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Review Article

The Significance of McCormick's Bioethics in the Philippine Context

VITALIANO R. GOROSPE, S.J.

HOW BRAVE A NEW WORLD? Dilemmas in Bioethics. By Richard A. McCormick, S.J. New York: Doubleday & Co. Inc., 1981. xiv, 440 pages.

BIOETHICS

The rapid growth of knowledge in the life sciences has opened up a new and important interdisciplinary science called bioethics. This includes both medical ethics and ethical problems in the life sciences that are not primarily medical in nature. Every year there are over a thousand publications in bioethics, most of which are ephemeral. In this plethora of reading material, highly recommended for the specialist in ethics, moral theology, medicine or law, is a scholarly, in-depth, multi-dimensional study of dilemmas in bioethics, *How Brave a New World?* by Richard A. McCormick, S.J.

At first glance it would seem that bioethics is not a "Third World" concern nor one of the major challenges of the eighties for the Philippine Church. However, the new medical and biological technologies pose a serious threat to basic human and Christian values (human life, human sexuality, marriage, and the family) which are the main concerns of the 1980 Synod of Bishops, the Pope's address on the Family in Cebu City, and the International Mission Congress on Education. Before showing the significance of McCormick's bioethics in the Philippine context, a word about the author and the contents of his new book is necessary.

THE AUTHOR AND CONTENTS OF HIS BOOK

Richard A. McCormick, S.J. was appointed the first Rose F. Kennedy Professor of Christian Ethics at Georgetown University in recognition of his scholarly achievements as one of the most distinguished American moral

theologians. He is currently Fellow of the Kennedy Institute of Bioethics and of the Woodstock Theological Center, both at Georgetown University, Washington, D.C. For the last fifteen years, Fr. McCormick has been responsible for "Notes on Moral Theology" in *Theological Studies*, an annual critical survey of current moral theology literature which serves as supplement to moral theology textbooks, and as updating source for moral theologians and ethicists. McCormick has never written a systematic moral theology but he has published a short book, *Ambiguity in Moral Choice*,¹ and has coedited with Paul Ramsey, *Doing Evil to Achieve Good*,² and with Charles E. Curran, *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition; No. 2: The Distinctiveness of Christian Ethics*.³ McCormick's summary of some seven shifts in Catholic moral theology over the past thirteen years is found in "Moral Theology Since Vatican II: Clarity or Chaos."⁴

How Brave A New World? collects in one volume McCormick's scholarly essays scattered in earlier books and journals, thus making available his contribution to bioethics to a wider reading public. With a few minor changes and adjustments, the essays remain virtually the same as they originally appeared. Some touch on the same subjects but in different ways. In instances where a later essay takes a different view from an earlier one, McCormick explains why he "made no attempt to alter this since there is no little value in seeing why one originally held a certain view and then why one modified it" (pp. x-xi). In the Preface, the author gives three reasons for putting together his essays on bioethics in one book (pp. ix-x). First, as a Catholic moral theologian, he wants to expose both the traditional and contemporary Catholic position on the moral dilemmas in bioethics. He maintains that since the Christian faith exercises a powerful influence on the moral perceptions of the individual and community, Catholic moral theology therefore has an indispensable contribution to make to major questions in Bioethics. Secondly, having been trained in the "classical view" in moral theology and now conscious of the "historical view" of Vatican II, the author has become very aware of both the strengths and weaknesses of the classicist mentality and the need to correct or modify it. Thirdly, the author, being conscious of the difficulties and risks involved in the process of revising moral theology in the light of Vatican II, is ready to expose his revised moral theology to constructive criticism.

The book contains twenty-two essays, seven of which are from *Theological Studies*, arranged logically under seven general topics: (1) General Methodological Reflections, (2) Experimentation and the Incompetent, (3) Abortion,

1. (Milwaukee, Wis.: Marquette University Press, 1973).

2. (Chicago: Loyola University Press, 1978).

3. (New York: Paulist Press, 1979 and 1980).

4. *Cross Currents* 29 (Spring 1979): 15-27.

Morality, and Public Policy, (4) Contraceptive Interventions, (5) Reproductive Technological Genetics, (6) The Preservation of Life, and (7) The Quality of Life. The structure of most of the essays follows the same pattern. First, the author reviews the current literature on the subject and gives an accurate summary and a perceptive evaluation of the different ethical positions. Secondly, the author presents his own position and personal reflections. Finally, he usually ends with practical pastoral notes for the clergy and the Catholic faithful. Each chapter gives a comprehensive over-view of the philosophical, theological, scientific, and legal aspects of the moral question under discussion.

