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30. This is explicitly called for by the President's Commission, ibid., p. 227, 228.

31. "When there is no therapy that can benefit an infant, as in inoperable or certain severe cardiac deformities, a decision by surrogates [parents or guardians] and providers not to try predictably futile endeavors is ethically and legally justifiable," President's Commission, ibid., p. 219.


33. In re Quinlan, op. cit.


37. See the national conference being presented all over the country on various dates by experts in the field: "Institutional Ethics Committees: Their Role in Medical Decision Making," April 21-23, Washington, D.C. as reported to "Are Ethics Committees Alive and Well?" by J. Randal, Hastings Center Report, vol. 13 (Dec., 1983), pp. 10-12.

38. Randal in her article cites the study of S. Younger from Case-Western Reserve Medical School who examined larger medical facilities, excluding freestanding psychiatric and rehabilitation institutions. The study showed that less than 1% of these facilities had any ethics committees. Hastings Center Report, ibid., p. 11.

BOOK REVIEWS

Moral Clarity in the Nuclear Age

Michael Novak


The present booklet is a collection of articles on nuclear warfare by Michael Novak, most of which were previously published in various journals. The title is borrowed from the most important article in the booklet, which takes the form of a letter from Catholic clergy and laity on nuclear warfare. Although written by Novak, it was signed by more than a hundred Catholic clergy and laymen. The letter was motivated by concern about the earlier drafts of the recent American bishops' statement on war and peace. Although the final draft of the bishops' statement took a position not too distant from that found in the letter, it is helpful to see the approach of the letter to the problem.

While the letter recognizes the unique problem raised by the discovery of nuclear weapons, it also calls attention to the fact that this is not the first time Christians have confronted the apocalyptic question. It is also reluctant to look at the whole issue in terms of the worst possible scenario. So it is more hesitant, then, about the condemnation of any use of nuclear weapons than the bishops' statement seemed to be. The bishops expressed themselves highly skeptical about any use of nuclear weapons.

Equal concern was shown in the Novak letter for the threat that comes from the Marxist camp and the danger of blackmail arising from any display of weakness.

On the issue of deterrence, the letter takes a stronger position than the bishops. Again, the fears of the bishops are more on the side of the arms race, and the dangers inherent in it. The letter focuses more on the risks involved in weakening one's deterrence capabilities. Although aware of these risks, I would have to differ with the letter on the question of intention in reference to deterrence. While not allowing actual use, the letter considers the intention to use such weapons a necessary element of deterrence. This goes contrary to the whole Christian tradition in which sin begins in the intention.

There must obviously be some intention behind the possession of nuclear weapons. Otherwise, they would not even exist. The intention may and must go as far as use for deterrence. In fact, it may even go so far as actual use within moral limits. But even if one were to hold that no actual use could be moral, and therefore would allow no intention of actual use, I do not see how this would inhibit or weaken deterrence. In other words, I do not see why the intention of actual use should be considered necessary for the effectiveness of a deterrent. Since intention is strictly internal, it is hard to see how it can have any external impact in itself. The threat comes from actual possession of the weapons. As long as a country possesses such weapons, the enemy country will feel a threat. This will remain true even if a country insists it has no intention of using such weapons. But it must be admitted that Novak becomes a little ambiguous about the kind of intention about which he is speaking.

In the second article, Novak views the confrontation between the United States and the Soviet Union as it appears to Europeans. After World War II until fairly
recent times, the United States covered Europe with an extremely effective defensive umbrella. Since 1972, however, the Soviet military buildup of conventional and both strategic and theatre nuclear weapons has rendered this umbrella largely ineffective. The resulting insecurity and terror have caused a variety of reactions among Europeans, not all of which are healthy. Novak's concern is that this fear and terror may lead to unfortunate compromises or capitulation.

The third chapter is devoted to the statement of the American bishops, Novak judges, and with good reason, that the final draft was far superior to the last two drafts. He attributes this largely to the meeting held in Rome in January 1983 between the drafters of the American bishops' statement and the presidents of some of the European conferences. To his satisfaction, he found that the final draft was much closer to the position taken in Moral Clarity in the Nuclear Age, and therefore was more acceptable.

