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Ethics and the New Medicine by Harmon L. Smith

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His book *AUTOMOBILE DESIGN LIABILITY* contains everything that a lawyer needs to know about the automobile. To borrow a phrase from Mr. Robb’s foreword, the book gives to every lawyer precise information about the automobile “from ashtrays to zerk fittings”. Included within the pages of this book is complete and detailed information relating to Federal, State, and private safety standards and regulations, recall campaigns, compilations of automotive products liability cases, bibliographies and compilations of indices, libraries, experts and consultants in the field. If there is anything that cannot be found in this book, the author makes certain to tell you where to find it.

The defective product is a dangerous threat to the health and safety of an unsuspecting public and the automobile ranks highest among those products causing tragic death, destruction and devastating injuries. It is not sufficient for the lawyer engaged in the personal injury field to say that he will develop expertise in this expanding field of law “when the time comes”. The time is here and now. It is not enough to prepare the case after a retainer is accepted but the attorney must prepare himself well in advance so that he will be in a position to recognize and intelligently discuss, evaluate and investigate a potential automobile products liability case. Mr. Goodman’s book enables every lawyer to become an instant expert and to readily acquire the expertise necessary for this purpose.

Mr. Goodman is to be commended for his remarkable work. It represents an approach to the preparation and trial of a personal injury action, too often overlooked by the personal injury bar, that there is no substitute for a clear and thorough knowledge and understanding of the technical intricacies of the case.

*Moe Levine*

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In the last years Catholic moral theology has taken a distinctly speculative anti-authoritarian and liberal tone, which seeks to discuss
problems honestly and is often unable to give definitive moral answers, or condemnation of practices which were once rejected. This is particularly true in the case of sin, sex, marriage, ecology, and abortion. It attempts now to see many problems in the light of the good of a greater unity such as the family, society, or the ultimate needs of man on earth. For the new morality among Catholics, Protestants, and Jews (Smith is remarkably silent about the Jews: have they no ethics?) the reader might consult the entire issue of *Theological Studies* in 1970 given to the modern thinking on abortion. Here many theologians throw out of court the immediate infusion of the soul, or at least question it, and are willing to discuss the permissibility or even the necessity of abortion in certain cases. The reader, for a general view of the new morality, might consult something like R. A. McCormick, S.J. "Notes on Moral Theology" *Theological Studies*, 32 (1971), 66-122, which also includes an excellent bibliography. The ideas here are much different from those in Smith’s book.

Smith’s history in the New Medicine is rather superficial and somewhat misleading. I have a feeling he is getting it secondhand out of theologians who have an axe of one kind or another to grind or have been more impressed by philosophical rather than sociological arguments. Smith says that infanticide was widely practiced among both Greeks and Romans for purposes of population control. This is somewhat misleading. It seems that in the 3rd and 2nd centuries there was a marked decrease in population in Greece, and there seems to have been a large amount of infanticide of girls. But the chief authorities would attribute this to the lack of economic opportunity at the time and the bitter necessity of cutting short the number of mouths to feed. Population control in the present case was never advocated or encouraged by the state; if anything, it was dissuaded. In Rome, Augustus attempted to encourage breeding among the upper classes who were having small families. His efforts seem to have been unsuccessful. The Romans certainly never thought in terms of population control and would probably have been horrified at the idea. Throughout antiquity the father usually had the right to expose or put to death defective infants, but we do not know to what extent this was done, and the many stories of infants who were rescued from exposure and raised by others show that many people must have loved even defective children and objected to the practice of disposing of these children.

The author seems to misrepresent the Greek attitude toward

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abortion and has nothing to say at all about the most important debate on that topic. He brings in the Platonic idea of the soul and the real world; which I have never seen introduced in this connection at all, and can hardly believe has any bearing on the issue of abortion. As a matter of fact, the type of Pythagorean-Platonism alluded to actually seemed to be against even the killing of animals (since they might contain the soul of a former friend or relative). Instead, the debate among the Greeks was between the medical profession and the philosophic schools. The medical schools, following the principle of Hippocrates that the doctor was "to aid nature begetting," were violently opposed to abortion. The philosophic school favored abortion, but only when infanticide of unwanted infants was almost certainly to follow. Both schools were acting out of respect for life, and the philosophic position was that infanticide was evil, that abortion was evil, but abortion was the lesser evil.

He failed to note that the New Testament idea of the soul was probably dependent upon the Greek idea. However, in any case this had little to do with the early Christian morality here, which adopted rabbinical teachings to a large extent. Later Augustine took a stricter attitude.

Smith fails to come to grips with most of the problems of Protestant and Catholic ethics and hides behind the moderately conservative position of rather out-of-date authors. Perhaps this is commendable but it does not suggest where the real difficulties are in every case. For example, he takes Barth's position that God is the author of life, therefore no one can take his own life, even if he is now a burden to society and suffering the torments of a sure death. Yet one might wonder whether Barth himself would not be more interested in less simple solutions today. He also tends to accept the older "natural law" type argument. I would be more concerned over the danger in a state where certain people decide who is to live. The universal respect for life taught by Christianity makes it difficult to dispose of the mentally and physically defective. Perhaps it would not be too long a step to the "politically defective." One might also be concerned about a society which seemed to relegate all decisions over life and birth to materialistic benefit, in contrast to the openness of the more religiously oriented cultures.

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