METHODOLOGY IN THE LIGHT OF VATICAN II

The *Decree on Priestly Formation* (*Optatum Totius*, n. 16) of Vatican II enjoined on moral theologians the task of the scientific exposition and development of moral theology. McCormick did just that. His methodology was drawn from Vatican II's *Pastoral Constitution of the Church in the Modern World* (*Gaudium et Spes*, n. 5 & 62):

Thus, the human race has passed from a rather static concept of reality to a more dynamic, evolutionary one. In consequence, there has arisen a new series of problems, a series as important as can be, calling for new efforts of analysis and synthesis.

Furthermore, while adhering to the methods and requirements proper to theology, theologians are invited to seek continually for more suitable ways of communicating doctrine to men of their times. For the deposit of faith or revealed truths is one thing; the manner in which they are formulated without violence to their meaning and significance is another.

The traditional method followed by the manuals of ethics and moral theology in the past consisted in the application of general moral principles, albeit qualified or modified, to specific modern problems. That is why standard moral theology textbooks are neatly divided into General and Special Ethics or Moral Theology.⁵ On the one hand, this approach showed the universal application and fresh relevance of traditional moral principles to today's world. On the other hand, the approach of the manuals tended to foster a static understanding of evolving moral questions and answers, a legalistic "moralism" instead of authentic "morality." A more contemporary method which Fr. McCormick follows in his book attempts to see basic human values in a

5. For example, C. Henry Peschke, S.V.D., professor of moral theology in Divine Word Seminary, Tagaytay City, recently published a moral theology textbook in two volumes, *Christian Ethics*, A Presentation of General and Special Moral Theology in the Light of Vatican II (Dublin: C. Goodliffe Neale, 1975 and 1978).

new set of circumstances which call for a new understanding of the values in question and a consequent rethinking, modification, or reformulation of traditional moral principles. This challenges and enriches our present understanding of the value of human life, the dignity of the human person, the sacredness of human sexuality, marriage, and the family.

Some features of McCormick's methodology are particularly significant in *doing* or *teaching* moral theology in a Philippine context. First, there is need today for a *well balanced* synthesis of Catholic tradition and contemporary developments in moral theology. If McCormick is faulted for always taking a balanced, middle position in the wide spectrum of theological positions, it is not because he opts for a "safe position" but because of his painstaking effort to weigh all the evidence in the discovery of the truth. McCormick handles the problem of the continuity and discontinuity of Catholic moral teaching by thinking through its identity and contemporary relevance to the crucial issues of the day. Secondly, the author's methodology is *dialogal* and *ecumenical* in the broadest sense. His moral theology is in constant dialogue with the human sciences, the best contemporary thought outside the Catholic faith, in dialogue with the "signs of the times," with the experience and life of the people. His collection of essays show a multi-dimensional approach, a very sensitive perception of the viewpoint of others, a keen sense of the broad contexts and issues of ethics, and a detailed feel for the practical issues of applied ethics. Moral theologizing in Asia and the Philippines must begin to dialogue with the other Asian religions and avoid becoming a moral theology that speaks only to itself.

Thirdly, McCormick's book is a paradigm for contextualized moral theology, deeply rooted, as it is, in the American experience and situation. In the efforts of the Philippine Church at indigenization, McCormick's methodology is instructive in how to bring theological reflection to grips with the problems of the Philippine society. Filipino theology, to be authentic, must be rooted in the experience of the Filipino people especially the poor and marginalized and must be in constant dialogue with the life of the people. Finally, while the author's revision of moral theology is always pastorally oriented, McCormick is nevertheless a forceful reminder of the important and necessary *distinction* between moral theology and pastoral practice. Moral theology as such abstracts or prescind from the ability of this or the individual person to understand the moral value or to live it. Pastoral care on the other hand, deals with the individual — where that person is in terms of his/her strengths, perceptions, biography, circumstances (financial, medical, educational, familial, psychological) (p. 186). The pastoral orientation of theology in the Philippines remains an ongoing task but this focus should not lead to a neglect of the serious study of moral theology. On this point, McCormick writes (p. 171):

One of the most important functions of morality is to provide to a culture the ongoing possibility of criticizing and transcending itself and its limitations. Thus genuine morality, while always compassionate and understanding in its meeting with individual distress (pastoral), must remain prophetic and demanding in the norms through which it invites to a better humanity (moral); for if it ceases to do this, it simply collapses the pastoral and moral, and in so doing ceases to be truly human, because it barter the good that will liberate and humanize for the compromise that will merely comfort.

