



VOL. XLIV NO. 4 ♦ FALL 2018

◆ FEATURED IN THIS ISSUE ◆

William Murchison on
THE ENCROACHING CULTURE OF ME-MY-MINE

Edward Short on
LINCOLN, SLAVERY, AND ABORTION

Patricia Ranft on
ESSAY ON HUMAN DIGNITY

Mary Rose Somarriba on
FIGHTING BACK AGAINST SEX TRAFFICKING

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JORDAN PETERSON: APOSTLE OR GENIUS?

Nicholas Frankovich on
DANIEL BERRIGAN & THE MEANING OF "PRO-LIFE"

Catherine Glenn Foster on
THE FATAL FLAWS OF ASSISTED SUICIDE

Brandon McGinley on
HUMANAE VITAE AT 50

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Film/Booknotes: Anne Conlon • Sarah Gallick • John Grondelski

From the HLR Website: Maria McFadden Maffucci • Jason Morgan • David Poecking
Ellen Wilson Fielding

Appendices: J.P. McFadden • Wesley J. Smith • Charles Camosy

. . . while the media continues to make Donald Trump the center of just about every story, another figure—largely ignored by traditional news outlets—is not-so-quietly carrying on a revolution of his own. His name is Jordan Peterson, his venue YouTube, where uploads of his lectures and interviews on myriad subjects have gotten millions, yes, millions of visits over the last few years. His book, *12 Rules for Life: An Antidote to Chaos*, published earlier this year, is an international bestseller. Andrew Mahon, a London-based Canadian-British writer and new to these pages, considers remarks Dr. Peterson—a Canadian clinical psychologist and academic who abhors political correctness—made about abortion in a Q&A last year (“Jordan Peterson: Apostle or Genius?”, page 37). Welcome, Mr. Mahon.

Sarah Gallick, a New Yorker who has written for our website, makes her first appearance here with a review of *The Strange Case of Dr. Couney: How a Mysterious European Showman Saved Thousands of American Babies*, a little known but captivating story of an unsung pro-life hero (page 69). We were delighted when Ms. Gallick, the author of *The Big Book of Women Saints*, put us onto this important history and believe *Review* readers will be too.

Mary Rose Somarriba, who reviewed Abby Johnson’s *Unplanned* for us in 2011, is back with a feature article on a subject which cries out for scrutiny: the rampant sexual exploitation of minors fueled by our culture’s embrace of prostitution and pornography (“Fighting Back Against Sex Trafficking,” page 31). Ms. Somarriba, an editor at *Verily Magazine* (verilymag.com), also edits *Natural Womanhood* (www.naturalwomanhood.org); both are women’s web magazines.

Thanks, as always, are in order. To our longtime contributor Wesley J. Smith, for giving us permission to reprint his recent *American Spectator* essay on transhumanism (*Appendix B*, page 91). And to *First Things*, where Charles Camosy’s review of *Trust Women: A Progressive Christian Argument for Reproductive Justice* first appeared (*Appendix C*, page 94).

Another longtime contributor, Dr. Donald DeMarco, has a new book out, *Apostles of the Culture of Life* (TAN Books), in which he profiles over fifty important figures who have worked in defense of life, including our late founding editor J.P. McFadden, to whom the book is dedicated. We liked it so much we gave out copies to guests at our Great Defender of Life Dinner in October. Speaking of which, it was again a truly wonderful evening of blessed company and stirring speeches, including a heartfelt tribute to JPM from Rebecca Teti, one of his early employees. Our next issue will include transcripts and photographs.

October 17 was the 20th anniversary of J.P.’s death. We reprinted “What the Difference Is,” his first essay for the *Human Life Review*, several years ago and do so again here (*Appendix A*, page 84). Written in 1979, it sketches out the scene six years after *Roe v. Wade*, noting that “anti-abortionists are constantly buoyed by the rewarding feeling that they are fighting the quintessential good fight, motivated not by any selfish concerns whatever but rather a pure desire to protect the helpless and the innocent.” Nearly 40 years later, we are still buoyed by that feeling, which is why we are still here fighting “the quintessential good fight.”

ANNE CONLON
MANAGING EDITOR



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INTRODUCTION

Abortion in the United States has not only remained an issue but has become perhaps *the* issue dividing the country, as evidenced by the—to use Senior Editor William Murchison’s description—“moral carnage” of the Kavanaugh hearings. With liberals whipped into a frenzy by the specter of overturning *Roe v. Wade*, “Things are pretty ugly. Things are pretty dangerous.” There is “an iceberg in the frigid water of our politics,” but abortion is “the part we see. Deeper down are the jagged, rending, tearing parts.” Murchison notes that the extremist “me-my-mine” attitude “undermines, if it does not drive into the ditch, the we-our-ours mode on which democracy depends.” Me-my-mine “invites Americans to reach within themselves for the self-definition that leads to self-promotion.” The me-my-mine camp “can’t take a chance on anyone’s undermining the right to abort—the ‘quintessential’ me-my-mine privilege.”

Brett Kavanaugh’s confirmation hinged largely on perceptions about whether he would accept *Roe v. Wade* as precedent—*stare decisis*. Maine Senator Susan Collins believes he does, which was her rationale, as a pro-choice woman, to vote to confirm his nomination. In Edward Short’s masterful article, “Lincoln, Slavery, and Abortion,” he agrees that, “If I have been reading the tea leaves aright . . . not even a conservative court under Justice John Roberts will be inclined to overturn the legal principle” of *stare decisis*. But he doesn’t think it *should* be so, and he reaches back in American history to highlight the parallels of the current anti-abortion options with abolitionist options after the 1857 *Dred Scott v. Sandford* Supreme Court decision. Short draws on President Lincoln’s eloquent debates and correspondence to illustrate his progression from advocating limiting slavery based on precedence, to becoming convinced that the moral abomination needed to be outlawed altogether.

Short also describes how legalized abortion has corrupted our culture—and our next two articles offer corroborating evidence. First, Patricia Ranft writes (in her “Essay on Human Dignity”) that “Once again human dignity is openly, frequently, and unapologetically being denied,” mostly in academia. “Human dignity has been called ‘useless,’ ‘vacuous,’ ‘a Trojan horse’”; one of its most outspoken critics, the popular cognitive psychologist Steven Pinker, “sums up his opinion” in his article title, “The Stupidity of Dignity.” Disturbingly, “the movement to discredit the concept of human dignity has much in common with the eugenics movement of the nineteenth and 20th centuries.” (Ironically, the current-day eugenics movement uses the word “dignity” to promote euthanasia: The nation’s first assisted suicide law, which was passed in Oregon in 1994, was named “Death with Dignity.”)

Another corruption of our culture with terrible effects is the acceptance of pornography, and an unwillingness to admit its connection to sexual exploitation (especially of children), sex trafficking, and abortion. In “Fighting Back Against Sex Trafficking,” Mary Rose Somarriba reports for us on the April 2018 Coalition to End Sexual Exploitation Global Summit, an international gathering of over 589 sexual exploitation

experts, activists, and survivors. She writes that an estimated 100,000 to 300,000 U.S. minors are being trafficked in the sex trade—facilitated by websites like “Backpage,” the ad marketplace seized and shut down by the FBI (dramatically, on the summit’s third day). And yet, Somarriba notes that some feminists complained that shutting down the site was a blow to sex workers’ rights. In her disturbing account, Somarriba describes how victims are used in aspects of the sex industry that our culture treats as “acceptable, popular and legal, such as the production of pornography and stripping.” It would seem that, “like abortion, sex trafficking is another issue where the suffering of the most vulnerable is treated like collateral damage of a somehow ‘larger’ cause. In both cases, women and children bear the greatest costs, but the cause is spun as a win for women.”

