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The Velvet Glove or the Iron Fist?

John J. Brennan, M.D.

Our official Catholic religion is one of ideals and absolutes. This has been reinforced in recent years by Vatican II which in Lumen Gentium, said, "This religious submission of will and mind must be shown in a special way to the teaching authority of the Roman Pontiff, even when he is not speaking ex cathedra." This was followed by the publication of Humanae Vitae which said, "In conformity with these landmarks in the human and Christian vision of marriage, we must once again declare that the direct interruption of the generative processes, already begun, and above all, directly willed and procured abortion, even if for therapeutic reasons, are to be absolutely excluded as a licit means of regulating birth. Equally to be excluded as the teaching authority of the Church has frequently declared, is direct sterilization, whether perpetual or temporary, whether of the man or woman. Similarly excluded is every action which, either in anticipation of the conjugal act, or in its accomplishment or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible." Therefore, it is apparent that these acts are to be avoided at all time, by all people.

On Nov. 16, 1971, the Catholic bishops of the United States by a vote of 232 to 7 with two abstentions, reaffirmed the position of the Catholic Church by approving the Ethical and Religious Directives for Catholic Health Facilities. These denounced contraception, sterilization, and abortion.

Among those who have expressed themselves in support of the Directives are Doctors Vitale Paganelli and Eugene Diamond of the National Federation of Catholic Physicians' Guilds, while Warren Reich, Ph.D., and Richard McCormick, S.J., have been critical of the Directives.

The February, 1973, issue of Hospital Progress carries a twelve-page "Report of the Commission on Ethical and Religious Directives for Catholic Hospitals" established by the Catholic Theological Society of America. Warren Reich was chairman of that Commission. This was presented as a basis for dialogue, research, revision, and interpretation of policies. In the same issue, "A Review and Critique of the CTSA Report," commissioned by the Catholic Hospital Association, is presented by Donald Keefe, S.J.

Abortion Decision

The CTSA Report stated that the Catholic Church is no longer on a religious island. If that was true when it was written, it was abruptly changed by the Supreme Court abortion decision on Jan. 22, 1973. The Catholic hospital is now in the same legal position standing on a religious island as the Catholic doctor—an "entity" with a conscience. No doubt there are many non-Catholic hospitals whose boards of directors have voted not to become abortoria, who now wish they had something as strong and stable as the Directives to anchor their decision. They fear that itinerant physicians may join their community hospitals for the sole purpose of performing abortions.

On the other hand, the Directives are only as strong as their weakest link. While abortion and sterilization are not identical moral entities, the reason for permitting one in a Catholic hospital applies to the other. If the doctor and patient are allowed freedom to follow their own religious beliefs to participate in sterilization, certainly he or she will be allowed to participate in abortion. Now it is not the right to life of the unborn baby that carries legal significance but the right of the hospital as an entity to follow its own religious beliefs.

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the hospital, his peers and his patients.

"Pluralism" is the enemy. Perhaps it is better to call it "secular humanism." At least it is the religion or anti-religion taught in our schools' health classes, biology classes, and concern for the environment classes. It is the "Planned Parenthoodism."

In opposition to pluralism, Father Keefe has expressed himself well: "Starting with minimalistic Catholicism one ends with minimalistic morality."

Pluralism

In regard to pluralism, he says, "The pluralist principle supposes that the public weal is contributed to by every diverse element in the pluralist society; it is radically inconsistent to suppose that Catholic diversity is contrary to the public good and therefore undeserving of public support. Pluralism lives by the absence of a national ethic or a national religion."

He further questions whether "pluralism is understood to be the equivalent of a higher religion which all members of society must profess. For example, if pluralism is thought to furnish a set of criteria by which the value of the Catholic contribution to the public good is judged, then pluralism involves a creed and a dogmatic stance in apparent violation of the First Amendment."

Acceptance of "pluralism" would necessitate the recognition of the authority in moral questions of "many prudent men" as superior to the authority of the bishops. "Catholicism insofar as it is valid, insofar as it is free, and has personal commitment, is historically indistinguishable from that of other men in the pluralist community."

Pluralism supposes that freedom of religious commitment can only exist where all voices of authority have been silenced. Father Keefe says that pluralism is "the abolition of the individual before the collective."

Taking the position that he doctor is an entity with a conscience and the hospital is also an entity with a conscience is likely to get Supreme Court support. Surely there is no necessity that a hospital establish an apostolate any more than there is a necessity that a hospital be compelled by law to establish a maternity care center, a burn center, or a center for kidney dialysis.