The significance of McCormick's bioethics in the Philippine context lies in its relevance in three areas: (1) Morality, (2) Medicine, and (3) Law; to three professional groups: (1) moral educators, (2) physicians and health care professionals and (3) public policy makers and legislators.

MORAL EDUCATION

Those engaged in moral education will find McCormick's essays very helpful in expanding and enriching their ethical and theological perspectives. First, with regard to the central role the Christian faith plays in moral education, McCormick is most emphatic on the powerful influence of religious faith on the moral judgments and value commitments of the individual and the community (pp. ix-x):

(1) Religious faith stamps one at a profound and not totally recoverable depth. (2) This stamping affects one's instincts, imagination, etc., and hence influences one's perspectives, analysis, and judgments. (3) Analyses and judgments of such a kind are vitally important in our communal deliberations about bioethics. . . . If God is present and self communicative to us in His glorified Son – the exemplary human being – through his Spirit and if this presence is mediated to us by a historical religious community, then surely this faith in that presence as formed by this community will have a powerful influence on one who tries to sort out the complexities of modern scientific problems in the light of it.

Top priority for Philippine moral educators today is the writing of textbooks on "Filipino Christian Ethics." The phrase "Filipino Christian Ethics" raises the question of the relation between faith and ethics. McCormick's comments on (1) the distinctiveness of *Christian* ethics which is, in its concreteness and materiality, *human* ethics (pp. 8-10), (2) the relationship and distinction between *reason* and *faith* (p. 10), (3) the *cultural* conditioning of our moral convictions (pp. 6-7) and therefore (4) the need of assessing cultural values that either distort or enhance the *human* in the light of the *Christian* faith (p. 10) – are truly illuminating for an adequate understanding of the ideal integration of human *morality*, Filipino *culture*, and the Christian *faith*. "It is the human that is then illumined by the person, teaching, and

achievement of Jesus Christ" who is regarded as the Christian norm of morality because he "experienced what it is to be human in the fullest way and at the deepest level" (p. 9). McCormick notes that human reason is "informed," not "replaced" by the Christian faith.

Secondly, McCormick is very enlightening on the origin of moral convictions and the strong influence of culture in value formation and moral development (pp. 4-7). Moral convictions do not originate from rational analyses or arguments but from experience and insight into spontaneous, prereflexive basic human inclinations prior to acculturation. These basic human inclinations (e.g. to preserve life, to mate and raise children, to ask questions and seek answers, to seek friendship, to worship God, etc.) define what it means to be fully human and indicate what the human person should become. However, they exist only as culturally conditioned and therefore strong cultural reasons qualify or shade moral perceptions of individuals and societies and their grasp on basic human values.

That is why McCormick in his book never ceases to expose the climatic factors (pp. 202-6) and "ideological structures" (pp. 35-36) which are the roots of moral pluralism – and often of the rejection of Christian moral teaching. An "ideological structure" is nothing more or less than a priority value adopted by the culture or by a particular society. The values of a people are effected by their life style or culture which embody certain value priorities. Social and national problems are traceable to and have roots in cultural priorities. The enslavement of persons occurs through what are called today "unjust or sinful structures." To what extent is McCormick's indictment of American value priorities in terms of technology, efficiency, and comfort which support the "good life" of consumerism, applicable to the Philippines? What are the climatic factors, the social and economic conditions, the unjust structures in Philippine society that are the roots of our social and national problems?

Thirdly, a factor in moral education which is often forgotten is the *affective* component in moral convictions and the role of strong emotion or "passion" as the beginning of moral responsibility (pp. 44-45). McCormick has this to say:

Judgments of the moral "ought," what I as a Christian should do or avoid, and action upon such conclusions, originate not simply in rational analysis, book learning, or exposure to sociological fact. They have deep roots in our sensitivities and emotions.

