



◆ FEATURED IN THIS ISSUE ◆

William Murchison on  
**THE ODDEST COUPLE: ABORTION & POLITICS**

Christopher White on  
**POPE FRANCIS AND HIS PRO-LIFE CRITICS**

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**DOES SCIENCE SANCTION EUTHANASIA?**

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◆ **ABORTION IN NORTHERN IRELAND** ◆

John Grondelski interviews Bernadette Smyth

**ABORTIONCHANGESYOU.COM**

Ifeoma Anunkor and Michaelene Fredenburg

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A Handful of Dust . . . . . R.J. Snell

Turning the World Around . . . . . Donald DeMarco

*Booknotes:* Reviews by George McKenna and Maria McFadden Maffucci

*Appendices:* Robert P. George • Hadley Arkes • Antonin Scalia • Bobby Schindler

. . . Antonin Scalia was widely known for his dissents, though that doesn't mean his dissents were widely read. They should be. One of his last, penned in response to Anthony Kennedy's majority opinion in *Obergefell v. Hodges*—the Supreme Court case that legalized same-sex-marriage—is included here not only to honor the late Justice but to broadcast what turns out to have been a parting warning: “A system of government that makes the People subordinate to a committee of nine unelected lawyers,” Justice Scalia wrote last June, “does not deserve to be called a democracy” (*Appendix A*, page 80). We also reprint tributes by his friends Robert P. George (“Antonin Scalia: An American Originalist,” *Appendix B*, page 85) and Hadley Arkes (“Memories of Nino,” *Appendix C*, page 89). Thanks to The Public Discourse and *First Things* for allowing us to share these with *Review* readers. Thanks also to *National Review* for permission to reprint Bobby Schindler's “What Terri Schiavo Still Can Teach Us” (*Appendix D*, page 93), which appeared on NRO on March 31, marking the 11th anniversary of his sister's death.

The court-ordered extermination of Terri Schiavo was a spectacular episode in the ongoing public rehabilitation of euthanasia over the past few decades. Richard Weikart, in “Does Science Sanction Euthanasia or Physician-Assisted Suicide?” (page 30), utilizes an historical approach to answer the question. A professor of modern European history at California State University, Stanislaus, Dr. Weikart has just published *The Death of Humanity: And the Case for Life* (Regnery Faith, April 2016). Wesley J. Smith, a frequent contributor (who will have an article in our next issue), has long warned that physician-assisted suicide would herald a return to euthanasia; Encounter Books has just issued a new paperback edition of his acclaimed *Culture of Death*. Another *Review* contributor, Ian Gentles, has also examined the subject in a recent book, *It's Not That Simple: Euthanasia & Assisted Suicide Today* (deVeber Institute for Bioethics and Social Research, 2015).

These pages feature the work of three *new* contributors: Brandon McGinley (“Kermit Gosnell: A Grotesque Superman,” page 23) is the Editor for EWTN Publishing, a collaboration between Sophia Institute Press and the EWTN Global Catholic Network. R.J. Snell (“A Handful of Dust,” page 44) is William E. Simon Visiting Fellow of Religion and Public Life in the James Madison Program at Princeton University and Professor of Philosophy at Eastern University. The third new voice belongs to Ifeoma Anunkor, currently the Human Life Foundation's McFadden Fellow (“AbortionChangesYou.com,” page 59). A graduate of Columbia Law School, Ms. Anunkor is the founding director of EXPECT, a new initiative of the *Human Life Review* to reach college students and young professionals. A student essay contest, details of which you will find on page 76, is one of her projects. Please pass the word along to anyone you know who might be interested—all entrants will get a free digital subscription to the *Review*.

ANNE CONLON  
MANAGING EDITOR



# the HUMAN LIFE REVIEW

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## INTRODUCTION

“The fly in the buttermilk,” writes Senior Editor William Murchison in our lead article (“The Oddest Couple: Abortion & Politics”), “is the deep reliance Americans have come to place, since the 1930s, on political solutions for essentially non-political questions.” This stubborn “habit” is one reason the fundamental question of human life has been reduced to “garden variety chitchat on the campaign trail.” A prime example is “the early spring contretemps over, Lord help us, Donald Trump’s and Hillary Clinton’s views on abortion: if a scrambled set of reflexive attempts at positioning can dignify the word ‘views.’” As he describes how the presidential candidates “tripped over their tongues and fell while attempting to denote the action government should take regarding abortion,” he warns that deciding abortion policies by “nose-counting” politics is trying to “resolve a moral matter by non-moral means.” More ominous, he warns, is that this 2016 presidential campaign is bringing us perilously close to a moment “when power does in fact rule,” when power “speaks, shoving formerly well-understood moral propositions to the ground.” Lord help us, indeed.

Murchison writes that “deeply anchored understandings” in moral issues arise in part from “religious witness”; certainly this is true of the witness of the Catholic Church against the culture of death. And yet, stalwart soldiers in the pro-life movement were disturbed—some felt betrayed—by remarks on abortion made by the newly elected Pope Francis in September of 2013. In “Pope Francis and His Pro-life Critics,” Christopher White, Director of Catholic Voices USA, says it’s time to put an end to this “false narrative.” While affirming that the Pope makes “a lot of people uncomfortable” with his strong challenges to those on both right and left, White cites what Francis has actually said and written about abortion in these past three years and argues that he has in fact “reinvigorated what it means to be pro-life, offering a renewed approach that is converting hearts and minds to the pro-life cause and exemplifying a new strategy for moral articulation in the 21st century.” Francis identifies abortion as “a crime, an absolute evil,” but he links it repeatedly to other symptoms of a “throwaway culture,” one that “dismisses the unemployed, undocumented and the disabled” and eliminates those who are “physically or socially weaker.” Professor Donald DeMarco would agree that abortion is not a stand-alone issue, but he emphasizes the waves of damage that radiate from it. In “Turning the World Around,” he writes that if back at the time of *Roe v. Wade*, “many naively believed that abortion was an event limited to the horizon of the woman and her private decisions,” the effect of legalized abortion has been to shatter not just the bonds between mother and child but those between husband and wife, and the bonds of family. And it needs to be countered, DeMarco writes, with love: “Abortion and love contend to move the world in opposite directions,” but “as long as there is love there is hope, for love disdains moral inertia and constantly aspires to something better.”

One could hardly find a better example of abortion shattering humanity than the case of Dr. Kermit Gosnell, “A Grotesque Superman,” as new contributor Brandon McGinley describes him. McGinley spoke to filmmaker David Altrogge, whose interviews (over a nine-month period) provided the material for *3801 Lancaster: American Tragedy*, a documentary film about the horrors found in Gosnell’s clinic at that Philadelphia address. While it “behooves abortion advocates to caricature Gosnell as a freakish monster,” the “portrait of a man” which emerges from Altrogge’s interviews is much more complicated and disturbing, as you will read in McGinley’s gripping account. Gosnell understands himself as a man who steps outside of conventional morality in order to improve society—not unlike, writes McGinley, other “supermen” in history who “couch their cruelty in humanitarianism.” Gosnell’s twisted belief that he was “helping the poor” by snipping babies’ necks is not that “freakish” or uncommon in the world of abortionists. The “first serious proposal” to practice infanticide for progress was in 1870, writes Richard Weikart in our next article (“Does Science Sanction Euthanasia or Physician Assisted Suicide?”), when Darwinian biologist Ernst Haeckel advocated the killing of infants with disabilities in order to support humanity’s evolutionary progress. Weikart follows the historical trail of euthanasia and eugenics, from Europe to the United States and back to the atrocities of Nazi Germany, after which “euthanasia became a harder sell in Western societies”—temporarily. Today, secular ethicists like Peter Singer advocate killing the weak in the name of “science,” in a culture, writes Weikart, that refuses to see that science has “little value when misapplied to trying to determine what is moral or beautiful.”

**I**ssues of life and death cannot be adequately handled then, by either politics or science—and even religion, Brian Caulfield writes, falls short of fully countering death’s cold finality. His “Letting Dad Die” is both a poignant memoir about his father, who survived an attempt by the medical community to “let him die” more than five years earlier (see “Saving Dad,” HLR Fall 2010) and a meditation on the paradox of death for Christians. Though we believe in a “blessed death” that “in the state of God’s grace has the well-founded hope of eternal life,” the “cold undoing of death itself is not good,” it is “a scar, a wound, and worse—an insatiable, devouring void.” The comfort and hope we experience come from the love that survives. To be a human person is always to be “utterly contingent, ashes to ashes,” writes R.J. Snell in his philosophical meditation on being, which follows (“A Handful of Dust Wonder, Reverence, and Fear”). We are “not sufficient unto ourselves, for we are not the answer to why there is something rather than nothing,” and we are created persons whose innate “brokenness” seeks union with the other—we are not meant to wander and wonder alone. “We inhabit our own nature best when we give ourselves fully to the task of confirming and recognizing the other person.”

An enduring relationship beyond death is remembered as well in Audrey Ignatoff’s haunting memoir, “I Remember Eugene.” In a poignant tale of love lost, one that evokes beautifully the America of John F. Kennedy, the Beatles, the



## INTRODUCTION

beehive hairdo!—Ignatoff’s memoir also reveals the shocking treatment the disabled suffered before the disability rights movement and the Americans with Disabilities Act of 1990. Eugene’s story remains a disturbing mystery, as you will read, one in which eugenics—practices not so far removed from the Nazi experimentation on the disabled—may have played a tragic role.

We next have an article based on a discussion new contributor Ifeoma Anunkor had with Michaelene Fredenburg, the founder of the website Abortion Changes You. It speaks powerfully to the need to end the silence on abortion’s wounds—for women themselves but also for the other people who suffer the loss—fathers, grandparents, and siblings. And next, John Grondelski interviews Bernadette Smyth, the president of the largest pro-life group in Northern Ireland, a country which has steadfastly retained abortion as a criminal offense, but which now battles a movement to legalize it “where a child has been diagnosed with a life-limiting disability.” (Sound familiar? Hitler’s “Final Solution” was preceded by the euthanizing of disabled babies and children).

In Booknotes, George McKenna has written an absorbing review of the important new book *Defenders of the Unborn: The Pro-Life Movement before Roe v. Wade* by Daniel K. Williams, a “readable and meticulously researched study of the battles fought by the pro-life movement over the past seventy years.” McKenna finds the book “factually rich,” except for the unfortunate failure to credit some of the major “intellectual fathers” and mothers of the pro-life movement. Your servant follows with a brief review of Abby Johnson’s new book, *The Walls Are Talking: Abortion Clinic Workers Tell Their Stories*.

\* \* \*

We were shocked and saddened by the sudden death of Justice Antonin Scalia on February 13. In tribute, we reprint his powerful dissent in *Obergefell v. Hodges*, as well as reminiscences from his close friends and colleagues, Professors Robert George and Hadley Arkes. Finally, we reprint another poignant piece about love lost, about cruelty to the disabled, and euthanasia: Bobby Schindler writes about the state-imposed death—murder—of his sister Terri in 2005. Sadly, it “is now legal in every U.S. state to deny food and water, leading to fatal dehydration.” And yet out of that tragedy has come the Terri Schiavo Life and Hope Network, a non-profit group headed by Mr. Schindler that has assisted more than 1,000 families over the past decade to fight for the lives and human dignity of their loved ones. Out of suffering and death, hope and new life—an appropriate thought with which to wrap up this Spring issue.

MARIA MCFADDEN MAFFUCCI  
EDITOR

# The Oddest Couple: Abortion & Politics

*William Murchison*

Naturally, the politicians jumped in. The politicians always jump in—invited or not, welcome or not—at the first sight of social or cultural turbulence. Hey! Here’s what I’d do to make things Fair and OK for All Concerned. Here’s what the jerk over there—my honorable opponent in this present electoral contest—would do; which is the last thing *you* want to do! Naturally.

And so went the early-spring contretemps over, Lord help us, Donald Trump’s and Hillary Clinton’s views on abortion: if a scrambled set of reflexive attempts at positioning can dignify the word “views.”

I’m not sure they ever can. Why talk of them, then? For illustrative purposes. The Trump-Clinton contretemps is the front door to more extended treatment of the abysmal confusion in which we wander while waiting for politicians to address a distinctively non-political question. It is a matter not unlike soliciting help from a dry-point etcher in designing a rocket lift-off device: theoretically possible; otherwise, not entirely logical. Or helpful.

We’ll get back to that. First, what happened in March and April with Trump, Clinton, and abortion? Oh, you know. Everybody knows. They tripped over their tongues and fell while attempting to denote the action government should take regarding abortion.

First came The Donald, during a town hall event in Wisconsin. Pursued by Chris Matthews of MSNBC for an answer to the highly leading question “Does abortion deserve punishment?,” Trump squared his jaw and finally said, yes, “There has to be some form of punishment.” Rachel Lu, at *The Federalist*, called Trump’s answer “rare and impressive.” Which it may in one sense have been, given the uproar that followed, in which fire rained down from the pro-life as well as the pro-abortion side. March for Life called the candidate’s remarks “completely out of touch with the pro-life movement.” The National Right to Life Committee said it never has supported penalties for women who have abortions. Trump, several hours later, tried to repair the damage with a statement calling for the punishment of doctors who perform abortions, but, no, “not the woman.” Hillary Clinton tweeted: “Just when you thought it couldn’t get worse. Horrific and telling.” And from Bernie Sanders: “Your Republican frontrunner, ladies and gentlemen. Shameful.”

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In fact, Mrs. Clinton was next in line to face the music for attempting to stake out what she regarded as a broadly reasonable, hence politically plausible, public stance on abortion. On *Meet the Press*, she raised the question of constitutional rights. “The unborn person doesn’t have constitutional rights,” said she. “Now that doesn’t mean that we don’t do everything we possibly can in the vast majority of instances to, you know, help a mother who is carrying a child and wants to make sure that child will be healthy, to have appropriate medical support.”

The “unborn person”! She might as well have struck a bronze gong. The reverberations sound throughout the house. “What ‘unborn person’?!,” was what her usual allies on the pro-abortion battle lines wished to know—privately cutting her, by withholding outrage and condemnation, the slack to which the most pro-choice presidential candidate of them all is surely entitled. Still, some markers had to be laid down for the sake of consistency. Illinois Planned Parenthood’s Diana Arellano tweeted that Mrs. Clinton’s phraseology “further stigmatizes #abortion,” by calling a “fetus” an “unborn child.”

Wait! Mrs. Clinton couldn’t have meant, could she, to endow an “unborn person” with the constitutional right she had just gotten through saying didn’t apply to “unborn persons”? Hardly. There was that word, nevertheless—“person.” If a “fetus” was a person, wouldn’t that mean . . . ? Um, well, hmmm . . . you step into precisely such bear traps when attempting to talk about abortion as a matter inviting or requiring political adjudication.

Abortion is so *not* a political matter, the wonder is it doesn’t more regularly trip up candidates endeavoring to frame an abortion policy covering all major bases—respect for a woman’s “choice,” respect for the blessings of motherhood, respectful sorrow for the whatever-it-is that won’t now see the light of day—fetus, product of conception, unborn child. The job can be attempted, but it can’t be done. It can’t be done with profit, that is, to any common understanding of citizenship, such as political figures try to evoke when they talk of health care or national defense.

The reduction of abortion to garden-variety chitchat on the campaign trail is telling evidence of the U.S. Supreme Court’s folly (as if further evidence of foolishness were necessary) in inventing a thitherto undreamt-of constitutional right. The seven justices who signed the majority opinion in *Roe v. Wade* had no idea of the mess they were making through the introduction of political considerations into the weighing of heavy, almost god-like decisions.

When is life not life? Such is the unanswerable question the justices call on our political institutions to resolve democratically. I repeat: It can’t be done.



The fly in the buttermilk is of course the deep reliance Americans have come to place, since the 1930s, on political solutions for essentially non-political questions, like love and marriage and honesty and personal dignity. Maybe it's a bad idea, but we keep on trying. Such is habit.

Comparatively few human questions are, in fact, straightforwardly political. Nor are politicians, of whatever political disposition—not even Donald Trump, not even Hillary Clinton—qualified to address the purely human questions that people under appropriate moral guidance can make for themselves. That such questions deserve fencing-off from politics is the most underrated, under-talked-about proposition of this or any other political season.

**M**oral questions confront every society, of course—every form of government. They cannot be shooed away. They deserve all the same a special status born of recognition that particular truths, particular understandings, cannot without great cost be put up for legislative or administrative disposition. Legislative enactments are based on the counting of noses, not the unassailable establishment of principle. Politicians are the greatest nose-counters in the world. It is their bread and butter. Thus we hear Hillary Clinton trying to distinguish between rights that belong to live citizens and rights that obtain to, shall we say, pre-citizens. What is her premise? Clearly, that emergence from the womb is the operative factor in citizenship. She wishes to draw a distinction between gaining permission to emerge and failing to gain that permission; in either case, the decision of a second party—the mother—is dispositive. Mrs. Clinton cedes the decision to the mother. But on what grounds? Moral? Religious? Not in the least. The grounds for Mrs. Clinton are political. The political system has handed to the mother the power of life or—shall we say, playing her game for a minute—non-life. She herself decides.

Or does she? Democratic, majoritarian politics might confer such a right on one class of citizen over another class. But is that the function of democratic, majoritarian politics: to decide who lives and who doesn't—no guilt, as under the criminal code, attaching to the parties in the matter?

The nose-counters say, yep, that's politics for you. We vote, we count, and those with the fewest votes go along with the majority.

The reasons this approach doesn't work—for anyone but the politicians, that is—become plain whenever Candidate X or Y or Z opens up on the matter to the voters. Every attempt to win favor at the polling place shows the impossibility of resolving a moral matter by non-moral means. Every such proposal is self-contradictory, hence an invitation to the public disunity that democratic politicians are encouraged to shun so far as possible.

Mrs. Clinton wants to help “a mother who is carrying a child and wants the child to be healthy.” Helping people is the essence of modern democratic politics. But Mrs. Clinton—in political mode—excludes from public concern the child of a mother who doesn’t want a healthy child; who, in fact, wants no child at all. How do you rationalize this morally? You don’t even try. You emphasize the Supreme Court’s grant of rights to the woman in the early stages of pregnancy, in the process raising another question: Why just the early stages? Why not the late as well? Why not every stage? Because—and there is no other answer—the political process makes these distinctions. These may on their own terms lack internal logic, but so do many political determinations, based as they are on what the people allegedly desire, and what’s possible in that fraught context. “The art of the possible”—politics—looks at a human conundrum and says, well, here’s what we *can* do, so maybe that’s what we do.

Moral analysis regularly yields another result. It considers not just what’s possible but what’s right, based on perceptions that proceed from within (and are verified by experience and teaching). Or that proceed from Above in the deep tones of religious authority. And may in fact proceed from both sources.

The great irony of the human life debate is that it *is* a debate over life—and yet goes forward with minimal if any discussion of the premises on which the purposes of life may be said to outrank the purposes of political solicitation.

The substitution of political for moral discourse is one of the signal features of modern times—and one of the main causes of disorders that unaccountably (so far as politicians reckon these things) disrupt our political affairs.

The abortion debate, such as it is, invites the electorate and its representatives to weigh in on questions once generally regarded as non-political. Personhood, for instance. (The Constitutional Convention debate over how to count slaves for representational purposes affords the only previous instance—hardly an encouraging one—of the personhood question’s intrusion into politics.) The issue is at its heart a moral one. What are the supposed criteria, in a religious and democratic context—our own kind of context—for political recognition of personhood? Their value to the state is the sole criterion that comes to mind. But such a criterion robs the human person of the dignity due it, you would suppose, as a creation not of the state but rather of God.

A practical politician may be excused the obligation of distinguishing between God’s creations and the state’s, but shoving God to the sidelines has the effect—detrimental, our society once supposed—of operating a different

kind of shop than the founders took for granted: one in which the arbitrary classification of groups and individuals becomes a government tool, a means of keeping order and distributing power. What is more, such arrangements as one political regime sees fit to make have only temporary, tentative status. A new regime can supplant the old arrangements—which are after all human and disposable—with its own arrangements. No guarantees whatever exist for the maintenance of a political dogma that rests on no foundation other than a public mood, a public desire that one thing or another may be done or made possible.

Thus political judgments are evanescent. Good until the ink dries, then expungeable. Not so the more deeply anchored understandings that arise from natural law, religious witness, and the fortification that long experience brings to intelligent appraisal of enduring problems. Such as life: life and what to do about it. For politicians to pretend otherwise is—well, frankly, what we may have coming to us in an age where, more and more, we judge ideas as fresh or faded; duties as riddled with escape clauses; institutions—and humans themselves—as instrumental to ends we design for ourselves rather than acknowledge as proceeding from outside factors.

**I**t's all about us! Yes, that would likely sum it up. Political calculations weigh on us precisely because politics provides the means of changing that which we come to resent, or which we find old-hat and useless.

Yet the politicians themselves have to feel their way along with great care: In a land lacking landmarks you never know when a trap or a quicksand pit lies just ahead. Would that be the way of it, Mrs. Clinton? Language and policy must be framed carefully: no room for misjudgment, lest the pagan gods of public opinion turn and bite. Mrs. Clinton erred. She knows it. She used language she hoped fit the case; it didn't, as she quickly learned. Trump, too, erred. He spoke of punishments. For what offense? Maybe there's no offense to talk about. Maybe, under existing arrangements, political power, as opposed to any innate sense of right and wrong, is all we have to reckon with.

We approach, with heavy tread and snapping of underbrush, the moment when power does in fact rule; when majorities can be assembled on any occasion to grind down the moral protests of minorities, never mind the grounds on which those protests are framed. The men and the women with the votes come to outrank, hence to dominate, those without the votes, and thus to enjoy the capacity of remaking the world in their own image, in accordance with their own instincts and wishes. The ability of raw power to stifle or extinguish dissent may not ever be underrated.

WILLIAM MURCHISON

In which respect the 2016 presidential campaign plays an informative part in our affairs. We see how things actually work out when power speaks, shoving formerly well-understood moral propositions to the ground. We don't have to like what we see. We shouldn't, in fact. We should watch in fascinated horror as if a tornado were headed our way; or worse, surrounded us now, raw, relentless power dismantling concepts we once took as safe and durable. But which aren't. Clearly.



*“We should do this again, sometime, except with different people.”*

# Pope Francis and His Pro-Life Critics

*Christopher White*

Perhaps the doubts about Pope Francis’s pro-life credentials began in September 2013, when he gave the now-infamous interview with the Rome-based Jesuit journal *La Civiltà Cattolica* less than six months after being elected Pope. In a wide-ranging conversation published concurrently by numerous Jesuit publications throughout the world, Pope Francis remarked:

We cannot insist only on issues related to abortion, gay marriage and the use of contraceptive methods. This is not possible. I have not spoken much about these things, and I was reprimanded for that. But when we speak about these issues, we have to talk about them in a context. The teaching of the church, for that matter, is clear and I am a son of the church, but it is not necessary to talk about these issues all the time.<sup>1</sup>

If this wasn’t the starting point, it was undoubtedly a flashpoint for some pro-life activists, both Catholic and non-Catholic alike, who began to view the pontiff’s pro-life commitments with a certain skepticism. By September 2015—when the Pope did not utter the word “abortion” in his address to the United States Congress—some had become convinced that he lacked the conviction of his predecessors and the pro-life faithful who had been fighting the good fight for the last fifty years.

These complaints continue to linger. Consider the following headlines: “Pope skirts abortion in speech to Congress,”<sup>2</sup> “Pro-life and Catholic leaders voice grave concern over Pope’s contraception remarks,”<sup>3</sup> or even “Why so many people think Pope Francis is the antichrist.”<sup>4</sup> So, too, go the conversations—often heated—at professional gatherings, academic conferences and cocktail hours, and in the comment boxes of online news outlets. A certain disgruntled pro-life contingent continues to promote the false narrative that Pope Francis is weak on pro-life issues.

## **Anatomy of a Falsehood**

It’s time to contest these ill-conceived and counterproductive notions. Three years into his papacy, Francis has in fact reinvigorated what it means to be pro-life, offering a renewed approach that is converting hearts and minds to the pro-life cause and exemplifying a new strategy for moral articulation in the 21st century.

It’s important to understand why and how some have come to question just what it is that Pope Francis is up to with his papacy and thus why some

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are wary when he speaks, or doesn't, about abortion. Simply put, he's made a lot of people uncomfortable—and not just when it comes to this single issue. For those on the right, Francis has pushed the issue of climate change, repeatedly issued strong challenges to our current economic structure and highlighted its deleterious effects on the poor, and championed immigration as a pressing moral issue. On the left, Francis's unwillingness to rebuff the Church's long-held teachings on divorce, contraception, or women's ordination has agitated those who long believed they were merely one pope away from a modernized Church.

