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. . . “Be not afraid.” Pope John Paul II, now St. John Paul the Great, delivered that exhortation from the balcony of St. Peter’s on his election in 1978 and repeated it like a mantra during his long, peripatetic pontificate. In the decade since his death on April 2, 2005, Christian persecution has come clearly into view as a real and present danger; while many in the Third World are losing their lives, those in the “civilized” camp are beginning to wonder what sacrifice government might exact from those who wish to remain true to their faith. Two of our senior editors, Ellen Wilson Fielding (“By What Authority Do We Believe?”, page 5) and William Murchison (“Pro-life Meets Pro-the-Rest-of-It,” page 14), survey the West’s shaky moral terrain in essays here. Also, to mark the 10th anniversary of John Paul’s death, we reprint “Be Not Afraid” (*Appendix F*, page 93), Lynette Burrows’s prescient contribution to a commemorative symposium we ran in our Summer 2005 issue.

Christopher White, who has a Master’s Degree in Ethics & Society from Fordham University, returned from a recent trip to England with an overview of how the life issues are faring (“Trouble Along the Thames,” page 29). And from another part of the Commonwealth, we get a report from Margaret Somerville, a member of the faculties of law and medicine at McGill University in Montreal. Dr. Somerville, who is new to these pages, spoke with *Review* contributor John Grondelski about a troubling court decision on “physician-inflicted death” (“Euthanasia in Canada,” page 67).

We have another newcomer to welcome: Gerald Bergman, who teaches biology, chemistry, and anatomy at Northwest State College in Archbold, Ohio. Dr. Bergman shows how the long-discredited “biogenic law”—or ontogeny recapitulates phylogeny, which was widely cited in the years leading up to *Roe v. Wade*—still haunts the scientific literature (“Darwinism Used to Justify Abortion,” page 53).

Since our Winter issue went to press, the pro-life movement has lost three important leaders. Our thanks to *Public Discourse* for allowing us to reprint Michael New’s “An Insider’s View of the Pro-life Movement” (*Appendix A*, page 80) about Dr. John C. Willke, and National Review Online for William McGurn’s “RIP Charlie Rice” (*Appendix E*, page 91). Connie Marshner’s “Appreciation” of William E. May (*Appendix D*, page 89) first appeared on the *Review*’s website.

We also wish to thank Anne Manice (*Appendix C*, page 87) for sharing remarks she made on the 20th anniversary of a crisis pregnancy center she founded in New York, and the Susan B. Anthony List for permission to run excerpts from speeches by Lindsey Graham and Carly Fiorina at their recent gala (*Appendix B*, page 83). Speaking of galas, this year’s Great Defender of Life Dinner will be held on October 22nd—for more information and news about our honorees, see page 66.

Finally, a mea culpa. Due to an editing error (mine!), the first sentence of the first paragraph on page 51 of Umberto Eco’s essay in our Winter issue should have read “When does human life begin?” (“When does human *love* begin?”—the incorrect version—is a much tougher question.)

ANNE CONLON
MANAGING EDITOR



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INTRODUCTION

We open this issue with an astonishingly wise essay by Senior Editor Ellen Wilson Fielding. It's a reflection on authority, in a broad sense, or as illustrated by the Pharisees' Gospel quote "By what authority do you do these things?" To what authority do "we" adhere when it comes to ethical decisions affecting human life? In a culture that increasingly rejects religious, moral and philosophical arguments in favor of science, Fielding reminds us that scientists *too* rely on faith—they must put their faith in those who do the research, who perform the experiments—and also that it is human to doubt even our most powerfully held convictions ("even atheists experience 3 am moods when they doubt their atheism."). The real problem for "relying upon scientific authorities" when it comes to "our" life issues is that our opponents "also treat them as authorities in ethics, philosophy, and religion." But they are not. "Because human science has progressed to the point where researchers *can* experiment with human cloning," for instance, "they conclude that whether scientists should be permitted to do so is a scientific question. It is not. It is a moral, philosophical, metaphysical and religious question."

This confusion over authority is taken up as well by Senior Editor William Murchison. He describes the public moral climate as the "new of-course-ness in human affairs," made evident in the recent "brawl over religious liberty" in Indiana: "*Of course* Indiana's legislature was backward and bigoted and just plain wrong—got that, wrong!—in enacting that religious Restoration of Freedom Act." Of course "we are free-thinking, free-acting integers," no longer subject to "quaint notions of how we fit into some divine scheme or other." What happened in Indiana, he writes, is instructive as to "how we got in such a fix over abortion and euthanasia, and why we stay there." And he thinks it started in the 1960's, with the first "defusions" of religion and "civic purpose" when prayer was banned in the public schools. This separation of human affairs from divine authority paved the road to *Roe* and to the cases before the Supreme Court today that challenge "the historic way of understanding marriage and family."

How does such a secular society view the disabled? This is a question taken up in a thoughtful and poignant article by Ursula Hennessey, who sheds light on a current debate in the disability community about what opponents call "inspiration porn." You've seen them: the videos which often go viral featuring special needs teens in moments of triumph and joy—a young lady with Down syndrome gets voted homecoming queen; a team lets a disabled player score. Some disability advocates find them offensive because they see them as condescending; they want to see the disabled celebrated instead for actual achievement—the grade-level reading, say, or college degree. Hennessey, while seeing true inspiration in the videos, nonetheless warns that *both* views risk falling into a dangerous trap of

making “dignity something that must be earned . . . If achievement, or some standard of ‘giving back to society,’ is the bar for establishing worth then what are we to think about children who are born with little or no hope of ever performing simple motor functions like walking and talking?” It is precisely these children, and babies diagnosed as terminal in utero, who are the subjects of Kathryn Jean Lopez’s article (p. 45) “Welcoming and Supporting Every Life.” Bella Santorum, the youngest child born to former Pennsylvania Senator Rick Santorum and his wife Karen, was diagnosed in the womb with a condition “incompatible with life.” She is now seven years old. The Santorums had to fight to get her life-sustaining treatment every step of the way because, said the Senator, “the hospitals are crawling not with evil mercy killers, but rather, with many people who value human life according to what a person is able to do, rather than on how he or she can love and be loved.”

While at least in the United States the abortion rate is declining, “across the pond,” as contributor Christopher White reports (“Trouble Along the Thames,” p. 29), the “latest official numbers reveal an uptick,” and there is more sad evidence of Britain’s “aggressive indifference to the sanctity of human life and the legal protection it deserves.” He first cites a chilling incident involving the silencing of the free exchange of ideas at Oxford; he also reports on Britain’s controversial decision to lead the way on the creation of three-parent embryos, and the “groundswell of support, both in Parliament and the public,” to legalize assisted suicide. It might be useful after reading White’s informative article to turn to our archival piece (*Appendix F*), an article from 2005 that British national Lynette Burrows wrote on the occasion of the death of Pope John Paul II. Burrows’s words about the moral and cultural conditions affecting people’s child-bearing in Britain in particular, and Europe in general, will no doubt strike you as terribly prescient, and contribute to understanding the societal pressures at play in Britain’s “brave new world.”

Our final full article makes a powerful bookend to our lead: As Fielding reminds us how much faith is put in science, Dr. Gerald Bergman demonstrates how what’s accepted as “science” can sometimes be completely debunked. He writes about the evolutionary theory that ontogeny recapitulates phylogeny—put simply, that the human embryo is not human in early pregnancy; it is, well, a fish! Unbelievable as it may seem today, this was one of the “strongest scientific arguments” for abortion, put forth by “experts,” and it became so deeply imbedded in biological thinking that it’s still used by some to support abortion today. Bergman writes: “Although pro-life defenders of the significance of conception have often been dismissed by their opponents for relying on faith rather than science, it is in fact those pro-abortionists who rely on the discredited theory of ontogeny recapitulates phylogeny that rest on (misplaced) faith in (spurious) science.”

Also in this issue: Paul Benjamin Linton responds to Gualberto Garcia Jones’s non-response to Linton’s critique of the newly formed Personhood Alliance’s strategy (see both Linton’s and Jones’ articles in our Winter 2015 issue); philosopher Donald DeMarco treats us to a fascinating, unexpected reflection on what happens

INTRODUCTION

when sex remains divorced from the institution of marriage and the family (“Our Harem of Imaginary Brides,” p. 42); and John Grondelski contributes both an interview with Dr. Margaret Somerville of McGill University about the implications of the Canadian Supreme Court decision de-criminalizing assisted suicide, and a review essay on three pro-life books—by Brian Fisher, John Ensor, and Randy Alcorn—that “provide Protestant proliferers with useful resources, both for their own background knowledge as well as to make the case to their churches and the larger public.”

* * * * *

In our *Appendices* we salute three towering defenders of life who we have recently lost: Dr. John C. Willke, author and former president of the National Right to Life Committee (remembered by Michael New in *Appendix A*); Professor William May, profiled by Connie Marshner in *Appendix D*; and Professor Charles Rice—whose RIP was written by William McGurn for NRO. The remarks of two 2016 presidential candidates, Lindsey Graham and Carly Fiorina, are reprinted in *Appendix B*, given at the Susan B. Anthony List Gala in April.

This brief introduction simply hints at the riches to come in this issue, I hope you enjoy it all. I conclude with thanks as always to our wonderful Nick Downes for his cartoons, and with a special appreciation for Anne Manice, whose remarks (given at the occasion of an award ceremony in her honor) we reprint in *Appendix C*. Mrs. Manice founded New York City’s Pregnancy Help, Inc.—one of the centers the Human Life Foundation helps to support—in 1994; her beautiful reflection reminds us of the countless unsung heroes who labor silently to allow other women to say yes to life. She also reminds us that ours is a cause of hope, and of faith: The only requirement, she writes, for being a volunteer working at Pregnancy Help is “faith in the future,” the one thing a pregnant mother needs. We need such faith too, and we can be encouraged by these words of Pope Francis from his encyclical *Evangelii Gaudium*: “However dark things are, goodness always re-emerges and spreads. Each day in our world beauty is born anew; it rises transformed through the storms of history. Values always tend to reappear under new guises, and human beings have arisen time after time from situations that seemed doomed.” The *Review* exists to light the way through such storms of history. May you be strengthened and given hope by its offerings!

MARIA MCFADDEN MAFFUCCI
EDITOR

By What Authority Do We Believe?

Ellen Wilson Fielding

Individuals and their societies stand the best chance of maintaining a kind of moral equilibrium and an ethical system drawn from the wellspring of Judeo-Christian belief in the sanctity of the human person when people can simply imbibe this understanding from their mother's milk or inhale it from the atmosphere. Once forced to defend what we believe (or in modern parlance, how we feel) about the deepest, most fundamental things—things like the killing of the unborn in abortion or of the old, infirm, or inconvenient in euthanasia; the concocting of human beings or (in the once sci-fi but increasingly sci-nonfi minds of scientists) of weirdly cloned species mixes; the definition of marriage and the like—then the ground seems to shift. As C.S. Lewis, a formidable defender of Christian belief in person as well as in writing, once confessed, he was never less sure of his own beliefs than right after he had presented a defense of them.

I suppose the psychological explanation is that at such times the reality of what we defend appears to hang solely upon us and our arguments, upon what we know and remember and upon what speaks to our own musings of mind or soul. In addition, because few people are instantaneously converted by debates, whether formal or informal, the debater is aware that the arguments that have satisfied him for years or a lifetime do not seem to have a similar effect on his opponent. However strong these arguments are—however true the chain of logic holds at each link, however securely the fate of Western Civilization rests on that truth—the logic seems less strong for being dependent upon the one believer present. And of course, though the logical links of our argument may indeed be true, though we may at some point have worked through each one, ending up with assent, we may not be able to reproduce these arguments on the spot with the rigor and completeness of that first encounter with them.

In addition, as individuals we may flunk at debating. We may forget things, or the questions or objections raised by our opponents may never have bothered us and therefore may now flummox us, even though we are certain that other people know and could produce satisfying replies. And there may be whole categories of argument that we never learned or never felt the lack of, leaving us—and our belief at this moment—dependent upon the one or

Ellen Wilson Fielding, a longtime senior editor of the *Human Life Review*, is the author of *An Even Dozen* (Human Life Press). The mother of four children, she lives in Maryland.

two lines of argument that sufficed for us and that we therefore can reproduce. Also, the way we explain and understand our beliefs likely is colored by temperament: The line of argument we find attractive may appeal more to intellectuals, or to advocates of common sense, or to touchy-feely types, or to men of action, or to historians, or to scientists and techies, or to mystical types. To that extent, the ground of this belief may appear limited, and by extension, even though it is not necessarily so, what we believe in may seem a “truth” limited to us or those like us.

All of these human or psychological factors of how we believe, how we feel about our beliefs, and how we defend them to others are not idiosyncratic to Christians like Lewis or to proliferators or opponents of euthanasia or defenders of traditional definitions of marriage. As someone—it may have been Lewis himself—once observed, even atheists experience 3:00 a.m. moods in which they doubt their atheism. Political liberals and conservatives also experience those moments of metaphysical disorientation when they feel the need to reason themselves step by step back to certainty, consult the work of an authority, or merge temporarily into a supportive mob of likeminded individuals. Any opinion, point of view, or explanation of the universe that depends or seems to depend at some point upon us for its existence will then feel like treacherous, unstable ground. That is because such understandings or beliefs are in some sense bigger than we are—especially those concerning the great questions and their numerous tributaries: Stephen Hawking’s Theory of Everything, for example, but also the justification for infant baptism or the defense of democracy over hereditary monarchy or country versus city living as the locus for a truly human life.

And there is a related reason we feel on shaky ground in defending our beliefs on the Big Questions: Almost all of us are not really up to it, if by that we mean that we are fully briefed or capable of being fully briefed on these questions, as doctoral students are supposed to know every bit of knowledge available or every theory advanced about their tract of thesis territory. I recall reading that Thomas Aquinas, in his writing about explaining the faith, combined common sense with a truly astonishing optimism about the capacity of the human mind to attain a rudimentary but true belief in God. As I recollect it, Aquinas believed that, given basic good will, normal intelligence, and sufficient time (the last being at least as difficult to fulfill as the first two), it would be possible to rationally convince anyone of God’s existence and his essential attributes (and probably to convince him about much more of the Catholic faith in which Aquinas believed). However, because most people lack one or more of these requirements, and especially a lifetime long enough and empty enough of other pursuits to devote to working step by step through

the truths of the faith with learned and orthodox teachers, according to Thomas, God has given us an inspired authority—the Church—as teacher and guarantor of what we believe.

In other spheres and for non-religious questions the case is somewhat similar, although lacking the part about inspiration. Most believers in evolution, barring a relative handful of evolutionary biologists, probably know as little as—or even less than—the Creationists about the minutiae of their scientific belief. That is why I termed the evolutionists “believers.” Some might object to this label, thinking that they can easily distinguish their opinions from those of religious believers because, unlike Creationists, the believer in evolution only places credence in what is scientifically proven, and therefore “knows” rather than “believes.” The truth, however, is that we all rely much more on faith—if not in God, than in ourselves and others—than we realize. Believers in evolution, for example, mostly haven’t been out in the field digging up fossils or tracking down Missing Links; generally, they haven’t even inventoried skeletons of extinct prehistoric species in the basements of the world’s museums of natural history. They don’t know, as geologists do, the details of soil and rock stratification and dating, or the data used to compute the age of Earth and its life forms, its chemical composition, and the like.

And why should they? The topic of evolution doesn’t hold much interest for me, and so I have no particular ax to grind in the matter. So there is no invidious intent behind my drawing attention to the mass of knowledge one would need to absorb and then correctly analyze and extrapolate from in order to be fully expert on evolutionary theory. My point is that, here as in many other areas, partial and limited knowledge suffices for most of us to determine what we believe to be true. Global warming is of course a more topical example, but a “hotter” one to handle as an illustration, because it distracts from my general topic.

Which is: What role nowadays does authority play in our current ethical arguments over sanctity of human life issues, including abortion, euthanasia, human preferentialism, and the like?

Well, we already know that other kinds of authority play a certain role in the formation of opinion or belief for many secularists. Understandably, in matters of science they seek scientific experts, in matters of technology, technological experts. Yet even here there are perils to navigate, as I suggested earlier. For example, not all scientists—even great scientists—agree about hot topics in their field. Many years ago during the Reagan Administration’s advocacy of the “Star Wars” (Strategic Defense Initiative) missile shield against enemy attack, I talked with a scientist who was frustrated by what he

described as congressional supporters' credulity. He stated that he knew the physics and was certain the plan was unworkable, or unworkable enough of the time to make the missile shield useless as a security feature. He wished people would leave scientific questions to scientists.

But, I pointed out, the problem was that there were top physicists on the pro-"Star Wars" side too. After all, they got the original inspiration from Edward Teller, and some of his protégés were in on the SDI design. How was a non-scientist to decide who was right when two parties of respected top scientists disagreed? My-friend-the-scientist may have thought that it was obvious which party of scientists was on the right side of history in the case of the Strategic Defense Initiative, just as (to take the current and for us more loaded example of global warming) the global warming party clearly believes they are the only true scientists in the game. They may be right; many of them have impressive credentials. However, such credentials alone do not decide the question. Brilliant cranks with undergraduate, graduate, and post-graduate degrees from top-flight institutions of higher learning are capable of concocting esoteric but logically consistent scientific models. So what makes a scientist or a scientific school authoritative then, in the sense that the unadmitted scientific laymen can cite his or her research, analysis, or prognostication with a sense of security, with a sense of, well, faith?

Although contradictory opinions by biological experts on biological subject matters do not lie at the center of pro-life and pro-choice disagreements, they play a small role at the margin, especially when it comes to topics like cloning and fetal tissue research. Much of the stridency of embryonic stem-cell research advocates came from the predictions of researchers that spectacular cures lay down the road by means of this technique; they naturally foresaw less glowing outcomes for competing research approaches, such as those concentrating on adult stem cells. Even without blaming what looks like a largely failed research track on researchers' desire to keep a steady flow of grant money coming for their research, we can understand that natural human biases would incline scientists who had invested years and reputations on one avenue of research to consider it the most promising.

One lesson to take away from this and other examples of scientific disagreements is the importance of knowing history—perhaps particularly for those pursuing or evaluating scientific research. Consider: Someone commits to a research path that may take many years to produce either positive or negative results, thus (in a sense) validating or invalidating a career. (All scientific knowledge, even the knowledge that a particular path is a dead end, is useful, but pursuers of scientific dead ends do not after all receive Nobel Prizes.) Such a person likely needs a great sense of certitude to fuel prolonged effort.

In fact, if someone is a true trailblazer, he or she needs almost pathological certitude to persist against the inevitable naysayers. There is not much difference between the crank who peddles an unusual diet supplement as a cure for cancer and the visionary like Jenner or Lister or Pasteur who comes up with vaccination against smallpox or germ theory or pasteurization—except that those later honored as “visionaries” come up with an idea that works. Have you ever read stories of investors who got in at the ground floor of someone’s idea for a startlingly novel invention or a risky business model and made millions? Have you ever wondered whether their choice of a winner to back was due principally to their own perceptiveness or analytical skills or whether it was largely due to luck? The creativity that the schools tout as one of the great goals of education for our children requires a certain willing suspension of disbelief in traditional approaches and linear logic, a certain free-wheeling let’s-look-at-this-from-a-completely-different-angle type of thinking that from time to time reaps spectacular rewards but more often comes to nothing.

That is where history comes in: If you study the real thing rather than a series of isolated success stories, you see that brilliant, dedicated, and hard-working people have often gone wrong. You even see that whole groups of brilliant and hard-working people—working from similar premises, reinforcing each other’s thinking, and building a scientific consensus about the correct understanding of this or that physical, biological, or chemical phenomenon—can go wrong, and have done so repeatedly in the past. Galileo was brilliant, but so was Ptolemy long before him, whose work he helped to discredit. Some have long theorized that when it comes to broad models of understanding the universe or natural systems there is no scientific truth in the sense of an ultimate paradigm that will not be challenged and overthrown in its turn; there are only more or less productive models judged by their ability to, for example, cure and prevent disease, improve food production, or encourage groundbreaking inventions. We all know that scientists, researchers, and inventors of all kinds have achieved spectacular improvements in how (and for how long) we can live our lives, making us the beneficiaries of extended life spans, time-and-space-suspending handy gadgets, means of extending the capabilities of the handicapped, and more effective remedies for pain, including psychological pain.

Whether some, all, or many of the advantages of modern life come at a heavy future price that includes catastrophic effects from global warming, the Sorcerer’s-Apprentice-like problems of atomic and non-biodegradable waste, and dilemmas on a similar scale, will presumably someday become

apparent. It's possible that our planet's present or future state is not so dire as we imagine on our gloomier days: Progressivists and followers of secular science have their pessimists, just as traditionalists do. Perhaps their current ascendancy will be succeeded by the kind of irritating but occasionally correct optimists who use the discredited Malthus (who failed to foresee that enormously expanded plant yields would explode his predictions of global starvation), as a warning against pessimism. Crystal-ball gazing can go wrong in either direction.

But disagreements among the experts about their own areas of expertise do not cause or even contribute much to most of the differences between proliferers and pro-choicers on these issues. An exception may be the expertise of the professional ethicists who weigh in on lives unworthy of life or unworthy of being called human life, like Peter Singer. Unfortunately, it is unclear that they deal in the kind of testable knowledge that the biologists and physicists employ. Of course, philosophers acquire knowledge and employ logic; but, especially when it comes to the arena of ethics, where they end up depends largely upon the first principles they start from. It is not principally or usually breaks in the subsequent chain of logic that lead them wrong.

The real problem with relying upon scientific authorities in the areas of human reproduction, end-of-life decisions, and other human life issues is that our opponents also treat them as authorities in ethics, philosophy, and religion. Although some secularist proponents of human bio-engineering bring up in knee-jerk fashion the Galileo case when criticizing the Catholic Church's refusal to accept activities arising from scientific expertise, such as human cloning, in fact it is our opponents who often commit the error of relying upon an expert in one sphere to pontificate in another. Because human science has progressed to the point where researchers *can* experiment with human cloning, they conclude that whether scientists should be permitted to do so is a scientific question. It is not. It is a moral, philosophical, metaphysical, and religious question. (It is also a political, social, and economic question, but the political, social, and economic ramifications should only become pertinent once those fundamental questions are settled.) Although such questions *arise* because of scientific progress, they cannot be answered by scientists acting as scientists. And when they are not acting as scientists, they are no more authoritative than anyone else.

Now, how important is this to the largely secular and generally anti-authoritarian community that promotes, among other things, the pro-choice, pro-euthanasia agenda? Some—perhaps many—pro-choicers or pro-cloners or death with dignity sorts do in fact trust in scientific consensus and an

integrity in moral questions that science does not—cannot—have. Others, including those dismissive of the claims of traditional value systems to deal adequately with modern-day developments, can draw on science as the means of enabling them to do what they wish to do, but not as the moral authority to whom they appeal for permission to do so. If they single out someone beyond the scientific community (and within the community of moral philosophers or ethicists, such as Singer), they do so more because these are famous and (in certain spheres) respected people who agree with them than because they identify themselves as disciples. It's a shorthand identification of where they stand and the class of argument they might present for such beliefs.

Let's look at what this might mean for people who have similar pro-euthanasia law positions but draw on different sets of arguments to explain them. One of them might argue along utilitarian lines that the government should make decisions based on the greatest good for the greatest number. According to this model, governments would save money from reduced healthcare costs by cutting off access to treatment for the old or chronically infirm or handicapped, paying for or otherwise encouraging or accommodating their assisted suicide or perhaps euthanasia in order to channel more money into education, health prevention, or other services for society's healthier units.

Another proponent of euthanasia laws might take a different tack, focusing not at aggregate human happiness but at human productivity or efficiency. Adherents of this outlook might sketch a kind of survivalist position for the human race: Lifeboat Earth has too many mouths to feed, so unproductive ones must go. Or they could adhere to an efficiency or productivity model, the Earth as Factory, which might prove attractive to those who feel a kind of visceral distaste for human waste or an almost aesthetic attraction toward a world in which all the cogs are beautifully aligned and in motion. Another quite differently motivated class of euthanasia proponents might argue their position on more individualistic lines, personally identifying with assisted suicide scenarios. People holding this view would defend anyone's right, a la Brittany Maynard, to decide when enough is enough for whatever reason or seeming lack of reason. Perhaps others are motivated to support euthanasia laws from a slightly different individualistic slant: Reacting viscerally to the thought or presentation of others' suffering, they seek to stop it, as one stops the screams of an injured animal by killing it.

