

Jesus Christ. Despite all that ALS took from him, he gained much more. D'Amore ends his narrative with this lesson: "Life has been unfair to me: unfairly good" (108).

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1. See US Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, 5th ed. (Washington, DC: USCCB, 2009), dir. 57: "A person may forgo extraordinary or disproportionate means of preserving life. Disproportionate means are those that in the patient's judgment do not offer a reasonable hope of benefit or entail an excessive burden, or impose excessive expense on the family or the community."

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***Bioethics and the Human Goods:  
An Introduction to Natural Law Bioethics***  
by Alfonso Gómez-Lobo with John Keown

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This short but tightly written text has a very clear goal of introducing the reader "to the foundations of natural law theory in relation to bioethics, and to the application of that theory to some of the key issues at the beginning and end of life" (xi). Alfonso Gómez-Lobo considers the book a sister to his earlier work, *Morality and the Human Goods: An Introduction to Natural Law Ethics*, which he suggests could "profitably be read before this one," (xi) since it offers a more complete introduction to natural law ethics.

The book is well written and offers a different, much-needed voice in contemporary bioethical discussions that, too often, are overly fond of principlism and utilitarianism. While the text does not cover all of the many important topics of bioethics, it does accomplish at least two important objectives: it gives a solid introduction to natural law theory, and it demonstrates the theory's applicability by applying it to a few important beginning-of-life and end-of-life issues.

Perhaps one of the most important things a reader needs to know about this book is that it was written largely by the late Alfonso Gómez-Lobo, Ryan Professor of Metaphysics and Moral Philosophy at Georgetown University. Gómez-Lobo died in 2011 and left the manuscript unpublished

and the project, though largely complete, still unfinished. John Keown, who holds the Rose F. Kennedy Chair in Christian Ethics at the Kennedy Institute of Ethics at Georgetown, assumed the responsibility of bringing the project to completion. His intention was to finish it "in the way [Gómez-Lobo] indicated in his response to the referees' reports that he intended to finish it and, where he left no indication, to finish it in the way I think he would have finished it or at least would not have objected to it being finished." Keown also acknowledges that he made a number of relatively minor changes and amended the work to take account of developments since the original manuscript was written. Nevertheless, he states emphatically that he "neither added nor subtracted anything fundamental," so that the finished text "remains largely the work of Gómez-Lobo," although Keown acknowledges having written about a third of the book. Thus, it might be best for the reader to think of this as a joint effort, especially since it is impossible to know definitively which parts are Gómez-Lobo's and which are Keown's (ix).

In addition to providing an alternative to consequentialism, utilitarianism, and principlism, *Bioethics and the Human Goods* offers an insight into what Gómez-Lobo

would have considered the soundest approach to bioethics. Natural law theory, Keown says in the book's preface, "is an approach grounded in a recognition of the fundamental equality-in-dignity of each and every human being. It holds, in concord with the Preamble of the Universal Declaration of Human Rights, that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'" (xi). Keown suggests that "natural law is an approach that, in line with the Hippocratic tradition of medical ethics, which has shaped medical ethics for centuries and which—although increasingly challenged by utilitarian and principalist thinking—to a significant extent still does, holds that some ways of dealing with patients (such as intentionally killing them, exploiting them, or lying to them) are always and everywhere wrong, regardless of the good consequences that such conduct may bring about" (xii).

The book, apart from a preface and introduction, has only about one hundred pages of text divided into two parts. The first half provides an introduction to natural law theory. The second half uses natural law theory to address three major areas of bioethics: beginning-of-life issues, end-of-life issues, and issues in transplantation. The book also includes an epilogue with two appendices: "The Status of the Human Embryo," a 2002 personal statement by Robert George and Gómez-Lobo, and "The Determination of Death," a personal statement by Gómez-Lobo.

In the introduction, Gómez-Lobo makes it clear that he will exclusively use natural law theory to demonstrate the rational clarity it can achieve in the area of bioethics. "It is to be hoped that greater attention will be given to this minority and widely neglected approach, not least given its historical importance in forming Western medical ethics and law. Indeed, it is difficult to see how any student could have a proper understanding of the foundations of Western ethics and law without at least *some* appreciation of natural law thought" (xxi–xxii).

