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In Memoriam: Edmund D. Pellegrino

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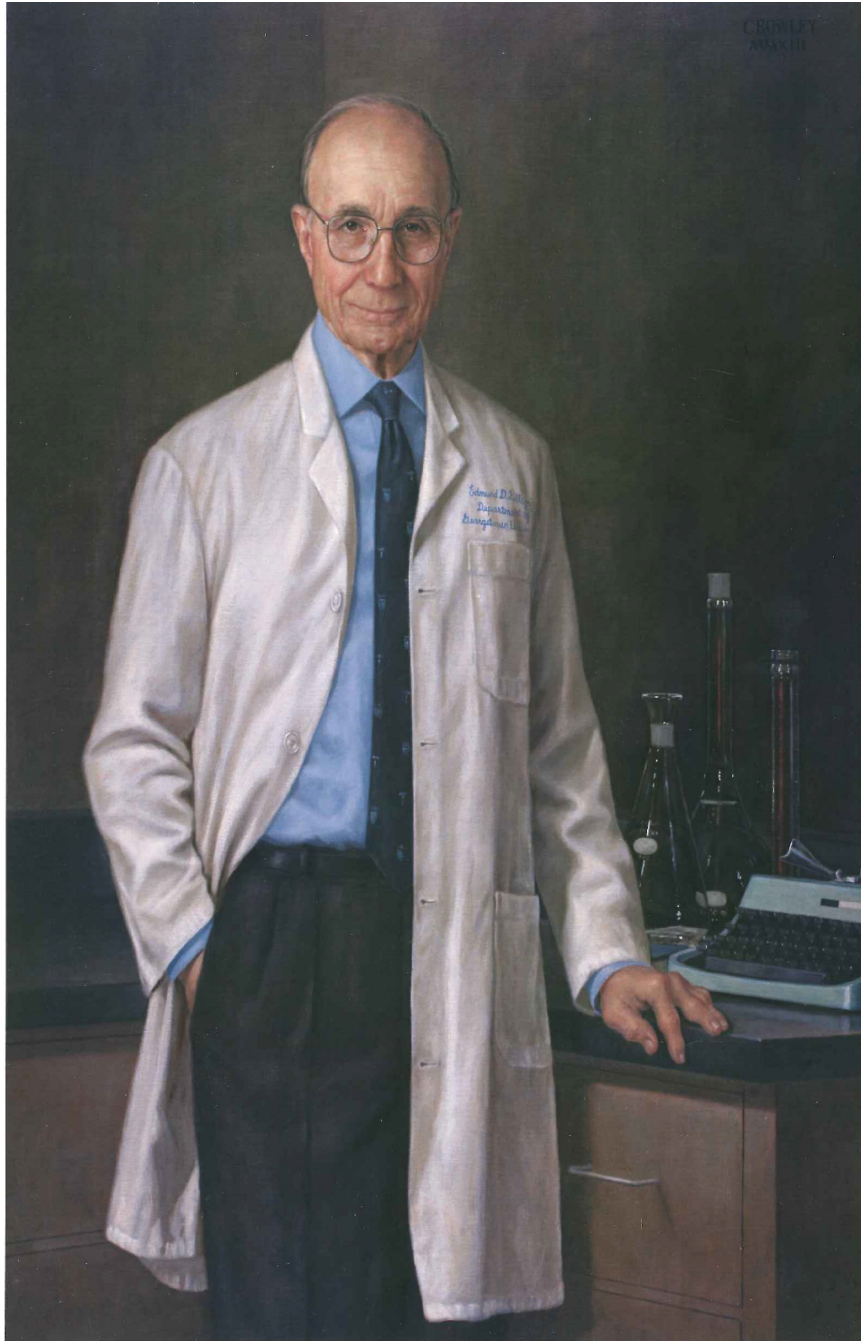


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Edmund D. Pellegrino, M.D., MACP

IN MEMORIAM:

EDMUND D. PELLEGRINO, M.D.

