

# Book Reviews

## Canonical and Civil Legal Issues Surrounding the Alienation of Catholic Health Care Facilities in the United States

Rev. Daniel C. Conlin

Rome: St. Thomas University, 2000, 254 pp.,  
paperback

ONE DOES NOT GENERALLY EXUDE INTEREST and enthusiasm about reading a dissertation—unless one is required to do so. This case is different. Rev. Daniel C. Conlin's dissertation, *Canonical and Civil Legal Issues Surrounding the Alienation of Catholic Health Care Facilities in the United States*, is an exception. This study, encompassing as it does both the history of the subject matter and projected future issues, is both interesting and engaging.

From the opening chapter, in which Fr. Conlin poses the question: Has the hare of change in health care out-

run the tortoise of canonical regulation? to the discussion of pending mergers circa summer 2000, the volume reads smoothly and provides the reader with detailed background information and commentary. The footnotes alone are interesting reading. The bibliography is both extensive and current (not always the case in a dissertation). Fr. Conlin addresses both the civil, albeit briefly, and canonical complexity of alienation and its many ramifications for the ministry and the issue of preservation of assets and Catholic identity.

The volume opens with a discussion of the current environment of health care ministry, highlighting the increasing complexities of partnerships, growing diversity, severe financial constraints, tightening regulatory oversight, and the pressure to be both faithful and flexible in delivering health care services today. With that as a background, Fr. Conlin moves into a discussion of the intersections and divergences between canon and civil law. Acknowledging the thicket and arguing that civil courts would not enter into resolution of canonical matters, he

establishes the case for clear examination and careful explication of issues before entering into any contractual agreement or transaction.

The most interesting section includes Fr. Conlin's tracing of the history of the McGrath-Maida controversy, which called into question whether institutional ministries—health care and education—were in fact “stable patrimony” ecclesiastical goods or public trusts. Not only does he spell out the differences in each approach and perspective, he offers a solid critique of the inherent errors of the McGrath thesis and weaknesses of Maida's. He then proceeds to illustrate the results of applying either of these positions and the lingering fallout that has ensued.

Also of note and much appreciated is Fr. Conlin's carefully researched tracing of the origin and use of the word “sponsorship.” He points out the first authenticated use of the reference to “sponsor” occurred in John McGrath's 1968 work, in which he referred to the “sponsoring body.” From that starting point, he traces the continued effort to define the term, which has no basis in canonical or civil law. His well-researched efforts clarify a number of issues, including the crying need for a common definition of sponsorship (he has embraced the definition of Jordan Hite) and the relationship between reserved powers (artifacts of legal documents to protect “sponsorship rights”) and the emerging notion of sponsorship.

Fr. Conlin's work is an important and helpful addition to the growing literature about sponsorship and a reflection on the ability of canon law to apply to the demands of the times in this juggernaut of change.

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To inquire about obtaining copies of Fr. Conlin's dissertation, contact Fr. Conlin at the Church of St. Columbia, St. Paul, MN, 651-645-9179.

### BOOK BRIEFS

#### Raising End-of-Life Issues: A Communication Pocket Guide for Physicians

The Park Ridge Center for the Study of Health, Faith, and Ethics, Chicago, 2001, 32 pp., \$4.95, paperback

This concise, well-structured booklet aimed at clinicians provides several useful approaches for initiating discussion of end-of-life care with patients and families. These approaches suggest constructive ways to bring up the topic at five different stages in the physician-patient relationship:

- During the establishment of the relationship
- During management of a patient's chronic medical problem
- At hospitalization for an acute or critical problem
- When initiating palliative care after medical care fails to cure the illness
- At withdrawal of treatment when the patient meets brain death criteria

The discussion of each of these stages includes sample dialogue, common pitfalls to avoid, communication tips, and conflict resolution strategies. Much material is distilled and broken down logically in this brief publication, but the information is extremely valuable and useful. In addition, the size (truly a pocket guide) makes it portable and quickly referenced in times of need.