Because most of us know about human deprivations and suffering, sickness and hunger, poverty and injustice, crime, corruption and violence, mediately and especially through the mass media, we are several levels removed from the happening and can become quite insensitive to them. To develop genuine "passion" and concern we have to be exposed to those who suffer. "Passion"

is the inner identification with the poor and the victims of injustice. Without exposure we are likely to be without passion which is the beginning of true moral responsibility. It is good for moral educators to be reminded that moral education does not begin and end in the classroom.

Finally, other comments of McCormick that might be significant for moral education in a school context are his reflections on teaching ethics as a process of search and discovery rather than indoctrination (p. 19); Christian ethics as a value-raiser rather than an answer-giver (p. 17); and his distinction between "moralism" and "morality" (p. 41). For those who dichotomize the "academic" and the "experiential," it is sufficient to quote McCormick:

Preoccupation with norms is moralism, and the problem with moralism is that it bypasses and therefore effectively subverts the processes leading to understanding. Without adequate understanding — as fully informed as possible by all the disciplines that can enlighten the human — we fall into education by edict, which is no education at all.

MORAL EDUCATION AND THE FAMILY

Moral education is not limited to the school context — the Filipino family is surely a primary subject of moral education. The family was the subject of both the 1980 Synod of Bishops and John Paul II's discourse in Cebu. The synod vehemently opposed the violence done by certain governments and some international organizations in compelling families "to use such immoral means for the solution of social, economic and demographic problems as contraception or, even worse, sterilization, abortion and euthanasia" (n. 5). In his homily on the Family in Cebu City, Pope John Paul II reaffirmed "as clearly and as strongly as possible what the Church of Christ teaches in this respect, and to reiterate vigorously her condemnation of artificial contraception and abortion" (n. 5). Moreover the position paper presented to the Roman Synod by the Catholic Bishops of the Philippines, praised the typical Christian Filipino family as child-oriented and God-centered but noted that today it is threatened by Western models, ideas, attitudes, and patterns of behavior destructive of Filipino and Christian values, especially a population control campaign that promotes a contraceptive mentality and culture that leads to sterilization and abortion.

Under this present climate of thinking in the Philippine Church, what McCormick has to say in one third of his book (seven chapters) on abortion, contraception and *Humanae Vitae*, and sterilization might seem to be out of place here or irrelevant as focused mainly on the American situation. Yet the significance of McCormick's reflections on these issues that concern the family is easily shown. The first thing to be said is that abortion is a more serious problem in the Philippines than contraception or sterilization. In 1979

criminal abortions increased alarmingly to 20,000 a year in Metro Manila alone, which made it necessary for the Catholic Bishops' Conference of the Philippines to issue a joint pastoral letter on the life of the unborn child entitled "Thou Shalt Not Kill"⁶ (29 January 1979). The second thing is that McCormick's dissent from *Humanae Vitae's* teaching on contraception and from the Sacred Congregation for the Doctrine of the Faith on sterilization, should not prejudice the Filipino reader to omit these sections or to bypass the chapters on abortion — the following comments by this reviewer indicate their relevance to the Philippine context.

Abortion. In the first essay, the author offers the best critiques of the U.S. Supreme Court decision to legalize abortion. Lest Philippine population policy and law makers make the same tragic mistake, it would do them well to consider seriously this section. The author's survey of papal and episcopal statements against abortion and his summary of the common and dominant themes of the Magisterium in action is a real contribution. Noteworthy are the Church's statements that "human life is a continuum from conception," that the human fetus is a "person in the process of becoming" and has the "right to be born" (Pope Paul VI), and that we must do much more, personally and societally, to get at the causes of abortion. The Philippine Catholic hierarchy is no less insistent in tracing the roots of abortions in the Philippines to such environmental factors as the contraceptive drive, violence, manipulation in social and health services, discrimination with regard to human life, commercial trafficking of Filipino women — all of which lead to the devaluation and eventual disregard of human life. On the *morality* of abortion, the author gives a clear and concise presentation of the strong Catholic position; his *pastoral notes* on the agonizing aspects of tragic cases of abortion are very much in line with the 1980 Roman Synod of Bishops' exhortation to "do the truth in charity." In the second essay, "Rules for Abortion Debate" might prove helpful in the future, if only to raise the level of public discussion on abortion from the simplistic or one-sided approach of the mass media. These guidelines might hopefully "prevent good people from making bad arguments — chief of which, of course, is that it is only bad people who make bad ones" (p. 188).