Anyone with a bias toward euthanasia laws for these or other reasons could cite writers and thinkers whose arguments might have moved them to their current positions or might just express those positions well. But for

the most part those cited would not really be authorities, because secularists and non-traditionalists do not really traffic in authorities—defined as people or entities with a claim to be heard and obeyed, whether God, King, or country.

Perhaps the closest we have to modern non-traditional authorities is the will of the people exercised in democracy. But that is not after all very close, because we all feel free to agree and disagree with the people's will as expressed in election results; politically active members of society make the effort to influence or alter that will—in effect, to make it conform to their own. When it *does* conform to our own on this or that topic, we try to use that democratic authority to slap down our opponents.

But the very fact that democratic opinion changes and that each citizen is a part of that change—a very tiny part, but in many cases one with an active and urgent political agenda—suggests that democratic opinion is not really considered the *source* of justification for this or that law or practice, but the prop, defensive wall, or enabler of such practices. A pro-abortionist may try to silence the opposition by describing *Roe v. Wade* and its progeny as settled constitutional law that all Americans must accept and learn to live with. But *Roe v. Wade* is not the basis for the pro-abortionist's defense of abortion.

This exposes the Catch-22 of legal positivism, or the theory that there are no prior legitimate sources of law, no ultimate axioms upon which the edifice of the law is erected—in a word, no authority. Those who acknowledge no antecedent moral principles that can be used to judge the law or to authorize proposed changes to it are free to pursue novel and even revolutionary legislative changes; however, if they are consistent, they should also acknowledge the right of others to do likewise. So in the end, legal positivism settles no questions, even in theory. And how could this not be the case? If there is no ultimate underlying authority, there is nothing (save force, which waxes and wanes, as does the opinion du jour) to settle things.

“There oughta be a law,” and as we have diverged further from basing law on “the laws of Nature and Nature's God,” in the quaint language of the Declaration of Independence, we have planted our communal life thicker and thicker with laws. That makes sense, because the same impulse that rejects ultimate authorities outside of and above us insists upon legislating into existence whole new categories of laws or increasingly more detailed laws on consumer products, healthcare, education, and child-rearing, to name a few recent targets. Perhaps the rationale is that although we may be more constrained by law than we were, we are constraining ourselves rather than ceding power to God or natural law or the customs of the community.

The great 20th-century author G.K. Chesterton had a great love of

democracy, but also defended an attachment to what he called the “democracy of the dead,” or tradition. He explains:

Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to men being disqualified by the accident of birth; tradition objects to their being disqualified by the accident of death.

For Chesterton the democracy of the dead was a kind of corrective to the self-originating, past-repudiating fads, movements, and peculiar blind spots of the age in which we lived. *Any* age would, by virtue of being restricted within a small span of time and limited in experience, have its own blinders, its own weaknesses (and of course its own strengths), but this would be particularly true of times, such as his and ours, that undervalued tradition, skimmed on its study of history, scorned received wisdom, and sped off without benefit of rear-view mirrors. The amplitude of vision afforded by easy movement among the minds and mores of past ages was like a doorway or window onto a wider world, in whose light the issues and enthusiasms of the present could be seen and evaluated more clearly.

Of course, secularists in general and those seeking moral and social revolutions in particular naturally distrust tradition because of its careful cultivation of continuity and its religiosity. Atheists and agnostics have to skip stones across nations and eras, for example, to string together such kindred spirits from our own Western heritage as Voltaire, Hume, and Marx. Today’s cultural revolutionaries have their counterparts in certain historical periods, such as post-Revolutionary France, where the wholesale abandonment of religion and custom reached the extent of rechristening the months and days of the calendar, so as to make all things new.

And despite the broad-brush consistency of what C.S. Lewis, borrowing from the Chinese, labeled the Tao—roughly corresponding to our idea of the universal moral law—even human tradition in the West has in its application of Judeo-Christian religious and ethical worldview been very imperfect, veering from full conformity in varying but significant ways. Consider the West’s lengthy embrace of slavery in various forms, for example.

But that brings us back to authority once again: “By what authority do you do these things? And who gave you this authority?” the Pharisees asked Jesus. The West has no moral authority for the life-and-death laws it enacts and enforces, unless it can point to something above and beyond the competing logical arguments of ethicists, the cost-benefit analyses of economists, the ad campaigns of Death with Dignity, or the polling of political campaign managers.

Pro-life Meets Pro-the-Rest-of-It

William Murchison

It was the of-course-ness of the reaction that jolted me (though it shouldn't have, as I hope to make clear before all is said and done).

Of course Indiana's legislature was backward and bigoted, and just plain wrong—got that, wrong!—in enacting that Religious Restoration of Freedom Act!

Of course the authors and proponents of the law—not omitting the state as a whole—deserved rebuke and punishment for this scandal, unto the cancellation of business trips to such a moral backwater!

How could it be doubted? “Discrimination” against gays and lesbians is out, out, out in modern America!

Who says so? Those who say so, say so. Whereby hangs a tale applicable to understanding the reason that human life questions of every sort—human identity questions, they could be called—resist political solution.

The brawl over religious liberty in Indiana is instructive for what it says about the evolution of thinking (if you call it thinking) on gay rights. It is no less instructive, if one pokes about in the smoldering ashes, as to how we got in such a fix over abortion and euthanasia, and why we stay there.

It is my thesis that all the foregoing questions—and others I shall raise—interlock tightly on account of how we have come, without perhaps knowing we were even going anywhere, to acknowledgement of a new of-course-ness in human affairs. This is to say, we are no longer contingent beings—subject to rules and formulations and, so it appears, quaint notions of how we fit into some divine scheme or other. We are freethinking, free-acting integers, deciding for ourselves how we shall proceed in life, and according to which assumptions.

Of course we are! Hadn't you heard?

Foot soldiers in the long, agonizing struggle to restore respect for unborn life have certainly heard all they can stand, and more, concerning this formulation. They may not, at the same time, have suspected the scope and dimensions of the battlefield, nor the treacherousness of the footing available to those who peskily bring up the larger realities of human life.

It is one thing to quote the Psalmist: “For my reins are thine; thou has

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covered me in my mother's womb." It is something else again to see hearers blink with confusion, if not exasperation. Covered me in the womb? What's all that about? You talking about God? Why?

Here's the problem. We no longer operate according to old-time assumptions concerning humanity's place in the divine order. In fact, the very assumption of a divine order seems to have only marginal purchase on human understandings. It's all about *us!*—wonderful *us*, around whom the planets circle.

Take abortion. Once upon a time, respect for unborn life followed from the belief, nurtured by Christian witness, that life was the gift of God. For which gift some large measure of personal responsibility to the giver was strongly indicated. In our own time came the contradictory thesis: viz., whatever role God (if there was a God) might have played originally in the great Drama of Life, new realities had emerged. Populations were swelling. How many people did the world need, after all?

Even more instrumental was the great feminist discovery, beginning in the 1960s, that women's bodies belong to women themselves. There were few if any connections to consider in the way of stewardship: concern for the unborn child; concern for the child's father; concern for societal duties associated with the renewal of life; reverence for the Author of Life. And so forth.

In *First Things* (February 2015), Prof. Michael Hanby, of Catholic University of America, offers a tutorial in the natural progression of ideas. His topic is "the prevailing sense" that we live in a "moment of deep change in the public significance of Christianity." The "civic project" of American Christianity—deep religious truth seen as compatible with the premises of religious freedom—seems unsustainable. "In its enforcement of the sexual revolution, the state is effectively codifying ontological and anthropological presuppositions. In redefining marriage and the family," the state is "tacitly redefining what the human being is and committing the nation to a decidedly post-Christian (and ultimately post-human) anthropology and philosophy of nature."

Welcome to Indiana, where we see what happens when lawmakers affirm a religious right to dissent from the rapidly solidifying orthodoxy as to the priority of personal opinion in matters of human life.

For the national shaming and browbeating of Indiana to take place—over the presumption there might be reasons to doubt the validity of same-sex marriage—there had first to occur the partial eclipse of traditional views on the sacredness of unborn life. Millions, in other words, had to say: Hey, why can't the mother have an abortion if she likes—or not, if she doesn't like? Whose right is it to care anyway?

The premises behind abortion on demand and same-sex marriage on

demand are identical. The old understanding of man (meaning of course man and woman) as owing reverence and obedience to the Author of Life no longer obtains. Human freedom seen as the right to venerate God means, in modern times, freedom to kick over the traces, with a thumbing of noses in the general direction of checks, external and internal alike, once viewed as natural to the human estate.

We have been at this thing quite a long time now. I think the matter surfaced, to some wonderment, in the Supreme Court decisions of the early 1960s banning in public-school settings officially written prayers, along with Bible readings.

I know, I know—to raise the point is to risk sounding like the good, earnest people in aprons or well-worn double-breasted suits who suggested there was something wrong with that Madalyn Murray O’Hair woman—trying to throw God out of the public schools.

There’s not a thing wrong, so far as I can tell, with good, earnest people whose outfits and accents invite the disdainful sniffs of the non-earnest and maybe not-so-good. Harvard may not have objected to the misallocation of school time for purposes centered on God, but I can assure you Jones High School, in Anywhere, Kansas—and Anywheres all over America—objected strenuously. That’s to say, the common sense of America at the time held that the fusion of religion and civic purpose was both a natural and useful thing. De-fusion made no sense.

Why, then, de-fusion? Not necessarily because of fears that the First Amendment had been dangerously misinterpreted as conferring on “sectarians” a dangerous power over young people’s minds. The larger reason was the growing, not always explicitly articulated sense that religion needed tighter limits than earlier generations had imagined necessary or desirable, following consciously or unconsciously the Tocquevillian dictum that “General ideas respecting God and human nature are . . . the ideas above all others which it is most suitable to withdraw from the habitual action of private judgment, and in which there is most to gain and least to lose by recognizing a principle of authority.”

Modern society’s idea, on the contrary, was that “the habitual action of private judgment” was the logical locale for “ideas respecting God and human nature.” Priests and preachers had no call to bust into the discussion, pointing as it were skyward toward the seat of authority.

That made it easy for the Supreme Court’s 7 to 2 majority, in *Roe v. Wade*, to push aside religious views of abortion as interesting, perhaps, in a historical context but no more than that: certainly not dispositive. To make the question of abortion rights turn on some ancient apprehension of God’s role as creator

of life would have been to assign God a priority He had no right to claim in a secular democracy.

Secular! That was the coming thing, in 20th, then 21st, century terms. We were a nation peculiar to no deity, no view of religious “truth.” We were a people made up of many different, often contrasting, faiths, including the faith of no-faith. God might approach the bench as a claimant. That was surely His right. His right, at that, deserved no higher consideration than the rights of those with different claims. We could no longer pray in public schools; it turned out we no longer could frame arguments for unborn life upon religious premises: or premises that abutted religious considerations, such as the preciousness of life. The will of the mother, save in circumstances a state might cautiously restrict—e.g., the third trimester of pregnancy—trumped all other reasonings having to do with the preservation of life in the womb.

The revolutionary nature of *Roe* grows plainer all the time. There might be religious considerations to take into account concerning unborn life. But the state could have nothing to do with them in opposition to exclusively secular considerations. To privilege religion over non-religion would be to breach the famous wall of “separation” between church and state. There was going to be none of that around here; the courts would see to it.

And so on to Indiana and the scandal of free choice when the matter on the table is same-sex relationships. The same-sex marriage story strikes me as the most astonishing narrative in the cultural annals of the 21st century. Once dramatically, one-sidedly opposed to the notion of two partners of the same sex claiming marriage as a constitutional right, Americans loosened up in just a few years’ time, particularly in the nation’s more liberal precincts, those regions less interested in the religious understanding of marriage as the union of man and woman. Polls, depending on which ones you read, show great amenability to the idea of broadening the definition of marriage. And then there’s the U.S. Supreme Court. I write, in April, without supernatural foreknowledge of whether the Court will send God to the back of the courtroom, as was the case in *Roe v. Wade*. The general expectation is for a 5 to 4 decision, one way or another. Instructive to watch in the meantime has been the growing judicial consensus as to the secular assumptions that envelop the debate and the legal arguments.

Various federal courts, as the issue has made its way to the high court, have sharply narrowed the premises for allowable defenses of the now barely breathing traditional order. The traditional order rests upon assumptions that are at their heart—well, I almost hate to say it these days—theological. God

created man and woman; gave them dominion over the earth; arranged that by their union the human race might regularly be replenished; sanctified that union in the sacrament of marriage; gave to the human family the fundamental role in the organization and maintenance of society, including the education of children. Et cetera. All the foregoing are purposes far removed from the strictly utilitarian view of marriage—“It’s what we want” would sum it up—proposed by the advocates of so-called marriage equality. On their showing, what you think the Constitution says is all that matters. The Constitution says—well, all but says—that discrimination against gays and lesbians violates their right to equal protection of the law, in the same manner as discrimination against minorities. What the thick testimony of civilization says against their reading is beside the point. We’ve evolved, you see. We’ve changed. The Constitution has changed with us. “Homophobia”—which no religion obviously has a right to encourage—is out of keeping with America’s proper understanding of itself. Traditional morality, it would appear, has lost all relevance to a matter still widely understood as moral—the care and keeping of marriage. The cause of same-sex marriage is about civil rights, with little differentiating it from the push in the ’60s for school integration and Negro—the usual word then—voting rights.

Judge Richard A. Posner of the United States Court of Appeals for the Seventh Circuit—a Ronald Reagan appointee, if you please—called opposition to same-sex marriage nothing but “savage discrimination.” He likened it to the stone-dead Southern “tradition” of prohibiting black-white marriage. There simply are no rational grounds for failure to let gays and lesbians marry, according to judge after judge, and not just Posner. It’s not rational, we hear, to argue that two people of the same sex can’t do most of the things opposite-sex couples now do (the mutual propagation of children being the exception). If we once thought otherwise, we no longer do.

It is not to my present purpose to rehearse the fears of counter-discrimination that prompted Indiana to allow a religious-belief defense in private suits. The backlash, in March and April of 2015, was immediate and raucous. The same-sex marriage lobby (an entity by now almost coextensive with the Democratic Party and the national media) raised the Hue and Cry, with much thumping of drums and lighting of flambeaux. To these folk it appeared that the supposedly sovereign state of Indiana was about to violate national policy by authorizing “discrimination” against the LGBT—lesbian, gay, bi- and trans-sexual—way of life. Hillary Clinton, on the verge of declaring her presidential candidacy, joined in: “We shouldn’t discriminate against ppl bc [people because] of who [sic] they love,” she tweeted. What about religiously motivated non-LGBTs? Wouldn’t it be “discrimination” to

declare their religious convictions useless if not noxious? The *Washington Post*'s E.J. Dionne riposted: “[T]urning religious liberty into a sweeping slogan that can be invoked to resist any social change that some group of Americans doesn’t like will create a backlash against all efforts at accommodating religion. Forgive me, but this is bad for religious liberty.”

Now we know! The exercise of religious liberty is appropriate for purposes cleared by ambiguously defined coalitions of religious progressives making common cause with secularists. They’ve got a little list of approved causes. They’ll tell you whether yours is on it. The pre-21st-century view of marriage, rooted in religious understandings more elaborate than a Hillary Clinton tweet, definitely aren’t on it. Would those who lean on these understandings please go away while we proceed with the reinvention of marriage?

The body, in scriptural terms, may be the temple of the Holy Ghost; in 21st-century scriptures—the internet, *Cosmopolitan*, MSNBC, *The View*, *The Daily Show*, the *50 Shades* saga, the *New York Times* editorial page, all those springs feeding the swelling tide of liberated instinct—the body is what expresses the heart. Rules are generally off—save those that block or constrain reactionary attempts to protect the old order.

The movement for same-sex marriage logically succeeds the movement for removal of barriers to abortion. Both movements assert the priority of individual preference over collective obligation.

Well, in fact, more than collective obligation. Much more. The religious sense that life is a gift from God enjoins care and concern for that gift; it likewise illumines the purposes of God in bestowing such a gift.

The modern view of the body—it’s mine, and what’s it to you, bud?—is non-teleological. “Telos,” from the Greek, means “end.” What’s the end game here? What are we supposed to be trying to do, and with what view in mind? We know, with abortion, that the end is prevention of unwanted life. We know when it comes to same-sex marriage the end is assimilation into the general culture of an instinct, a desire, an idea the general culture historically found itself unable to accept.

Why cultural resistance both to abortion and same-sex marriage? For the same underlying reason—that the body is *not* mine, for all the God-given latitude I enjoy concerning its use. Latitude is in no sense the same as license. Every human action has at its source God’s gracious permission to fulfill His purposes in Creation. By all that God had made known via the various megaphones available to Him, large and small, it was clear that man and woman had been created for each other; that each fulfilled the other’s needs for love and protection; that, in concert, they implanted new life in the world. Having done so, they caused that life to flower; they tended it, guarded it,

nurtured it. That was how things were. It was reality: harder than any rock, deeper than any sea, associated with a frail, contingent planet.

Nothing in the partially overthrown (since 1973) pro-life regime, nothing concerning the marriage regime as historically understood and promulgated, was meant to thwart human, not to say humane, purposes. Rather, the idea was to encourage the purposes for which humanity had been created and designed. For these you tended to care if you believed, with more or less regularity, in the providence of God. About these you might still care but maybe not deeply or anxiously if you believed God—all-powerful, all-loving—to be a kind of holdover notion from yе olden tyme.

There is “telos” in religion. There are ends. Man as a created being is going somewhere. In the view of the country’s founding generation—which held no church in higher constitutional esteem than another one—the purposes of God required some service. Liberty was no mere human enactment; it was a part of the divine design. The freedom to believe and to worship was to be shielded and cherished and encouraged for reasons too little remarked in our time.

We live in an age increasingly casual as to its beliefs and undertakings, secular or religious. There is no telos—none you can make out without squinting hard, and even then you can’t be sure. Contentment, without reference point to choices and instincts of all varieties: That’s telos for us? I have to say, with discomfort, that this is how the matter looks. The enforcement of laws inhibiting privileges formerly regarded as out of line with genuine human purposes is a task more and more arduous, more and more frustrating. You get called, as in Indiana, “bigot,” “homophobe,” “right-winger”—all-around bad person; a foe of the right to love “who” you want to.

At least we sense the size of the water-laden boat we’re in together, and the peril its condition poses to unborn life; to the historic way of understanding marriage and family; to freedom of religious belief and expression. The job now, it may be presumed, is to start bailing.

Dignity, Disability, and Achievement:

We Are More than We Can Do

Ursula Hennessey

Most of us have seen YouTube videos of teens with special needs that have gone “viral,” meaning within a short period of time they have attracted millions of online viewers. In one of these, a young lady with Down syndrome is voted homecoming queen. She beams in her crown, coiffed hair, and shiny dress. In another, a lumbering young man, his path cleared by teammates and opposing players alike, scores a touchdown. He spikes the ball in the end zone. In yet another, a boy swishes a three-pointer over a deliberately inattentive guard. Delirious fans pour out of the stands.

What are we to make of these videos? For some, they model Christian love at its most altruistic. Yet for others, including members of what is known as the disability community, they are considered to be “inspiration porn”—a term coined by the late motivational speaker and comedian Stella Young, who suffered from osteogenesis imperfecta, a congenital bone disease that kept her in a wheelchair for most of her life. Some of the most vocal critics are parents of children with disabilities. They don’t want their child thought of as a “mascot.” They believe the honoree’s ignorance of the orchestrated nature of the event is humiliating and exploitative. The euphoria of the fans is “pageantry.” You, for enjoying it at home on your laptop, are “abelist”—as outrageous as being racist or sexist. Worst of all, say the critics, these videos spotlight differences rather than similarities. This breaks the Golden Rule of inclusion politics.

Some advocates, tired of the popularity of “inspiration porn” and what they feel are other condescending portrayals of disabled people, push a dangerous achievement ethos instead. They hope that by focusing on abilities and accomplishments in the typical realm we will repair the patronizing misunderstandings of our culture at large. In turn, they hope this shift will soothe the misgivings of expectant parents who receive a troubling fetal diagnosis. But the disability community is doomed if it falls into the trap of making dignity something that must be earned.

Such disagreements over the public face of disability, once confined to private conversations between parents and loved ones, have broken out into

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the open in recent years. To the uninitiated, these battles may appear insignificant, but they are very serious indeed: Division within the disability community will do nothing to reverse the high rate of abortion among mothers with a prenatal diagnosis of fetal abnormality.

For the most part, the bickering is over language and emphasis. Should those in the disability community be referred to as “gifts” and “blessings”? Or do these terms diminish individuality? Should advocates only focus on accomplishments fairly earned, or can we safely champion the orchestrated successes we see in the videos described above? The friction over these questions is real; occasionally it turns nasty, causing rifts among those who should present a unified voice on dignity for all.

One word certain to divide is “gift.” Last January, as she presented the GOP response to the State of the Union address, Rep. Cathy McMorris-Rodgers (R–Wash.) called her seven-year-old son Cole “a gift from God.” Cole, she recounted, was diagnosed with Down syndrome three days after birth: “The doctors told us he could have endless complications, heart defects, even early Alzheimer’s. . . . They told us all the problems. But when we looked at our son, we saw only possibilities. We saw a gift from God.” Cole, she added, “dances to Bruce Springsteen,” “reads above grade level,” and “is the best big brother in the world.”¹

The pushback was swift and harsh. On Reddit, a popular social-networking website, real-time users went on the attack: “I am *so f***** sick* of people saying children who suffer from Down syndrome are ‘a gift from God,’” one of them fumed. “*Healthy children* are a gift from God . . . I say this as a person who’s grown up with a sister who has Downs Syndrome [sic]: It is not a gift, it is a curse. A curse that the child and their family must bear the burden of.”

A more measured Reddit commenter, also claiming to have a sibling with Down syndrome, responded: “Personally, I don’t see my sister as a gift or a curse. She’s just another person.”

To which the original poster replied: “A person crippled by a genetic disorder that limits her potential. They do what they can, but they are far less than they could have been, and many will continue to rely on the assistance of their families all through life. That is where the curse is. The loss of potential, and the loss of functionality. And I say *f*** you* to anyone who describes *that* as a ‘gift.’”²

These views are more common than you might think. Skim the responses to any *New York Times* parenting article about special needs children and you’ll find multiple permutations of this vitriol. Even the kindest critics seem to demonize certain language choices: “I think painting kids with Down

syndrome as innocent little angels has the potential to be dangerous, or at least to do them a disservice,” wrote Hallie Levine-Sklar, a parent of a young girl with Down syndrome, on Parents.com. “It refuses to acknowledge that kids with Down syndrome are actually human beings with issues and concerns of their very own.”³

Another mother, Maureen Wallace, wrote this on SheKnows.com: “Now, some—if not many—parents of a child with Down syndrome truly do believe their child is . . . a blessing bestowed only onto special people. I’m not one of those parents . . . under no circumstances am I an extra-special person chosen to parent a child with different abilities. No way.”⁴

Yet Michigan mom Colleen Sexton speaks for many, including me, when she describes Brandon, her 26-year-old son, as “a Gift from God.” In a post on the National Down Syndrome website, Sexton recounts Brandon’s numerous medical concerns: pneumonia, congestive heart failure, respiratory failure, pulmonary hypertension, five pacemaker implants, and four open-heart surgeries. But then she goes on: “He does not gripe or complain about what the day may hold.” His cheerful and enthusiastic attitude each morning, she says, is her gift, because she often “ponder[s] the mistakes I have made, the complaining I have done and self-pity.”⁵

I can relate. Magdalena, my nine-year-old daughter who has Down syndrome, is indeed a many-tiered gift. Her life is the first and greatest gift, of course, just like the precious lives of her three siblings. All four of them have multiple dimensions and depths. Yet parenting Magdalena provides another, ever-evolving benefit: The journey from her prenatal diagnosis and our halting acceptance of it, to her slow development through infancy and the complex and mushrooming challenges of early childhood, has forced me to be patient, deliberate, observant, and more open-minded about what constitutes value. I cannot take credit for these qualities because I did not work hard to earn them—they were forged by walking alongside Magdalena. Do I think I received this parenting job because I possessed some great maternal quality or unique appreciation for the good? Hardly. I was chosen precisely because I was so needy and sick with impatience, competitiveness, materialism, and vanity. Certainly, this is not true for all parents of special needs children. But it is true for me—and I’m grateful for my “gifts” and “blessings.”

