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Letters ... To the Editor

Catholic Physicians' Guild

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Letters . . .

To the Editor:

In the May, 1974 issue of *Linacre Quarterly* there appeared an article by Gerard P. J. Griffin, M.D. entitled "Catholic Physicians and the Directives for Catholic Health Facilities." It struck me as I read the article that it seemed that the author was interpreting the 1971 Directives as "Directives for Individual Practicing Physicians," and in at least one instance, "Directives for Married Couples." In fact, the title of the document is "Ethical and Religious Directives for Catholic Health Facilities."

Some things may be good for and indicated in the case of an individual person. Sometimes these same things, if adopted as an operational institutional policy may ultimately destroy what the institution was set up to accomplish. There cannot be an undifferentiated transition from an individual application to an organizational application, or vice versa. Failure to realize this and lack of sophistication in the organizational sciences seem to be at the root of confusion for many who study and analyze the Directives.

Sincerely,
Sister Rebecca, S.S.M.
Executive Director
St. Mary's Hospital Medical Center
Madison, Wisconsin

To the Editor:

It is difficult to understand Dr. May's justification (Feb. 1974) for directly attacking a fetus in the process of saving the mother's life. His "indirectly voluntary" killing of the fetus seems factious, in light of the fact that the means chosen to save the mother's life is the killing of the fetus, which would seem to require a direct intention. It is quite possible that two

acts are involved in his example, and that his "indirectly voluntary" intention is a futile attempt to unify them into one.

If two shipwrecked sailors were faced with a single lifejacket, the weaker would not be justified in shooting the other to death, even though that were the only means of obtaining the jacket and thereby of saving his own life. Yet, Dr. May seems to be justifying such a position.

His analogy with self-defense appears inadequate, since in morally justifiable self-defense there is an additional factor, namely the unjust aggression.

It is not evident that the fetus is an aggressor in any sense of the word. The sometimes postulated "material aggressor" is no longer a realistic role to be played by any fetus. It should be kept in mind by moralists that, in light of modern obstetrical practice, there are no longer any valid medical indications for a direct attack upon the fetus. There continue to exist only situations covered in cases traditionally exemplified by the cancerous uterus, ectopic pregnancy, etc., all of which provide for clear-cut, indirect intention toward the cessation of the fetal life.

Sincerely yours,
Rev. Edw. Robinson, O.P.
Rogers Memorial Hospital
Rogers, Arkansas 72756

The following is Dr. May's response.

Dear Father Robinson:

The editors of *The Linacre Quarterly* have forwarded to me a copy of your letter of June 23 commenting on a section of my article on abortion. I appreciate your concern, and I hope that in this letter I will be able to clarify my position.

First let me state that *if* the analysis I offered would logically require me to justifying one shipwrecked sailor to shoot another to death so that he could

thereby save his own life, then the analysis offered is definitely false.

Second let me say that I firmly believe that direct abortion is a wrongful activity, one in which human beings ought not to engage.

I suppose the difficulty arises when we seek to determine precisely what is meant by "direct abortion," that is an activity that must be regarded, as a moral or human act, as an act of feticide. This is an activity that is morally wrong and cannot be justified on the grounds of good consequences.

My point is that at times one may perform an act that does, in fact, bring about the death of a fetus, and does so directly in a physical sense, and not take on as part of his moral identity the identity of a feticider because the act itself is not truthfully to be described as an act of feticide. Why not? Because the thrust of the action itself — its *finis operis* in an older terminology, its own teleology — is not directed against the life of the fetus but is rather directed of its own inner thrust toward removing a force threatening the life of the mother. The means involved is *not* the death of the fetus but rather a human surgical activity ordered both of itself and by the agent toward saving the life of the mother, although it is foreseen that the fetus will die as a result of the action. What the action *does* is twofold: it saves the mother and leads to the death of the fetus. What the action *says* — its meaning or significance or intelligibility as a human act — is performing the only action possible to save the life of the mother. Perhaps an analogy will help. Suppose that a doctor is amputating the leg of a person afflicted with bone cancer. This act of amputation is, in a physical sense, directly mutilating that person, but it is *not*, morally speaking, an act of mutilation, nor is the doctor taking on the identity of a mutilator in doing it. His action *does* two things: it mutilates the person whose leg is amputated and likewise saves his life;

his action *says* that the doctor is performing the only surgical operation possible to save that person's life, while foreseeing that the person will be mutilated as a result of the activity.

One shipwrecked sailor may not rightfully shoot another in order to get the one life preserver that can save his own life because his act is an act of killing. The act itself is targeted in and of itself on the death of the other sailor, and the means that he takes to save his own life is an act of killing.

Even in unjust aggression one cannot rightfully intend the death of an assailant — if the intent of the agent is to kill the aggressor, if that is what he is setting out to do through his act, the action is no longer an act of self-defense or of defense of another but is now an act of killing. I think that a careful examination of Summa Theologiae II-II, 64, 7, will bear out this analysis.

In the article I indicated that the position I took was influenced greatly by studying the writings of Germain Grisez and Paul Ramsey, as well as St. Thomas in the article cited, and J. Glenn Gray in his book *The Warriors* (in particular, pp. 51-55). I think that if you read this material and reflect on the position set forth in the article, you might better see what I am trying to say. It is morally wrong for a human being to kill other human beings directly, that is, to perform actions that inevitably mean that he is taking on as part of his moral identity the identity of a killer, of a doer of a deed that is in and of itself targeted on the death of other humans. If the type of abortion that I seek to justify in my essay is in truth an act of this kind, then it is an act that a human being ought not to perform, I believe, however, and I hope that I have been able to explain why, that some actions that do in fact bring about the death of a fetus, are not acts of killing, acts of feticide. They are no more acts of feticide than are actions leading to the

death of a fetus when a cancerous uterus or ectopic pregnancy is removed, although in all of these the death of the fetus is foreseen and is *physically* direct.

To summarize my position. An act that will issue in the death of a fetus is morally justifiable only when there is a proportionate good to be achieved *and* the agent does not directly, that is, properly intend the death of the fetus and does not do so because the action that he is performing is of itself not directly targeted on the life of the fetus but rather on saving the life of the mother.

I hope that this letter may help to clarify my position. I realize that this position may be erroneous, although I believe that it is true. But I repeat: if it is true that the type of action that I justify is directly abortive in the moral sense, then this is a type of action that simply cannot be justified, and it cannot be justified because it is an act that inevitably requires one to take on as part of his moral identity the identity of a feticider, a killer of fetuses.

Sincerely,
William E. May

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