And of course, for almost fifty years, prelates and laity alike have been galvanized by the abortion debate; upon hearing statements that it is “not necessary to talk about these issues all the time,” some feared the worst. Such anxiety, however, seems to be a largely American problem. While most African, Latin American, Asian, and European countries benefit from either anti-abortion laws or tighter regulation, America's unrestricted abortion policies matched with American optimism regarding the potential to overturn *Roe v. Wade* have elevated abortion to a cultural, religious, and political totem. Given that the Catholic Church has been the largest force of opposition to abortion in the United States, any concerns that its leader might be calling a truce on the fight rattled its weary warriors. A closer examination reveals that he is merely calling for a change in our tactics.

### **Reframing the Conversation**

Speaking to the Catholic Bishops of the United States at St. Matthew's Cathedral in Washington, D.C., the day before his address to Congress, Pope Francis stated, “I appreciate the unfailing commitment of the Church in America to the cause of life and that of the family, which is the primary reason for my present visit.” Then he continued:

I encourage you, then, to confront the challenging issues of our time. Ever present within each of them is life as gift and responsibility. The future freedom and dignity of our societies depends on how we will face these challenges. The innocent victim of abortion, the children who die of hunger or from bombings, the immigrants who drown in search for a better tomorrow, the elderly or the sick who are considered a burden, the victims of terrorism, wars, violence, and drug trafficking, the environment devastated by man's predatory relationship with nature—at stake in all of this is the gift of God, of which we are noble stewards but not masters.<sup>5</sup>

Some who were monitoring the visit closely—expecting to hear remarks exclusively focused on climate change or capitalism—were stunned. But they shouldn't have been. In May 2015 when Francis released his much-anticipated encyclical *Laudato Si: On the Care of Our Common Home*, most commentators reduced it to his reflections on the environment. Something



much deeper was afoot. Francis was—and is—challenging us to consider how we think of creation as a whole, including but not limited to its nascent forms of being.

Writing in *Laudato Si*, he observes:

Since everything is interrelated, concern for the protection of nature is also incompatible with the justification of abortion. How can we genuinely teach the importance of concern for other vulnerable beings, however troublesome or inconvenient they may be, if we fail to protect a human embryo, even when its presence is uncomfortable and creates difficulties? If personal and social sensitivity towards the acceptance of the new life is lost, then other forms of acceptance that are valuable for society also wither away.<sup>6</sup>

Here, Francis is in continuity with his predecessor, Pope Benedict XVI, who in his encyclical *Caritas in Veritate* declared:

If there is a lack of respect for the right to life and to a natural death, if human conception, gestation and birth are made artificial, if human embryos are sacrificed to research, the conscience of society ends up losing the concept of human ecology and, along with it, that of environmental ecology. It is contradictory to insist that future generations respect the natural environment when our educational systems and laws do not help them to respect themselves.<sup>7</sup>

Over the past decade there's been no shortage of politicians, superstars, activists, and everyday citizens that have made climate change their *cause célèbre*. By validating and sharing in these concerns, however, Francis challenges this same constituency to understand that a consistent interest in protecting our ecosystem must embrace the protection of human life in its embryonic stages of development. His is a philosophy of integral ecology, as outlined in *Laudato Si*, where he calls on us to cooperate with God's design in our relationship with the natural world and with one another. When we get these intertwined relationships right, we also grow closer to God, and we come to understand that our individual decisions have social consequences. Francis explicitly appeals to the moral intuitions shared by those concerned about environmental degradation and links them to concern for all living creatures.

This approach is making inroads in unlikely places. Upon the release of *Laudato Si*, for instance, Lisa Miller took to the pages of *New York* magazine (hardly a pro-papal publication!) to dissect the ways in which “Pope Francis Is Reclaiming the Meaning of ‘Pro-Life.’”<sup>8</sup> For Miller, Francis's approach appeals far beyond the religious masses that already oppose abortion and identify as pro-life. As is the case with another theme of his papacy—the “culture of encounter”—Francis is interested in pursuing new ways to reach those who might have second thoughts about just what abortion culture has wrought.

It's in this sense that Francis is, as papal biographer Austen Ivereigh has

termed it, “the Great Reframer.”<sup>9</sup> Soon after being elected pope, Francis called for Catholics to engage in “a creative apologetics which would encourage greater openness to the Gospel on the part of all.”<sup>10</sup> This is precisely his method with abortion: Francis is reframing the way much of the world has come to view the issue of abortion. For years, the language in which those inside and outside of the Catholic Church have talked about abortion has been centered around the debate over a woman’s right to choose. Such rhetoric too often pits the woman against the child she is carrying to term.

Francis is inviting the Church and the world to act in a way that recognizes the intrinsic dignity of both parties and speaks on behalf of the defenseless unborn. In fact, among prominent world leaders he is probably the one who has spoken most sensitively about women facing unplanned pregnancies and the need for all of us to do what we can to accompany them in their situations. He’s gone so far as to offer to baptize their children, even cold-calling one such woman to remind her of this offer. It’s because he recognizes in his words and actions the intrinsic dignity of these mothers as well as their babies that Francis’s rejection of our “throwaway culture” has been so effective.

Pope Francis has also applied to the pro-life context a moral drawn by those who lament a culture that dismisses the unemployed, the undocumented, and the disabled. In a 2013 speech to the International Federation of Catholic Medical Associations, Pope Francis critiqued “a widespread utilitarian mentality, the ‘culture of waste,’ that now enslaves the hearts and minds of many, [and] has a very high cost that requires the elimination of human beings, especially if they are physically or socially weaker.” He then gave the commission the following charge:

You are called to take care of human life in its initial phase, reminding everyone, with facts and words, that this is always, in all its phases and at any age, sacred and always of quality. And not as a matter of faith—no, no—but of reason and science! There is no human life more sacred than another, just as no human life is qualitatively more significant than another. The credibility of a health care system is measured not only in efficiency, but above all in the attention and love towards people, whose lives are always sacred and inviolable.<sup>11</sup>

Lest his critics have any doubt that Francis reserves such strong statements only for closed-door addresses to Catholics, consider his words to diplomats in Rome during a January 2014 meeting when he condemned a culture of waste—and directly tied it to abortion:

Unfortunately, what is thrown away is not only food and dispensable objects, but often human beings themselves, who are discarded as “unnecessary.” For example, it is frightful even to think there are children, victims of abortion, who will never see the light of day.<sup>12</sup>

Or his words to the international press corps en route back to Rome after his February 2016 visit to Mexico. “Abortion is not the lesser of two evils,” he stated. “It is a crime. It is to throw someone out in order to save another. That’s what the Mafia does. It is a crime, an absolute evil.”<sup>13</sup> And in his most recent apostolic exhortation, *Amoris Laetitia*—a document devoted to marriage and the family—he condemned abortion and asked the world to “pause to think of the great value of that embryo from the moment of conception. We need to see it with the eyes of God, who always looks beyond mere appearances.”<sup>14</sup>

These are not the words of someone ambivalent about abortion, but someone who identifies it as a pressing moral issue and one of the greatest tragedies confronting the world today.

### **Renewing Our Efforts**

On December 8, 2015, Francis inaugurated a Jubilee Year of Mercy for Catholics worldwide. During this year, Catholics are called to undergo deep consideration of the practice of mercy. In marking the occasion, Francis noted that

This will be a year in which we grow ever more convinced of God’s mercy. How much wrong we do to God and his grace when we speak of sins being punished by his judgment before we speak of their being forgiven by his mercy! But that is the truth. We have to put mercy before judgment, and in any event God’s judgment will always be in the light of his mercy.<sup>15</sup>

During the Year of Mercy, Francis has given all priests the power to forgive the sin of abortion. While some critics were quick to pounce on this as an effort by Francis to trivialize abortion, nothing could be further from the truth. Indeed, for Francis, it is precisely because abortion is such a serious matter that the need for mercy is so great. By offering the balm of forgiveness to all who have been affected by this tragedy, Francis hopes to reawaken the world to the damage that is done when even one innocent life has been destroyed.

And this is exactly Francis’s grand strategy. He realizes that political victories related to abortion, important as they may be, are never a long-term win for the cause of life. For Francis, like his predecessors St. John Paul II and Benedict XVI, culture is upstream from politics, and that is where we must engage in the changing of hearts and minds when it comes to abortion. A renewed paradigm of mercy is what begins to soften hearts and reengage even the staunchest abortion activists to see that when Catholics say no to abortion, we do so in hopes of offering a greater yes to a consistent ethic of life that affirms that all life, at all times, is valuable. And the right to life for

the unborn child, as Francis has evidenced in the strongest terms, remains the fundamental starting point for securing any other human rights one hopes to promote.

Let's return for a moment to that speech to the United States Congress. While Pope Francis didn't utter the word abortion, here's what he did say:

Let us remember the Golden Rule: "Do unto others as you would have them do unto you." This Rule points us in a clear direction. Let us treat others with the same passion and compassion with which we want to be treated. Let us seek for others the same possibilities which we seek for ourselves. Let us help others to grow, as we would like to be helped ourselves. In a word, if we want security, let us give security; if we want life, let us give life . . . . The Golden Rule also reminds us of our responsibility to protect and defend human life at every stage of its development. This conviction has led me, from the beginning of my ministry, to advocate at different levels for the global abolition of the death penalty. I am convinced that this way is the best, since every life is sacred, every human person is endowed with an inalienable dignity, and society can only benefit from the rehabilitation of those convicted of crimes.<sup>16</sup>

Instead of using his time on the dais to lecture politicians about the moral failures of a government that does not protect unborn children, Francis offered them something to aspire to. He reminded them—and us—of the principles that have guided this country since its founding, and he asked us to consider how we're measuring up. In challenging us to reflect on the morality of the death penalty, Francis is asking us to consider much more than just one stand-alone issue.

It has often been said that one of the most important tools of persuasion is to allow your audience to draw their own conclusions from a debate or lecture. There's a certain amount of trust one has to place in the audience's ability to reason and form their own opinions—but if they come to the right conclusions on their own, the victory is yours and the effects are likely to endure. In recalling to us our nation's greatest ideals, beginning first and foremost with the commitment to protection of life, Francis allows us to draw our own conclusions about how we've fared. And what we see in the mirror he holds up to us is a nation where nearly 60 million of our fellow brothers and sisters have not benefited from that supposed right to life.

So where does that leave us? For starters, it calls all who care about the cause of life to work together not only to shore up legal protections for the unborn, but also to ensure that mothers will receive the support they need once their children are born. This doesn't require changing the long-held Catholic teaching that abortion is a fundamental issue, but it does ask that we offer an extended, integrative narrative of a world in which we pledge to promote life at all stages and find new, creative ways of doing so. It requires rejecting the tired path of pro-life partisanship and providing room in both

major parties for those who believe that all human life deserves protection. Only under these conditions will there be space for the brave witnesses of folks like Democratic New York State Senator Rubén Díaz, who has vigorously fought off attempts to expand abortion access, much to the dismay of his colleagues.

It's the banner of a whole-life strategy and thinking that led to the efforts of Democrats for Life to champion a bill in the U.S. Congress that would ban abortion after twenty weeks and also provide greater assistance to pregnant women. It's also why the 2016 March for Life—a yearly event at which multitudes of Americans rally in Washington, D.C., to protest abortion and defend life—selected “Pro Life and Pro Woman Go Hand-in-Hand” as its theme and the phrase “Choose Both” as its tagline.

And it's a clarion call for all those who claim to care about the environment to also care about human beings in the earliest forms of development too, lest such environmental commitments be deemed hypocritical. Perhaps it's the reason that a priest in my notoriously liberal parish on Manhattan's Upper West Side decided to use his Sunday homily to encourage his fellow Democrats to speak out not only about gun control but about abortion too. In sum, Francis is calling on us all to recognize that the duty to protect life begins with protecting human life in the womb but then extends to all human beings in need and also to the environment of the planet we inhabit (and any others we may someday journey to). To accomplish such a large task, we will need to build bridges of moral cooperation.

G. K. Chesterton once wrote that each generation is converted by the saint that contradicts it most. Following Francis's trip to the United States, polling commissioned by the Knights of Columbus revealed an increase in six percentage points (to 62 percent) among the general American population in support for the pro-life movement, and an astonishing jump to 81 percent among practicing Catholics.<sup>17</sup>

By Chesterton's standard, through Pope Francis's missionary work of mercy, he may well one day be remembered by Catholics and non-Catholics alike as one of our greatest pro-life popes. In a world marred by violence, anger, and judgment, Francis is inviting us to recover something sacred, something worth protecting, something valuable. He does so with a message of mercy that encourages us to truly see what's at stake, love more deeply, and convert. It's an approach that allows Francis to reach a new audience and enables us to reach even the most jaded hearts in the most unlikely of places. His pro-life critics should be the first to recognize this and to heed his example.

## NOTES

1. Antonio Spadaro, S.J., "A Big Heart Open to God." *America: The National Catholic Review*. 30 September 2013. <http://americamagazine.org/pope-interview>
2. J.C. Derrick, "Pope skirts abortion in speech to Congress." *World Magazine*. 24 September 2013. [http://www.worldmag.com/2015/09/pope\\_leaves\\_abortion\\_out\\_of\\_speech\\_to\\_congress](http://www.worldmag.com/2015/09/pope_leaves_abortion_out_of_speech_to_congress)
3. John-Henry Westen, "Pro-life and Catholic leaders voice grave concern over Pope's contraception remarks." *Life Site News*. 23 February 2016. <https://www.lifesitenews.com/news/pro-life-and-catholic-leaders-voice-grave-concern-over-popes-contraception>
4. Jennifer LeClaire, "Why so many people think Pope Francis is the antichrist." *Charisma*. 29 July 2015. <http://www.charismanews.com/opinion/watchman-on-the-wall/50752-why-so-many-people-think-pope-francis-is-the-antichrist>
5. "Meeting with the Bishops of the United States of America." 23 September 2015. [https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco\\_20150923\\_usa-vescovi.html](https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150923_usa-vescovi.html)
6. Pope Francis, *Laudato Si: On Care for Our Common Home*. 24 May 2015. [http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html)
7. Pope Benedict XVI, *Caritas in Veritate*. 29 June 2009. [http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20090629\\_caritas-in-veritate.html](http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html)
8. Lisa Miller, "Pope Francis Is Reclaiming the Meaning of 'Pro-Life.'" *New York*, 19 June 2015. <http://nymag.com/daily/intelligencer/2015/06/how-the-pope-is-reclaiming-pro-life.html#>
9. Austen Ivereigh and Kathryn Jean Lopez, *How to Defend the Faith without Raising Your Voice*, Our Sunday Visitor, 2015.
10. Pope Francis, *Evangelii Gaudium*, 24 November 2013. [http://w2.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html)
11. Edward Pentin, "Pope's Strong Words in Defense of the Unborn." *National Catholic Register*, 20 September 2013. <http://m.ncregister.com/blog/edward-pentin/popes-strong-words-in-defense-of-the-unborn#.VvrlcITBUQ>
12. Pope Francis, "Address to Members of the Diplomatic Corps." 13 January 2014. [http://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco\\_20140113\\_corpo-diplomatico.html](http://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco_20140113_corpo-diplomatico.html)
13. CNA/EWTN News, "Pope Francis: Abortion Is a 'Crime' and Never the Solution to Zika Virus." *National Catholic Register*, 18 February 2016. <http://www.ncregister.com/daily-news/pope-francis-abortion-is-a-crime-and-never-the-solution-to-zika-virus/#ixzz44KIzkPlkm>
14. Pope Francis, *Amoris Laetitia*. 19 March 2016. [https://w2.vatican.va/content/dam/francesco/pdf/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20160319\\_amoris-laetitia\\_en.pdf](https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf)
15. "Full text: Pope's homily inaugurating Year of Mercy." *Catholic Herald*, 8 December 2015. <http://www.catholicherald.co.uk/news/2015/12/08/full-text-popes-homily-inaugurating-year-of-mercy/>
16. Pope Francis, "Visit to the Joint Session of the United States Congress." 24 September 2015. [https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco\\_20150924\\_usa-us-congress.html](https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150924_usa-us-congress.html)
17. Gary Nguyen, "Pro-Life Support Quickly Increased After Pope Francis Visit," *World Religion News*. 23 October 2015. <http://www.worldreligionnews.com/?p=19861>



# Turning the World Around

Donald DeMarco

“Give me a lever long enough and a place to stand and I shall move the world.” Archimedes’ bold request was never granted because no one could find either a lever long enough or a place for him to stand. He could never put his theory into practice. And just as well, for dislodging Planet Earth from its fixed orbit would have proved catastrophic. But times have changed!

The idea of moving the world fascinated me when I was very young and enjoyed listening to football games on the radio. The broadcaster, in an attempt to bring the listener visually closer to the game, would say, “Notre Dame will be moving the football from right to left on your radio dial.” This did not enhance my identification with the game, however, but ushered in the fantastical thought of how I could move the world by simply moving my radio. If I turned it 180 degrees in either direction I would then cause Notre Dame, as well as the rest of the world, to be moving from left to right. It was a dizzying idea. My radio became my lever; my place to stand was on the floor next to my magical receiving set. What amazes me today is that broadcasters still indulge in this amusing and innocent fantasy.

I do know that in turning my radio around the only thing I affect is the radio and certainly not the world. But there is something that does turn the world, only not in the way old Archimedes had envisioned. The “world” in this instance is not the physical but the moral realm. And that “something” is abortion.

Back in 1973, at the time of *Roe v. Wade*, many naively believed that abortion was an event limited to the horizon of the woman and her private decision. The Blackmun Court agreed. Abortion, according to an unusual reading of the United States Constitution, was presumed to be a private matter, a “penumbra” of the “right to privacy” discovered by the Court in its 1965 *Griswold v. Connecticut* ruling, which legalized contraception. It soon became abundantly clear, however, that abortion was not restricted to the sphere of a woman’s private choice. The question, nonetheless, remained concerning whether the father of the unborn child had a right to veto his wife’s decision to abort. Three years after *Roe*, *Planned Parenthood v. Danforth* answered

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the question in the negative. The father has no such right. According to the Supreme Court, the State has “no constitutional authority to *give* the spouse unilaterally the ability to prohibit the wife from terminating her pregnancy when the State itself lacks that right.” The abortion circle widened to include the father.

Attorney John C. Danforth thought he could save marriage from the sweep of abortion. In that same decision that bears his name, he argued courageously, but not successfully, that “marriage is an institution, the nature of which places limitations on the absolute individualism of its members.” The Court ruled, however, that despite the fact that “joint consent” was required for a husband to get a vasectomy or a wife to procure a tubal ligation, or even for the married couple to dispose of property they co-owned, there would be no “joint consent” required for abortion, nor respect for fatherhood or marriage. The abortion tide was moving swiftly and claiming much along its path of destruction.

Abortion separated the mother from her unborn child. But this separation was merely a prelude to a series of additional separations that would shatter the family into a collection of isolated fragments. The father was separated from his child and thereby separated from his wife. Marital unity was compromised. If there were siblings, they too would be separated from their brothers or sisters. Grandparents would be separated from their unborn grandchildren. The extended family would lose its honor and its integrity. Abortion cut through the family and weakened the contribution the family would make to society.

Beyond marriage and the family, abortion would make significant inroads into the spheres of medicine, law, education, and politics. The institutionalization of abortion required compliance and cooperation from these institutions as well as from religious ones where the reluctance to “impose” against abortion would become a trend even among the God-fearing. Abortion became entrenched in the establishment. Those who protested came to be regarded as “racketeers,”<sup>1</sup> and even “terrorists.”<sup>2</sup> They were silenced in universities, ridiculed by the media, and excluded from certain political parties. Abortion, hardly a “private matter,” became the Archimedean lever on a moral level that moved the world.

Another ancient Greek philosopher, Aristotle, had a different slant on how to move the world. He contended that love is the lever. He reasoned that everything aspires to its own perfection because everything aspires to the condition of God. Aristotle’s God is the great magnet that draws everything to itself as the Prime Mover. All things that move do so because they love what is supremely lovable. And because they love what is supremely lovable,

they aspire to their own highest end. Therefore, love makes the world go around. This notion of “aspiration” truly captures the spirit of the Ancient Greek philosophers, especially that of Socrates, Plato, and Aristotle. This trio of gifted thinkers would have abhorred the political correctness that has now replaced the pursuit of wisdom, for PC is the great leveler, making every moral choice appear to be of equal value. By the same token, political correctness makes any moral determination seem to be unjustifiable. As G.K. Chesterton caustically remarked, “Let us not decide what is good, but let it be considered good not to decide it.” The hierarchy of values is replaced by a flat moral universe. Allan Bloom, author of *The Closing of the American Mind*, lamented that “Fathers and mothers have lost the idea that the highest aspiration they might have for their children is for them to be wise . . . specialized competence and success are all that they can imagine.” According to deconstructionists, wisdom in the modern world gives way to “undecidability.”

Aristotle’s notion of love moving the world is halfway toward the Biblical notion of love. The Stagirite’s God moved everything not because he loved them but because they loved him (if we may assign gender to Aristotle’s God). The God of Scripture created the world out of love. Christian writers sing of this love. Dante speaks, in his *Divine Comedy*, of “The Love that moves the sun and the other stars” (*l’amor che move il sole e l’altre stelle*). The great Christian novelist Fyodor Dostoevsky identifies “humble charity” as the most powerful force in the universe. He was not impressed by money, sex, or political power. And if we need a secular voice to add to this notion, we can turn to the popular American novelist Stephen King, who has said: “Love is what moves the world. I’ve always thought it is the only thing which allows men and women to stand in a world where gravity always seems to want to pull them down . . . bring them low and make them crawl.” We live out our lives between two opposing forces: gravity and grace. If we do nothing, we surrender to the force of gravity and are pulled downward. Yet no one who feels the weight of the world, who feels down and depressed, finds this to be a pleasant condition. In order to follow the path of grace, we must aspire to something higher. We speak of higher education and high moral values. Cultural historians write about the high points of past civilizations. We believe that good art can inspire us to a higher level of awareness. Thus, the novelist Joseph Conrad could state: “Give me the right word and the right accent and I will move the world.” But the present culture seems to have rejected the line of grace and its concomitant aspiration to something higher.

The Italian philosopher Marcello Pera contends that the West is suffering

from acute moral paralysis. He strongly criticizes those who “see no evil and speak no evil to avoid becoming involved; who see no evil and speak no evil to avoid appearing rude; who proclaim half-truths and imply the rest, to avoid assuming responsibility.” Such is the paralyzing consequence of political correctness: a cowardly preference to deny that anything *can* be better than anything else. It is the death of aspiration. As a result, birth is not deemed better than abortion, life is not better than death, hope is not better than fear, and good is not better than evil. Moral paralysis is the condition that ensues when people submit to a form of political correctness that is, in truth, their concession to gravity.

Abortion and love contend to move the world in opposite directions: the former in the direction of dissolution, the latter, in the direction of actualizing life in its highest potential. Abortion is an act that negates all the potential aspiration that is bound up in the unborn child. It defiantly rejects the path of grace. On the other hand, as long as there is love, there is hope, for love disdains moral inertia and constantly aspires to something better. As long as that hope is alive, love will ultimately secure the victory of grace over gravity, light over darkness, life over death. Yet the battle will be long and the effort demands nothing less than sustained dedication. It falls to each of us, then, to do what we can, by choosing life, to turn the world in the right direction. Our Archimedean task is to move the world through the lever of love.

## NOTES

1. See *Religious Tolerance: Ontario Consultants on Religious Tolerance*, “Use of the RICO Act Against Pro-life Groups.” The US Federal Racketeer Influenced and Corrupt Organizations Act (RICO) of 1970 was originally written to target organized crime. It allowed the courts to attack “enterprises” that engage in a “*pattern of racketeering*.” A similar piece of legislation, The Hobbs Act of 1946, makes it a crime to take property from another with force. Both have been used by pro-choice groups to target anti-abortion organizations.”
2. Steven Ertelt, LifeNews.com, “Obama Administration Calls Pro-Lifers Terrorists Again,” July 6, 2012, Washington. “Once again, the Obama administration has called ‘terrorists’ the majority of Americans who support the pro-life view on abortion. A January 2012 Department of Homeland Security document is making the rounds on the Internet and it paints an unflattering picture of pro-life Americans.”

# Kermit Gosnell: A Grotesque Superman

Brandon McGinley

**I**n 2013, a Pennsylvania jury convicted Dr. Kermit Gosnell of three counts of first-degree murder for “snipping” the spinal cords of born-alive babies in his West Philadelphia abortion clinic. Those convictions represented only three of seven charges of infanticide brought by the prosecutor, and those charges represented only seven of the hundreds of born-alive babies killed by Gosnell in his four-decade career.

Gosnell will die in the prison where filmmaker David Altrogge interviewed him over the course of nine months. For a man whose name has become synonymous—for those who followed his story—with monstrous inhumanity, this was an opportunity to present his self-justification to a society that had, to his mind, so ungraciously abandoned him.

The resulting film, *3801 Lancaster: American Tragedy*, named for the address of the Gosnell clinic, may be the rawest glimpse of the abortion industry we have available to us—all the more so due to its scrupulous even-handedness. Altrogge’s posture towards Gosnell in his interviews is that of a man trying to understand his fellow man, not that of a man studying a monster.