When Edmund D. Pellegrino, M.D., John Carroll Professor Emeritus of Medicine and Medical Ethics, Georgetown University, died on June 13, 2013, the fields of Medicine and Philosophy lost one of their giants, who was considered to be a founder of Bioethics as a discipline and an early pioneer in teaching humanities in medical schools.¹ In Dr. Pellegrino, *The Journal of Contemporary Health Law and Policy* lost its spiritual Godfather, and I—personally—lost a cherished and loyal friend, mentor, exemplar and, indeed, sherpa or guide. His generosity of spirit and time were unwavering sources of encouragement and unstinting support; and his wisdom enriched and ennobled me.

Prior to the publication of the *Journal* in 1985, discussions began in 1981-82 with the then-Dean of the Law School, Steven P. Frankino, and the then-President of The Catholic University of America,² Dr. Pellegrino, regarding the feasibility of beginning a journal which would have a strong interdisciplinary focus on probing the intersection of law, science, medicine, philosophy, ethics, and religion.³ Indeed, President Pellegrino “inspired the formation and supported the enterprise with his expertise.”⁴ He took “pleasure in the *Journal’s* growth and its commitment to the exploration of

1. See *The Philosophy of Medicine Reborn: A Pellegrino Reader* (H. Tristram Engelhardt, Jr. & Fabrice Jotterand eds., 2008); *Physician Philosopher, the Philosophical Foundations of Medicine: Essays by Dr. Edmund Pellegrino* (Roger J. Bulger, M.D. & John P. McGovern, M.D. eds., 2001); *The Health Care Professional as Friend and Healer: Building on the Work of Edmund D. Pellegrino* (David C. Thomasma & Judith Lee Kissell eds., 2000). See also, Emily Langer, *Doctor Was Called One of the ‘Major Pioneers’ in Bioethics* (Obituary for Dr. Pellegrino), WASH. POST, June 20, 2013, at B07. See generally Ronald Schleifer & Jerry Vannatta, *The Chief Concern of Medicine: The Integration of the Medical Humanities and Narrative Knowledge into Medical Practices* (2013).

2. Dr. Pellegrino served as President from 1978-1982. THE CATHOLIC UNIV. OF AM., *History of CUA Presidency*, <http://president.cua.edu/history.cfm> (last visited Dec. 20, 2013).

3. See generally George P. Smith, II, *In the Beginning: A Tenth Anniversary History of The Journal of Contemporary Health Law and Policy*, 10 J. CONTEMP. HEALTH L. & POL’Y 285 (1994).

4. Steven P. Frankino, *Edmund D. Pellegrino: A Physician-Philosopher*, 6 J. CONTEMP. HEALTH L. & POL’Y xi, xii (1990).

those issues which have been the focus of his professional life.”⁵ During his life, Dr. Pellegrino contributed to the *Journal* six times,⁶ and showed his *bona fides*, further, by being available to review and to shape contributions by students and lead article authors.

The vision of Dean Frankino and President Pellegrino in sponsoring the creation of the *Journal* was to create a forum to “promote social justice” and to “show an active involvement in law reform and social movements” designed “to speak on behalf of the poor and the oppressed.”⁷ Consistent with Dean Frankino and President Pellegrino’s passion for knowledge in the quest for truth, both of them encouraged the *Journal* to accept “a diversity of views in our pilgrimage to discover the truth.”⁸

Over the past thirty years, the *Journal* has sought, diligently, to embrace the vision of Dean Frankino and President Pellegrino, and to be true to their charge. Were it not for their clarity of vision, unequivocal support, and thoughtful direction at its founding and in the subsequent years, the *Journal* would not have been able to build and sustain a credible and professional reputation. It is altogether fitting, then, that this thirtieth anniversary volume of *The Journal of Contemporary Health Law and Policy* be dedicated—with affection and humility—to the memory of Dr. Edmund D. Pellegrino.

Pellegrino is defined, classically, as a “pilgrim wanderer.”⁹ This word is an ideal surname describing the life of Edmund Pellegrino; for, his life was truly a life of the mind—and of a mind exhilarated by new ideas, and of ideas as pathways to knowledge and truth—especially those which explored the humanities and the symbiosis of law, science, medicine, philosophy, and

5. *Id.* at xii.