In the final chapter, Novak reveals a certain skepticism about the possibility of just negotiations with the Soviets. Given their proclivities, their potential and consequent intentions, he sees a certain naivete in the expectations of some of the European conferences. To his satisfaction, he found that the final draft was much closer to the position taken in Moral Clarity in the Nuclear Age, and therefore was more acceptable.

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agnostic and Manichean in origin, for it regards the procreative meaning of genital sex as a mere material given, something purely biological, subhuman and ab-personal in nature, while regarding the relational aspect of genital sexuality as uniquely personal and human significance. It was precisely to oppose this debasing view of sexuality — in which women are thought to be goddesses whereas men provide males with the “foundational value” of sexual pleasure and a judgment otherwise high-grade domestic chattel — that the biblical understanding of sexuality as integrally unitive and procreative (cf. Genesis 1 and 2) was developed. (On this, see John L. McKenzie, The Two-Edged Sword, chapter on “God of the Semites.”)

Harrison completely ignores the fact that the Christian tradition on sexuality, rooted in this biblical vision, consistently has sought to hold both males and females to the same moral norms and consistently has taught that only by fostering the virtue of chastity can human persons, whether male or female, make committed love possible.

In her feminist revision of Christian history on abortion, Harrison makes John T. Noonan the scapegoat. In her judgment, Noonan fails in his efforts, both in his lengthy book on contraception and in his various studies on abortion, to show that this tradition rejected abortion on the grounds that it constituted an attack on the value of unborn human life. Her own position, as noted already, is that the major reason why Christian tradition rejected abortion was the sexism of the males who exercised power within Christendom. In my view, a calm reading of Noonan, John Connelly, and others on this subject suffices to refute the weakly argued and flimsily documented case which Harrison advances. But in my mind, what is quite ironic about Harrison’s study is her unquestonned acceptance of Noonan’s questionable claim that Christian theologians, until the very recent past (with the exception of such oddballs as Martin Le Maistre in the 15th century), unanimously required procreative intent for marital intercourse to be fully legitimate. On this issue, as studies by Favian Parmisano (cf. his “Love and Marriage in the Middle Ages,” New Blackfriars, 1969) and Germain Grisez (cf. his “Marriage: Reflections Based on St. Thomas Aquinas and Vatican Council II,” Catholic Mind, July, 1965) have made clear, it has long been recognized by Christian theologians that there are nonprocreative purposes to the marital act and that it is indeed a way for spouses to communicate a “singular kind of love.” Had Harrison’s research carried her beyond Noonan and others (like Sherwin Derrick Bailey) who caricature the Christian tradition on sexuality to original sources, she would have learned not only that long before modern times this tradition recognized the value of conjugal love, but also that it supports the claims of Noonan, Connelly, and others on the value of human life in utero.

Although she claims that the “conceptus” cannot even be regarded as “actually alive,” Harrison does admit that as it develops, the fetus clearly is a “form of human life” and is indeed biologically an individual member of the human species. Yet, like Michael Tooley and others, she drives a sharp wedge between a living member of the human species and being a person. In her opinion, unborn human beings, newborns and others — perhaps those in iron lungs (cf. p. 217, where a capacity to breathe in a self-initiated way is included among her criteria for personhood — are not persons because they do not meet her criteria for personhood. Since person is a philosophical notion and since different philosophical concepts of person abound, she is free to adopt whatever concept she may wish (I accept that of Boethus, according to which a person is an individual substance of an intelligent nature, and according to which living members of the human species, including unborn human beings, are persons). But she is not, I submit, free to impose her notion of personhood on fellow members of the human species and deny to those members of the human species whom she regards as nonpersons the protection of the law of homicide which protects her and those members of the human species she generously includes within her concept of person. Her own philosophical notion of person, in which a consciously experiencing “I” is crucial, fits in well with the Manichean dualism undergirding her sexual ideology. What she fails to consider is the argument that membership in the human species is itself of critical moral significance and is so because the human animal differs radically in kind from other animals (on this see Mortimer Adler’s The Difference of Man and the Difference It Makes). Her failure to consider this fatally flays her chapter on the value of fetal life.

