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Review of *The Encyclopedia of Bioethics*

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THE ENCYCLOPEDIA OF BIOETHICS

Over a century ago, Dr. Oliver Wendell Holmes observed that "medicine, professedly founded on observation, is as sensitive to outside influence, political, religious, philosophical, imaginative, as is the barometer to the atmospheric density." In theory, "it ought to go on its own straightforward inductive path," he continued, but in practice there exists "a closer relation between the Medical Sciences and the conditions of Society and the general thought of the time, than would at first be expected."\(^1\) Holmes's piercingly accurate insight has never been so broadly and energetically probed as it is in the encyclopedic work at hand. The *Encyclopedia of Bioethics (EB)*\(^2\) indeed goes well beyond medicine. The work is considerably more than an encyclopedia of medical ethics. The four volumes range over the ethics of human life with major exemplification in medical and health-related concerns. Mustered into this sweeping effort are philosophy, theology, history, anthropology, sociology, psychology, biology, and law. Traditional and modern problems of medical ethics are treated, such as artificial insemination, organ transplant, *in vitro* fertilization, contraception, mercy death, experimentation on human and animal subjects, and abortion. But there is also concern with racism, sexism, nuclear deterrence, ecology, and the just distribution of goods and bads in the political processes of planet earth. In other words, *EB* is predicated on the assumption that medical problems are broader than medicine and that medical problems are often not soluble by merely medical means. For human life to survive and even thrive a little, it must meet practical and philosophical challenges that cannot be met by one discipline or one world view. For this reason, *EB* draws from and explores the major religious traditions, some classical ethical theories, and various problematics that the human mind has marshaled to interpret and enhance human terrestrial existence. The result is therefore broader than any specialization. Indeed, it is not an overstatement to say that all of those who are concerned with how the human mind comes to know moral truth—whether their interest be professional or lay—are in the debt of Warren T. Reich, who directed this remarkably successful venture.

significant items are published annually in this area in English alone) involves a revolutionary development in moral consciousness. The blinding positivistic poisons are belatedly blowing out to sea. The term “value-free science” ominously entered the philosophical vocabulary in the middle of the nineteenth century, while the Western world was drunk on the prospects of scientific genius. With it came what Eric Voegelin called “the positivistic conceit that only propositions concerning facts of the phenomenal world [are] ‘objective,’ while judgments concerning the right order of soul and society [are] ‘subjective.’” Philosophy succumbed to this pollution by naively sanctioning the separation of fact and being from moral value. In some sorry instances, philosophers segregated morality from the realm of genuine knowledge or confined its business to linguistic dissection and to a narrow pursuit of notional clarity at the expense of wisdom, breadth, and depth.

Life is tolerant of such errors only for a time. Eventually the distinctly moral problems rising up from the physical and social sciences pressed their way toward center stage, and the new enterprise of bioethics was upon us. To greet this development with an encyclopedia was both fitting and timely.

An encyclopedic viewing of such a field should be more than an information retrieval service, and this one is. It is an event of theory, an enabling scholarly achievement which in many areas clarifies the “state of the question,” raises presuppositional questions, and promotes an atmosphere of broad-based and critical analysis. *EB* is not an unqualified success; no encyclopedia has been or could be. So Promethean an effort is at times inevitably foiled in its noble pretentiousness. Yet the overall success of this work is nothing short of outstanding.

Most importantly, and in a way that is paradigmatic for relating any particular discipline to ethics, *EB* meets its prime obligation by conducting a multileveled assault on the idea that human affairs are ever conducted in a value-free vacuum. This is done not just in the analysis of justice, rights, natural law, and other common categories of ethics. It is also woven into the treatment of particular concerns such as attitudes toward the future, paternalism, embodiment, intelligence testing, and cost-benefit analysis. As the embodiment article drives home convincingly, “every medical practice, no matter how trivial, is to begin with value-laden, which means that each one either explicitly or (most often) implicitly is expressive of some vision of what is or is thought to be morally good. . . . The primary issue for bioethics. . . . is to educe, to make explicit, the ‘ways of construing the world’ found in ongoing medical interventions and patient-responses.” Medicine is called upon to acknowl-

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edge the "incorporation of ethical notions in each of its practices, and the necessity of having to assess these in their own terms as such" (365). An encyclopedia of ethics and politics, for example, could take *EB* as an exemplification of the job to be done in analyzing explicit and implicit moral assumptions operating on supposedly neutral turf.

