

Shewmon, which he accepts.

Shewmon argues that total brain death is not an adequate criterion for death because the empirical evidence suggests that it does not necessarily lead to the loss of bodily integrity recognized by the Church's Magisterium as a hallmark of death. This evidence includes the case of T.K., a patient who was diagnosed as brain-dead at four years of age, but who fifteen years later, had grown, developed sexual organs, overcome infections, and healed wounds. This suggested to May as it did to Shewmon that T.K. still possesses that bodily integrity characteristic of life despite an MRI scan which showed that his brain was simply a mass of liquefied material which was clearly irreversibly nonfunctional. As such, whole-brain death cannot be an adequate criterion for human death. The argument is a good one.

In light of the current debate surrounding the whole brain definition of death, it is noteworthy that Pope John Paul II addressed the permissibility of using neurological criteria for the determination of death on August 29, 2000, while *Catholic Bioethics* was in press. In his speech to an organ transplantation congress meeting in Rome, the Holy Father began by reiterating the Church's teaching that death involves a substantial change, "a single event, consisting in the total disintegration of that unitary and integrated whole that is the personal self [that] results from the separation of the life principle (or soul) from the corporal reality of the person" [see "John Paul II on Neurologic Criteria," *Ethics & Medics* 25(11):1].

He continued by making it clear that the criteria for determining when this happens has to be left to the scientific community, which has the competency to do this. However, he concluded by stating that since the scientific community had already determined that the "complete and irreversible cessation of all brain activity (in the cerebrum, cerebellum, and brain stem)" is an adequate sign that the individual organism has lost its integrative capacity, he could then say that one "can use these criteria in each individual case as the basis for arriving at that degree of assurance

in ethical judgment which moral teaching describes as 'moral certainty'."

How does this papal statement impact the Shewmon-May position described in *Catholic Bioethics*? Both authors would probably agree with the Holy Father that total brain death would be equivalent to human death had the scientific community in fact shown that it led to the loss of integrative capacity. However, since this is not so—the case of T.K. being proof of the erroneous scientific conclusions upon which the papal pronouncement was based—total brain death does not satisfy the Church's definition of human death and should be rejected.

As this discussion of the controversy over brain death demonstrates, bioethics is a lively field of study with immense practical implications in the everyday lives of ordinary people. It is a complex arena. However, *Catholic Bioethics* is an excellent guide for both the beginner as well as for the expert. The arguments are clearly laid out and the extensive footnotes are openings into the vast bioethical literature. Again, however, this book remains distinctive because of its focus on the importance of a proper Christian anthropology in bioethics—only in God is man truly intelligible.

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Porter, Jean. *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*. Grand Rapids, MI: William B. Eerdmans Publishing Co., 1999. With a foreword by Nicholas Wolterstorff. 340 pp.

In this elegant and splendid historical and theological analysis of the scholastic notion of the natural law, Jean Porter has made a distinguished contribution to ethical scholarship. Her book sets out to analyze the distinctive historical and theological setting of the eleventh and twelfth centuries that framed the conversation about the natural law. Our scholastic forbears drew upon the intersection of cru-

cial intellectual developments in the fields of civil and canon law as well as the recovery of Aristotelian thought to craft an understanding of the natural law tradition. This understanding discloses natural law as a remarkably supple, subtle, and creative instrument that enabled the Church to address moral issues arising from a complex and rapidly changing social and economic environment. She situates the achievement of Aquinas within the context of an enormously prolific tradition of skilled interpreters, including well known figures such as Peter Lombard, Bonaventure, and Albert the Great as well as lesser known but no less important scholars such as William of Auxerre, Huguccio, and Anselm of Laon to name but a few. Her treatment of these multiple sources is magisterial and insightful.

Her purpose is not to craft a mere historical reconstruction of the development of the notion of natural law, but to argue that natural law is through and through a theologically and scripturally grounded notion. In so doing she reminds us that natural law has continuing ecumenical significance in spite of Reformation criticisms that the doctrine is a product of human philosophy and unredeemed “works righteousness.” By showing the creativity of the doctrine, its theological and scriptural moorings, and its utility in helping the Church to respond to complex social change, she underscores its continuing relevance to current moral questions. She engages a host of natural law critics who have scored the tradition as an antiquarian anomaly. Of special value is Professor Porter’s careful and respectful dialogue with contemporary criticisms of the tradition. She navigates a skillful course between those who dismiss the notion as naïve “biologism” (reading ethical imperatives directly from empirical observation), as well as those who fault the tradition as an expression of secular philosophy lacking any value for establishing a “distinctively Christian ethics.” Dr. Porter engages representatives of this camp, notably narrative and communitarian ethicists including Stanley Hauerwas, John Howard Yoder, and John Milbank.