This is more than good journalistic practice; it is essential for those who sincerely desire to understand not just Kermit Gosnell, but the practice of abortion generally. It behooves abortion advocates to caricature Gosnell as a freakish monster, a one-off wacko who slipped through the cracks of state regulators and of the otherwise-exemplary abortion industry. The truth of the matter—that Kermit Gosnell is, in the words of Altrogge, a “thoughtful,” “affable,” even “kind” man—is far more challenging. It might just mean that Gosnell is more an exemplar of his profession than an exception within it.

On multiple occasions in the film Gosnell asks how it could be that a doctor to whom patients voluntarily came for forty years was a “terrible person.” On one hand, this feels like casting a line for affirmation and justification. On the other hand, however, this is the crucial question. How does a person come to accept severing the spinal cords of writhing babies as part of his everyday life?

By all accounts, Kermit Gosnell is not a psychopath. He didn’t mutilate chipmunks or light fires as a boy. Journalists, family members, and other associates of Gosnell portray him as an active and well-liked community

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member. He did not become an abortionist in order to commit evil, or out of indifference toward good and evil. Rather, we have no reason to doubt his sincerity when he describes his vocation as motivated by humanitarianism.

At the same time, though, Gosnell has had from the beginning an unseemly interest in the technology of abortion. In 1972, he presided over the brutal “super coil” experiment, in which a helix-shaped razor was inserted into the uterus to initiate the expulsion of the fetus. Nine of the 15 women who participated in the televised procedure experienced serious complications, and the method was abandoned.

However, between the 1972 *Roe v. Wade* ruling and the mid-90s, when complaints about his Women’s Medical Society in West Philadelphia began to accumulate, Kermit Gosnell was a successful but unexceptional abortionist. He built his business, raised his family, and volunteered in the community.

David Altrogge, with whom I spoke for this essay, described his conversations with Gosnell as “disorienting.” While he was far from the “B-movie villain” of media portrayals, long stretches of reasonable discussion would still be punctuated by pointed and unflinching defenses of his crimes, most notably the practice of killing third-trimester infants outside the womb by “snipping” the back of their necks with surgical scissors. Perhaps strangest of all, Gosnell casually offered that he had completed his first full reading of the Bible in prison, and came away more convinced than ever of the righteousness of his actions—after all, in Genesis it is God’s “breath” that instills Adam with life, so how could a child who has yet to breathe on her own be alive?

The most revealing self-justification, though, is Gosnell’s appeal to George Bernard Shaw:

*Gosnell:* George Bernard Shaw said that practical man changes to live within his society. Impractical man has the priority of changing society to meet his own needs. Therefore, progress can only be accomplished by impractical man.

*Altrogge:* Would you describe yourself as an impractical man?

*Gosnell:* No question. [laugh] No question.

Gosnell gets the Shaw quotation wrong in three important ways. First, the distinction is not between “practical man” and “impractical man,” but “reasonable man” and “unreasonable man.” This is likely a simple slip-up by Gosnell, though we might speculate that “impractical” has a more appealing connotation to a man desperate for affirmation than “unreasonable.”

Second, and more substantially, while this idea was committed to paper by Bernard Shaw, it was in fact ascribed to his protagonist, Jack Tanner, in his 1903 play *Man and Superman*. Specifically, this paraphrase comes from



Tanner's "Maxims for Revolutionists," part of his "Revolutionist's Handbook" which Shaw placed in an appendix to the printed editions of the play. Tanner was a political radical who, not unlike Shaw, believed in the necessity of breeding a new race of "supermen" who would improve upon human nature, supplant ordinary people in the social order, and press forward to the first authentic human progress in generations.

Third, Gosnell embellishes Tanner's words in a telling way. The original maxim does not explicitly say that the "unreasonable man" has any "priority" or duty to change society "to meet his own needs." It is descriptive, not prescriptive: "The unreasonable [man] persists in trying to adapt the world to himself." In adding the pointedly prescriptive element, Gosnell's gloss on Shaw begins to sound more like Raskolnikov on geniuses: "If such a one needs, for the sake of his idea, to step even over a dead body, over blood, then within himself, in his conscience, he can . . . allow himself to step over blood."

Of course, both Shaw's Tanner (in reaction) and Dostoevsky's Raskolnikov (in anticipation) are working with the Nietzschean concept of the *übermensch*. Tanner sees the bringing-about of the superman through creative evolution (a favorite Shaw concept) as justifying the suspension of conventional morality by enlightened revolutionaries such as himself; Raskolnikov similarly argues that certain exceptional persons have the priority to transgress moral boundaries in the service of introducing to society a "new word"—an authentic progressive innovation.

On his own self-understanding, then, Kermit Gosnell transgressed a socially-constructed moral boundary in executing born-alive infants—but it was a transgression *justified* by his personal duty to bring about a better society with a better morality. He may have been a butcher, but he quite consciously (even if just in retrospect) placed his butchery within a sophisticated intellectual tradition. And it is this pop-Nietzscheism that undergirds, implicitly or explicitly, all practitioners of abortion.

Neither I nor David Altrogge believe that Kermit Gosnell explicitly thought of himself as a harbinger of the *übermensch* as he snipped the necks of babies in West Philadelphia. Gosnell says in the film that he explained to his son, who wondered if his father was the monster portrayed in the media: "I really have to do a lot of reading to feel comfortable that I . . . was on solid ground with my thoughts and my approach."

And yet pop-Nietzscheism is exactly where he settles. Whether he fully appreciated it or not at the time, the idea that conventional morality did not apply to him—that he sought a kind of gnostic greater good to which he had privileged access—was implicit in the business he had chosen. He had

decided, like Raskolnikov, that he could “step over a dead body, over blood” in the service of his vision for society.

That vision, it should be noted, was neither radical nor intrinsically inhumane. Kermit Gosnell, like many others in the American progressive tradition, simply and sincerely believed that the poor benefit, as does society as a whole, when they have a means to apply control to their fertility. Ruth Bader Ginsburg put this idea in an uncharacteristically inelegant way when she said that, at the time of *Roe*, “there was concern about . . . growth in populations that we don’t want too many of.”

Now, history teaches us that programs of “reproductive freedom” targeted at the poor quickly become, de jure or de facto, programs of anti-reproductive coercion. This certainly happened at 3801 Lancaster, where patients report Gosnell pinning them to the bed if they expressed last-minute reservations. But the original social impulse is not, in and of itself, cruel; rather, through a process of moral corrosion, it slowly begins to justify cruelty.

Kermit Gosnell didn’t begin his career by dumping shrieking babies in bins until they expired. But once he had decided that he was an “unreasonable man” who could “step over a dead body” in the service of his social vision—that is to say, when he decided not just to support abortion but to become an abortionist—the precise method of killing became only a matter of efficiency.

One might object that Gosnell and his fellow abortionists don’t embrace the full Raskolnikov vision because they don’t believe they are taking real human lives. But the truth is that no person in full possession of his faculties could possibly believe that the babies splayed out in Gosnell’s clinic were not killed. The conceit that aborted children were never meaningfully alive is a politically convenient fiction, a polite rationalization. The truth is closer to the concept developed in early 20th-century Germany and later embraced by the Nazis: *lebens unwertesleben*, or “lives unworthy of life.” The everyday advocate of abortion can maintain the political fiction rather easily; the abortionist, and especially the late-term abortionist, who must confront daily the tiny corpses he must dispose, knows the truth, whether he admits it or not.

All abortionists know, at some level, that they are transgressors. Like any transgression, killing unborn children surely gets easier with time; this is, from the Christian perspective, in the very nature of sin. Some may go into the business with a preexisting commitment to the Jack Tanner/Rodion Raskolnikov worldview—that they are entitled transgressors of social and moral norms. Others, like Gosnell, may develop that understanding over time as part of the natural process of rationalizing one’s apparent cruelty. Regardless, all abortionists are “unreasonable” men.

What distinguishes Kermit Gosnell from other abortionists, then, is not

the nature of his actions or his justification for them, but rather the extent to which his own humanity had been corroded by that work and its justification. (This corruption also manifested itself in the arrogant carelessness that got him caught, while presumably others just as callous continue to operate.) Gosnell is different in degree, not in kind, from his colleagues. If he is a monster, it is because he represents the monstrous logical conclusion of the abortionist's mindset, not a departure from it.

**J**ack Tanner's "Revolutionist's Handbook," from Shaw's *Man and Superman*, is an incredible document. It may be the closest we get to Shaw's own perspective articulated through one of his characters. In his disorienting combination of thoughtful erudition and casual inhumanity, Tanner is reminiscent of his admirer, Kermit Gosnell.

The main thrust of Tanner's manifesto is that eugenic breeding can improve not only human strength and intelligence, but human nature itself. There can be no meaningful social progress so long as we are hampered by common rubes and a weak nature: "King Demos must be bred like all other Kings." Put more bluntly: "We must eliminate the Yahoo, or his vote will wreck the commonwealth."

Only a few pages before casually announcing the extermination of the socially unfit, though, Tanner demonstrated an easy prescience with regard to the institution of marriage. Tanner (and therefore Shaw) clearly saw that contraception disentangled the "domestic" from the "conjugal" aspects of marriage, rendering the institution as traditionally understood both obsolete and unintelligible. While this statement may have seemed extravagant in its day, the intervening century has proven it beyond doubt; what are our current public disputes over marriage if not the final working-out of precisely the fact Tanner recognized?

But the disentanglement of marriage brought on by contraception would have another benefit ancillary to destroying the conjugal institution: It would permit the kind of breeding necessary to hasten the creation of the Superman. "Those degenerates . . . in whom the instinct of fertility has faded into a mere itching for pleasure . . . will weed themselves out of the race." Meanwhile,

the consequent survival of the intelligently fertile means the survival of the partizans of the Superman; for what is proposed is nothing but the replacement of the old unintelligent, inevitable, almost unconscious fertility by an intelligently controlled, conscious fertility, and the elimination of the mere voluptuary from the evolutionary process.

It would be silly to argue that Kermit Gosnell's appeal to one line from Jack Tanner entails the wholesale acceptance of his manifesto. And yet it is

striking how the most prominent examples of transgression counselled by Tanner are in the areas of marriage and reproduction. Any attempt to radically re-form society must begin with the primordial society of the conjugal pair and with the primordial act of human creation—procreation—that can only take place within such a coupling. It's no mistake that Tanner's instrumentalization of not just individual persons but the entire "ordinary" human race finds its most appalling expression—namely, the "human stud farm"—in the discussion of reproduction.

When we permit ourselves to believe that we may transgress the fundamental prohibition on using human beings as means to some other end, it will always be the unborn and the just-born who are targeted first—not just because they are inherently vulnerable, but because they *are* the future of society. To control fertility, as Tanner says, and progressives have continued to say since (using more or less tactful language), is to control the future itself. This is why "reproductive freedom" degrades so quickly into coercion; the future is too delicate to be left in the hands of the poor, the stupid, the "Yahoos."

It doesn't take much imagination to see how this crass instrumentalization begins to run downhill—how "elimination" through breeding becomes "elimination" through extermination. And in truth, while he abhorred the anti-Semitism of the Nazis, a few decades after *Man and Superman* Shaw expressed admiration for the gumption of Hitler and Mussolini and Stalin, who were "trying to get something done [by] adopting methods by which it is possible to get something done."

These words—so perfectly vague that they could justify anything—could just as easily have come from Kermit Gosnell as from George Bernard Shaw. One almost suspects that the only reason Gosnell didn't quote these words to Altroge is that he has yet to discover them—or that he has and is embarrassed by their original object.

But the fact is that it would be perfectly appropriate; all abortionists are tiny tyrants. They are the Supermen in their contrived universes, where they pridefully transgress the human conscience in the manner simultaneously most bold and most pathetic—by stepping over the blood and the dead bodies of unborn children. They couch their cruelty in humanitarianism, as all despots do, but they love humanity only in the abstract; real individual persons are not worthy of their concern.

This was G.K. Chesterton's criticism of his friend's play: that Shaw simply does not like his fellow man:

It is not seeing things as they are to imagine a demi-god of complete mental clarity and then see all men as idiots. And this is what Mr. Shaw has always secretly done.

When we really see men as they are, we do not criticise, but worship; and very rightly. For a creature with miraculous eyes and miraculous thumbs, with strange dreams in his skull and a queer tenderness in his heart for this place or that baby, is really a stupendous and splendid thing.

The abstract affection of the humanitarian cannot replace the particular care we must have for all persons. It is, in fact, quite dangerous to cultivate the former without the latter, as soon actual persons begin to look like speed bumps to the progress of the species, rather than instances of the humanity one has pledged oneself to champion.

David Altrogge told me that “nothing was clear” when talking with Kermit Gosnell. The patchwork of vague humanitarianism and personal cruelty and desperate justifications and sincere doubt formed no cohesive portrait of a man—least of all to himself. That is the ultimate irony of the logic of abortion: In dehumanizing others, abortionists dehumanize themselves. What is left of Kermit Gosnell is like an image in a warped and faded mirror—grotesque and inchoate, only barely recognizable as a man.

And yet he is a man, and will remain a man. His crimes must not obscure that essential fact for us; to the contrary, his crimes should remind us of his humanity, and of what men are capable of doing—and justifying.

Kermit Gosnell is not a monster. He is a man rendered monstrous by the practice of abortion.

# Does Science Sanction Euthanasia or Physician-Assisted Suicide?

Richard Weikart

**E**ver since the Scientific Revolution, intellectuals have been struggling to figure out the limits of science. Some, such as Isaac Newton, used math and empirical science as powerful tools to understand the natural world, but did not consider them helpful in other spheres of knowledge, such as religion, morality, or politics. Later, however, David Hume, Auguste Comte, and others would insist that empirical science and math were the only valid sources of knowledge. They and many later positivists and materialists molded a comprehensive scientific worldview that provides answers about everything, including who we humans are and how we should live.

This extension of science to all domains of life—often called scientism by critics—has profound implications for the debate over euthanasia (for a more detailed discussion of this issue, see my new book, *The Death of Humanity: And the Case for Life*). During the eighteenth-century Enlightenment, several prominent thinkers believed that their scientific outlook should replace traditional notions of religion and morality, including the Christian prohibitions on suicide. In his posthumously published essay “On Suicide,” for instance, Hume argued that suicide should be permitted because human life, in his arresting words, “is of no greater importance to the universe than that of an oyster.”<sup>1</sup> Hume failed to tell us what scientific experiment or empirical observation supported this assertion.

Though discussion about suicide began in earnest in the eighteenth century, the debate over euthanasia only surfaced in the late nineteenth century. Earlier, the word “euthanasia” had meant providing pain relief to dying patients, but by the late nineteenth century the meaning had shifted to a medical hastening of death. Many of the early proponents of this new understanding of euthanasia not only supported suicide and assisted suicide, but also favored killing people with disabilities without their consent. These early euthanasia advocates often appealed to science to justify their position.

In Germany the first serious proposal to kill people with disabilities came from Ernst Haeckel, a leading Darwinian biologist. In the 1870 edition of his

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popular book on biological evolution, *The Natural History of Creation*, he proposed killing infants with disabilities. He worried that modern medicine and humanitarianism would allow the weak and sick to survive to reproduce, thus subverting humanity's evolutionary progress. To prevent such an outcome, he suggested various eugenics proposals, including infanticide.<sup>2</sup> By 1904, Haeckel was publicly supporting the killing of disabled adults. He thought decisions on who should be killed should be left to the physicians, not the patients.<sup>3</sup>

In 1870, the same year as Haeckel's book, Samuel D. Williams wrote an essay entitled "Euthanasia" for the *Essays of the Birmingham Speculative Club*, setting off the British debate over euthanasia. Despite the journal's small circulation, Williams' essay attracted attention and provoked discussion in other British journals in the 1870s. Like Haeckel, Williams wished to replace the Judeo-Christian sanctity-of-life ethic with a secular, scientific ethic. Both men stressed euthanasia's beneficial role in the evolutionary struggle for existence. Williams pointed out that the struggle for survival in nature results in "the continuous crushing out of the weak, and the consequent maintenance of what is called 'the vigour of the race.'" Since, according to Williams, death for the sickly was not only inevitable but also beneficial to society, he argued that "Man should ensure that the weak went to the wall in the most comfortable fashion."<sup>4</sup> Williams' position was too radical for most Britons, and the medical profession of his time remained adamantly opposed to euthanasia. Only in 1901 did the first British physician publicly support assisted suicide and involuntary euthanasia for the disabled.<sup>5</sup>

However, growing secularism, combined with the increasing acceptance of Darwinism, contributed to a climate that made euthanasia more acceptable. In an 1894 essay, British philosopher F.H. Bradley claimed that Darwinian theory had superseded Christian ethics. Bradley argued forthrightly against the sacredness of human life, the inherent rights of individuals, and the equality of human beings. He stated, "But when justice (as it must be) is dethroned, and when Darwinism (as it will be) is listened to, there will be a favorable hearing for the claims of ethical surgery." By "ethical surgery" Bradley meant getting rid of those deemed unfit, since "The removal of diseased growths, of worse varieties, Darwinism insisted was obligatory."<sup>6</sup>

The debate over euthanasia did not reach the United States until the 1890s. One of the most prominent early advocates of euthanasia in America was Robert Ingersoll, a flamboyant freethinking lawyer who campaigned ardently to replace Christianity with science. In 1894 he argued that assisted suicide should be permitted for those with terminal illnesses. Six years later physician William Duncan McKim wrote in his book *Heredity and Human Progress*

that science militated against the “unreasonable dogma that *all* human life is intrinsically sacred.”<sup>7</sup>

What brought about this shift—a minority shift, but very significant nonetheless—in thinking about suicide, assisted suicide, and killing the disabled in the late nineteenth and early twentieth centuries? Ian Dowbiggin and Nick Kemp in their fine studies of the history of the euthanasia movement in the United States and Britain, respectively, both emphasize the role of secularization in general and Darwinian theory in particular in mediating this transformation. Dowbiggin states, “Trends such as eugenics, positivism, social Darwinism, and scientific naturalism had the effect of convincing a small yet articulate group in the early twentieth century that traditional ethics no longer applied to decisions about death and dying.” He concludes, “The most pivotal turning point in the early history of the euthanasia movement was the coming of Darwinism to America.”<sup>8</sup> Kemp strongly supports Dowbiggin’s position, writing, “While we should be wary of depicting Darwin as the man responsible for ushering in a secular age we should be similarly cautious of underestimating the importance of evolutionary thought in relation to the questioning of the sanctity of human life.”<sup>9</sup>

**S**cholars studying the German euthanasia debates largely agree with Dowbiggin and Kemp. One of the leading experts on the pre-World War I euthanasia debates in Germany, Hans-Walther Schmuhl, explains, “By giving up the conception of the divine image of humans under the influence of the Darwinian theory, human life became a piece of property, which—in contrast to the idea of a natural right to life—could be weighed against other pieces of property.”<sup>10</sup> Another leading scholar of the German euthanasia movement, Udo Benzenhöfer, devotes an entire chapter of his book on the history of euthanasia to tracing the impact of social Darwinism and eugenics on the budding euthanasia movement in the late nineteenth century.<sup>11</sup>

The American debate over euthanasia and infanticide erupted into public controversy in late 1915, when Chicago physician Harry Haiselden publicized the case of the Bollinger baby, who was born severely deformed. Haiselden convinced the parents not to request life-saving surgery, resulting in the baby’s death after five days. Haiselden then took his case for passive euthanasia to the American public by co-authoring and starring in *The Black Stork*, a fictionalized film version of the Bollinger case and of his belief that the defective should not be allowed to live. Initially, when the Bollinger controversy first erupted in 1915, Haiselden insisted that he supported only passive measures (such as withholding treatment), not active killing of infants. However, later he gave a lethal dose of medication to a microcephalic infant

and increasingly supported active infanticide.<sup>12</sup> Haiselden proclaimed that his support for euthanasia was simply a matter of exalting science above sentimentality. However, his view that people with disabilities were unfit and dangerous apparently dated from childhood. In his autobiography he related that as a boy he and some comrades beat up a helpless girl who had a mental disability. Not only did the adult Haiselden express no remorse for his youthful transgression, but he claimed his action was justifiable, because it was directed against “the menace in these wretched beings.”<sup>13</sup>

Haiselden’s contempt for people with disabilities was commonplace in the early eugenics movement, which was led by scientists and physicians who portrayed eugenics as scientific. Not everyone in the eugenics movement supported euthanasia (though some did), but four key ideas that permeated the eugenics movement provided fodder for the euthanasia movement:

- 1) More humans are procreated than can possibly survive;
- 2) Humans are biologically unequal and some are more valuable than others;
- 3) The human soul is entirely physical; and
- 4) Death of the so-called unfit is beneficial, because it produces evolutionary progress.

Eugenics and euthanasia proponents insisted that all four ideas were scientific rationales for killing people with disabilities.

In the first half of the twentieth century the euthanasia movement continued to gain adherents, resulting in the formation of the Voluntary Euthanasia Legalisation Society in Britain in 1935 and the Euthanasia Society of America in 1938. Most members of these two organizations were progressives with secular perspectives, such as H.G. Wells, George Bernard Shaw, Julian Huxley, and Margaret Sanger, though some were Unitarian or liberal Protestants, such as Harry Emerson Fosdick. Havelock Ellis, a prominent British physician who joined the Voluntary Euthanasia Legalisation Society, reflected a common attitude among euthanasia proponents when he asserted that the prohibition against infanticide was “one of the unfortunate results of Christianity.” He hoped to sweep away these allegedly benighted restrictions on killing the weak, since, “there is a place in humanity for murder, that is to say by killing the unfit.”<sup>14</sup> Though both the American and the British euthanasia organizations officially campaigned only for assisted suicide, many of their members also supported involuntary euthanasia for people with disabilities.

More ominously, in Germany in 1933 Hitler came to power, heading a regime that was committed to a radical, racialized version of social Darwinism.

Not only did Hitler hope to rid the world of so-called inferior races, but he was equally hostile toward Germans deemed to be biologically inferior. In a major speech in 1929, Hitler strongly implied that he supported infanticide for people with disabilities.<sup>15</sup> Many scientists and physicians—including many Americans—cheered when he passed legislation for compulsory sterilization of the “hereditarily diseased” in 1933. During the Third Reich biology instructors assured their students that this program was a scientific imperative. When Hitler authorized “mercy killing” of the disabled in 1939, which would result in the murder of about 200,000 disabled Germans by 1945, he did not have to twist the arms of German physicians. Karl Brandt, Hitler’s personal physician who was put in charge of the Nazi euthanasia operation, was a fanatical supporter of killing people with disabilities.<sup>16</sup> Other Nazi physicians zealously supported this program. The physicians and staff at Hadamar were so enthusiastic about their mass murder of those with disabilities that they threw a party celebrating the death of their ten-thousandth victim. In one especially troubling case, the psychiatrist in charge of a German asylum continued killing inmates even after being liberated by the American army.<sup>17</sup>

**F**ollowing the fall of Nazi Germany and widespread revulsion against the full gamut of its atrocities, euthanasia became a harder sell in Western societies. However, in the latter part of the twentieth century, support for various kinds of euthanasia picked up steam. Just as before, many euthanasia proponents justified their position by appealing to science. Peter Singer, one of the most influential bioethicists promoting involuntary euthanasia for people with disabilities, argues that science, especially Darwinian science, shows us that human life has no ultimate purpose, so we should “unsanctify human life” and permit euthanasia, both voluntary and involuntary. He asserts that biological life began “in a chance combination of gasses; it then evolved through random mutation and natural selection. All this just happened; it did not happen to any overall purpose.”<sup>18</sup> Singer’s colleague, James Rachels, devoted an entire book to “argue that Darwin’s theory does undermine traditional values. In particular, it undermines the traditional idea that human life has a special, unique worth.”<sup>19</sup> He thus relegated prohibitions on euthanasia to the misguided, pre-scientific past.

Many of the leading scientific materialists of our age call on science to sanction euthanasia. Agreeing with Singer and Rachels, the biologist Richard Dawkins has dismissed the pro-life position as “deeply un-evolutionary.” Dawkins not only argues that euthanasia should be permitted, but has expressed the desire that others would kill him if he is ever “past it” (whatever that means).<sup>20</sup> The materialist philosopher Daniel Dennett admits in *Darwin’s*

*Dangerous Idea* not only that Darwinian science is toxic to religion, but that it implies that there are “gradations of value in the ending of human lives.” He also implies that killing disabled infants is morally acceptable.

The notion that science should dictate our entire worldview, including our morality, has a long pedigree and remains prominent today. Euthanasia proponents still regularly call on science to justify their view of human life and human death. That is why, in order to combat the euthanasia movement, we need to stress the limits of science. First and foremost, scientism is self-defeating, since one cannot scientifically prove that empiricism is the only path to knowledge. Scientism is not scientific, but rather a philosophical assumption. Further, though science produces marvelous benefits when properly targeted at the investigation of natural laws, it has little value when misapplied to trying to determine what is moral or what is beautiful. We should celebrate the expansion of true scientific knowledge and use that knowledge to benefit our lives. However, we should firmly reject the idea that science has anything to say to us about what we should do, how we should live, or when we should die.

