

11-1-1955

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Recommended Citation

Kelly, Gerald (1955) "Doctors Ask These Questions," *The Linacre Quarterly*. Vol. 22: No. 4, Article 5.
Available at: <https://epublications.marquette.edu/lnq/vol22/iss4/5>

Doctors Ask These Questions

GERALD KELLY, S.J.

In the August number of THE LINACRE QUARTERLY we began the publication of answers to questions that are frequently asked at informal discussions with doctors and medical students. The answers to several more such questions are given here. Some of the answers might be more complete; but it seemed to me that whenever a question is discussed in one of the booklets entitled MEDICO-MORAL PROBLEMS it would be sufficient to give a brief answer, with the pertinent reference to the more complete treatment of the problem.

5. Many of our state institutions sterilize inmates because of congenital mental diseases. What is the moral refutation of this?

This is what is called *eugenic* sterilization; that is, sterilization for the good of the race. The general objectives of those who advocate such sterilization are to have a more healthy citizenry and to reduce tax burdens. We have no moral objection to these purposes; rather, we praise them. The moral refutation, therefore, is directed rather against the means chosen to attain the objectives and against the philosophical notions of those who recommend these means.

The actual refutation may follow one or both of two lines. It might be *practical*, showing that sterilization, even if it were not

immoral, is ineffective for attaining the objectives. Or it might be *philosophical*, showing that, even if the means were effective, it is immoral and therefore may not be used.

It would obviously be impossible for me to give a complete practical refutation here. For this kind of refutation, I would strongly recommend that doctors interested in this problem read the splendid treatment of eugenic sterilization by Father Charles J. McFadden, O.S.A., in the third edition of his *Medical Ethics* (Philadelphia: F. A. Davis Co., 1953), pp. 302-324. With scholarly objectivity, Father McFadden gives the supposed case for, as well as the case against, eugenic sterilization. One very impressive practical point, too often overlooked, is that a policy of sterilizing all mental defectives with a hereditary defect would make but little impression on future generations because by far the larger percentage of possibly hereditary cases would trace from "carrier" parents who are themselves normal and thus would not be sterilized.

These practical arguments must, no doubt, be discussed. Nevertheless, it is imperative for us to note that, even if it could be proved with certainty that a policy of eugenic sterilization would eliminate all future hereditary defectives, the procedure would still be wrong on

principle. It is a direct sterilization, a contraceptive procedure; consequently all that has been said in the article, "Catholic Teaching on Contraception and Sterilization," *Medico-Moral Problems*, V, 22-36, would apply here. Eugenic sterilization has been frequently condemned by the Holy See. The most important and forceful of these condemnations is in the encyclical on Christian Marriage. I shall cite these paragraphs of Pope Pius XI presently, but before I do so I should like to call attention to certain points, certain "background material," that even Catholic doctors are apt to overlook.

The program for eugenic sterilization was conceived in a materialistic atmosphere. The proponents show no realization of the fact that children are born not only for earth but for heaven. Nor do they show any realization of the benefit that accrues to human nature from caring for and protecting the weak. Many of them do not care about sin—e.g., fornication; all they wish to do is prevent the social consequences. One exponent of compulsory eugenic sterilization who is frequently cited with awe, as if this were indeed the last word to be said on the subject, is Justice Oliver Wendell Holmes, Jr. It is not added that for Holmes, who is unfortunately the god of lawyers and legislators in the United States, the essence of law is physical force. He had no belief in natural law, no use for the principle that human life is sacred and inviolable.

The foregoing points are, as I said, merely background material for understanding the philosophy

behind the program for eugenic sterilization. In this program they include both *involuntary* sterilization, that is, sterilization without the consent of the subject, and *voluntary* sterilization, which supposes the subject's consent. In the encyclical on Christian Marriage, Pope Pius XI gives the essential arguments against both these points. First he states very clearly that the state has no right to mutilate an innocent man; then he adds that the individual himself has no right to give such a consent. The pertinent paragraphs read as follows:

"Public magistrates have no direct power over the bodies of their subjects; therefore, when no crime has taken place and there is no cause present for grave punishment, they can never directly harm or tamper with the integrity of the body, either for reasons of eugenics or for any other reason. St. Thomas teaches this when, inquiring whether human judges for the sake of preventing future evils can inflict punishment, he admits that the power indeed exists as regards certain other forms of evil, but justly and properly denies it as regards the maiming of the body. 'No one who is guiltless may be punished by a human tribunal either by flogging to death, or mutilation, or by beating.'

"Furthermore, Christian doctrine establishes, and the light of human reason makes it most clear, that private individuals have no other power over the members of their bodies than that which pertains to their natural ends; and they are not free to destroy or mutilate their

members, or in any other way render themselves unfit for their natural functions, except when no other provision can be made for the good of the whole body."

