

attempted to address the ethical questions emerging from the fast paced developments of molecular genetics in the last decades of the twentieth century. It provides a fairly comprehensive introduction to a significant number of theological notions that are affected by the implications of contemporary genetics. It is ecumenical in perspective and is generally both sound in its scientific presentations and fair in its summaries of confessional positions. From a general perspective it could have benefited from material provided by the philosophy of science. Readers need to know that some fundamental questions with ethical implications can be found outside of the religious perspective. Some of these very legitimate epistemological concerns raised from the philosophical perspective provide very valuable support and confirmation to those arising from religious communities. Specifically, Chapman fails to review the horrors that arose from the misuse of Mendelian genetics in the first half of the twentieth century. These attacks on humanity were precisely the result, at least in part, of both the scientific and political communities epistemological naiveté (perhaps deliberate) about the limits of Mendel's laws. The most cogent attacks on the early twentieth-century eugenic movement were epistemologica

From a specifically Roman Catholic perspective, Chapman's work could be stronger in two areas. First, its interpretation of Catholic teaching seems to lack an understanding of the Church's respect for "reason" as a legitimate vehicle to acquire ethical truth. Thus I think the Catholic reader might find himself/herself uncomfortable with some of the interpretations of Catholic positions found in the book. Secondly, the book seems to refer to bioethics in general, and the ethical discussions surrounding genetics in particular, as late twentieth-century developments. However, this dismisses the long history of pastoral and moral medicine in the Catholic tradition going back at least to the late nineteenth century. Specifically one can find discussions arising from the use/abuse of eugenic measures in the early twentieth century in both the *American Ecclesiastical*

*Review and The Irish Theological Quarterly* prior to the development of molecular genetics spurred by the model of DNA proposed by Watson and Crick in 1954. Chapman could have added to the value of her work by presenting some of the discussions surrounding eugenics by the religious communities in the first three decades of the twentieth century.

In conclusion, I would recommend Chapman's book as an excellent introduction to the discussions of the ethical questions surrounding contemporary genetics. It provides a valuable summary in a respectful ecumenical context of the contributions of a number of religious voices. The book also provides a good introduction to the science of contemporary genetics. Finally the book offers the reader a wide selection of the kinds of theological questions that are raised by the new genetics. Both because the book presents foundational material and raises many more theological and bioethical questions than it answers, some might find it useful as a text for a graduate seminar, a vehicle for an adult education series, or to acquire a reasonable, ecumenical view of the state of the dialogue between religious ethics and the frontiers of genetic science.

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**Arthur J. Dyck. *When Killing Is Wrong: Physician-assisted Suicide and the Courts.* Cleveland: Pilgrim Press, 2001. 127 pp.**

This book, although brief, is exceptionally valuable. Dyck offers incisive critiques of the reasoning used by federal judges and ethicists to support physician-assisted suicide (hereafter PAS). He then gives reasoned arguments to justify philosophically (1) the principles that now guide and support homi-

cide law in the United States and (2) the possible forging of a “new synthesis” of existing legal traditions capable of protecting the incalculable worth of every human life.

The Ninth and Second Circuit Courts of Appeals claimed in 1996 that there is a constitutional right to PAS. Justices Reinhardt and Miner defended this claim on explicitly philosophical grounds, their own version—“truncated,” as Dyck shows—of Mill’s utilitarianism. For them, human beings do not have a natural desire to preserve their lives, but they do have a natural desire to pursue pleasure and avoid pain. They hold that it is not wrong to kill someone or to help others kill themselves if they no longer have a desire to live because they are terminally ill and suffer from a debilitated, highly dependent state felt to be humiliating or in some way intolerable.

In 1997, Supreme Court Chief Justice Rehnquist rejected this claim. He simply set forth an argument from authority—the authority of two traditions that have shaped more than seven hundred years of Anglo-American law. These traditions, the Judeo-Christian tradition and the “natural rights” tradition stemming from Hobbes and Locke, despite their great differences, have shaped a legal “synthesis” that views life as a great good which human persons naturally desire to protect and preserve and that likewise considers the right to life as fundamental, one requiring the protection of law.

This “synthesis” is threatened by the new “Millian” tradition championed by the lower courts and by many philosophers, ethicists, and jurists today. Dyck’s purpose, magnificently fulfilled, is to offer a philosophically sound defense of the principles behind the Supreme Court’s decision to overturn the Ninth and Second Circuit Courts.