#### NOTES

1. David Hume, “On Suicide,” in *Life, Death and Meaning: Key Philosophical Readings on the Big Questions*, ed. David Benatar (Lanham, MD: Rowman and Littlefield Publishers, 2004), 291-92.
2. Ernst Haeckel, *Natürliche Schöpfungsgeschichte*, 2nd edition (Berlin, 1870), 152-55; quote at 155.
3. Ernst Haeckel, *Die Lebenswunder: Gemeinverständliche Studien über Biologische Philosophie* (Stuttgart, 1904), 135-36. For further discussion of Haeckel’s position on euthanasia, see Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (New York: Palgrave Macmillan, 2004), 146-48.
4. N. D. A. Kemp, ‘*Merciful Release*’: *The History of the British Euthanasia Movement* (Manchester: Manchester University Press, 2002), 11-21, quotes at 20.
5. Kemp, ‘*Merciful Release*,’ 35-36.
6. F. H. Bradley, “Some Remarks on Punishment,” *International Journal of Ethics* 4 (1894): 269-84; quotes at 276, 278.
7. Ian Dowbiggin, *A Merciful End: The Euthanasia Movement in Modern America* (Oxford, 2003), 1, 10-12, 20-21.
8. Dowbiggin, *A Merciful End*, 2, 8.
9. Kemp, ‘*Merciful Release*,’ 3, quote at 19.
10. Hans Walter Schmuhl, *Rassenhygiene, Nationalsozialismus, Euthanasie: Von der Verhütung zur Vernichtung ‘lebensunwerten Lebens’ 1890-1945* (Göttingen, 1987), 18-19, quote at 106.
11. Udo Benzenhöfer, *Der gute Tod? Euthanasie und Sterbehilfe in Geschichte und Gegenwart* (Munich, 1999), ch. 4; on the connections between Darwinism and euthanasia, see also Weikart, *From Darwin to Hitler*, ch. 8.
12. Martin S. Pernick, *The Black Stork: Eugenics and the Death of “Defective” Babies in American Medicine and Motion Pictures since 1915* (New York: Oxford University Press, 1996), 3-6, 8-87.
13. Pernick, *Black Stork*, 95-98.
14. Kemp, ‘*Merciful Release*,’ 88, 109.
15. Hitler, “Appell an die deutsche Kraft”(4 August 1929), in *Hitler: Reden, Schriften, Anordnungen*,

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- 3: 348-49; for more on Hitler's position on euthanasia, see Richard Weikart, *Hitler's Ethic: The Nazi Pursuit of Evolutionary Progress* (New York: Palgrave Macmillan, 2009), 179-87.
16. Ulf Schmidt, *Karl Brandt* (London: Hambledon Continuum, 2007).
17. For more on the Nazi euthanasia program, see Michael Burleigh, *Death and Deliverance: Euthanasia in Germany, 1900-1945* (Cambridge: Cambridge University Press, 1994) and Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: University of North Carolina Press, 1995).
18. Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979), 331.
19. James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), 4.
20. Richard Dawkins, "The Word Made Flesh," *Guardian* (December 27, 2001); Dawkins also discusses these views in "Gaps in the Mind," in *The Great Ape Project: Equality beyond Humanity*, eds. Paola Cavalieri and Peter Singer (New York: St. Martin's Press, 1993), 80-87.



*"Kicking an old lady into an oven isn't going to go over so well,  
so we better say she was an evil witch, or something."*



# Letting Dad Die

*Brian Caulfield*

**D**ad's decline surprised us. He was nine weeks in hospice and we were told death was imminent, yet when he actually took a turn for the worse, our family was unready. We looked at one another as though we had never quite faced the possibility before, though we had spoken openly for weeks about funeral arrangements and burial plots.

We talked in half sentences, hoping our thoughts would remain unfinished and thus delay dad's decline, that our words and remembrances could pull him back from a downward slide: "But he looked so good just yesterday . . . He was quite lively when I saw him . . . He ate a few small pieces of chicken just this afternoon . . . Maybe he simply needs rest . . . He'll bounce back just like the other times . . ."

We were grasping for little bits of good news, telling ourselves what we knew couldn't be true as time went on—that at age 88, with cancer and congestive heart failure, our dad, who had fought so long and kept in such good spirits, could put off death indefinitely. The doctors had given him 10-14 days to live when he entered hospice, and he made it to nine weeks. Although he couldn't get out of bed, needed a catheter to urinate, and had to be cleaned each day by a dedicated hospice staff, we knew dad would gladly have opted for another nine weeks, and we would have continued to rearrange our lives to visit him as much as we could. For my mom, my two brothers and me, any time was quality time, and any life was quality life. Those were the lessons he taught us, and that's the way he lived as a husband and a father.

We knew from sad personal experience that the best of medical opinion and practice did not necessarily favor extending life. More than five years earlier, after dad had broken his femur in a fall, requiring surgery, he was marked by our favored New York hospital as one of the frail elderly whose quality of life was limited. When he was brought to the emergency room some months after his fall, with an apparent heart attack, the staff stabilized him and then stopped. I wrote about this incident in this journal at the time. The chief of the ICU came to consult with us, and this respected specialist laid out the situation in perfect dualistic terms, no doubt crafted to touch the heart of an elderly, loving wife. We could opt for "comfort care" and let

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things go their course, or we could demand “aggressive care” that would merely delay the inevitable and probably cause pain and discomfort. After forcing the doctor to admit that “comfort care” meant letting dad die, we took the “aggressive” measure of inserting a breathing tube as my dad was anointed by a priest we had called. In the ICU, dad was off the respirator in three days, back to breathing on his own, and lived five more happy, relatively pain-free years at home with my mom. He got to see his grandchildren grow, as well as his financial investments; he watched Mass twice a day on TV; voted in a few more elections, and cheered on hundreds more *Jeopardy* champions. A lot of quality time came with the added quantity. Dad always seemed to make the best of a situation with skills honed in a large Irish-Catholic, New York City family.

### **Love for Life**

Born at home on New Year’s Eve, a few minutes before the turn of the calendar to 1927, he was of the Greatest Generation. His parents came from Ireland to America on separate boats in different years, and met and married in New York. They struggled through tough times and the Depression, and the heartbreak of a son dying young in a tragic accident at home. Yet they still managed to house, feed, clothe, and Catholic-school seven children in the busy midtown immigrant neighborhood east of St. Patrick’s Cathedral. My father was the third-born child, the eldest of four boys, and many responsibilities fell to him at an early age. His father was for a while a contractor and my dad, bolstered by little more than teen enthusiasm and filial obedience, would carry the heavy toolbox to the next job. My dad’s face would show the strain years later when he’d tell the story, yet he was proud of his manly effort. At age 17, he withdrew from high school and signed up for the war, worried that the fighting would be over before he got his crack at it. On a destroyer in the Atlantic, he was a baker, mixing bread and rolls for a few hundred men. His mother, a baker of some repute, would have gladly traded places to keep her son from harm. Yet my dad came home safely, ready to resume high school as the eldest senior at St. Ann’s, respectfully called “pop” by his classmates.

At a Catholic high school dance with nearby Dominican Academy, he saw an attractive, red-headed sophomore, and nudged his buddy, saying, “That’s the girl I’m going to marry.” It happened that way in those days. My dad didn’t dance well, so he poured two glasses of punch and asked this lovely girl to sit down. Seventy years later, my mom still tells the story with the glint of youth. “He was a very good conversationalist, not showy or loud like some boys, and he listened. He was also very handsome.” She and her friend

went with dad and his friend to get a soda after the dance, and he walked her home to a building that had an awning and a doorman. She was impressed that he wasn't impressed, and intrigued that he didn't try to steal a kiss, but politely shook her hand as he asked if he could see her again. When her parents found out that "Buddy" Caulfield had been in the Navy, they demanded to meet this young man before any more dates. My mom explained, "He's always bringing me to church, and he only shakes my hand!" She was somewhat disappointed there was no more to tell, yet she knew this was the kind of man she wanted for life.

I dwell so long on their meeting and courtship because they show so much of who my father was, what he believed in and lived for. His marriage was the central part of his identity, and he cherished his wife through good times and bad. I once asked my dad what was the happiest memory of his life, and he said without hesitation, "Outside of marrying your mother, it was the birth of my three sons." The only thing that competed in his mind with family was work. During the week he bought furniture and supplies to modernize the home office of Met Life, then at 1 Madison Avenue. On Saturdays, he would go off to one of his many part-time jobs, the coolest one at a newsstand in Grand Central Terminal. He'd bring us with him often, and let us stock shelves and serve customers, and treat us to candy and soda. On the way home, he'd tell us about growing up on those very same city streets, all the people he knew, the buildings and businesses that used to be here and there, always remarking or lamenting that things never stay the same. "It'll be a great city when they finally finish building it," he would say every Saturday, shaking his head profoundly.

Looking back now, I realize that those fun days filled with so much life with my dad were also presentiments of death. His smile would fade and his eyes grow distant as he'd remember a childhood friend who lived in an apartment house that was no more, replaced by a new high-rise. Death, loss, and change touched him, and through him me, though new life, new times, and new buildings were budding all over the busy city. There were strange shadows in the streets of childhood, and when the phone sounded at an odd hour with a seemingly different ring, we knew the news wouldn't be good.

### **An Enduring Mystery**

Now past the age my father was when he taught me these things, I know there is no explaining the cold, bare fact of death. Even in the Garden, when God warned Adam not to eat a certain fruit, he simply announced the ominous fact of death, with no footnotes. "For on the day you shall eat of the fruit of the tree of the knowledge of good and evil, you will surely die!" There Adam

and Eve were, naked and unashamed, a few hours or mere days old, with no one to guide them in the ways of the world, and already God set forth the punishment of death. What did they know or think of death? How much more do we know today?

Despite medical advances, death is still a mystery. It is seen clearest through the lens of religion or poetry. The best that has been said or written about it throughout the centuries still grabs our mind and heart like the tragic news of the day. When it comes to death, we are as one with the ancients.

When Cain rises up to murder his brother Abel, we feel the fatal blow in our belly. When Sophocles writes of Antigone's grief over her brother's unburied body, we want to join her in resisting the unjust regal edict. When Hamlet asks, "To be or not to be?" the question echoes in our hearts as so familiar that we've surely said it ourselves. When Donne commands death "be not proud," we cling to the closing hope that "death, thou shalt die." In fact, much of our Western culture is built upon a Christian understanding of one particular death, which we celebrate as salutary. We know that Christ rose, and believe we will too, yet still set apart 40 days each year leading to the hush of Good Friday.

My first brush with death came with my grandfather. My mother visited him in the Bronx hospital as my brothers and I stood on the sidewalk outside, watching him wave from the window, a shadow of a skeleton saying goodbye. Someone could die on a sunny day on the top of a steep hill in a hospital in the Bronx, I remember thinking in my young mind. I unconsciously thought if I made this death very specific, to this person, place, and time, I could say it wouldn't necessarily happen to me. But then in years to come, as my grandmother died, and then an aunt, and even my high school lab partner, I began to accept what was always known: Death is as specific as the passing of this one person, yet general in its effect over time. We can avoid or put off nearly every other encounter in life, but we must come to terms with death, ready or not.

### **Death Is Not "Good"**

Yet there were my brothers and I by the bedside, tongue-tied as dad declined. In retrospect, our reaction was just right. It is one thing to be told by doctors that all medical signals point toward the end of life; it is another to actually sit by your father's bedside and look into the eyes that can barely open, hold the cold hand that can barely grasp, hear the forced breathing through a mouth that is open sideways and doesn't seem to want to close.

Death is inevitable; but the death of this particular person should never be willed, and certainly not seen as a good. We should always bear the preference

of life over death, even in hospice, even under a DNR, even if we pray God to take him quickly and painlessly. Anything else would be surrender, a soft presumption against the value of life, a negation of however many years have gone before, and an opening to euthanasia—a so-called “good death.”

Death is not good. It has never been and will never be a good, alongside other palpable goods such as health, love, compassion and . . . life. We plan for death in so many ways throughout life, accept death as inevitable, and even surrender to it when it comes as the last act of a life well-lived. Yet we should not see it as normal or fitting or in any way conformed to our human nature. It is a scar, a wound, and worse—an insatiable, devouring void, implacable in its seething greed to lay waste all that breathes before it. Christians have never prayed for a “good death,” though we may forget that in these days of legal euthanasia. We pray for a “happy death,” a “blessed death,” a death in the state of God’s grace that has the well-founded hope of eternal life in heaven.

A “good death” is the stuff of dreams that we once refused to feed our children. The old fairy tales don’t always deal in happy endings; danger and death are as real and fierce as the giant who stalks Jack, the Pied Piper who leads the children away. Be foolish or lazy or too trusting in mankind or nature and you’ll wind up in an oven or a boiling cauldron. Death may be happy because it leads by faith to something better; but the cold undoing of death itself is not good. In fact, it stinks, and any good son is right to protest over it. In this, Dylan Thomas had it backwards. The one dying may indeed be free, resigned, ready, and even content, as death descends; it is the living who are left to “rage against the dying of the light.” The light of the loved one’s life; the light of your own life, which seems more tenuous now that something of your flesh and blood has passed away.

And so it happened. Not long after eating half a turkey sandwich on Thanksgiving Day, a feast for him at the time, my father began to consume less and less. He would take a few sips of water, and sigh with exhaustion; a spoon or two of soup and motion that it was enough. Soon even these morsels became too much of an effort for him to ingest, and he turned his head in a set position away from the tray, away from the window and toward the door, as though waiting for someone long expected to arrive.

#### **“Time and Change Happeneth”**

I sat with him on his last Sunday, praying, remembering, talking, asking questions that received a slight nod or blink of an eye, when suddenly I thought of my studies in metaphysics. Substance is the underlying reality or identity of a thing, a substrate of being to which certain accidents may attach

or inhere, things such as shape, size, color, or even location. While a dog may be large or small, thin or fat, it still remains a dog through these accidental changes. While there are many examples of accidental changes, there are very few substantial changes, i.e., cases in which one thing turns into another thing. Digestion is one: A piece of beef is eaten and digested and broken apart so that there is nothing of the meat remaining. Some is assimilated into the body, some becomes waste, but nothing remains of the beef itself. Another substantial change is death. A living being turns into an inanimate body. The soul (*anima*) separates from the body, leaving a disembodied soul and a deanimated body, but nothing is left of the person who is dead.

I looked at my frail father, so thin and unable to eat, unable to physically perform the most basic duty of digestion. If he could not perform that substantial change, I thought, he would soon undergo a substantial change in himself, from living to deceased. Somehow this metaphysical insight gave me consolation and a more sober hold on the dying process. How limiting that our culture demands only emotional responses to death; to engage in such philosophy at this time may be seen as heartless or uncaring, an intellectualizing of what should be solely heartfelt emotion. Yet in our Western Christian tradition, philosophy is meant to accompany theology to give answers to life's deepest questions. In the 6th century, Boethius wrote *The Consolation of Philosophy* without a tinge of irony. Yet when it comes to death, we live today with a strange mix of emotional effusion and medical technology. We are told that our existence is simply an accident of evolution, and death is the end of a mechanical life, yet we weep amid the beeping hospital monitors, and grieve without knowing quite why.

Christians, too, have faced a paradox of death and blessedness. At the passing of his mother, Monica, Augustine wondered if the grief that welled within him showed a lack of faith. Was not his holy mother's soul in a better state with God? To his eternal credit, Augustine concluded that death is a real human loss that cannot be prayed away. He rightly wept for his mother, as Jesus did at the tomb of Lazarus.

And so did we weep when the call came. Tuesday, December 15, 2015, shortly before midnight, my brother in New York was told by the hospice nurse that our dad had died—peacefully, in his sleep, as we all had prayed he would. My brother called me from the bedside and wondered if dad's soul was still near, maybe hovering over his body as we prayed by phone. A young priest arrived to bless the body and we knew, wherever dad was at that moment, we had done all we could to effect a happy death.

As I considered the fact that dad was no longer in the flesh, it became clearer to me that no one is dead until he truly dies. There is a world of



difference between hanging on the cusp of life, as my dad had done for weeks, and actually crossing over into death. It was of the greatest importance that we could say he was never pushed and was always loved, and he had hung on for long to his one earthly life in a gracious and dignified way. May he rest in peace, and may our minds as well.



*"I like it better from here, than up close."*

## A Handful of Dust:

# Wonder, Reverence, and Fear

R.J. Snell

**O**f all questions we ask, perhaps the most abiding and fundamental is this: Why is there something rather than nothing?

While captivating to philosophers, scientists, and theologians, in an intimate way it matters to us all, whatever our discipline or work. I suspect each of us at some time has experienced the shock of recognizing that the world *is*, that existence *is*. It's hard to put into words, but you don't forget it once it's happened. I remember well an early experience, perhaps when about six or seven years old, making snow forts with my friends on the wintry prairies, in snow pants and mittens, lying back and staring into the heavens, feeling the sheer, utter, terrifying enormity of it *all*, its presence, its reality. Reality just *was*. At six I had not much to say about it, but even the Nobel prize-winning poet Czeslaw Milosz struggles to say more, writing, “. . . after so many attempts at naming the world, I am able only to repeat, harping on one string, the highest, the unique avowal beyond which no power can attain . . . repeating only: Is!” It. Is. Something, not nothing.

This experience is shared by many: the startling realization that the real offers itself to be known. Do you remember this? You know what I mean? Children know it, and it delights them. And they remember. Luigi Giussani poses a thought experiment: What would it be like to be an infant, newly born, but with the same level of awareness that you now have. “If I,” he says, “were to open my eyes for the first time in this instant, I would be over-powered by the wonder and awe of things as a ‘presence.’” Something, not nothing.

You might call this wonder, or amazement. Plato and Aristotle named it so, and rightfully, for it's a shock which moves us to understand, to know, to grasp what it all means and how it all hangs together, but it's more than simple curiosity, for we are moved in some massive and dynamic way—everything seems to be at stake.

Perhaps reverence would be more apt. In that moment where the presence of the world is manifest, we recognize that we are not its cause, nor the cause of ourselves. We may not know what the cause is, we may each give different accounts in the end, but in the experience we find ourselves halfway between

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birth and death, utterly contingent, ashes to ashes, dust from a handful of dust. Reverence acknowledges our limits, rejecting the hubris or irreverence of thinking that we are sufficient unto ourselves.

We are not sufficient unto ourselves, for we are not the answer to why there is something rather than nothing. Nothing need be, and yet here it all is. I need not be, at some point I will be no longer, and yet, I am. This is a wonder, a prompting of reverence.

And more. The experience of being, of the immensity of it all, this presence, brings our own selves sharply to focus. In the experience of this tremendous reality, we note ourselves. We find ourselves, as frightfully small, as insignificant, as grass which withers and fades away. It's something of a paradox: Experiencing the real makes us feel as though we are nothing, but at the same time brings us face to face with ourselves and our contingency. In reverence, we find not only the universe, but also ourselves. We also belong to this world of being. Not only is there something, but I am one of those things.

And so we never stop asking: Who am I? What am I? What am I for? *Who* am I for? No matter how much we explain ourselves away, reducing ourselves to brains or genes or social forces, we can never quite convince ourselves that the problem is solved, for we still worry and deliberate and obsess and love and sometimes hate ourselves as *ourselves, not as genes or brains, but selves*. We can never lose ourselves, we dwell with ourselves always. We belong to this reality.

But we belong in a strange way, for we sense ourselves to be somehow alienated, exiled. We belong and yet we yearn to belong—full belonging seems always to elude us, receding from us, tantalizing us. In the still hours of the night, or when heartbroken, or abandoned, or betrayed, we know ourselves to be alone. Loneliness torments us. How often have you feared being alone? How badly do you wish to be understood by another, to be seen as you are, and how many wounds do we each carry from not being recognized or welcomed? From being overlooked, rejected, discarded?

Ours is a broken belonging. Our awareness of our own selfhood a burden.

In the *Symposium*, Plato has Aristophanes tell a story of how Zeus, fearing the power of humans, cut each in half, leaving them radically incomplete, longing to overcome their brokenness and be reunited. As he puts it, “So ancient is the desire for one another to reunite[e] our original nature, seeking to make one of two, and to heal the state of the human.”

More poignantly even than Plato is the *Tanakh's* account of Adam's loneliness, and God's declaration that it was not good for Adam to be alone. How does this make sense given the prior text? In the story, God has created the world, bestowing the radiance of light—existence—on all things,

separating the waters, that ancient symbol of death, from the dry land, and bringing forth life from nothingness. All of which God declares, repeatedly, to be good. Then, nearing completion of his task, God elevates creation with his own breath, rendering a handful of dust into an image of the divine, a bearer of divine capability. This is good.

But despite this paradise, God judges that something is not good. It is not good for Adam to be alone, even though God and Adam converse together. Adam is with God, and that somehow is not sufficient.

Now whether you think of the Genesis story as sacred text or not, there's something powerful in the well-known tale. Adam exists, formed by God's own craft and breath, made in the divine image, and as a person, the sort of being created for its own sake, someone with dignity and agency.

But given his status as agent, Adam is oddly passive here. It is not Adam but God who notices Adam's solitude, just as it is God who parades the animals, puts Adam into a deep sleep, and makes Eve. We don't see Adam *acting* much like a person until he encounters Eve. And then, in her presence, he finally acts, does something, says something.

His words are powerful, they are the sort of words that all of us long to hear said about ourselves. "At last! Bone of my bone and flesh of my flesh." He is full of joy, he recognizes and acknowledges her *with delight*. Here, he seems to say, is a friend, a second self, another like me. I belong *with her*.

Martin Buber puts it this way: "Man wishes to be confirmed in his being. . . . Secretly and bashfully he watches for a YES which allows him to be and which can come to him only from one person to another." Don't we all long for this? Secretly and bashfully, shyly, we hope for the other to see us and respond with "ah, at last, it's you; you're here."

To take but one example, I think of myself asking another, my beloved, to have and to hold me. Secretly and bashfully, I offered; secretly and bashfully I hoped. Fearing that I would be unmade, undone, unwanted.

Of course, all too often we don't experience this YES, do we? All too often the cry of "at last" does not occur, replaced by other, harsher rejoinders. And then, we are ashamed.

In the story, recall, Adam and Eve are naked but unashamed. They stand in each other's presence without reserve or remainder. They do not hold back from the other, they do not give a false self, a persona. They are for and with each other, and without shame or bashfulness, for they are welcomed each by the other.

Now, so far I've been treating this from the perspective of the one welcomed. But the story tells us something more, namely, that Adam becomes most himself when he encounters and embraces Eve. It's not just that the one

welcomed is confirmed in her being, it's also that the one who welcomes is confirmed. We are meant to belong, we are meant to exist in communion with others, and if we reject that communion we don't merely reject the other, but also ourselves. If Adam said "no" to Eve, he would also have said "no" to himself, rejecting that which he was, and consigning himself to a life out of keeping with his proper good. He would have turned himself into something other than he was.

God seems to be testing Adam here. Putting him through some trial by which to educate Adam into his own personhood. One of the odd things about education is that no one else can really teach you anything; you always need to understand for yourself, even if the teacher helps. God knows that it's not good for Adam to be alone, but Adam doesn't know this. God knows that Adam is meant for communion, that when he welcomes another he will become fully himself, but Adam doesn't know this. God could just tell Adam, but Adam wouldn't understand, or his understanding would be abstract and alien, not personal knowing, not real knowing. So God tests Adam, who passes, and becomes himself and knows himself to be what he is.

Adam, who represents each of us, is most himself when open to others. We inhabit our own nature best when we give ourselves fully to the task of confirming and recognizing the other person. Each of us overcomes our exile, and is most at home, belonging, when we give *of* ourselves, when we give *ourselves*. Friendship is like this. Marriage is like this. Family, too. Perhaps that's not quite right, not said adequately. It isn't that friendship and marriage and family are *like* giving our welcome to the other but rather that friendship and marriage and family *are* giving ourselves in a certain way. These relationships, those that count among the aspects of our lives we cherish most, are constituted by gift and reception of gift.

Brokenness, though, is all around all; present in this room, in our homes, our friends, ourselves. Present in those overlooked or scorned; the youngest, the oldest, the weakest, the most feeble, the ill, the powerless. Each is a person, each carries within him or herself the same human nature. Each formed from a handful of dust, and each offering, as a gift to the world, his or her personhood.

Thomas Aquinas, the great medieval thinker, suggests that persons are the only things which exist for their own sake. That is, independent of their usefulness, persons are ends in themselves. Most of the things we encounter are valued for their instrumentality, their usefulness. I want money, for instance, not for its own sake but because money is an instrument to other things, a car, say, but I don't want the car for its own sake either, I want it in order to get to work, and I want to get to work in order to . . . each of these is valued for what it can do, its use, its ability to provide something else.

But not persons. Yes, it's true, there are times we value persons for what they can do, but that's not really why they are valuable. They are valuable for their own sake, and no one is more or less valuable because of what they can provide, or can do, or can have, or what they cannot provide, or do, or have. Each is their own end. Persons need not justify their existence; they are their own justification.