Newcomer to our pages Andrew Mahon reflects on the harmony of reason and Christian revelation by discussing the abortion views of the hugely popular psychologist and cultural critic Jordan Peterson, who, hesitating a bit to pronounce on abortion, then said it was “clearly wrong” but the question is “nested inside a larger discussion” of “the proper place of sexuality in human behavior.” Some pro-life commenters have criticized him for not going far enough, but Mahon argues that Peterson is a psychologist, not a preacher—and that his quest for the truth has the effect of opening minds to reason and perhaps alerting them to the “revelation-sized gap left over,” in that way leading them to spiritual truth as well. Next, Nicholas Frankovich discusses “the meaning of ‘pro-life’”—or its different meanings to different believers—by looking at an historical figure, Fr. Daniel Berrigan, a controversial Jesuit priest, pacifist, and radical anti-war activist who also opposed abortion. Frankovich was one of a group of students at Columbia University who invited Berrigan to speak in 1993—and his reminiscences of that somewhat bizarre event are part of a thoughtful discussion of the linking—or not—of abortion, euthanasia, the death penalty, and war as “pro-life” issues.

Here is a jarring linkage: Our legal system and our culture agree that suicide is tragic (it is now the 10th leading cause of death in the U.S., and one of the three on the rise); at the same time, assisted suicide and euthanasia are being lauded as necessary to ensure human dignity. Catherine Glenn Foster, president of Americans United for Life, deftly summarizes the history of the movement to legalize assisted suicide and euthanasia and demonstrates how pernicious and contradictory this message is to those who are struggling. The reasons for “choosing” assisted suicide are often the same as those leading to suicide: depression, fear of being a burden, misdiagnosis, and, as Glenn Foster explains, “suicide contagion.” Physician-assisted suicide is in opposition to the Hippocratic oath and many physicians see it as a threat to the integrity of their profession. The hopeful news, writes Glenn Foster, is that “legalization bills are seeing significant pushback” and the new justices on the Supreme Court, Gorsuch and Kavanaugh, are skeptical of a Constitutional right to assisted suicide.

Our final article considers the earliest life event—conception. Contributor Brandon McGinley reflects on the 50th anniversary of St. Paul VI’s encyclical *Humanae Vitae*, in which, to the surprise of even many Catholics, he declined to change the Church’s ban on artificial contraception. McGinley, a Catholic, claims that “the genuinely radical

message” of the encyclical “has been smothered in partisanship”—with predictable opinions from the liberal and conservative wings of the Church—resulting in an “impoverished understanding” of the document in its entirety. What is needed, he says, is for *Humanae Vitae* to be seen as a “coherent and organized whole”; the message is not just “a blueprint for personal sexual conduct or for flourishing nuclear families, but for all of society.”

Our *Film/Booknotes* section opens with Anne Conlon’s superb review of *Gosnell: The Trial of America’s Biggest Serial Killer*. Released in October with successful numbers, it was nonetheless quickly strong-armed out of theaters, and ignored by the mainstream press, in a repeat of the treatment the actual trial received in 2013. Abortionist Gosnell, Conlon points out, had no OB-GYN training; we go next to the story of another “doctor,” who may not have had any medical training, but saved thousands of babies’ lives. Sarah Gallick reviews *The Strange Case of Dr. Couney*, the “Incubator Doctor” who showcased his strange new machines at world fairs with premature infants, tended by nurses, inside! Following is John Grondelski’s review of the British book *Abortion Matters*, an up-to-date “compendium” of facts about abortion published on the occasion of another 50th anniversary, that of the legalization of abortion in Britain in 1967.

We include in this issue four blogs from our website—all grapple with difficult subjects (depression, sex perversion, drug addiction, and infertility), yet with the hope inherent in a life-affirming viewpoint. This fall marks the 20th anniversary of the death of our founding editor, James P. McFadden; in his honor we reprint “What the Difference Is,” the first article he wrote for the *Review* (1979), as our first appendix. We follow this with Wesley Smith on the moral perils of transhumanism, and Charles Camosy’s review of *Trust Women*, Presbyterian minister Rebecca Todd Peters’ book on progressive Christian feminism that is neither “progressive nor feminist.”

Thanks go, as always, to Nick Downes for his ingenious cartoons, and with that we complete 44 years of the *Human Life Review*.

MARIA McFADDEN MAFFUCCI
EDITOR

The Encroaching Culture of Me-My-Mine

William Murchison

If the politico-cultural scene looks livelier than it has in quite a long time, that's—well—because it is. But not to the delight of anyone with his head screwed on properly. Things are pretty ugly. Things are pretty dangerous.

I make the point more out of realism than of perplexity. We might as well understand what we are up against. If we don't, we're doing no one any good, ourselves included.

“We?” Meaning the readers of this esteemed journal? Obviously. But the meaning attaches likewise to such of our countrymen as yearn for restoration of some sense of order in the way we identify ourselves and our principles.

I write amid the moral carnage of the Kavanaugh debate: whose smoke and thunder point to developments too important not to warrant talking about any old time.

The breakdown of old and familiar assumptions, under the weight and pressure of self-validating obsessions, is the cause of our moral mess. And what a mess!

We no longer assume that special grievances will stand in line for validation. They don't. Spewing dust and contempt, they leap over others' claims to justice. We no longer assume, in fact, that “justice” is an ideal of general application, requiring the measured treatment of varying claims. We figure yelling and raising hell gets the job done fastest. It gets attention, that's for sure. Therefore, we yell a lot: chiefly at one another. A great deal of ugliness results from this relatively new habit, and also the stultification of aims and purposes on which we might collaborate, save for those self-validating arguments I have mentioned.

The Kavanaugh fracas, sure to continue for years, so deep were the passions it brought to light, so splenetic were some of the declarations it occasioned, seems to me as good a launch point as any. Moreover, it affords the chance to cite the astute observation—relevant to this journal's deepest concerns—of the *Wall Street Journal's* William McGurn. To wit: “Judge Kavanaugh's great misfortune is to have been nominated at a moment when the party in opposition frets this fixed and sacred ruling [*Roe v. Wade*] could be overturned . . . Let me translate: Nothing personal, judge. But if you won't declare that a decision laid

William Murchison writes from Dallas for Creators Syndicate and is a senior editor of the *Human Life Review*. He is currently working on *Moral Disarmament*, a book examining the consequences of our moral disagreements. *The Cost of Liberty*, his biography of John Dickinson, an influential but neglected Founding Father of the United States, was published in 2013 by ISI Books.

down by seven unelected men in robes is untouchable, we have no choice but to do whatever it takes to keep you off the Court.”

I think that’s generally right, though it’s not all that requires saying. What McGurn does say suggests strongly the presence of an iceberg in the frigid waters of our politics. Abortion is the part we see. Deeper down are the jagged, rending, tearing parts. We don’t talk the same language anymore, and if there was doubt of this prior to the Kavanaugh hearings there should be none now.

The old assumptions of life are breaking down. And fast-talking wizards are demanding we admire the new ones they have helped design for us.

First of the new lot: the assumption McGurn helps us to see, namely, that feminist, and feminist-leaning, alliances generally overlap, in aims and grievances. We’re all in this together: #MeTooers, defiant defenders of the *Roe* decision, scorers of old moral definitions concerning sex and family; everybody joined in defense of the I-Want-to-Do-It (So-Shut-Up) ethic. An attack on one wing of the alliance (e.g., refusal of automatic belief in a claim to have been assaulted) is an attack on all. And don’t forget it, Mac!

Second of the new assumptions: When the aim is to disqualify a highly placed adversary, real or potential, corroborative evidence of his shortcomings really isn’t needed. It was formerly true, and still is in a few circles, that personal opinion doesn’t override the objectives of proof and demonstration. Upon this assumption has rested the ability of Anglo-American jurisprudence to judge differing truth claims. The old style had no traffic with I-say-it-therefore-it’s-so. You had to show it was so, however much work that might require.

Third of the new and fast-spreading assumptions is that fighting over every jot and tittle of business—and beating your opponents senseless in the process—is more satisfying than adjusting disputes through compromise or the healing of hurts. It was once generally assumed that peace, an urgent component of human life, served the public interest better than did prolonged warfare. The greater interest, in our very politicized time, is victory and the putting down of opponents. What we want to do nowadays isn’t just to prevail, it’s to ruin people who need ruining, to leave them unconscious and bleeding. How come? To what end? Just to do it, is the way it looks.