*EB* is also laudable in that it does not opt for a chaste detachment from controversy nor does it eschew tough-minded judgment of debated issues. Thus, in its excellent treatment of racism and medicine, the encyclopedia cites the historical role of medicine in bolstering and elaborating racist attitudes. Medical scientists proffered theories of blacks as an inferior and disease-prone race and argued, to the joy of racist whites, that Negroes were a vanishing race. The article on racism and medicine goes on to name names, noting that all of this "was given further credence when the nation's leading life insurance companies, led by Prudential, all but refused to write policies for Negroes" (1406-7). Physicians also, under the banner of scientific objectivity, "hammered away at the black man's distaste for honest labor, fondness for alcohol, proclivity to crime and sexual vices, disregard for personal hygiene, ignorance of the laws of good nutrition, and total indifference to his own health" (1407). Medicine offered a view of blacks as "diseased, debilitated, and debauched," with only themselves to blame (ibid.). Blacks and poor people continue to supply a disproportionate share of the subjects used in experiments, and the article concludes with these two blunt assessments: "The vast majority of physicians never regarded the race question as an ethical issue for medicine." "Most of the progress that has been made on the racial front in medicine to date has been in response to pressures from outside the profession" (1409).

The article on racism and mental health is equally direct. It cites the tendency to use psychological theories and biased tests to prove racial inferiority. Specifically, it notes of the prestigious Minnesota Multiphasic Personality Inventory that it "was standardized by using normal groups of white men and women—no blacks were included. The hint of racism is easily suggested inasmuch as the test has separate norms for males and females because of modal differences in their personalities, and yet modal differences are not unlike nor as great as those existing between blacks and whites" (1412). The article cites the "ludicrous proposition (held as true by many) that all blacks are, at least partially, mentally ill" (1411). *EB* does not subscribe to the prevalent view that objectivity requires a finessing of the unpleasant.

*EB* stands as lucid proof of the impossibility of doing ethics in isolation from other disciplines. No two disciplines are created equal nor are any two disciplines identical in their intrinsic relatedness to other disciplines. Ethics, however, is unique in its natural ecumenism. Indeed, ethics is not
just one of the lot of disciplines. Discerning the moral, i.e., discerning that which befits and enhances the human, is a massive and complex enterprise, requiring input and collaboration from all who explore the various dimensions of the unfolding human mystery. Ideally, ethics in a university setting would not be a department or part of a department. Rather, it would be located in a center for the study of moral values where ethicists would offer the methodology for ethical inquiry and foster and formalize interdisciplinary evaluative collaboration among all departments. Not by ethical theory alone is ethics done.

*EB* illustrates this special nature of ethics in convincing ways. Take, for example, its excellent treatment of human sexuality. There are articles on sex therapy and sex research, empirical studies on sexual behavior, psychosexual development, the history of sexual ethics, and the question of sexual and gender identity. A reading of these articles and their rich bibliographical suggestions supports the contention that anyone attempting to theorize about the meaning of human sexuality, while ignoring the input of psychology, history, and empirical research, is poorly grounded. Nor should this approach seem alien or threatening to those long accustomed to more deductive and unilateral approaches to the sexual phenomenon. Catholics and others who have espoused the "procreative and unitive" rubric for understanding sex will find the conclusion of the sexual behavior article congenial: "The most important characteristic of sex may finally be that it is so deeply intertwined with affection and that it is still the chief human instrument for making progeny, and these may suggest some limits on its exercise, though they do not reveal the contents of those limits" (1568). Those who fear the demoralization of sex achieved by current hedonism will welcome the conclusion of the sexual-development article: "Sexuality in human beings is so locked into forms of learning which are essential to moral development that it is inextricable from them"; and "sexual development is the ground for one of the central lines of moral development, namely the capacity for valuing another organism as a person" (1574).

