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## [Book Review of] *Infanticide and the Value of Life*, edited by Marvin Kohl

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one test, whether clinical or laboratory, suffices" (p. 94). And that medical judgment is best made usually by the patient's attending physician.

The book's second half (ch. 7 and on) concerns ethics itself, its foundations and presuppositions. O'Reilly argues well that bioethics is not a normative science. So where derive its norms? He does not hold for a valid rational ethics apart from the integral vision of man provided by God's Revelation. He critiques (ch. 8) false humanism and faulty ethical systems quite thoroughly. And in outlining true humanism and Christian ethics (ch. 9) he provides an especially clear explanation of the classic "sources of morality" (object-circumstances-end, pp. 129-134) in a chapter that amounts to a blitz review of fundamental moral theology.

The final chapter (10) reviews the authority of the Church in ethics and ethical decisions, particularly authoritative moral teaching post-Vatican II and post-*Humanae Vitae*. In fact, the argument here is more ecclesiological than ethical, but that only fits the post-Vatican II, post-*Humanae Vitae* facts which controversies have been more about the nature of the Church and her teaching than about the pros and cons of specific moral questions.

In summation, O'Reilly succeeds in his first stated purpose — to present the nature of modern science, its method, achievements and limitations. He does this in clearly written, logically coherent and very informative accounts of modern physics and biology.

On ethical theory and its presuppositions, he stresses an objective moral order, ultimately dependent on God, that man can come to know. Given human fallibility, God has given Revelation and the Church as the certain guide for living rightly. In moving from that objective moral order (open to reason) to the need for authoritative Revelation, some Catholic ethicists and moralists might think O'Reilly moves too quickly.

Followers of von Hildebrand will easily follow with O'Reilly, but other Thomists (especially recent ones) will like to see a larger role for "right reason" grounded in St. Thomas's natural law theory.

The book is instructive and it does inform the reader both in scientific information and ethical theory. As at the start, the big questions of "life and death" are treated superbly, as are the nature of modern science, its method and limitations. Several current "hot items" in bioethics are not treated directly, but such specifics can only be considered intelligently when the big basic presuppositions have been defined, delineated and digested. This volume does that first work well.

— Rev. William B. Smith, S.T.D.  
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## *Infanticide and the Value of Life*

Marvin Kohl, Editor

*Prometheus Books, Buffalo, N.Y., 1978.*

As an example of the kinds of arguments offered by those who favor infanticide for some defective newborns, this book is a very useful compendium. It also ought to be very useful to those who deplore infanticide, for in general, the essays are notable only for their lapses in argument, their evasion of central issues and their vague and inapplicable criteria for deciding which infants shall die. The 17

essays are mostly new and represent a spectrum of specialties including religion, medicine, philosophy and the social sciences. While the topics covered center on the moral questions involved, there are papers on the legal issues, on the psychological and anthropological dimensions of the problem, and statements of the Jewish and Christian theological positions involved (Immanuel Jakobovitz on the Jewish position and John Donnelly on the Christian view of suffering). There is also a brief annotated bibliography and an appendix in which law professor Arval Morris offers a proposed infanticide law.

The general position taken by most of the authors may be gauged from a section of Morris's proposed law. In describing which children are "qualified" (a revealing term) for euthanasia under the proposed law, he writes:

Irremedial condition means either (a) a serious physical illness, including serious genetic defects, serious birth defects, or other physical impairment which is diagnosed as severe and incurable and which is expected to cause a child severe distress or pain and to render him incapable of the rational or functional existence needed to enjoy the most minimal amount of human goods necessary to constitute human life in its most minimal sense, or (b) a condition of brain or genetic damage or deterioration such that what would be a child's normal mental or genetic faculties are so severely or irreparably impaired to such an extent that the child has been rendered incapable of leading a rational existence.

This simply will not do. The crucial phrases about "rational or functional existence" are never defined, either here or in Morris's longer paper. What they might mean in practice is left to arbitrary guesswork or probably sheer prejudice against the retarded. Unfortunately this is representative of far too many of the essays in the book. We are constantly told of individuals who are "incapable of a rational existence," of those with a "meaningless existence," of "vegetables," or of lives that are "bad on the whole." The vagueness of such concepts is obvious. Their uselessness as guides to practice is even more apparent. Yet, they continue to appear throughout the essays with a relentlessness as astonishing as it is deplorable. Finally Anthony Shaw comes clean on the issue: there is no such standard on which we can find agreement, yet we still must go on doing what is done today — infanticide in selected cases — for reasons that are never given. This is about as persuasive as a proposal to continue with racial prejudice.

These are intelligent authors, mainly philosophers, whose discipline has generally prided itself as being a bastion of conceptual rigor and analytic precision. But the conceptual apparatus above is hopelessly vague and weak. Consider, for example, Marvin Kohl's argument in which he claims that: "A span of life becomes devoid of meaning roughly when, or to the extent to which, an individual cannot possess goals or when, if he can and does have goals, he believes they are trivial or impossible to achieve." As a matter of policy this definition of the "meaningless life" is unacceptable. If he means to claim that any goal, no matter how small, is adequate to give life meaning, then there will be virtually no infants in the "meaningless life" category. Even the most severely defective children can pursue certain aims, especially under the guidance of wise therapists and/or parents.

If on the other hand he means either a) that one must consciously possess goals one knows one has, or b) that the goals must not be as minimal as implied above, then he has offered us a very disturbing and morally offensive description of the lives of hundreds of thousands of profoundly and severely retarded persons. Kohl's point, however, is obvious: ending meaningless lives is a morally right act. But on the further question, "Are we obligated to do this?" he hedges, undoubtedly aware that he is on the edge of a genocide program. The hedge is ineffective. He claims that while one may abhor something, e.g., ugliness, one is not thereby free to destroy all ugly things. Why not? Presumably either because they have

some other valuable qualities or because someone else subjectively values them. The latter alternative would rule out all infanticide and Kohl cannot be supposed to have intended this result. We are left, therefore, with the former alternative.