This year, Jean Vanier won the \$1.7 million Templeton Prize, which honors individuals who make “exceptional contributions to affirming life’s breadth of spiritual dimensions.” In a recent *Wall Street Journal* profile, Vanier, the founder of L’Arche, an international community of people with cognitive delays living with nondisabled peers, observed that those with disabilities

“are important—in themselves but also they have a message to give to humanity.” He continues:

What people with disabilities want is to relate. This is something unique. It makes people who are closed up in the head become human. The wonderful thing about people with disabilities is that when someone important comes, they don’t care. They care about the relationship. So they have a healing power, a healing power of love.⁶

Our community will debate how we should spread this healing power. Is it appropriate to stage a sporting or social success to get this message across? Some insist we are simply inviting others to see our children as sweet pets. Stella Young has defined “inspiration porn” as “objectifying disabled people for the benefit of non-disabled people.” Young and those like her only want attention for true triumphs. “I want to live in a world where we don’t have such low expectations of disabled people that we are congratulated for getting out of bed and remembering our own names in the morning,” Young says. “I want to live in a world where we value genuine achievement for disabled people.”⁷ This is, apparently, the one true path toward full acceptance. I’m not convinced. I actually believe that a feel-good YouTube video or two, celebrating non-achievements, can cause a positive domino effect that heals our culture’s general disdain for those with challenges.

I view the debate in light of something Tim Keller, a popular theologian and pastor of New York City’s Redeemer Presbyterian Church, recently expressed in a Tweet: “Actions of love lead to feelings of love. Not the other way around.” In my view, a small business owner might be likelier to hire a disabled person—and exhibit the necessary patience through the employment journey—if at school he had been present for one of those orchestrated, euphoric moments. A teenager who allows a friend with special needs to shoot an uncontested basket will more readily see value in helping a grown-up with special needs. Our loving actions—even unnatural ones such as “rigging” a competition or “blowing” a game—will help make more honest opportunities, and more true examples of equality and respect, possible in the future.

Consider also the term “role model”—overused, yes, but a critical tool in childhood development. In elementary school, many children with special needs become aware of the complex meaning of their diagnosis in social, emotional, and academic realms. As they navigate through adolescence, they deserve a chance to look up to someone.

I can imagine how happy my daughter would be—and how happy we’d be for her—if someone one day orchestrated for her a super surprise such as the ones depicted in those viral videos. Even now, though she is only nine, we see in her a delight in the mundane that is both comically absurd and

contagious. Her exuberance is funny, but it's also spiritually edifying. Her euphoria becomes ours. I won't be surprised if someday peers will want to participate in her joy, in pursuit of some of Vanier's "healing power of love." But more importantly, my daughter and those like her need to see what a future might look like. Indeed, Magdalena has already latched onto two "inspiration porn" videos, and they have caused her to consider—albeit briefly—life past tomorrow.

Magdalena first seized the iPad from me about a year ago when she saw me watching, with tears in my eyes, a young man named Rion Holcombe open his acceptance letter to Clemson University's LIFE program, a post-secondary-school opportunity for students with intellectual disabilities.⁸ Holcombe has Down syndrome. Magdalena proceeded to watch the video—which had nearly 2 million YouTube views as of mid-April—hundreds of times. Each time she watched, her face would morph from worried concentration to incredulous amusement, exactly mimicking the emotions of Holcombe himself. Then she'd play it again.

More recently, she's homed in on Madison Tevlin, a 12-year-old girl with Down syndrome who sings John Legend's superhit, "All of Me," in a highly produced YouTube video.⁹ While she performs, captions explaining how physically difficult it is for people with Down syndrome to sing flash onscreen. The condition's characteristics of low tone, small jaw, weak stomach muscles, and chronic congestion often mean people with Down syndrome will speak in low tones and be unable to carry a tune. Not true for Toronto's Tevlin, who has a lovely voice.

Does hers rival the sublime voices of teens and tweens who make it onto *America's Got Talent* or *American Idol*? No. Enunciation is not perfect, and pitch is a bit wobbly. But as of mid-April, the video had nearly 7 million hits. I'm afraid to consider how many views came from my daughter. Magdalena is certainly inspired by Madison Tevlin. For the first time in her short life, she referred to the future when she said, "I want to be a singer when I'm older." Oh, and the brilliant technical perfection of the John Legend original? She hates it—covers her ears in aural pain.

I wish Magdalena had verbalized a desire to be a college student like Holcombe rather than a pop star, but, simply put, these videos are powerful motivators and visuals. They will pave the way for more genuine opportunities in due time.

In an urgency to speed up progress and make *all* opportunities real, some parent advocates want to counter—and downplay—these videos with examples of actual achievement. They push the narrative that many of those with special needs are at or above grade level in reading. They wear inclusion

time like a badge of honor. They reject “special” sports or dance classes, claiming such segregation gives the world at large a pass at the hard work of welcoming all. This tendency, of course, is not limited to those in the disability community. The impulse to garner public approval and admiration for some feat is universal. Everyone wants the best for their child. Furthermore, we in the disability community are understandably desperate to counter the misinformation that drives so many toward abortion after a prenatal diagnosis. (Of those who learn definitively that their baby has Down’s syndrome, for example, somewhere in the neighborhood of 80% opt to abort.) But we must studiously avoid the shoddy logic which concludes that dignity is earned through works. The moral consequences of this kind of thinking are unacceptable.

If achievement, or some standard of “giving back to society,” is the bar for establishing worth, then what are we to think about children who are born with little to no hope of ever performing even simple motor functions like walking and talking? If a prenatal test shows a baby will have Trisomy 18, Turner Syndrome, or alobar holoprosencephaly—just some of the conditions with low chances of survival—what is our stance? If an achievement ethos drives us, will we not be giving tacit approval to abortions? For if these babies beat the odds and survive their time in the womb, they will need a great deal of support and sacrifice from their parents simply to stay alive. There will be no touchdowns and homecoming crowns for them. There probably will be no school. Those who talk so snidely of orchestrated success might want to consider that for these children, every breath is orchestrated by medical means. As a community, do we really embrace all? Or are we blithely supporting the premise that dignity depends on success, performance, making the grade, looking the part?

Jean Vanier is reported in the recent WSJ piece to feel “anguish” over the portrayal of the disabled in the larger community:

... [he] sees people with disabilities being compelled to adopt the aspirations of the nondisabled. “There’s a tendency of being happy because they’re winning—the Paralympics, working at McDonald’s and so on,” he says. Labor is a central element of life at L’Arche, where residents learn everything from candle making to pottery to bee farming. But, Mr. Vanier warns, if we only celebrate people with disabilities insofar as they’re like us, this risks overshadowing the gifts of these “people of the heart.”

I don’t think Vanier is asking us to devalue the advances of those with Down syndrome, autism, and other cognitive challenges who make their way in the typical world. The joy of following one’s life dream as far as possible is the greatest example of freedom. The college-level exams legitimately passed, the black belts squarely earned, the successful businesses

operating in the black—these accomplishments deserve plaudits. Absolutely, we must thank these pioneers for crafting futures our own children may be capable of realizing.

But what Vanier is highlighting, I believe, is the futility of using this progress to combat the pervasive disregard that still affects some in our community, particularly those with amorphous and cavalierly defined “incompatible with life” conditions.

Mark Leach, a lawyer, blogger, and parent of a child with Down syndrome, writes of an exchange he had with a Pakistani obstetrician practicing in England. Leach recounted the conversation to show how some parents, devastated by news their unborn baby will have Down syndrome, might want to consider “other perspectives” as a way to minimize the pain from the diagnosis. The title of the post is “Down syndrome is not incompatible with life.” Here is an excerpt:

I asked [the obstetrician], “What do you tell parents when you have to deliver a Down syndrome diagnosis?” The OB from England just shrugged his shoulders, as if it were no big deal, and said, “*I tell them, ‘your baby has Down syndrome. But this is not incompatible with life. Enjoy your baby.’*”

Because of his accent (and my American ears), I asked him to repeat what he said, which he did. I then asked, “What do you mean ‘not incompatible with life.’” To which the OB, again shrugging, said: “*Well, this is not some other condition where the child is going to die. Down syndrome is not incompatible with life. They live, they grow up. So I tell the family ‘Congratulations.’*”¹⁰

For many parents of children with Down syndrome, this conversation is cause for celebration. Finally, an OB who gets it! It is indeed rare to find a medical professional who has a rosy view of Down syndrome. So many, of course, are dour and cold deliverers of bad news. They often, either outright or in their manner, push abortion. So this is a positive sea change, right? He’s saying, “So what?” to Down syndrome. What progress!

But what, pray tell, does this OB say to those whose babies may not “live” or “grow up?” My guess is, “I’m sorry,” followed by directions to the nearest termination station.

This subtle stratifying of the disability community is what Vanier appears to anguish over. It should anguish us all. Focusing exclusively on achievement only diminishes the dignity of those with more severe physical and intellectual impairments. We should instead find ways to express solidarity. We must do it by discovering and revealing moments of healing, relating, and loving—to draw from Vanier’s insights. These moments are open to all human beings, regardless of condition.

A decade ago, when my obstetrician told me—tentatively, impassively—that Magdalena would have Down syndrome, I was devastated. Hoarsely, in

shock, I rejected an appointment with a genetic counselor and confirmed I would not abort. I put the phone down and limply picked it back up. I dialed our family's pediatrician and asked for names of other moms who might be able to comfort and advise me. I sobbed as I told him the news. "I worry I'll never laugh again," I blurted. "Will I ever love this child?"

His response was quick and firm: "Oh, you will love this child. Just like you love your other child. I have no doubt about that."

I did not believe him then, but his professional certainty gave me pause and stunned me into silence. He didn't promise me a child who could read or one who would earn a high school diploma. He didn't come at me with studies showing life expectancies or gross-motor-skill benchmarks. It wasn't about how much my kid would be able to do. He just told me I would love her. He was sure of it. That was all. That was enough.

This is the language of the cure.

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Trouble Along the Thames

Christopher White

John Burns, a late 19th and early 20th-century British parliamentarian, once declared, “The Thames is liquid history.” More recently, English stage actor Martin Freeman remarked that “You absorb 2,000 years of history just by being near the Thames.” These figures of different eras rightly consider the River Thames—one of the world’s most fabled waterways—a natural monument to the country’s noble past.

Flowing from Gloucestershire to Oxford down to Reading and on through London, the Thames serves as an enduring “landmark” in the country that has given the world the common law tradition, a rich history of the defense of human rights, and a lived expression of the values of democracy. Today, however, a journey along the Thames reveals a country eager to distance itself from these ideals—beginning with an aggressive indifference to the sanctity of human life and the legal protection it deserves.

An Oxford Circus

While London’s Oxford Circus is well known as one of the city’s busiest thoroughfares, another kind of Oxford circus took place last November when a debate hosted by Oxford (University) Students for Life—which a mere 60 students were expected to attend—was shut down by its host institution, Christ Church College.

“This House believes Britain’s Abortion Culture Hurts Us All” was the motion to be considered. Two noted British journalists, Tim Stanley and Brendan O’Neill, had agreed to debate it. But while in transit from London to Oxford they were told to turn around. Various campus groups had found the motion offensive and, citing “mental and physical security issues,” demanded the event’s cancellation. College officials quickly kowtowed to the last-minute protest, claiming “There was insufficient time between today and tomorrow to address some concerns [that had been raised] about the meeting.”

The description of the event on the Oxford Students for Life (OSFL) Facebook page and other promotional materials was clear and to the point:

Last year in Britain, over 185,000 abortions were carried out. What does this say about our national culture? Is it a sign of equality, or does it suggest we treat human life carelessly? Joining OSFL to debate the issue are two prominent journalists.

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Careful readers will note the limited scope of the proposed debate. The issue at hand was not the legality of abortion law in Britain, nor did it question whether women had a right to bodily autonomy. The debaters simply were asked to consider the effects of routinized abortion on British culture. Apparently even that limited focus was anathema.

Three days before the debate was to take place, protestors mounted a vociferous opposition on Facebook under the banner, “What the f**k is ‘Abortion Culture’?” Three hundred students joined, including members of another campus group, Oxford Revolutionary Feminists, who took charge of the protest. In the aftermath of the coup, Tim Stanley—who had been scheduled to speak in favor of the proposition—took to the pages of *The Telegraph* to upbraid university leaders in Oxford:

Some tried to suggest that the presence of this debate might pose some sort of welfare issue to the incredibly vulnerable students of Christ Church, but that, too, is smoke and mirrors. Does this mean no debate may be had about democracy in Hong Kong for fear of upsetting those Chinese sons and daughters of communist apparatchiks paying hundreds of thousands of pounds to study in the UK? And as for the case that holding this debate would threaten abortion rights more generally, I would remind you for the thousandth time that WE WEREN'T DEBATING THEM— and even if we were that really wouldn't change the fact that abortion in Britain is widely available, easy to get and a politically protected subject. As the successful attempt to shut down this debate proved.¹

Critics of the debate were quick to distance themselves from the charge that they were limiting free speech. Fingers were pointed elsewhere and excuses were made: The motion was imprecise; it was unfair to hold a debate about abortion with only male participants; such an event would be emotionally perilous for those on campus who had had abortions. Daniel Hitchens, OSFL's president, found the latter concern most troubling.

I caught up with Hitchens (son of prominent British journalist Peter Hitchens and nephew of the late writer and prominent atheist Christopher Hitchens) in Oxford in early January. There is a difference, he said during our conversation, between criticizing a debate topic and shutting down a debate. One might think a university, especially a great one like Oxford—which counts among its graduates John Locke, founder of classical liberalism—would seek to immerse students in the free exchange of ideas; to encourage them to question the “rites” of progressivism as well as those of orthodoxy. Apparently that idea of education has gone to the grave with Locke.

Undeterred, Hitchens and OSFL refuse to be marginalized. While this debate may have been quashed by “revolutionary” feminists—and spineless administrators who acquiesced to their demands—OSFL has teamed up with

the truly countercultural group, Feminists for Life, to pursue inventive ways to help young and expectant mothers on campus say “yes” to the gift and responsibility of new life. They’re committed to working together with any and all allies to reverse a campus culture that promotes abortion as a positive good for women. In light of the opposition and hostility that OSFL engenders in many students, this humble and measured response should prompt us all to consider just who are the real revolutionaries in Oxford.

Biotech Babies: Three-Parent Embryos and the Quest for Perfection

While the latest official numbers reveal an uptick in British women undergoing abortion during the past ten years, many scientists and advocates in the U.K. are eagerly pushing the limits of technology and ethics to help other women conceive the perfect child.²

This past February, Britain became the first country in the world to endorse a controversial new technique that produces three-parent embryos. In an effort to prevent mitochondrial disease—often but not always caused by defective genes passed down from a child’s mother—DNA from three different people is fused to create an embryo free of mitochondrial abnormalities. This is not, as its defenders claimed, “good news for progressive medicine.”³ It is nothing short of human genetic engineering.

The widely quoted American bioethicist Arthur Kaplan defended the British decision in *WIRED* magazine—likening it to replacing a battery in a car:

Some say three parent babies are weird. It is true that a mitochondrion is taken from a donor but why this makes the donor in any way a parent is beyond me. If I give the battery from my car to a friend whose battery has died does that make me an owner of her car? And even if logic were stretched to say yes, it is not as if this is the first time we have seen babies with three parents. Sperm, egg, and embryo donation and surrogacy—not to mention adoption—have been around a long time without fracturing the nature of the family. This objection gets no traction.⁴

The title of his article is perhaps most revealing: “Is It Ethical to Create Babies from Three DNA Sources? Absolutely.” For Kaplan—and other supporters of such techniques—parents are reduced to mere biological material, or “DNA sources,” as he describes them. That serious harm might befall children conceived through such methods apparently doesn’t bother him. But the possibility of irreparable damage is very real.

For starters, there is no way of knowing the long-term effects this procedure—which will forever alter the germline for developing embryos—will have on these children or on future generations to whom the genes are passed on. Moreover, the entire enterprise relies on *in vitro* fertilization (IVF), which has global failure rates of almost 80 percent, meaning a significant

number of embryos will be lost in the process.⁵ If the embryos do survive, they are still exposed to significant risk, as children conceived via IVF have higher rates of preterm and cesarean births, stillbirths, low-birth weight, fetal anomalies, high blood pressure, Beckwith-Wiedemann and Angelman Syndrome, according to studies published in the *American Journal of Obstetrics & Gynecology*, the *Journal of Perinatology*, the *American Journal of Human Genetics*, and *Fertility and Sterility*.^{6, 7, 8, 9, 10}

Such techniques also create a new and heightened demand for egg donors: women whose eggs will be harvested for the creation of children they are unlikely ever to know. Kaplan and others eager to cheerlead “three-DNA-sourced” babies evince no concern about the long-term health effects—psychological and physical—donors may suffer. Nor do they consider that children conceived through three-party reproduction—like children conceived by anonymous egg and sperm donation and surrogacy—may desperately seek to know their biological parents.

After the passage of the procedure, British Prime Minister David Cameron commented: “We’re not playing god here, we’re just making sure that two parents who want a healthy baby can have one.”¹¹ Once more, the desires of parents to get what *they* want trump the needs of children and undermine the purposes of medicine.

Physician-assisted Suicide

Over the past few years another life-or-death debate has been raging on the banks of the River Thames: In Parliament, those not content to limit their efforts to issues concerning killing at the beginning of life have turned their attention to killing at the end of it.

Since 2006, Lord Charles Falconer has regularly introduced legislation to permit physician-assisted suicide. Formally labeled the “Assisted Dying Bill,” the legislation would allow doctors to prescribe lethal medication to “competent” adults judged to have less than six months to live.

Similar to debates in the United States, advocates of the bill argue that the unbearable suffering of many terminal patients demands medical intervention. Doctors should, of course, intervene—but their aim should be to kill the pain, not their patients. In a January 2015 debate in Parliament, Lord Robert Winston—a physician who opposes the bill—warned that “fragile, deranged, angry and distressed patients would feel pressure to end their lives if the bill was passed.”

During a recent stay in London that coincided with the bill being hotly debated in Parliament, I saw the same advertisement posted throughout the London Underground:

No one to say good morning to.
No one to bless you when you sneeze.
No one to take tea with. Or whisky, for that matter.
No one on the end of the phone.
No one to share anything with: a cake, a laugh, or a problem.
No one to make one day any different from the last.
No one to turn to.
No one, but no one, should have no one.¹²

The advertisement was sponsored by AgeUK, an organization that aims “to provide companionship, advice, and support for the millions of people facing later life alone.” Their slogan—which appears on much of the group’s advertising—is “Love Later Life.”

It’s a noble campaign—one trying to draw greater attention to an often-neglected population: the elderly. The work of AgeUK, and many other organizations committed to both raising awareness and providing programs and services to remedy this problem, is laudable. But it’s also difficult not to reflect on a tragic irony: At the same time a massive media blitz was underway to provide assistance to the elderly in the form of companionship and care, efforts were underway in the British Parliament to legalize physician-assisted suicide.

While Falconer’s bill was ultimately defeated this term, there is a groundswell of support, both in Parliament and in the public, for such measures. *The Guardian* reports that “Peers [parliamentarians] have now switched from being 60% against back in 2006 to 60% in favour today.”¹³ Formidable leaders, such as Anglican Archbishop Desmond Tutu, have come out in support of the bill, while other notable citizens, such as composer Andrew Lloyd Webber, have come out against it. Many have expressed dismay at how rapidly public opinion has shifted on this issue, but considering the blatant disregard for life in other areas of British society, one can’t help but conclude that Parliament will likely pass Falconer’s bill in a future session.

Rough Waters Ahead

John Locke, arguably one of England’s most esteemed and respected thinkers, famously declared that:

The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions . . . when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind.

In Britain today the “preservation” of mankind no longer seems to be as

desirable as the *perfection* of it—even if the pursuit of perfection means destroying life in some circumstances. From the debate about abortion that didn't take place at Locke's alma mater in Oxford to ongoing bioethical skirmishes in Parliament, it appears England has rejected Shakespeare's brave new world in favor of Huxley's. A journey along the River Thames today is bittersweet: an occasion to celebrate the country's storied past but also one to lament its unmoored present and uncertain future.

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Personhood's Swan Song:

A Reply to Gualberto Garcia Jones

Paul Benjamin Linton

In the Winter 2015 issue of the *Human Life Review* I explained why the strategy adopted by the recently formed Personhood Alliance to pursue legal “personhood” for unborn children through citizen-initiatives at the local (county and municipal) level is problematical and not likely to succeed.¹ Gualberto Garcia Jones, the policy director for the Personhood Alliance, was given an opportunity to respond in the same issue.² Curiously, rather than addressing the details of my critique (or, for that matter, even referring to my article), Garcia Jones veers off in a different direction, repeating the tired argument that the incrementalist strategy for overturning *Roe v. Wade*, which I support, is immoral because it is based on a flawed philosophical principle known as “consequentialism.”³ In order to address that argument, it is critical to understand both the goal of those who favor an incrementalist approach to abortion legislation and the methods they are employing to achieve that goal.

The incrementalist strategy seeks to regulate the practice of abortion to the maximum extent permitted by the federal Constitution (including prohibiting post-viability abortions), while limiting and chipping away at the “abortion liberty” until the Supreme Court can be persuaded to overrule *Roe v. Wade* and restore the authority of the States to prohibit abortion. At the same time, the strategy seeks to recognize and extend the rights of unborn children in areas other than abortion (e.g., fetal homicide laws and wrongful death statutes). Its ultimate aim is to provide legal protection for all unborn human life through a federal constitutional amendment.

A Brief Philosophical and Historical Detour

“Consequentialism,” as Garcia Jones explains it, is an ethical principle which holds that “the consequences of one’s conduct are the ultimate basis for judging the rightness or wrongness of that conduct.”⁴ Garcia Jones not only rejects such thinking but also confuses it with incrementalism: “The promotion of laws that explicitly consent to the murder of some human beings for the sake of an uncertain reduction in evil,” he argues, “is a profound and

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unacceptable violation of [the Personhood movement's] principles."⁵ To suggest that pro-life laws recognizing the constitutional limitation imposed on the States by the Supreme Court "explicitly consent to the murder of some human beings" is, frankly, absurd. Any legislation that would attempt to prohibit pre-viability abortions, if challenged, would be struck down and enjoined (as is apparent from 20-week-abortion bans already struck down and/or enjoined in Arizona, Georgia, and Idaho, and so-called "heartbeat" bills struck down in Arkansas and Missouri).

None of the authorities Garcia Jones enlists (directly or indirectly) to support his attack on the morality of incrementalism—Professor Robert George, Professor Charles Rice, and Abraham Lincoln—supports his thesis.

Let's start with Professor George. Garcia Jones cites his criticism of pre-*Roe* laws that "liberalized" the circumstances under which abortions could be performed as an example of George's rejection of "consequentialist" thinking.⁶ The critical distinction between *pre-Roe* legislation and *post-Roe* legislation, of course, is that, *post-Roe*, banning all abortion is simply not an option. George's *actual* thinking regarding the incrementalist strategy, as opposed to what Garcia Jones implicitly attributes to him, may be found in a lengthy essay titled "Law and Moral Purpose," which George wrote in 2008 for the journal *First Things*. "The pro-life movement," he observed, "has in recent years settled on an incrementalist strategy for protecting nascent human life. So long as incrementalism is not a euphemism for surrender or neglect, it can be entirely honorable. Planting premises in the law whose logic demands, in the end, full respect for all members of the human family can be a valuable thing to do, even where those premises seem modest."⁷ George recognized that while "[f]ully just law would protect all human life . . . sometimes this is not, or not yet, possible in the concrete political circumstances of the moment."⁸ Nor, I would add, is it possible under specific *legal* constraints. Clearly, Professor George does not think the incrementalist strategy for overturning *Roe v. Wade* is immoral.

What about Charles Rice? It's true that Professor Rice, who recently died [see *Appendix E*], was opposed to the incrementalist strategy, which he regarded as neither "practical" nor "prudent."⁹ However, contrary to the implication in Garcia Jones' article, Rice did *not* regard regulatory measures that recognize the legality of abortion (e.g., those requiring parental consent or notice, or informed consent) as intrinsically immoral.¹⁰ "The incremental approach," he wrote in his 1999 book, *The Winning Side: Questions on Living the Culture of Life*, "should be rejected not as necessarily immoral but as counterproductive."¹¹ Indeed, Rice recognized—as did Pope John Paul II in his 1995 encyclical *Evangelium Vitae* (The Gospel of Life)—that incremental

measures to promote unborn human life are morally permissible so long as restoring full legal protection remains the ultimate objective.¹²

In *Evangelium Vitae*, John Paul discussed the “particular problem of conscience” that can arise “in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of abortions, in place of a more permissive law already passed or ready to be voted on.”¹³ And what is the proper resolution of this problem?