None of the disciplines that treat the human phenomenon may fruitfully dwell in "splendid isolation" from its peer disciplines. Arnold Toynbee was certainly indulging in the elder statesman's prerogative for winking overstatement when he wrote: "The study of human affairs is, in truth, monolithic. The dissection of this mental monolith into the so-called 'disciplines' is, at the best, a convenient operational device, while, at its worst—that is to say, if it is taken as being a reflexion of reality—it is a distortion of the truth." However, he was offering hyperbolic

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correction of the disciplinarily segmented approach to truth. Stripped of hegemonic claims, such as theology made in the past and the social sciences are prone to make today, the disciplines could all benefit from Toynbee's chiding and also from St. Paul's masterful epistemological insight that it is only "in part" that any of us knows. *EB* is a solid example of interdisciplinary co-operation.

Another notable strength of *EB* is its strong sense of the instructiveness of history, as exemplified in the 97,000-word entry on the history of medical ethics. This entry, which is a book unto itself, is fascinating reading and suggests both the relativity and the enduring meaning of some of the problems that consume medical ethics today. This entry moves from studies of primitive societies, through the Near and Middle East, Africa, south and east Asia, Europe, and the Americas. It is a feast of cross-cultural experience, aside from its specific focus on medical ethics and practice.

Briefly and selectively, there are other strengths in *EB*. The treatment of abortion is balanced and is not the febrile issue in the encyclopedia that it is in contemporary debate in the United States. In this way *EB* fulfils its role in suggesting the proper significance of this serious issue. Also, the article on obligation and superobligation suggests a new perspective for the abortion debate. Avoiding the absolutist negation of any and all abortions regardless of circumstances and a bland and deceptive neutrality regarding the issue, this article suggests that at least in some cases "while abortion may not be prohibited by the strict sense of obligation, the better and higher way would consist in preserving and nurturing human life, with its potential and actual values, whenever feasible. In this way one could discourage recourse to abortion as much as possible without condemning those who choose to abort on reasonable grounds." It is suggested that in this way "the concept of superobligation promises a grace and poise to ethical reasoning that it would not otherwise have" (1152). Manifestly, the abortion debate could, among other things, do with more grace and poise.

The articles on Roman Catholic directives in medical ethics and on Roman Catholicism both do well to include the traditional approach of probabilism. Probabilism grounded the legitimate pluralism of Catholic ethics, stating that there is freedom of conscience when there is genuine, not frivolous, doubt regarding rigorous moral absolutism. It is a system which should not be neglected, since it is a liberating and humanizing achievement of our Catholic theological forebears and has deep roots in the pneumatology of the Christian Scriptures and in the theology of the discernment of the Spirit. It is the necessary antidote, as *EB* notes, to such things as the Ethical and Religious Directives for Catholic Health Facilities issued by the U.S. Bishops, which ignores this rich Catholic
legacy and seems innocent of the very possibility of pluralism. It is also
a necessary corrective today for the absolute tutiorism implicit in much
of the oracular magisteriology which still abides at every level of the
Church.

Finally, EB counters two dangers that are inherent in the new area of
bioethics: issue-hopping ethics and clubbing. Regarding issue-hopping,
the primary role of the ethicist is at the level of theory and method. To
be a person is to be an evaluator; to be an ethicist is to discern and
explicitate the method proper to that evaluation. Moving from particular
issue to particular issue without unpacking and elaborating one’s method
is imperfect service from an ethicist. The plethora of mind-teasing chal­
lenges in the area of bioethics has been a temptation for the hopping
instinct of the ethicist. The diffuse concern of EB for methodological
matters gives good example to bioethicists, who should show whence
they come and what methodological presuppositions they carry with
them. EB was well guided in this regard.

Regarding clubbing, this is a too little recognized tendency in any field
to indulge a grouping instinct, with consequent outgrouping of those who
are not received. Involved in clubbing is the development of an orthodoxy,
an unofficial but influential curia, even papal figures. The prime danger
of clubbing in any discipline is the establishing of a false consensus and
the banishing of creative dissent. It would seem almost impossible to find
a field in which this phenomenon is not to some degree operative. New
fields like bioethics and the centers that serve it and become sources of
policy advice may too easily be prey to indentured bias. (The conservative
attitude on in vitro fertilization in EB, and the near silence on psycho­
somatic and wholistic health, might signal biases in the United States
bioethics club.) EB in its overall thrust, however, is not clubbish. It
reaches out broadly and draws contributors from contradictory perspec­
tives.