Her forthright engagement with these critics, as well as those who argue for a “new natural law” (John Finnis, Germain Grisez, Joseph Boyle), is well worth the price of the book. Against the deontological rationalism of the “new natural lawyers,” Dr. Porter shows that “reason” in the natural law tradition is an astute exercise in theologically informed discernment engaged in critical dialogue with various sources of secular wisdom. In particular, she bravely takes on the vexatious issue of sexual ethics, and argues for a creative appropriation of natural law insights to address contemporary concerns about sexual pleasure, family planning, and homosexuality. While I find Dr. Porter’s more particular recommendations regarding the permissibility of alternative sexual lifestyles to be unpersuasive, nonetheless, her overall schematic shows how the natural law tradition can be brought to bear on these important questions. From my vantage point, it would be illuminating to have Dr. Porter complement these reflections with her earlier studies on the virtues in Aquinas, about which she has written brilliantly.

Her treatment of social ethics, especially the ideal of equality, is simply excellent and offers a challenge to neo-Barthian critics who are deeply suspicious about the value and goodness of secular society. A central theological anchor for the natural law tradition is the doctrine of creation and its ongoing, intrinsic goodness amidst a world forever scarred by human sinfulness and pride. Dr. Porter impressively demonstrates that the commitment to this doctrine enabled the scholastics to confront the serious challenges to their world posed by the Cathars, who denied the goodness of the body, marriage, and sexuality. The natural law was not an ancient artifact woodenly received by the scholastics, but a pliable resource that enabled them to provide moral guidance for a society facing monumental social, political, and economic change.

Chapter One is devoted to framing the question of her study. In this chapter she outlines the emergence of a dynamic medieval world characterized by increasing urbanization and economic expansion requiring well-educated workers and specialists. New patterns of so-

cial order were also necessary, and the partnership between the emerging mendicant orders and the urban working classes was a fruitful relationship. In this context, the social ferment on issues of marriage, property, and political structure required new intellectual tools to guide change in morally responsible ways, especially the resources of civil and canon law. A crucial component of this new legal scholarship was the notion of natural law. According to the scholastics, the natural law is not committed to a timeless definition of "nature" and "human nature," but does reflect a theologically nuanced interpretation of human nature that is contextualized by the scholastics' own history and society. The ascription of "universal reason" to this tradition is a reflection of later scholarship, and does not entirely capture the supple nature of this construal that the scholastics devised to meet particular questions and challenges.

Chapter Two is a discussion of nature and reason. Again, the discussion here is most illuminating. The scholastics adhere to a "robust" understanding of reason, which does not separate the distinctive human capacity for thinking from "pre-rational" components of human nature. The privileging of distinctive rationality is a much later phenomenon. By recovering this more fundamental linkage, Dr. Porter is able to suggest a re-appropriation of the tradition that does not exaggerate the claims of "naturalism" and is able to withstand the criticisms of twentieth-century philosophers, especially the "naturalistic fallacy" and its many variations.

Chapter Three artfully engages the scriptural warrants for the doctrine of natural law. While lacking the benefit of modern tools of biblical scholarship, the scholastics, nonetheless, are hermeneutically sophisticated in their ability to weave together nature, reason and scripture as "mutually interpreting sources for moral norms." This chapter forms the heart of the book, and has received enthusiastic endorsement from Protestant scholars for its affirmation of the biblical grounding of the notion of natural law.

Chapters Four and Five, as already noted, provide important reflections on the contemporary significance of natural law for marriage,

sexual ethics, and issues of social concern. Porter's study provides an important alternative to sectarian construals of Christian ethics. The ambiguities of existence, the existence of the "wheat among the tares," are not discounted by the author, but neither are they, in her view, justifications for minimizing the continuing goodness of creation in the face of evil and sin.

In her concluding chapter, Dr. Porter leaves us with the important and ongoing legacy of the natural law. This legacy is a capacity for dialectical analysis and assessment. The scholastics "did not argue as if they believed that moral conclusions can be unambiguously established on the basis of our knowledge. Rather, their moral arguments moved dialectically between accepted moral precepts and practices, and their views on the natural and scriptural bases of those beliefs and customs, interpreting and reformulating each in the light of their best understanding of the other (p. 309)." Not only has the author sketched out how this process actually developed, but she has modeled it in her own judicious, informed and thoughtful application to contemporary issues. No one who cares deeply about the importance of the Catholic moral tradition can afford to miss this wonderful book.

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Riddle, John M. *Contraception and Abortion from the Ancient World to the Renaissance*. Cambridge, MA: Harvard University Press, 1992. 245 pp.

In the preface to his book, John Riddle notes that "[w]e tend to believe that quandaries over birth control are recent, brought on by science and technology." He attempts to prove that this is incorrect, that in fact, contraception and abortion were widely practiced prior to what he calls modern times. He succeeds in establishing this narrow point, but