And more, as ends in themselves, they outweigh the value of any merely instrumental good. They outweigh the value of *all* instrumental goods put together. You are, I am, worth more than the entire universe of instruments. Which is why no person ought to be devalued when not useful, why no person ought to be treated merely as a tool, why no person ought to be discarded, however little use he or she may be.

Easy words. But we have grown accustomed to them, and often fail to heed them. We have become so accustomed to valuing those who *do* and those who *have* that it's all too easy to overlook *persons as persons*. John Paul II suggested we were in danger of forgetting that life was a "gift," thinking of it instead as *property*, subject to control and manipulation. We have become, he said, concerned with "doing," and busy ourselves with "programming, controlling and dominating."

On the one hand, refusing to acknowledge the world as gift gives us a certain power, and we've used it to extraordinary effect. Freed from a sense of limit we are unshackled as creators, and we've programmed and controlled with incredible result. We've become very strong.

On the other hand, this strength betrays a deeper weakness. We are afraid. Afraid that we are but a handful of dust. When our value is determined by what we can do or accomplish or have, our worth teeters on a razor's edge, for not only is someone else always capable of more, but we are but one tragic moment away from losing all of our havings and doings. It's fragile, all of this, and so we clutch tightly, clenching our fists in a desperate grasp. We're like children hiding a toy in our hands, fearful that another will pry them open. We are not as strong as we think, for we view others as threats or resources. Threats to batter away, or resources to clutch. But neither attitude becomes us, for neither welcomes the other, and since we do not welcome we are diminished, for we are most ourselves when we give and receive gift.

Too often, we think of life as resource or threat. But what place is there for reverence, for wonder, in such disposition? Thinking ourselves masters, we are diminished, for we are most ourselves not when we clutch and grasp but when we give and receive gift, when we give and receive life. When with wonder and reverence, life, whether our own or the life of another, is met with a joyous, welcoming cry: "At last, at last, you're here."



# I Remember Eugene

Audrey Ignatoff

**T**he years 1963 and 1964 hold significant memories for me. The promise of young John Kennedy's presidency shattered by his assassination. Martin Luther King's inspiring "I Have a Dream" speech, which ignited the Civil Rights movement. The Beatles' first trip to America, after which neither the music world nor the society at large would be the same. But most of all, after more than fifty years, I remember a young man named Eugene Badalaty, and the impact he had on my life back then—and continues to have now.

Eugene was my first boyfriend, and I loved him as one only does one's first love. We met in 1963 when I was a volunteer candy striper at the Jewish Chronic Disease Hospital in Brooklyn, New York. I was sixteen and Eugene was about to turn twenty-one.

It was the summer before my senior year, and I was anticipating fun, friends, college admission, prom, and graduation. I was a typical teenager, frolicking in a leopard-print bikini with my friends at Brooklyn's Manhattan Beach. All the kids from high school went there, toting portable radios and libations. I also enjoyed roller skating and hanging out at the local soda shop, then Jahn's Ice Cream Parlor on Flatbush Avenue. I was a carefree kid whose only worry was getting pimples. I just wanted to enjoy life and dream about future adventures. When I wasn't dreaming I was shopping for the latest fashions, trying new makeup and hairdos, and listening to rock and roll. My friends Francine and Phyllis and I danced with all the guys. In short, I wasn't very concerned with changing the world. My volunteering was an attempt to "Do what you can for your country," as President Kennedy had advised. I was very much looking forward to going back to school in the fall because I had a huge crush on my English teacher, Mr. Margolis, who was always kind and understanding. I wasn't too interested in boys my own age.

When summer began I was still relishing the fun I'd had at my birthday party six months earlier, dancing to Neil Sedaka's "Happy Birthday Sweet Sixteen." The gang from the project came, including Erwin Soules, Stanley Schuster, and Dennis Tinerino. The three of them had chipped in and bought me a large, hideous handbag covered with an ugly, old fashioned tapestry pattern. I thought it was sweet! Erwin, who was the intellectual of the group,

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was very overweight. But Stanley and Dennis were tough and macho guys. Dennis would become Mr. Universe and compete with Arnold Schwarzenegger; Stanley, a chain smoker, was often in trouble with the law. They escorted me to our friends' homes at night because the area surrounding our Brownsville project was too dangerous for a girl to be out in by herself—there were gangs of kids carrying guns and knives. I dreamed of moving to a safer, hipper neighborhood where I could date boys who were too afraid to come to the projects. Not long after I started working that summer, my family moved to East Flatbush, which was a much better neighborhood than the projects in Brownsville and only two blocks from the hospital.

**I** worked as a candy striper along with my high school friend, Elizabeth. She and I had developed a close friendship since meeting in history class our sophomore year. She was a socially awkward girl who didn't have many friends, but I thought she was funny and intelligent. I began to go out with her and invited her to attend events with my friends. We both wanted very much to go to college. But my family was poor. My father told me that if I wasn't accepted by one of the city schools, I couldn't go at all, and would have to get a job. At the time, the New York City colleges were free, except for a small tuition of \$50 per semester. My father said that if I got in, I would have to work for extra money to pay for such things as books, lunches, and carfare—and new clothes, which of course I wanted. Not only would I have to get a summer job after graduation, but I would also have to work part-time while studying. Since I was young and energetic, it didn't seem like a hardship.

I had seen Eugene as I transported patients down the hallways and did other duties at the hospital. He lived there, and usually looked sullen and serious. Most of the time he didn't say much or even nod. Then one day, near the end of the summer, he stopped to chat with Elizabeth and me. His smile was so vivacious it lit up the room, and his blue eyes sparkled. He asked if we could visit him on Labor Day weekend after our work as volunteers ended. Apparently, he had noticed me before I had become aware of him, and was waiting for an appropriate moment to approach me. I fell in love immediately with this handsome young man with broad shoulders, thick, wavy, light brown hair, and sparkling blue eyes. He was the most handsome man I've ever seen. I was blinded by love and couldn't do anything about it. My heart was pounding; I felt light-headed; my palms were sweating. There was no going back.

Elizabeth and I agreed to come by on Labor Day around two in the afternoon. It was a pleasant visit. We laughed a lot and exchanged telephone numbers and senior photos. I immediately placed Eugene's photo in my wallet. He looked so handsome in his graduation cap and gown. We all shared our

dreams and goals. Elizabeth and I wanted to become professionals, perhaps work in science. Eugene wanted to leave the hospital and have his own place. He also wanted to own a red convertible Ford Thunderbird with black seats. He would take us for the first ride! We were young at a very hopeful time in America, and with President Kennedy as our leader, anything seemed possible. Around that time, we all heard Martin Luther King's "I Have a Dream" speech, encouraging us to think about changing the world for the better, and challenging us to see people who were different as equals.

I was ecstatic about my new relationship with Gene—as I came to call him—and quickly forgot about my crush on Mr. Margolis, as well as any thought of other boys. Elizabeth and Gene became good friends and supportive of one another. Elizabeth was one of the few people who understood my intense love and devotion to this young man. My other friends didn't understand. My parents were not pleased at all, and thought I had gone mad to settle on this one boy, especially since many others were interested in me, including the captain of the football team and a young man named Harvey who drove a great-looking 1957 restored Chevrolet. He asked me out often, but although he was a nice person, there was no attraction on my part. I did go out with the football team captain a couple of times, but there was no chemistry there for me either. Gene was a typical 20-year-old—except that he was confined to a wheelchair. He had been born with a condition called spina bifida and was a resident of the hospital, where he worked as a therapy aid in the metal shop. He could not visit me at my apartment because we lived two flights up and there was no elevator.

After Labor Day weekend, I began visiting Gene about twice a week. He'd usually call on Wednesday evening and we would make plans for me to come by on Thursday after school and on Saturday or Sunday. He had to use the pay phone on the hospital floor because he didn't have a private one. It was very annoying to speak to someone on a pay phone because the operator was constantly interrupting to say more coins were needed for the call to continue. I started having my mom tell Gene that I was out so I could call him back from my home phone. That eliminated the possibility of being cut off and it saved him his hard-earned money.

Gene's birthday was on September 13. There was a party for him at the hospital. Elizabeth and I chipped in for presents and visited him that evening. I used my babysitting money so we could buy him an expensive beautiful blue sweater for the chilly days ahead. It also matched his eyes. I wore my pink dress and matching pink shoes from my sweet-sixteen party. My hair was in a beehive because that made me look taller than my 4-foot, 11-inch frame—it made me feel older and more mature too. Gene said I was the

prettiest girl he'd ever seen, and this was his best birthday ever because I was there to help him celebrate. He was turning 21, and that was a big deal. He had gotten lots of cards because he was very well liked. Later, he showed me stacks of birthday and holiday cards that he had saved over the years. He was sensitive and sentimental, and very grateful that people remembered him. And he was proud of his collection, hundreds of cards which he had categorized by year.

Sometimes Elizabeth came with me to visit Gene, sometimes I went alone. He had told Elizabeth in a telephone conversation that he wanted to ask me to go steady, but not to tell me. Of course, she did. I tried to act surprised when he asked me, and I did accept. Who else but Gene did I care for? He gave me his ID bracelet, as was the custom at the time, and also told me he was making a special necklace for me in the art shop. I couldn't wait to see it. When I would visit, it was always a thrill to see him. Somehow, the autumn leaves looked brighter than they ever had before, and fall became my favorite time of year. It still is. Now, when I see the leaves turning, I think of Gene, and the happy times we spent together. We would go outside on the grounds when the weather permitted, and stay inside when it was rainy or cold as winter approached. We were happy staring into each other's eyes, holding hands, and planning a future together, a future we hoped would get him out of the hospital. Often, we would order pizza and sodas, and think about how lucky we were to have found one another.

Gene didn't like to speak much about his past, which had been mostly spent in the hospital; he would rather focus on the present and the future—with me. As far as I could tell, Gene didn't feel sorry for himself. He had been born with a disability, so being disabled was all he knew; he was taken to the institution as a very young child, so that was the only life he knew. He was very curious, and managed by the age of seven to learn how to use complicated machines to make things. He joined a Cub Scout Troop, and earned many badges. He also participated on a wheelchair basketball team and in a bowling league, where he won many trophies for his skills and accomplishments. He had received his high school diploma in 1962, after studying very hard and completing all the necessary work. His philosophy could be summed up in one of his favorite sayings: "Y is a crooked letter." Often, he was mysterious about things, like when he would say he had a surprise in store for me. When I asked what it was, he would smile in a devilish way and say, "That's for me to know and you to find out." I enjoyed his teasing. It was practically impossible for Gene to get out and about in 1963, with no curb cuts, no ramps, and no wheelchair accessible bathrooms for the disabled. Nor did movie theatres and restaurants have seating for

wheelchair patrons. But we made the best of our time together. In those days, a person with a serious disability might as well have been a prisoner, and society his warden. The constraints of the environment conspired to make a disability more horrendous than it had to be. Gene, however, had a lot of hope for a better life, and never gave up.

**T**hat fall, on November 22nd, news suddenly came of President Kennedy having been shot and killed. I first heard it on the loudspeaker at school, then we were dismissed early. The whole country was in shock, and I was no exception. After arriving home, I immediately went to see Gene, as I craved the peaceful and reassuring feeling that being with him gave me. Gene was my love, my life, and my future. We held hands and prayed for the President and his family. We were grateful to have each other, and that no tragedies were looming in our lives at the moment. Although the country seemed to have lost its innocence, we were still optimistic about our future.

On February 17, 1964, I turned seventeen. My friends wanted me to celebrate with them and go out ice skating and then to Jahn's for ice cream sundaes. I chose to pass, and spent my birthday with Gene instead. We had cake and he presented me with special birthday flowers and a big kiss. He was wearing the blue sweater Elizabeth and I had given him, and he looked fabulous—it made his blue eyes look even brighter. This was going to be the best year ever with the man I loved at my side. Everything was possible. We could write our own script! That same month the Beatles came to America for the first time. Gene and I were thrilled to watch them on *The Ed Sullivan Show*. “I Want to Hold Your Hand” became our song, as we held hands and listened to them sing it on television. We were at our happiest then.

One Wednesday evening passed with no call from Gene. I began to worry, so I called the next day after school. The person who answered said that Gene had been ill with a cold or flu and had taken to his bed. I went to see him, armed with chicken soup and some magazines, and was shocked to learn that he shared a ward with *twenty* other men, most of whom were in very bad shape. Some were bedridden invalids who couldn't even move around. The décor was drab hospital green, and the place smelled bad. Thankfully, Gene recovered from that episode, and was back to his old self in a short time.

It was depressing, and didn't seem right that a very bright and energetic young man had to live that way. The goal became how to get him out of there for good. I began to think that perhaps we should get married and I get a job instead of going to college. After all, his good friend Vinnie was engaged to a woman he had met when she was a 15-year-old volunteer. Now she worked

as a hairdresser, and their plan was to marry and live together in an apartment—which they eventually did when Vinnie turned 26. It had worked out for them. Vinnie went on to college, and received a degree in psychology. He then became a counselor for both disabled and non-disabled people, as well as a trainer in a workshop for disabled workers. Another good friend of Gene's, John Gallon, eventually married another patient, Natalie, and they moved to an apartment in Long Branch, New Jersey. He became an insurance agent, and Natalie got work at a local community college. Gene was more important to me than anything else, and I was going to be there for him, no matter what. When President Johnson signed the Civil Rights Act in July of 1964, I wondered if disabled people would ever get equal rights too, and be able to be included in society. Certainly, this was not the case in 1964, and was considered by many back then to be an impossible task.

Eugene taught me very important lessons that have stayed with me throughout my life. When a man wants a woman, he will try very hard to win her affection, even if it means risking rejection. Also, when you love someone, you will risk everything, and even change your life around to be with that person. To me, being with Gene meant incurring my parents' disapproval, and having most of my friends think I had gone raving mad. I had given up the carefree life of a teenager in 1963 because I fell madly in love with a man in a wheelchair, and my view of the world changed greatly. The only thing that mattered to me was being with Gene, whatever the future held for us.

**I** didn't get to see Gene all week, as I was busy with midterms and visiting my favorite uncle for his birthday. It was March, 1964. When I telephoned him after I arrived home from my uncle's, someone on the floor answered and told me Gene was in the acute care division. I immediately threw on my coat and ran to the hospital, arriving in a cold sweat. I was led to his room, where he lay on a bed, attached to tubes and screaming in pain. He had experienced kidney failure. Shortly afterwards, his father arrived. I had never seen him there before. We exchanged greetings and telephone numbers. He knew that I was Gene's girlfriend. I stayed after his father left, and arrived home well after midnight. I regret not staying all night.

Not being able to sleep because I was so worried, I was up early the next morning and called the hospital. The person I talked to said she couldn't tell me anything about Gene, and said I should contact his family. I immediately ran to the hospital. His room was empty, and I was directed to the office of the doctor on call. He informed me that Gene "had expired" during the night. I almost fell down, immediately starting to shake and cry uncontrollably. How could this happen? How could a 21-year-old man suddenly be dead?



There had to be a mistake; I couldn't digest or accept it.

Gene died on March 18, 1964. After that, I dreaded the month of March, and wanted it to pass quickly. I felt guilty that I hadn't stayed all night and wondered if I could have done something proactive to save him. But I was just a 17-year-old naïve kid. I never thought he could die; he was so young and so full of life. When I arrived home from the hospital, there was a message that Gene's father had called. I immediately called him back, but could hardly speak through my tears. He wanted to tell me about the funeral arrangements. There was to be a wake at a local funeral home before the church service. I took down the information, and tried to steel myself to go through the motions even though I was a complete basket case.

When I arrived at the funeral home for the wake, Elizabeth joined me outside. Her eyes were also red from crying. We were in total disbelief and anguished. There were many people there, including relatives and friends and staff from the hospital. They all tried to comfort me, but it didn't help. Gene's good friends, Vinnie and John, were also crying in disbelief and shock. I was inconsolable, but had to get through this terrible ordeal. Suddenly, I went from being 17 to 70. Surely I would never feel young and carefree again. The pain was unbearable, and I couldn't control it. After the funeral, I returned home feeling lower than ever. I couldn't study, and I didn't care about school or going to college. My life felt like it was over; I didn't want to live without ever being able to be with Gene again, to hear him speak, to see his wonderful smile and his sparkling blue eyes.

The depression set in very deep, and there didn't seem to be any relief from it. I told myself that this was not real; it was just a trick someone was playing on me to get even for some sin I must have committed. I continued to cry every day. My grades went from A's to D's and F's. I had no interest in going to graduation or the prom, although I had several invitations from very nice boys. I had imagined taking Gene to the prom, of being the first one to invite someone in a wheelchair to such an event. We would have had such fun! When graduation time came, I had to attend because my parents insisted, though I had no enthusiasm for the occasion, especially since the line went by order of height, and I was the shortest girl in the school, meaning I would have to lead it. The festivities just made me more depressed because the most important person in my life was not there to share them with me. That summer held no allure for me either. Each day was another chore to get through, as I didn't want to be among the living anymore. I didn't want to think about college; I no longer saw any point to it.

I was able to commiserate with my friend Elizabeth, who was the only one who truly understood my intense grief and despair. In this state, I had no

interest in socializing with other friends or participating in any activities. I wandered around aimlessly, hoping to get lost, and not have to return to my everyday life, which seemed so pointless and meaningless without Gene. I began to see him appear wherever I went; it felt like I was ricocheting out of control. Gene's parents invited me for several dinners and gave me some of his things, including his basketball and bowling trophies. Somehow, I didn't feel that they were grieving as much as I was. After all, he had been much more a part of my life than theirs—he had not lived at home for many years and they didn't visit him at the hospital on a regular basis. We lost touch after a while.

About a month after Gene died, I received a call from a strange man. He said he had found my wallet in a booth at a neighborhood diner I had gone to with Elizabeth for a soda. He suggested I meet him there so he could give it back to me. The man was very tall and slender, and dressed in black. He told me he was my guardian angel, and that he'd been sent to protect and take care of me. Then he asked if I needed anything. I was very shocked to hear all this. After our meeting, whenever I came home from school he would be standing in front of my apartment building, waiting to greet me and ask how I was doing. After months of my telling him I didn't need anything, he suddenly wasn't there anymore. When I went to the address he had given me, the landlord told me he had just left in the middle of the night and gave no forwarding instructions. This was all very strange, but I guess that he meant no harm.

**T**he only thing that I needed or wanted was to have Gene back alive and well, but that was not possible. I really didn't believe that life would ever hold anything worthwhile for me again. It didn't seem fair that I was alive and Gene was not. I had only his photo, ID bracelet, and sports trophies to hold onto, along with memories that would last a lifetime. I was much too depressed to know exactly what to do, so I just cried and felt very sorry for myself—and sorry for Gene, because it had been his fate both to be born disabled and to die young.

Recently I learned something that made me wonder if these two aspects of Gene's fate could possibly have been related. The year before Gene died, unethical medical experiments were conducted on patients at the hospital where he lived. Dr. Chester M. Southam, a well-known virologist at New York's Sloan Kettering Hospital, had been studying for over a decade how cancer affected the immune system. He had travelled to Africa, where he injected live viruses such as dengue and West Nile into people already sick with cancer, to see how their bodies would respond to the introduction of

new cancer cells. He had also done experiments at the Ohio State Penitentiary, injecting healthy prisoners with cancer cells. Now he wanted to learn how patients who were already debilitated from other diseases or conditions would respond to injections of live cancer cells. In 1963 he arranged for 22 men at the Jewish Chronic Disease Hospital to participate in his study.

Dr. Emanuel Mandel, the hospital's medical director at the time, consented to the experiment, even though he knew Southam had no intention of telling the patients what he was doing to them. Informed consent laws weren't on the books back then, and the Nuremberg Code, developed after the horrific experimentation perpetrated by the Nazis, wasn't legally enforceable in the United States. Apparently, it was unknown to many doctors here and ignored by others. Still, three doctors at the hospital, all of them Jewish, refused to participate in the project and resigned, going public with revelations about what was happening at the hospital. The story made headlines and the New York State Attorney General, Louis Lefkowitz, launched an investigation.

In 2013, the journalist and author Allen M. Hornblum, who published a book that year titled *Against Their Will: The Secret History of Medical Experimentation on Children in Cold War America*, recounted the history of Southam's experiments at the Jewish Chronic Disease Hospital in a piece that appeared in the *New York Post*. The following is from his report:

The front-page headline of the New York World-Telegram on Jan. 20, 1964 shocked readers: "Charge Hospital Shot Live Cancer Cells into Patients." . . .

Doctors Avir Kagan, David Leichter and Perry Fersko were all asked to assist Southam with his research initiative. Each one refused. . . .

Pressure was placed on Kagan, as well as Leichter and Fersko to comply; they were told the research would advance science and association with the project would be good for the hospital. But the doctors stood their ground.

When I tracked down and interviewed Southam in the mid-90s, he was retired and residing on Philadelphia's affluent Main Line. He was reluctant to talk about the [Jewish Chronic Disease Hospital] case; the media firestorm it created generated painful memories.

But it could have been worse: He was never prosecuted and only received a one-year probation (a one-year suspension was stayed) from the Board of Regents of the University of the State of New York. And he was far from ostracized by his peers; Southam was elected president of the American Association for Cancer Research just a few years later. Obviously, breaching a code of medical ethics wasn't an impediment to career advancement in the the 1960s.

I have no proof that Gene was one of Southam's unwitting subjects. According to news accounts, those who were injected were mostly old, some were suffering from dementia, and others spoke only Yiddish. I don't even know if records from the time Gene was living at the hospital—which has

gone through a series of changes and is now known as the Kingsbrook Jewish Medical Center—still exist. I do know that one of the hospital's board members at the time, a lawyer named William Hyman, sued Southam and Mandel in civil court, asking for access to the medical records of their research subjects. The Appellate Division of the Supreme Court of the State of New York ruled in 1964 that Hyman didn't need to see the records because the hospital had since changed its policy, and would now require that informed consent be obtained from patients before they could participate in research studies. The records were sealed.

**I**n 1990—24 years after the signing of the Civil Rights Act prompted me to wonder when discrimination against people like Gene might be ended—President George H.W. Bush signed the Americans with Disabilities Act into law. By then I had been working for several years as an advocate, helping to craft legislation to tear down barriers that made life more challenging for the disabled than it already was, especially for people who were confined to wheelchairs. Over the last 25 years the ADA has transformed our society. Handicap-accessible bathrooms in most public places are a given. Ramps that allow access to buildings and curb cuts that make maneuvering on sidewalks easier are common. Public transportation now serves disabled members of the public along with everyone else. To this day, I still feel Gene's presence with me, that he has guided me in my life and prepared me for much of my journey. I did go to college, and graduate school, and have spent my adult life working to improve conditions for disabled people. When I go to any new place, I make it a point to inspect the bathroom for handicap accessibility. I'm thrilled when I find that it is there, and say to myself that it is Gene's work, and his legacy.

**AbortionChangesYou.com:**

## **Acknowledging Disenfranchised Grief**

*Ifeoma Anunkor*

**A**bortionChangesYou.com is a confidential space that offers anonymous sharing, tools, and resources for those seeking to address the emotional pain of their abortion or the abortion of someone close to them. When Michaelene Fredenburg launched the website in 2008, her primary aim was to communicate to men and women grieving abortion the message that they are not alone. She began by sharing with them her own journey into a healthy grieving process years after her abortion at the age of eighteen. The response was incredible—so many people had been similarly impacted by abortion. Although resources were available, because of their sense of shame and desire for secrecy, most people were not taking advantage of them. “I knew people would open up about abortion if they believed it was safe for them to do so,” she says. For this reason, the content of AbortionChangesYou.com is devoid of labels and outside the abortion debate.

Fredenburg notes that our society does not provide ways to memorialize grief from reproductive loss—hence, the need for Abortion Changes You to acknowledge and address what Fredenburg refers to as “disenfranchised grief.” No matter what position one takes on abortion, everyone should be able to agree that the American culture (like most cultures) does not acknowledge feelings of loss and bereavement from abortion. That leaves large numbers of people who have not been given permission and space to grieve. As Fredenburg puts it, “We are silent and the silence perpetuates itself.”

To address this problem, Fredenburg created Abortion Changes You as a venue for people to share their stories and the emotions they are feeling at any point after an abortion. Those stories are unique and compelling. Fredenburg recalls two recent postings: one from a woman who posted that she wrote her abortion story for submission, but then deleted it because she was too ashamed. Fredenburg hopes that woman will realize the huge step forward she took just by writing out her story. Another is from a man who recounts that after he broke up with his girlfriend, she became pregnant by someone else. Before they reconciled, she had an abortion, thinking that the pregnancy would stand in the way of renewing their relationship. Although

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**Ifeoma Anunkor** is the *Human Life Review*'s McFadden Fellow, and director of EXPECT, the *Review*'s new initiative for reaching young professionals and college students. A New York City resident and graduate of Columbia Law School, she writes on pro-life laws and culture.

she has coped well with the abortion, he has not. He feels responsible—and would have loved to raise the child as his own.