At the level of format and structure, EB is exemplary. The bibliograph­
ical apparatus is excellent and often helpfully annotated. The indexing
was well done and the print would be gentle even to aging eyes. The
appendix of codes and statements related to medical ethics is highly
useful. It includes general codes for the practice of medicine stretching
from Hippocrates to the statement of the British Medical Association in
1974, directives for human experimentation, the various patients’ bills of
rights, and the codes of specialty health-care associations.

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Given the successes of EB, one laments any need for serious criticism,
and yet some such criticism is justly due. I turn first to the twelve-article
entry on ethics, obviously a central contribution to this work. The main
fear that grips creators of encyclopedias is the fear of premature obso­leteness. In my judgment, this entry is the prime candidate in this encyclopedia for obsolescence, since it is already obsolescent. The entry is top-heavily cast in the rationalistic and analytical mold that much moral philosophy, particularly of the British persuasion, has too long preferred. As a result, the entry drags us through debates and categories that should long since have been interred, were they not being prolonged on certain philosophical respirators. Someone going to EB for a formal look into ethics will come away from this entry with a notion of ethics as a tediously rationalistic undertaking. There we read: "Most contemporary ethical theorists agree that correct moral judgments are those that would be arrived at by impartial rational persons (sympathy is no longer regarded as necessary)" (439). In one example of this fleshless understanding of reason, the valuing person "cannot use any fact about himself that distinguishes him from any other person." And "he must make his moral decision as if he knew nothing about the identity of the various parties involved" (440). In other words, we must strain to think of moral reasoning as stripped of affect and experiential immersion, huddled behind a "veil of ignorance," reaching for a mathematical abstractness in moral choice and judgment. In such a "rationality," which involves more of a gaming technique than an epistemology of ethics, there is no room for the mystical and the affective. There are no mystics behind the "veil of ignorance," only calculating, self-interested, rationalistic persons of "lean and hungry look."

Moral knowledge is grounded in an appreciation of what persons are worth in all of their mysterious unfolding preciousness. However essential the service of practical and speculative reasoning in ethics—and essential indeed that service is—affection is still the animating mold of moral knowledge. The roots of moral knowledge are contemplative and tied to a faith experience of the value of persons. One would sense none of this in the pages of this entry. Here if one can make nothing coherent of Hume’s "sympathy," or if one shrinks from emotivism and moral-sense simplisms, then affect has no epistemological credentials. The affective, mystical, and contemplative dimensions of moral experience and knowledge must be left aside in the search for a detached and antiseptic rationality. Other traditions, certainly including the Thomistic tradition with its concept of "affective knowledge" of the good and the holy, have grappled with this perplexing but unavoidable dimension of moral knowledge, but they are not represented in this major entry. Indeed, in this

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5 For a fuller development of this than I can give here, see my *The Moral Choice* (New York: Garden City, 1978) chap. 3. I further develop this in "Ratio Practica and the Intellectualistic Fallacy," a Hoover Lecture given at the University of Chicago which, prior to its publication, I would make available to readers upon request.
entry, as in much of the literature of moral philosophy and Protestant theological ethics, one would suspect that if you have made reference to Thomas Aquinas and the natural law, you have paid adequate scholarly attention to the Catholic tradition of ethical epistemology. The age of "ecumenical ethics" has been all too prematurely proclaimed.

Of the twelve articles in the Ethics entry, most are in the analytical tradition and spirit. Moore's *Principia ethica* is the most frequent bibliographical entry, and the confusing "naturalistic fallacy," about which not even Moore was clear, keeps bobbing before us. What truly would be lost if this confused category were commended to the archives of the history of ethics? What relief awaits moral philosophy if it could in a blessed kenosis concur with philosopher H. Girvetz when he writes: "That a book as barren of results as Moore's *Principia* could be regarded as one of the important works of this century is perhaps a measure of the desperate state of contemporary moral philosophy."  

Teleology and deontology are taken as though they were inevitable and useful categories, though it is becoming increasingly apparent to many that they are no more successful than Sidgwick's trichotomy of intuitionism, egoism, and utilitarianism, which they were intended to replace.