I could list other assumptions that are overturning social comity and respect for democratic processes. The foregoing will suffice. My point is that the me-my-mine way of looking at life undermines, if it does not drive into the ditch, the we-our-ours mode on which democracy depends. Me-my-mine is extremist.

The extremist outlook has come to dominate political and cultural discourse. Chevy Chase’s shtick from *Saturday Night Live* in the ’70s comes to mind: “I’m Gerald Ford and you’re not.” (An odd locution in that Jerry Ford was always one of our less self-fixated pols.)

Me-my-mine invites Americans to reach within themselves for the self-

definition that leads to self-promotion. That excludes of course the members of groups and interests standing in the way of genuine progress—patriarchalist males; “homophobes”; “racists”; foes of universal health care and disbelievers in climate change. All appear—like Brett Kavanaugh—to warrant off-the-cuff condemnation.

Conspicuously denied the privilege of constituting themselves a deserving interest group are supporters of pro-life causes. This is due to the frangible condition, constitutionally speaking, of *Roe v. Wade* and its sacred role in liberating the enslaved. Whether it’s “settled law” or not, we can’t take a chance on anyone’s undermining the right to abort—the quintessential me-my-mine privilege, it could be called; the privilege of judging another life fit or unfit to continue into the future.

Me-my-mine claims to look out for oppressed classes of humans. Curious to know more about the two women credited with cornering Sen. Jeff Flake at the elevator door and accusing him of disrespecting their rights, I looked up some information on one of them. It turns out she co-leads an organization called the Center for Popular Democracy, which supports “communities of color, immigrants, working families, youth, women, and the LGBTQ community.” The center believes “that whole people have intersectional identities and need powerful institutions that fight on many fronts simultaneously . . . to advance our transformative vision of a more just, healthy, joyful world” over against the influence of white supremacy and corporate power.

You see the point, no doubt. It is that the virtuous (and, no doubt, joy-filled) dissenters have it all figured out: not least the shape and contours of intersectional alliance, and woe betide those who stand in their way. Kavanaugh, for instance, who must be a puzzle to true believers given his intellectual credentials and the multiplicity of testimonials to his character. He just can’t be as good as all that—not if he stands potentially in the way of joy and justice. He must be a very bad person on account of not taking the virtuous dissenters’ word for the virtue of their cause and the necessity of its triumph.

So much for the old-hat assumption that unity through compromise and the splitting of differences is a goal with much to recommend it. Me-my-mine blesses the interests of the alliance, and nothing else. It stands ready to strike at the evil folk who dissent from this radiant understanding of how life *really* should be lived. Love me, love my dogma.

So it seems to go with those dedicated in word and deed to the reshaping of American life. Which is what they really seek to one degree or another—the “transformative vision” of the Center for Popular Democracy or, less sweepingly, the protection of the female right to do whatever a given female wants to do at a given moment.

The old moral architecture of civilization was designed with justice and peace alike in mind. Both aims were rendered notable by the consensus of society, which designed formidable protections for both. According to the social consensus, no one segment of opinion could be allowed to go around half-cocked, threatening other segments, promising to grind them down. There were constitutional means for the redress of grievances, starting with the right to speak freely, and to propose and work for changes, small or large. There were—yes—upheavals and dislocations along the way, of which the War Between the States was far the most destructive. That is how it goes in human society, due to Eve’s historic meet-up with a talking snake. Yet the old, recently displaced assumptions noted above conspired to keep things more or less peaceful much of the time. Not too shabby an achievement in a world riddled with competing passions.

In the fractured, strung-out world we presently inhabit, peaceful anything becomes a target. The rules are off: That’s what it comes down to. We’ve canceled them ourselves, or stood by while others canceled them, fearful of ridicule or else the accusation of elitism and privilege. We can’t agree on what we believe. Hence we can’t agree on what to do, especially in the company of those with, shall we say, different policy aims. Accordingly, we snarl and bite.

The Edelman Trust Barometer, a study of 28 international “markets,” presided over by the Edelman public relations organization, finds trust faltering at all levels of life—down nine percentage points in the United States in 2018. That makes it “the largest-ever-recorded drop in the survey’s history among the general population.” “[A]n unprecedented crisis of trust,” the organization’s president, Richard Edelman, calls the finding. This, *prior to* the Kavanaugh affair! We should steel ourselves for a still uglier report in 2019.

It is tough stuff to read. I can tell you it is tougher to write. That is because to write it is to acknowledge that we are living through a moment few could recently have thought to see enacted in our celebrated “city on a hill”—whose spires and noble structures the outside world could not help but admire.

The culture of me-my-mine, lighted by its rages and obsessions, seems odd material for display to a watching world. That world learns—whether or not we ourselves take it aboard—the limitations of narrow creeds that stress individual privilege over honor, generosity, friendship, and the bearing of mutual burdens.

With the jungle encroaching on America’s marbled “city,” we need to do things differently, it seems to more and more of us. That is good in itself. It means we may yet get around to the task of doing things very, very differently.

Lincoln, Slavery, and Abortion

Edward Short

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds . . .”

—Abraham Lincoln

“Order my life, O my God. Grant me to know what you would have me do, and to carry it out as I should and as is profitable to my soul.”

—St. Thomas Aquinas

I

If I have been reading the tea leaves aright with regard to the likely fate of *Roe v. Wade*, the consensus seems to be that the decision of the case will not be overturned because not even a conservative court under Justice John Roberts will be inclined to overturn the legal principle of *stare decisis* (Latin for “to stand by things decided”), which holds that decisions—even when their legal basis is dubious—should be upheld for the sake of precedent in order to ensure the stability, legitimacy, and reliability of the legal process. Consequently, the conservative court will probably continue to limit legalized abortion by regulating it, but leave *Roe v. Wade* in place.

To appreciate the force that precedent plays in the Supreme Court’s rulings, one has to keep in mind that in the last two centuries it has only reversed 235 decisions. In *Planned Parenthood v. Casey* (1992), Justices Anthony Kennedy, Sandra Day O’Connor, and David Souter had no qualms about putting the perceived legitimacy of the court before the objective merits of *Roe v. Wade*. It is also useful to remember that it was in this ruling—a colossal punt if ever there were one—that the Justices claimed that “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State”—a truly staggering relativizing of objective truth, which, if applied to slavery, would have given the slave-drivers precisely the grounds they needed to justify their own peculiar notions of “personhood.” The rest of the ruling followed suit:

Men and women of good conscience can disagree, and we suppose some always shall disagree, about the profound moral and spiritual implications of terminating a pregnancy, even in its earliest stage. Some of us as individuals find abortion offensive to our most basic principles of morality, but that cannot control our decision. Our obligation is to define the liberty of all, not to mandate our own moral code . . .

It is conventional constitutional doctrine that where reasonable people disagree the

Edward Short is the author of *Culture and Abortion*, as well as *Newman and History*, both published by Gracewing. He and his wife and their two young children live in New York.

Government can adopt one position or the other. That theorem, however, assumes a state of affairs in which the choice does not intrude upon a protected liberty. Thus, while some people might disagree about whether or not the flag should be saluted, or disagree about the proposition that it may not be defiled, we have ruled that a state may not compel or enforce one view or the other . . .

The Court's duty in the present case is clear. In 1973, it confronted the already-divisive issue of governmental power to limit personal choice to undergo abortion, for which it provided a new resolution based on the due process guaranteed by the Fourteenth Amendment. Whether or not a new social consensus is developing on that issue, its divisiveness is no less today than in 1973, and pressure to overrule the decision, like pressure to retain it, has grown only more intense. A decision to overrule Roe's essential holding under the existing circumstances would address error, if error there was, at the cost of both profound and unnecessary damage to the Court's legitimacy, and to the nation's commitment to the rule of law. It is therefore imperative to adhere to the essence of Roe's original decision, and we do so today.