[W]hen it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. *This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.*¹⁴

The foregoing passage precisely and accurately describes a broad range of laws aimed at restricting or regulating the “abortion liberty” the Supreme Court recognized in *Roe v. Wade*, as well as laws extending protection to unborn children in other contexts. Although, as Rice notes, *Evangelium Vitae* “does not explicitly address the morality of support for exceptions by other than legislators . . . pro-life individuals and groups could morally assist [a legislator] in drafting and explaining such legislation.”¹⁵

Finally, was Abraham Lincoln a “purist” or an “incrementalist” on the slavery issue? While he believed slavery was morally wrong, Lincoln repeatedly acknowledged (before the Civil War) that the federal government had no legal authority to interfere with the institution in those States where it was allowed. His overriding concern was to limit slavery’s expansion into the territories where the authority of the federal government to ban it was unquestioned (and had been exerted on prior occasions, including the Northwest Ordinance). In Lincoln’s view, if slavery were limited to the Southern States, and not allowed to expand into the territories—which would later become States—it would eventually die out, even in the South. Lincoln was not an abolitionist; he did not campaign as one, nor did he govern as one (except in insisting that abolition be one of the prior conditions, along with restoration of the Union, for a negotiated settlement of the war—a condition the Confederacy consistently rejected). When, on January 1, 1863, he issued the Emancipation Proclamation, it was to place the prosecution of the war on a firmer footing and to discourage foreign recognition of the Confederacy. The Proclamation, however, applied only to those States or parts of States that were in rebellion, not to the four Slave States that had remained loyal to the Union (Delaware, Kentucky, Maryland and Missouri), or, for that matter, to areas occupied by Union troops in States that had seceded (most of

Louisiana and Tennessee). At the time it was issued, the Proclamation was denounced as an immoral compromise by many abolitionists whose thinking on slavery is indistinguishable from Garcia Jones' thinking on abortion. Lincoln justified the issuance of the Emancipation Proclamation as a *war* measure, one he was empowered to take in his capacity as Commander-in-Chief in order to suppress an armed rebellion. He had doubts as to whether it would have any legal effect beyond the end of the war and urged Congress to propose a constitutional amendment to end slavery—which Congress finally submitted to the States two years later.¹⁶ Lincoln's understanding of what he could and could not do about the burning issue of slavery most certainly did not reflect the type of "purist" thinking advocated by Garcia Jones in relation to abortion.

Personhood—A Success or a Failure?

Early on in his article, Garcia Jones makes the remarkable claim that the now abandoned "citizen-initiated state constitutional amendment [strategy] was a particularly fruitful strategy for grassroots activism."¹⁷ This contention is hard to square with an unbroken series of public and legislative defeats going back more than twenty years (almost two dozen of which were listed in the first paragraph of my article), to say nothing of Garcia Jones' subsequent admission regarding the November 2014 Colorado initiative that, "contrary to what the campaign leadership in Colorado had publicly maintained, actual volunteer participation was at an all-time low, church participation was dwindling, and the debate that the Personhood movement so desired as a mechanism for cultural change was simply not occurring."¹⁸ He added that their campaign headquarters "was nearly empty because the movement had ceased to attract and motivate people to sacrifice for the campaign," and that the "Colorado campaign had only raised \$29,000."¹⁹ His conclusion? "The base had become exhausted physically, financially, and emotionally."²⁰ He also cites the citizen-initiated Albuquerque 20-week abortion ban as an example of "very successful . . . grassroots activation," even though the proposal was defeated by a margin of ten percentage points and never would have survived judicial scrutiny had it been approved by the voters.²¹

Other "successes" Garcia Jones claims for the Personhood movement's "citizen-initiated state constitutional amendment" strategy are equally illusory. For example, he cites the "large majorities of the GOP base in South Carolina and Georgia" who, as a result of "the Personhood movement's activists . . . are calling for the protection of all innocent human beings in their respective states."²² What legislation, consistent with personhood principles, has been passed or even introduced in those States? He does not say. Garcia Jones also credits the "Personhood pledge" taken by presidential candidates such

as Rick Santorum, Mike Huckabee, and Newt Gingrich with helping them “win primaries in crucial states such as Iowa, Colorado, Georgia, and South Carolina in 2008 and 2012.”²³ Perhaps my memory fails me, but I do not recall any of those politicians even coming close to being nominated as the Republican candidate for president in 2008 or 2012 (and whether their “Personhood pledges” had anything to do with winning a few primaries is, to say the least, highly debatable). Finally, in an amazing *volte face* from his previous dismissal of Tennessee’s Amendment 1—which overturned a state constitutional right to abortion—as setting the bar “painfully low,”²⁴ Garcia Jones now tries to credit the Personhood movement with keeping incest and rape exceptions out of it.²⁵ As one of the drafters of Amendment 1, and the principal constitutional expert to testify in support of it before the Tennessee Legislature, I can affirm that the advocates of personhood had nothing to do with its drafting. In fact, Personhood USA was not even formed until after the language of Amendment 1 had been finalized.²⁶

Getting Back to the Point

Garcia Jones has virtually nothing of substance to say in his response to my critique of the new personhood strategy. As he even grudgingly concedes,²⁷ complaints about “Judicial Supremacy,” which take up a large portion of his article, do not change the unfortunate fact that, as presently constituted, the Supreme Court will not allow the States (or the federal government) to prohibit abortion before viability.²⁸ He suggests that a citizen initiative could amend a local ordinance prohibiting child abuse to include the unborn child.²⁹ Even assuming that a municipality had the authority to expand the scope of a local ordinance beyond that provided in the corresponding provision of state law (for which he cites no authority), any attempt to prohibit abortion through a “child abuse” ordinance would not survive judicial scrutiny (and none of the majority and concurring opinions he cites from the Alabama Supreme Court’s 2014 decision interpreting that State’s child abuse statute—*Ex parte Hicks*—suggests otherwise).

Finally, Garcia Jones acknowledges that “the municipal ballot initiative is not available in all municipalities” and that “small conservative municipalities”—where proposing and adopting a citizen initiative on abortion would be more feasible politically than in larger, more liberal ones—“will rarely have an abortion facility to regulate.”³⁰ For larger municipalities he suggests “lobby[ing] or even seek[ing] election and tak[ing] over city councils or assemblies.”³¹ That fall-back position, however, does not address the preemption issue or the other impediments to local regulation of abortion discussed in my article. The absence of an abortion facility to regulate, he says, “does not mean that

the community can't find other ways to protect the rights of the preborn."³² However he fails to suggest what those alternatives might be.

Conclusion

Notwithstanding Garcia Jones' impassioned defense, the new personhood strategy has all the defects of the old personhood strategy (pursuing statewide initiatives), as well as legal and political problems that are peculiar to legislating at the local level. These include the restricted availability of citizen initiatives at the county and municipal levels, the preemption of local law by state law, the limited geographical scope of local legislation, and the (typically) more liberal makeup of those communities where abortion facilities operate. In addition, with respect to criminal laws, counties and municipalities have no authority to impose more than minor misdemeanor penalties, which would seem to be antithetical to the notion that abortion should be treated as a serious crime. As my article suggested, there are myriad ways in which the rights of unborn children may be protected *at the state level*. But none of those is available at the *local* level.

The ultimate goal of both incrementalists and purists is to restore legal protection to unborn human life at all stages of pregnancy. The indispensable means to that end is overruling *Roe v. Wade*, either by replacing pro-*Roe* justices with anti-*Roe* justices on the Supreme Court, or by a federal constitutional amendment. But overruling *Roe* most assuredly will not come about through local citizen initiatives. In the end, like the old personhood strategy that Gualberto Garcia Jones and many others have abandoned, the new personhood strategy of the Personhood Alliance is legally and politically bankrupt. It does not merit the support of the pro-life community.

NOTES

1. Paul Benjamin Linton, "Personhood Lite," *XLI Human Life Review*, No. 1 (Winter 2015), pp. 28-34.
2. Gualberto Garcia Jones, "Personhood Contra Mundum," *XLI Human Life Review*, No. 1 (Winter 2015), pp. 35-44.
3. *Id.* at 35-36.
4. *Id.* at 35. "Consequentialism," a name invented by the British philosopher G.E.M. Anscombe, is a modern version of utilitarianism, whose best-known proponents were the English philosophers John Stuart Mill and G.E. Moore.
5. *Id.*
6. *Id.* at 35-36, citing Robert P. George, *Conscience and Its Enemies: Confronting the Dogmas of Liberal Secularism* (Wilmington: Intercollegiate Studies Institute, 2013), p. 235. Nowhere in his book does Professor George discuss the morality of incrementalism.
7. Robert P. George, "Law and Moral Purpose," *First Things*, Vol. 179 (Jan. 2008), p. 24.
8. *Id.*
9. Charles E. Rice, *The Winning Side: Questions on Living the Culture of Life* (St. Brendan's Institute 1999), P. 227
10. *Id.* at 225-27, 229-31, 235-36 (recognizing, with certain qualifications, that incremental laws are morally defensible).

11. *Id.* at 237. Whether the incremental strategy is “counterproductive,” as opposed to Professor Rice’s “no exceptions” strategy, is addressed in my article, “Sacred Cows, Whole Hogs & Golden Calves,” XXXIII *Human Life Review*, No. 3 (Spring 2007), pp. 45-47.
12. Rice, *The Winning Side*, pp. 226-27, 229-31, 235-36, citing and quoting from Pope John Paul II’s encyclical *Evangelium Vitae* (The Gospel of Life) (1995).
13. *Evangelium Vitae*, No. 73.
14. *Id.* (emphasis added).
15. Rice, *The Winning Side*, p. 227.
16. The history set forth in this paragraph may be found in any standard biography of Abraham Lincoln, *see. e.g.*, David Herbert Donald’s *Lincoln* (Simon & Schuster, 1995).
17. “Personhood Contra Mundum,” XLI *Human Life Review*, No. 1 (Winter 2015), p. 36. Garcia Jones claims that the Personhood movement’s efforts with statewide citizen initiatives “raised the important question of federalism and the proper role of the states under the Tenth Amendment power to exercise police power.” *Id.* The States’ police powers, of course, are subject to the due process and equal protection guarantees of the Fourteenth Amendment, adopted seventy-eight years after the Tenth Amendment.
18. *Id.* at 40. Garcia Jones was a board member of Personhood USA at the same time the “campaign leadership” of Personhood USA was misrepresenting the level of public support and involvement in the effort to adopt the initiative.
19. *Id.*
20. *Id.*
21. *Id.* To claim, as Garcia Jones does, that the proposed Albuquerque ordinance “explicitly and credibly put . . . to rest” the objection that a municipality could legislate in this area, *id.*, overlooks the fact that the initiative was *defeated* and, therefore, could not be challenged in court. If the initiative had passed, it would have directly conflicted with the pre-*Roe* New Mexico abortion statute that allows abortion under a much broader range of circumstances (and imposes no gestational limit on abortions), as well as both state and federal supreme court decisions that bar any attempt to ban abortions before viability. Garcia Jones also passes over in silence the objection that local legislation attempting to regulate or prohibit the practice of abortion would have been preempted by the state medical practice act and the fact that the proposed ordinance carried only minor misdemeanor penalties.
22. *Id.* at 36.
23. *Id.*
24. Gualberto Garcia Jones, “It’s time for the personhood movement to do some sober analysis,” Life Site News, Nov. 7, 2014.
25. “Personhood Contra Mundum,” XLI *Human Life Review*, No. 1 (Winter 2015), p. 36. It is not entirely clear what Garcia Jones means by this statement. Amendment 1 provides: “Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.” Tenn. Const. art. I, § 36. Amendment 1 neither mandates nor prohibits rape or incest exceptions in any abortion legislation that the Tennessee Legislature might enact.
26. In yet another irony, prior to the vote on Amendment 1, Personhood USA, of which Garcia Jones was a board member, *objected* to the second sentence of the amendment, the same sentence which he now claims was attributable to the efforts of personhood advocates. *See* “Tennessee Legislature Can Regulate Baby Killing,” <http://www.personhood.com/blog/tennessee-legislature-can-regulate-baby-killing> (last visited March 19, 2015).
27. “Personhood Contra Mundum,” XLI *Human Life Review*, No. 1 (Winter 2015), p. 38.
28. Toward the end of his article, Garcia Jones acknowledges that “the Personhood movement is not so much concerned with the changes that we can achieve through the legal system as it is with changing the legal system itself. That system is so broken that attempting to get it working in its current condition is an exercise in futility.” *Id.* at 42. Given its track record, the same might be said of the personhood strategy itself.
29. *Id.* at 41-42.
30. *Id.* at 42.
31. *Id.*
32. *Id.*

Our Harem of Imaginary Brides

Donald DeMarco

The late Malcolm Muggeridge, who in his later years, had some sensible things to say about human sexuality, lamented that people “have sex on the brain, and that’s an unhealthy place for it to be.” What he meant by this remark was based on his observation that sex, which is a natural inclination toward another, is commonly short-circuited by being lodged in the brain, or, if you will, stymied at the starting gate.

The prime example of this phenomenon is the young man who prefers the company of images of voluptuous women rather than taking the pains to cultivate a truly personal relationship with a real woman. The former, “a harem of imaginary brides,” to borrow a phrase from C. S. Lewis, is accessible, undemanding, and unchallenging. It does not require him to become sufficiently mature so that any intelligent woman would be interested in him. It is a sad case of arrested development. His imaginary brides remain subservient to him, but they are of absolutely no help to him.

The inimitable G. K. Chesterton put the matter in a realistic framework when he explained that “Sex is an instinct that produces an institution.” That institution, of course, is marriage and the family, and even on to who knows how many succeeding generations. But if sex remains merely on the level of an instinct, it remains sterile and unproductive. “The house is very much larger than the gate,” the author of *Orthodoxy* goes on to say, and “There are indeed a certain number of people who like to hang about at the gate and never get any further.”

Hanging around the gate and never entering the house is the sad epitaph belonging to those for whom sex remains “on the brain.” It is like holding on to the ticket but not entering the stadium to witness the game, or reading the menu but never ordering a meal. The harem of imaginary brides leads to nowhere, an empty place where no one resides to offer anyone companionship. It is a seduction that grounds the self at the zero point. It offers no antidote for loneliness, no compensation for unproductiveness, and no solace for personal failure.

The most fundamental duty we all have as human beings is to develop our

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personalities. Friendship is at its best when two developed personalities can bring out the best of each other. Love, put simply, is the will to promote and protect the good of the other. Being self-absorbed does not provide any good for anyone.

Narcissus was self-absorbed and died of malnutrition while worshipping his self-image. One draws no nourishment by worshipping one's self. Echo, who was interested in Narcissus and not her extended image, wept for him. Her tears proved that she was real. She was the realistic woman who was spurned by a man who preferred to keep to himself. The myth retains its relevance in our day. We may translate malnutrition as an absence of love. The harem of imaginary brides, voluptuous as they may appear to be, are neither lovable nor loving.

Love is what protects sex from being a mere instinct. Because it is a tendency toward the real, it endows sex with a realistic direction. One woman, because she is real, surpasses any number of imaginary candidates. She may be demanding, and critical, but her divine assignment is to help shape the young boy into a responsible man. We would be remiss, however, if we denied that women did not experience, in some way, the same temptations that the man experiences. The friendship, especially marital friendship, between two mature persons can overcome many imperfections. To quote C.S. Lewis once more, "this carnival of sexuality leads us out beyond our sexes." For, "in the image of God, He created *them*."

It has been said, and truly so, that *Playboy's* empire was built on the illusion of sex without tears. Such a divorce from reality, of course, can exist only as an image. We are born into a valley of tears. Reality is harsh, but it is inescapable. At the same time, reality offers us our only hope for personal authenticity. The world of images, though appealing, is not profitable. The shortest verse in the entire Bible is "Jesus wept" (John XI:35). Its brevity stands to emphasize its importance. Jesus wept because he lived and was affected by what he experienced. Tears are the watery bridge that unites the self with the world. They are the documented evidence that one has lived. They are, paradoxically, the firmest proof that one has interacted with his surroundings.

The gods punished Narcissus for rejecting love and life by reducing his world to one of a single image, that of himself. It was a death sentence, though Narcissus was seduced into thinking, until the very end, that he was in love. The harem of imaginary brides are really pallbearers in waiting. Hugh Hefner and his ilk have been punishing their readers by sending them into a world where they are intoxicated without nourishment and drown without tears.

Tears are like a rainbow. They contain a fascinating array of different colours, as it were. They have stories to tell about the various interactions that have taken place between the person and life. The different chemicals that tears contain are related to the different experiences the person has. The brain directs the eye to produce just the right kind of tears for a specific purpose. Basal tears coat the eye on a day-to-day basis in order to keep them moisturized. Tears that result from eye irritation contain more healing properties than do the basal tears. They are also better suited to flush foreign objects out of the eye. Emotional tears, associated with sadness, joy, or stress, carry more protein-based hormones than the other two types of tears and help the body to cleanse itself of the chemical side effects of pent-up emotions. In their own subtle way, tears are autobiographical recordings of lived experiences. Life without tears would be akin to life that is not lived.

Human existence is a mosaic of life and death. The popular preference for sex without tears is consistent with other forms of removing what appears to be the death factor, such as wealth without work, success without setbacks, pleasure without cost, worship without sacrifice, and Christ without the Cross. Yet, if we know anything about life, it is the negative that charges the positive. Dr. Samuel Johnson has expressed it nicely: "Life affords no higher pleasure than that of surmounting difficulties, passing from one step of success to another, forming new wishes and seeing them gratified. He that labors in any great or laudable undertaking has his fatigues first supported by hope and afterwards rewarded by joy."

In order to appreciate life fully, one must accept the shadow, the side that is suggestive of death. If we cling tenaciously to life, we will lose it. On the other hand, it is suicidal merely to await death. For G. K. Chesterton, "We must desire life like water and drink death like wine." The "courage to be" demands nothing less.

The great problem of our time is that we want things to be too easy. In our misguided attempt to achieve this, we try to isolate life from death, comfort from hardship; we seek investment without loss, growth without aging. But if, like Pygmalion, our harem of imaginary brides could come to life for just a single moment, what would they do? They would simply laugh at us.

Welcoming and Supporting Every Life

Kathryn Jean Lopez

“Incompatible with life.” It’s a dark phrase that sapped hope during an uncertain, emotional time.

“A haze had come over me, my eyes never free of tears.” Writing in *Bella’s Gift: How One Little Girl Transformed Our Family and Inspired a Nation*, Karen Santorum goes on to describe the devastation of hearing this kind of diagnosis about your child.

I had so many questions and no answers to satisfy the screaming voice in my head that asked, *why?* My child had been given a death sentence. Scrubbed doctors with words of compassion that felt hollow and insincere told us mere days remained until her body would fail her. No surgery could fix her, no medicine heal it.

Even though the Santorums had refused prenatal testing, doctors had let it be known that something was “off,” as Karen puts it. She remembers how the baby had come as a surprise and a blessing.

We had given away our baby things and thought we were moving into the next phase of life, but God had other plans and blessed my womb once more with another child. Surely He would protect her. But doctors had done tests, confirming what I had never dreamed possible.

Bella had Trisomy 18, a rare genetic disorder so named because an extra, eighteenth, chromosome inhabited every cell of the baby’s body. Karen Santorum, a nurse, had the immediate burden of knowing just what this meant: “Of the 10 percent of babies with Trisomy 18 who survive birth, 90 percent don’t make it to their first birthday. The prognosis was terrifyingly bleak; the odds were stacked against her.”

“Lungs shutting down, holes in her heart, kidney problems, and severe intellectual disability were horrors we should expect,” she writes. “Like the blood pounding in my head, the list of symptoms boomed”

As her husband, former Pennsylvania Senator Rick Santorum, put it in a campaign speech:

I stood over a hospital isolette staring at the tiny hands of our newborn daughter, whom we hoped was perfectly healthy. But Bella’s hands were just a little different—and I knew different wasn’t good news. The doctors later told us Bella was incompatible with life and to prepare to let go. They said, even if she did survive, her disabilities

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would be so severe that Bella would not have a life worth living. We didn't let go, and today Bella is full of life and she has made our lives and countless others' much more worth living.

Bella is seven years old this May. But when she was born, had it not been for parental insistence, Bella might not have been given a chance. What the Santorums encountered was a medical establishment that had come a long way from the Hippocratic Oath. Four decades into *Roe v. Wade* and with assisted suicide legal in three states, what Dr. Aaron Kheriaty has described as an Apostolate of Death has stricken a noble field.

In an article for *First Things*, Dr. Kheriaty traced the connections between how we care for life at its most vulnerable beginnings and at its end. He focused on the recent celebration of the death of Brittany Maynard, the young woman suffering from terminal brain cancer who moved to Oregon to legally end her life this past fall.

Many advocates of assisted suicide try to redefine it as something else—indeed, to redefine human dignity and human life itself. Maynard has become a sort of secular saint for the cause, and the media have provided her hagiography. Maynard herself wrote: “If I’m leaving a legacy, it’s to change this health-care policy or be a part of this change of this health-care policy so it becomes available to all Americans. That would be an enormous contribution to make, even if I’m just a piece of it.” CNN named Maynard one of its “11 Extraordinary People of 2014” for her decision to define death “on her own terms.” Another columnist wrote that Maynard in her choice for self-inflicted death employed her “own definitions of life and dignity.”

This echoes the famous “mystery clause” of Supreme Court Justice Anthony Kennedy: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” Such a notion of liberty and human dignity can only lead to incoherence and absurdity; life and death are not ours to define, but are objective realities to which we must adapt. There is a great irony in all of this empty talk about controlling the timing and circumstances of our death, since death is the singular event that finally and completely announces our lack of complete mastery and control.

Dr. Kheriaty concluded:

Some people thought St. John Paul II was speaking metaphorically when he wrote about our “culture of death.” But he meant this quite literally: A culture that honors and exalts those who deliberately reject life is a culture that eventually will come to worship death.

This may sound harsh, but it is the callous reality undergirding the practice of medicine today and the politics and policies and protocols and economics that keep it running. And it is the harsh reality that parents all too often face. It’s not that the doctors themselves worship death, but this is the ethics they’ve been taught and the worldview within which they operate.

As Rick Santorum describes his family's experience: "We had to fight for appropriate life-sustaining care." He explains: "the hospitals are crawling not with evil mercy killers, but rather, with many people who value human life according to what a person is able to do, rather than on how he or she can love and be loved. Bella, like so many other people with severe disabilities, can't 'do,' but she is loved, and we are especially blessed that she can love. What is more valuable than that?"

And doctors committed to guiding willing but suffering families can make all the difference. "The doctors are the first responders," Mark Bradford, president of the Jerome Lejeune Foundation, emphasized during a recent panel co-hosted by the National Review Institute and the Heritage Foundation.

"Fundamentally, people need good information and good information historically has not been provided," Bradford says. This, he goes on, "is unjust and unfair."

In a paper for the Charlotte Lozier Institute, Bradford writes that:

Individuals and families living with Down syndrome overwhelmingly report satisfaction with their lives, but the majority of parents continue to elect abortion following prenatal diagnosis. The contrast presented in these two sources raises critical questions about how prenatal diagnosis is delivered, the perception of support for the intellectually disabled and their families, and the stigma that still remains regarding intellectual disability.

He points specifically to research done by Dr. Brian Skotko, co-director of the Down Syndrome Program at Massachusetts General Hospital, who found that 99 percent of people with Down syndrome say they are happy with their lives, the same percentage of parents in the study reported loving their children with Down syndrome, and 97 percent of the siblings, ages 9-11, say they love their sibling with Down syndrome. And yet, "The most recent study of abortion following a confirmed prenatal diagnosis of Down syndrome showed that, depending on several factors such as time of prenatal diagnosis, geographical region, ethnicity and religious belief, abortion rates range from 61% to 93% in the United States. In France, where prenatal screening has been enshrined in public policy, the rate increases to at least 96%."

That story about the possibilities and opportunities for a good life despite a disability such as Down syndrome is not well-known, though, and is certainly not shared during the emotional moments when a choice is often pressed on distraught and confused parents in a doctor's office. Bradford points to a 2014 report finding that 1 in 4 women expecting a child with Down syndrome reported that their doctors insisted on ending the pregnancy. Negative experiences outweigh positive ones.

"There is often a natural grieving process," he says, when an adverse

prenatal diagnosis is delivered. “You’re going to experience something you hadn’t anticipated when you had the excitement of a pregnancy.” He’s not promoting advocacy in the hospital bed or doctor’s office but good medicine and a humane bedside manner. “Women, families . . . need an opportunity to be nurtured through that process by a caring medical profession, by well-informed genetic counselors, who can put them in touch with good resources, who can expose them to the humanity of individuals living with disabilities.”

