CATHOLIC BIOETHICS IN ACTION

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Bioethics Bootcamp
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Foundations of the Ethical and Religious Directives for Health Care Services

- Moral tradition informed by:
  - Scripture (Creation, Sermon on the Mount, life/death)
  - Tradition (Church teaching)
  - Experience (lived tradition, new challenges, questions)
Natural Law

- Thomas Aquinas – *Summa Theologica*
- ordered toward the end (teleological)
- Eternal law leaves an “impression” from which the NL is derived.
- Linked with individual behaviors/acts.
- “an order or arrangement of reason for the common good.” (Mahoney, 78)
# Catholic Social Teaching

(Massaro, 38-39)

## Table 3.1. Major Documents of Modern Catholic Social Teaching

<table>
<thead>
<tr>
<th>Latin Title</th>
<th>English Title</th>
<th>Year of Publication</th>
<th>Source</th>
<th>Major Challenges It Addressed</th>
<th>Major New Messages or Ideas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rerum Novarum</td>
<td>The Condition of Labor</td>
<td>1891</td>
<td>Pope Leo XIII</td>
<td>Industrialization, urbanization, poverty, workers' rights.</td>
<td>Focus is made on &quot;family wage&quot; and workers' rights.</td>
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<tr>
<td>Quadragesimo Anno</td>
<td>After Forty Years, or The Reconstruction of the Social Order</td>
<td>1931</td>
<td>Pope Pius XI</td>
<td>Great Depression, communism, fascist dictatorships.</td>
<td>Subsidiarity is to guide government interventions.</td>
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<td>Maier et Magistra</td>
<td>Christianity and Social Progress</td>
<td>1961</td>
<td>Pope John XXIII</td>
<td>Technological advances</td>
<td>There is a need for global justice between rich and poor nations.</td>
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<tr>
<td>Pacem in Terris</td>
<td>Peace on Earth</td>
<td>1963</td>
<td>Pope John XXIII</td>
<td>Arms race, the threat of nuclear war</td>
<td>A philosophy of human rights and social responsibilities is needed.</td>
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<td>Gaudium et Spes</td>
<td>Pastoral Constitution on the Church in the Modern World</td>
<td>1965</td>
<td>Second Vatican Council</td>
<td>Younger generations questioning traditional values</td>
<td>The Church must scrutinize external &quot;signs of the times.&quot;</td>
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<tr>
<td>Populorum Progressio</td>
<td>The Development of Peoples</td>
<td>1967</td>
<td>Pope Paul VI</td>
<td>Widening gap between rich and poor nations</td>
<td>&quot;Development is a new word for peace.&quot;</td>
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<td>Orthodoxae Adventus</td>
<td>A Call to Action on the Eightieth Anniversary of Rerum Novarum</td>
<td>1971</td>
<td>Pope Paul VI</td>
<td>Urbanization marginalizing vast multitudes</td>
<td>Lay Catholics must focus on political action to combat injustices.</td>
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<tr>
<td>Justitiae in Mundo</td>
<td>Justice in the World</td>
<td>1971</td>
<td>Synod of Bishops</td>
<td>Structural injustices and oppression, social liberation movements</td>
<td>&quot;Justice . . . is a constitutive dimension of the preaching of the Gospel.&quot;</td>
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<td>Evangelii Nuntiandi</td>
<td>Evangelization in the Modern World</td>
<td>1975</td>
<td>Pope Paul VI</td>
<td>Cultural problems of atheism, secularism, consumerism</td>
<td>The salvation promised by Jesus offers liberation from all oppression.</td>
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<tr>
<td>Laborum Exercens</td>
<td>On Human Work</td>
<td>1981</td>
<td>Pope John Paul II</td>
<td>Capitalism's and communism's treatment of workers as mere instruments of production</td>
<td>Work is the key to &quot;the social question&quot; and to human dignity.</td>
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<tr>
<td>Solicitudes Rei Socialis</td>
<td>On Social Concern</td>
<td>1987</td>
<td>Pope John Paul II</td>
<td>Persistent underdevelopment, division of world into blocs</td>
<td>&quot;Structures of sin&quot; are responsible for global injustices.</td>
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<tr>
<td>Centesimus Annus</td>
<td>On the Hundredth Anniversary of Rerum Novarum</td>
<td>1991</td>
<td>Pope John Paul II</td>
<td>Collapse of communism in Eastern Europe</td>
<td>Consumeristic greed in the new &quot;knowledge economy&quot; must be combated.</td>
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<td>Caritas in Veritate</td>
<td>Charity in Truth</td>
<td>2009</td>
<td>Pope Benedict XVI</td>
<td>Global financial crisis, breakdown of business ethics</td>
<td>Focus should be placed on the economy of gift and ethical renewal.</td>
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<tr>
<td>Laudato Si'</td>
<td>Praise Be to You</td>
<td>2015</td>
<td>Pope Francis</td>
<td>Eco-crisis and weak social response to environmental degradation</td>
<td>The Church calls for an &quot;integral ecology&quot; and intergenerational solidarity to restore balance and protect the earth.</td>
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</tbody>
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Components of ERDs