6. Edmund D. Pellegrino, *Rationing Health Care: The Ethics of Medical Gatekeeping*, 2 J. CONTEMP. HEALTH L. & POL’Y 23 (1986); Edmund D. Pellegrino & David C. Thomasma, *The Conflict Between Autonomy and Beneficence in Medical Ethics*, 3 J. CONTEMP. HEALTH L. & POL’Y 23 (1987); Edmund D. Pellegrino, *Character, Virtue and Self-Interest in the Ethics of the Professions*, 5 J. CONTEMP. HEALTH L. & POL’Y 53 (1989); Edmund D. Pellegrino, *Patient and Physician Autonomy: Conflicting Rights and Obligations in The Physician-Patient Relationship*, 10 J. CONTEMP. HEALTH L. & POL’Y 47 (1994); Edmund D. Pellegrino, *Balancing Science, Ethics, and Politics: Stem Cell Research, A Paradigm Case*, 18 J. CONTEMP. HEALTH L. & POL’Y 3, 591-612 (2001-2002); Edmund D. Pellegrino, *Dedication to George P. Smith, II*, 25 J. CONTEMP. HEALTH L. & POL’Y 2, i (2009). Dr. Pellegrino’s Bibliography of over six hundred articles, book chapters, and twenty-four books on medical science, philosophy, and ethics may be found at the Bioethics Research Library at Georgetown University in Washington, D.C.

7. *Dedication to Steven P. Frankino*, 1 J. CONTEMP. HEALTH L. & POL’Y 1, 1 (1985).

8. *Id.*

9. CASSELL’S ITALIAN DICTIONARY 366 (Piero Reboria, 2002).

religion.¹⁰ Dr. Pellegrino's faith—without question—was the most unifying and important element of his life.¹¹

To enter into a social conversation with Ed, or attend a lecture, Grand Rounds, or even a question and answer interview by Ed, was mesmerizing. His delivery was always with *brio*, animated, and with sweeping gestures which helped to punctuate the precision of thought and analysis of his discourse or even his responses to inquiries.¹² As Dean Frankino observed, Ed was “. . . a man of many aspects. He is warm in his personality and delightful in *repartee*. His physical and intellectual energy are palpable. A conversation with him is a joy. A project undertaken with him is a fulfilling process.”¹³

Integral to Dr. Pellegrino's philosophy of medicine and his clinical practice throughout his entire professional life was his allegiance to *cura personalis*, or personal care—a foundational chrism, or faith based value, of Jesuit education.¹⁴ Interestingly, not only is this principle central to the work of the Society of Jesus, but the “Catholic tradition views education holistically and emphasizes formation of the total person—mind, heart,

10. *Supra* note 1. Ernest Hemingway opined that one should strive to “live the full life of the mind, exhilarated by new ideas intoxicated by the Romance of the unusual.” See ERNEST HEMINGWAY, *Banal Story in THE COMPLETE SHORT STORIES OF ERNEST HEMINGWAY* 274 (Finca Vigia ed., 1987).

11. Mark Zimmerman, *Renowned Bioethicist Dr. Edmund Pellegrino Dies*, THE CATHOLIC STANDARD, June 20, 2013, at 17, available at <http://www.cathstan.org/main.asp?SectionID=2&SubSectionID=23&ArticleID=5720> (reporting that Dr. Pellegrino once said “his faith was the single most ‘important unifying element in my whole life.’”). See generally Daniel P. Sulmasy, *Ethical Principles of Spiritual Care in OXFORD TEXTBOOK OF SPIRITUALITY IN HEALTHCARE* Ch. 63 (Mark Cobb, Christina M. Puchalski & Bruce Rumbold eds., 2012).

12. See generally Rachel Donadio, *When Italians Chat, Hands and Fingers Do the Talking*, N.Y. TIMES, July 1, 2013, at A6.

13. Frankino, *supra* note 4 at xi.

14. Timothy J. Cook, *Professional Education in the Jesuit Tradition*, at 2, Essay-Policy Paper, Department of Education, Creighton University (2002). A copy of this source is on file with the *Journal*. See also Daniel P. Sulmasy, *The Good Doctor*, 39 THE NEW ATLANTIS 51, 53-4 (2013), http://www.thenewatlantis.com/docLib/20130911_TNA39Sulmasy.pdf (reviewing Dr. Pellegrino's career and life ethos). See Int'l Comm. on the Apostolate of Jesuit Education, *Go Forth and Teach: The Characterization of Jesuit Education in FOUNDATIONS* 129, 138 (C.E. Meirose ed., 1994). *Curia personalis* is also the founding principle of the Georgetown University Medical Center. See GEORGETOWN UNIV. SCH. OF MED. WEBSITE, <http://som.georgetown.edu/about/curapersonalis/> (last visited Dec. 20, 2013).