Another defect in this entry must be noted. The article on deontological theories speaks of "Hebrew-Christian ethics," "the Hebrew-Christian ideal," and "the Hebrew-Christian tradition" and "the Hebrew-Christian conception" regarding deontology. This is loose talk, since there is no such "Hebrew-Christian" amalgam with a single view of deontology in existence. It is difficult to think of any issue on which one could indiscriminately lump Hebrew and Christian together as a supposed unitary viewpoint. The traditions are too rich and varied. The article offends further by alleging that this "Hebrew-Christian" view sees "the ideal life for man as obedience to the will of God, or to some positive law or rule believed to express that will, whatever may be the individual's own plans or desires," and that in "Hebrew-Christian" thought "the right thing for one to do is to submit to someone else's will" (413). This is a glaring inaccuracy concerning the nature of moral obligation in the Christian and Hebrew traditions. One winces at such a caricature when one thinks of the richness of the theologies of the reign of God, the *imago Dei*, the indicative and imperative dimensions of Christianly-conceived morality, the law of the Spirit, the nature of *hesed* and *agape*, the "theonomous conscience," and, in Aquinas' phrase, the Christian as a "participator in divine providence." Hebrews and Christians would recoil further from the unnuanced contention that the Kantian "stress on certain liberal

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values, such as autonomy, freedom, dignity, self-respect, and the respect for individual rights" is "incompatible ... with the Hebrew-Christian conception of the ideal life" (414). Such errors should not have slipped through the editorial dragnet.

There are two special ironies in the orientation of this Ethics entry. First, medical ethics in this country was primarily developed by theological ethicists, who were concerned with both the clarification of problems and their solutions, and yet the authors here are, overwhelmingly, moral philosophers of the analytical bent who are by trade less than concerned with solutions. Secondly, the current move away from this analytical approach is being stimulated, among other things, by the new interest in bioethics and by the new sense that the metaethicists are of very limited help in this area.

There is another large problem in EB which is not the fault of this encyclopedia but of contemporary philosophical and theological ethics. This is the absence of a coherent theory of justice. This absence is indeed noted in EB: "If systematic judgments about the relative position of competing rights claims and duties can be made in any coherent and intelligent fashion, it is necessary to develop a coherent theory of justice. Such a theory has either not yet evolved or has not yet been recognized, nor do we propose to develop one here" (390). This, of course, is no minor disclaimer. Certainly, bioethics is concerned with nothing else than making systematic judgments about the relative position of competing claims and duties. The acknowledgment that the state of the art makes this impossible is a major embarrassment. EB could have served here by offering an extensive and multifaceted entry on the history and theory of justice. There is, indeed, an article on justice, and there are articles on rights and related matters. Also, justice questions abound throughout. Yet a fuller and more unified treatment of justice was indicated by the nature of the work. Justice is not just one virtue among many. It is rather the elementary and minimal articulation of what is due to persons and their environment. Justice is the prime business of bioethics. Well does Aristotle say that friends have no need of justice. For them, the higher, more generous dynamism of love supplies. But outside the intimacy of friendship (and most bioethical concerns are located outside that intimacy), justice is the bulwark against cruelty. Justice seeks the minimal due of persons and environment. A coherent theory of justice, therefore, is no luxury. Absent such a theory, theoretical and practical mischief inevitably reigns. Justice is the first fruit of the foundational moral experience of the value of persons and their environment. Thus any theory of rights is predicated on a theory of justice, which in turn is predicated upon a foundational anthropology. And in this is the rub. "Rights" is a big category in EB. It would be an interesting study to
discern how many anthropologies and moral presuppositions lurk beneath the varied uses of this term even in this work.

Some of the authors in EB are quite mindful of the hazards of rights talk. "The indiscriminate use of the concept of 'right' to solve any and every moral problem" is cited (401). Also, "The proliferation of rights claims results in a weakening of the moral binding power of all rights language by sheer reiteration" (390). The relative newness of reliance on this usage is also mentioned: "It is only within the past three centuries that the emergence and general spread of the notion of rights has taken place" (1512). And yet the largest categorial item in ethics in the Index of EB is Rights. The hazards of rights language in EB and in current ethical, political, and legal discourse merit attentive scrutiny.