- Part I – The Social Responsibility of Catholic Health Care Services
- Part II – The Pastoral and Spiritual Responsibility of Catholic Health Care
- Part III – The Professional-Patient Relationship
- Part IV – Issues in Care for the Beginning of Life
- Part V – Issues in Care for the Seriously Ill and Dying
- Part VI – Forming New Partnerships with Health Care Organizations and Providers
Part IV of ERDs

- Means of Reproduction – unitive and generative (38-42)
- Abortion (45) – All human life is sacred, graced by God through the Incarnation
- Genetic Counseling – to promote responsible parenthood (50)
- Embryonic Research – not allowed (51)
- Contraception (52) – *Humane Vitae*
“Because of the ERDs Catholic hospitals can never emergently treat women in the midst of a miscarriage, provide contraception to a rape victim, or any other pregnancy related complications.”
False

- They can emergently treat women in the midst of a miscarriage (rule of double effect)
- Can provide emergency contraception to a rape victim because it is scientifically doubtful of abortifacient effects.
Rule of Double Effect

First Condition: one effect is intended and another is not intended but is inextricably connected with the desired effect

*if the desired effect could be produced without the occurrence of the undesired effect, the act would not be performed, because there would not be justifying cause for the act.*

*Object of the act must be morally good*

*Act produces a “morally acceptable result”*

Second Condition: Beneficial act must be intended and the harmful effect rejected even though foreseen

Third Condition: Beneficial effect must not be achieved by means of the harmful effect.

Fourth Condition: Foreseen beneficial effect be equal or greater in worth than the harmful effect.
CASE 1
Part V of ERDs

- Balancing of extraordinary vs. ordinary means (56, 57)
- Nutrition and hydration should be used *in principle* (58)
- Free and informed consent of patient (59)
- Euthanasia forbidden – distinction between direct killing vs. letting die (60)
- “patients should be kept as free of pain as possible...” (61)
- Organ and tissue donation, not from an abortion (63-66)
End of Life

Pope John Paul II states, "In protecting and promoting life, at any stage or condition, we can recognize the dignity and value of every single human being, from conception until death." This statement precludes withdrawing life sustaining treatment until it is clear that a person will not be able to live.
Extraordinary vs. Ordinary Means

Extraordinary (disproportionate)

- New untested or experimental treatment
- Excessive pain, expense or burden proportionate to benefit
- From perspective of patient in relationship to family and community

Ordinary (accepted treatment)

- Reasonable hope of benefit
- Not excessive pain, expense, burden proportionate to benefit
- From perspective of patient in relationship to family and community
CASE 2
Part III and VI of ERDs

III - Patient Physician Relationship

- Advanced directives/health care surrogate (24-28)
- Organ donation (30)
- Research (31)
- Informed consent (32-34)
- Recognize abuse and violence (35)
- Sexual assault victim “should be able to defend herself against a potential conception...” (36)
- Ethics consultation available (37)

VI – Partnerships with Healthcare Organizations and Providers

- Serious consequences for identity (67)
- Notify bishop of impending partnerships (69)
- No immediate material cooperation in intrinsically immoral actions: abortion, euthanasia, assisted suicide, direct sterilization (70)
Conscience clauses allow physicians to inform the patient of all treatment options even if it is in violation of Church teaching.
Cooperation (Catholic Health Association)

THE PRINCIPLE OF COOPERATION

In a situation of cooperation, there is a Principal Agent (PA) who is engaged in wrongdoing and Cooperating Agent (CA) who participates in the action of the wrongdoer.

**FORMAL (Intention)**

- **Explicit**
  - The CA intends, desires, or approves of the PA's activity/wrongdoing
  - **Morally Illicit**
  - Never Acceptable

- **Implicit**
  - The CA claims not to intend, desire, or approve of the PA's wrongdoing but no other explanation makes sense
  - **Morally Illicit**
  - Never Acceptable

**MATERIAL (Action)**

- **Immediate**
  - The CA participates in a substantial manner in the PA's wrongdoing; contributes something without which the act cannot be done
  - **Morally Illicit**
  - **Usually Morally Illicit**
  - Guilt may diminish depending on circumstances
  - **Never Acceptable**

- **Mediate**
  - The CA participates in a non-substantial way in the PA's wrongdoing; contributes something without non-essential to the wrongdoing
  - **Can Be Morally Licit**
  - for a proportionately serious reason and not cause for scandal
  - **Proximate**
  - **Remote**
CASE 3