Karen Santorum opens a window into what that looks like from Bella’s early days—making it clear that she is grateful for many of the doctors the family encountered, but not for all. In *Bella’s Gift*, written with her husband and oldest daughter, she writes about her youngest child’s early days:

Rick and I were constantly in the NICU, keeping our vigil at Bella’s isolette. During Bella’s ten-day stay in the NICU, we all held her, sang to her, and rocked her. We were trying to fit a lifetime of love into what we were told would be a brief life. The care was excellent, and the physicians and nurses were kind and compassionate. That is, except for one doctor.

The doctor came in and said to the Santorums: “You must be her parents.” Karen Santorum recounts:

The physician extended his hand. “I’m one of the attending doctors for the NICU. I am so sorry for your . . . situation.” We shook his hand in turn. His skin was tan, his smile white. He was about fifty, with an overbearing presence, and his cologne was out of place in a sterile room. He, like other doctors and medical literature, described Bella as having a “lethal diagnosis” and referred to it as “incompatible with life.” The stark utterance clanged like a hammer against an empty cistern. Rick looked at me and squeezed my hand.

I turned to the doctor, “Thanks for your concern, Doctor, but we’ll continue to fight for Bella’s life. She’s clearly exceeding medical expectations.” The doctor looked mystified. “I don’t know why you would want to do anything. You have to let her go. Statistically, there’s no hope here.” He walked away, not knowing he had prodded a momma grizzly by talking about my little girl like that. My claws were out. She is not a statistic. She is not a diagnosis. She is my child. The medical community is filled with many like him who weigh the value of life according to IQ or in terms of one’s usefulness. They were not going to dismiss my little girl so easily.

That instinct to protect a child, even one who will experience hardship and whose outlook for longevity is likely bleak, is only natural, Dan LaHood understands. “A parent wants to be the best parent they can be for as long as he can be.”

Twenty-six years ago LaHood’s wife, Cubby, was told she was a “walking coffin,” when their son was diagnosed with polycystic kidney disease. “That sorta set the tone for what we encountered in the days that followed.” Doctors, family—near everywhere they turned, they “found resistance to what they

were drawn to,” which was having their child. They loved their child, and weren’t going to turn away from him. But even with that being the case, they were almost dissuaded. Today they have their son and a home for children with disabilities.

“What’s going to turn this ship around,” LaHood says, “is allowing a parent’s love to reveal itself with . . . support . . . given time” and resources. But for this to happen, doctors must stop saying “you have to do something now” while pushing “termination” as the only credible alternative. “What we’ve found is when people are given time and are allowed to choose life,” LaHood shares, “they love, and they heal, and they become better people.” Isaiah’s Promise, a peer mentoring network, is growing, he says, because of people’s experiences getting resources: Often people find their lives are better, their marriages are better, and they want to help do the same for others. Simply because they were allowed to express their parental love “as fully as it can be.”

“**T**here’s this underlying assumption that we are sparing the couple from difficulty by assuming and encouraging and settling on abortion when there is an adverse diagnosis,” Charmaine Yoest, president and CEO, Americans United for Life, said during that same National Review Institute/Heritage Foundation panel. “It’s a eugenic mindset that is so accepted now,” Yoest says. Instead, we need to focus on the parents and the child. And specifically Yoest wants to first focus policy discussions on the woman’s experience of getting an adverse prenatal diagnosis.

“When you lose a baby,” she says, “your life is never the same again.” And yet “we have this ‘misplaced compassion,’” she adds, that insists that “destroying the baby before it is born is presented as a compassionate choice. But the data is clear that it is not good for the woman.”

AUL has legislative models that, if made law, would provide informed consent so parents would know about their options. Doctors would know of and be mandated to share information about prenatal hospice options for a family, to prevent families being railroaded into choosing death. The families also need help and resources to navigate insurance and legal issues that can be overwhelming. Bradford challenges the pro-life movement to continue to insist on and be a support in all of these follow-through issues as well as helping that initial choice for life to be made.

A website called A Gift of Time (perinatalhospice.org), run by Amy Kuebelbeck, a former editor at the Associated Press and author of *Waiting with Gabriel*, explains: “As prenatal testing becomes increasingly routine, more parents are learning devastating news before their babies are born.” The site operates as a clearinghouse of options, recognizing that “In too many

places, the ability to diagnose has raced ahead of the ability to care for these families and their babies”:

. . . in a beautiful and practical response, more than 245 pioneering hospitals, hospices, and clinics in the U.S. and around the world are now providing perinatal hospice/palliative care support for families who wish to continue their pregnancies with babies who likely will die before or shortly after birth.

A perinatal hospice approach walks with these families on their journey through pregnancy, birth, and death, honoring the baby as well as the baby’s family. Perinatal hospice is not a place; it is a way of caring for the pregnant mother, the baby, the father, and all involved with dignity and compassion and love. It can easily be incorporated into standard pregnancy and birth care just about anywhere. Even in areas without a formal program, parents can create a loving experience for themselves and their baby, and health professionals and family and friends can offer support in the spirit of hospice

Among their recommended programs is the Neonatal Comfort Care Program at Morgan Stanley Children’s Hospital of NY-Presbyterian/Columbia University, which offers a “multidisciplinary plan of care addressing the unique and complex needs of babies diagnosed with life-limiting conditions or who are terminally ill and supports their families.” Almost all of these prematurely born babies won’t survive long. Regardless, “the length of their life cannot be foreseen with certainty so our responsibility as doctors is to serve their life,” argues Dr. Elvira Parravicini, a neonatologist who founded the program—the first of its kind.

During a speech to the Rimini Meeting for the Friendship Amongst Peoples in Italy in 2012, she explained: “We need to be extremely attentive to the clinical signs through which the patient speaks to us: Life is given, and life has its own duration, not fixed by the person, his parents or relatives and let alone the doctor.”

Dr. Parravicini continued:

. . . how can we be certain of serving a patient’s course of life without artificially shortening or prolonging his life? I think it is simple: first of all we need to be loyal with the reality in front of us, reality speaks to us, it is objective, and talks to us precisely through the signs that the patient is giving us. All we are asked is a position of attention and affection for the patient. The reason for the comfort care resides in the fact that, even when we know that the patient cannot be cured, our medical and nursing treatment can certainly better the quality of these newborns’ brief existence and this does not have to be underestimated because every patient, even if incurable, is bearer of an unconditional value.

We know very well that even with all our medical knowledge we cannot eliminate the drama of a terrible injustice, that is, that a newborn baby had such a brief life. However, we offer this comfort care program as a humble attempt of taking care of the unique and complex needs of these babies and their families.

Her remarks go to the heart of good medical ethics that we are in danger of losing. Addressing questions on the other end of life, We “are either going to have effective palliative medicine for patients and good care, or we’re going to have maximum choice, including helping patients die,” Dr. Farr Curlin, the Josiah C. Trent professor of medical humanities at the Duke University School of Medicine, recently said during another National Review Institute/Heritage Foundation panel on physician-assisted suicide. “But we are not going to have both.” Why, when there’s broad agreement that “preserving and restoring a patient’s health is a good thing,” he asks, would we ever consider doing such harm? He points to his experience of seeing patients forgoing palliative care for fear that doctors have lowered their standards to the point where they may be likely to intentionally hasten death.

How we treat life at its beginning and at its end are related. We do harm not just to suffering families but also to the entire practice of medicine when we act otherwise.

Those who are willing come to discover the humanity in a child with special needs. “If you encounter the disabled and you’ve never been around them before, it’s not going to initially feel like a gift,” Dan LaHood, cofounder of Isaiah’s Promise and St. Joseph’s House, acknowledges. “You might be afraid or even repelled by people that seem so different than you are.” But “what happens over time in those who are willing, they discover the humanity,” LaHood says. “There is a transformation that is awe-inspiring, like the power to persuade by somebody’s presence, in somebody’s need, activates something in the human heart that I don’t think can be triggered by any other experience,” he observes. (St. Joseph’s House is a home—providing daycare and residency—for children with multiple disabilities that he and his wife started in 1983 just outside of Washington, D.C.)

Among the positive experiences the Santorums had was one with a doctor who helped them see hope during Bella’s early days. A geneticist, after going through the statistics for children with her condition, added: “There is hope.” Karen Santorum writes that he then “leaned forward in his chair, and told us what we desperately needed to hear: ‘Bella will write her own book, and I hope it is a good one.’”

Yoest worries that while we work to support people, efforts, and resources that embrace and make life possible—that double down on realistic hope and comfort—the pro-life movement needs to help people see the beauty in human dignity and even suffering. We cannot, after all, actually live airbrushed lives. She worries that we are losing sight of the very reason we have family and community and come together in times of adversity and the inter-generational obligations of love we owe one another.

Looking at the celebration of Brittany Maynard's death, Yoest worries about our cultural aversion to suffering. In confronting this, we might just be on the road to better supporting hospice efforts at both the beginning and end of life. We might see progress in helping those who want to make doctors' offices and medical ethics more hospitable to life, making something better of our culture and politics. She asks:

Do we expect to live a pain-free life? Do we have a conception of human dignity that includes enduring pain and enduring suffering and doing it collectively together and finding ways to live a life that isn't so antiseptic?

It's not just abortion. It's situated into bigger questions—if we're not careful to pay attention to the idea that our lives are getting easier and should be. It does make a difference what you decide at the beginning of life about how people fare.

Twenty years ago St. John Paul II issued his letter on "The Gospel of Life," *Evangelium Vitae*. In a recent reflection on the encyclical, Bishop James Conley of Lincoln, Nebraska, wrote that "the encyclical is fundamentally concerned with the relationships between love, truth, freedom, and justice." It's the witness and work of parents and doctors, servants and activists helping us see these connections that will keep us from continuing down the dark path of recent decades, where we devalue the lives of many of our weakest.



"Tell me again about the time when kids played outdoors."

Darwinism Used to Justify Abortion

Gerald Bergman

For some, Darwinism provides a justification for abortion, through the evolutionary argument that ontogeny recapitulates phylogeny. This theory teaches that all human embryos pass through the early stages of our human evolutionary ancestors, from a simple single cell to our putative ape ancestors. According to those who make this argument, abortion is not murder because the human embryo is not human when abortions are usually performed, but rather a fish. Consequently, because the embryo is in the fish stage at this time, abortion does not destroy human life, and therefore is morally justified. This ontogeny argument, although now refuted, still is used by some to support human abortion today.

According to U.S. Centers for Disease Control and Prevention statistics, over 50 million abortions were performed in the United States alone since 1973.¹ Worldwide, the number is estimated at 45.6 million abortions in 1995, 41.6 in 2003, and 43.8 in 2008.² Abortion is a major means of birth control in many nations, and about one in five pregnancies ended in abortion in 2008.³

The Jewish and Christian teaching against abortion is summarized in Exodus 21:22-23, which says, “if a man hits a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined. But if a serious injury resulting in death occurs, you are to take life for life.”⁴ The 1599 Geneva Bible version says, if a man strikes “a woman with child, so that her child depart from her and death follow not, he shall be surely punished . . . as the Judges determine. But if death follows, then thou shalt pay life for life.”

Because it seems to combine science with dehumanization of the fetus, one of the strongest of the seemingly scientific arguments for abortion is ontogeny recapitulates phylogeny. Often called *the biogenic law*, ontogeny recapitulates phylogeny theory literally means that the stages of human development in the womb recapitulate (repeat) the phylogeny (the physical appearance) of lower animals. Thus, as the embryo develops, it goes through the past adult stages of the entire evolution of life, from the primitive ancient first cell to a modern human. According to this theory, as humans develop in

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the womb, the *adult* forms of vertebrates in the evolutionary tree appear in the *embryonic* forms. Although this theory has been fully debunked (as I shall discuss in greater detail later), it is still found in some modern biology textbooks.⁵ Darwin considered it one of the most powerful arguments for his evolution theory; however, British embryologist Lewis Wolpert noted that the ontogeny recapitulates phylogeny theory is most commonly associated with the German evolutionist Professor Ernst Haeckel, who is best known by historians for influencing Hitler's eugenics program.⁶

According to evolution, human life began as a single cell. Eventually, increasingly more complex life forms developed: an amoeba-like creature, then a fish, next an amphibian, then a reptile, and then a primate. Finally, after many millions of years, humans resulted. Those who think that this evolutionary sequence is recapitulated during pregnancy maintain that at a certain gestational age the human embryo passes through a "fish" stage and even develops "gill-slits."

Use of "Ontogeny Recapitulates Phylogeny" as Justification for Abortion

The recapitulation theory argument for abortion has a long pedigree—even Ernst Haeckel used it to justify abortion in the late 1800s. This theory also has been used to justify abortion even in the late stages of embryo development, because after the "fish" stage the embryo is still not yet human, but is at the "amphibian" stage.⁷

Another aspect of Darwin's theory that influenced the acceptance of abortion was his view of humans as mere animals. The "intellectual upheaval sparked by the publication of the theory of evolution" resulted in a radical change in our view of ourselves: "Once the weight of scientific evidence in favor of the theory became apparent," writes Peter Singer in *Rethinking Life and Death*, "practically every earlier justification of man's supreme place in creation and his dominion over the animals had to be rejected. . . . Human beings now know that they were not the special creation of God, made in the divine image and set apart from the animals; on the contrary, human beings came to realize that they were animals themselves."⁸

Enter Professor Cyril Chesnut Means, Jr.

This change in the way that many scientists viewed humans was important in setting the stage for legalizing abortion in the United States and the rest of the world. The "most influential pro-abortion legal expert during the 1960s," Cyril Chesnut Means, Jr., "argued that babies are sub-human."⁹ Means, a graduate of Harvard University, was Professor of Constitutional Law at New York University Law School and a legal adviser for the American Church Union.

Means also argued that abortion is not murder because Jews and Christians restricted the command in Genesis to “be fruitful and multiply” to persons who are in the “image” and “likeness” of God, and a fetus is not a living being made in the likeness of God, but “still at the stage known to zoologists and embryologists as that of subhuman ancestral reminiscence.”¹⁰

Means added that “the Roman pontiffs held that an abortion performed in the early months of pregnancy was not homicide for the very reason that the fetus was not yet a human being” but rather, as argued today by proponents of this theory, a fish or reptile.¹¹ Furthermore, Means said, embryological research starting with “Haeckel reveals that these medieval rules were right in principle . . . and . . . Eugenic abortion is . . . a program for . . . preventing the birth of monsters. Now that science has . . . armed us with the power to detect and prevent monstrous births,” this power should be utilized where appropriate.¹²

According to Means, recognizing that “a human fetus is a human ‘being’ does not imply that it is a human ‘person’”; he reasons that a “heart donor, suffering from irreversible brain damage, is also a living human ‘being,’ but he is no longer a human ‘person.’ That is why his life may be ended by the excision of his heart for the benefit of another, the donee, who still is a human person. If there can be human ‘beings’ who are non-persons at one end of the life span, why not also at the other end?”¹³

In 1968, Means was appointed by New York Governor Nelson Rockefeller to review New York’s abortion law. Means argued that “embryological investigation, beginning with Haeckel,” justified the conclusion that a fetus does not become a human being until well into a woman’s pregnancy and therefore it was acceptable “to destroy a fetus, still at the stage known to zoologists and embryologists as that of subhuman ancestral reminiscence, which, if allowed to pass beyond that stage will predictably become . . . only a grotesque caricature of man.” In other words, there was nothing wrong with eliminating a fetus so long as it was still at a pre-human embryonic stage of the evolutionary process.¹⁴

The Value of Human Life

Evolutionists contributed in a major way, not only to abortion legalization, but also to the view that human life has no intrinsic value. Robert Williams, President of the Association of American Physicians, said in 1969 that “the fetus has not been shown to be nearer to the human being than is the unborn ape” and that much has been “made of ‘quickening’ of the fetus by many individuals as a time when ‘life begins’ In reality, quickening symbolizes a very early stage of . . . the recapitulation of phylogeny by ontogeny; and it takes man a relatively long time to attain the [complete] recapitulation.”¹⁵

Dr. Milan Vuitch, a Washington, D.C., physician born in Serbia and a naturalized U.S. citizen, worked for the pro-abortion team presenting the *Roe* case for legalized abortion to the Supreme Court. He argued that the claim that human life begins at conception was based on junk science from “one or two centuries ago” when scientists still believed the embryo was fully human. Dr. Vuitch added that scientists now know, thanks to German biologist Ernst Haeckel’s “law” of recapitulation, that “in the development of all Mammals [sic] each ontogeny must go through its phylogeny . . . the development of a single organism must go through the evolutionary pattern of development of its phylum i.e., its ‘basic division of animal kingdom.’”¹⁶

In its early stages, according to Vuitch, the human embryo looks “very much like any developing zygote of any primate.” Only later does it “assume more and more human features.” Vuitch even claimed that Haeckel’s recapitulation “law . . . is as valid and true now as it was at the beginning of this century.”¹⁷ Another physician involved in the Supreme Court case in favor of the pro-abortion side, Dr. Victor Eppstein, added that, “If the ontogeny of the individual recapitulates the phylogeny of the race . . . the human fetus at various stages may be closer to a protozoan, a worm, a tadpole, a monkey, than to *homo sapiens*.”¹⁸

Evolutionary arguments were critical in influencing the U.S. Supreme Court in 1973 to rule that abortion was not murder, but rather a “constitutional right” held by all women. After the U.S. Supreme Court ruled that abortion was a constitutional right, many other nations followed, using much the same logic as the U.S. Supreme Court, including Tunisia (1973), Austria (1974), France (1975), New Zealand (1977), Italy (1978), the Netherlands (1980), and Belgium (1990). After the reunification of Germany, most abortions in that country were ruled legal up to 12 weeks.

The Human Life Bill Attempts to Overturn *Roe v. Wade*

A few months after President Ronald Reagan in 1981 took office, a U.S. Senate Judiciary Committee subcommittee held hearings on the proposed “Human Life Bill” to debate the view that life begins at conception in an effort to overturn the Supreme Court ruling.¹⁹ The opposition to the bill by pro-abortion advocates was fierce. In the debates, evolution “proponents contributed mightily” to the case against the bill by arguing that a fetus is not a person based on “‘the recapitulation of phylogeny by ontogeny’—the mistaken theory that an unborn child’s development mimics purported evolutionary progress.”²⁰

The subcommittee, chaired by Senator John East, heard eight days of testimony from an array of scientists, lawyers, ethicists, theologians, and political

activists on both sides of the issue. One of the pro-choice advocates, University of Michigan Medical School Department of Genetics Chairman Dr. James Neel, testified on May 20 that he found “it impossible to address . . . the issue of when, following conception, actual human life begins without some reference to the concepts of evolution.”²¹

This testimony was significant because Neel, a National Academy of Sciences member, and at the time President-elect of the Sixth International Congress of Human Genetics, represented the elite American scientific and medical establishment. Dr. Neel argued that evolutionists have proven that the early embryo passes “through some of the stages in the evolutionary history of our species . . . at about 30 days after conception, the developing embryo has a series of parallel ridges and grooves in its neck . . . corresponding to the gill slits and gill arches of fish . . . It has a caudal appendage which is quite simply labeled ‘tail’ in many textbooks of human embryology.”²²

Professor Neel added, “for much of their development they [humans] were equivalent to [the] earlier stages in man’s evolutionary history”; thus “it is most difficult to state, as a scientist, just when in early fetal development human personhood begins, just as I would find it impossible to say exactly when in evolution we passed over the threshold that divides us from the other living creatures.”²³

Evolutionary Argument also Used after Court Ruling to Justify Abortion

Biology Professor Frank Zindler, an active pro-abortion advocate, in the mid-1980s claimed that after the zygote was formed it required at least “ten days after fertilization for the conception to become anything more than a hollow ball of cells at the stage of development of certain colonial algae,” and that a heart begins to beat only at the fourth week, “and then it is two-chambered like that of a fish . . . Hemisphere development reaches reptile-grade during the fourth month, and primitive mammal-grade (opossum) during the sixth month.”²⁴

To justify the conclusion that abortion is similar to killing a fish, not a human, Zindler spun the following story, much of which is now known to be incorrect, as I will detail in the next section. He writes that after the early embryo stage, a prominent yolk-sac exists in humans that is typical of a reptile and

in the neck region we see prominent gill-clefts. The arteries carrying blood from the heart to the gills recapitulate in minute detail the aortic-arch structures of fishes . . . This alleged person . . . has traces of pronephric kidneys, the type found in the most primitive vertebrate known to science, the hermaphroditic hagfish!²⁵

Zindler added that “the brain of the three-month-old fetus is still at the

reptile grade of development At this stage, behavior is entirely reflexive, as in earth worms. Only long after birth will the nervous system be developed sufficiently for the perception” that makes it human.²⁶

In an article titled “The Question of Abortion,” the late Cornell University professor Carl Sagan and his wife, Ann Druyan, also defended abortion based on Haeckel’s “law” of recapitulation.²⁷ In response to the Sagan article, University of Arizona Medical School embryologist Dr. Ward Kischer noted that Sagan is an astrophysicist and astronomer and he [Kischer] could not find any indication that Sagan had formal training in human embryology. Professor Kischer wrote that in the article, Sagan-Druyan

made several major errors concerning human development, but he also inferred that there are developmental stages in the case of the human which “resemble a worm, reptile, and a pig” [describing] . . . a four week old embryo with “something like the gill arches of a fish or an amphibian” and . . . a “pronounced tail” . . . in the case of human embryo, *no* gill slits ever appear. Further, the human embryo *never* develops a tail.²⁸

Kischer added that, after this article appeared in *Parade*, he phoned *Parade*’s editorial office and spoke to Managing Editor Larry Smith to “complain about the many errors in the article and asked if *Parade* would publish a brief article of corrections. I was told they would not. Furthermore, Smith became very defensive concerning the Sagans.”²⁹ Kischer concluded that Sagan and the editors of *Parade* were attempting to “build a consensus based on misrepresentations.”³⁰

Professor Kischer then carefully searched the literature for similar misrepresentations and, to his astonishment, found numerous articles written “by psychologists, philosophers, and theologians which purported to invoke embryological facts but which were, in fact, misrepresentations and outright falsehoods.” He also could not find in the literature “embryologists who were answering these distorted claims.”³¹

The Opposition to the Pro-Abortion Arguments

The opposition included Seton Hall University Professor John Oesterreicher. He responded to the recapitulation claim by explaining that, however “superficially similar the embryos of various species may be . . . the human fetus does at no time pass through the stage of an amoeba, worm, fish or ape. Hence . . . German embryologist E. Blechschmidt names it a ‘catastrophic error in the history of natural science.’”³²

Professor Erich Blechschmidt, a director of Göttingen University’s Anatomical Institute from 1942 until 1973, was a prominent embryologist. He wrote that, until the first embryonic stages of humans were researched in detail, “it was believed legitimate to infer the development of man from the

early development of animals . . . [and] that the embryos of all animals resemble each other in their early stages and therefore do not importantly differ from each other, even though it was known, for example, what differences exist between a chicken egg and a frog egg.”³³

Research completed in Professor Blechschmidt’s embryology lab analyzing thousands of human embryos and cross sections of embryo tissue now stored in the world-famous Blechschmidt Human-Embryological Documentation Collection has refuted Haeckel’s biogenetic law; in fact, it “was one of the greatest errors in the first endeavors to give biology a scientific foundation.”³⁴

Professor Blechschmidt concluded that “today we know that each developmental stage of the human being is demonstrably a characteristically human one” and a human “does not *become* a human being but rather is such from the instant of fertilization. During the entire ontogenesis, no single break can be demonstrated, either in the sense of leap from the lifeless to the live . . . the individual specificity of each human being remains preserved from fertilization to death.”³⁵

No Fish Gills

In his 1992 book, *The Triumph of the Embryo*, Lewis Wolpert established that the resemblance of these pharyngeal folds to fish “gill clefts” is “illusory.”³⁶ In fact, “[h]uman embryos merely exhibit folds in the neck area, not gill-slits.” While in fish embryos “pharyngeal folds” do eventually “develop into gills,” “in a reptile, mammal, or bird they develop into other structures entirely.”³⁷

Wolpert concluded that human embryos “do not pass through the adult stages of their ancestors; ontogeny does not recapitulate phylogeny.”³⁸ He muses that it is difficult “to understand why this theory should have received such wide support. Even Freud was greatly influenced and his ideas on the id and ego and stages in psychic development reflect Haeckel’s view.”³⁹

Nevertheless, numerous reputable lawyers, doctors, and scientists continue to cite the recapitulation argument for abortion long after it has been refuted. Recapitulation also “was invoked by some abortion-rights advocates as ‘scientific’ evidence that aborting a human embryo or fetus was no more immoral than destroying a fish.”⁴⁰

The problem is, in spite of this research, as Columbia University biologist Walter Bock noted back in 1969, “the biogenetic law has become so deeply rooted in biological thought that it cannot be weeded out in spite of its having been demonstrated to be wrong by numerous subsequent scholars. Even today, both subtle and overt uses of the biogenetic law are frequently encountered in the general biological literature as well as in more specialized evolutionary and systematic studies.”⁴¹

The Racist Aspects of Abortion

Darwinism also contributes to the racist support for abortion. First, to set the context, consider some abortion statistics. Abortion “is a greater cause of death for African-Americans than heart disease, cancer, diabetes, AIDS, and violence combined . . . about 40 to 50 percent of all African-American babies” are aborted each year.⁴² Blacks account for 40.6 percent of the total number of abortions, compared to 51.6 for whites and 7.8 percent for other groups, but blacks comprise only 13 percent of the population.⁴³

Darwinism had a profound influence on Planned Parenthood founder Margaret Sanger’s thinking, including her conversion to and active support of eugenics.⁴⁴ Sanger was specifically concerned about reducing the population of “less fit” humans, including members of “inferior races” such as “Negroes.” As Sanger stressed in a talk she presented at the Fifth International Birth Control Conference, the end goal of her movement was to produce a superior race by the “evolution of humanity itself.”⁴⁵

To further this goal, Sanger advocated euthanasia, segregation in work camps, sterilization, and abortion of those judged by eugenicists to be inferior humans.⁴⁶ Sanger believed the “Negro district” was the “headquarters for the criminal element” of society, and concluded that, as the title of a book by a member of her board proclaimed, *The Rising Tide of Color Against White World Supremacy* had to be stemmed.⁴⁷ To deal with resistance by the black population, Sanger recruited black doctors, nurses, ministers, and social workers “in order to gain black patients’ trust . . . to limit or even erase the black presence in America.”⁴⁸

After-Birth “Abortions”

The logical next step in the abortion movement is *after-birth* or *postpartum abortions*, killing a child after he or she is born. One study by Professor Sara Blaffer Hrdy of this practice concluded that infanticide is part of the maternal instinct programmed into our genes by evolution.⁴⁹ Professor Hrdy argued that if female animals perceive that they do not have the resources to rear their infants, the mothers aborted, abandoned, and even killed their offspring. She then astonishingly applied this theory to *Homo sapiens*.⁵⁰

Glen Dowling maintained that because a child is very costly to rear—requiring 13 million calories to attain adulthood—“mothers since the Pleistocene have made calculated decisions about when, how and whether to rear them.”⁵¹ Professor Hrdy promoted this hypothesis in her 697-page tome titled *Mother Nature: Natural Selection and the Female of the Species*, published in 1999. The next step was to openly apply eugenics to improve humans, as had been advocated by Darwin’s cousin, Francis

Galton, who founded this pseudo-science in the late 1800s.