6. Is contraception wrong only for Catholics?

A fair answer to this question requires a distinction between *what* is right or wrong; and *what people think* is right or wrong. Since contraception is intrinsically evil, it is always wrong for everyone, Catholic or non-Catholic. There seems to be no doubt, however, that many non-Catholics think that it is not wrong in certain circumstances. These points are more fully explained in *Medico-Moral Problems*, I ("Non-Catholics and Our Code"), and V ("Catholic Teaching on Contraception and Sterilization").

7. Is there a minimum number of children that a healthy married couple are obliged to try to have?

The answer to this question also calls for a distinction: this time between the official teaching of the Church and the opinions of some theologians. Pope Pius XII stated officially that married people who choose to exercise the marital act have a duty to make some contribution to the conservation of the race. He did not try to state in precise terms the size of the family a couple should try to have, though he did clearly outline various reasons that would excuse from the duty in whole or in part, and thus allow for the legitimate practice of rhythm.

Father E. C. Messenger once

voiced the opinion that a fertile couple should have at least four children. This statement was made even before the address of Pope Pius XII on the moral problems of married life. After the papal address, the present writer suggested that a good practical estimate of the duty to procreate might be four or five children. At a meeting of the Catholic Theological Society of America, the majority of theologians who discussed this problem thought that the estimate of four or five children might be taken as a safe working norm for the obligation.

To put it briefly: no one can say with certainty just what the minimum obligation is. But, unless the Holy See would make some further pronouncement on the question, the opinion that a family of four or five children would normally satisfy the duty of procreating may be safely followed. It should be noted however, that generally speaking these discussions about "numbers" are rather theoretical because in actual cases many factors have to be considered in judging the licitness, and especially the advisability, of practicing the rhythm. I say that the discussions are "generally speaking" rather theoretical, because in some individual cases the estimate of numbers may be very helpful to a couple who wish to have some norm for the reasonable spacing of children.

For more complete details on this topic, see "Official Statement on Rhythm," *Medico-Moral Problems*, IV, 29-34, and "The Doctor

and Rhythm," *Medico-Moral Problems*, V, 37-39.

8. Who is to decide when a patient is to receive extreme unction, the doctor or the chaplain?

The chaplain is to make the decision — or the pastor of the parish in case he is to confer the sacrament. Obviously, however, it is the function of the doctor to decide whether the patient is sufficiently ill to be in the probable danger of death. The proper way of handling this matter, therefore, is for the doctor to talk over the case with the chaplain, or pastor. The doctor gives the medical information, and the priest makes the decision about the best time for the anointing. This conference between the doctor and priest may also bring to light any psychological problems, such as unfounded fears of the patient or relatives, and will help towards adopting a method of acting that will eliminate these problems.

In the previous paragraph I have taken for granted that there is time for a conference between the priest and the doctor, because the questioner seemed to have in mind such a case. In cases in which a patient becomes suddenly critical, a priest could easily make the decision — and sometimes might have to do so — even before the arrival of the doctor.

9. I have heard that the Holy See raised a moral objection to the making of corneal transplants. Is that true?

WE REGRET TO REPORT THAT FATHER KELLY IS AGAIN CONFINED TO THE HOSPITAL BECAUSE OF A RECURRENCE OF HIS HEART CONDITION. WE KNOW HIS MANY FRIENDS WILL WANT TO JOIN THEIR PRAYERS WITH OURS FOR HIS WELFARE AND EARLY RECOVERY.

It is not true. The foundation for this rumor was a confusing newspaper report concerning a statement made by an unnamed theologian in an unofficial newspaper that happens, I believe, to be printed in Vatican City.

Moreover, even the answer given by the unnamed theologian did not concern corneal transplants as these are ordinarily made. Corneal transplants are ordinarily made either from the eyes of a deceased person or from an eye which had to be removed because of a diseased condition that did not affect the cornea. No theologian would object to either of these methods.

The problem discussed by the theologian in the little newspaper entitled *L'Osservatore della Domenica* had to do with the transplanting of a cornea from a person with two sound eyes to a person who is blind. The Holy See has never made any statement about this case, though some theologians think that the direct sacrifice of a sound eye for the sake of another person is contrary to the papal teaching on mutilation. That was the opinion expressed by the theologian in *L'Osservatore della Domenica*. Many prominent theologians would not agree with this solution. There is an account of this controversy over organic transplantation in *Medico-Moral Problems*, III, 22-25, and a more up-to-date discussion in *Theological Studies*, Sept., 1955, pp. 391-96.