Unfortunately, this is not much help either. In order to rule out genocide we would need to know what these overriding qualities are and why some infants have them and others don't. These are questions that Kohl steadfastly refuses to answer. In fact, I think that it would be very difficult for him to do so. He has already maintained that these "individuals" have completely "meaningless" lives and that ending such lives is a morally right act (at least *prima facie*). If a person really does have such a life, would it not be a paradigm of cruelty to inflict continued existence on him? I fail to see any reason not to conclude that except in a very few cases (which remain unspecified anyway), all of these lives ought to be ended. The fact is that Kohl has given a case for the mass elimination of tens of thousands of infants and children and he has not succeeded in separating himself from the logic of his argument.

Richard Brandt's essay is not better than Kohl's. He contents himself with asserting that we might establish a happiness curve for individuals centered around an "indifference axis." The curve would go above the axis for a moment of happiness and below it for a moment of unhappiness. On this basis he believes we could decide when some lives are "bad on the whole." For such infants killing them is morally acceptable. Typically, he never gives us any clear idea of how we could decide where to place any given moment on the curve. Even without such criteria, the proposal is contradictory on its face.

Brandt argues that the neonate does not have any wants, desires or experiences that are the basis for the concept of consent. He cannot care about life since he knows nothing of it. Grant this and the judgment of his "happiness curve" becomes the worst example of arbitrary paternalism. We decide not that he will think his life bad (we have no way of knowing what he will think) but rather, that we believe his life will be bad. Why? Simply because we would not want it ourselves? I cannot see any other alternative on Brandt's own grounds. For example, he writes: "There are also some positive enjoyments: of eating, drinking, elimination, seeing the nurse coming with food and so on. But the brief enjoyments can hardly balance the long stretches of boredom, discomfort or even pain. On the whole, the lives of such children are bad according to the happiness criterion." Severely abnormal children are hardly ever in pain for long periods so as a description of those he wishes to kill, this will not do. Discomfort and boredom are no better. Brandt surely finds boredom unpleasant and believes that the life of the defective child will be boring for long periods. Boring for Brandt — yes. Boring for the child — probably not. At the very least, on Brandt's own grounds we have no way to say whether the infant's life will be boring and to assert that it only betrays a prejudice against severely defective infants and children. In the end Brandt gives us little more than a vicious circle in which to find the missing answers in his paper. The lives in question are bad because he believes they are bad, a simple and totally unconvincing claim.

These essays are unfortunately representative of the positions taken by many of those in the book. They all speak in large and abstract terms with no attention to precise criteria or to the logical application of what they do say to clinical practice. But the logic of what we are told is clear: there would be nothing wrong with the mass elimination of several hundred thousand profoundly or severely retarded persons.

This criticism is not true of some of the papers. A few remain at the level of purely theoretical questions, some are largely descriptive, and still others dispute the permissibility of infanticide. In the first category Stephen Nathanson offers an intriguing paper, "Nihilism, Reason and the Value of Life," which is more an essay on nihilism than anything else. It is interesting but somewhat unrelated to

the more practical concerns of the book. In the second category are papers on the psychology of infanticide and an anthropological survey of the question in other cultures. In the third category, five papers may be said to dispute the ethics on infanticide but only one of these really goes to the heart of the matter in a philosophically acceptable manner. The essays of Jakobovitz and Donnelly really discuss the views of the Jewish and Christian traditions respectively and so will be unacceptable to those who do not share their religious premises. Leonard Weber makes a case for keeping the law the way it is on these matters, but the theoretical side of his essay is rather weak and undeveloped. Karen Meltzer's essay is important symbolically but is not in itself the rigorous work needed to defend her position. She is a young woman who was born with spina bifida and other problems. Having undergone numerous operations, she has since graduated magna cum laude from college and now works as a health care consultant.

Kluge's paper is the only critical piece that really develops a philosophically adequate position. Straightforwardly, he contends that infanticide is murder and ought to be treated as such, independently of the supposed quality of life of the infant. This conclusion, however, is marred by his seeming willingness to countenance some instances of infanticide, without again giving us any clear idea of which cases these might be.

Yet this question, which most authors simply don't handle and others handle badly, is crucial from both a practical and a theoretical standpoint. Its practical importance is obvious, but except for writers like Joseph Fletcher who disdain moral rules, its theoretical importance ought to be obvious as well. As Brandt himself has previously argued, we must evaluate moral rules in terms of their consistency and their capability to generate acceptable conclusions if they are generalized to all similar cases. Hence, the only proper way to evaluate proposals for infanticide would be to see where they would lead to if generalized. Few of the authors in this book, however, even try to answer this query. Those who do, present us with proposals that would, if generalized, lead to the mass elimination of severely retarded persons. If this is not an unacceptable conclusion to a moral policy proposal, then I simply do not know what such an unacceptable proposal would be.

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## *Whatever Happened to the Human Race?*

Francis A. Schaeffer and C. Everett Koop, M.D.

*Fleming H. Revell Co., Old Tappan, N.J., 1979, 256 pp.*

*Whatever Happened to the Human Race?* is not a profound book, but it is interesting on several counts. Francis Schaeffer is an evangelical Protestant author who has formed a Christian community in L'Abri, Switzerland and gathered an appreciable worldwide following. He is not a particularly deep or innovative thinker, but he is capable of popularizing the thought of others. Schaeffer has teamed up with a pediatric surgeon, C. Everett Koop, to produce a popular polemic against the growing practices of abortion, infanticide and euthanasia.