Part 1 explores the foundation of natural law theory. It includes five chapters, which

cover bioethical thinking, principles, the ethical divide, the ontological divide, and potentiality and genetics. The authors provide a brief yet substantive introduction to natural law theory that is accessible to readers who lack a significant philosophical foundation.

In "Bioethical Thinking," Gómez-Lobo differentiates between positive morality, which is more or less relative, and *critical* morality, which acknowledges "norms that are true regardless of whether any community or, indeed, anyone at all accepts them" (7). He suggests that bioethics must be founded on what *is* right, not on norms derived from social consensus.

"Principles" discusses "the classical formulation of the starting point of natural law ethics [which] is 'good is to be done and pursued and evil is to be avoided'" (11). The authors suggest that this first principle can be articulated as "Do no harm." This becomes the foundation of their natural law analysis. "In natural law thinking, to harm someone is to deprive that person of a good" (12).

In chapter 3, the authors discuss the inherent limitations and liabilities of utilitarianism:

To those in the nonconsequentialist camp, such as natural law ethicists, treating others justly is not a matter of maximizing pleasure or happiness. Indeed, treating others justly sometimes requires choosing against huge anticipated benefits. There are some things (like rape or torture or the intentional killing of the innocent) that should never be done, however much pleasure or happiness for the majority they would produce. . . . What natural law theory rejects is the claim that the moral evaluation of our conduct should be based *solely* on its expected consequences. On the natural law view, the focus is on how the goods protected by morality fare both in the consequences and in the action itself. (18, 19)

In chapter 4, the authors discuss the ontological divide in bioethics, using natural law theory to define human life and the ethical implications that flow implicitly and categorically from that understanding. A clear understanding of the *essential* human being is paramount in natural law analysis, and the authors discuss and discard the dualist view

that defines human life as a reality that arrives at some time after conception. This view makes the human embryo a predecessor of human life, and suggests that at some point in our postconception development human beings move from being pre-human creatures to human creatures. Rather, Gómez-Lobo and Keown offer a monist view, based on Aristotle's hylomorphic theory about the unity of matter and form, which understands human life and human being as ontologically identical. At no point after conception can a substantial change be demonstrated that shows that the embryo has moved from a nonhuman to a human entity.

Chapter 5 further substantiates the authors' understanding of human ontology and human presence from the moment of conception by examining the meaning of potentiality and its relevance to human genetics. First, they discuss the important distinction between potentiality and probability:

Some bioethicists would deny that a human embryo in a glass dish has the potentiality to become an adult ("the potential to become a person" in their wording) if the decision has been made not to implant it. But this really means that it has zero probability of further development because it is being denied the necessary external conditions for its survival. If it is a genetically well-formed embryo, it has the intrinsic properties that constitute the potentiality, regardless of the factual probabilities of that potentiality being actualized. . . . Once the potentiality of an embryo is shown to reside in the genetic program that includes information leading to the rudiments of the organs that sustain the mind, the dualist position becomes less and less plausible as an ontological doctrine. At no time is an embryo or a fetus "unoccupied," because the potentiality that is continuous with its own actualization was present in it from the beginning. You were a person from your very beginning, at your conception. (36–37)

As stated later in the chapter, "A human embryo or fetus is not a potential human being but a human being with potential" (37).

The second half of the book consists of three chapters that apply natural law

theory to some essential aspects of beginning-of-life issues, end-of-life issues, and organ transplantation. Chapter 6 assesses preimplantation genetic diagnosis, abortion, and infanticide while also discussing how the principle of the double effect provides valuable insights into natural law theory. The authors summarize the approach of natural law theory regarding early life as they begin the chapter: "Actions affecting very young human beings should be morally judged as we would judge actions affecting adults, that is, primarily in accordance with the principles of nonmalficence and beneficence" (45–46). Ultimately, the chapter dismantles the most common utilitarian and consequentialist arguments in favor of preimplantation diagnosis, abortion, and infanticide: "In sum, as embryo research and abortion inflict deadly harm on the early human being, depriving him or her of the good of life, they are unethical. This is so even though adult agents may autonomously wish to carry out embryo research or have an abortion" (65).