Abortion Changes You provides more than a medium for visitors to anonymously post their stories. The website also offers a “Grief and Loss Healing Model,” which lays out tasks of dealing with the difficult emotions from abortion: “build support, explore your emotions, identify and grieve your losses, recognize any unhealthy behaviors, and let go of the pain.” Fredenburg emphasizes that the model is not expected to produce instantaneous healing but acceptance of abortion grief and loss, so that people experiencing these emotions will ultimately be able to let go of their pain as they continue the process of healing beyond the website. The model is general enough to encompass all types of grief and is a “concept that is non-threatening and easy to relate to.” There is also no fixed order to the tasks.

Believing that professional counseling and therapy can be useful resources for healing, Fredenburg added to the website a “Find Help Directory,” which allows users to search for nearby resources that provide after-abortion support. So far, the list of close to 1,000 healing resources spans five continents.

Fredenburg emphasizes that she wants Abortion Changes You to be a helpful outlet for those who feel they have no one to turn to for support, or those struggling to come to terms with their abortion. In the rare instances when our society addresses abortion’s emotional effects, it usually highlights the extremes: Either the woman feels empowered by the abortion, or she is devastated by it; either she has no negative emotions about her abortion, or she has only negative emotions. Fredenburg contends that most people fall between these extremes, and therefore tend not to identify with them. Emotions are complicated, and each person’s experience is unique. She illustrates the ambiguity of the grieving process with the example of a woman walking by a park, seeing a child, and wondering “What if?” Users’ word submissions to the website support her argument. Under “explore your emotions” the feelings posted include “confused,” “relieved,” “sad,” and “forgiven.” Users can also post anonymous artwork and poetry, or they can journal. (Journal entries are not posted.)

Friends and family also benefit from the site, Fredenburg explains. Processing someone else’s abortion is “complicated when it’s someone we love. We feel like hanging on to the pain—otherwise, we are betraying that loved one. Or we don’t want [the baby] to be forgotten. By carrying the wound still, we honor that person and his or her life remains significant.”

“The vast majority visiting AbortionChangesYou.com are coming because they are hurting. Others have a story of searching for meaning, and want to memorialize their experience,” says Fredenburg. “They are mothers, fathers,



grandparents, friends, brothers, and sisters of the aborted child, and friends of the parents who chose to abort.” The site includes a page called “Healing” that allows people to post the day they decided to let go of the pain of abortion. The page is filled with thousands of people memorializing their release of the sorrow they have carried.

Over the years, the response to Abortion Changes You has been overwhelmingly positive. Pregnancy centers and other organizations have incorporated its healing model into their services, and encourage clients to post their feelings on the website. In addition, individuals occasionally post comments expressing how much the site has helped them.

Fredenburg works with diverse groups through Abortion Changes You’s training program. “As heart-wrenching as abortion stories are, it is rewarding to see people’s natural reaction during training: They sincerely ask, ‘What can I do to help?’” Such outpouring of compassion moves and encourages her. To Fredenburg’s surprise, the website has met little opposition since its inception eight years ago. What she hears most, even from people with differing opinions, is that Abortion Changes You is safe, nonjudgmental, and neutral.

Counseling firms and health centers have asked Fredenburg to co-author anonymous patient-information forms to better tabulate and understand the dimensions of reproductive loss. At first, the number of women impacted by such loss appeared small, according to patient information data. However, counselors reflected and realized that they never directly asked women about reproductive loss. For instance, after asking, “Do you have any children? If so, how many?” they now follow up with: “Have you had any additional pregnancies?”

Based on user feedback, all posted stories are now searchable, so that visitors can easily access the types of stories that relate to them. The site’s “Find Help” locator is also searchable by need—for instance, to locate remote resources or services for men.

Fredenburg has long encountered women who have had abortions and are discouraged after trying to tell someone they trust about their experience. Often, confidants want to be supportive, but lack the ability to talk with someone suffering grief and loss from an abortion. In response, Fredenburg and her team have created a website called [CreatingSafePlace.com](http://CreatingSafePlace.com), which promotes privacy, understanding, and safety. Anyone who is a helper, whether a friend, healthcare center, church, or counselor, can go to the site and order resources. In the future, [CreatingSafePlace.com](http://CreatingSafePlace.com) will also include microtraining tools.

As with any successful operation, its leader looks to future challenges.

Three main types of organizations are now asking Abortion Changes You to equip them to better help those hurting from reproductive loss. Pregnancy centers are increasingly seeking training to improve their after-abortion help services. Fredenburg and her team have prepared specialized tools for them so that when a woman decides to seek after-abortion help, such places will be ready to assist her.

Youth ministers, clergy, and pastors of faith-based groups have also called on Abortion Changes You for training, which Fredenburg finds encouraging. She observes that “Three out of ten women by the time they are 45 will have had an abortion.\* Add to the number the men involved as well as family and friends.” Churches can be one of the first places someone working with unresolved grief over abortion will approach, so it is not surprising that they are asking Fredenburg for help to better understand the healing process and assist men and women.

Fredenburg has found that there is little to no training in the mental health community for reproductive grief and loss. “Since up to one out of four pregnancies ends in miscarriage,” she notes, the potential for mental health assistance in this area is great. To help fill the gap, Abortion Changes You is now training counseling interns and licensed mental health professionals. Fredenburg hopes that more practitioners will discover the connection between mental health decline and reproductive loss.

It is inspiring to see the evolution of a site that began as one woman’s gift for communicating with men and women undergoing abortion grief. Today, Abortion Changes You is a powerful medium to extend support and empowerment to anyone suffering in some way from the grief of abortion and to those who care about them. The website describes its purpose as being a “refuge for those who wish to tell their story and begin the process of healing,” while assuring visitors that “healing doesn’t mean you have it all together. It means you’re taking purposeful steps to go through a process.” Fredenburg’s success in fulfilling that purpose is evident in the stories that pour in daily, as men and women like the following take their first step on an often long and complex road to healing: “Hi, I’ve undergone an abortion almost a year ago, and I’m still thinking of it every night. Here is my story . . .”

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\* See R. Jones and M. Kavanaugh, “Changes in Abortion Rates between 2000 and 2008 and Lifetime Incidence of Abortion,” *Obstetrics & Gynecology*, June 2011; 117: 1358-1366. The statistic has been widely accepted, most notably by the Guttmacher Institute, although some pro-life advocates question its accuracy. Jones and Kavanaugh themselves caution in the same study that “these findings are best interpreted as general patterns as opposed to precise measures” (at 1363).

## Abortion in Northern Ireland:

### **An Interview with Bernadette Smyth**

*Bernadette (“Bernie”) Smyth is president of Precious Life, the largest pro-life group in Northern Ireland (www.preciouslife.com), founded in 1997. Northern Ireland has recently been the focus of a concerted effort—on the part of abortion campaigners, judges, and some international groups—to force changes in its abortion law, which still protects the unborn. Ms. Smyth recently spoke with Dr. John Grondelski for the Human Life Review on the question of the current struggles over protection of the unborn in Northern Ireland. Dr. Grondelski is a former associate dean of the School of Theology at Seton Hall University in New Jersey.*

**HUMAN LIFE REVIEW (HLR):** Few people know that when the British Parliament passed the Abortion Act 1967, liberalizing abortion in the United Kingdom, its provisions explicitly did not extend to Northern Ireland. Why not? And what is the state of abortion law there today?

**BERNADETTE SMYTH:** There has never been any political will to introduce the Abortion Act 1967 to Northern Ireland.

Firstly, let me tell you a little bit about the politics of Northern Ireland and how we have come to where we are today.

Between 1921 and 1971, Northern Ireland had its own Parliament. When the Abortion Act 1967 was passed in Westminster, the issue of abortion was left for the Northern Ireland Parliament to decide. It never took it up.

The Northern Ireland Parliament was abolished with the return of direct rule in 1973. At that time, Westminster pledged that it would not impose any change in abortion law on the people of Northern Ireland without consultation with their elected representatives, and that any change would come about only with broad support from a cross-section of the people.

As a result of the Good Friday Agreement of 1998, a *devolved government* was established in Northern Ireland. This is the Northern Ireland Assembly, which has full legislative and executive authority for all matters that are the responsibility of its government departments, an example being criminal justice matters, which includes abortion.

The people of Northern Ireland have always made their voices heard on the subject of abortion—saying it would never occur in their name. That is why abortion is still a criminal offence here, governed by sections 58 and 59 of the Offences Against the Person Act 1861 and section 25 of the Criminal Justice Act (Northern Ireland) 1945. There is now, however, a concerted

campaign to legalize abortion in Northern Ireland in cases where an unborn child has been diagnosed with a life-limiting disability.

**HLR:** Many people outside Northern Ireland associate it with the long history of sectarian violence between Catholics and Protestants. But the pro-life/anti-life split is not along religious fault lines, is it? Can you describe how the two main religious communities in Northern Ireland view abortion, and who is really pushing for legalizing it?

**Ms. SMYTH:** The pro-life and pro-abortion divide in Northern Ireland has nothing to do with a divide between Catholics and Protestants. In fact, the people clamouring for legalized abortion are primarily liberal-minded atheists, “pro-choice feminists,” and “human rights activists” with a ferocious hostility to any person who stands by the principle that it is morally wrong to kill unborn children.

Amnesty International have found their very own “Jane Roe” and have been exploiting the case of a young woman from Northern Ireland who travelled to England for an abortion when she discovered her unborn child had been diagnosed with anencephaly in October 2013.

Since then, the campaign for legalizing abortion in cases of so-called “fatal fetal abnormality” has been gaining momentum, with the Justice Minister launching a public consultation on legalizing abortion in cases of “lethal fetal abnormality and sexual crime” in October 2014.

Most recently, the Northern Ireland Human Rights Commission, with the support of Amnesty International, sought a judicial review of the law on abortion in Northern Ireland, claiming that the illegality of abortion in cases of rape, incest, and “serious malformation of the foetus” was in breach of Articles 3, 8, and 14 of the European Convention on Human Rights.

The Catholic Church in Northern Ireland is, of course, unequivocally opposed to abortion. However, there is an urgent need for priests and bishops to be more active and to speak out more about abortion and warn their congregations of the current threat to unborn children in Northern Ireland.

To explain how the Protestant churches in Northern Ireland view abortion, it will be most helpful to draw your attention to how each denomination responded to the Justice Minister’s public consultation on abortion.

With regard to the proposal to legalize abortion in cases where an unborn child has been diagnosed with a life-limiting disability, neither the Free Presbyterian Church, the Presbyterian Church in Ireland, nor the Caleb Foundation, which is a lobby group representing the views of mainstream evangelical Christians in Northern Ireland, supported a change in the law. However, both the Church of Ireland and the Methodist Church in Ireland

(MCI) supported a change in the law in these cases.<sup>1</sup> With regard to the proposal to legalize abortion when pregnancy is the result of “sexual crime,” no Protestant denomination supported a change in the law.<sup>2</sup>

**HLR:** Ireland, Poland, and Malta are often targets of anti-life criticism because they are the only countries in the European Union with real pro-life protections in their national laws. How does the Republic of Ireland’s pro-life position help or hinder Northern Ireland’s position?

**Ms. SMYTH:** In the Republic of Ireland, Article 40.3.3 of the Irish Constitution provides that “the State acknowledges the right to life of the unborn, and with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.”

However, the law on abortion was amended in the Republic of Ireland by the Irish Government under the so-called Protection of Life During Pregnancy Act 2013. Sadly, this piece of legislation repealed sections 58 and 59 of the Offences Against the Person Act 1861 (the Act which historically protected the unborn child from the moment of conception).

The Protection of Life During Pregnancy Act 2013 now permits abortion in cases where a pregnant woman’s life is in danger from a “physical illness” or when there is a “risk of loss of life due to suicide.”

For the past year there has also been a concerted campaign by the pro-abortion lobby to repeal Article 40.3.3 of the Irish Constitution, which would effectively strip the unborn child of *any* protection in the Republic of Ireland. The pro-abortion lobby are specifically campaigning for the legalization of abortion in cases where an unborn child has been diagnosed with a life-limiting disability.

**HLR:** What does this mean for Northern Ireland?

**Ms. SMYTH:** I have always said, “there is no border in this battle to protect Ireland’s unborn children.” Since 2007, the people of Ireland, both north and south, have united in their thousands at the All-Ireland Rally for Life, which is held every year, alternating between Belfast and Dublin. When the Protection of Life During Pregnancy Bill was being debated in July 2013, a massive Rally for Life with 60,000 people from all across Ireland marched through the city of Dublin. Prior to the Act’s signing, there were also cross-border meetings between political representatives in Northern Ireland and the Republic of Ireland, where all agreed that the role of any government is to uphold the law that protects the weakest and most vulnerable in our society.

Sections 58 and 59 of the Offences Against the Person Act 1861 was an all-Ireland safeguard against abortion. Its repeal in the Republic of Ireland

has unsteadied the politicians in the north who always had confidence in the historic piece of legislation protecting unborn children on both sides of the border.

If the laws protecting unborn children are weakened or if abortion is ever legalized on one side of the border, that will have foreboding consequences for unborn children on the other side. That is why political representatives, pro-life groups, and the people in both Northern Ireland and the Republic of Ireland must continue to work together to fight back and defeat the current threats to unborn children diagnosed with life-limiting disabilities across the island of Ireland.

**HLR:** Marie Stopes advertises itself as the “first abortion clinic in the island of Ireland.” In the United States, Planned Parenthood laments the “disappearance” of abortionists, especially outside of the east and west coasts. Few physicians want to get involved in this activity, so that a number of “carpetbagger” abortionists fly around to provide their “services” at various clinics throughout America. This is why they resist being required to have admitting privileges at local hospitals, since they have no community ties. Can you tell us something about Marie Stopes? Can you also comment on “abortion-at-sea”—floating abortion-clinic boats in international waters—and how this phenomenon affects Northern Ireland?

**Ms. SMYTH:** Marie Stopes International entered Northern Ireland under a cloak of darkness. No one knew that this notorious abortion giant was coming until it was announced by the media shortly before its arrival in Belfast on October 18, 2012. Since then staff at the Marie Stopes centre have been laughing in the face of the criminal law by proclaiming on their website that they offer the abortion pill up to nine weeks of pregnancy. In fact, in a meeting before the Justice Committee of the Northern Ireland Assembly in January 2013, Marie Stopes representatives boasted that “there is nothing stopping them” from performing abortions up to birth.

In 2007 Paul Cornellisson, then Programme Director of Marie Stopes in South Africa, admitted at an abortion conference in London that Marie Stopes clinics “do illegal abortions all over the world.”<sup>3</sup> Marie Stopes does not wait for the law to change, but brazenly opens its doors in a country where abortion is against the law with the objective to soften individual consciences in preparation for a widespread push for legalization.

Precious Life has been trying all legal and political means to close Marie Stopes. But unfortunately, this has proved unsuccessful—Sinn Fein, the Alliance Party, and the Green Party voted not once but twice to keep Marie Stopes open, ignoring the voices of 35,000 people who made clear that Marie



Stopes would never be wanted or needed in Northern Ireland.

Precious Life's "Stop Marie Stopes Campaign" holds peaceful prayer vigils outside the Marie Stopes building every day it is open and our street counsellors reach out with advice, information, and support to women entering the clinic.<sup>4</sup>

While Precious Life continues in its efforts to shut Marie Stopes, Stanton Healthcare Belfast, a brand-new pregnancy care centre, has just opened to offer counselling and practical support for women faced with unplanned pregnancies in Northern Ireland.

With regard to abortion at sea: There is an organization called "Women on Waves," which sails to countries where abortion is illegal and supplies illegal abortion pills to women. A number of years ago a "Women on Waves" boat tried to dock in Belfast and Dublin, but the political representatives refused to let them, arguing that they didn't have a permit to dock, and that they were breaking the law and endangering women's lives by supplying these illegal abortion pills. Whether "Women on Waves" actually supplies abortion pills in other countries where abortion is illegal is unknown. As far as I know, there is no evidence to prove that they are doing this. I suspect that it is merely a publicity stunt.

However, we are more concerned about the website called "Women on Web," which claims to supply abortion pills to women in countries where abortion is illegal. Our concern would be that a number of women are breaking the law in Northern Ireland by taking these illicit pills.

**HLR:** Recently, a Northern Ireland judge addressed the question of abortion law. Can you tell us about that decision?

**Ms. SMYTH:** On February 2, 2015, the Northern Ireland Human Rights Commission (the Commission) was granted leave for a judicial review of Northern Ireland's abortion law. The Commission, with the support of Amnesty International, sought the legalization of abortion in cases of rape, incest and "serious malformation of the fetus," claiming that the requirement that pregnant women travel to Britain or elsewhere to "access services" in such cases was in violation of the European Convention on Human Rights, namely:

- Article 3 (prohibition of torture and degrading treatment);
- Article 8 (respect for privacy and family life), and;
- Article 14 (prohibition of discrimination).

The Commission sought a declaration of incompatibility of sections 58 and 59 of the Offences Against the Person Act 1861 with articles 3, 8, and 14

of the European Convention on Human Rights.

Precious Life was a third-party intervener on behalf of the unborn child in this landmark case.

After five months of deliberation, Mr. Justice Mark Horner ruled on November 30, 2015, that the illegality of abortion in cases of rape, incest, and when an unborn child has been diagnosed with a “fatal fetal abnormality” was in violation of a woman’s right to “private and family life” under Article 8 of the European Convention on Human Rights.

Although Precious Life welcomed Judge Horner’s acknowledgement that there is no right to abortion in international human rights law, and that he made clear that the illegality of abortion neither discriminates against the woman nor subjects her to inhumane and degrading treatment, we were appalled that he refused point-blank to recognize that every unborn child, by virtue of his or her humanity, has a God-given right to life, which no judge can ever take away.

The judge spoke coldly and cruelly about unborn children with life-limiting disabilities. In his diabolical ruling he completely stripped these little ones of their very humanity, saying that there is “no human life to protect.” He also degraded every woman who becomes pregnant from rape by calling her “merely a receptacle,” and demonized her child as “the child of a rapist.”

On December 16, 2015, Judge Horner reached his final conclusion in this case, acknowledging that to interpret sections 58 and 59 of the Offences Against the Person Act 1861 to allow for abortion in cases of rape, incest, and when the unborn child has been diagnosed with a life-limiting disability would be “a step too far.” Instead, he made a “declaration of incompatibility,” meaning that the matter of introducing new legislation would now be for the Northern Ireland Assembly to decide.

While the Northern Ireland Assembly is not obligated to act on this ruling, or to legalize abortion in the above cases, it is the responsibility of the people of Northern Ireland to pressure politicians not to bow down to this evil judgment. That is why Precious Life has launched its FIGHT BACK campaign, to ensure that all unborn children continue to be protected in Northern Ireland. We just learned in late January 2016 that the Attorney General for Northern Ireland and the Department of Justice will be appealing Judge Horner’s judgment.

**HLR:** To what degree are European “human rights” provisions being used as ways to try to force abortion on Northern Ireland?

**Ms. SMYTH:** Article 8 of the European Convention on Human Rights—a woman’s “right to private and family life”—is the human rights provision

most often used to try to force the legalization of abortion in Northern Ireland. You can see that this right is being totally abused and how it can be argued in defence of any activity, no matter how morally reprehensible.

**HLR:** The Northern Ireland Government supposedly went through a “consultation” process on abortion legalization last year. Can you describe that process and your evaluation of it?

**Ms. SMYTH:** Justice Minister David Ford’s public consultation on amending the law in Northern Ireland to allow abortion in cases of “lethal fetal abnormality and sexual crime” was launched in October 2014. On April 15, 2015, the Department of Justice published a summary of the responses.<sup>5</sup> Despite that 25,140 of the 25,320 responses to the consultation opposed any change to the law, David Ford announced that “after full and careful consideration of the evidence submitted,” he had concluded that “to change the law along the lines outlined in the consultation paper is the right thing to do,” and that he would seek the approval of the Northern Ireland Executive to legalize abortion in cases where an unborn child has been diagnosed with a life-limiting disability.

Following this announcement, Peter Robinson, the First Minister of Northern Ireland, retorted that David Ford’s proposals were “doomed” as they “did not have the support needed to pass the Assembly.” Since then, the Justice Minister’s proposals have been put on hold. But with the recent High Court ruling, the question of changing the law will now be put to the political representatives once again.

**HLR:** What do you see as the future of the protection of the unborn in Northern Ireland?

**Ms. SMYTH:** At this very moment we are facing the greatest onslaught ever seen in the history of the abortion battle in Ireland. At this urgent time there must be a public outcry from the people of Ireland, both north and south. There must also be massive prayer and vocal opposition from our church leaders. A colossal amount of work now lies ahead to ensure that our politicians continue to uphold the right to life of all unborn children.

The months and years ahead are going to be very tough, but Precious Life and the pro-life people of Northern Ireland have faith that with God on our side, we can trust in Him that good will overcome evil, and that unborn children will continue to be protected in Northern Ireland.

**HLR:** Please tell us something about the pro-life movement in Northern Ireland.

**Ms. SMYTH:** During this time when there is such a ferocious attack on unborn children in Northern Ireland, I would like to bring to your attention what Bishop Robert Barron said during his keynote speech at the World Meeting of Families conference in Philadelphia on September 23, 2015: “The gates of hell will not prevail against you” (Matthew 16:18).

Bishop Barron explained that “We’re the ones on the march. Hell has something to fear from us.” It is we who are on the march in our campaign to bring the truth to the people around us. We will never stop being a voice for the unborn child and will do everything we can do ensure that unborn children continue to be protected in law, policy and practice.

The Northern Ireland Human Rights Commission and Amnesty International would be mistaken to think that they have won this battle. The pro-life movement in Northern Ireland is united, strong, and marching forward in this battle to protect mothers and their unborn children, and with God on our side, we will have the victory.

#### NOTES

1. <https://www.dojni.gov.uk/sites/default/files/publications/doj/summary-of-responses-on-abortion-consultation-april-2015.pdf>
2. <https://www.dojni.gov.uk/sites/default/files/publications/doj/summary-of-responses-on-abortion-consultation-april-2015.pdf>
3. <http://www.youtube.com/watch?v=9Cf7Rg8zxd>
4. For more information on Maria Stopes in Northern Ireland, see following articles at Precious Life’s website: <http://www.preciouslife.com/news/231/new-womens-health-centre-stanton-healthcare-belfast-opened/>; <http://www.preciouslife.com/news/230/bernie-smyth-hopes-prolife-clinic-can-replace-marie-stopes/>; <http://www.preciouslife.com/news/229/us-congressman-chris-smith-to-talk-with-key-prolife-politicians/>
5. There were 712 individually written responses. A total of 579 of these written responses opposed change, 133 supported change. There were 65 responses from representative organizations and interested groups, 47 of which supported change, 18 against change. There were 921 letters opposing change written in support of seven lobby campaigns organized by individual churches and faith groups. There were 23,622 petition signatures opposing change. The petition, called Project Love, was organised by Every Life Counts Northern Ireland. Department of Justice, “Substantial Support for Changing Legislation on Abortion” (Department of Justice, 16 April 2015) <<http://www.dojni.gov.uk/index/media-centre/substantial-support-for-changing-legislation-on-abortion-ford.htm>>

## BOOKNOTES

### **DEFENDERS OF THE UNBORN**

Daniel K. Williams

(Oxford University Press, 2016, \$29.95, 400 pp.)

*Reviewed by George McKenna*

Daniel K. Williams, an Associate Professor of History at the University of West Georgia, has written a readable and meticulously researched study of the battles fought by the pro-life movement over the past seventy years. Despite the book's subtitle, "The Pro-Life Movement before *Roe v. Wade*," the book reaches beyond *Roe* to recount some of the more recent skirmishes in this long war.

Williams is generally sympathetic to the pro-life movement, but he writes with such scrupulous objectivity that people on either side of the struggle can read this book with profit and without annoyance.

The theme that runs through it is the remarkable adaptiveness of the pro-life movement. After suffering an unexpected defeat, pro-life leaders regroup, enter a period of self-examination, and start again with a new approach more in line with the facts on the ground. This works for a time, until another setback occurs; then the process repeats itself: A new discernment period leads to a strategic reorientation and new victories.

At the start of the abortion controversy in the 1930s, the pro-life side held the high ground. Tough anti-abortion laws, allowing for few or no exceptions, had long been in place in most of the states, and they were supported not only by the Catholic Church and its vast multitude of adherents but also by a broad social consensus. Even Margaret Sanger, founder of Planned Parenthood, claimed to oppose abortion.

Then, quite suddenly, in the mid-1960s, a widespread pro-abortion movement appeared, led by doctors, liberal clergy, and pressure groups like Planned Parenthood (despite its founder's stated opposition to abortion). Anticipating resistance, they moved cautiously at first, calling not for outright legalization but for "reform" of the existing abortion laws—allowing for exceptions in cases of rape, incest, threats to a woman's life or health, or pregnancies that might result in the birth of children with birth defects. The news media sympathized. The *New York Times* and more popular print and TV media carried heartrending stories about women forced into desperate

measures by anti-abortion laws. These public relations campaigns soon bore fruit: In 1967 Colorado and California enacted liberalized abortion laws and by 1970 so had five Southern states.