Our Right to Choose is, in essence, a very arrogant book. Its credibility is indicated, I think, by Harrison’s claim, already noted, that Roe v. Wade clearly allows legislatures to put the interests of the “fetus” above those of the woman in her third trimester of pregnancy. Harrison, of course, simply fails to notify her readers that Roe v. Wade includes a very generous “unlessoned” clause in its holding that the state might, because of its interest in the “potential life” of the viable fetus, entirely proscribe abortions. The unlesson held that such proscriptions could be overridden should this be necessary in order to protect the life or health (including the psychological and emotional health) of the woman. Since Harrison chose to conceal from her readers this generous “unlessoned” clause in Roe v. Wade, she chose to falsify its significance. Her choice here is indicative of the strategy followed in her arrogant volume. I submit that the “new ethic of abortion” she advocates, accurately summarized at the beginning of this review, is sufficient to enable morally sensitive readers to realize that her “new ethic” is the ethic of Alice in Wonderland and of Orwell’s 1984, for her new ethic would coerce persons opposed to abortion not only to fund them but also, should they be nurses or doctors, actively to participate in them against their own consciences.

—William E. May
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The Death Decision: Eight Experts Address the Legal and Ethical Issues Emerging on the Frontier of Today’s New Biology

Leonard J. Nelson, Editor


Even 25 years ago, the Judeo-Christian ethic seemed the unshakable foundation for moral decision-making in medicine. Today, as everyone knows, that ethic is rather badly on the defensive. Having lost its dominant position, it now finds itself an often unheeded and even despised minority view. Nowhere is this fact clearer than in the sanctity-of-life issues of abortion and euthanasia.

It is, therefore, heartening to encounter scholarship seeking to renew and apply the Judeo-Christian tradition on precisely these issues. The Death Decision (however clumsy the title) represents just such scholarship, assembling eight essays by such luminaries as John T. Noonan, Jr. of Berkeley and George Hunterton Williams

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of Harvard, as well as by other scholars of lesser reknown seeking to recoup the Judeo-Christian tradition for use in contemporary bioethics. The writers span an ecumenical range: Catholics, mainline Protestants, and Evangelicals are represented. All the writers are, however, avowed Christians.

The essays were originally presented as papers at the O. W. Coburn School of Law's annual Christianity and Law Seminar, held November 11-13, 1980. The O. W. Coburn School of Law is a new law school under the auspices of Oral Roberts University in Oklahoma City. The law school's expressly sectarian character aroused a controversy at the time the school was accredited by the American Bar Association several years ago. The present volume indicates that the school is, in fact, capable of sponsoring work of serious academic character and of offering an ecumenical approach, at least among Christian churches.

The primary value of this volume is, not surprisingly, to be found in its distinctly Christian perspective—a needed complement to secular debates in which Christians may or may not participate, but through which Christians can hardly be expected to renew the sources of their own moral identity. Nonchristians cannot object to, and may even benefit from, attempts at renewed Christian understanding such as the present one.

Several of the authors seek to develop Christian moral identity from important traditional sources. John Noonan, for example, looks to history to identify the fundamental values Christians always and everywhere have seen as at stake in human reproduction. John A. Eidsmo explores the biblical view of the moral status of the fetus. Peter Riga examines the Christian ethos of death. Finally, George Huntston Williams (a Protestant!) attempts to show how the natural law can provide a framework for reaching and communicating Judeo-Christian ethical norms within a secular society. Together, these essays offer a thoughtful basis toward consolidating an authentically Christian ethical perspective.