body, and soul.”¹⁵ *Cura personalis* “insists on individual care and concern for each person.”¹⁶ Social justice is promoted, then, by a “service of faith” in education.¹⁷

Although Ed Pellegrino was committed to the practice of Medicine as a moral experience,¹⁸ he was quite cognizant of the fact that physicians are gatekeepers to all health care resources which means, in turn, that their actions are often constrained by economic policies set by health insurance providers.¹⁹ Inevitably, patient autonomy conflicts with physician autonomy; and other stresses and conflicts arise regarding the extent to which beneficence is a fundamental “trump” to autonomy or, whether both values are compatible.²⁰

Working to advance and assure patient welfare was, then, central to Dr. Pellegrino’s philosophy of Medicine, and totally in keeping with the principle of *cura personalis*.²¹ For Dr. Pellegrino, the virtue of compassion was “the most important element in medicine.”²² Because all patients need “emotional support,” he maintained that physicians have a professional

15. Cook, *supra*, note 14. *See generally* WHOLE PERSON CARE: A NEW PARADIGM FOR THE 21ST CENTURY (Tom A. Hutchinson ed., 2011); DAVID F. KELLY, GERARD MAGILL & HANK TEN HAVE, CONTEMPORARY CATHOLIC CARE ETHICS Ch. 3 (2d ed. 2013).

16. *Go Forth and Teach*, *supra* note 14, at 137, ¶ 41; Cook, *supra* note 14, at 2.

17. *Go Forth and Teach*, *supra* note 14, at 3, ¶ 7(d); Cook, *supra* note 14, at 4.

18. *See generally* EDMUND D. PELLEGRINO & DAVID C. THOMASMA, A PHILOSOPHICAL BASIS FOR MEDICAL PRACTICE: TOWARD A PHILOSOPHY AND ETHIC OF THE HEALING PROFESSIONS (1981). *See also* Edmund D. Pellegrino, *Toward a Virtue-Based Normative Ethics of the Health Professions*, 5 KENNEDY INST. ETHICS J. 253, 266 (1995); Edmund D. Pellegrino, *Toward a Reconstruction of Medical Morality*, 8 J. Med. Humanities 7 (1987).

19. *See, e.g., supra* note 6, Pellegrino, *Rationing Health Care*, at 28 (describing the dual role of a physician as a practitioner and “as the employee . . . in a prepayment insurance plan, like a Health Maintenance Organization”). *See generally*, MEDICINE & SOCIAL JUSTICE: ESSAYS ON THE DISTRIBUTION OF HEALTH CARE (Margaret P. Battin & Anita Silvers, ed., 2012); GEORGE P. SMITH, II, DISTRIBUTIVE JUSTICE AND THE NEW MEDICINE Ch. 2 (2008).

20. *See* Pellegrino, *Patient and Physician Autonomy*, *supra* note 6. *See generally* George P. Smith, II, *The Vagaries of Informed Consent*, 1 IND. HEALTH L. REV. 111 (2004); Jay Katz, *Informed Consent—Must it Remain a Fairy Tale?*, 10 J. CONTEMP. HEALTH L. & POL’Y 69 (1994).

21. *See* Pellegrino & Thomasma, *The Conflict Between Autonomy and Beneficence*, *supra* note 6.

22. *See* EDMUND D. PELLEGRINO & DAVID C. THOMASMA, THE PATIENT’S GOOD: THE RESTORATION OF BENEFICENCE IN HEALTH CARE (1988).

responsibility to give of themselves in order to show solidarity with their patients.²³

Two particular recognitions—in a career filled with countless ones²⁴—serve, for me, as metaphorical “bookends” to a lifetime of service to his profession of Medicine and to Ed’s faith as a Roman Catholic. The first recognition came in 1998 when Notre Dame University bestowed upon him its *Laetare* Medal.²⁵ Established in 1883, this medal “is awarded to those American Catholics . . . whose genius has ennobled the arts and sciences, illustrated the ideals of the Church and enriched the heritage of humanity.”²⁶ The personal citation for Ed’s award noted his commitment to championing “the culture of life” as proclaimed by His Holiness Pope John Paul, II.²⁷

The second recognition for Ed came in April, 2013, when he received the John Carroll Society’s 2013 James Cardinal Hickey Lifetime Service

23. *Id.* See Catholic News Service, *Bioethicist Edmund D. Pellegrino Dies: The Former President of Catholic U. Was 92*, ARLINGTON CATHOLIC HERALD, June 18, 2013, at 26. See also Pellegrino, *Toward a Virtue-Based Normative Ethics*, *supra* note 18, at 266 (1995).

