

Scholarly Commons @ UNLV Boyd Law

Scholarly Works

Faculty Scholarship

2005

Book Review: "Introduction to Jewish and Catholic Bioethics: A Comparative Analysis"

Stacey A. Tovino

University of Nevada, Las Vegas – William S. Boyd School of Law

Follow this and additional works at: <https://scholars.law.unlv.edu/facpub>



Part of the [Health Law and Policy Commons](#), and the [Medical Jurisprudence Commons](#)

Recommended Citation

Tovino, Stacey A., "Book Review: "Introduction to Jewish and Catholic Bioethics: A Comparative Analysis"" (2005). *Scholarly Works*. 398.

<https://scholars.law.unlv.edu/facpub/398>

This Book Review is brought to you by the Scholarly Commons @ UNLV Boyd Law, an institutional repository administered by the Wiener-Rogers Law Library at the William S. Boyd School of Law. For more information, please contact youngwoo.ban@unlv.edu.

INTRODUCTION TO JEWISH AND CATHOLIC BIOETHICS: A COMPARATIVE ANALYSIS. By Aaron L. Mackler. Georgetown University Press 2003. Pp. x + 238. \$26.95. ISBN: 0-878-40146-6.

Aaron Mackler's agenda is to provide an orientation to ethical reasoning in the Roman Catholic and Jewish traditions, explore Roman Catholic and Jewish deliberations in five areas of bioethics, and identify and examine the traditions' divergent and convergent methodologies. Mackler's spirit is to learn more about his own religious traditions by studying the traditions of others. Accomplishing his agenda while remaining true to his spirit, Mackler shows just how much Jewish and Catholic thinkers can learn from one another.

Mackler's introductory discussion of Roman Catholicism's and Judaism's shared ethical values (human dignity and the image of God, the unity of body and soul, life, love of neighbor, divine sovereignty and human stewardship, healing, community, justice, family, and autonomy) is particularly thorough. Although the general values Mackler identifies are central to both Roman Catholic and Jewish traditions, differences emerge within each tradition and between the traditions, including the understanding of such values.

Mackler offers a balanced survey of methodology in Roman Catholic moral theology and Jewish ethics. Catholic moral approaches generally focus on appeals to human reason and experience, understood in terms of natural law, as well as magisterial teaching, although tradition also provides an additional source of moral knowledge. Central to Jewish ethics is tradition, especially *halakhah*, although reason and experience also play important roles.

Although moral theologians from both traditions generally agree on the sources of moral knowledge, Mackler shows how a range of views regarding the relationship between general ethical values and specific moral norms exists within each tradition. Catholic thinkers differ regarding the extent to which the normative model of human good is constant or changing across cultures and in history, which elements of human well-being should be included in the normative model, and the extent to which natural law supports exceptionless norms. Additional controversy within the Roman Catholic tradition relates to authority, including the extent to which the pronouncements of the central magisterium are decisive and the extent to which individuals may

conscientiously dissent on the basis of other sources of knowledge. Jewish thinkers differ regarding the significance of universal human reason and experience, the way in which the Bible (especially the Torah) represents God's word, and whether the traditional authority of the rabbi should be maintained in bioethical decision-making.

Mackler's comparative analysis is based on his exploration of Catholic and Jewish deliberations in five areas of bioethics, including active euthanasia and assisted suicide, treatment decisions near the end of life, abortion, in vitro fertilization, and justice and the allocation of health care resources. Despite differences in methodology at the theoretical level, Mackler finds that theologians in both traditions frame issues in similar ways and identify similar sets of specific concerns.

In the context of active euthanasia and assisted suicide, Mackler shows that most Catholic and Jewish thinkers generally oppose active euthanasia and assisted suicide. Specific concerns relate to the potential for active euthanasia and assisted suicide to erode health care professionals' commitment to their patients. Of the Catholic and Jewish thinkers who support the moral validity of euthanasia, Mackler finds that Catholic thinkers emphasize a normative model of the good death while Jewish thinkers rely on halakhic precedent and other texts from the tradition.

In the context of treatment decisions near the end of life, Roman Catholic and Jewish thinkers generally share a commitment to the value of life and the responsibility to provide healing to persons in need. However, Mackler presents a wide variety of particular views that exist within this broad consensus. As an example, Orthodox Jewish authorities require continuation of life-sustaining treatment in nearly all situations. However, many Jewish and some Catholic thinkers would allow foregoing treatment when treatment would be therapeutically ineffective or merely would prolong the dying process, and some Catholic thinkers view treatment as pointless if it does not support the patient's quality of life or ability to pursue life's goals. Among other explanations for these observed differences, Mackler observes that saving and preserving life is more of a cardinal precept for Jewish thinkers than for Catholic thinkers.

Mackler's study of Catholic and Jewish views regarding the status of the fetus and abortion is noteworthy for the divergence it presents. Catholic thinkers generally treat fetuses as persons, with the same right to life as other persons, within a few weeks of conception. Jewish thinkers treat fetuses as potential persons that do not have the full status of persons even near the end of gestation. With respect to the

acceptability of abortion, the magisterium and many individual Catholic theologians view abortion as impermissible, even to save the life of the mother. Many Catholic thinkers and all Jewish thinkers would allow abortion when necessary to save the mother's life, and many Jewish thinkers would allow abortion in other circumstances to avoid the mother's personal suffering.

Mackler artfully displays what he refers to as "overlapping ranges of views" regarding in vitro fertilization (IVF), although the examples provided also could be interpreted as divergent. (179) The Roman Catholic magisterium, many Catholic theologians, and a few Jewish authorities oppose IVF. Among other concerns, Catholic opponents of IVF argue that IVF represents a wrongful domination of procreation, cuts the link between marital intercourse and reproduction, risks the child being viewed as a product, and involves the death of any embryos that are not implanted. Jewish thinkers generally accept IVF with appropriate safeguards in homologous cases, defined as cases in which a husband's sperm and wife's egg give rise to an embryo that is implanted in the wife for gestation.

Although both Catholic and Jewish thinkers generally rely on fundamental values to support a societal obligation to assure a basic level of health care, thinkers in each tradition acknowledge limits on society's obligation to provide any care that a patient might desire. Mackler undertakes a careful discussion of the ways in which these limits diverge. For example, Jewish thinkers tend to be more willing than Catholic thinkers to reduce health care for individuals who are responsible for their own illnesses.

After surveying Roman Catholic and Jewish approaches to general methodology and views on five specific issues in bioethics, Mackler undertakes in his conclusion a more complete analysis of the factors that account for the diverging tendencies. The Jewish inclination to mitzvah and the Catholic inclination to teleological concerns are central to his analysis.

With summaries and roadmaps at the beginning and end of each chapter and examples from a range of thinkers throughout, Mackler's text is well-suited for undergraduate and graduate students as well as readers interested in bioethics or religious traditions. *Introduction to Jewish and Catholic Bioethics* leaves the reader wondering only how Mackler might assess the different views he presents. Perhaps Mackler's omission was intentional: without his assessment, readers are

encouraged to consider and engage in dialogue with both the Roman Catholic and Jewish traditions in keeping with the spirit of the book.

Stacey A. Tovino[†]

[†] University of Houston Law Center, Houston, Texas.