Several writers are concerned with the problem of the erosion of Judeo-Christian principles evident among the Christian bodies, during the past decade-and-a-half. In a very useful survey, Leonard J. Nelson III, for example, documents that some denominational groups support what is, or looks very much like, abortion on demand. He cites the United Methodist Church, Lutheran Church of America, Presbyterian Church in the United States, United Presbyterian Church, United Church of Christ, American Union of Hebrew Congregations, American Baptist Churches in the U.S.A., and the Protestant Episcopal Church in the United States. Apparently, it is now naive to assume that every institutional structure inherited by Christians remains a vehicle for values of our Judeo-Christian heritage. There is a corresponding call in several essays for new institutional structures in the form of Christian medical schools and ethics institutes, which can preserve and communicate Christian values in an authentic manner.

Based on their consideration of traditional Christian sources, the authors address various pressing bioethics problems of the day. Abortion-on-demand is viewed by nearly all the authors as our society's most serious moral problem. Unfortunately, none of the writers is optimistic that meaningful legal restrictions can be reintroduced in this area in the near future. In his essay, Charles Rice notes that advancing technology may be moving abortion into a literally "private" area beyond the scope of legal control. The widely-publicized anti-progesterone named RU-486 has the potential for making surgical abortions unnecessary. In the foreseeable future, most abortions will be by pill, injection, or other method which can be self-administered.

In Rice's view, the contemporary medical and legal dynamic may actually cause further deterioration, rather than the improvement some have hoped for, in the legally-recognized rights of the weak and unborn. Rice fears that mere elective abortion may be giving way to compulsory abortion for certain pregnancies. The threat of malpractice and wrongful birth suits is pressuring physicians to counsel the possibility of abortion and even to exert pressure on the patient to undergo abortion. Rice hypothesizes that parents may themselves soon become directly subject to the legal pressure to abort certain pregnancies. Such direct legal pressure will result if and when wrongful birth suits are recognized against the parent. Professor Rice urges concerted action to remove such legal pressures from doctors and to prevent their application to parents, in order to prevent further erosion of human rights in this area.

Euthanasia forms the second major area of concern after abortion for these authors. Peter Riga deals with the treatment of defective newborns, which now may include the withholding of ordinary food and water. Walter Probert explores the moral requirements of treating incompetent adults. Both Riga and Probert are concerned that due process and equal protection guarantees be extended to the individuals they are considering.

Harold O. J. Brown is concerned with clarifying slippery euthanasia language that could confuse the public into sanctioning morally unacceptable practices. Brown's point is that "passive" euthanasia (withholding treatment) is only permissible if the intent is to spare the patient pain. It is impermissible if the intent is to kill the patient.

George Huntston Williams steps back from the particular problems of abortion and euthanasia to consider globally what a renewed Hippocratic ethic for the medical profession should look like. He establishes seven middle axioms which would allow doctors to arrive at concrete moral norms. Williams's middle axioms are thought-provoking and deserve attention. Since he is a church historian, however, it is not surprising that the moral reasoning which he develops in support of his system is not as clear as might be wished by an ethicist.

The authors in this volume present a number of solutions to the problems they raise. Invariably these solutions stress the need for sensitive cooperation between the medical profession and the legal system. This cooperation is seen as having for its goal respect for professional medical judgment, respect for the rights of the individual patient, and respect for the ethical norms which must originate outside of medicine.

While this volume will be of lively interest to anyone concerned with contemporary public policy problems of law and medicine, particularly those espousing Judeo-Christian values, the book is not without its limitations. First, because it is aimed at a mixed audience drawn from various professions, it lacks the tight argumentation and solid references which would satisfy the scholar in any given area, whether law, medicine, or ethics.

The authors, moreover, employ diverse ethical methodologies which may well be compatible, but which are not explicitly justified or harmonized with each other. This is relevant insofar as the volume attempts to contribute to a meaningful ethical consensus. A particularly nagging flaw is the authors' seeming inability to mediate effectively between the data from Christian sources which they marshal and the concrete ethical analysis they undertake on contemporary problems. Noonan, Eidsmoe, and Riga's essays are all unfortunately marked by a nearly complete caesura between theological discussion and ethical analysis. Professor Williams erroneously identifies Dr. Edmund Pellegrino, a married Catholic layman, as a member of the Society of Jesus.