Humanae Vitae on Contraception. Now that Pope John Paul II and the 1980 Roman Synod of Bishops have spoken clearly and forcefully against contraception, it would seem that McCormick's two essays on *Humanae Vitae*, one on the encyclical (July 1968), the other on its tenth anniversary (July 1978), are mere history. This is not so. The value of McCormick's two essays is not its dissenting conclusion but in the historical over-view of the development of the best theological thinking on the morality of contracep-

6. *Boletín Eclesiástico de Filipinas* 52 (July-August 1979): 318-323.

tion before, and ten years after, *Humanae Vitae*. The scholarly evidence against the *intrinsic* immorality of *every* contraceptive act, the pastoral notes for Bishops, priests, and faithful (pp. 234-37) as well as the practical recommendations for some rapprochement between the teaching of theologians and the Magisterium (pp. 257-59) – remain valid in themselves.

What is most impressive in reading McCormick's essays is his honest and agonizing effort to exhaust and document every reasonable argument or approach to understand and defend the teaching of *Humanae Vitae* before arriving at a dissenting conclusion. What more can a theologian say, without abandoning his honesty and integrity of thought (pp. 232-33). One extrinsic approach in defense of *Humanae Vitae* explored by McCormick is that "perhaps it can be read as delineating an ideal toward which we must work" (p. 231). This interpretation has been rejected by Pope John Paul II in his address to the Roman Synod. However, another extrinsic approach developed by McCormick is the strong indictment of today's contraceptive culture, a cultural criticism which Paul Ricoeur (as cited by McCormick) had in mind when he wrote that the contraceptive mentality only "helps to precipitate sexuality into meaninglessness" (pp. 227-29).

For very many people, contraception could easily represent a way of life springing from and reflecting the materialism and secularism of Western man. We live in a contraceptive world where the pill (etc.) has assumed the character of a human panacea. Contraception cannot be viewed in isolation from basic attitudes toward life and sexuality. There is mounting evidence that in contemporary culture contraception is part and parcel of an attitudinal package that includes sterilization (even coerced), abortion, artificial insemination, and ultimately euthanasia. Furthermore, contraception might be associated with a certain amount of marital selfishness, marital infidelity, and premarital irresponsibility. . . .

Today, in retrospect, *Humane Vitae* can be seen as a providential and prophetic defense of the great values of human life and marital love. Perhaps it is this cultural criticism that is the most convincing argument that explains the strong support given by the "Third World Bishops" to *Humanae Vitae*. Surely this is what the Philippine Catholic bishops had in mind in their frequent statements that the Philippine government's population control program fosters a contraceptive culture that inevitably leads to a sterilization and abortion mentality.

Sterilization. In the third essay, McCormick questions the theological method employed by the Sacred Congregation for the Doctrine of the Faith in reiterating the Church's doctrine forbidding sterilization as a means of contraception. McCormick's fourth essay on Sterilization as a Catholic Institutional Problem is more relevant to the Philippine situation in view of the

"Moral Norms for Catholic Hospitals and Catholics in Health Services" issued by the Catholic Bishops' Conference of the Philippines.⁷ Catholic administrators, doctors and nurses in government and non-Catholic hospitals who face conflict situations will find McCormick's discussion of the moral and practical aspects of sterilization helpful for individual and policy decisions.

MEDICINE

The significance of McCormick's book for the medical profession and for all those in administrative positions in the Ministry of Health and hospitals as well as for the faculties in medical schools lies principally in three areas: (1) the development of a Medical Code of Ethics, (2) the teaching of medical ethics, and (3) new developments in medical ethics.

McCormick devotes a whole chapter (pp. 3-17) on what a code is and how it is developed, how the Christian faith influences the development of a code, and the basic human values that the code should embody. It is the top priority task of the medical profession through the Philippine Medical Association to develop a revised Medical Code of Ethics similar to the recent Business Code of Ethics.