It was medical ethicists affiliated with England's Oxford University who took this step. They argued that "Parents should be allowed to have their newborn babies killed because they are 'morally irrelevant,' and ending their lives is no different than abortion."⁵² They also believe that "newborn babies are not 'actual persons' and have no 'moral right to life.'" For this reason, these academics from leading universities argued that "parents should be able to have their baby killed if it turns out to be disabled when it is born."⁵³

These ideas have in recent decades been championed in the United States by Princeton University Professor of Ethics Peter Singer, who advocates the view that newborns lack the essential characteristics of personhood, by which he means a being that "is capable of anticipating the future, of having wants and desires for the future." For this reason, "Newborn human babies have no sense of their own existence over time. So killing a newborn baby is never equivalent to killing a person."⁵⁴

Singer also argued that a parent should be able to take a newborn back to the hospital within a certain period of time, such as 28 days, to be euthanized if the child does not possess the expected or desired level of health.⁵⁵ This program has "eerie parallels between Singer's views and those of the medical establishment of the early Hitler days."⁵⁶ One difference is the Nazis allowed a three-year grace period instead of 28 days as suggested by Professor Singer.

Professor Alberto Giubilini, who studied at Cambridge University, recently presented a talk at Oxford University titled "What is the Problem with Euthanasia?" He gave the exact same reasoning that Hitler and the Nazis used to justify murdering many thousands of handicapped persons, some of whom had only minor handicaps. Professor Julian Savulescu (Uehiro Professor of Practical Ethics at the University of Oxford, Fellow of St. Cross College, Oxford, Director of the Oxford Uehiro Centre for Practical Ethics) admitted that his "arguments in favor of killing newborns" were "largely not new," noting that other scholars had widely defended the same practice that he and Professor Giubilini advocate.⁵⁷

An article titled "After-Birth Abortion: Why Should the Baby Live?" written by two of Professor Savulescu's former associates, professors Giubilini and Francesca Minerva, concluded that "The moral status of an infant is equivalent to that of a fetus in the sense that both lack those properties that justify the attribution of a right to life to an individual."⁵⁸ Furthermore, they argue, as does Dr. Singer, that newborns are not "actual persons" that have "a moral right to life" but are only "potential persons."⁵⁹ The authors define "person" as "an individual who is capable of attributing to her own existence

some (at least) basic value such that being deprived of this existence represents a loss to her.”⁶⁰

The authors concluded that “after-birth abortion” (killing newborns) “should be permissible in all cases where abortion is [legal], including cases where the newborn is not disabled.”⁶¹ They used the phrase “after-birth abortion” rather than “infanticide” to emphasize that “the moral status of the individual killed is comparable with that of a fetus.”⁶²

Citing the European statistic that only 64 percent of Down syndrome cases are diagnosed by prenatal testing, resulting in many Down babies being born alive, they argued that parents should be able to have their “baby killed if it turned out to be disabled.” They reason that killing Down syndrome children is ethical because to “bring up such children might be an unbearable burden on the family and on society as a whole, when the state economically provides for their care” as it does in many socialist countries.⁶³

The authors have received much opposition since their article was published. Professor Julian Savulescu responded to those making abusive and threatening comments about their post-partum abortion proposal by stating that they were “fanatics opposed to the very values of a liberal society.”⁶⁴

Dr. Trevor Stammers, Director of Medical Ethics at St. Mary’s University College, who is opposed to after-birth abortions, countered that if a mother smothers her “child with a blanket, we say ‘it doesn’t matter, she can get another one,’ . . . What these colleagues are spelling out is what would be the inevitable end point of a road that ethical philosophers in the States and Australia have all been treading for a long time and there is certainly nothing new [in this argument].”⁶⁵ Referring to the “after-birth abortion” expression, Dr. Stammers added: “This is just verbal manipulation,” and one could just as well refer to abortions as “ante-natal infanticide.”⁶⁶

Scholars promoting this view included James Rachels in his book *Created from Animals: The Moral Implications of Darwinism*. Rachels argued that society should permit not only abortion, but also voluntary euthanasia and infanticide for disabled babies. He concluded that evolution makes the sanctity-of-life position untenable, because evolution requires the weak to perish to allow for the numerical increase of evolutionarily superior individuals.⁶⁷

Summary

Central to the abortion issue has always been the question of how one views the embryo. Is it only a mass of protoplasm? Is it a fish? Or is it in fact a human person? The most common abortion argument is essentially that “it is not human life that is sacred. It is the human person, and the early fetus is not a human person.”⁶⁸ This argument was bolstered enormously by the

biogenic teaching that the embryo is in the fish or some other animal stage, a view that has now been thoroughly discredited.

Thus, the justification for abortion has been based partly on a now-disproved theory, namely that ontogeny recapitulates phylogeny. This view argues that the child is not human at the stage when an abortion is normally performed; consequently, killing a child during the first three months of a pregnancy destroys a fish-like creature, nothing more.

It was a small step from there to legalizing abortion and to the position of some leading scholars that infanticide should be legalized up to a certain age, such as 28 days after birth. The Judeo-Christian mark for the beginning of both life and personhood—conception—stands in marked contrast to the arbitrary decisions about when life and personhood begins that have been discussed in this article. Although pro-life defenders of the significance of conception have often been dismissed by their opponents for relying on faith rather than science, it is in fact those pro-abortionists who rely on the discredited theory of ontogeny recapitulates phylogeny that rest on (misplaced) faith in (spurious) science.

NOTES

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2. Gilda and Susheela Sedgh, Iqbal Shah, Elisabeth Ahoam, Stanley Henshaw and Akinrinola Bankole, et al., “Induced Abortion: Incidence and Trends Worldwide from 1995 to 2008,” *The Lancet* 379 (2012): 625-632. 2012.
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Ruben Diaz has represented the 32nd District (South Bronx) in the N.Y. State Senate since 2002. Throughout his career, he has been an outspoken and courageous defender of life, recently in the forefront of the fight to defeat Gov. Andrew Cuomo's radical Abortion Expansion Law. An ordained minister of the Church of God, Rev. Diaz is President of the New York Hispanic Clergy Organization.

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Euthanasia in Canada:

An Interview with Margaret A. Somerville

History will see what we decide about “physician inflicted death” as having been the defining ethical-legal-societal event of the 21st century.

—Dr. Margaret A. Somerville

*Dr. Margaret Somerville holds the Samuel Gale Chair in the Faculty of Law as well as a full professorship in the Faculty of Medicine at McGill University in Montréal, Canada. She is also the founding director of the McGill Centre for Medicine, Ethics, and Law. A prolific author, her book *Death Talk: The Case Against Euthanasia and Physician-Assisted Suicide* (McGill-Queen’s University Press, 2001; 2nd edition 2014) and her contributions in the area of palliative care (e.g., in *Green and Palpant, eds., Suffering and Bioethics*, Oxford UP, 2014) as well as numerous articles in *British Medical Bulletin*, *New England Journal of Medicine*, *Oncology Exchange*, and *Canadian Disability* have defended the right to life against efforts to promote euthanasia and “physician-assisted suicide.” On February 6, 2015, the Supreme Court of Canada invalidated that country’s criminal prohibitions against assisted suicide and euthanasia as applied to “physician-assisted death” as unconstitutional violations of that country’s Charter of Rights and Freedoms. Dr. Somerville spoke with John Grondelski for the Human Life Review about the implications of that decision. Dr. Grondelski is former associate dean of the School of Theology, Seton Hall University.*

HUMAN LIFE REVIEW (HLR): In *Carter v. Canada*, the Supreme Court of Canada invalidated Sections 14 and 241(b) of the Canadian Criminal Code, the latter of which made assisting suicide a crime, declaring that the provision deprived certain persons of their Charter of Rights and Freedoms rights. Can you tell us more specifically about the decision?

PROF. MARGARET SOMERVILLE (MS): Section 241(b) of the Criminal Code prohibits assisted suicide. Sec 14 of the Code provides “No person is entitled to consent to have death inflicted on him, and such consent does not affect the criminal responsibility of any person by whom death may be inflicted on the person by whom consent is given.” One of the plaintiffs, Gloria Taylor, suffered from ALS, amyotrophic lateral sclerosis, a degenerative neurological disease. She challenged the constitutionality of these provisions relying on Section 7 of the *Canadian Charter of Rights and Freedoms*, which establishes constitutional rights to “life, liberty and security of the person,” which are protected against state interference through law, except in accordance with the principles of fundamental justice. The Supreme Court of Canada held that “Section 241 (b) and s. 14 of the Criminal Code unjustifiably infringe s. 7 rights” and are of “no force or effect to the extent that they prohibit physician assisted death for a competent adult person who (1) clearly consents

to the termination of life and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.” As events turned out, Gloria Taylor died a natural death from an overwhelming infection, prior to the Supreme Court’s ruling, but the case continued on appeal because there were other plaintiffs.

The first paragraph of the Supreme Court of Canada’s judgment sets the tone of the judgment as a whole:

It is a crime in Canada to assist another person in ending her own life. As a result, people who are grievously and irremediably ill cannot seek a physician’s assistance in dying and may be *condemned to a life of severe and intolerable suffering*. A person facing this prospect has two options: she can take her own life prematurely, often by violent or dangerous means, or she can suffer until she dies from natural causes. *The choice is cruel* (emphasis added).

Those last four words tell us, in advance, what the court will decide: It will offer another alternative, which it perceives as implementing kindness. It’s noteworthy that to justify this approach suffering is characterized not simply as one of the vicissitudes of life, but as being imposed, and, therefore, at least a moral obligation to eliminate it can be constructed.

HLR: Do you not find it paradoxical that *Carter* was decided under Section 7 of the *Charter of Rights and Freedoms*, which in fact speaks of “life, liberty, and security of the person”—all of which are arguably less protected now as a result of the ruling?

MS: The court, by expansively interpreting each of the three Section 7 *Charter* rights found that they were all breached. It accepted the trial judge’s reasoning that the right to life was breached, because a person who did not have access to assisted suicide would have to commit suicide sooner, while still able to do so without help, than would be the case if he could wait and be assisted. To say the least this is a novel interpretation of this right. In effect, this approach converts the right to life into a right to have assistance in committing suicide or euthanasia—a right to have assistance in killing oneself or to be killed. The latter would seem to be allowed because the court stated the physician may “provide *or administer* medication that intentionally brings about the patient’s death, at the request of the patient” (emphasis added). Whether that indeed is the case, however, is a matter of contention, because only the constitutionality of the prohibition on assisted suicide was in dispute. If the Supreme Court has authorized euthanasia, in effect, it has done so by treating first-degree murder as assisted suicide.

Quoting the trial judge, the Supreme Court described the right to liberty as

encompassing “the right to non-interference by the state with fundamentally important and personal medical decision-making,” and held that the ban on assisted suicide deprived a suffering person of this right.

The court ruled that the right to liberty requires that the person is free to make decisions regarding his own body and medical treatment—it’s an aspect of the right to autonomy and self-determination, a right to “choice,” all rights that feature prominently in the judgment.

The Supreme Court also accepted the trial judge’s ruling that the right to security of the person is a right to have control over one’s bodily integrity and a right to be free of suffering, or even the fear of suffering, in the future. It found that the availability of physician-assisted death can help to reduce suffering.

After finding that the ban on assisted suicide infringes all Section 7 rights, the Supreme Court held that it did not do so “in accordance with the principles of fundamental justice,” as is required for these infringements to become valid exceptions to the constitutional protections of Section 7 rights.

HLR: The court struck down the Criminal Code’s Section 241 prohibition against assisted suicide on the grounds that it was “overly broad,” not just permissibly protecting “vulnerable persons from being induced to commit suicide at a time of weakness” but also “trenching” [i.e., protecting] the “liberty” and “autonomy” of those in a “grievous and irremediable medical condition” to commit suicide. How does the court manage to twist a clear Constitutional protection of “life” into a Constitutional mandate to provide death?

MS: The “principles of fundamental justice” mentioned above require, among other conditions, that a law which impinges on Section 7 rights must not be overly broad, if it is to be “in accordance” with these principles. Over-broadness is tested by looking to the object of the law and determining whether the law goes beyond what is necessary to realize that object. The Supreme Court held that the object of the ban on assisted suicide was to protect “vulnerable persons from being induced to commit suicide at a time of weakness” and that an *absolute* prohibition of “physician assisted death” (the term the court used—PAD) was not needed to achieve this object. The ban, therefore, was overly broad in that it infringed the Section 7 rights of people not falling within that object, i.e., non-vulnerable people who did not need protection from committing suicide. The Supreme Court ruled that in a properly regulated system, physicians could ensure that vulnerable people needing protection would not be placed at serious risk. It is noteworthy that the court expressly rejected Canada’s argument that the object of the

prohibition was also to “preserve life” (upholding respect for life would have been a preferable term) and that realizing this object needed a total ban. By narrowing the object of the law, the court found it overbroad.

There is a possibility, under Section 1, of saving a law that infringes Section 7 *Charter* rights other than “in accordance with the principles of fundamental justice.” “In order to justify the infringement of the appellants’ s. 7 rights under s. 1 of the Charter, Canada must show that the law has a pressing and substantial object and that the means chosen are proportional to that object. A law is proportionate if (1) the means adopted are *rationally connected* to that objective; (2) it is *minimally impairing* of the right in question; and (3) there is *proportionality* between the deleterious and salutary effects of the law: *R. v. Oakes*, [1986] 1 S.C.R. 103” (emphasis added).

The Supreme Court held there was a *rational connection* between banning assisted suicide and protecting vulnerable people in moments of weakness, but that there was *not minimal impairment*, because an *absolute* ban was not needed to achieve that objective, consequently the law was struck down as unconstitutional.

Individual liberty and autonomy are strong informing principles throughout the judgment, which focuses almost entirely on the rights of individuals, with little consideration of the impact of legalizing physician-assisted suicide and euthanasia on the institutions of law and medicine, or societal values. In secular societies the institutions of law and medicine carry the value of respect for life for society as a whole. And how will allowing “physician assisted death” affect the respect for life, the foundational value in every society in which reasonable people would want to live?

HLR: *Roe v. Wade* established a de facto unlimited abortion license in the United States. Is it fair to say that *Carter* is Canada’s euthanasia equivalent—especially since Canada has no statutory regulation of abortion, either?

MS: I hope not. In fact, Canada has much more of an “unlimited abortion license” than the United States. It is legal in Canada to have an abortion on demand at any time during a pregnancy up to the day on which one gives birth. The vast majority of physicians would not do such an abortion, but it is not illegal. A front-page story in the Canadian newspaper, the *National Post*, reports that some Canadian ethicists are proposing that we should choose to leave a legislative void with respect to PAD, just as we have with abortion. Here’s my published reply to them:

In the *Morgentaler* case in 1988, the Supreme Court of Canada struck down the law governing abortion. That law has not been replaced. Although there is pious talk that abortion should be rare, there are now between 100,000 and 120,000 abortions each

year in Canada. Between one in four and one in three pregnancies ends in abortion. Abortion has been normalized.

Statistics Canada reports 256,721 deaths in Canada in 2013-2014. If the same normalization and ratios occurred as happened with abortion, between 64,180 and 85,544 of those deaths would be by physician-assisted suicide or euthanasia. Yet, as for abortion, physician-assisted death is also supposed to be rare. We are whistling in the wind if we believe that will be the case without restrictive legislation assiduously applied. Indeed, even with such legislation the expansion of the use of PAS/E will occur, as we can see in the Netherlands, where around 4 percent of all deaths are by euthanasia and increasing every year, and Belgium, two countries the Supreme Court accepted as relevant evidentiary models for Canada [can be accessed at <http://news.nationalpost.com/2015/02/28/todays-letters-stephen-harper-is-no-libertarian/>].

HLR: In your book, *Death Talk*, you ask what it is about this particular moment in history that has elicited the current discussion and legal moves towards euthanasia. What is it about this moment in Canada's history that has led to the Supreme Court's decision?

MS: There are many converging factors, but if I had to choose three, which are connected, they would be: First, giving absolute priority to the values of individual autonomy—"choice." Second, an intense fear of suffering, having no way of finding meaning in it, and perceiving it as the greatest evil so anything else, even if it raises ethical issues, is seen as a lesser evil and therefore justified. Third, the loss of religion and with that of a sense that there is any mystery in life which must be respected.

HLR: How do you see this decision being received by Canada's intellectual and political elites? Is there any significant opposition to it?

MS: The vocal so-called "progressive values," politically correct advocates, who are by far the majority in academia, have welcomed it with open arms and voices. A sizable majority of physicians—at least 70 percent—oppose it, but an activist segment among their political leaders welcome it and are trying to impose an obligation to at least refer patients who want euthanasia to a physician willing to provide it.

HLR: Indulgent or lax euthanasia regimes have led to some countries, e.g., Switzerland, becoming destinations for "death tourism." Do you see this happening to Canada? Given Canada's openness and its "human rights" advocacy, do you see it becoming a haven for "refugees" deprived of their "right to death" elsewhere?

MS: The Québec legislation allowing euthanasia, *An Act Respecting End-of-Life Care* 2014, which is not yet in force, requires for a person to have "medical aid in dying," they must be entitled to insurance coverage under Medicare

which limits access to permanent Québec residents.

One issue is whether there will be federal legislation or a “hodgepodge” of provincial legislation or simply a legal void. An argument used to strike down the prohibition of physician-assisted suicide and euthanasia is that they are “medical treatments.” In that case, the constitutional jurisdiction to govern them would be provincial, although the Supreme Court made clear the federal government also has jurisdiction under the Criminal Code. Neither has exclusive jurisdiction, which makes for more confusion.

HLR: In the United States, although abortion is called a “private” decision, there is no lack of those who would require the public to be intimately involved in it, e.g., through taxpayer-funded abortion subsidies under Medicaid or employer-mandated inclusion of “reproductive health” in Obamacare. What about the “liberty and security” of those who do not want to be part of an assisted-suicide regime, especially medical personnel in Canada’s public health system? How might physicians and nurses be drawn into “assisting” suicide? What about their conscience rights?

MS: Conscience rights of healthcare professionals are currently a major issue in Canada. “Progressive values” advocates are trying to force physicians to either carry out procedures they believe to be ethically and morally wrong or to at least refer patients for them. It remains to be seen what the Colleges of Physicians and Surgeons of each province (the regulatory bodies) will rule. A spokesperson for the Ontario College of Physicians and Surgeons recently said physicians not willing to refer for abortions (and we can now add euthanasia) should “get out of family medicine.”

HLR: Disability advocates generally are wary of the assisted-suicide movement. How are they reacting to this decision?

MS: Some—although it’s not clear what percentage, as many of the surveys are unreliable or biased—are horrified. I worked with their lawyers on the intervener brief they submitted to the Supreme Court arguing against legalization of physician-assisted suicide and euthanasia. But a Member of Parliament, Stephen Fletcher (CONS-Manitoba), who is a quadriplegic, is a major advocate and has presented a Private Members Bill in Parliament to legalize “physician assisted death.”

HLR: The Supreme Court stayed its decision for a year to allow Parliament and the provinces to address it, statutorily and regulatorily. What *could* Parliament do? Is there any possibility of Parliament overturning the decision? What is Parliament *likely* to do?

MS: Parliament’s options are to do nothing; to use the “notwithstanding”

clause in the Charter—it allows Parliament to overrule the court’s decision for five years, but Parliament has never used it, as it’s seen as politically dangerous; to set up a Royal Commission of enquiry and use the “notwithstanding” clause to extend the 12-month period the Supreme Court allowed before its decision takes effect to allow the Commission to report; or to pass legislation implementing the court’s decision. If that legislation were as restrictive as possible, which is the hope of those opposed to “physician assisted death,” it seems almost certain that pro-euthanasia advocates would again launch a constitutional challenge to have it struck down.

It merits noting that some pro-euthanasia advocates criticize Parliament for leaving this decision to the Supreme Court. They ask, “Why hasn’t the government legislated, when that is their mandate, not the court’s?” What they really mean is why hasn’t the government passed the legislation we want? If one thinks the law as it stands is correct, one doesn’t introduce a bill to change it. That said, there have been six private members bills introduced in Parliament. The last one was voted down: 228 against, 59 for.

Finally, *a propos* your last question, here is my February 19 letter to the Minister of Justice of Canada, The Honorable Peter MacKay:

Dear Minister,

You may recall that we met in June 2013 when you conferred on me a Doctor of Laws (LL.D.) (Honoris causa) at The Royal Military College of Canada in Kingston. I have never before “lobbied” a Canadian Member of Parliament, let alone a Minister, but I am doing so now because of the gravity of the situation we face as a result of the Supreme Court of Canada’s decision in the *Carter* case.

This decision does not represent an evolution in the foundational values that bind us together as a society, but a revolution, a radical departure from upholding the value of respect for life. This value implements the belief and practice that we must not intentionally kill another human being, the only exceptions being where that is the only reasonable way to save innocent human life, as in justified self-defence. The Supreme Court has now changed two sections of the Criminal Code which uphold respect for life (sec 241(b) which prohibits assisted suicide and sec 14 which provides that consent to the infliction of death is not a justification for inflicting death), to allow physicians to inflict death—that is, to kill.

This constitutes radical change, not only, for individual Canadians, but also, to the institutions of both law and medicine, because the law is changed to allow killing and physicians are authorized to carry it out. In a secular society, such as ours, law and medicine carry the value of respect for life for the society as a whole. Their capacity to do that is seriously damaged by this decision, which is primarily focused on what individuals want, that is, on individual autonomy and self-determination.