First, it is necessary to recognize that the category of rights, as used in contemporary ethics, is an upper-level term reflecting several layers of presupposition, ideology, and theory. In American parlance the term frequently bodies forth a ruggedly individualistic and asocial ideology, a "me vs. you and them" viewpoint. Conversations conducted at the level of one rights claim vs. another are regularly superficial. In the abortion debate, the right-to-life faction and the right-to-choice faction do not even achieve intelligible disagreement. The proclaimed rights do not touch the foundations of the issue. The debate is frequently like that thirteenth-century conversation between the Mongol leader Kuyuk Khan and Pope Innocent IV. Mongol expansion was imperiling the Christian West. The Pope sent a message to the Mongol court demanding that they receive baptism and submit to papal authority. Kuyuk Khan was bewildered. He replied that by the "virtue of God" all realms had been granted to his forces. It was the Pope, said the Khan, who should be submitting. "This, your request," said Kuyuk Khan, "we do not understand!"7

In contemporary terms this altercation might be cast as a contest of rights, but this would indeed be superficial. It was not a tidy issue of who had the right to command whom. World views and religious, cultural, and anthropological assumptions were in contention. Rights talk would scarcely scratch the surface of this encounter.

Similarly, debate on abortion fixated at the level of rights claims (as it is not fixated in EB) is but scratching the surface. Similarly, the right to death with dignity, the right to confidentiality, the right to know, the right to conduct low-risk medical experimentation on children, the right to limit freedom, the right to refuse blood transfusions or to insist on them are all proclamations that must be taken to their foundations. No two are the same nor will the argumentation for any two of them be identical. Implicit in much of rights language is a cryptic intuitionism.

Rights tend to be proclaimed as self-evident truths, and the work of ethics to establish those rights is left undone.

Secondly, rights talk easily leads to a one-rubric ethics. This is well illustrated in constitutional law. There a single right, the right to privacy, for example, becomes the short-cut solution for the most disparate moral problems. Under the privacy rubric, claims are made to a right to abortion, to contraception, to not wearing a helmet while motorcycling, and even to wearing one's hair as one chooses. In each case there is an enormous hidden agenda that is not addressed at all by the proclaimed right to privacy.

Rights language, furthermore, introduces a bias for quantitative moral analysis, as though by a kind of weighing process one right could be seen to supersede another. This bias could at times lead to simplism and to the bypassing of the full methodic enterprise of ethics.

Withal, rights talk is not therefore useless. A proclaimed right encapsulates a principle and often does so with particularly persuasive force. Rights can successfully state the claims of the individual in the face of the collectivity. They can also signal with emphasis new ideals and appreciations, such as the rights of the handicapped to meet their minimal needs, the rights of children to proper representation, and the rights of the aged to sexual expression.

These comments, then, are offered as cautionary in view of the state of discourse in ethics and since *EB* is typically awash with rights talk. The Bioethics article, for example, finds the argument made “thoroughly and convincingly that natural objects (such as trees and streams) have rights to life and health” (123). Lest the inner logic of this, molded onto the juridical bias in American culture, lead to the establishment of Small Claims Courts for Bushes and Brooks, it might be time to cool our affection for rights as a moral factotum. Reverence for trees and streams is good and perilously belated. But it need not be believed that if that reverence is not translated into rights talk, it must perish from the face of the earth. There are other categories for the expression of moral evaluation. In the cause of categorial chastening, it is well to note the view of Chung Sho Lo, a professor of philosophy and former member of the UNESCO Commission, that there is no precise equivalent in Chinese for our word “right.” There is, of course, in China’s traditions an ethics of justice and mercy and gentleness. American ethical and political discourse need not be silenced if our usage of “rights” be duly disciplined and nuanced.

Let these criticisms and cautions not obscure the main import of this review-article. *EB* is a sterling success. It should be on the shelf of all those whose interests or work lead them to moral value considerations.

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Also, a great circle is happily closing in EB. Science changed ethics by changing the sphere of symbols and images in which ethics was done. Rationality, critical thought, the appreciation of the prerogatives and powers of the human mind all were enhanced by science and had an impact on ethics. Now ethics is looking at science and awakening the scientist to the deeper dimensions of science as a human enterprise, conducted by and for humans on this good earth.

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