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Dominican end-of-life ethicist dies

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Dominican Fr. Kevin O'Rourke, a moral theologian and expert on health care issues, died March 28 in Chicago. He was for many years the director of a center for medical ethics at St. Louis University.

O'Rourke, 85, is well remembered for his public position on the controversy surrounding Terri Schiavo in 2005: He argued for the removal of a feeding tube from the profoundly disabled Schiavo on grounds that the treatment was useless and burdensome.

On many end-of-life issues, he took conservative positions but did not hesitate to deviate from operative norms when he thought there was strong reason for clearer thinking. O'Rourke questioned the legitimacy of the excommunication of Sr. Margaret McBride in 2010 in connection with the much-discussed case of an abortion she approved at St. Joseph in Phoenix.

In an article in *America magazine*, he wondered if Bishop Thomas Olmsted and his advisers clearly established that a direct abortion was performed.

Did he or his advisers know the medical facts of the case or did they know about the pertinent canons of the church for penal sanctions? ... Even if a direct abortion had been performed, the declaration that an automatic excommunication had been incurred is questionable. Canon 1321 states that the violation of the canon must be deliberate.

Commentaries on this canon stress that the people concerned must knowingly and willingly violate the canon. Did the people involved in the Phoenix case, mother, ethics committee members, or medical personnel, act deliberately? Did they set out knowingly and willingly to violate Canon 1398?

Or was their primary intention to save the woman's life?

Read the full story on O'Rourke's death.

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