Here is a fair specimen of *stare decisis*. And yet it is important to note that none of the distinguished authors of this decision ever mentioned the fact that when *Roe v. Wade* was first imposed on the American people it nullified the laws prohibiting abortion in every state with the exception of New York. Why it was acceptable to run roughshod over that body of precedent and yet acquiesce in the far less settled precedent of *Roe v. Wade* the Justices never explained. *Stare decisis* can obviously be a rather selective principle when taken up by those disinclined to incur the wrath of our redoubtable abortion lobby. Moreover, the implicit reasoning behind *Casey* is no different from the reasoning behind John C. Calhoun's famous speech "On the Antislavery Petitions of 1837," in which the Southern statesman warned his compatriots that "Abolition and the Union cannot co-exist." For Calhoun, outlawing slavery was out of the question precisely because it would fly in the face of precedent. "Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people." If there is a difference between the logic of *Casey* and that in Calhoun's speech, I am afraid I do not see it.

Susan Collins, the Republican senator from Maine, pointed to the primacy of precedent in her decision to confirm Judge Brett Kavanaugh to the Supreme Court, which, again, would suggest that even a conservative court will shy away from repudiating *Roe v. Wade*. "There are, of course, rare and extraordinary times where the Supreme Court would rightly overturn a precedent," the Senator conceded.

The most famous example was when the Supreme Court in *Brown v. The Board of Education* overruled *Plessy v. Ferguson*, correcting a grievously wrong decision, to use the judge's term, allowing racial inequality. But someone who believes that the importance of precedent has been rooted in the Constitution would follow long established precedent, except in those rare circumstances where a decision is grievously wrong or deeply inconsistent with the law. Those are Judge Kavanaugh's phrases.

As the judge asserted to me, a long-established precedent is not something to be trimmed, narrowed, discarded or overlooked. Its roots in the Constitution give the concept of *stare decisis* greater weight such that the precedent can't be trimmed or narrowed simply because a judge might want to on a whim. In short, his views on honoring precedent would preclude attempts to do by stealth that which one has committed not to do overtly.

Noting that *Roe v. Wade* was decided 45 years ago and reaffirmed 19 years later in *Planned Parenthood v. Casey*, I asked Judge Kavanaugh whether the passage of time is relevant to following precedent. He said decisions become part of our legal framework with the passage of time and that honoring precedent is essential to maintaining public confidence.

The classic example of the wisdom of the Supreme Court's deciding to flout *stare decisis* is, indeed, *Brown v. Board of Education* (1954), in which the Court ruled against the "separate but equal" precedent set by *Plessy v. Ferguson* (1896), though the dilatoriness of this otherwise enlightened ruling consigned the country to fifty years of increasingly toxic racial segregation. Now that forty-five years have passed since *Roe v. Wade* was enacted, we can see what an even ghastlier toll has been exacted from upholding a precedent that issues in abandoning millions of children to the abattoirs of abortion.

In all events, in this essay, I shall take up the question of whether the half measure of *stare decisis* is advisable in our own circumstances by comparing the options that we face with respect to abortion to the options that Americans faced in the nineteenth century with respect to slavery, especially after the Dred Scott decision of 1857.

II

The Dred Scott decision is instructive for our purposes because it shows how the legitimacy of the Supreme Court, far from being irreproachable, can be very dubious indeed. Acknowledging that bad law has damaged the Court's legitimacy, *pace* Justice Kennedy and his colleagues, can be, therefore, not only salutary but a moral imperative. In the Dred Scott case, the Supreme Court ruled 7-2 that the slave Scott who resided in a free state was not entitled to his freedom; that "a negro whose ancestors were . . . sold in slavery" was not and could never be a citizen of the United States; and that the Missouri Compromise (1820), which had declared all territories west of Missouri and north of latitude 36°30' free, was unconstitutional. In the decision written by Chief Justice Roger B. Taney, one can see just how bad this particular law was, but also how citing precedent to defend the ruling only made it worse.

[Black Africans imported as slaves] had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that

time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

What is ironic about Taney's decision is that it was written by a man who was not only a devout Roman Catholic but personally opposed to slavery; before being appointed to the Supreme Court, he freed the slaves he had inherited from his father's estate. Yet he made the calamitous ruling he made because he was convinced that slavery could be treated merely as a matter of state sovereignty; indeed, he was convinced that slavery could be adjudicated without any consideration of whether it was morally right or wrong. Similarly, the Justices in *Casey* convinced themselves that they could sidestep the moral issue of abortion by claiming that to redress its moral code would be, in effect, to impose their own moral code on others. In other words, they ruled that there is no such thing as objective right and wrong, but only personal opinions as to what is right and wrong, which if followed to its logical conclusion would make any coherent legal ruling virtually impossible. Certainly, the savior of the Constitution in Abraham Lincoln would have marveled at the incoherent purposes to which the Constitution has been put in the defense of legalized abortion.

Before I proceed, however, with drawing any further parallels between slavery and abortion, I should make one vital distinction. In comparing abortion and slavery, I realize that the two are not entirely comparable. Abortion, after all, results in the destruction of human life, whereas slavery results in turning human life into a chattel. Many slaves, it is true, died on slave ships bound for North America—nearly 85,000 of 400,000 by some calculations. And an incalculable number of slaves were murdered by their masters for various trumpety infractions. Yet, in America alone, since 1973, nearly 60 million babies have been murdered as the result of abortion. Nevertheless, if the American slave-drivers of the nineteenth-century were content to justify slavery by pointing to what they considered the inferiority of those they enslaved, their counterparts in the twenty-first century justify abortion by pointing to what they regard as a similar inferiority in those they murder. Hence, to some extent, they are comparable, though only to an extent.

If, as the Justices in *Casey* remarked, the issue of abortion is of an intense divisiveness, the issue of slavery was no less so—indeed, probably more so. As we all know, the Southern states sought to bolster the legality of slavery in their own states by extending it to new states and territories. The various groups of abolitionists opposed this by seeking to rouse public opinion to see the necessity for outlawing slavery in all states. Lincoln was opposed to slavery but leery of outlawing it along the broad lines recommended by the abolitionists because

he was fearful that such lines would imperil the Union. To retain the legality of slavery in their own states, he rightly anticipated, the South would be tempted to secede from the Union and repudiate the Constitution.

In succumbing to that temptation they unleashed a frightful bloodbath. On September 17, 1862, in what became known as the Battle of Antietam, the single bloodiest day in all American military history, 23,000 men lost their lives. As one lieutenant of the North Carolina Infantry recalled, “Here [the Union soldiers] are, right before us, scarce 50 yards off, but as if with one feeling, our whole line pour a deadly volley into their ranks—they drop, reel; stagger, and back their first line go beyond the crest of the hill. Our men reload, and await for them to again approach, while the first column of the enemy meet the second, rally and move forward again. They meet with the same reception, and back again they go, to come back when met by their third line. Here they all come. You can see their mounted riders cheering them on, and with a sickly ‘huzza!’ they all again approach us at a charge, but another volley sends their whole line reeling back.” A Union eyewitness wrote to his daughters of the day: “The roar of the infantry was beyond anything conceivable . . . Imagine from 8,000 to 10,000 men on one side, with probably a larger number on the other, all at once discharging their muskets. If all the stone and brick houses of Broadway should tumble at once the roar and rattle could hardly be greater, and amidst this hundreds of pieces of artillery, right and left, were thundering as a sort of bass to the infernal music.” Afterwards, as Shelby Foote recounts in his magisterial narrative, “the armies lay face to face all day, like sated lions, and between them, there on the slopes of Sharpsburg ridge and in the valley of Antietam, the dead began to fester in the heat and the cries of the wounded faded to a mewling.” At war’s end, all told, approximately 660,000 men would lose their lives in the conflict.