On the whole, however, The Death Decision is a welcome addition to the discussion of public policy in the area of law and medicine. It will be particularly useful to the educated layman seeking to elaborate responsible Christian positions on the questions of abortion and euthanasia.

—William Joseph Wagner
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Challenge to Love –
Gay and Lesbian Catholics in the Church

Robert Nugent, Editor

Crossroad, New York, 1983, xiv + 290 pp., $10.95 (paper).

The essays in this volume discuss issues of homosexuality from multiple perspectives: societal, biblical, theological, pastoral, and vocational (vis-à-vis marriage, religious life, and priesthood). Since, in a brief review, it is impossible to evaluate all the contributions, I shall note the general themes of the authors. Some stress the homosexual way of life as an alternative lifestyle, not only as an orientation, but as a form of behavior morally good so long as it involves commitment to one person. Those disagreeing are called homophbic, i.e., "irrationally" afraid of homosexuals. Others attack the traditional and official teaching of the Church on homosexual activity in various ways. Explicit scriptural condemnations of homosexual activity in Leviticus and Romans are said to not really apply to the contemporary understanding of such activity. The sacred writers did not understand the condition of homosexuality, and they were really condemning heterosexuals performing such acts. Arguments which regard homosexual acts as unnatural are dismissed as not in accord with current psychiatric insights affirming homosexual orientation and activity as psychologically healthy.

Edward Malloy, however, argues for the traditional magisterial position. He stresses that "homosexual genital activity can be said to be unnatural" because "it is unable to embody the procreative dimension of the committed sexual relationship" (p. 110). Unfortunately, while noting the difficulty which homosexuals experience in maintaining a faithful relationship, Malloy leaves the door open for the moral acceptance of "faithful" unions involving homosexual activity by not stressing that such are morally wrong (p. 119).

Margaret Farley's attempt to justify same-sex relations is based upon a denial of the truth asserted in Humanae Vitae that the unitive and procreative dimensions of human genital love are always essentially interrelated. Arguing that the tradition does not place an absolute ban on homosexual genital relationships, Farley seeks to establish the moral goodness of committed homosexual relationships upon the norms of justice. These include "respect for persons through respect for autonomy and relationality; respect for relationality through requirements of mutuality, equality, commitment and fruitfulness" (p. 105). Having abandoned the norm consistently taught by the Church for centuries, Farley had to find other norms which, however, are necessarily vague, whether applied to heterosexual or homosexual relations. She herself implies as much.

In her endeavor to develop a moral methodology based upon all the disciplines, Lisa Cahill gives decisive weight to the data of empirical sciences, thereby subordinating magisterial teaching rooted in scripture and tradition. A similar bias in favor of empirical studies permeates the pastoral perspectives, which are defective also in that they do not give serious attention to empirical studies challenging their idealization of homosexual love. Here one finds not balanced scholarship but advocacy for a homosexual lifestyle. Homosexuals must not be deprived of their right to genital expression in "loving" relationships.

Bruce Williams, however, takes exception to this trend by affirming traditional principles; nonetheless, he proposes an argument by which homosexuals who believe that their genital expression in a steady relationship is good may receive the Eucharist. Williams uses good-faith analogies employed by some confessors in the guidance of contraceptive-users and of divorced-remarried, both of whom are allowed to receive the Eucharist so long as they are convinced that contraception is not sinful, or that they have a right to genital relationships in an invalid marriage. He also invokes the practice of giving the Eucharist to Protestants who, while believing in the Real Presence, hold that contraception and remarriage after divorce are morally good. Why, then, inquires Williams, should not homosexuals living in a faithful relationship, which they regard as good, be allowed to receive the Eucharist?