The victory of the pro-abortion forces in California was particularly galling to the pro-life movement. Catholics constituted one-third of the population and their Church's stance was vigorously advanced by the state's bishops, who by now were experienced in mobilizing voters and letter-writers. Nevertheless, in 1967 the California legislature passed and Governor Reagan signed—reluctantly, and after forcing the bill's chief proponent to modify parts of it—a bill that significantly liberalized the state's abortion laws.

In the wake of these unexpected defeats, the movement began its first period of soul-searching. How could this have happened? Emerging from their dark night of the soul, pro-life strategists concluded that their movement had failed properly to adapt itself to the changing times. The '60s was the decade of civil rights demonstrations, protests against the Vietnam War, and the rise of a new women's movement. It was time to reframe the issue, put it into the context of "human rights." Liberal Catholic pro-lifers, veterans of the peace and civil rights movements, used that theme to reach out to others, bringing more non-Catholics and liberals into the tent. There was also a conscious effort to recruit more women leaders. Women had been in the movement all along, but mainly as worker bees. Now, the male bishops who had been so prominent in the leadership of the movement willingly yielded space to qualified women spokespersons, such as Dr. Mildred Jefferson, a Protestant surgeon who had been the first black woman to graduate from Harvard Medical School.

The remodeling brought promising results even in liberal bastions like Minnesota and New York. In the former, an ecumenical and politically progressive organization used sophisticated techniques of voter mobilization and direct mailing to defeat a liberalization bill in 1971 that had previously enjoyed widespread support. Even nationally the pro-life movement seemed to be gaining strength. In the 1972 presidential election pro-life mobilization persuaded/intimidated both Nixon and McGovern to declare themselves opposed to abortion and beat back attempts by pro-abortion Democrats to put a liberalization plank in their platform.

Then, everything fell apart. On January 22, 1973, by a 7-2 majority, the Supreme Court decided in *Roe v. Wade* (and its companion case, *Doe v. Bolton*) that women had an unrestricted, constitutionally-protected right to abortion for at least the first six months of pregnancy and a slightly qualified right to it during the final three months. It undid all the work of pro-lifers during the previous eight years.

The National Right to Life Committee and the Catholic bishops chose to



fight the decision frontally by means of a Human Life Amendment (HLA) to the Constitution. The problem was getting the Democrats to back it. By this time the new feminist movement had lodged itself comfortably inside the Democratic Party, and since the late 1960s mainstream feminism was thoroughly committed to abortion-on-demand. Democrats like Senator Ted Kennedy and his brother-in-law Sargent Shriver, who had been friendly to pro-life causes, were annoyed by their insistence on a constitutional amendment abhorred by their feminist allies. They tried to mollify the pro-lifers by emphasizing their personal opposition to abortion, but the pro-lifers were having none of it. In 1975 they submitted to a Democratic Congress six different bills proposing various versions of a HLA. All of them were buried by a Democrat-led Senate committee.

**T**he climax of the fight came in 1976, a presidential election year, when the Democratic Party's platform writers, while acknowledging "the religious and ethical nature of the concerns which many Americans have on the subject of abortion," explicitly rejected the path of constitutional amendment. Jimmy Carter, the party's presidential nominee, waffled on the issue at first but in the end refused to support the HLA.

Within three years, the pro-life movement had suffered two huge defeats, one at the hands of the Supreme Court, the other by the party that had been the loyal friend of the Catholic Church in America since the Jacksonian era. This double-whammy set off a new round of introspection, culminating in a radical course correction. They had trusted their cause too much to the Democratic Party and had been flatly turned down. Despite some dissension in their ranks—almost all the pro-life leaders were cradle Democrats, and many were liberals—they decided that their best hope lay with the Republicans. One major Republican politician pulling them in that direction was Ronald Reagan.

Despite his earlier mixed feelings on abortion, when it came to drafting the Republican Party platform of 1976 Reagan supported a constitutional amendment "to restore protection of the right to life for unborn children." Then-President Gerald Ford, competing with Reagan for the party's nomination, was dragged into supporting it because he worried about Reagan's popularity with pro-lifers. Four years later, when Reagan ran against Carter, the lines were fully drawn: The Republicans doubled down on their support for an amendment, adding that they opposed government funding of abortion, and the Democrats were now firmly on record supporting *Roe v. Wade*.

The new alliance with the Republicans brought new friends from within the party. One came from the ranks of traditional Republicans, opponents of

government intrusion into the private sphere. Here, Illinois Representative Henry Hyde proved to be particularly valuable. Hyde, himself a fervent pro-lifer, won the votes of many traditional Republicans who weren't necessarily against abortion but opposed government spending on abortion. The result was the Hyde Amendment of 1976, which bans federally-funded abortions.

A second new source of support for the pro-life movement came from the ranks of white evangelical Protestants, who by the mid-1970s had felt most at home in the Republican Party. The evangelicals were at first reluctant to join a movement so heavily Catholic and in opposition to a procedure not condemned in the Bible. But as the permissive spirit of the sexual revolution began spilling into mainstream American culture in the '70s, with unlimited "abortion rights" along with gay rights, sexual promiscuity, and pornography, evangelicals were increasingly attracted to the pro-life cause, and they brought their unique energies into the movement.

These new alliances brought some promising results over the next three decades. At the state level, pro-life lobbying persuaded many legislatures to pass parental notification laws, restrictions on abortion funding, mandatory ultrasounds and waiting periods, and limits on second-trimester abortions. At the national level, the greatest achievement of the movement was persuading Congress in 2003 to ban "partial birth abortion," the grisly act of killing about-to-be-born children. Today, Williams observes, the approach is to win incrementally, in the legislative arena, the courts, and in the court of public opinion, constantly pushing back against the abortion regime and the abortion mentality. In many ways, the strategy has worked: Abortion rates are the lowest they have been since 1980, there are now more crisis pregnancy centers than abortion clinics in America, and more Americans call themselves "pro-life" than "pro-choice."

These are indeed victories, fresh victories, in a movement that has had its share of victories over past half-century. And yet, and yet . . . *Roe v. Wade* hasn't budged; it was reaffirmed and restructured by the Supreme Court in 1992. The Human Life Amendment never made it to the floor of Congress, and no serious attempt has been made to reintroduce it. All the ties that the movement once had to the Democratic Party have been broken, such that the term "pro-life Democrat" is effectively an oxymoron. Meanwhile, despite the declining abortion rate, the procedure still kills more than a million children every year, not counting all those lost to stem-cell research, abortifacients, and all the other new ways of destroying human life.

Williams concedes all these points, indeed, elaborates on them in the closing chapters of his book. But he ends on a more hopeful note. "Over time, a strange thing happened. As the other moral regulatory causes that the Christian

Right championed . . . eventually lost public support and, in a few cases, faded away entirely, the pro-life cause remained the one moral issue that was capable of attracting a younger generation to the Republican Party.” Noting that public opinion polls show that millennials tend to be more pro-life than their parents, he attributes this to the new emphasis on “human rights,” making abortion limitations attractive to those otherwise opposed to regulating individual conduct. But, as we have seen, the shift in the movement’s messaging from regulation to human rights is hardly new; it occurred in the early 1970s, during the formative period of their parents generation. So, why aren’t their parents just as pro-life as they are? A plausible explanation, I believe, is that it took a full generation for the “human rights” message to sink in. The kids marching today with “I Am the Pro-Life Generation” banners are the heirs of intellectual stirrings begun a generation earlier.

This points up one omission in this otherwise factually rich book: its failure to credit the writers and editors whose ideas have animated the pro-life movement. I see no mention of Amherst professor Hadley Arkes, the intellectual father of the 2002 federal law extending legal protection to children born alive after failed abortions, nor is there any reference to the work of Princeton’s Robert George, whose writings have methodically demolished the best abortion apologetics, or to Mary Ann Glendon of Harvard Law School, who has exposed the distorted premises underlying *Roe v. Wade*. J.P. McFadden gets one mention, but he is identified only as a writer for *National Review* in 1973; there is no mention of this journal. Father Richard Neuhaus is referred to a few times, but mainly to show how the abortion issue pushed him into “conservatism,” and there is no mention at all of his *First Things*, a journal covering a variety of topics but committed to the pro-life position.

Ideas are what make movements move. This doesn’t have to mean that the young people marching in Washington on January 22nd have actually read any of the thinkers just cited. But ideas have a way of going vernacular. They move outward from graduate seminars and small-circulation journals to undergraduate classrooms, and to high schools, church groups, talk shows, the Internet, dorm rooms, and kitchen tables.

Williams credits the pro-life movement for “soldiering on” despite all the setbacks it has received over the years. His book would have been further enriched by greater attention to formative ideas behind the movement, and to the men and women who have generated those ideas.

—George McKenna is professor emeritus of political science at the City College of New York.



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**Mildred Fay Jefferson**

“Tyranny need not announce itself with guns and trumpets. It may come softly—so softly that we will barely notice when we become one of those countries where there are no citizens but only subjects. So softly that if a well-meaning foreigner should suggest, ‘Perhaps you could do something about your oppression,’ we might look up, puzzled, and ask, ‘What oppression?’”

**Mary Ann Glendon**

“It is the duty of governments and of individuals, to form the truest opinions they can; to form them carefully, and never impose them on others unless they are quite sure of being right. But when they are sure (such reasoners may say), it is not conscientiousness but cowardice to shrink from acting on their opinions and allow doctrines which they honestly think dangerous to the welfare of mankind, either in this life or another, to be scattered abroad without restraint, because other people in less enlightened times have persecuted opinions now believed to be true.”

**John Stewart Mill**

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## BOOKNOTES

### **THE WALLS ARE TALKING**

Abby Johnson

(Ignatius Press, \$17.95, 155 pp.)

*Reviewed by Maria McFadden Maffucci*

“You can’t make this stuff up,” I thought, as I was reading a particularly gripping account in Abby Johnson’s new book, *The Walls Are Talking: Former Abortion Clinic Workers Tell Their Stories* (<http://www.ignatius.com/Products/WT-H/the-walls-are-talking.aspx>); a few paragraphs later, a clinic worker herself observes that “Sometimes truth is indeed stranger than fiction.” Her story was about a “frequent flyer” at the clinic—a woman who had just aborted her *ninth* child, and whose lack of any “remorse or shame” for her serial abortions made even the staff feel “awkward.” But in recovery after this ninth time, “Angie” asked: “Hey, do you mind if I see it? . . . I mean, I’ve had it done so many times, I might as well know what it looks like.” Her request, though infrequent, “wasn’t completely unheard of,” so the clinic worker reluctantly retrieved the “POC” (products of conception). “I debated about how to arrange the pieces,” she recalls:

Would it be best to throw them all together in a clump so that none of the parts would be recognizable, or should I piece it back together as we normally did to ensure that none of the parts were missing? There was no protocol on such things, so in the end I opted to piece the parts back together. Although my own eyes were still blinded to the true nature of abortion, because she seemed so unfazed, part of me wanted her to see. I wanted her to grasp what she had done nine times. Nothing could have prepared me for her reaction.

Upon seeing what was left of her child, Angie became completely unhinged; the scene described is harrowing, and bizarre . . . and resulted in that clinic never again allowing mothers to see aborted fetuses or even ultrasound pictures of their unborn children, lest they, as Angie did, see the horror of abortion exposed.

In her first book, *unPLANNED* (Ignatius Press, 2010, <http://www.unplannedthebook.com/>), Abby Johnson writes of her journey from Planned Parenthood clinic manager (and Employee of the Year!) to pro-life activist. Johnson now runs a non-profit organization called And Then There Were None (<http://abortionworker.com/>), which exists to help abortion clinic

workers leave the industry, and “end abortion from the inside out.” In this new, slim volume, co-written with Kristin Detrow, Johnson presents 17 first-person accounts—anonymous, to protect the identities of the former abortion clinic employees, all of whom came forward to lend their testimonies to the truth. The title, as Johnson explains in the introduction, is in response to the acclaimed 1996 HBO pro-abortion film, *If These Walls Could Talk* (featuring stars Sissy Spacek, Demi Moore, and Cher), which was “nothing less than propaganda at its finest,” focusing on three generations of hard cases for women but completely “glossing over” the fact that “for every woman daunted by an unwanted pregnancy, there is another life at stake.” *The Walls Are Talking* does not gloss over anything; it is “not an enjoyable read,” Johnson warns, “but a necessary one.”

Common themes weave through the different accounts. Workers who in a moment of troubled conscience—or out of compassion for a particularly hesitant client—suggest anything other than abortion are reprimanded, and denigrated; several women speak of sharing a “sick gallows humor” that could “only be understood by a clinic insider.” In one clinic, for example, the freezer where the POCs were held until the bio-hazard truck arrived was called “The Nursery”; the alarm code was “2229” . . . which spelled out “baby.” One clinic employee who became pregnant (with a wanted child) and was suffering from awful morning sickness at the office says her co-workers jokingly offered her—abortion: “Want me to put you on the schedule?” And “We could give you a freebie. Just one of the perks of working here!”

For all of these women, the path to the truth about abortion was long and painful. Some started out believing they were doing an empowering thing for women; others got involved because they desperately needed a job. Their doubts in the face of the realities at their clinics were often subsumed in their overall denial and a growing numbness to the brutality of what they were witnessing on a daily basis. One woman describes “moments of painful clarity,” which she nevertheless pushed down; as she persisted, “each decision further desensitized me to the truth of what I was doing and added to the callus that was forming around my heart.” Many expressed shame that their conversion took so long; the pages here are ripe with guilt and remorse.

But what really overflows from these stories as well is *hope*. Because each of these women has come over to the side of life. Most talk about being forgiven by God, some accounts are more overtly Christian than others, but the language of sin, redemption, forgiveness, and the grace for new beginnings is powerfully present. Johnson herself was saved, she testifies, by the peaceful and prayerful witness of the 40 Days for Life protestors who were a regular presence outside her Texas abortion clinic. They were waiting to help her



when she made her decision, and she now does the same for others, waiting, she writes, with “arms wide open.”

Those of us that have worked in the abortion industry all live with a constant burden. We can't let the burden slip off our shoulders; it is what keeps us on fire. It reminds us of why we fight so hard. We have seen death and evil in a way that most haven't—and we participated. But we are forgiven. He who has been forgiven much, loves much. And we love a lot. I am eagerly awaiting the day when we can call all abortionists and clinic workers former and *repentant* abortion providers.

—*Maria McFadden Maffucci is editor of the Human Life Review and president of the Human Life Foundation.*



“Sir—Is that old lady bothering you?”

## APPENDIX A

[Antonin Scalia served on the United States Supreme Court from 1986 until his death on February 13, 2016. We reprint here Justice Scalia's dissent in *Obergefell v. Hodges*, the 2015 ruling that legalized same-sex marriage.]

### *Obergefell v. Hodges*

*Antonin Scalia*

Justice Scalia, with whom Justice Thomas joins, dissenting.

I join The Chief Justice's opinion in full. I write separately to call attention to this Court's threat to American democracy.

The substance of today's decree is not of immense personal importance to me. The law can recognize as marriage whatever sexual attachments and living arrangements it wishes, and can accord them favorable civil consequences, from tax treatment to rights of inheritance. Those civil consequences—and the public approval that conferring the name of marriage evidences—can perhaps have adverse social effects, but no more adverse than the effects of many other controversial laws. So it is not of special importance to me what the law says about marriage. It is of overwhelming importance, however, who it is that rules me. Today's decree says that my Ruler, and the Ruler of 320 million Americans coast-to-coast, is a majority of the nine lawyers on the Supreme Court. The opinion in these cases is the furthest extension in fact—and the furthest extension one can even imagine—of the Court's claimed power to create "liberties" that the Constitution and its Amendments neglect to mention. This practice of constitutional revision by an unelected committee of nine, always accompanied (as it is today) by extravagant praise of liberty, robs the People of the most important liberty they asserted in the Declaration of Independence and won in the Revolution of 1776: the freedom to govern themselves.

#### I

Until the courts put a stop to it, public debate over same-sex marriage displayed American democracy at its best. Individuals on both sides of the issue passionately, but respectfully, attempted to persuade their fellow citizens to accept their views. Americans considered the arguments and put the question to a vote. The electorates of 11 States, either directly or through their representatives, chose to expand the traditional definition of marriage. Many more decided not to.<sup>1</sup> Win or lose, advocates for both sides continued pressing their cases, secure in the knowledge that an electoral loss can be negated by a later electoral win. That is exactly how our system of government is supposed to work.<sup>2</sup>

The Constitution places some constraints on self-rule—constraints adopted by *the People themselves* when they ratified the Constitution and its Amendments. Forbidden are laws "impairing the Obligation of Contracts,"<sup>3</sup> denying "Full Faith and Credit" to the "public Acts" of other States,<sup>4</sup> prohibiting the free exercise of religion,<sup>5</sup> abridging the freedom of speech,<sup>6</sup> infringing the right to keep and bear

arms,<sup>7</sup> authorizing unreasonable searches and seizures,<sup>8</sup> and so forth. Aside from these limitations, those powers “reserved to the States respectively, or to the people”<sup>9</sup> can be exercised as the States or the People desire. These cases ask us to decide whether the Fourteenth Amendment contains a limitation that requires the States to license and recognize marriages between two people of the same sex. Does it remove *that* issue from the political process?

Of course not. It would be surprising to find a prescription regarding marriage in the Federal Constitution since, as the author of today’s opinion reminded us only two years ago (in an opinion joined by the same Justices who join him today):

“[R]egulation of domestic relations is an area that has long been regarded as a virtually exclusive province of the States.”<sup>10</sup>

“[T]he Federal Government, through our history, has deferred to state-law policy decisions with respect to domestic relations.”<sup>11</sup>

But we need not speculate. When the Fourteenth Amendment was ratified in 1868, every State limited marriage to one man and one woman, and no one doubted the constitutionality of doing so. That resolves these cases. When it comes to determining the meaning of a vague constitutional provision—such as “due process of law” or “equal protection of the laws”—it is unquestionable that the People who ratified that provision did not understand it to prohibit a practice that remained both universal and uncontroversial in the years after ratification.<sup>12</sup> We have no basis for striking down a practice that is not expressly prohibited by the Fourteenth Amendment’s text, and that bears the endorsement of a long tradition of open, widespread, and unchallenged use dating back to the Amendment’s ratification. Since there is no doubt whatever that the People never decided to prohibit the limitation of marriage to opposite-sex couples, the public debate over same-sex marriage must be allowed to continue.

But the Court ends this debate, in an opinion lacking even a thin veneer of law. Buried beneath the mummeries and straining-to-be-memorable passages of the opinion is a candid and startling assertion: No matter *what* it was the People ratified, the Fourteenth Amendment protects those rights that the Judiciary, in its “reasoned judgment,” thinks the Fourteenth Amendment ought to protect.<sup>13</sup> That is so because “[t]he generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions . . . .”<sup>14</sup> One would think that sentence would continue: “. . . and therefore they provided for a means by which the People could amend the Constitution,” or perhaps “. . . and therefore they left the creation of additional liberties, such as the freedom to marry someone of the same sex, to the People, through the never-ending process of legislation.” But no. What logically follows, in the majority’s judge-empowering estimation, is: “and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning.”<sup>15</sup> The “we,” needless to say, is the nine of us. “History and tradition guide and discipline [our] inquiry but do not set its outer boundaries.”<sup>16</sup> Thus, rather than focusing on *the People’s* understanding of “liberty”—at the time of ratification or even today—the majority

focuses on four “principles and traditions” that, *in the majority’s view*, prohibit States from defining marriage as an institution consisting of one man and one woman.<sup>17</sup>

This is a naked judicial claim to legislative—indeed, *super*-legislative—power; a claim fundamentally at odds with our system of government. Except as limited by a constitutional prohibition agreed to by the People, the States are free to adopt whatever laws they like, even those that offend the esteemed Justices’ “reasoned judgment.” A system of government that makes the People subordinate to a committee of nine unelected lawyers does not deserve to be called a democracy.

Judges are selected precisely for their skill as lawyers; whether they reflect the policy views of a particular constituency is not (or should not be) relevant. Not surprisingly then, the Federal Judiciary is hardly a cross-section of America. Take, for example, this Court, which consists of only nine men and women, all of them successful lawyers<sup>18</sup> who studied at Harvard or Yale Law School. Four of the nine are natives of New York City. Eight of them grew up in east- and west-coast States. Only one hails from the vast expanse in-between. Not a single Southwesterner or even, to tell the truth, a genuine Westerner (California does not count). Not a single evangelical Christian (a group that comprises about one quarter of Americans<sup>19</sup>), or even a Protestant of any denomination. The strikingly unrepresentative character of the body voting on today’s social upheaval would be irrelevant if they were functioning as *judges*, answering the legal question whether the American people had ever ratified a constitutional provision that was understood to proscribe the traditional definition of marriage. But of course the Justices in today’s majority are not voting on that basis; *they say they are not*. And to allow the policy question of same-sex marriage to be considered and resolved by a select, patrician, highly unrepresentative panel of nine is to violate a principle even more fundamental than no taxation without representation: no social transformation without representation.

## II

But what really astounds is the hubris reflected in today’s judicial Putsch. The five Justices who compose today’s majority are entirely comfortable concluding that every State violated the Constitution for all of the 135 years between the Fourteenth Amendment’s ratification and Massachusetts’ permitting of same-sex marriages in 2003.<sup>20</sup> They have discovered in the Fourteenth Amendment a “fundamental right” overlooked by every person alive at the time of ratification, and almost everyone else in the time since. They see what lesser legal minds—minds like Thomas Cooley, John Marshall Harlan, Oliver Wendell Holmes, Jr., Learned Hand, Louis Brandeis, William Howard Taft, Benjamin Cardozo, Hugo Black, Felix Frankfurter, Robert Jackson, and Henry Friendly—could not. They are certain that the People ratified the Fourteenth Amendment to bestow on them the power to remove questions from the democratic process when that is called for by their “reasoned judgment.” These Justices *know* that limiting marriage to one man and one woman is contrary to reason; they *know* that an institution as old as government itself, and accepted by every nation in history until 15 years ago,<sup>21</sup>

cannot possibly be supported by anything other than ignorance or bigotry. And they are willing to say that any citizen who does not agree with that, who adheres to what was, until 15 years ago, the unanimous judgment of all generations and all societies, stands against the Constitution.

The opinion is couched in a style that is as pretentious as its content is egotistic. It is one thing for separate concurring or dissenting opinions to contain extravagances, even silly extravagances, of thought and expression; it is something else for the official opinion of the Court to do so.<sup>22</sup> Of course the opinion's showy profundities are often profoundly incoherent. "The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality."<sup>23</sup> (Really? Who ever thought that intimacy and spirituality [whatever that means] were freedoms? And if intimacy is, one would think Freedom of Intimacy is abridged rather than expanded by marriage. Ask the nearest hippie. Expression, sure enough, *is* a freedom, but anyone in a long-lasting marriage will attest that that happy state constricts, rather than expands, what one can prudently say.) Rights, we are told, can "rise . . . from a better informed understanding of how constitutional imperatives define a liberty that remains urgent in our own era."<sup>24</sup> (Huh? How can a better informed understanding of how constitutional imperatives [whatever that means] define [whatever that means] an urgent liberty [never mind], give birth to a right?) And we are told that, "[i]n any particular case," either the Equal Protection or Due Process Clause "may be thought to capture the essence of [a] right in a more accurate and comprehensive way," than the other, "even as the two Clauses may converge in the identification and definition of the right."<sup>25</sup> (What say? What possible "essence" does substantive due process "capture" in an "accurate and comprehensive way"? It stands for nothing whatever, except those freedoms and entitlements that this Court *really* likes. And the Equal Protection Clause, as employed today, identifies nothing except a difference in treatment that this Court *really* dislikes. Hardly a distillation of essence. If the opinion is correct that the two clauses "converge in the identification and definition of [a] right," that is only because the majority's likes and dislikes are predictably compatible.) I could go on. The world does not expect logic and precision in poetry or inspirational pop-philosophy; it demands them in the law. The stuff contained in today's opinion has to diminish this Court's reputation for clear thinking and sober analysis.

\* \* \*

Hubris is sometimes defined as o'erweening pride; and pride, we know, goeth before a fall. The Judiciary is the "least dangerous" of the federal branches because it has "neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm" and the States, "even for the efficacy of its judgments."<sup>26</sup> With each decision of ours that takes from the People a question properly left to them—with each decision that is unabashedly based not on law, but on the "reasoned judgment" of a bare majority of this Court—we move one step closer to being reminded of our impotence.