What argument can a hospital use at a public hearing on the question of whether the hospital should lose its accreditation if it did not provide abortion services? I would compare the administrator of a hospital to a farmer who owns his farm to the public to sell dairy and garden products. Surely he maintains the right to erect a "no hunting" sign. Just because hunting may be available on a similar farm a mile away does not mean it must be available here — or the reverse — if no hunting were available anywhere in the community, there is no need that it be made available on this particular farm. Whether or not he has received government subsidies, he maintains the right to restrict the behavior of his guests on his property. If he allows his land to be used for a rock festival, he determines what precautions will be used to preserve the environment.

Encounter Due

The encounter is due to come. Of the eight million American women presently taking oral contraceptives, surveys suggest that over 90 percent do not "want" another baby after the age of 35. They also do not want to be taking oral contraceptives from the age of 35 until the time that they stop menstruating at 50. Certainly, if it is morally acceptable to sterilize month by month for temporary reasons, it is morally acceptable to sterilize permanently for permanent reasons.

But the encounter is not to occur over contraception because contraception to the Catholic woman is an office visit and a prescription. In no way does this woman in her circle of activities encounter her bishop in his circle of activities. Nor will the encounter occur over abortion because the feeling for life is strong. Catholic women see great distinction between preventing life and destroying life.

The encounter then will be over sterilization. Millions of women are seeking a safe and certain means of preventing pregnancy past the age of 35. Doctors are well aware that contraceptive pills taken 10 to 20 years are likely to be associated with serious side effects or complications. To limit sterilization to medical reasons like severe hypertension and dia-

betes as Father McCormick has suggested in "Hospita Progress, Feb., 1973, will not be enough. To weigh the possible good effects against the possible bad effects on Father McCormick's scale of morality will not satisfy these millions. Women feel economic and social pressures as compelling as medical problems. Reaching the limits of the budget may be as serious as reaching the limits of the blood pressure."

Here are three situations in the state of Wisconsin:

1. In a major city, Milwaukee, the chief of the obstetrical departments of the Catholic hospitals have sent a written request to their archbishop requesting permission to perform surgical sterilizations.

2. In a mid-size town, Appleton, negotiations to combine services in the Catholic and non-Catholic hospital have been delayed pending settlement of a request by doctors to sterilize in the Catholic hospital. Heart surgery and emergency room activities would be performed in the non-Catholic hospital. Obstetrics would be performed in the Catholic hospitals. Doctors object to having to transfer post partum patients to the non-Catholic hospital for sterilization procedures.

3. In a small town, Monroe, there is only one community hospital, which is a Catholic hospital. Sterilizations are now performed as an office procedure in the Monroe clinic. These doctors would prefer to operate in the Catholic hospital. A sterilization committee has been appointed to negotiate...
with the sisters who own the hospital.
The final authority on medicomoral matters is not the administrator or the board of Directors, but the local bishop.

No Retreat

The encounter then is imminent. I see no hint that the bishops are about to retreat from their position of total opposition to sterilization. Dissenting and abstaining bishops in the 1971 vote are more likely to have joined the vast majority because, among other things, they have had the opportunity to review their medicomoral principles during chats with John Cardinal Wright on their recent trips to Rome.
The bishops have their choice of offering women an alternative which is not as certain but just as safe as tubal ligation. They could offer their gentle, guiding hand covered with the velvet glove and insist that all Catholic women throughout the country attend Billings type ovulation-mucus-temperature classes in a massive program. There is precedence for this in their insistence that all engaged couples attend Cana instruction classes before they marry. Their other alternative is the iron fist approach, as they have done with abortion, declaring automatic excommunication for any woman and perhaps any physician who participates in sterilization.
They could also smooth the velvet glove and strike with the iron fist simultaneously.

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The Willowbrook Experiments

Eugene F. Diamond, M.D.

At a recent meeting of the American College of Physicians, there was a student protest during the bestowing of the James D. Bruce Memorial Award on Dr. Saul Krugman for his research on hepatitis at the Willowbrook School in New York. This was the latest incident in an ethical debate which has followed the revelation in 1971 that Dr. Krugman had deliberately injected retarded children at Willowbrook with an active strain of hepatitis virus as part of an experiment directed toward the development of active and passive immunization against serum hepatitis.

Willowbrook is the world's largest institution for the mentally retarded, housing some 5,200 patients in a sprawling complex of twenty-seven buildings on 400 acres of Staten Island. The current census is actually down from a peak of 6,250 and there is evidence that the current administration was striving mightily to improve conditions under the usual conditions of overcrowding and understaffing which the American citizenry has tacitly accepted as standard for the care of the mentally retarded in most states. The spotlight of a press expose was, however, focused on Willowbrook's incredibly

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In this article, Dr. Diamond considers the ethical points raised by research on the prevention of viral hepatitis at the Willowbrook school in New York — specifically experiments involving injection of child inmates with an active strain of hepatitis. Although a number of points are considered, Dr. Diamond notes that the central issue is the "right to perform a dangerous experiment on an individual when no benefit can accrue to that individual."