In teaching medical ethics, McCormick proposes a new program (pp. 18-31). Those who are responsible for the ongoing revision of medical school curricula in the Philippines will be enlightened by Fr. McCormick's comments on what a doctor ought to be, what medical ethics is all about, how medical decisions ought to be made, the structure of a health care delivery system, the level of ethical sensitivity in our culture, and the strengths and weaknesses of medical students. The basic human values at stake today are the sanctity of life, the meaning of sexuality and the family, the personal physician-patient relationship, and individual and social justice in health care services (pp. 21-31). If one concerned with health care decides to read a single chapter of McCormick's book, "Some Neglected Aspects of Moral Responsibility for Health" (pp. 32-47) is the chapter to read.

In 1980 the U.P. Law Center held a one week symposium on "Law and Medicine." Lawyers, physicians, moral theologians, and representatives from the public sector were invited to discuss such topics as: (1) the physician's liability and the law on negligence; (2) informed consent to medical treatment; (3) physicians as expert witnesses, (4) definition of death, (4) issues of life and death: abortion and euthanasia, and (5) human experimentation and human tissue donation and exportation. As a participant in these discussions, it was obvious to this reviewer that while the lawyers and physicians were well informed on the latest developments in their respective fields of special-

7. *Boletín Eclesiástico de Filipinas* 48 (January 1974): 17-20.

ization, there was a sad lacuna in their professional knowledge of new developments in medical ethics. McCormick's book is one answer to fill up this gap, especially the sections that deal with medical experimentation and the ethics of consent, the ethics of genetic interventions, and the preservation and quality of human life.

Experimentation and the Incompetent. In the Philippines, there is still no significant experimentation on children, the dying and the dead, prisoners, and the incompetent, for medical or scientific purposes. Hence, the valuable contribution of McCormick in this field of bioethics will assume significance only gradually as medical and scientific experimentations on human subjects become realities in the Philippine context. Going beyond international and national codes and the existing moral literature, McCormick's essays have truly pioneered and developed an ethics of informed and proxy consent in the experimental situation — with a bias towards more protection of the moral rights of the incompetent and voiceless (chaps. 4-7).

Genetic Interventions. McCormick's critical review of the moral literature in genetic medicine is a very helpful summary and application for ethicists and moral theologians of the models of moral argumentation in contemporary moral theology (chap. 15). Given the psychology of the Filipino husband and wife and the character of the Filipino family, there is nothing more removed from Philippine culture than artificial insemination involved in *in vitro* fertilization. The Philippine media reports on "test tube babies" that appear from time to time have sensational appeal but are of no serious import for the future in Philippine society. But the scholarly discussion by McCormick's book of the ethical aspects of these issues in bioethics (chap. 16) is valuable on other counts. The individual reader who wants to be well informed on the Catholic moral position on artificial insemination (pp. 312-14; 316-17) and on the "moral instinct of faith" that underlies this Catholic position (p. 320), will profit much from this section. McCormick's closely guarded conclusion about *in vitro* fertilization (p. 332) highlights his strong arguments against genetic engineering, technologizing marriage, abortion and discarded zygotes, harm to the possible child, etc. (pp. 327-32). Philippine scientists and researchers hopefully might become more conscious of the dehumanizing and depersonalizing dangers of modern science and technology in the "Third World."

Preservation and Quality of Life. In Philippine society, old and sick parents continue to live and are cared for in the homes of their children. As long as the Filipino family has the financial means, the members will do everything to prolong the life of a loved one who is terminally ill by extraordinary means even to the point of unreasonableness. Euthanasia therefore

runs counter to Filipino culture. The care and comfort of the aged and the dying is not a moral issue in the Philippines as it is in the United States. There is no doubt that the deep moral instinct of faith has helped to shape the attitudes of the Filipino people towards life and death. Today the more urgent moral task is to provide health care for the vast majority of the poor because adequate health care is an individual right, not simply a privilege of those who can pay.

The last six chapters of McCormick's *Bioethics* are devoted to the moral dilemmas that concern the beginning and end of human life. The dilemma of modern medicine: to save or let die — finds many applications in Philippine medical history, even though these cases are not publicized as the famous Karen Quinlan and other U.S. court cases studied by McCormick have been. In the past traditional moral theology solved the dilemma of the mother's life or the child's by the "principle of double effect," and the question whether "to pull or not to pull the plug," by the distinction between "ordinary" and "extraordinary means" to save life. Today contemporary medicine has shifted the problem to the *quality* of life that is sustained and preserved, that is, there is a time when living is no longer *humanly meaningful*. But this creates the difficult task of building criteria for these quality of life judgments (chap. 17), and for "reasonable/unreasonable treatment" (chap. 21) as "an appeal to what most of us, in similar circumstances, would do as reasonable people with healthy outlooks on the meaning of life and death" (p. 399).