Now, as we have seen, Southern advocates of slavery made their case for what they called their “peculiar institution” largely on the grounds of precedent. In defending this institution, they may not have explicitly invoked the letter of *stare decisis*, but they certainly invoked its spirit. When the Vice President of the Confederacy, Alexander Stephens, gave his infamous “Cornerstone Speech” in Savannah, Georgia, on March 21, 1861, he gave an interesting twist to the principle of *stare decisis* by arguing that the South had no alternative but to secede from the Union and adopt a new Constitution in order to honor what the South had always understood to be the true relationship between slavery and Southern society, which the old Constitution at once muddled and subverted.

The new Constitution has put at rest, *forever*, all the agitating questions relating to our peculiar institution—African slavery as it exists amongst us—the proper *status* of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson in his forecast, had anticipated this, as the “rock upon

which the old Union would split.” He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock *stood* and *stands*, may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in *principle*, socially, morally, and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when the “storm came and the wind blew.” Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests upon the great truth, that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition.

While Stephens invoked Jefferson and the framers to reject their contention that the individual states of the Union would gradually repudiate the legality of slavery, William Seward, the Governor of New York (who would later go on to serve as Secretary of State in Lincoln’s first and second administrations), invoked the framers to argue that they had actually anticipated the irreconcilable impasse between the South and North over slavery. “The strife and contentions concerning slavery,” he told an audience in Rochester in 1858, “which gently disposed persons so habitually deprecate, are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.” The same might be said of the “strife and contentions” concerning abortion: They are the ripening of the sexual revolution, which has culminated in the notion that “reproductive rights” somehow trump the rights of developing children in the womb. The fact that Seward was the son of a slave-owning New York farmer opened his eyes to the untenability of slavery. “Assuming . . . that all men are equal by the law of nature and of nations,” he wrote, “the right of property in slaves falls to the ground; for no one who is equal to another can be the owner or property of another,” an observation which demolishes the argument for chattel slavery as elegantly as it demolishes the argument for “reproductive rights.”

That Northerners as a whole had a role to play in the gathering conflict—and not just abolitionists in the North—was made clear by Angelina Grimké Weld, the independent-minded daughter of a wealthy South Carolina slave-owner and judge. “Many persons go to the South for a season,” she told an audience in Pennsylvania Hall as far back as 1838,

and are hospitably entertained in the parlor and at the table of the slave-holder. They

never enter the huts of the slaves; they know nothing of the dark side of the picture, and they return home with praises on their lips of the generous character of those with whom they had tarried. Or if they have witnessed the cruelties of slavery, by remaining silent spectators they have naturally become callous—an insensibility has ensued which prepares them to apologize even for barbarity. Nothing but the corrupting influence of slavery on the hearts of the Northern people can induce them to apologize for it; and much will have been done for the destruction of Southern slavery when we have so reformed the North that no one here will be willing to risk his reputation by advocating or even excusing the holding of men as property. The South know it, and acknowledge that as fast as our principles prevail, the hold of the master must be relaxed.

When it came to what Grimké saw as the “corrupting influence” of slavery for all Americans, not just those in the South, the Massachusetts abolitionist Charles Sumner was unforgettably eloquent, though he paid for his eloquence after delivering his speech in favor of keeping Kansas a free state when a South Carolinian congressman beat him on the Senate floor with a cane—a chastening reminder to those who imagine that our own party politics have become somehow unprecedentedly partisan. “One of the choicest passages of the master Italian poet, Dante,” Sumner wrote,

is where a scene of transcendent virtue is described, as sculptured in “visible speech” on the long gallery which led to the Heavenly Gate. The poet felt the inspiration of the scene, and placed it on the wayside, where it could charm and encourage. This was natural. Nobody can look upon virtue and justice, if it be only in images and pictures, without feeling a kindred sentiment. Nobody can be surrounded by vice and wrong, by violence and brutality, if it be only in images and pictures, without coming under their degrading influence. Nobody can live with the one without advantage; nobody can live with the other without loss. Who could pass his life in the secret chamber where are gathered the impure relics of Pompeii, without becoming indifferent to loathsome things? But if these loathsome things are not merely sculptured and painted, if they exist in living reality—if they enact their hideous capers in life, as in the criminal pretensions of Slavery—while the lash plays and the blood spurts—while women are whipped and children are sold—while marriage is polluted and annulled—while the parental tie is rudely torn—while honest gains are filched or robbed—while the soul itself is shut down in all the darkness of ignorance, and while God himself is defied in the pretension that man can have property in his fellow-man; if all these things are present, not merely in images and pictures, but in reality, their influence on character must be incalculable.

Some years ago, in a book called *Culture and Abortion*, I set out to show the many ways in which legalized abortion has corrupted our country by inuring us to a now pervasive culture of death, a travesty of culture which ruthlessly assails the sanctity of life, while mutilating at every turn what Pope Paul VI referred to, in his prophetic encyclical *Humanae Vitae* (1968), as “the whole moral law of marriage.” Since my book was released in 2013, what is left of our culture has only become more corrupt, and one measure of that corruption can be seen in how our acquiescing in the horror of abortion has made shipwreck not only of our arts, our manners, our schools and universities but our very humanity.

III

Senator Sumner, a proud, learned, imperious man, may not have been to every one's taste—he did not suffer fools gladly—but his dedication to eradicating slavery won Lincoln's lasting respect, even affection; after the onset of the Civil War, the two men, according to Mrs. Lincoln, became “great chums.” What divided them before the war was the timing of emancipation. Certainly, Lincoln came to the implementation of emancipation reluctantly. He is amusing about this in a letter to a gentleman from Kentucky in 1864. “I am naturally anti-slavery,” he told his correspondent.

If slavery is not wrong, nothing is wrong. I cannot remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling. It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States . . . When, early in the war, Gen. Fremont attempted military emancipation, I forbade it, because I did not then think it an indispensable necessity. When a little later, Gen. Cameron, then Secretary of War, suggested the arming of the blacks, I objected, because I did not yet think it an indispensable necessity. When, still later, Gen. Hunter attempted military emancipation, I again forbade it, because I did not yet think the indispensable necessity had come. When, in March, and May, and July 1862 I made earnest, and successive appeals to the border states to favor compensated emancipation, I believed the indispensable necessity for military emancipation, and arming the blacks would come, unless averted by that measure. They declined the proposition; and I was, in my best judgment, driven to the alternative of either surrendering the Union, and with it, the Constitution, or of laying strong hand upon the colored element. I chose the latter. In choosing it, I hoped for greater gain than loss; but of this, I was not entirely confident. More than a year of trial now shows no loss by it in our foreign relations, none in our home popular sentiment, none in our white military force,—no loss by it any how or anywhere. On the contrary, it shows a gain of quite a hundred and thirty thousand soldiers, seamen, and laborers. These are palpable facts, about which, as facts, there can be no cavilling. We have the men; and we could not have had them without the measure.

However appreciative the constitutional lawyer in Lincoln was to the inopportunity of emancipation at a time when it threatened the preservation of the Union, the moralist in him was never unmindful of the issue's moral stakes. One can see this in his final debate with Judge Stephen Douglas, who tried to argue that even Lincoln's incrementalist approach to slavery, which called for letting slavery stand in the Southern states, without permitting its extension to any additional states, would violate states' rights and foment unnecessary conflict between North and South. Lincoln, for his part, refused to be distracted by sideshows. “The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery as a *wrong*,” he wrote, clearly speaking for himself,

and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican

party. It is the sentiment around which all their actions, all their arguments, circle, from which all their propositions radiate. They look upon it as being a moral, social, and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet, having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should, as far as may be, *be treated* as a wrong; and one of the methods of treating it as a wrong is to *make provision that it shall grow no larger*. They also desire a policy that looks to a peaceful end of slavery at some time, as being wrong. These are the views they entertain in regard to it as I understand them; and all their sentiments, all their arguments and propositions, are brought within this range . . .

