

2-1-1982

[Book Review of] *New Technologies of Birth and Death - Medical, Legal, and Moral Dimensions*

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Recommended Citation

Lawler, Ronald D. (1982) "[Book Review of] *New Technologies of Birth and Death - Medical, Legal, and Moral Dimensions*," *The Linacre Quarterly*: Vol. 49: No. 1, Article 12.

Available at: <http://epublications.marquette.edu/lnq/vol49/iss1/12>

The Psychosurgery Debate: Scientific, Legal, and Ethical Perspectives

Elliot S. Valenstein, Ph.D., Editor

W. H. Freeman & Co., San Francisco, 1980, xiv + 594 pp.

In the preface to this volume, Dr. Valenstein set for himself an impressive task:

Because it seemed to me that there was an inadequate amount of source material available for courses in biomedical ethics, I decided to take one intensely disputed controversy, the psychosurgery debate, and to explore in depth the scientific, legal, ethical, and social issues raised by this dispute.

For the most part this task has been accomplished with admirable clarity, balance, and good sense. As such, it serves as a remarkable benchmark in a burgeoning biomedical literature. The contributors address their separate areas with well-organized and referenced precision from a historical perspective to a careful analysis of the present literature to an entry into the debate over what is a psychiatric disorder. Legal issues are dealt with in a much more lucid manner than is usually the case and terminology clarified in a fashion that makes one see the polemic in which certain words are often used: for example, the editor suggests that "the label 'experimental' be reserved for studies involving the systematic collection of research data, irrespective of the general acceptance of the therapeutic procedures employed." Refreshingly, the doctrine of informed consent is addressed by a professor of law who holds a co-equal appointment in the department of psychiatry at his university. It is evident that he knows what the real world is all about.

If the volume has any failings, sadly it is in the part which deals with ethical issues. Here logic and well-referenced conclusions give way to opinion and evident bias. One would have wished that the authors of the chapters in this part had read the rest of the book before stating their case.

Anyone with a serious interest in the psychosurgery debate cannot claim such a posture legitimately without owning this book. Psychiatrists, neurosurgeons and neurologists would do well to be familiar with it. Scholars seriously interested in any bioethical question can learn much from the model presented by this volume.

— Michael P. McQuillen, M.D.
Medical College of Wisconsin

New Technologies of Birth and Death— Medical, Legal, and Moral Dimensions

Pope John Center, St. Louis, 1980, xv + 196 pp., \$6.95, paperback.

This book contains the papers given at a workshop held in Dallas, Tex. from January 28-31, 1980. An extrinsic factor of great importance is that a majority of the bishops of the United States and Canada attended this workshop. There is

some importance in noting who speaks to the hierarchy of America, and the content of papers addressed to such an audience.

The papers cover a wide range of questions. The first section of the book treats new forms of originating human life and recent developments in family planning and abortion. The second section touches problems related to the time of death and/or associated with euthanasia and the prolongation of life. Scientists, moralists, and lawyers present various aspects of all the problems treated.

In an introductory paper, Father Albert Moraczewski speaks of man's duty to rule the world and of the general legitimacy of putting technology at the service of man in questions of birth and death. He surveys some of the questions which the new technologies create; but in a special way he addresses a major difficulty that the Catholic community has had in facing new moral issues.

The great difficulty is that Catholic moralists have been disastrously divided on the most basic questions of principle. Both on the questions of authority or faith (what is normative in Catholic teaching in moral questions?) and in basic substantial principles (should we be consequentialists, or preserve the nuanced doctrine of absolutes traditional in the Church?) there is a sharp division. No reputable moralist before 1960 pretended that there could be a truly probable opinion, one that could conscientiously be followed, contrary to the firm judgment of the Holy See. The insistent judgment of the Holy See, defending Catholic teaching, was to be accepted. Vatican II firmly restates this, even in instances where infallibility is not in question (LG35). Similarly, Vatican II speaks in terms of traditional absolutes in condemning unqualifiedly certain base kinds of actions (see, e.g., GS27). But today many Catholic moralists seem to encourage Catholics to do deeds which the authentic magisterium declares to be gravely sinful. In the sharp tension such scandalous discord creates, the community of moralists has been discouraged from creative work on new problems; it has been too unsettled in even its most basic principles.

Father Moraczewski holds that we should presume that dissenters are "persons of good-will" unless we have special reasons in an individual case to judge otherwise. But I think our view should be far more nuanced than that. It is true that we must avoid rash personal judgment, and we should treat individuals with whom we deal personally with sincere courtesy and with the same respect we seek from them, in spite of our own real flaws. In judging whether there is bad faith in dissent from Church teaching (without precisely applying it to this or that individual), we should first accept the Catholic teaching that dissenting Catholic scholars have an objective duty not to be dissenting. True, they could be in invincible ignorance of that duty. We are not their judges, but we should not canonize a whole dissent movement, either. All Christian scholars have the difficult task of teaching doctrines which confront the presuppositions and deeply felt desires of many hearers, to teach positions which many would like not to hear. Everyone knows how easy it is to fall into bad faith in complex situations like this. If some of our associates should be in bad faith, we would be doing them a very great disservice to insist that dissenters generally are in good faith; this might prevent them from having the sort of conversion that would really be necessary for them, and beneficial to the Church.