But even if one agrees with the Supreme Court’s focus on the needs of individuals, the judgment also opens up problems at that level. The Court required that informed consent to “doctor assisted dying” (physician-assisted suicide (PAS) and euthanasia (E) be obtained. But that is not possible unless all reasonable alternatives to the

proposed “treatment” are offered (see *Reibl v Hughes* and *Hopp v Lepp*, Supreme Court of Canada). This means that fully adequate palliative care must be available before a patient’s consent to PAS/E would be valid. We know, however, that only 16 to 30 percent of Canadians who need palliative care have access to it, which is appalling. We also know that many patients who ask for euthanasia change their minds when given good palliative care (see the work of Dr. Harvey Max Chochinov, a Manitoba psychiatrist who specializes in psychiatric care of terminally ill people). And, because the Canadian Medical Association (CMA) is being proposed as one of the main advisers to the government about the steps you should now take in response to the *Carter* judgment, it’s immensely worrying that in their factum as an intervener in the Supreme Court of Canada appeal, they expressly said that the non-availability of palliative care should not be a reason to refuse PAS/E.

With all the above in mind, and much more could be added, I am asking you to establish a Royal Commission to fully enquire into the issue of legalizing “physician assisted death” in Canada and, in the meantime, through the use of the Charter’s “notwithstanding” clause to suspend the operation of the Supreme Court’s judgment beyond the 12 month period it has allowed, to permit the Commission to report. I cannot imagine any situation that would call more clearly for such a use of the “notwithstanding” clause, much as I know that governments are very wary of employing it.

Making euthanasia and assisted suicide part of medical practice is not, as pro-euthanasia advocates claim, and the trial judge held and the Supreme Court agreed, a small incremental change consistent with interventions that we accept as ethical and legal, such as honouring patients’ refusals of life-support treatment that allow them to die. Allowing physicians to inflict death on their patients is different-in-kind, not just different-in-degree, from other interventions we accept as ethical and legal. Moreover, legalizing euthanasia represents a seismic shift in our fundamental societal values, not just another step on a path we’ve already taken.

And for 2,400 years, consistent with the Hippocratic Oath, euthanasia has never been characterized as a medical treatment. Indeed, if legalized, it should be kept out of medicine.

Moreover, the findings of fact by the trial judge with respect to the harms and risks of legalizing euthanasia, which were accepted by the Supreme Court as showing these harms and risks were not serious or could be avoided, are, with respect, not correct. This is a serious error, which is central to both the trial and Supreme Court of Canada decisions.

All such factors need investigation by a Royal Commission and sober second thought, especially on the part of parliamentarians.

Just as we now realize our actions could destroy our physical ecosystem and we must hold it on trust for future generations, we must also hold our metaphysical ecosystem—the collection of values, principles, beliefs, attitudes, shared stories, and so on that bind us together as a society—likewise, on trust for them. In this regard, there is no more important value than respect for life. That requires that we always react to pain and suffering with deep compassion and assistance to relieve it, but that we kill the pain and suffering, not the person with the pain and suffering.

We must also consider the values that we should hold on trust for future generations if they are to inherit a world in which reasonable people would want to live. We must ask ourselves how our great-great-grandchildren will die if we legalize euthanasia. I

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believe that history will see what we decide about “physician inflicted death” as having been the defining ethical-legal-societal event of the 21st Century, which means it is a momentous decision.

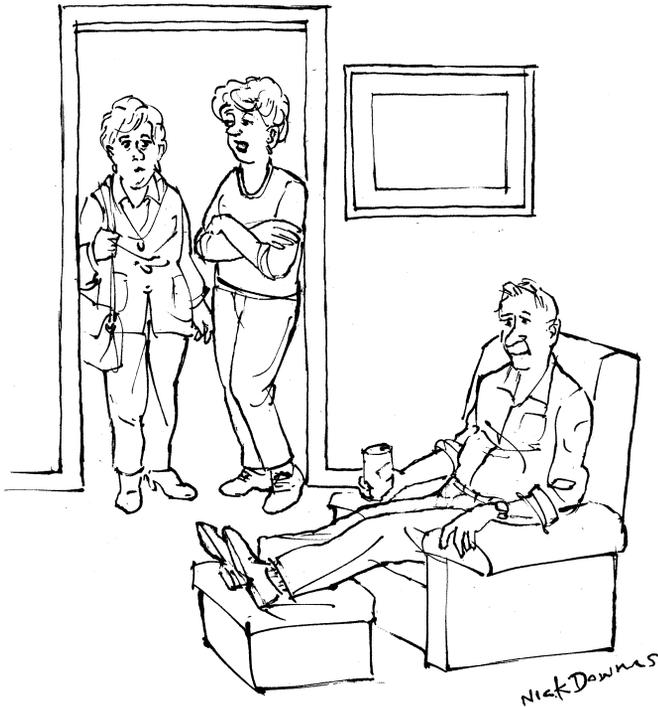
Yours sincerely,

Margaret A. Somerville

AM, FRSC, A.u.A (pharm.), LL.B. (hons), D.C.L., LL.D. (hons. caus.),
D.Sc.(hons. caus.), D.Hum.Let.(hons. caus.).

Samuel Gale Professor of Law; Professor, Faculty of Medicine;

Founding Director, Centre for Medicine, Ethics and Law, McGill University



“He’s a rescue.”

BOOKNOTES

DELIVER US FROM ABORTION

Brian Fisher

(Brown Books, 240 pp., 2015, \$18.95)

ANSWERING THE CALL:

SAVING INNOCENT LIVES ONE WOMAN AT A TIME

John Ensor

(Hendrickson Publishers, 128 pp., 2012, \$6.95)

WHY PRO-LIFE?

CARING FOR THE UNBORN AND THEIR MOTHERS

Randy Alcorn

(Hendrickson Publishers, 172 pp., 2012, \$6.95)

Reviewed by John Grondelski

These three books provide Protestant proliferators with useful resources, both for their own background knowledge as well as to make the case to their churches and the larger public. Brian Fisher, who cofounded Online for Life (onlineforlife.org), is frustrated that “. . . abortion is rarely discussed or taught by church leaders. People are not informed about the scriptural, moral, ethical, and social ramifications of abortion. We receive very little factual information from the media. If our churches ignore it as well, where are we to get truthful, relevant teaching?” Randy Alcorn and John Ensor want to reach out to “undecideds” whom, as Ensor notes, include not just those who feign opposition on abortion but also those content to limit their opposition to abortion to just a personal attitude: “[A]bortion advocates are quite happy that so many Christians today identify themselves as pro-life—just as long as they continue to act pro-choice. Passive acceptance of legal abortion, not agreement with legal abortion, is all they need to win.”

Alcorn’s *Why Pro-Life?* has some potential to follow in the footsteps of John Willke’s now 40-plus-year-old classic, *Handbook on Abortion*, as a handy, punchy, and well-written paperback making the basic case for the pro-life cause. In 21 chapters, most of which are about five pages long, Alcorn tackles all the fundamental questions connected with abortion: “Are the Unborn Really Human?” “Is the Unborn Child Part of the Mother’s Body?” “Does Our ‘Right to Privacy’ include Abortion?” “What Do the Pictures Tell

Us?” “Can You Be Personally Opposed to Abortion and Be Pro-Choice?” Although he does not deny the theological dimension of abortion, Alcorn puts the pro-life religious perspective in three appendices: “Abortion in the Bible and Church History,” “Biblical Passages Relevant to Life Issues,” and “Talking Points for Communicating the Pro-Life Message.”

While Alcorn treats the theological and Church history aspects of abortion separately, he certainly does not pretend that abortion poses no serious spiritual and religious issues, because he addresses two major questions: “Will God Forgive Abortions?” (yes, if we repent) and “Pro-Life Issues: Distraction from the Great Commission or Part of It?” (part of it, because we are called to witness to Christ amidst the concrete moral decisions of our times). Nor does Alcorn leave things on a purely theoretical basis. He addresses the questions, “How Can I Help Unborn Babies and Their Mothers?” and “What about Adoption?” Fisher, in my view, is on the mark when he writes: “Abortion is primarily a spiritual battle, a clash of worldviews that stems from our beliefs about God, mankind, our purpose, and eternity. The reason ‘pro-choicers oppose even modest limits [on abortion procedures],’ write Charles Colson and Nancy Pearcey, is ‘because they understand that abortion represents a worldview conflict: God and the sanctity of life versus the individual’s moral autonomy. They can give no quarter.’”

While Alcorn is writing for everybody (but with a special aside to believing Protestants), Evangelical pastor John Ensor’s *Answering the Call* wants to engage fellow believers—especially the young—in active pro-life work as an aspect of their religious commitment. That perspective is especially valuable, because there is a whole line of distinguished Protestant theologians and pastors—Paul Ramsey and Harold O.J. Brown (both of whom regularly contributed to the *Human Life Review*) coming immediately to mind—who early on gave the lie to the pro-abortion contention that pro-life was just a “Catholic thing.”

Ensor, president of PassionLife Ministries (www.passionlife.org) does a valuable service in providing a biblically based opposition to abortion, both in terms of theoretical theology and practical pastoral response. The biblical argument is particularly important, because the Protestant insistence on *sola Scriptura* (the Bible alone) provides an opening for lots of false prophets to claim that the Bible has nothing to say about abortion, or even that a Christian should responsibly promote abortion. Ensor quotes an example of the former: “Virginia Ramsey Mollenkott, professor emerita at William Paterson University in New Jersey, claims that ‘nowhere does the Bible prohibit abortion.’ In one sense, she is right. The word “abortion” does not appear in the Bible. . . . Nowhere does the Bible prohibit “lynching” or “domestic

violence” or “infanticide.” . . . By her own logic, Mollenkott would have to approve of these atrocities” (p. 68).

Both Fisher and Ensor seek to give Protestants biblically based foundations for their pro-life advocacy. Ensor speaks from pastoral experience about existentially tough situations: a graduate student impregnated by her professor; an immigrant couple with nine children whose breadwinner-father lost his job; a couple with drug and alcohol issues; a teenage single mother. He also grounds active pro-life engagement in the parable of the Good Samaritan: “Jesus illustrates why passive acceptance of death is just as dishonoring to God as actively beating a man and leaving him to die. The priest and the Levite are not described as approving the beating. . . . The point Jesus is making is that no matter what they believed in an ethical sense (are they thumbs up or down on beating a man to death?) they did not act pro-life. They are passive acceptors of death. Passive acceptance of death is all that is needed for death to run unchecked. . . . The only true prolifer in the parable is the Samaritan. He sees death crouching at the door and rushes in with life-saving and death-defying actions. This is great work. It is hard work. It is time-consuming, sometimes dangerous, always costly and interrupting work” (pp. 15-16). This perspective is particularly important, because it provides Biblical Protestants with a theological foundation for action and engagement, especially given the classical Protestant downplaying of “good works” praxis. It can serve to unleash a powerful force of concrete Protestant pro-life engagement in the difficult work of changing our abortion culture, one distressed mother at a time.

Fisher provides an expanded theoretically theological basis for Protestant pro-life activity, one by which he also critiques—and scores—numerous mainline Protestant churches for their institutional capitulation to abortion. He makes two important theological moves for Protestants: He criticizes a too-narrow concept of “expositional preaching” and he attacks a *modus operandi* content with making “converts” rather than “disciples.”

On preaching, Fisher argues there are two main Protestant approaches: “expositional” (i.e., verse-by-verse treatment of a Biblical passage) and “topical” (i.e., selecting a topic and then examining the various passages treating it). Expositional preachers, he notes, sometimes “avoid mention of contemporary issues . . . or items not explicitly mentioned in the Bible.” The problem with a cramped hewing to the text, he notes, is that it loses “relevancy to our culture. We are to be salt and light, and thus we must be willing to apply Scripture to current and pressing topics.”

On the converts versus disciples issues, Fisher observes that many American Protestants have been satisfied with making “converts” to Christ

(accepting Jesus as your personal Savior) and then moving on to . . . more converts. That, he argues, is unfaithful to Christ's Great Commission in Matthew 28 to "make disciples of all nations." Discipleship is longer, more arduous, but more enduring and more globally committed. He draws a good analogy to dieting: We can be converted to a new diet, but for the diet to work and the weight loss to be permanent, we need to adopt an ongoing discipline, a continuing discipleship that affects one's whole life.

After having articulated a comprehensive biblical theology that underscores God's sovereignty over life (including His Providential drawing of good out of evil), our lack of a right to take innocent life—and the church's duty to defend these teachings—he then assesses the statements of numerous contemporary Protestant denominations against a three-fold test: Do they affirm that God is the author of life, that man is not permitted to kill innocent life, and that the church is called to stand up for *all* life? He often finds churches lacking on the latter two: Man is not allowed *sometimes* to take innocent life, and the church fails in its task when it carves out exceptions to when it will stand up for life (e.g., in cases of social hardship, fetal deformity, etc.).

Both Ensor and Alcorn's books are suited for mass distribution at economical prices. Fisher's book, while also very practical (e.g., offering concrete suggestions for what an individual church can do to make a local pro-life impact), is also more suited to Protestants interested in the mental spadework needed to jump-start more active Protestant/Evangelical pro-life engagement.

—*John M. Grondelski (Ph.D., Fordham) is former associate dean of the School of Theology, Seton Hall University, South Orange, New Jersey.*

APPENDIX A

[*Michael J. New is an Assistant Professor of Political Science at the University of Michigan–Dearborn, and an Associate Scholar at the Charlotte Lozier Institute in Washington, DC. The following book review appeared on February 25, 2015, on Public Discourse (www.publicdiscourse.com), the online journal of the Witherspoon Institute, and is reprinted here with permission. Copyright © The Witherspoon Institute. All rights reserved.*]

An Insider's View of the Pro-Life Movement

Michael New

This past weekend, pro-lifers were saddened to learn of the passing of Dr. John C. Willke, who is considered by many to be the father of the modern pro-life movement. Willke and his wife Barbara co-authored over a dozen books on abortion and human sexuality. Their most recent book, *Abortion and the Pro-Life Movement*, was published last fall.

Willke and his wife, who passed away in 2013, spent several years on this book, which provides a detailed history of the pro-life movement in the United States. Documenting this history was an important task. While plenty has been written debating and analyzing the moral and legal foundations of abortion, the history of abortion-related activism has received precious little attention from either journalists or academics.

Additionally, previous attempts to chronicle this history have key omissions. *Articles of Faith*, by Washington *Post* reporter Cynthia Gorney, provides a nice overview of political efforts to change abortion policy. However, her book ends with the Supreme Court's 1989 *Webster* decision and focuses mostly on local activists in the St. Louis area. *Wrath of Angels*, by James Risen and Judy Thomas, provides an unsympathetic history of abortion opponents who engaged in clinic blockades and other forms of street-level activism. *Abortion and the Pro-Life Movement* is the first book that provides a truly comprehensive history of the pro-life movement.

An Exceptionally Detailed History

The Willkes are exceptionally well-qualified to detail this history. They were publicly writing and speaking about the abortion issue for years before the Supreme Court's 1973 *Roe v. Wade* decision. Dr. Willke founded the International Right to Life Federation in 1984. He served as president of the National Right to Life Committee (NRLC) from 1980 to 1991. After leaving NRLC in 1991, Dr. Willke remained active in the pro-life movement. He founded the Life Issues Institute in 1991 and served as the group's president until his passing. Barbara Willke also wrote and spoke extensively on the abortion issue and served as executive director of Cincinnati Right to Life from the early 1970s until 1999.

The Willkes' last book is exceptionally detailed. The first several chapters cover the history of abortion from ancient times through the late 1960s. Then, starting with chapter six, the Willkes devote an entire chapter to every year from 1970 to 2010.

Young readers should find the chapters covering the 1970s especially interesting. In its early days, the pro-life movement had little in the way of either resources or infrastructure. Thus, pro-life leaders had to think creatively and resourcefully about ways to keep the abortion issue in the public eye. When pro-life activist Ellen McCormack ran for the Democratic Party's nomination for President in 1976, for instance, she used federal matching funds to run pro-life television commercials. In 1978, four pro-life activists walked through all 100 miles of Death Valley to raise money for and awareness of pro-life causes.

In 1979, the National Organization for Women (NOW) called a press conference, ostensibly to demonstrate how people with different views on the abortion issue could collaborate. Young pro-life activists responded by displaying an aborted baby at the event. This generated a great deal of attention, and the ensuing controversy turned NOW's press conference into a public relations disaster.

Public Relations Tactics: The "Right to Choose" vs. "Love Them Both"

Another interesting inflection point occurred during the late 1980s. Supporters of legal abortion realized that they were losing ground and that their preferred policy of abortion on demand never really enjoyed mainstream support. They invested millions of dollars into market research to find the best way to sell legal abortion to the American people. Their new public relations strategy was not to discuss abortion, but to emphasize privacy and label it as a matter of choice. Groups supporting legal abortion funded an expensive media campaign to promote their new slogans of "choice" and "privacy." For a while, this strategy was effective. During the early 1990s, the "pro-choice" position gained in the court of public opinion, and a higher percentage of US congressmen and senators began to identify themselves as "pro-choice."

However, pro-lifers responded with a PR strategy of their own. Dr. Willke founded the Life Issues Institute (LII) to devise a new strategy to counter the "choice" argument. The research LII conducted found that most people disliked abortion and were sympathetic toward incremental pro-life laws. However, it also found that most people were more comfortable identifying as "pro-choice" and viewed pro-lifers as lacking compassion toward women. With the Supreme Court's *Casey* decision approaching, pro-lifers needed to respond in a way that was calming, conciliatory, and compassionate—not alarming, confrontational, or strident. Additionally, pro-lifers also needed to better convey that they cared about both mother and child.

In 1992, a variety of pro-life groups drafted a unity statement that concluded with a positive message: "Why can't we love them both?" This emphasis on compassion toward women, coupled with the mid-1990s debates about partial-birth abortion, resulted in gains in pro-life sentiment that persist to this day.

At the end of the book, Willke writes an epilogue where he reflects on the lessons he learned throughout his career. When he left National Right to Life in 1991, he realized that abortion was not going to end in his lifetime. Furthermore, the media

on several occasions has been all too eager to write the political obituary of the pro-life movement. That said, Willke is optimistic about the future. He notes that the current generation of young people are more pro-life than their parents. Demographics are playing a role in this—as pro-life parents tend to have more children. However, better messaging and the ongoing debates over the legality of late-term abortion have clearly shifted public opinion in a more pro-life direction. Furthermore, the pro-life movement has only gotten stronger despite the pro-abortion efforts of both President Clinton and President Obama. Willke ends his book with the inspiring words of Father Richard John Neuhaus.

The encroaching culture of death shall not prevail, for we know, as we read in St. John's Gospel, that "the light shines in the darkness, and the darkness will not overcome it." The darkness will never overcome that light. Never. Never.

Minor Shortcomings in a Comprehensive and Groundbreaking History

During his career, Dr. Willke did important work getting various factions of the pro-life movement to collaborate. Thus it is unsurprising that he takes considerable pains to be kind to pro-life individuals with whom he disagrees.

While his diplomacy is certainly admirable, it unfortunately limits the quality of the book. There have been longstanding internal debates in the pro-life movement about a range of issues including contraception, federalism, and incrementalism. Many of these internal divisions became especially visible during the early 1980s, when there was intense disagreement about how best to design a human life amendment to the US Constitution. The history of the pro-life movement includes both splinter groups and personal conflict. While the book mentions some of these disagreements, it presents a sanitized version that offers relatively little in the way of drama and detail.

A careful reader will find some other minor shortcomings. Pro-life advocacy that is not explicitly political—such as the direct action wing of the pro-life movement that provides aid to women experiencing crisis pregnancies—receives relatively little attention. Also, the details that Dr. Willke provides about his numerous overseas trips get a bit tedious at times.

But these are all minor concerns in a book that is truly groundbreaking. By providing the first truly comprehensive history of the pro-life movement, the Willkes have written a book that should interest scholars, activists, and anyone who cares about the abortion issue. All in all, by painstakingly chronicling the history of the pro-life movement and presenting it in a readable form, the Willkes have done a fine service for their readers.

APPENDIX B

[The Susan B. Anthony List, a Washington DC-based organization that works for the election, education, promotion, and mobilization of pro-life women, held its annual Campaign for Life Gala on April 16, 2015. Speakers included South Carolina Senator Lindsey Graham, and Carly Fiorina, the evening's mistress of ceremonies, both of whom are seeking the 2016 Republican nomination for president. Following are excerpts from both of their remarks. Reprinted with permission of the Susan B. Anthony List.]

Susan B. Anthony List Gala Remarks

Lindsey Graham

. . . Now, the pain-capable bill is important for two reasons. Number one, it creates a new theory to protect the unborn child. The current theory that allows the government to regulate abortion is medical viability under *Roe v. Wade*. We're trying to create a new legal theory, and this is very important. It sort of goes like this. At five months plus in the birthing process, the medical community is required by the standard of care to administer anesthesia to a child that they operate on. Why? Because the baby can feel pain. Is it much of a leap to allow politicians, elected officials, to say, well, if a doctor can't operate on the baby because it feels pain, maybe we shouldn't abort the baby? (Applause.)

There are seven countries that allow wholesale abortions at the 20-week period. I don't want to be in that club. I am dying to have this debate. I am dying to talk about who we are in America, what makes us special as a country. I am dying to hear from the other side how this makes America a better place. Tell me how having wholesale abortions on demand at 20 weeks, when a medical encyclopedia tells the parents to start singing to your baby at that period because they can understand who you are. You ought to get an encyclopedia and look and read about what they say the unborn child can do at 20 weeks. Extremism, to me, is allowing wholesale abortions at that stage of development. It seems pretty extreme to allow abortion on demand when you also, at the same time, encourage parents to sing to their child.

Why are you pro-life? Why am I pro-life? All I can say is that we have one thing in common: We were all zygotes one time. Even Barack Obama, we have that in common with him. (Laughter.) The point is that life is a miracle, and if it's nurtured we will all make it.

Sometimes people are born with special needs. And it goes back to, why does God allow these things to happen? I think it is a test for us. So I'm not pro-perfect life—because I'm in Congress. (Laughs, laughter.) That would disqualify me right there. (Laughter, laughs.)

I am pro-life because I think it makes my country a better place. I think America is at her best when she's standing up for the least among us. And I look forward to this debate more than you will ever know.

And I'm going to give you a dose of reality. To our friends in the House, let's get on with this thing. (Applause.) Trent, I know you're trying to put the deal together.

Time is a-wastin'. (Applause.) Don't let the perfect be the enemy of the good, as Reince [Reince Priebus, Republican National Committee Chairman] would say. Let's just get on with this thing. Send it over to the Senate, and if we have to tweak it we will. But we're going to have one hell of a fight on the floor of the Senate.

I can't promise you we're going to get 60 votes this year, but I can promise you one day we will. Remember partial-birth abortion? It took over a decade. One day—and I don't know when that will come, but if I can do the Strom Thurmond thing I'll have 41 more years—(laughs)—left in the Senate—(laughter)—and I'm going to miss a lot of y'all, by the way. (Laughter.) I have the long view of everything. I don't know when that day's going to come, but I know when the clock started. It started in 2015.

The House has taken this up before and the Senate's never had a chance to give our voice to this cause. Because of your hard work in 2014, we're going to have a debate in the Senate that's worthy of the body.

Some people tell me, you shouldn't talk about abortion. In a democracy, if you can't talk about life, what—why? If that's not an issue worth discussing in a democracy, we've lost our way.

And I always say this to the people who tell me it's none of the government's business: When did you become you? At what point in the time—in time do you have a soul, if you believe you have one? Is that something worth talking about? If you know at what point in time that you become you, share it with me. If you—if you know at what point in time you can abort a baby that doesn't have a soul, I would like to know that.

I'm not here to judge people who disagree with me. I'm here to stand up for what I believe. And I really do believe we're on the right side of history. This debate is long overdue and it's going to be a joy. It's not going to be a burden. And I'm going to do it with a smile on my face and love in my heart, because it's not offensive to me to be disagreed with. The only thing I'm going to do is ask the other side to do a little soul-searching and tell me why, in 2015, abortion on demand five months in the pregnancy makes us a better country.

Over time, we're going to win this issue. It's going to take years, and it will never happen without the right person in the White House. Do elections matter? 2014 is a good example of why it matters who's in charge of the Senate. But this president would veto the bill if we could get it out of the Senate and the House. Do you agree? So the goal in 2016 is to keep our majorities and win the White House. Work for the presidency as if somebody else's life depended upon it, because it does.

The voice for the unborn resides in our party almost exclusively, and for that I am sad. To our pro-life Democrats, you should have a very special place in heaven. (Applause.)

Susan B. Anthony List Gala Remarks

Carly Fiorina

You all are here because you know how important this issue is. You know how important it is to stand up for the sanctity of life, to remind people over and over that every life has great potential, and to stand with those who protect every life. And the Susan B. Anthony List has been doing this for a very long time. Just in the last year alone, in the last election cycle, thanks to many of your generosity in this room, in 2014 the Susan B. Anthony List and their super PAC—again, thanks to so many of your generosity—raised and spent over \$16 million to elect pro-life candidates. (Cheers, applause.)