It is clear from Lincoln's remarks here that he addressed the matter of slavery almost in a Socratic vein, seeking not so much to tell his countrymen what he thought they should do *vis-à-vis* slavery as encouraging them to see for themselves what they should do. Moreover, in rereading the debates, one can see the conversion in which Lincoln was engaged in trying to grasp slavery's full gravity. Douglas, by contrast, sought to paint his opponent as an opportunist, who only interjected himself in the matter to win votes, a jibe which Lincoln parried in his best oratorical vein. "Is it true that all the difficulty and agitation we have in regard to this institution of slavery springs from office-seeking, from the mere ambition of politicians?" he asked.

Is that the truth? How many times have we had danger from this question? Go back to the day of the Missouri Compromise. Go back to the Nullification question, at the bottom of which lay this same slavery question. Go back to the time of the Annexation of Texas. Go back to the troubles that led to the Compromise of 1850. You will find that every time, with the single exception of the Nullification question, they sprung from an endeavor to spread this institution. There never was a party in the history of this country, and there probably never will be, of sufficient strength to disturb the general peace of the country. Parties themselves may be divided and quarrel on minor questions, yet it extends not beyond the parties themselves. But does not this question make a disturbance outside of political circles?

For Lincoln, the question that needed to be asked was this: If the continuing agitation over slavery could not be attributed to grasping office seekers or party platforms, what could account for it? And here, again, one can see the moral teacher in him, urging his countrymen to ask the questions necessary for them to understand the root of the country's profound division.

Has anything ever threatened the existence of this Union save and except this very institution of slavery? What is it that we hold most dear amongst us? Our own liberty and prosperity. What has ever threatened our liberty and prosperity, save and except this institution of slavery? If this is true, how do you propose to improve the condition of things by enlarging slavery,—by spreading it out and making it bigger? You may have a wen or cancer upon your person, and not be able to cut it out, lest you bleed to death; but surely it is no way to cure it, to engraft it and spread it over your whole body. That is no proper

way of treating what you regard a wrong. You see this peaceful way of dealing with it as a wrong,—restricting the spread of it, and not allowing it to go into new countries where it has not already existed. That is the peaceful way, the old-fashioned way, the way in which the fathers themselves set us the example.

Here, it is evident that the constitutionalist and the moralist in Lincoln were not at odds. In seeking to avoid civil war over the slavery issue, the constitutionalist could serve the moralist by giving the country the wherewithal she needed to resolve her differences without bloodshed. Still, in these passages, Lincoln was primarily speaking to those who regarded slavery as wrong. What of those who regarded it as *not* wrong? “That is the Democratic sentiment of this day,” the opponent of the Democratic Douglas pointed out. Here, Lincoln debated to educate, not merely to refute his opponents. Why? He recognized that not all of them regarded slavery as right. He suspected that if some truly believed that slavery was right, many more would do anything rather than commit themselves openly to so indefensible a position. And in this ambivalence, he saw an opening—as must we when speaking with those ambivalent about abortion.

Another striking thing about Lincoln’s animadversions about the wrongness of slavery is how almost incantatory they are. Although usually an economical speaker—his “Gettysburg Address,” after all, is a model of inspired succinctness—here he was intent on arresting his auditors in order to make them see how unreal their response to slavery was—an unreality which similarly suffuses our response to abortion.

If there be among you anybody who supposes that he, as a Democrat, can consider himself “as much opposed to slavery as anybody,” I would like to reason with him. You never treat it as a wrong. What other thing that you consider as a wrong do you deal with as you deal with that? Perhaps you *say* it is wrong, *but your leader never does, and you quarrel with anybody who says it is wrong*. Although you pretend to say to yourself you can find no fit place to deal with it as a wrong. You must not say anything about it in the Free States, *because it is not here*. You must not say anything about it in the Slave States, *because it is there*. You must not say anything about it in the pulpit, because that is religion, and has nothing to do with it. You must not say anything about it in politics, *because that will disturb the security of “my place.”* There is no place to talk about it as being a wrong, although you say yourself it *is* a wrong. But, finally, you will screw yourself up to the belief that if the people of the Slave States should adopt a system of gradual emancipation on the slavery question, you would be in favor of it. You would be in favor of it. You say that is getting it in the right place, and you would be glad to see it succeed. But you are deceiving yourself. You all know that [politicians from St. Louis]. . . undertook to introduce that system in Missouri. They fought as valiantly as they could for the system of gradual emancipation which you pretend you would be glad to see succeed. Now, I will bring you to the test. After a hard fight they were beaten, and when the news came over here, you threw up your hats and *hurrahed for Democracy*.

Here, one might say, Lincoln was intent on exposing the hypocrisy of those

who claimed that they wished a gradual end to slavery but shed no tears over gradualism's failure. Yet he had another object as well. "Take all the argument made in favor of the system you have proposed, and it carefully excludes the idea that there is anything wrong in the institution of slavery." Again, Lincoln was at pains to urge his compatriots not to dodge the moral question of slavery. If Douglas and the Democratic Party sought to remain neutral on the question of the morality of slavery—knowing that such neutrality could best serve their contention that popular sovereignty, not morality, was at issue in the extension of slavery—Lincoln was determined to expose the untenability of such neutrality in light of the intrinsic evil of slavery.

The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about it . . . You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation, or the shape it takes in short maxim-like arguments,—it everywhere carefully excludes the idea that there is any thing wrong in it. That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—through-out the world. They are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle.

To appreciate the quality of Lincoln's moral leadership, one has to compare it to Judge Douglas's flippant bigotry. At one point, he even anticipated where Lincoln's own views on slavery were tending when he charged that his opponent was no different from those who "really think that under the Declaration of Independence the negro is equal to the white man, and that negro equality is an inalienable right conferred by the Almighty, and hence that all human laws in violation of it are null and void. With such men it is no use for me to argue. I hold that the signers of the Declaration of Independence had no reference to negroes at all when they declared all men to be created equal. They did not mean negro, nor the savage Indians, nor the Feejee Islanders, nor any other barbarous race. They were speaking of white men." In other words, white men, intent on the exercise of their popular sovereignty could do as they pleased with slaves, just as women in our own society, intent on the exercise of what they fancy their "reproductive rights," can do as they please with children in the womb.

In his brilliant, groundbreaking book, *Slavery, Abortion and the Politics of Constitutional Meaning* (2013), Justin Buckley Dyer puts these supple confusions in useful perspective. "Public policy can no more remain neutral with respect to the morality of abortion than it can with respect to the morality of slavery," Dyer writes, in a passage in which he also cites Roy P. Basler, the editor of Lincoln's *Collected Works* (1953).

As Lincoln insisted in response to Douglas, the contention that "whoever wants slaves"

has “a right to have them” is “perfectly logical if there is nothing wrong in the institution; but if you admit that it is wrong, he cannot logically say anybody has a right to do wrong.” Like slavery, the right to abortion is perfectly logical if the object of the act is not a human being or if human beings at some early stage of development are not moral persons. Yet the feigned neutrality of liberal public reason prevents engagement with such questions and screens from view the essential continuity of the pro-life argument, stretching from the nineteenth century to today.

That Lincoln was the pioneering figure in this “essential continuity” is clear from his correspondence. In a letter to one of his close friends, for instance, Joshua Speed, the son of a wealthy Kentucky slave-owning-family, who was opposed to slavery but unwilling to support the limitation of slave owning, Lincoln spoke with the sort of truthful bluntness that was as refreshingly rare in his society as it is in ours.

The slave-breeders and slave-traders, are a small, odious and detested class, among you; and yet in politics, they dictate the course of all of you, and are as completely your masters, as you are the master of your own negroes. You inquire where I now stand. That is a disputed point—I think I am a whig; but others say there are no whigs, and that I am an abolitionist. When I was in Washington I voted for the Wilmot Proviso as good as forty times, and I never heard of any one attempting to unwhig me for that. I now do no more than oppose the *extension* of slavery.

If there was a formidable moralist in Lincoln, there was nothing of moral grandstanding. Nor any dearth of biting satirical wit. “I am not a Know-Nothing,” he told his equivocating friend.