The authors seem to support a controversial conclusion regarding the double effect when they discuss the case in which medical evidence shows that a pregnant mother who does not have cancer or a diseased organ will nevertheless die "if the unborn child is not removed." The authors' conclusion, which they admit "not all upholders of natural law ethics would agree on," is that "a good case can be made that the [principle of double effect] could apply to justify the removal of the child . . . given that the intention in removing the child would be to save the mother, and the child's death would be a merely foreseen, regrettable side effect" (62). This case is what Martin Rhonheimer calls a vital conflict, which he discusses at length in his text *Vital Conflicts in Medical Ethics: A Virtue Approach to Craniotomy and Tubal Pregnancies* (CUA, 2012).

Chapter 7 reviews suicide, physician-assisted suicide, euthanasia, proportionate and disproportionate treatments, and the tube feeding of patients in a persistent vegetative state (PVS). The authors suggest that the fundamental question regarding these issues is whether "the principle of nonmalficence [is]

being violated or ... the principle of beneficence being followed? The correct answer to this question depends on the validity of the claim that one's life, or the life of the person requesting to be killed, is indeed bad, that life is no longer 'worth living'" (68). The authors base their condemnation of physician-assisted suicide and euthanasia largely on the claim that "life itself, even surrounded by evils, remains good. ... Because the life of a patient remains a good even if the patient is suffering" (70). This chapter concludes with an important discussion about whether tube feeding a person in a PVS is proportionate or disproportionate treatment. The authors present both sides of the natural law argument and conclude that "more collective thought by ethicists in the natural law tradition will be needed before a consensus is reached on the question whether there is a duty to tube-feed patients in PVS. The natural law tradition is a living, developing tradition. It does not pretend to have reached a consensus on all the answers" (87).

Chapter 8 deals with issues of transplantation, specifically the dead-donor rule and the determination of death. The authors conclude that neither a utilitarian argument nor the principle of double effect can justify abandoning the dead-donor rule in order to harvest organs more effectively. Moreover, they add, "Abandoning the dead-donor rule in order to increase the availability of organs for transplantation may backfire. If practice changed to allow organs to be taken from those who were not yet dead, many reasonable people would surely refuse to register as organ donors, or would refuse permission for the organs of their loved ones to be used, for fear that their organs would be harvested while they are still alive and they perhaps had a chance of survival" (91).

This chapter also addresses the question, when has a human being died? "Those in the natural law tradition agree that death occurs with the irreversible cessation of integrated organic functioning and, although many think this occurs with the death of the brain, some hold that the only fully reliable criterion for

death is the irreversible cessation of respiration and heartbeat." However, this statement does not resolve a very contemporary question that surrounds the practice of donation after cardiac death: "How much time should elapse between the cessation of heartbeat and the removal of the heart?" (97). In other words, when is the loss of heartbeat irreversible or at least spontaneously irreversible?

The authors conclude *Bioethics and the Human Goods* with these words: "It is hoped that this modest, introductory book encourages readers to consult the growing literature reflecting the renewed interest in natural law theory and its relevance to the many vital bioethical questions facing the modern world" (99). In my opinion, they have largely accomplished the task they set for themselves. Gómez-Lobo and Keown have presented a solid introduction to bioethics through the lens of natural law theory, but it is important to remember that this text is not a thorough review of all the issues. Ultimately, they conclude that the book should encourage readers to expand their use of natural law theory to all manner of bioethical issues to test its usefulness and reliability.

This is a philosophical text and includes some discussions that the authors admit are exploratory and controversial. It would be important for instructors who use this book to have students compare these discussions with magisterial teachings on the same topics. I would agree wholeheartedly with Keown's own words. "Whether, before or after reading this book, you are persuaded by natural law ethics or not, you should at least end up better informed about an approach to ethical reflection that has profoundly shaped Western medicine, law and society" (xii).

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