Dyck subjects to cogent criticism the reasoning adopted by the lower court justices and presented in a more nuanced form by writers such as Beauchamp and Childress in the influential *Principles of Biomedical Ethics*, fourth edition, 1994. In reaching their verdicts the lower courts used a simple, direct kind of consequentialism which judges

the moral value of actions exclusively in terms of their consequences. It simplistically treats as morally equivalent (1) the choice to kill someone or to kill oneself and (2) the choice to forgo life-preserving treatments when these are no longer efficacious or when they become unduly burdensome. (Dyck prefers to call (2) a choice for comfort-only care.) In both cases the consequence is the same: a corpse. The more sophisticated defense of PAS and voluntary euthanasia advocated by Beauchamp and Childress (and many others) seeks to take into account, in evaluating human actions, intentions as well as consequences. But even granting their claim (which should not be granted) that intentional actions include “any action and any effect willed in accordance with the plan, including *tolerated* as well as wanted effects (emphasis added)” (p. 44), Dyck shows that their effort to equate comfort-only care and killing fails miserably. They do not recognize how the use of lethal agents skews the doctor/patient relationship, making it like the relationship of a premeditated murderer to the one killed. The restraint against using means incompatible with life is removed, and this undermines the usual inhibitions against killing. Respect for life is compatible with comfort-only care; it is not compatible with a willingness to take life away.

In contrast to the lower court justices and their philosophical supporters, Chief Justice Rehnquist and the “traditions” (Judeo-Christian, “natural rights”) to which he appeals hold that killing is wrong (when it is wrong) because it violates an individual’s right to life, irrationally runs counter to a human being’s natural love of life, and violates the sanctity of life. In his final chapter Dyck (1) sketches a moral structure to support Rehnquist’s claims, (2) shows that this moral structure would be threatened or undermined by legalizing PAS, and (3) points out elements in Mill’s thinking that support (1) and (2).

(1) The *moral structure* Dyck sketches can be summarized as follows. Human agents exist only because of the cooperative behavior of others. In short, Dyck argues, there are certain natural “proclivities” (St. Thomas would call them natural “inclinations”) es-

essential to the continuation of human life: some make life possible; others protect and enhance it. There are certain natural "inhibitions": those against killing, against taking away or failing to provide life's necessities, against lying. These natural proclivities and inhibitions make individual and communal life possible. We can even say that natural human rights are "actual either as expectations or claims on the relations that are moral requisites of our individual and communal life" (p. 92).

Killing, then, is wrong when it is wrong for several reasons. First, "because the act of killing oneself or someone else violates and threatens to undermine the mutual moral responsibilities that are requisites of individual and communal life" (p. 96). Second, because killing "no longer exhibits a love for life" (p. 96). Finally, because the human life that is killed "is treated as a life that has little or no worth rather than as a life of incalculable worth" (p. 103).

(2) *Legalizing PAS would undermine this moral structure* for many reasons, chief among them the following: "if laws were permitted to embody the idea that in some circumstances life loses its worth, or that some people lack sufficient worth to have their lives protected, individuals would no longer enjoy equal protection of law ... (p. 103)."

(3) *Elements of Mill* supporting (1) and (2). The lower courts employed a "truncated" version of Mill to justify PAS. As Dyck shows, Mill insisted on "rules" that protect the very groundwork of our existence, our life in common with others in stable, peaceful communities. For Mill gratitude is a matter of justice; and gratitude to those who brought one into existence and sustain, nurture, and protect one's life is an obligation. Thus if Mill is to be taken as a leader in jurisprudence, one "should ask whether the social feelings that support justice and, therefore, guard the security of every individual life would in any way be undermined by granting such a liberty as PAS" (p. 117).

Dyck's excellent work presents reasoned arguments appropriate for public debate to support the respect for human life currently

embodied in law. Defense of these laws can be mounted on the basis of a new synthesis, one incorporating the Millian (utilitarian) tradition into the old synthesis forged by the merger of the Judeo-Christian and Hobbesian-Lockean ("natural rights") tradition. This new synthesis, while compatible with Judeo-Christian anthropology, is not directly dependent upon it. Thus, "instead of debating conflicting theological anthropologies [pre-supposed by the three traditions] ... it is possible to derive from all three traditions a very similar concept of why individual life is sacred and should in law be viewed as such."

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**Hall, Robert T.** *An Introduction to Healthcare Organizational Ethics*. New York: Oxford University Press, 2000. 265 pp.

Organizational ethics (OE) is a rapidly developing area of health care ethics in the United States. There are and will continue to be differing perspectives on this aspect of the ethical conduct of health care facilities and systems. In this book Robert Hall makes a good contribution to the developing discussion, presenting issues and challenges for religious and community facilities as well as private and investor-owned entities.

Dr. Hall is an Emile Durkheim scholar, whom he cites as he frames the presentation of health care OE. Durkheim pursued the question of the inner workings of societies and their institutions; the cohesion of society and its ordering by law and social norms was a most important project. Within this context, religion was of interest in its effect on the social system and individuals, while