Father Benedict Ashley gives an intelligent defense of many sound positions in his "pro-life evangelization." He virtually always comes to the conclusions which the magisterium proposes in disputed cases, but he has a way of making the position of dissenters seem more sophisticated and defensible than they are, and at times to make those who (with him) defend with the magisterial positions, seem naive. For example, he points out that bishops are seeking to support the "mass of Christians in a traditional faith" (p. 84) (which, everything suggests, Father Ashley holds to be quite true), while "the theologians are more concerned to reach the number of Christians who speak only a secular language, as well as to

open the faith to non-Christians." Inevitably, he says, this creates confrontation between the bishops and scholars. But why should it? His implication is that the bishops don't quite understand precisely what the theologians are doing simply because they speak in a language which seems so opposed to that of the bishops. It would seem to me that the bishops know very well what these theologians whom they must confront are doing. The problem is that some of the scholars who are seeking to speak to dissident Catholics and non-Christians are not only adopting the language of those outside (even firmly orthodox scholars very commonly do that), but are also adopting philosophical presuppositions of the alien language (instead of correcting them.) And having adopted a philosophy that is to some extent alien to Catholic teaching (not *qua* philosophy but *qua* that part of the content of faith that happens to be naturally knowable), they contradict the pastoral teaching of the Church. But, it is *not* a responsible form of Catholic scholarship for one to assume a philosophical stance which contradicts aspects of faith, and to draw from that philosophical stance the conclusion that part of the received teaching is false.

Both Moraczewski and Ashley imply that the format of the workshop itself was not very helpful. At this meeting only those judged to be in harmony with Catholic teaching were selected to present to the bishops nuanced accounts of the difficult questions of the day. I believe that these people did truthfully and intelligently present the positions of dissenters. But Moraczewski and Ashley hold that in the current impasse, it would be better if bishops were to call in dissenters as well as scholars affirming Catholic positions. Since there is the mass of current dissent in the Church and repetition of magisterial teaching will not stop it, we should resort to debate among scholars in contexts established by the bishops to resolve the issues.

I think that a fundamental misunderstanding is present here. I am not opposed to such debate, and I would share with Ashley the conviction that the arguments of those defending received teaching are far better than the arguments of dissenters. But I share none of his sanguine hope that theoretical debates between those who do and do not accept magisterial decision will, in fact, come to harmonious conclusions. St. Thomas pointed out that the very reason why revelation is necessary for difficult moral questions (though some wise men could admittedly come to entirely certain and correct answers by natural reasoning) is that natural reasoning does not lead the whole community to agreed positions in important matters in which the Christian community is required to live worthily in its calling. Too many human passions and weaknesses impede our rationality in such questions, until we are healed by faith. Only the teaching of the Church is able to provide the cultural unity that philosophical debate has never really been able to provide (see *Summa Theologica*, I-II, 91, 4c., "Secondly . . .").

One might argue that this is a counsel of despair. If the magisterium does not create unity in the Church by its teaching, and rational argumentation cannot create unity, are we destined to eternal conflict on the most basic of moral positions? Certainly not. I believe the problem is not that the magisterial teaching office has been vigorously exercised in our age and found wanting. Rather, witnessing to the faith in unequivocal, courageous and generous ways has been found extremely difficult, and not exercised very unambiguously. Within the family of faith the first need is to have this witnessing more unequivocal than it has been, not to so encourage the whole movement of dissent as to make that witnessing even more ambiguous. Christian philosophers should, of course, not lazily rely on appeals to authority, but get at the intrinsic grounds for their positions. But if the family of faith is to be bound together in unity, it will not be the work of the philosophers as such, but grace-affected teaching of the witnesses to faith which will be decisive in restoring the longed-for unity.

The book has a number of excellent papers. In his "Reverencing Human Life in

Its Generation," William E. May gets to the deepest roots of the questions involved in laboratory generation of human life, and shows why it is morally inappropriate to initiate human life by any act other than marital acts of intercourse. His treatment of conception and abortion in this concise but intelligent article reveals a clear awareness of the mindset that leads many moralists to hold such acts sometimes suitable and also his awareness of the reasons why this mindset is itself false to Christian principles.

Very valuable also are Dr. Thomas Hilgers's study of "The New Technologies of Birth," John Noonan's "Is Abortion a Private Choice?" and four brief studies of Father Thomas O'Donnell on a variety of "death issues." In his article on "Introduction to Prolonging Life Issues," Father Donald McCarthy persuasively argues against misleading uses of the term "passive euthanasia." But, even after acknowledging that one can kill by omission (e.g., starving to death a defective child), he strangely insists that the "simple word 'euthanasia' already means active killing" (p. 142). This hardly belongs in a paragraph calling for linguistic precision.

The St. John Center has produced in this volume a useful study of difficult new questions. Its leaders are to be encouraged in their resolve to unite full adherence to Catholic teaching with a rigorous rational reflection in treating bioethical questions.

— Ronald D. Lawler, O.F.M. Cap.
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The Emergence of Roman Catholic Medical Ethics in North America

David F. Kelly

Mellen Press, New York, 1979, vi + 520 pp., \$29.95 (paperback).

David Kelly, a priest of the diocese of Worcester, Mass., and a teacher of moral theology, traces the history of Catholic medical ethics in the United States. He introduces the subject with a brief history of moral theology during the Christian era and of pastoral medicine from the 18th century. He divides this history into two periods, the first running from about the beginning of the 20th century to 1940 and the second from 1940-1960. The chief interest of the author is in the methodologies of the authors who wrote during these periods.

While recognizing that fast lines can hardly be drawn, he finds the approach of the authors of the first period predominantly *physicalist*. In the second period *physicalism* gives way to *ecclesiastical positivism*. After Vatican II *personalism* becomes the prevailing methodology.

Those who lived through the period the author covers and who respected the pioneering work of the authors of the time may consider Kelly's account something of a "putdown." In discussing their methodologies the language the author uses is more accusative than descriptive. Objective (*ex objecto*) morality becomes *physicalism*; accepting Church moral teaching becomes *ecclesiastical positivism*. Had he remained in the same accusatory mood, the author might have reduced the *personalism* of post-Vatican II to *individualism*, but he was evidently better disposed toward a personalistic methodology.