## The Moral Challenge of Alzheimer Disease, Second Edition

Stephen G. Post

*The Johns Hopkins University Press, Baltimore, MD, 2000, 157 pp., \$18.95 (paperback) or \$39.95 (hardcover)*

The turn of the millennium brings us to a new world filled with treatment and technologic advances that may provide hope for unlocking the secrets of many diseases and assistance in deciding which treatments are appropriate, futile, or burdensome. One disease that has followed us into the new century is Alzheimer disease (AD). Currently, four million Americans have AD. Many of these four million are still living at home, with a family member as their caregiver. In many cases, as the disease progresses the person with AD begins to require 24-hour care, seven days a week—at which time many caregivers seek long-term care as an appropriate alternative. Many challenges confront a person with AD, and many of these challenges will be shared by their caregiver, whether they be a family member, friend, or health care provider. Moral issues will become the greatest challenge, and informed decision making will be most critical. In the book "Ethical Issues from Diagnosing to Dying: The Moral Challenge of Alzheimer Disease," Stephen G. Post addresses the difficult challenges associated with the progression of AD from diagnosis to dying.

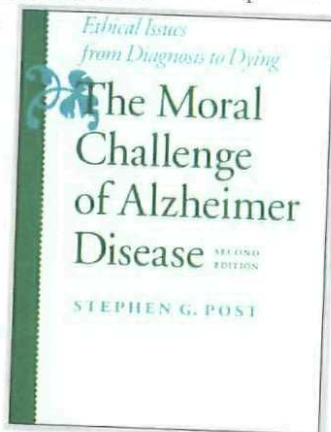
In the first two chapters, Post focuses on "the moral challenge of inclusivity and care for deeply forgetful persons and the family's role in meeting this challenge" (p. 44). The rest of the book focuses on very specific ethical dilemmas

for which every patient, caregiver, and provider should be well advised. Post presents the following chapters, which present issues and concerns that confront people who are affected by AD: "The Fairhill Guidelines on Ethics" (with Peter J. Whitehouse), "Genetic Education," "Enhancing the Well-being of Persons with Dementia," "The Case against Artificial Nutrition and Hydration" (with Margaret C. Circirella), "An Argument against Assisted Suicide and Euthanasia in the Context of Progressive Dementia," and "A New Ethics of Dementia Care."

The book is written in such a way that the reader cannot help but become aware of the sincere compassion that Post feels toward people with dementia. The content challenges the reader to reflect on the moral issues and the significance of providing palliative care in combating the desire for assisted suicide. He stresses the importance of good palliative care practices in the treatment of AD and expresses his philosophy as "prevent, delay, or cure this disease, treat behavioral problems with appropriate psychiatric medications, and avoid pain and suffering, but do not make efforts to extended lives in the advanced state of this terminal illness" (p. 10).

Post states that he does not believe in assisted suicide, and because of the real life experiences he has had in listening to thousands of people dealing with AD, he brings to light compassionate alternatives and instills a sense of hope in those who have been diagnosed with AD. He states, "By giving people with dementia this hope for dignified care, we make the appeal of assisted suicide less powerful." (p. 126).

Post has provided a well-researched book with an outstanding bibliography that will be helpful to all caregivers as well as health care providers. The book is well



### BOOKS RECEIVED

**Genetic Turning Points: The Ethics of Human Genetic Intervention**, James C. Peterson, Eerdman's, Grand Rapids, MI, 2000

**The Health Care Professional as Friend and Healer**, David C. Thomasma and Judith Lee Kissell, editors, Georgetown University Press, Washington, DC, 2000

**Privacy and Health Care**, James M. Humber and Robert F. Almeder, editors, Humana Press, Totowa, NJ, 2001

**Creating Responsive Solutions to Healthcare Change**, Cynthia S. McCullough, editor, Center Nursing Press, Indianapolis, IN, 2001

**Loving Your Job, Finding Your Passion: Work and the Spiritual Life**, Joseph G. Allegretti, Paulist Press, Mahwah, NJ, 2000

**Prenatal Testing and Disability Rights**, Georgetown University Press, Washington, DC, 2000

**The Veneration of Life Through the Disease to the Soul**, John Diamond, Enhancement Books, Bloomingdale, IL, 2000

organized, with each chapter dedicated to the various issues faced during the different stages of AD. This text provides information to guide readers before and during ethical and moral decision making and is very sensitive to the various emotions that one endures when the diagnosis is AD.

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