McCormick analyzes and synthesizes with clarity and creativity the Catholic tradition which takes the middle way between medical vitalism (that preserves life at all costs) and medical pessimism (that kills when life seems frustrating, burdensome, "hopeless," "useless") (pp. 345, 347). He supports the moral right to privacy, and to accept or refuse unreasonable treatment in the light of the over-all good of the patient (chap. 18), a moral right which should be exercised within the patient-family-physician context of health care and not left to the impersonal forces of technology and the law (chaps. 18-20). McCormick stresses that in the Christian position, the weak and defenseless, the powerless and unwanted are cherished and protected as our neighbor in greatest need (p. 351), that "God's special and costing love for each individual — for fetal life, infant life, senescent life, disabled life, captive life, enslaved life, yes, and most of all, unwanted life." (p. 197), is what leads to the Christian evaluation of the sanctity of human life.

In the discussion of the quality of life (chap. 21), McCormick points out that every *person* is of "equal value" (to avoid unjust discrimination), but not every *life* is of equal value (not every inequality of treatment is unjust) as shown in the traditional position that one is not morally obliged to use "extraordinary" means to preserve life.

One of the most practical moral principles for physicians, nurses, and others in conflict moral situations is the "principle of double effect." In the

Appendix to the book (pp. 413-29), McCormick gives an excellent summary of the new understanding of this principle from the vast literature on the subject in the last decade.⁸ Take the classic case of the mother or child dilemma where the physician has two options: either he aborts the fetus and thus saves the mother, or he does not abort, and both the mother and child die. The point at issue is the reason for the moral conclusion to abort. The defenders of the traditional distinction between "direct" and "indirect" killing say that the death of the fetus can be said to be *indirect*. The revisionists who question the traditional distinction would argue that the real reason for the conclusion is that in such circumstances there is a *proportionate reason* for allowing the lesser evil — though this hardly gives an adequate idea of the complex and nuanced controversy.

PUBLIC POLICY AND LAW

Last but not least, McCormick's book is significant within the Philippine context for the guidance that it can provide Philippine public policy makers and legislators concerned with legislation that takes into account the moral law and public morality.

In several places in the book, McCormick clarifies the essential distinction and relationship between morality and public policy or law (chap. 5, p. 72; chap. 8, pp. 171-75; chap. 10, pp. 189-90). Morality concerns itself with the rightness or wrongness of human conduct. Law or public policy is concerned with the common good. Morality and public policy are *related* because law or public policy has an inherently moral character due to its roots in existential human values. The common good cannot be unrelated to what is judged to be promotive or destructive of the individual — in other words, judged to be moral or immoral. Yet morality and public policy are *distinct* because it is only when individual acts have ascertainable public consequences on the maintenance and stability of society that they are the proper concerns of society, fit subjects for public policy.

Legislators ought to keep three points in mind. First, the actions that ought to be controlled by policy are determined not merely by the morality/immorality of the action, but beyond this by a single criterion: *feasibility* which is that quality whereby a proposed law or course of action is not merely possible but practicable, adaptable, depending on the circumstances, cultural ways, attitudes, traditions of a people. The answer to the feasibility test depends on the temperature of a society at any given moment in its history. On this point alone, the divorce bills introduced into the Batasang Pambansa failed to take seriously into account Filipino culture and the Fili-

8. See *Moral Theology No. 1: Moral Norms and Catholic Tradition*.

pino and Christian values of the people. Secondly, public policy will not infrequently go beyond morality in its *educative* value. Concretely while one might morally justify this or that conduct, the danger of abuse or miscalculation might be so considerable as to call for a policy ban or safe regulatory cautions. On this score, the notorious abortion law in the U.S. failed miserably and tragically. A good law must not cease to invite and challenge a people beyond their present perspectives, so that the law, while taking account of the possible and feasible in a particular society at a particular time, must do so without simply settling for it. Simple accommodation to cultural realities not only forfeits the educative function of law but also could leave millions of unborn without legal protection as happened in the U.S. Thirdly, in designing legislation, no law will appear to be, or actually be, adequate (whether permissive or prohibitive), if it does not simultaneously contain provisions that attack the problems at their roots. What is wrong with abortion laws in other countries is that they leave untouched the societal conditions and circumstances that lead to abortion.

