

Culture of Death: The Assault on Medical Ethics in America

Book Review of

Culture of Death: The Assault on Medical Ethics in America

By Wesley J. Smith

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Review by

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Fifteen years ago, bioethicist Samuel Gorovitz published a trenchant response to several then-emerging criticisms of bioethics as a field.^[1] His article, entitled "Baiting Bioethics," was only mildly concerned with issues that have since taken on lives of their own within bioethics: The field has no particular methodology or clear foundation (which has evolved into the "no specific training is required to call oneself a bioethicist" issue); bioethics can't be taught (and it steals time in the medical curriculum from subjects that can be); and bioethics has had no impact on the progress of medicine and social life.

But after quickly dispatching these, Gorovitz turns to fundamental critiques of the very moral worthiness of "doing bioethics." He classified these fundamental moral critiques in 2 categories: either bioethics promotes "an unwholesome relativism" that undermines virtue and basic human rights, or it overemphasizes liberal individualism (that is, autonomy) at the expense of other important values of the community.

At the time, Gorovitz was responding to critiques offered by William Bennett (then Secretary of Education in the first Bush administration) and the sociologists Renee Fox and Judith Swayze. But he could as easily have been addressing Wesley J. Smith, the author of a new screed against bioethics, the so-called bioethics elite, and how this community has hijacked debate on these issues, entitled *Culture of Death: The Assault on Medical Ethics in America*.

In *Culture of Death*, Smith, the coauthor of 4 prior books with Ralph Nader (including *The Doctor Book: A Nuts and Bolts Guide to Patient Power* and *Winning the Insurance Game*) as well as *Forced Exit: The Slippery Slope from Assisted Suicide to Legalized Murder*, strongly endorses arguments about the relativism bioethics allegedly promotes and the field's emphasis on autonomy. While it may not be immediately obvious to all readers, adopting these 2 arguments together turns out to be supremely ironic. On the one hand, the charge that bioethics is suffused with utilitarian rela-

but autonomy should hold little sway, and paternalism rightly should rule the day when an individual wishes to obtain assistance in suicide. In other words, human rights are important, but only insofar as they do not impinge on his view of the sanctity of life.

A Monolithic Movement

This weakness in the philosophical underpinnings of the book may be interesting, but it is not its main flaw. Of much greater importance is that Smith purports that the entire field of bioethics is a monolithic political movement. He calls for a

pitched battle to take back medicine from the "bioethics elite" who would "euthanize Hippocrates." Such a strategy suggests that he is willing to mount an attack on an entire field that encompasses a wide range of views, in order to take down one particular line of argument within that field.

Guest Writers

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tivism proposes that bioethics doesn't attend well enough to the needs and values of individuals. On the other hand, Smith switches gears to argue that bioethicists are wrong to endorse an individual's right to make decisions that are counter to strongly held communal values.

But this latter argument is derived from an explicitly anti-individual-rights-based approach to moral decision making. Specifically, Smith lays out what he perceives to be a widely held traditional social value, which no individual should have the right to abrogate, even for him or her self -- the sanctity of all human life.

Human Rights vs. Paternalism

Here is the irony: In taking on both arguments, Smith implies that he can have his cake ("human rights") and eat it, too. Thus, according to Smith, individual rights should triumph when they justify providing CPR despite the physician's belief that it will be of little or no use,

Far from a monolithic elite, bioethicists are actively debating the issues with which Smith is concerned -- futile care theory, the definition of brain death, cloning and eugenics, definitions of personhood, and so on. But Smith has been, at best, selective in his readings. For instance, Smith claims that "bioethicists are generally not at the public forefront" of the debate on assisted suicide. In fact, bioethicists submitted separate amicus briefs to the US Supreme court on both sides of the constitutional right to assistance in suicide, suggesting that bioethicists are neither of one mind nor timid about taking a public stand.

Somewhat more disconcerting is that Smith apparently made careful decisions as to whom to label a bioethicist and whom to label something else. For example, major bioethics figures such as Leon Kass, Edmund Pellegrino, Alexander Capron, Paul Ramsey, Arthur Caplan, and many others are quoted in support of one or another of his arguments -- but not as bioethicists. Rather, in Smith's

view, they are philosophers, physicians, scholars, or, simply, ethicists. Yet when he describes the notoriously extreme views of the leftist Darwinian Peter Singer or situational ethics guru Joseph Fletcher, they are labeled "patriarchs" or "pioneers" in bioethics.