## APPENDIX A

### NOTES

1. Brief for Respondents in No. 14–571, p. 14.
2. Accord, *Schuette v. BAMN*, 572 U.S. \_\_\_, \_\_\_–\_\_\_ (2014) (plurality opinion) (slip op., at 15–17).
3. U.S. Const., Art. I, §10.
4. Art. IV, §1.
5. Amdt. 1.
6. *Ibid.*
7. Amdt. 2.
8. Amdt. 4.
9. Amdt. 10.
10. *United States v. Windsor*, 570 U.S. \_\_\_, \_\_\_ (2013) (slip op., at 16) (internal quotation marks and citation omitted).
11. *Id.*, at \_\_\_ (slip op., at 17).
12. See *Town of Greece v. Galloway*, 572 U.S. \_\_\_, \_\_\_–\_\_\_ (2014) (slip op., at 7–8).
13. *Ante*, at 10.
14. *Ante*, at 11.
15. *Ibid.*
16. *Ante*, at 10–11.
17. *Ante*, at 12–18.
18. The predominant attitude of tall-building lawyers with respect to the questions presented in these cases is suggested by the fact that the American Bar Association deemed it in accord with the wishes of its members to file a brief in support of the petitioners. See Brief for American Bar Association as *Amicus Curiae* in Nos. 14–571 and 14–574, pp. 1–5.
19. See Pew Research Center, *America’s Changing Religious Landscape 4* (May 12, 2015).
20. *Goodridge v. Department of Public Health*, 440 Mass. 309, 798 N. E. 2d 941 (2003).
21. *Windsor*, 570 U.S., at \_\_\_ (Alito, J., dissenting) (slip op., at 7).
22. If, even as the price to be paid for a fifth vote, I ever joined an opinion for the Court that began: “The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity,” I would hide my head in a bag. The Supreme Court of the United States has descended from the disciplined legal reasoning of John Marshall and Joseph Story to the mystical aphorisms of the fortune cookie.
23. *Ante*, at 13.
24. *Ante*, at 19.
25. *Ibid.*
26. The Federalist No. 78, pp. 522, 523 (J. Cooke ed. 1961) (A. Hamilton).

## APPENDIX B

[Robert P. George is McCormick Professor of Jurisprudence at Princeton University and a Visiting Professor at Harvard Law School. The following appreciation appeared February 16, 2016, in *The Public Discourse*, the online journal of the Witherspoon Institute of Princeton, NJ ([www.thepublicdiscourse.com](http://www.thepublicdiscourse.com)). It is reprinted with permission.]

### **Antonin Scalia: An American Originalist**

*Robert P. George*

With the death of Antonin Gregory Scalia the nation has lost one of its greatest jurists and a man who embodied the principle of fidelity to the Constitution.

Over the course of our nation's history, many jurists have been described as "towering figures in the law." Antonin Scalia had the distinction of being one of the handful for whom the description is actually justified.

Justice Scalia preached the principle that the Constitution should be interpreted in a way that honors the text—the words on the page—understood as it was by those whose ratification made it part of the fundamental law of the land. One might have thought this was simple common sense. But the principle had been ignored or abandoned by jurists and law professors who sought to expand the authority of judges to invalidate as "unconstitutional" legislation or executive actions that they happen to regard as unfair, unwise, or for some other reason undesirable.

In our own time, this impulse has been mainly evident among political progressives. It is what has given us court-ordered legal abortion in *Roe v. Wade* and judicially mandated recognition of same-sex partnerships as legal marriages in *Obergefell v. Hodges*. Earlier in our national history, it drove the jurisprudence of laissez-faire economic conservatives, generating such decisions as *Lochner v. New York*, a 1905 ruling that struck down a worker protection statute limiting the number of hours employees could be required or permitted to work in industrial bakeries.

For Scalia, judges who yield to the impulse to read into the Constitution "rights" or other principles, nowhere to be found in the text of the document or the logical implications or original understanding of its provisions, betray the rule of law and make a mockery of their oath of fidelity to the Constitution. To "Lochnerize," as it has come to be known, whether in the cause of laissez-faire economics (as in *Lochner* itself) or liberal social ethics (as in *Roe* and *Obergefell*), is to deprive the American people of the right to govern themselves. For judges, on the pretext of enforcing constitutional guarantees, to substitute their own moral and political judgments for the contrary judgments of the elected representatives of the people is an assault upon the very Constitution in whose name they purport to be acting.

Since various "theories" of constitutional interpretation ("living constitutionalism," "the moral reading of the Constitution") have been advanced by jurists and legal scholars in efforts to justify the judicial usurpation of democratic legislative authority, it became necessary for Scalia and other defenders of the idea that the Constitution means what it says—i.e., what the people who framed and ratified its



provisions meant by the words they used—to give a name to their “theory” of constitutional interpretation. The name they chose was “originalism”—marking the conviction that the original public understanding of constitutional provisions and principles should guide and govern judges in determining whether a law or policy ought to be upheld as constitutionally valid or declared unconstitutional.

Not only was Nino Scalia an “originalist”—the leading originalist of his time—he was also a defender of the equal authority and responsibility of the three branches of government in matters of constitutional interpretation, a view that when fleshed out is known as “departmentalism.” In other words, he sided with Abraham Lincoln and against Lincoln’s nemesis, Supreme Court Chief Justice Roger Brooke Taney, on the question of whether the legislative and executive branches must always conform their conduct to the Supreme Court’s interpretation of the Constitution. Taney said yes. Lincoln said no. The question arose whether Lincoln as president would consider himself bound by Taney’s pro-slavery ruling in *Dred Scott v. Sandford* (striking down congressional restrictions on slavery in U.S. territories, and holding that blacks—even free blacks—could never be citizens). In the Great Emancipator’s First Inaugural Address, he answered that for the American people to treat the judiciary as supreme in constitutional interpretation would be for them to “have ceased to be their own rulers, having, to that extent, practically resigned their government into the hands of that eminent tribunal.”

For much of the 20th century, however, judicial supremacy—Taney’s old idea that what the judges say goes, no matter what; that the Supreme Court when it hands down a ruling is supreme not only over the inferior federal courts, but over the coordinate branches of government—was a kind of orthodoxy among law professors, lawyers, and judges. To question it—to embrace Lincoln’s position—came to seem scandalous. But Antonin Scalia not only questioned but rejected it. And he rejected it for the best possible reasons—Lincoln’s reasons—because it is incompatible with the republican principles of the Constitution itself. For Scalia, as for Lincoln, the rule of law was not the rule of judges; and a decision of the Supreme Court was the law of the case (binding on the parties) but not necessarily the law of the land (binding on the other branches of government).

In a public conversation with me at the Union League in Philadelphia last year, Scalia said that although it is generally advisable for the president and Congress to accept a constitutional ruling of the Court, even if they regard it as erroneous, it is *not always* the proper course; and it is certainly not the proper course where a Court ruling constitutes a gross usurpation of legislative authority—a judicial power grab. When asked for examples, he cited *Dred Scott v. Sandford*, *Lochner v. New York*, and *Roe v. Wade*—cases in which a majority of Supreme Court justices, blatantly legislating from the bench, invented rights found nowhere in the Constitution in an effort to impose on the nation the justices’ preferred policy position on morally charged issues of great public moment.

As a jurist, Antonin Scalia was known for his tough questioning of lawyers appearing before the Court, and for his brilliant, colorful, often combative

opinions—many of which took the form of dissents. In addition to his determined advocacy of originalism, he will be remembered for his devotion to the constitutional principle of the separation of powers and his efforts to restore federalism—despite his belief that the progressive-era constitutional amendment providing for the direct election of Senators made the task hopeless. (“Federalism is dead,” he told me and our audience at the Union League. “The Seventeenth Amendment killed it. It’s dead, dead, dead.”)

What was Nino Scalia like as a person? He was a man of limited patience and great compassion. To say that he “did not suffer fools gladly” would be an understatement. He had no tolerance for slouchers, slackers, rent-seekers, time-servers, or free riders, and he wouldn’t bend the law for anybody—even if he personally believed the law too harsh. But as his friends of all political persuasions unanimously attest, he was capable of great kindness and generosity. He was a limited-government man, both as a matter of political philosophy and constitutional law, but he deeply believed in personal responsibility, including the duty of charity to those who are suffering or in need.

A devout Catholic, Scalia neither hid nor flaunted his faith. When asked about his beliefs, he spoke of his Christian commitments with no hint of embarrassment. He was not ashamed of the Gospel. In a widely publicized speech, he reminded his fellow Christians of the teachings of St. Paul, urging them to “have the courage to have your wisdom be regarded as stupidity: Be fools for Christ.” In an interview with an unbelieving (and, truth be told, rather incredulous) reporter for *New York Magazine*, he avowed his belief in the existence of the Devil, noting that the father of lies has become “wilier” in the modern period, encouraging people not only to sin, but to disbelieve in both him and God.

Among those—including, alas, some in academia—still in the grip of the anti-Catholic bigotry that Arthur Schlesinger, Sr., described as “the most deeply held prejudice of the American people,” Scalia’s candor in speaking about his faith has given oxygen to a crank theory that Scalia’s originalism was, in reality, a kind of cover for the resolution of constitutional cases in ways that best comport with Catholic doctrine. Beyond having a hearty laugh at such malicious goofiness, the less said about it and the people who peddle it the better. Scalia himself dealt with it by noting that he was forbidden by a teaching of his faith from manipulating the Constitution, for any reason—including making the law conform to the teachings of his faith: “Thou shalt not lie.”

One of Antonin Scalia’s most remarkable qualities was his gift for friendship—a gift that enabled him to form deep and lasting bonds of affection despite religious, moral, or political differences. His closest friend on the Supreme Court was the stalwart liberal Ruth Bader Ginsburg (with whom he had also served on the U.S. Court of Appeals for the DC Circuit). He also befriended his younger, hipper liberal colleague, Elena Kagan, sometimes dragging her off with him on hunting trips. Justice Kagan’s staunch progressivism and firm rejection of originalism did not diminish his affection or respect for her in the slightest.

## APPENDIX B

Sherif Girgis, a doctoral candidate in philosophy at Princeton and a law student at Yale (and my co-author along with Ryan T. Anderson of *What Is Marriage? Man and Woman: A Defense*), has insightfully summed up Scalia's special and quite remarkable appeal to law students and other young men and women who are interested in constitutional law:

In a field marked by intellectual jockeying, preening, and mutual comparison, Justice Scalia boldly professed things that many of his secular, liberal academic colleagues thought simpleminded and naïve—originalism, patriotism, faith in God. The brilliance and sheer *joie de vivre* that oozed from his writing and filled the room when he spoke made his ideals attractive to the young (often via the shadow law curriculum of his dissents), and challenged adversaries to engage him in intellectual combat.

Nino Scalia was a faithful and loving husband to Maureen, his brilliant, Radcliffe-educated wife of fifty-five years, and a wonderful father to their nine children.

Speaking personally, I am indebted to him for many kindnesses. When I was installed as McCormick Professor of Jurisprudence at Princeton, he was even happier about the honor that had come my way than I was. When I founded the James Madison Program in American Ideals and Institutions, he immediately asked what he could do to help in advancing its mission. He lectured at my invitation on numerous occasions at Princeton and elsewhere and was always willing to welcome groups of my students as his guests to attend oral arguments at the Court.

Nino was a dear friend and I shall miss him.

With the death of Antonin Gregory Scalia the nation has lost one of its greatest jurists and a man who embodied the principle of fidelity to the Constitution. *Requiescat in pace.*

## APPENDIX C

*[Hadley Arkes is the Ney Professor of Jurisprudence at Amherst College and the Founder and Director of the James Wilson Institute on Natural Rights & the American Founding in Washington, D.C. This reminiscence was published on February 15, 2016, on the website of First Things (www.firstthings.com) and is reprinted here with the journal's permission.]*

### Memories of Nino

*Hadley Arkes*

It began, for me, with a voice over the phone in May 1977: “Hadley, this is Nino Scalia.” I’d never met him, but in the most generous way he was coming to do a commentary on the paper I was offering at the end of my year as a Fellow at the Woodrow Wilson Center of the Smithsonian. He had been in the prestigious Office of Legal Counsel at the Department of Justice in the Ford Administration. But now, as he said, “‘The people’ had thrown us out”—had turned Gerald Ford out of office in the election. Nino had found refuge at the American Enterprise Institute before returning to his real vocation as a teacher, this time at the law school of the University of Chicago. Twenty-one years later he would write me to say that the youngest of the nine Scalia children, daughter Margaret (or Meg) was interested in Amherst College. “And I figure,” he said, “that if the place has tolerated you for 30 years now, it can’t be all that bad.” Yes, it could be, but Meg flourished there. And I myself became more absorbed in this loving, rolling feast of a family as the years went on. At times I’d have to remind Nino when his kids were born: “Catherine is 1966, Mary 1968, Paul in 1970 . . .” I had a strange memory for these things, a picker up of trifles. But then the news coming in on Saturday, the shock of his death, came with a force that could tilt the earth on its axis. The first response was disbelief and denial—that someone so life-giving, and so vital to the country right now, should be ripped away from us.

Friends will be asked in the days ahead to give accounts, or offer statements on his legacy, and it will be so hard to sift through the memories and notes—through the rollicking nights at supper, with jokes and song; through the recall of the oral arguments, made sharper—and funnier—by his interventions; and then to the force of his dissents in both dimensions: written and oral. The writing was pointed, piercing, going to the logical core, but gaining in rhetorical force as it moved to its end. But then also in delivery: he was often angry and incredulous at the outcome, but the dissent was read with an anger subdued, read with a calm voice, perhaps the voice of a father seeking, with some disappointment and regret, to explain to the family gathered around that something had gone wrong.

“I read that dissent,” he told me one day, “because there were reporters there, and wouldn’t you think they would be interested in the First Amendment?” His colleagues had just sustained a law in Colorado aimed so evidently at one class of demonstrators—pro-lifers outside abortion clinics—and requiring them to stay more than eight feet away from people entering the clinic. That was *Hill v. Colorado*, in June 2000. Nino let Clarence Thomas take over reading the dissent in *Stenberg v.*

## APPENDIX C

Carhart, as their colleagues were willing to strike down a law in Nebraska that barred the grisly procedure known as “partial-birth abortion.” Nino hoped that the sympathies of the media might be recruited to support the “freedom of speech” even of people they found uncongenial. But the sober lesson breaking through was that the pro-lifers alone would be left out of the protections of speech that Nino had been seeking to expand.

When it came, though, to the force of dissents read aloud, nothing compares with the dissent he delivered in 2013, in the Windsor case, when the Court teed up the decision it would render two years later in proclaiming same-sex marriage as a constitutional right:

To defend traditional marriage [he wrote] is not to condemn, demean, or humiliate those who would prefer other arrangements, any more than to defend the Constitution of the United States is to condemn, demean, or humiliate other constitutions. In the majority’s judgment, any resistance to its holding is beyond the pale of reasoned disagreement. [To question the holding of the Court is to] “disparage,” “injure,” “degrade,” “demean,” and “humiliate” our fellow human beings, our fellow citizens, who are homosexual. It is one thing for a society to elect change; it is another for a court of law to impose change by adjudging those who oppose it *hostes humani generis*, enemies of the human race.

Maureen Scalia had urged her husband to read that dissent that morning, and I could see, as he read, its effect on her, as I could feel its effects on the rest of us. If Nino hadn’t read that dissent that morning, we couldn’t have walked upright out of the courtroom that day. He caught there what we would see played out, with a venomous, unbending force a year later, as the votaries of same-sex marriage would seek to bring down the hammer of the law on such luminaries as bakers and florists. These were ordinary people who would not confess the rightness of same-sex marriage and their own sinful wrongness in opposing it.

But the logic of the matter Nino saw at work as early as *Romer v. Evans* (1996), and yet even more sharply in *Lawrence v. Texas* (2003), when the Court struck down the (notably unenforced) law on sodomy in Texas. Justice Kennedy insisted that his decision that day entailed no further, “formal recognition” of the homosexual relation—i.e., marriage. To which Scalia famously said, “Do not believe it.” For the premises were firmly in place: Justice Kennedy had said that people in homosexual relations “seek autonomy” for themselves, just as people in heterosexual relations do. The two stood on the same moral plane. Kennedy had helped to plant the point that the laws may not cast an adverse judgment on the homosexual life. The laws that permit marriage only to couples of the opposite sex, and yet withhold that recognition from couples of the same sex, could be seen then as holding back from conferring this recognition on homosexual couples only because of an adverse moral judgment; a judgment now stamped as deeply wrong. As Scalia summed it up, “This case ‘does not involve’ the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this Court.”

Nino remarked once that he had never had a course on logic, but he became the sharpest, most unrelenting logician on the Court. He managed with those arts to expose the vacuities that his colleagues were willing to treat as the “reasoning” commanding their judgments.

In the Lawrence case, Justice O’Connor sought to finesse the issue of same-sex marriage by insisting that “preserving the traditional institution of marriage” is a legitimate interest of the State. There were reasons to sustain marriage without casting any moral disapproval on homosexuals. Justice Scalia pointed out the trick of the eye engaged here.

“Preserving the traditional institution of marriage” is just a kinder way of describing the State’s moral disapproval of same-sex couples. Texas’s interest . . . could be recast in similarly euphemistic terms: “preserving the traditional sexual mores of our society.” In the jurisprudence Justice O’Connor has seemingly created, judges can validate laws by characterizing them as “preserving the traditions of society” (good); or invalidate them by characterizing them as “expressing moral disapproval” (bad).

What he curiously screened out of his recognition was that this demanding application of logic was at the core of the “laws of reason and nature.” In our persistent jousting, he was persistently dismissive and derisive toward “natural law”—while I’d point out that he kept offering handsome examples of how a jurisprudence of natural law could be done. He associated “natural law” with some high flown “theory,” rather than finding it in a discipline of reasoned judgment, anchored in those “laws of reason.” In the notable case on assisted suicide in Oregon (*Gonzales v. Oregon*, 2006), Nino invoked the moral logic of the Hippocratic oath: that there was a rightful purpose in the medical art and the use of drugs; that the purpose was to secure the health of the patient, not to speed him to his death. To put it another way, death could not stand as a rival to the good of life. Justice Kennedy remarked that this venerable old view was one legitimate view of the matter. To which Scalia replied with an outrage barely muted: One of several legitimate views? No. No less than three times in the opinion Nino insisted that the interpretation of the Attorney General in applying the laws on “controlled substance”—the interpretation guided by the Hippocratic Oath—was the “most natural interpretation.”

Natural? As in natural reflexes? But Scalia surely knew that Janet Reno, the Attorney General in the Clinton Administration, had taken quite the opposite view—that nothing in the reigning statutes barred the State of Oregon from permitting drugs to be used by doctors for the purpose of procuring death for their patients. When Scalia said then that Attorney General Ashcroft’s interpretation was “the most natural” interpretation, he must have meant the most reasonable, the decision most in accord with the canons of reason. He was doing natural law as he had always done it—naturally, as a matter of common sense.

When my wife, Judy, had died suddenly a little over a year ago, Nino and Maureen joined me and my family in a Memorial Mass. I was in the first row of this small



## APPENDIX C

chapel and there was no kneeler there. As I knelt, I felt the pain of the floor. But just behind me Nino noticed. And he slipped a cushion under my knees. In a note yesterday, my friend David Forte recalled that moment, which he himself had noticed. Nino, he said, had been my protector at that moment, as he had been in his own way the protector of us all. And so many had barely noticed. No one can take his place in our hearts, and to ask, Who would take his place on the Court is to ask: who is there, by character and wit, who is worthy enough to take up his mission?



*(Reuters)*

*Thousands filed through the Great Hall of the Supreme Court on February 19, 2016, to pay their respects to Antonin Scalia, whose body lay in repose there. The portrait of the Justice was done in 2007 by Nelson Shanks, an American artist and portrait painter who died in 2015.*



## APPENDIX D

*[Bobby Schindler is president of the Terri Schiavo Life & Hope Network, author of A Life That Matters: The Legacy of Terri Schiavo, and an internationally recognized pro-life advocate. The following article appeared on National Review Online on March 31, 2016, and is reprinted with the magazine's permission (www.nationalreview.com).]*

### **What Terri Schiavo Still Can Teach Us**

*Bobby Schindler*

Terri Schiavo. Her name—my sister's name—is seared into the national memory as a face of the right-to-life movement, but it's now been more than a decade since her death. Many are now too young to remember her witness, or they have forgotten.

At the age of 26, Terri experienced a still-unexplained collapse while at home alone with Michael Schiavo, who subsequently became her guardian. After a short period of time, Michael lost interest in caring for his brain-injured but otherwise young and healthy wife. Terri was cognitively disabled, but she was not dying, and she did not suffer from any life-threatening disease. She was neither on machines nor “brain dead.” To the contrary, she was alert and interacted with friends and family—before Michael placed her in a nursing home and eventually petitioned the courts for permission to starve and dehydrate her to death.

It was this decision by Michael that made my sister's story a national story rather than simply a family story. It was this decision—to deprive my sister of food and water—that transformed our family's struggle. Rather than trying to work with Michael to care for and rehabilitate Terri as aggressively as possible, we now were battling against Michael to fight for my sister's life.

Michael finally testified, after many years of legal maneuverings against my family, that Terri had told him before her accident that she would not have wanted to live in a brain-injured condition. It was this hearsay evidence that led the media and others to deny Terri's right to life, and instead speak of “end of life” issues and advocate for her “right to die.” On the order of Judge George W. Greer, and despite the efforts of Saint John Paul the Great, a president, Congress, and a governor, Terri was deprived of water and food. After 13 days, my sister died of extreme dehydration on March 31, 2005.

We couldn't save my sister, though millions of advocates did succeed in speaking for the fundamental dignity of every human life, regardless of circumstance or condition.

It was the trauma of our experience fighting for my sister that led my family to create the Terri Schiavo Life & Hope Network a decade ago, both in memory of my sister and in service to medically vulnerable persons today. Unbeknownst to my family at the start of our struggle, the method of Terri's death—the fatal denial of food and water—was not altogether uncommon. It has only become more common in the decade since her passing, as Wesley J. Smith so routinely documents.

Indeed, new “rights” to death are paradoxically being enshrined through the international medical system, reshaping a vocation meant to care for and heal the

sick into one that eliminates suffering by eliminating the sufferer. Increasingly, medical professionals do this—end life—even without the patient’s consent. A stranger, in other words, may very well decide how and when you die.

It was once true, for instance, that food and water were considered “basic and ordinary care.” Yet now the presence of a tube (as distinct from a spoon) to deliver food and water means that basic nourishment is considered “extraordinary” and a form of “medical treatment.” Yet tubes are often used for the same reason that automation is revolutionizing the work force: They’re cheaper and more efficient than round-the-clock human care. It is now legal in every U.S. state to deny food and water, leading to fatal dehydration. This is simply one step on the path to controlled and regulated access to all forms of food and water, including whatever a bureaucrat decides can be placed on your mother’s nursing-home supper tray.

Hospital ethics committees are often leading the effort to reshape medicine, giving themselves unilateral power to decide whether a patient deserves to receive treatment or whether life-affirming treatment will continue when there is a dispute within a family. The tragic case of Chris Dunn, who was filmed last year literally begging for his life in a Texas hospital, illustrates all too well what happens when an ethics committee decides to appoint itself as a legal guardian in order to deny treatment—even when such a course is opposed, as it was in Dunn’s case, by both the patient and his guardian-mother.

Not only is death often imposed, it is now also encouraged as if death itself were a form of medicine. As of last year, more than half the states in the country were considering a form of physician-assisted suicide legislation. It appears likely that suicide will, within the next five years, be enshrined as a personal “health” right in most of the country. In this, we would only be following some of our European neighbors. In the Netherlands and Belgium, as Wesley Smith recently documented, Alzheimer’s patients, infants with disabilities, the aged, and the chronically ill are routinely encouraged to die or have death imposed upon them.

Brittany Maynard, who committed suicide in November 2014 after already having outlived her doctor’s terminal-brain-cancer prognosis, was able to choose her death by suicide, but how many now will die not because they embrace that sort of death but because they feel pressured—by smiling physicians or hovering children and heirs—to accept it? To die without hope seems the furthest thing from death with dignity. Other, less fortunate patients will face what Smith explains is considered “termination without request or consent,” a wonderfully anodyne way to describe murder through terminal sedation or the denial of food and water.

My experience in fighting for my sister, and the experience of assisting more than 1,000 patients and families through the Terri Schiavo Life & Hope Network over the past decade, have strengthened my resolve and my belief that we can do better as a culture, and for those requiring authentic medical treatment, than what our present attitudes and laws suggest.

It’s why the Terri Schiavo Life & Hope Network affirms essential qualities of human dignity, including the right to food and water, the presumption of the will to

live, due-process rights for those facing denial of care, protection from euthanasia as a form of medicine, and access to rehabilitative care. Each of these were rights my sister was denied, and they are rights of every patient that are often at risk or contested outright.

As we mark the anniversary of my sister's death, I'm hopeful that we can remember some of these genuine means of upholding human dignity. If we do, we can be assured that when we face crises in our own lives and the lives of those whom we love, we will meet them with a dignity and grace that elevates us in our weakest moments—regardless of the outcome.

That was the promise of medicine once, and it's what my sister continues to inspire me to fight for daily.

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