McCormick is at his best in exposing the climatic factors in the U.S. that can easily corrode respect for nascent life: the trivialization of sex, the concept that abortion is a private matter, the technological and pragmatic mentality that what is efficient becomes morally good and right, utilitarian attitudes, the influence of the media and the cult of comfort (pp. 202-6). In the Philippines, Presidential Decree 79 and the present policy and program of the Commission on Population explicitly exclude abortion as a method of family planning. Existing Philippine law (Revised Penal Code) is very strict with regard to criminal abortion and attaches heavy penalties for illegal abortions. In 1974 a symposium on abortion was held in Manila which occasioned the "Pastoral Letter on Abortion" by Archbishop Jaime L. Sin.⁹ Many of the erroneous attitudes and fallacious arguments bandied around at that symposium are the very ones McCormick attacks in his book. For instance, "Catholics should not impose their moral views on those who have opposite views," also a slogan used in the proposed divorce bills at the *Batasang Pambansa*. As McCormick puts it, this argument simply says: "Nobody requires you to kill, just let others do it" (p. 203). The recent legalization of abortion in Catholic Italy despite the efforts of Pope John Paul II should make a Catholic country like the Philippines wary and non complacent. Assemblymen who for reasons, good or bad, might be tempted to introduce bills simply to regulate the alarming incidence of criminal abortions, all those concerned with the future specter of legalized abortion in the Philippines, would do well to read McCormick's chapter on "Public Policy on Abortion" (chap. 10). More positively, Philippine society, both the government and the Church, individuals and organized groups, must concern themselves in thought and action with the "envi-

9. See *Boletin Eclesiastico de Filipinas* 49 (February 1975): 103-5.

ronmental factors" mentioned by the Catholic bishops in their 1979 pastoral letter on abortion. To mention an obvious example, the Ministry of Tourism can do something about the "commercial trafficking" of the Filipina in the tourist market. In the pastoral care of women with unwanted pregnancies, McCormick always includes structures of poverty, repression, and injustice (p. 170).

In connection with public policy and morality, McCormick mentions the harmonization of public concerns with the needs of the individuals so that, in providing medical and health services, the "little people" are not short-changed (p. 37). In a country of overwhelming poverty and injustice, this comment should find strong resonance. For example, the fact that R.A. No. 1056 amending R.A. No. 349 is the only existing Philippine legislation on human tissue donation for medical, surgical, or scientific purposes, only shows that human experimentation and human tissue donation have not yet become a complicated medical, legal, or moral Philippine national problem. A few Philippine physicians and lawyers, conscious of the plight of many dying patients in need of organ transplants from donors, have initiated a movement to introduce into Philippine legislation an "Anatomical Gift Act." The charitable donation of one's organs at death is not the same as a "living will" law authorizing the "withholding or withdrawal of extraordinary life-sustaining procedures." In the last chapter of the book, "Legislation and the Living Will," McCormick is strongly opposed to writing "living wills" into law because of serious ethical implications and consequences. Let this warn Philippine legislators or health care policy makers against importing wrong legislative models from abroad.

CONCLUDING COMMENTS

McCormick's revised moral theology in his *Bioethics* is certainly not the final word. Although this reviewer agrees with almost all his theological conclusions, he does not consider all of them equal in theological certitude or significance. One of McCormick's favorite theses is that moral wisdom resides in the entire community, and that theologians and the official magisterium share in the "teaching-learning process." Leaving the epistemological and ecclesiological assumptions of McCormick's thesis to other critics, one final note is clear — McCormick's book asks the right questions. We need to ask these questions seriously, publicly, and continually.

By merely scanning the titles of the twenty-two essays, it is clear that McCormick's *Bioethics* appeals to a wide audience. It is a "must" reading not only for moral theologians and ethicists but also for medical and health care professionals and scientists. This book should be required reading for medical and law students. In a cheaper paperback Philippine edition, it could serve as

an indispensable resource or reference book for every Catholic seminary, university, and medical school library. This book should be of interest to religious and moral educators, science researchers, public policy makers and legislators, hospital administrators, population experts, leaders of other Churches and religious denominations – in brief, for every Filipino professional concerned with questions of life and death, health care and services, population questions, family planning, and scientific research and experimentation.