Without denying that there are special circumstances in which a person may be left in good faith, the extension of this principle a la Williams is not justifiable. Logically, it leads to the justification of various forms of genital activity outside of marriage. Thus, there is a deplorable situation in the contemporary Western Church where many of the faithful are misled by false teaching on sexual issues discussed in this review. Then it is said that we must not disturb their confused good faith. What the Church needs is a comprehensive presentation of the truth of the magisterium's teaching on all these moral questions. But it is unlikely that such shall take place as long as the magisterium keeps silence concerning teachings contrary to received doctrine spread by influential dissenting theologians.

The vocational perspectives contain valid psychological insights mixed with questionable assertions. Father Paul K. Thomas, for example, can be very informative on tribunal procedures involving marriages where homosexuality is given as the reason for annulment, but he assumes that 10 percent of American males are truly homosexual, and that the Kinsey Institute has established in its 1981 report that homosexuality is as "natural" as heterosexuality (p. 225). There are no statistics which demonstrate that 10 percent of American males are homosexual, and there are many reputable psychiatrists (almost half the total number) who do not regard homosexual tendency as psychologically normal and natural. Yet Thomas terms the views of these professionals "outdated." It should be noted, moreover, that Thomas's authorities use the word "natural" differently than church documents. Again, Thomas quotes John McNeill approvingly that many homosexuals hide their sexual identity through selfish fear, and then exhorts them to reveal their identity because otherwise "you may leave behind a deception and falsehood unworthy of Christ's followers" (p. 229). I believe that Thomas is wrong on this issue. After 28 years of working with homosexual persons, I know many who have hidden their sexual identity for reasons of prudence. To call them deceitful is a great injustice.

Father Basil Pennington would not agree with Father Thomas, who has become an advocate for a cause. On the whole, Pennington makes good sense. He holds that seminarians or religious who are trying to lead a chaste life do not have to reveal their sexual identity to their confreres or feel guilty of deceiving them (p. 241). But he advises the homosexual candidate to be open with his spiritual director and major superior. To do less would not be honest. It will also relieve them of unbearable pressures. One may challenge, however, Pennington's opinion that the vocation father "should be able to embrace another man and hold him when he needs to be held" (italics added) (p. 238). This is a strange position, to make it a necessary quality of counseling that one should be able to embrace and to hold another human. It is one thing to say that it is licit to do so, and another to say that one should do so. Good professionals do not see the need to hold their homosexual clients (or their heterosexual) and it is not because they are afraid of indulging in genital acts.

Although Sister Marguerite Kropinak opens her essay with some general considerations, smacking of advocacy for steady homosexual genital relationships, she handles the question of friendships in religious life with delicacy and balance.

The final essay, by Father Nugent, is concerned with gay and celibate priests. Nugent is conversant with clerical and religious thinking on the subject. He is, however, a persuasive advocate of the homosexual position, presenting the views
of Schillebeeckx and Luke Salm in such a way that these authors appear more reasonable than magisterial teaching. From the context, it is clear that Schillebeeckx agrees with their conclusions. He quotes Schillebeeckx, for example, asking whether physical sexual abstinence of itself has a religious value. Schillebeeckx believes that an affirmative answer to this question amounts to a negative view of sexuality. To this view, one may respond that if you remove the genital expression from the concept of conjugal chastity and maintain that abstinence from genital activity is of no importance for the reality of celibacy, then you have essentially altered the concepts of both marital fidelity and consecrated celibacy. Genital expression or abstinence from such is a personal act. While it is not the whole, it is an essential part.

Granted there are valuable truths in these essays, they present a distorted view of homosexual activity, because, with few exceptions, they do not accept the truth taught by Humanae Vitae, that the fundamental meaning of human sexuality includes both the procreative and unitive dimensions essentially and inherently related to one another. In various ways, this volume develops the teaching that homosexual activity is natural to a certain proportion of the human race who are homosexual in orientation. Eventually the Church will come to accept this position, but meanwhile we must make it clear that those who express their homosexual love in a committed relationship are in accord with the Gospel. Such is the message of this book. It challenges theologians to articulate the contrary thesis, namely, that homosexual persons are morally bound by the same norms of chastity as heterosexual persons, and that they are able to lead a chaste life by the grace of God and by the support of others who share their ideal of chastity.

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