Most outrageously, he claims that "though few modern bioethicists" would endorse the Nazi Holocaust, the "values expressed in *Permission to Destroy Life Unworthy of Life* [a pre-Nazi tome arguing that physicians should be allowed to kill the mentally ill, retarded, and deformed children] fit snugly within the mainstream of the modern bioethics movement." Unfortunately, this unfair comparison is only one suggestion that Smith is prepared to bend the truth to make a point, turn a stomach, and potentially radicalize a reader.

He prepared for this book by conducting scores of interviews with bioethicists around the country, he is a regular participant on a major bioethics Listserv, and surely he is familiar with the "big names" in bioethics circles and the positions they have espoused. Given this, Smith has been quite selective in his presentation and interpretation of positions taken by individual members of his so-called "bioethics elite."

Futility

For instance, some prominent bioethicists may be surprised to find that they are included in a broad-brush group of futile care theory advocates. Robert Veatch is quoted repeatedly as an ardent supporter of futile care theory, yet the Georgetown University professor argued publicly against futile care theory in the Baby K case. Meanwhile, Susan Rubin, a mainstream bioethicist, has published one of the most thorough critiques of the concept of futility by clinicians, but her work is never mentioned. When Smith discusses the cases that led to the Baby Doe regulations,[2] he presents them as if bioethicists were the advocates of nontreatment of children with developmental disabilities such as Down's syndrome. In fact, clinicians made these decisions alone and it was bioethicists, such as University of Wisconsin professor Norman Fost, who were most critical of this kind of decision making by clinicians. Though many bioethicists criticized the heavy-handed nature of the Baby Doe regulations, few argued that there should be no constraints on these types of cases.

Modern-day bioethicists are not the only ones selectively represented. Smith invokes Hippocrates to counter the current thinking that allows patients or their legal representatives to refuse nutrition and hydration, but conveniently forgets the Hippocratic dictum that advises physicians to discontinue therapy for patients

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who are overmastered by their disease, an ancient support for the theory that clinicians need not provide treatments they deem futile. Ironically, one could argue that it is modern-day bioethicists who opened debate on this sort of covert and paternalistic imposition of futility determinations.

Judeo-Christian Tradition

More broadly, at the core of Smith's argument lies a claim that bioethics as a movement intends to subvert the regnant Judeo-Christian religious tradition. But he largely ignores clear splits in opinion among and within the various religious traditions, such as on abortion and physician-assisted suicide. (Interestingly, even though Smith himself takes a pro-life view in almost every case at the end-of-life, his vitalism seems to lose its consistency at life's beginning. He devotes only 1 paragraph to abortion and claims to be an abortion policy agnostic.) In fact, there is little evidence that his vitalistic focus at the end of life fits any better into the mainstream of Judeo-Christian values than do the views of those members of the bioethics community whom he derides as outside of the mainstream.

Finally, Smith fundamentally misrepresents much of the impetus behind bioethics discourse. Far from being an elite, "pipe firmly in mouth" practice, bioethicists are more likely than most other academically based disciplines to search out public views, work toward

moral consensus, and remain attuned to important social values when discussing moral issues. Hence he portrays bioethicists as a cadre of influential atheists, foisting a utilitarian social agenda on an unwitting public, most of whom would disagree with these bioethicists if they only knew the facts.

Community and Political Process

In reality, most contemporary bioethicists who share any utilitarian roots have largely settled on communitarian moral philosophy, with its strong sense of working through political processes to develop shared social values and public policies that advance these values. Indeed, Smith criticizes the US government's National Bioethics Advisory Commission for making recommendations that are intended merely to avoid what has been termed a social "yuck factor" (an equivalent of the "smell test" in the law), avoiding extreme negative public reaction. However, many of us believe that understanding public responses demonstrates warranted social consciousness, and makes for both wise public policy and good bioethics.

In short, Smith's arguing against the "bioethics elite" appears simply to be an overwrought attempt to mobilize public opinion on one side of a number of issues active in bioethics discussions. Where his arguments are solid (and many of his arguments, though not novel, are solid), they would have been better served by a less clearly polemic tone and a better, less selective marshaling of the facts. Smith's attempted construction of a bioethics conspiracy to create a "culture of death" is undermined each time he quotes leading bioethicists to support his own point of view; but in doing so he has, accidentally, made one contribution, showing how deeply bioethicists disagree on some fundamental issues in bioethics.

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