contrary to the modes of responsibility directing us not to attack human goods out of hostility or out of preference for other goods).

In these chapters he likewise discusses the problem of ambiguous action and provides guidelines for resolving the ambiguities (particularly through considering the way in which the same external action can be differently related to our moral being through a difference in intentionality), offers good criticisms of consequentialistic ways of thinking, and shows the inadequacy of such views as cultural relativism, subjectivism, and situation ethics. In the concluding chapter he dis-

cusses the relationship between religion and morality.

This work, which is fully compatible with the teaching of the Church and is rooted in the biblical teaching on the significance of human choice and the meaning of human actions as expressions of one's freedom of self-determination is well worth reading and is highly recommended.

— William E. May
Department of Theology
Catholic University of America

Parents' Guide to Adolescent Drug Addiction

Randy Engel

American Life Lobby, Stafford, Va., 20 pp.

This pamphlet aims at providing parents with information aimed primarily at the recognition and response to adolescent drug dependence. Group-based "education" programs for adolescents have largely proved to be counterproductive and have been downplayed as a major strategy by federal drug enforcement agencies. The material provided in this publication is more family-centered and evaluates drug involvement in the context of societal breakdown. The incidence figures used may reflect an atypically bad sample, but the problem is certainly widespread enough to concern every family.

The stages of development of drug addiction are adapted from I. Miller Newton and are brief and to the point. The best part of the pamphlet is a community drug control strategy based on the model of Alcoholics Anonymous programs. The pamphlet could be a useful office handout for physicians who care for adolescents and their families.

— Eugene F. Diamond, M.D.
Loyola University
Stritch School of Medicine