That is certain. How could I be? How can any one who abhors the oppression of negroes, be in favor of degrading classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation, we began by declaring that “*all men are created equal.*” We now practically read it all men are created equal, *except negroes*” When the Know-Nothings get control, it will read “all men are created equal, *except negroes, and foreigners, and Catholics.*” When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.

Yet, if one wishes to understand what really animated Lincoln’s fight to end slavery, while preserving the Union, there is another passage in his letter to Speed that merits quoting.

You know what a poor correspondent I am. Ever since I received your very agreeable letter of the 22nd of May I have been intending to write you in answer to it. You suggest that in political action now, you and I would differ. I suppose we would; not quite as much, however, as you may think. You know I dislike slavery; and you fully admit the abstract wrong of it. So far there is no cause of difference. But you say that sooner than yield your legal right to the slave—especially at the bidding of those who are not themselves interested, you would see the Union dissolved. I am not aware that *any one* is bidding you to yield that right; very certainly *I* am not. I leave that matter entirely to

yourself. I also acknowledge *your* rights and *my* obligations, under the constitution, in regard to your slaves. I confess I hate to see the poor creatures hunted down, and caught, and carried back to their stripes, and unrewarded toils; but I bite my lip and keep quiet. In 1841 you and I had together a tedious low-water trip, on a Steam Boat from Louisville to St. Louis. You may remember, as I well do, that from Louisville to the mouth of the Ohio, there were, on board, ten or a dozen slaves, shackled together with irons. That sight was a continued torment to me; and I see something like it every time I touch the Ohio, or any other slave-border. It is hardly fair for you to assume, that I have no interest in a thing which has, and continually exercises, the power of making me miserable. You ought rather to appreciate how much the great body of the Northern people do crucify their feelings, in order to maintain their loyalty to the Constitution and the Union.

After reading this, one can see that Lincoln entirely earned his right to school his countrymen in the moral enormity of slavery, to insist that they not excuse themselves from acting responsibly and justly in response to a wrong that could not be ignored. Indeed, if there was one defining aspect of Lincoln's leadership with regard to slavery it was his ability to grow in his understanding of why it needed to be outlawed altogether, even though this growth was a relatively slow growth. It was also an unexpected growth. As Lincoln wrote in his Second Inaugural Address (1865):

Neither party expected for the war, the magnitude, or the duration, which it has already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding.

Of course, here, Lincoln was referring to his *Emancipation Proclamation* (1863) in which he freed the slaves two years before hostilities ended. But he might also have been referring to his own "astounding" moral development. As the literary critic Edmund Wilson pointed out in his fascinating study of the literature of the Civil War, *Patriotic Gore* (1931), if there was no evidence that Lincoln "saw the approaching crisis as an apocalyptic judgment or the possible war as a holy crusade," the ordeal of war transformed him, so much so that "he came to see the conflict in a light more and more religious, in more and more Scriptural terms, under a more and more apocalyptic aspect." Frederick Douglass, one of Lincoln's most caustic critics throughout the war, even saw in the president's speech "a sacred effort." Lincoln, in his typically laconic way, had put the toll of slavery in penitential perspective. That the carnage of the civil war was retribution for the sin of slavery might have been a commonplace among Northern preachers but no one gave the theme anything like the rhetorical force that Lincoln gave it.

"Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that

He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

Apropos this passage, the historian Eric Foner makes an important point in his superb study, *The Fiery Trial: Abraham Lincoln and American Slavery* (2010):

Lincoln was reminding the country that the "terrible" violence of the Civil War had been preceded by two-and-a-half centuries of the terrible violence of slavery. Yet Lincoln called it "American slavery," not Southern slavery, his point being that the nation as a whole was guilty of this sin.

Of course, this is a useful distinction to bear in mind with respect to legalized abortion, because, like slavery, it is not a sin that can be ascribed to any limited group of Americans, not even to those most vociferous in its defense: After forty-five years, the whole country must take responsibility for the murderous devastation it has wrought, those in the Republican camp who deplore it as much as those in the Democratic camp who wish to perpetuate it.

IV

Like those in Lincoln's generation, we find ourselves in 21st-century America confronted by a moral abomination that cries out for redress. We can no longer treat the iniquity of abortion as though it is something that we can somehow evade or elude. If the half-measure of outlawing the extension of slavery did not resolve the evil of slavery, neither will the half-measure of *stare decisis* resolve the evil of abortion. *Casey*, as we all know, was an unfortunate exercise in flapping and evasion. If we persist down that road, we shall only have succeeded in failing the test that God has appointed us. Certainly, letting *Roe v. Wade* stand in deference to the principle of *stare decisis* will not move us any closer to acknowledging the wrong that has resulted in the death of nearly 60 million children, or enable us to begin to redress that wrong. Lincoln's generation had the moral clarity and the courage to outlaw the indefensible scourge of slavery. Will we have the same to outlaw the indefensible scourge of abortion?

Essay on Human Dignity

Patricia Ranft

When I emailed a friend that I was researching the attacks increasingly being made on the concept of human dignity, she wrote back in disbelief, “How can anyone be against human dignity? I don’t get it.” I am sure most people today think, along with my friend, that the concept of human dignity is sacrosanct, beyond criticism: Who would dare oppose it after the lessons of the twentieth century?

Unfortunately, it is quite clear that many have not learned from history. Once again human dignity is openly, frequently, and unapologetically being denied, with the challenge presently centered in academia. In fact, in the last two decades scholars’ calls to abandon the concept have increased exponentially. Publications debating the validity of the concept abound. Besides innumerable books and articles, the presses at Cambridge, Oxford, The British Academy, and Routledge have published huge anthologies devoted to the human dignity debate. The arguments of opponents vary somewhat, but their conclusions are the same: The concept of human dignity must go. It must be “purged from ethical discourse.” Critics insist that the destructive history of humans makes claims of dignity farcical. Others see the concept as a tool used in the promotion of Western imperialism; it imposes Western behavioral norms on diverse cultures that may see it as repressive. Some critics consider dignity a mere placeholder, a concept used to provide space for other more relevant concepts to flourish. Still other critics argue that claims of human dignity resting on religious grounds such as *imago Dei* (that is, that human beings are created in the “image of God”) are idolatrous, because they apply divine attributes to humans. Animal rights proponents attack the concept with vigor, arguing that the claim is responsible for animal mistreatment. Other animal rights advocates insist that humans have no monopoly on dignity. Similarly, Darwinian scholars argue that evolution proves humans and non-humans are on the same continuum and thus disproves all claims of human dignity.

Human dignity has been called “useless,” “vacuous,” “a Trojan horse,” “humbug,” and too “vague” and “abstract” to merit attention. One of the more outspoken critics of human dignity, Stephen Pinker, sums up his opinion of human dignity in the title of his article: “The Stupidity of Dignity.” Granted, some of

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the observations critics make ring true—but then, as the saying goes, all convincing lies have an element of truth in them. Yes, humans often act contrary to human dignity. And yes, the word dignity, like all human language, is imprecise. Nevertheless, this does not lead to the conclusion that humans do not possess dignity. It indicates only that humans are capable of betraying their innate dignity and that language is ambiguous.

The movement to discredit the concept of human dignity has much in common with the eugenics movement of the nineteenth and twentieth centuries. The connection between the two can be clearly seen in Oregon. The state disbanded its Board of Eugenics in 1981, renamed it the Board of Social Protection, and in 1994 passed the nation's first assisted suicide law, "Death with Dignity." The current anti-dignity movement has the same goals as eugenics; however, it approaches them under different names and from different angles.

