

Ethics & Medics

A CATHOLIC PERSPECTIVE ON MORAL ISSUES IN THE HEALTH AND LIFE SCIENCES

Selective Termination: Doing Evil to Achieve Good? - II

In a previous issue we examined the moral principle which can be invoked in assessing the morality of selective abortion in higher order multifetal pregnancies, namely, that one may never do evil that good may come of it. As was pointed out, an important moral supposition to this principle is underlined by analyzing the difference between physical evil and moral evil. Moral evil, unlike physical evil which is merely accepted or endured, is brought about by a free but disordered human choice and, therefore, denigrates the moral goodness of the agent in direct proportion to the evil that is embraced. Another way to unpack the moral presuppositions of the principle that one may never do evil that good may come of it is to contrast the assessment of selective termination according to traditional principles of Catholic moral theology with an opposing assessment by proponents of proportionalism.

Critiquing the Proportionalist Argument

Dr. Mark Evans, a pioneer in the development and use of selective termination and the doctor in the Schellin case (described in Part I of "*Selective Termination: . . .*", *E&M* June, 1989), has outlined for the professional medical community an ethical justification for what he acknowledges is a morally controversial procedure (Cf. "Selective First-Trimester Terminations in Octuplet and Quadruplet Pregnancies: Clinical and Ethical Issues," *Obstetrics and Gynecology*, Evans, Fletcher et. al., Mar., 1988, pp. 289-96). Evans admits that selective termination involves direct killing ("This option did intentionally cause the deaths of six fetuses . . .", *ibid.*, p. 292) but contends that it is justified by the principle of proportionality which must be given priority in lieu of the stark choices which grand multiple gestations require.

The principle (which defines the central characteristic of all proportionalist theories) "is the source of the duty, when taking actions involving risks of harm, to balance risks and benefits so that actions have the

greatest chance to cause the least harm and the most benefit to persons directly involved" (*ibid.*, p. 295). In other words, in order to make a moral judgment in conflict cases where a single act has both good and evil effects, one must comparatively evaluate the possible benefits and harms consequent to each choice and then choose the alternative action which will promise the most benefit or the least harm.

Proportionalists assert that, in the case of grand multiple gestations where tragic consequences will follow each of the alternative courses of action, to directly kill is a morally good choice by reason of the proportionate or good end of saving life. In other words, choosing the lesser evil of direct killing is the way to prevent the greater evil of losing the entire pregnancy.

There are several compelling arguments which reveal the invalidity of proportionalism. Because space does not allow a complete critique of this moral methodology here, we will only concentrate on two objections: its failure to recognize intrinsically evil acts and its obfuscation of the primary purpose of morality.

According to the principle of proportionality, the morality of an act is no longer determined, as it is traditionally, by its moral object, intention, and circumstances, but by the end—by a proportionate reason or good, i.e., a good which outweighs any accompanying evil or disvalue. If a proportionate good is present, an

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act that explicit Church teaching considers to be morally reprehensible and never to be done (e.g., direct abortion) can be performed because the consequences of the act (saving maternal and prenatal lives) outweigh the evil of abortion and thus make it morally good.

Proportionalism, then, does not admit of acts which are intrinsically evil such as procured abortion, contraception, and homosexual genital activity. In moral dilemmas, acts which are normally prohibited can be morally acceptable in the presence of a proportionate good.

But how can a moral theory which claims to be a coherent one, condone the doing of evil to achieve good? Proportionalism avoids this blatant inconsistency by not specifying an otherwise morally evil act as such but describing it, apart from particular circumstances, as a premoral or ontic evil. Thus, in the situation of grand multiple gestations, the choice to use selective termination would be called a premoral evil. Only if it were used without a proportionate reason (e.g., as a means of sex selection) would it become a moral evil.

Substantial arguments against proportionalism can be raised in defense of the traditional moral theory which recognizes that the morality of an act is determined primarily by the nature of the act (i.e., by the intended and foreseen effects of an act and their relationship to authentic human fulfillment). First, reflection on experience reveals that there are certain kinds of acts like adultery or murder which, whenever they are performed, *always* destroy some basic human good (e.g., fidelity or life) and therefore are an assault on human fulfillment. Common human experience also helps us to grasp the truth of Kant's categorical imperative: ". . . treat humanity in oneself and others as an end and not a means." This maxim reflects the correct understanding which persons of good will are capable of comprehending: every basic human good, each of which is an aspect of humanity or personhood, must be respected in every act. Conversely, any act (e.g., selective termination) which *unjustly* directly denies or destroys a basic human good (e.g., human life) is intrinsically evil and always to be avoided.

These common sense judgments are confirmed by the natural law tradition. Writings such as those of Plato (*Gorgias*, 469B, 508B) or Aristotle (*Nicomachean Ethics* II, 6: 1107a 9-18) conclude that human dignity demands that only acts which show an objective relationship to or respect for human goods are worthy of the human person and will fulfill human beings. Evil choices demean the human person.

Lastly, Catholic moral teaching confirms this insight regarding the nature of good and evil acts. The Ten Commandments of the Old Testament and the two great commandments of the New Testament reveal God's plan for promoting human wellbeing and prohibiting acts which are intrinsically evil, that is, acts

which destroy fundamental goods. These norms direct man toward basic human goods and a proper love for self, neighbor, and God.

A second and perhaps even more fundamental flaw in the proportionalist theory of moral decision-making is that it obscures two related aspects of morality which traditional Catholic moral principles do not: human acts have both an objective and a subjective character, and the primary concern of morality is personal existential goodness. Human choice is not only a means to an end outside of itself, a means to effect or realize human goods in the concrete; human choice is also a means to becoming morally good. Human actions have both a transitive and an intransitive effect. When a person acts he not only chooses good or evil he *becomes* increasingly good or evil. Applied to selective termination in higher order multifetal pregnancies, the decision *not* to use selective termination is not only a good choice because it is a choice not to destroy a basic human good but also because, by virtue of being a good choice, it defines the agent as good. Conversely, to the extent one embraces evil in any given act, to that extent is the person deprived of his existential goodness. *Gaudium et Spes* underscores this reality when it states that acts such as abortion, euthanasia, or genocide "degrade (or harm) those who so act more than those who suffer the injury" (# 27).

Conclusion

If the proportionalist concern for maximizing good effects despite an evil means is misguided from a moral perspective, what is the correct expectation? The Church is clear: remain faithful to the will of God (i.e., pursue the good and avoid the evil) and let the unforeseeable consequences to God. Actions, not overall consequences, are our primary concern. Our main responsibility as free agents is to become good by doing good. In the case of grand multiple gestations, where there are no morally good means to save the pregnancy, the humanly catastrophic results, though extremely sad, can be seen in their true light. Christian faith teaches us that morally good choices that have tragic consequences involving physical evils are not necessarily catastrophic in light of eternity. What we will be judged on by God is not how many physically good consequences we have effected or how many physical evils we have averted but how we have striven to do moral good and avoid moral evil. We must be committed to doing that which is morally right despite tragic results because God has the ultimate care of the physically good and evil consequences of our acts, and He alone can bring good out of the evil which He permits.

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