And we all know that as important as ads are, as important as the right candidates are, we also know that the ground game is incredibly important—the ground game that engages in persuasive conversations, the ground game that gets the vote out. And so Susan B. Anthony created, in 2014, the largest ground game ever in the history of the pro-life movement. (Cheers, applause.) With over 750 workers, they knocked on over 520,000 doors. They made over 530,000 phone calls. And these are not, you know, leaving a voicemail message with somebody. These are live person-to-person phone calls where a persuasive conversation occurs.

Their efforts helped to elect seven new pro-life senators to office, some of whom we'll hear from tonight. (Cheers, applause.) And in the 46 races across the country that they were involved in, they won 83 percent of the time—pretty good odds. Pretty good odds. (Applause.) So all of you who are here tonight as supporters of the Susan B. Anthony List are investing your time and your money extremely well.

I serve, among other things, as the chairman of the Unlocking Potential Project. This was a project last year that engaged women in a grassroots effort in five key purple states. And I mention that because we also supported the Susan B. Anthony List ground game and were so delighted with the incredible results they got on the ground.

But I just want to say to you from personal experience why I think the ground game is so important for those of us who care so much about the sanctity of life. I think one of the reasons that the pro-abortion movement has been successful is because they want to engage in the battle of sound bites and labels. And they've picked some pretty good labels. I mean, "pro-choice" sounds good, right? And so I think it's so important that we engage in persuasive conversations—not in judgment, not in vitriol, not in labels, but in persuasive conversations conducted in an empathetic and reasonable tone. And that is what volunteers on the ground can do.

One of the things that I know from personal experience, because I get confronted with it all the time—and I know you get confronted with it all the time, especially by women—women will come up to me and say, you know, I really—I agree with Republicans on so many things, but I just can't support this extreme pro-life platform of the Republican Party. And the way I answer that always is to say: Well, I can respect that; have you ever read the Democratic Party platform? (Laughter.) No

one has, by the way. (Applause.) So it's really—it's really important that we engage them in that conversation. So I say, well, here's what it says: any abortion, anytime, at any point in a woman's pregnancy, for any reason, to be paid for by taxpayers. Now there are Democrats who want to add "to be performed by a non-doctor." And this policy has been succinctly summarized by Democrats such as Barbara Boxer as "it isn't a life until it leaves the hospital." Do you agree with that? Nobody agrees with that. Even people who think they're pro-choice don't agree with that.

And so then I press on in another set of questions, especially to women: How do you feel about a 13-year-old girl needing her mother's permission to go to a tanning salon, but not to get an abortion? Women are horrified by this. How do you feel about the fact that a tattoo parlor is more rigorously regulated and inspected than an abortion clinic? What do you think when you go into a bar and you see a sign that says, "Warning: Drinking may be hazardous while pregnant"—hazardous to what or whom? How do you think about the fact that a zygote has exactly the same DNA as the day we die?

If we engage in a series of questions, if we engage not in a highly emotional tone but in an empathetic and reasonable tone—because a woman facing a difficult choice always deserves our empathy and our support, never our judgment or our condemnation—but if we can engage—(applause)—if we can engage in a reasonable conversation with people, we can change people's minds. And you know what I know: We are winning on this issue, and so we have to keep going. (Applause.)

Most of us here, I'm sure, became pro-life by reason of faith, or perhaps by reason of personal experience. But the truth is, science is proving us right every day. And so we have to use every tool at our disposal to engage in those persuasive conversations. And that's why the ground game is so important. That's why the work that the Susan B. Anthony List did last year had so much impact, because it wasn't about the slogans and it wasn't about the air wars, it was about people having conversations with other people to get them to think perhaps in a new way about what really is at stake and how they really ought to think about this critically important issue.

APPENDIX C

[Pregnancy Help, Inc., in New York City, is one of several crisis pregnancy centers supported by grants from the Human Life Foundation. Its founder, Anne Manice, was honored this spring at a reception celebrating the center's 20th anniversary. These are her remarks, followed by an excerpt from a column she wrote for the Pregnancy Help newsletter.]

A Personal Annunciation

Anne Manice

Pregnancy Help is founded on one simple principle: The discovery of a pregnancy is a life-changing and existential event in the life of a woman, one that is best shared with generous and loving souls.

When a woman conceives a child, two things happen: First the biological event, well-documented today, the creation of a unique living being with a never-to-be-reproduced DNA sequence. Second, as Dr. Alice von Hildebrand has so eloquently described, the woman's body is touched in a mysterious way by God, who endows this new life with a soul (Eve: Genesis, Chapter 4, "I have conceived a child by Yaweh"). This is a uniquely female experience in which the male plays no part.

A woman who is surprised by her pregnancy can be thrown into an existential tizzy: "Why me?" "Not now." "I cannot do this," etc. She is living, in her own way, a personal Annunciation: "Will you be the mother of my child?" asks an inner voice. Here we must not forget that she is free to say, "No." An enormous power is handed to her; maybe for the first time in her life she has felt so powerful: "It is *my* decision," she answers.

Since 1973, the courts have handed her permission to remove the cause of her worries—medically, silently, and unchallenged.

We must never forget—and always combat—the notion that an unplanned pregnancy results in an unwanted child; how many of us in this room were unplanned pregnancies?

In the last 20 years, Pregnancy Help has stood hand-in-hand with over 15,000 women, helping them to accept the destiny that has been handed to them; over 5,000 at-risk children have been born and are living today in New York City; our oldest, Rosa Sophia, who is here with us tonight, is an honor student at Hunter College.

This is quiet, unobtrusive work; we do not challenge anyone's belief. Rather, we share with them the faith in the future that is the only requirement for being a volunteer working at Pregnancy Help.

The joy of seeing a young woman walk into the center, holding with pride her child, is one that cannot be described here. It is not earthly. Rather, it is a gift from God: the look in the mother's eyes, where the power to do good or evil has been transformed into the will to fight for the future of her child.

From a reminiscence Ms. Manice wrote for the Pregnancy Help newsletter:

It's been 20 years since we opened our doors on West 14th Street! I remember the day in the spring of 1994 when I stumbled on this available street-floor rental space, a few blocks from St. Vincent's Hospital and, unbeknownst to me, adjacent

APPENDIX C

to the New York Shrine of Our Lady of Guadalupe. I remember my first conversation with our landlord, Dr. Wolfson, trying to explain our work: “We help people,” I anxiously told him. “Come and help them here!” he said with a big smile. Two months later, and with three months’ rent in the bank, our first mothers began finding their way to us. Over 15,000 women have visited the center to date, 25,000 have received counseling over the phone, and many are now proud mothers fighting with uncommon courage for the education and future of their children—and for the good of this city. If only the walls could talk!

Pregnancy Help is dedicated to the idea that an unplanned pregnancy, while a monumental source of stress and anxiety, can be the beginning of great new joy and spiritual growth. The entire team at Pregnancy Help witnesses to the truth of this belief. I think of Lina, the 25-year-old ballet dancer, and Chae Won, the Korean student at NYU, Sandra, the 23-year-old waitress from Ohio . . . and I will never forget Francine, the 50-year-old woman who brought her niece to us and then broke down in tears, saying, “I hope she won’t do what I did 20 years ago. I have no children now, please talk to her.” We have kept in touch with many of these women and have seen them at our annual St. Nicholas parties. We thank God for the gift of their lives.

It is a lonely but powerful decision whether to keep a child or not, a power not granted by God or Nature but one the Supreme Court bestowed on us—in the name of progress—in 1973. At the pregnancy center, we try to alleviate some of this loneliness by showing a lot of love and sharing the immutable belief that God has a plan of happiness for each one of us, if we accept it. We know firsthand that sometimes all it takes is a cup of coffee, a warm heart, and listening ears to avoid a quick and confused decision that can result in a lifetime of sadness.

What has changed in twenty years? St. Vincent’s Hospital has closed its doors and, sadly, the Shrine of Our Lady of Guadalupe has been moved to another location. The new generation we are seeing, Generation Y, is smarter, more savvy; they don’t “get caught” as easily and speak openly about casual sex. They find us on the internet and Facebook, but they are just as lonely and panicked in a crisis as their mothers were; more so, as the issue of life and death is one thing they do not discuss on social media.

In other words, the need for Pregnancy Help is just as important as it was in 1994 . . .

APPENDIX D

[*Connie Marshner is a longtime pro-life activist who also blogs for the Human Life Review. The following remembrance of the late William E. May appeared on the Review's website (www.humanlifereview.com) on December 17, 2014.*]

William E. May: An Appreciation

Connie Marshner

On Saturday, William E. May will be buried. The Catholic universe is grieving his passing, but those in the pro-life movement who are not Catholic have reason to grieve as well. He taught the pro-life movement how to refute its philosophical opponents.

In 1968, Pope Paul VI asserted Rome's moral authority on sexual ethics and issued the encyclical *Humanae Vitae*. But it was the 60s and nobody wanted to accept any restrictions on the sexual revolution then in its heady first days.

Charles E. Curran, at the time a tenured professor at Catholic University of America (CUA), organized Catholic theologians around the world to sign a public letter dissenting from the encyclical. Graduate students in theology and philosophy departments were pressured by their professors to sign the document.

William E. May was a PhD candidate in philosophy at Marquette University. As he later said, "It took courage not to sign the statement, and it took special courage in those who lacked secure employment." Lay theologians were a novelty at the time, and he was supporting his family by working as an editor.

In his publishing job, May had been assigned to edit Germain Grisez's landmark volume, *Contraception and the Natural Law* (1965). May admired Grisez's scholarship and ethical theory. Years later, when he had long been a friend and collaborator with Grisez, he told my husband that it was Grisez's work that prompted him to quietly remove his name from the statement of *Humanae Vitae* dissent.

Quietly, because he still had to survive the Reign of Dissent.

When his publisher-employer went out of business, May, whose seventh child was on the way, sent out over 800 job applications. In desperation, he was about to take a Civil Service job when his friend Jude Dougherty, Dean of the School of Philosophy at CUA, told him of an opening in the Department of Religion. A priest on the faculty was leaving to marry a nun.

God can write straight with crooked lines: The academic climate of 1971 was such that because Bill May had signed that dissent against *Humanae Vitae*, and had never publicized his repenting of it, he got the job.

Five years later, however, when he refused to stop teaching in support of *Humanae Vitae*, the department fired him.

Fortunately, by then some dissent from Dissent was beginning to appear. CUA had begun to feel the first bit of pressure to "balance" Curran's outright heresies. So the Graduate School of Theology offered May a position, and in 1977, through the grace of God expressed in a tiebreaking vote, he won tenure.

Through the ensuing decades, Bill May quietly taught Moral Theology at CUA.

APPENDIX D

Few professors anywhere in those Decades of Dissent defended *Humanae Vitae* and endured the derision of their colleagues. But he was a persuasive teacher, and his students went on to become priests and bishops and leaders of the pro-life movement.

He quietly kept on writing, responding to the need for clear thinking on increasingly complicated ethical issues. Jennifer Kimball, Director of the Culture of Life Foundation, says that he “led the way in the beginning of what now is understood as bioethics.” He made comprehensible the foundational principles of good ethics and applied them to emerging problems.

He published wherever he could: in the 70s, articles in the few journals that would publish orthodox authors, such as *Homiletic and Pastoral Review*, Christendom College’s *Faith and Reason*, *Linacre Quarterly*; contributions to anthologies; and, when the tide had turned enough, books: *An Introduction to Moral Theology* (1991), *Marriage, The Rock on Which the Family is Built* (1995), *Catholic Sexual Ethics* (1998), *Theology of the Body* (2010), and more . . . 237 items before he set down his pen.

By the time he left CUA to teach at the fledgling John Paul II Institute on Marriage and Family, he was recognized as the pre-eminent demolisher of the arguments of proportionalism and consequentialism.

What are proportionalism and consequentialism? In a word, they are the isms behind situation ethics in the 60s and the Culture of Death today.

Inconvenient to have a baby? No problem, the sense of well-being that comes from your career is such that it’s OK to have an abortion or hire a surrogate.

Did you get a prenatal diagnosis of Down syndrome? No problem, having that baby will cause the rest of your family to suffer, and that baby’s life will have less value than theirs, so abortion is the loving thing to do.

Granny’s bills are too high at the nursing home? That lowers your quality of life, and hers isn’t that great anyhow, so it’s OK to encourage her to request VSE (“voluntary stopping eating and drinking”).

Those are examples of proportionalist and consequentialist thinking at work in our society. Decades of “progressive” education have rendered most Americans incapable of recognizing its tricks or refuting its arguments. William May provided the intellectual ammunition the pro-life movement needed to refute those arguments. Did he invent them? Probably not. But he got them into the hands (or, literally, the minds) of those who needed them and were in a position to use them.

And for this Bill May deserves the thanks of the pro-life movement around the world. May his memory be eternal.

APPENDIX E

[William McGurn, a columnist for the Wall Street Journal, is a Vice President of News Corporation, where he writes speeches for Rupert Murdoch. The following post appeared in The Corner on National Review Online, February 27, 2015 (www.nationalreview.com). Copyright © 2015 by National Review. Reprinted by permission.]

RIP Charlie Rice

William McGurn

The Notre Dame family has lost two giants: the Reverend Theodore Hesburgh, who died Thursday night, and Professor Charles Rice, who died the day before. The two men were on opposite sides of most political issues but united in their love of Our Lady and her university.

Father Ted will understandably get more press attention, but Charlie Rice's passing deserves its own mention. In the memorial posted at the law school, the dean writes that "for generations of students Professor Rice was a foundational pillar of the Notre Dame Law School." The dean notes the other things that defined Charlie: He was a Marine, a consultant to the U.S. Commission on Civil Rights, and an early champion of the pro-life movement.

Let me add just one vignette that speaks to the man. As a freshman at Notre Dame in 1976, I knocked on the professor's door at the law school. We had a family connection: We were close friends with the family of one of his roommates from Holy Cross. In his office that day, Charlie treated me as if I were the most important man on campus.

Later that year, I had the bright idea of having Charlie speak on the pro-life cause. He agreed to do it, and I got to work, papering the campus with hundreds of yellow fliers heralding the talk, which was to be given in the fairly spacious library auditorium. When the night came, perhaps four people showed up. I was mortified. But Charlie told me not to worry—you had to go with what you got—and he spoke to that crowd as if there were four hundred of them: with wit, with wisdom, and with grace. And he treated this embarrassed young freshman as a colleague. I will never forget that example.

The Marine Corps hymn reminds us that the streets of heaven are guarded by United States Marines. We know those streets are in good hands, because Charlie Rice has just reported for duty.

APPENDIX F

[April 2nd marked the tenth anniversary of the death of Pope John Paul II, now known as St. John Paul the Great; May 18th was the 95th anniversary of his birth. We reprint here “Be Not Afraid,” Lynette Burrows’s contribution to “Glimpses of the Magnificent,” a symposium in the Spring 2005 Human Life Review reflecting on the life of this great pro-life hero. Ms. Burrows, a well-known British journalist, social commentator, and family rights activist, is the author of *Good Children and The Fight for the Family*.]

Be Not Afraid

Lynette Burrows

Solzenitzyn once remarked that just about the only thing one man could change was the spirit of the age. No small thing as it happens and, for our age, Pope John Paul was the man who changed the spirit.

It took him a long time to accomplish this in the affluent European cities, but his effect was instantaneous in those countries still under communist tyranny. They were still close enough to real problems and suffering to recognise the Pope as a champion of their freedom and autonomy, without any intermediaries interpreting his effect. In this, they had the enormous advantage of having a ruling class that no one believed or trusted because it was “the enemy”; and a media class that no one believed either—because it was a mouthpiece of that enemy.

The position of the ordinary citizen in Europe is not as different as one might think—as John Paul pointed out—where the unacknowledged tyranny of commercial interests is deployed and reinforced by means of a media that serves them at every turn. Almost none of the wicked innovations that have been enacted by parliaments across Europe have come about in response to public demand. Abortion, sexual licence, divorce, pornography—the ills that sap a community’s moral energy—were all, in reality, good business opportunities which were subtly transformed into ideological aspirations by a compliant and blind media.

Unfortunately, we have been so seduced by the hedonism and materialism that this new tyranny offers, that we have not seen how it increasingly traps and then destroys personal and communal well-being in the long term. John Paul saw it and tackled it head-on and, in doing that, he laid the groundwork for much of what remains to be done.

It is rather fascinating to notice how, even in the so-called “post Christian” society of today, the language of evangelisation never alters. Since the days when the barbarians first invaded Europe and found a Faith that was new, all succeeding generations have been able to draw on the deeply rooted Christianity that has informed every aspect of their lives. Lapses have been followed by repentance and “a firm purpose of amendment,” as the old catechism put it. It has been our history for 1500 years and, to quote Chesterton, “the heavenly chariot flies thundering through the ages; the dull heresies sprawling and prostrate, the wild truth reeling but erect.”

It is the same today. In Europe, evangelisation is essentially a call to *return* to a

standard; a reminder of where the path lies and of those who have trodden that well-worn path before. John Paul's unprecedented creation of saints, and emphasis on the martyrs of our own day and the past, is a call to recognise what Chesterton again called "the democracy of the dead," the important things that our forbears have witnessed to, and laid down their lives for.

The young love him because what he said to them has the inestimable advantage of being new! Badly educated in their religion as many of them are, and misled in the truth by people to whom the Faith has become old and stale, they have responded with enthusiasm to something that makes sense of their lives.

His effect on them was the real lesson of our times; that the truth, the splendid truth, is in the end, stronger and more appealing than the opposition that seeks to silence it forever.

When *Veritatis Splendor* was published in the late summer of 1993, it was greeted with howls of dismay by media commentators in both the secular and the Catholic press. These are the only people we hear from on almost any subject—and they are, for the most part, a soft and rootless lot—and almost always wrong. They are, however, the filter through which everything must pass before it gets to the public.

You have to feel sorry for them. Precisely when liberal opinion was getting to feel relaxed about tolerating religion—because it seemed to have something to do with human rights, at least in backward old Poland—John Paul slammed the door of approval in their faces. He didn't need their help! They had long since ceased griping about *Humanae Vitae* so as not to prolong its memory in the public mind. They hoped it had passed into medieval history alongside witch burning and flagellation.

John Paul was a man who was everything they approved of in so many respects; he loved physical recreation, human rights, and young people. Everything they loved too. What was more, he was charismatic and that is considered very good copy—even if the person is a criminal! The Pope was a winner, a celebrity who didn't have to claim to have defeated communism single-handedly; others claimed it for him. "How many battalions has the Pope, your Holiness?" "None; it only takes one modern, progressive man—who reflects the educated elites of the West, and evil crumbles." That is what liberal opinion hoped to be able to make of him.

But he blew it, right? They were willing him to affirm their pseudo-religious belief in the evolving nature of morality and instead he said "if it's wrong, it's wrong!" He was reaffirming everything that had given them nightmares before. They couldn't believe it! How could he be so—uncommercial! What an easy time they would have given him if only he had talked the talk as convincingly as he walked the walk.

Instead, he gave it to 'em straight. "The prohibitions of the natural law are universally valid. They bind every and each individual always and everywhere." Abortion is morally wrong; so are contraception, direct sterilization, premarital sex, homosexual relations, and artificial insemination. Concepts were laid out, terms were defined, the orthodoxy of the Church was discussed in fascinating

detail. It was a feast of religious thinking—and must have been pure torture for those who regard religion as “a virus of the mind,” to quote one Oxford academic.

For those who have, for a long time, regarded truth as something over which they have complete control, all this was a shock. They could not get their heads around the fact that John Paul really believed there was such a thing as the truth, objective and fiery—and that he was going to make sure everybody else knew it too. He was serious about it. He didn’t want to be popular. Most hurtful of all, he didn’t need media approval to feel good about being the Pope.

“Be not afraid,” John Paul constantly told people, and we all nodded our heads and didn’t know what he meant. After all, it doesn’t take much courage to be good and kind and go to church. The urgency of his invocation to cultivate the virtue of courage was uttered almost like a prophesy; a warning that things can be expected to get much tougher than they are now and that real, actual courage is necessary to defend all our other virtues.

What did the Pope foresee in the future that should really concern and frighten us? Let us consider the two most striking facts about Europe today, including on this occasion Britain, and see if they are related. The first is the collapse of the birth-rate in most of Europe and the second is the advent of millions of people from alien cultures and religions. The last time I read of it, it said there were now forty million Muslims in Europe with another 13 million at least “required” to balance the economic books.

Addressing, let alone resolving, these two unprecedented phenomena will take the courage of which the Pope spoke.

It is not loss of religion that has made the European young “ignore” the Pope’s teaching on contraception, whilst seeming to love and esteem the man himself. It may have been once—but it is not now. Once it seemed modern to have one, or no children but that is long passed. Today, people do the best they can within their economic circumstances but the reality is that, as things have developed, they simply cannot do what the Church tells them is right. It’s not schizophrenia—they are swamped by an economic system that no one wants to expose for what it is.

Here is the next challenge that will face the Catholic Church in Europe and it is a really big one. When *Humanae Vitae* came out, the media erupted because it had all its guns pointing at the Pope if he dared to challenge the contraceptive mentality that was the new morality. It is nothing to what the roar of disapproval will be when, finally, the Church addresses the evils of multiculturalism.

The very word is a contradiction in terms. A “culture” is something encompassing that which more or less everybody shares. Multiculturalism, by contrast, is a concept that was germinated in the dirty tricks department down below and deployed by its most faithful servant—Commerce. It has the obvious advantage for its acolytes of simultaneously making money whilst destroying family, community, and Christian values. What a coup!

The Church made a start on what must be done when Cardinal Giacomo Biffi, the former Archbishop of Bologna, was brave enough to say, in 2000, that no

government had the right to invite into their country unmanageable numbers of people of a different religion and culture. It was more than the Christian charity of the individual could support, he said, and he compared it to obliging every family to take in another family to live with them—and then insisting that Christian charity demanded that they accept and make the best of it.

It is an outrageous and cynical exploitation of Christian principles by those who care as little for religion as they care for anything else but money.

I'm glad to say that the Vatican's Secretary of State, Cardinal Sodano, backed Cardinal Biffi, saying his words were "very wise" and "deserving to be understood, not twisted." However, since then, there has been very little said on the subject—at least as far as our media is concerned in Britain. Almost everyone, from top to bottom in society, knows it; but they are afraid.

Commerce, and government, want cheap labour for, respectively, their profits and to run the public services cheaply. Yet there are still naïve commentators who say that the foreign workers have been brought in "because the indigenous population will not do the dirty work."

This is simply rubbish! They will do any sort of work, however hard and dirty—if it pays a living wage to a person who has a family, a house, schooling, and local and government taxes to pay. Itinerant foreign workers live crowded into houses and flats where they can afford to work for a pittance a day, and still send money home. Many work for nothing for fellow immigrants, draw welfare benefits and avoid taxes—thus undercutting the small, family businesses that cannot compete with their unrealistic prices.

How are young people supposed to buy a house in an area that is still recognizably of their culture and send their children to school where they will not be the ethnic minority, unless both husband and wife work? It simply cannot be done on the average wage. The anthropological scenario of Europeans committing racial suicide through materialism is wide of the mark. The savage realities of life for young marrieds across Europe is the explanation of their choices. And these realities are brought about and exacerbated entirely by government policies.

It is not lack of religion that strikes one in these circumstances; it is the incredible forbearance and charity of a Christian people who have allowed this government policy to continue because they see it is not the fault of the immigrants themselves. Would any non-Christian country tolerate such an invasion unless it was accomplished with force? All sense of community is lost in the big cities; their culture is denied to people in case it offends the newcomers; they have undreamt-of-levels of alien crime; polygamy swells the divorce figures and is used to demoralise marriage; alien practices offend at every turn. Yet all this seems invisible to commentators who ring their hands over the loss of religious faith amongst the public in the midst of this managed invasion.

"Be not afraid," was Pope John Paul's most memorable injunction to us. What did he have in mind? Political correctness is not brave; niceness is not brave; tolerance is not a synonym for virtue in all circumstances; avoiding trouble and

pretending you are “turning the other cheek” is rank cowardice.

Let us hope and pray that the new Pope, by the power of the Holy Spirit, can lead us towards a resolution that will avoid the conflict and bloodshed that usually accompany terrible mistakes on a national scale. At the very least, we need now more than ever to know what is the right and wrong thing to do; what we are to *feel* as we confront a situation for which there are no easy answers. Be not afraid indeed.

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