24. See e.g., Chairman, President’s Council on Bioethics 2005-09; U.S Member to the International Bioethics Committee of the United Nations Education, Scientific, and Cultural Organization (UNESCO), 2004-06, charged with drafting the Universal Declaration on The Human Genome and Human Rights; holder of 52 honorary degrees. Among Dr. Pellegrino’s other professional associations were: his Directorship of the Center for Clinical Bioethics at Georgetown University—renamed the Edmund D. Pellegrino Center for Clinical Bioethics in 2013—from July 1991-96; his Directorship of the Georgetown University Center for the Advanced Study of Ethics from July 1989=99; his Directorship of the Kennedy Institution of Ethics at Georgetown from 1983-89; his Presidency and Chairmanship of the Board of Directors at the Yale-New Haven Medical Center from 1975-78; his Chancellorship and Vice Presidency for Health Affairs at the University of Tennessee from 1973-75; his Vice Presidency for Health Sciences and Deanship of the School of Medicine at the State University of New York, Stony Brook from 1966-73; and his Chairmanship and Professorship of the Department of Medicine at the University of Kentucky Medical Center from 1959-66.

25. UNIV. OF NOTRE DAME, *Pellegrino Named Laetare Medal Winner*, 27 THE NOTRE DAME REPORT 15, 327 (Apr. 17, 1998), <http://www.archives.nd.edu/ndr/NDR-27/NDR-1998-04-17.pdf>.

26. *Id.* The Author, George P. Smith, II, also viewed this statement on July 10, 2013, in the Main Building hallway beneath the Golden Dome at Notre Dame University where the *Laetere* Medalists are honored.

27. See *supra* note 26; see also His Holiness John Paul II, Address at the Eighth World Youth Day in Denver, Colorado: Farewell Ceremony (Aug. 15, 1993), http://www.vatican.va/holy_father/john_paul_ii/speeches/1993/august/documents/hf_jp-ii_spe_19930815_congedo-denver-gmg_en.html (“The culture of life means respect for nature and protection of God’s work of creation.”).

Award.²⁸ With the late Cardinal Hickey's enthusiastic encouragement, Ed—together with two other physicians—established, in 1984, the Health Care Network which continues to thrive as it seeks to provide medical care to the impoverished.²⁹ As an integral part of the Catholic Charities of the Archdiocese of Washington, D.C., some 250 volunteer physicians, nurses, and dentists serve approximately 2,000 people each year.³⁰ As with the awardance of the *Laetare* Medal and its recognition of Ed's work in illustrating—in thought, word, and deed—the ideas of the Church, and, in enriching “the heritage of humanity,” the Hickey Award recognized—at the end of Ed's life of service—his faith in action.

Dean Frankino captured aptly Dr. Pellegrino's character when he observed in 1985 that Ed's “. . . humility shines through in all of his endeavors. . . . He adds to all that he does and enriches those who work with him. In sum, his is a great life well lived.”³¹

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 Founding Faculty Editor,
The Journal of Contemporary Health Law and Policy
 Faculty Advisor

28. Lynnea Pruzinsky Mumola, *John Carroll Society Honors 'Heroes Of Faith' Who Volunteer With The Archdiocesan Healthcare Network*, THE CATHOLIC STANDARD, Apr. 9, 2013, <http://www.cathstan.org/main.asp?SectionID=2&SubSectionID=27&ArticleID=5623>.

29. *Id.* See generally DAVID F. KELLY, GERARD MAGILL & HANK TEN HAVE, *supra* note 15.

30. *Id.* See also Zimmerman, *supra* note 11.

31. Frankino, *Physician-Philosopher*, *supra* note 4, at xii-xiii. See also Hemingway, *supra* note 10.