

May 1991

Letters to the Editor ...

Catholic Physicians' Guild

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Recommended Citation

Catholic Physicians' Guild (1991) "Letters to the Editor ...," *The Linacre Quarterly*: Vol. 58: No. 2, Article 1.
Available at: <http://epublications.marquette.edu/lnq/vol58/iss2/1>

Letters to the Editor . . .

On Ford's Article

To the editor:

The very interesting article in the "Linacre Quarterly" (November 1990) by Rev. Dr. Norman Ford, "When Did I Begin - A Reply to Nicholas Tonti-Filipini" did not appear to treat the relation of ensoulment to personhood in depth. Perhaps it would contribute to our understanding of this relationship if we reviewed the "Declaration on Abortion" issued by the Sacred Congregation for the Doctrine of the Faith, Nov. 18, 1974. Of particular interest is footnote 19:

The present Declaration deliberately leaves untouched the question of the moment when the spiritual soul is infused. The tradition is not unanimous in its answer and authors hold different views; some think animation occurs in the first moment of life, others that it occurs only after implantation. But science really cannot decide the question, since the existence of an immortal soul is not a subject for scientific inquiry; the question is a philosophical one. For two reasons the moral position taken here on abortion does not depend on the answer to that question: 1) even if it is assumed that animation comes at a later point, the life of the fetus is nonetheless incipiently *human* (as the biological sciences make clear); it prepares the way for and requires the infusion of the soul, which will complete the nature received from the parents; 2) if the infusion of the soul at the very first moment is at least *probable* (and the contrary will in fact never be established with certainty), then to take the life of the fetus is at least to run the *risk* of killing a human being who is not merely awaiting but is already in possession of a human soul.

(*The Pope Speaks*, Vol. 19, No. 3 (1975), p. 256)

We believe that Our Lady was preserved from the stain of original sin and from all attraction to personal sin from the instant of her conception. On the occasion of the one hundredth anniversary of her visitation to St. Bernadette, Pope Pius XII stressed in "*Fulgens Corona*" that not a single instant passed between her conception and the gift that made her, in Wordsworth's praise, "our tainted nature's solitary boast." Now, the difference between our mother in heaven and ourselves is not one of nature but one of grace. Would our Father bestow this privilege on cells in the process of cleavage or would He grant it to a person?

F. Denis O'Brien, M.M.

Comment on Article

To the editor:

In the November, 1990 issue of the Linacre there was a fine article by Eugene F. Diamond, M.D. The article was entitled, "Determination of Death" and was published under the auspices of the Linacre Institute. As a preface to the article it was stated that the paper was prepared by Dr. Diamond in "collaboration with those listed at its conclusion". At the conclusion of the article it was stated "The following individuals were asked to review this position paper". My name was one of those listed. It would be accurate to say that I received the paper as presumably did all of the members of the NCFPG Board of Directors, all of whom were given a copy. I was not, however, a "collaborator" in writing the article. I am still undecided on the point as to whether brain death equals death of the individual.

On the one hand I can see that the Lord might be free to remove a soul from a body without waiting for the physician to turn off the ventilator switches, but on the other hand I would feel more comfortable seeing that a patient is clearly dead by traditional criteria (cessation of the cardiopulmonary function) before vital organs are removed for transplantation purposes. The question is whether the

person with apparent brain death is dead vs dying or nearly dead. If the person is in the dying process but not quite dead, I do not think we are free to remove vital organs. Pope John Paul II recently spoke to a conference sponsored by the Pontifical Academy of Sciences and cautioned "there is a real possibility that the life whose continuation is made unsustainable by the removal of a vital organ may be that of a living person, whereas the respect due to human life absolutely prohibits the direct and positive sacrifice of that human being who might be felt to be entitled to preference. Scientists (must determine) the exact moment and indisputable sign of death."

I cannot at this point feel comfortable in saying that seeming brain death alone in a patient with normal sinus rhythm and respiration (albeit sustained by ventilator) and with normal blood pressure and urine output has indisputable evidence of death.

Thank you.

**Michael V. Rock, M.D., FACP, FAGC
Director, Region VIII
National Federation of Catholic
Physicians' Guilds**

Louisiana and the Law

To the editor:

I chuckled when I saw that the November issue of LQ contained both the letter from the late Dr. Heffernan about "compromise . . . does not reflect wisdom, but weakness" and the remarkable analysis by Fr. Maestri about "the legitimate need to compromise", in speaking about the abortion story here in Louisiana and generalizing country wide. My impression is that, Fr. Maestri's wish to the contrary, St. Thomas Aquinas would have sided with Dr. Heffernan.

If St. Thomas really meant that laws were made NOT to be broken, then there would be no law against murder (Fr. Maestri well knows that there is nearly one killing per day in New Orleans, just across the lake from him) or any other crime. Laws are made to define criminals, that they may be appropriately dealt with by Society. And if St. Thomas wished laws to be written to "promote the

common good", what more can be done for the common good than to say "Thou shalt not murder the most innocent and helpless among thee"? This whole aspect of the discussion is less-than-accurately-applied Thomism. On the other hand, the good Father's comments concerning the Louisiana legislature, the Governor, and the Supreme Court deserve some specific attention.

The Louisiana legislature legally defines human life to begin at conception. Therefore, to allow a "less restrictive" abortion statute (i.e., the rape and incest exceptions) is to ask this question of the Court: If a citizen is protected by law from conception generally, then why is he/she legislated against because of an action (i.e., the father's illicit sexual activity) which is not any of his/her fault either directly or indirectly? As states are now enacting husband-rape laws, an absurd result of this would be that the healthy, legitimate child of a legitimately married couple is allowed to be aborted because his/her father forced himself on his wife, while the illegitimate baby of an unmarried, HIV-positive, cocaine-addicted prostitute on welfare is protected by law because his/her mother's sexual adventures were voluntary (assuming it was not a blood relative). Of course, we should not consider the prostitute's infant any less valuable to Almighty God than the other child; the point is made from a societal perspective. More legally compelling is the fact that the baby conceived, say, after aggravated rape would be condemned to death months, or even years, before the alleged rapist even goes to trial. Innocent until proven guilty?

The fact that Governor Buddy Roemer compromised his own principles by vetoing the Louisiana legislature's anti-abortion bill only condemns him personally and publicly. But Fr. Maestri needs to heed the narrow margin by which the veto survived on override. I think it's clear that the elected representatives (yes, this is a democracy) of the people of Louisiana are on the right track. If Fr. Maestri insists, as it appears now the bishops of Louisiana are on the verge of agreeing, that a "weaker" law should be sought so as to save a percentage of the unborn, he should

follow the advice of the late Dr. Heffernan and stick to God's law before making sweeping decisions regarding human law. I ponder Dr. Heffernan's comment about how many Union soldiers, as well as my rebel ancestors, would have lived to a ripe old age had President Lincoln com-

promised his Emancipation Proclamation and allowed "a little" slavery, so that the act may be "enforced without . . . greater lawlessness and civil unrest." Did they all die for nothing? I think not.

**Joseph G. Pastorek II, MD,
FACOG, FACS**

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