The first eugenists began with the desire for the birth of greater numbers of healthy, socially acceptable, intelligent children, whom they labeled "fit," rather than the birth of greater numbers of "unfit" children. Who would condemn such an admirable goal? No one, except those who realized that eugenists wanted to attain this noble goal through elimination of the unfit by the fit. The goal of the anti-dignity proponents is identical. These new eugenists, however, are even more of a threat than their predecessors, for they have more advanced biotechnology to achieve their goals. They have expanded the definition of unfit to include those whom they deem inconvenient, and they argue that elimination of the unwanted is a personal, private decision that needs no objective justification. Both yesterday's and today's eugenists denigrate and deny the dignity of human beings and thus open the door to elimination of some humans by other humans without moral condemnation. If the severely disabled infant, the cancer-ridden patient, and the demented grandparent do not possess dignity, may they not be eliminated at whim? Why not kill a child with Down syndrome who is inconvenient to care for? If humans and animals are equal in dignity, may we choose the life of a pet over that of a person? If there is no human dignity, must we respect the lives of others? Before we think that the answers to these questions are obvious, we should remember how many in the general public were persuaded to agree with yesterday's eugenists that persons such as those named above are expendable. More than seven decades after the horrific results of a society pursuing eugenic ideology were revealed in the Holocaust, we find ourselves facing the same nightmare. This time eugenists are not using gas chambers to achieve their goals, but rather abortions, euthanasia, and assisted suicides.

Knowing the history of the concept helps clarify why human dignity is being attacked today and why it must be vigorously defended. Although the Hebrews did not employ the term human dignity, they interpreted Gen 1:26 ("Let us

make man in our image, after our likeness”) to express the dignity inherent in all humans. The term itself first appears in the Stoic philosophy of Panaetius of Rhodes and Cicero and was social in nature. Dignity was something earned through rank, office, birth, and authority. It was Christianity that embedded the concept into Western anthropology. Christians combined the biblical understanding of human nature with antiquity’s connotation of social worth and constructed an anthropology built upon the unconditional, universal dignity of humans as *imago Dei* living in a community that respected that dignity. This anthropology went unchallenged for centuries. It was implicit in discussions of human nature until the eighteenth century, when Enlightenment philosophers began to address it more explicitly. They retained belief in the inherent dignity of humans, but they began to question its Christian basis. Although Kant held that dignity was “unconditional and incomparable,” he believed it was based on humans’ rationality and autonomy. The Enlightenment’s turn away from religion is reflected even more in Hobbes’ denial of dignity’s universality; he claimed it depended on a human’s “price” in society. Rousseau held that human dignity has nothing to do with God. Rather, he argued, any dignity a human has emanates from society.

In the latter part of the nineteenth century the trend away from a religious foundation for human dignity increased dramatically. The nineteenth century is also when secularism grew by leaps and bounds, and its adherents were determined to sever all ties with religion. This included attempts to jettison once and for all the Judeo-Christian roots of the concept of human dignity. Secularists replaced the religious foundation with one unable to ensure respect for all humans. Most secular proposals disavowed unconditional, universal dignity. This opened the door to eugenics. By claiming that human dignity was based on one’s utilitarian value to society, eugenicists persuaded large segments of the global population that the elimination of useless people was necessary. They saw no ethical dilemma in eliminating the so-called unfit, because the unfit had no dignity to respect. In the twentieth century Nazis took this argument to its logical conclusion and implemented the Holocaust.

The Holocaust was a turning point in the history of both eugenics and the concept of human dignity. After world societies were forced to confront the atrocities committed by a nation that justified its actions by denying universal human dignity, they were quick to protect the concept by insinuating human dignity into innumerable legal documents. Probably the best-known of these documents is the United Nations Declaration of Human Rights (Article 1: “Everyone is born free and equal in dignity and rights” December 10, 1948), but it was hardly the only one. Some one hundred countries embraced human dignity in their constitutions and charters by the 1970s. By the second half of the

twentieth century, acceptance of universal human dignity was a given among “civilized” nations. The word eugenics became anathema. The results of what happens when a society denies human dignity were too visible, too documented, for anyone to deny. Or so one would think.

Soon after the concept had permeated global legal culture, however, a movement began within academia to denounce human dignity, as the criticisms referred to above reveal. It is careful not to call itself eugenics, but despite the various names it uses, that is what it is. The question to be asked next is, “Why?” Why did scholars resurrect a discredited movement and attack a concept that recent history had revealed to be so essential to civilized existence? The answer is not hard to divine. Attacks upon human dignity are necessary if the favored social policies of the new eugenists—euthanasia, abortion, assisted suicide, and so on—are to be accepted by the public. Acknowledging human dignity and performing these actions are rationally and morally incompatible. If all humans have dignity, then none of these procedures are ethically acceptable. Conversely, if dignity is selective, different in degrees, or nonexistent, then, just like the eugenists of the past, the new eugenists are ethically free to eliminate the lives of those they judge expendable. Here we see clearly why preserving the concept of human dignity is so essential in today’s pro-life battles. In a very real way, the existence of human dignity serves as a floodgate. It is the finger in the dike that restrains those who wish to determine who lives and who dies.

That dignity is at the center of the current assault on human life is beyond doubt, yet few are aware of how precarious its survival is. For the pro-life movement to succeed, it is essential that we meet the anti-dignity offense with a vigorous pro-dignity defense. We must reiterate ad nauseam that human dignity is rooted in the very nature of every human being. It is not present because of what one does but because of what one is. Dignity is a constant. It does not increase or decrease but is totally independent of human action or desire. Dignity can be damaged by human action, but it cannot be eradicated. It is inseparable from human life. It is what dictates our relationship with each other and is the source of human equality. Unconditional, universal dignity negates the claims of superiority by one group over another group, and it de-stigmatizes those society deems inferior. It falsifies arguments that sustain racism, xenophobia, sexism, and every other “ism.” It protects the most vulnerable among us. A person’s autonomy does not determine the right to life; human dignity does. The universality of dignity creates bonds among all peoples and thus provides glue to bind communities together.

We must include in our defense the fact that human dignity also bestows responsibility. Because human beings have equal worth by virtue of their dignity, all have the right to have that dignity respected and the duty to respect the dignity of others. Implicit in this responsibility is the duty to create environments

that protect human dignity; the human rights movement was born out of the need to identify the specific ways human dignity must be protected. If social organizations are built upon a defective definition of human beings, then the organizations are flawed and doomed to error. Tragic consequences result when any individual or organization fails to live up to the responsibility to acknowledge, respect, and protect the dignity of others.

In this area, one of the most difficult issues that must be faced is the question of non-human dignity, for animal rights activists are among the fiercest opponents of human dignity. Because a vast majority of society thinks of its pets in anthropomorphic terms, animal activists are winning the day. Consequently, this is the hardest argument to counter. Persuading people—and this probably includes most readers of this article—of the danger involved when pets are anthropomorphized is difficult indeed because of the emotional ties owners have to their pets. Unfortunately, though, the current elevation of pets to full family membership with full family privileges plays right into the hands of anti-human dignity proponents. Activists maintain that those who claim that only humans possess dignity are guilty of speciesism, that is, the attribution of special status and rights to humans simply on the basis of being a member of the human species. They condemn speciesism outright. They hold that animals have dignity equal to humans, and, therefore, human dignity must not be considered superior. In practical terms this means that the interests of animals are as important as the interests of people. The ethical validity of killing a pit bull in the process of fatally maiming a child is questioned. Using animals in medical research for the discovery of human life-saving medication is condemned. Because humans and animals are considered equal in dignity, their interests are subjectively and objectively equal, and, therefore, one can ethically choose a pet's interests over a human's interest. To make the implications of such reasoning concrete, consider the morality of an everyday action: Is spending discretionary funds to buy prime meat for a pet morally proper while a neighbor goes hungry? I would guess that most pet owners never think such an action could be morally questionable.

To avoid the slippery slope animal rights' arguments are built upon, the distinct differences between humans and non-humans must be remembered. Yechiel Barilan points out one essential difference: Humans have no innate need to violate the dignity and rights of others. Non-humans do. The hungry lion will always violate the "dignity" and "rights" of the lamb by devouring it. The lion cannot choose otherwise, for it cannot alter, reform, or transform itself. Humans can. Next comes a dangerous leap. Animal rights activists assert that animal dignity is different from human dignity in degree, not kind. Because they hold that dignity is based on rationality, autonomy, and utility, activists

then contend that human dignity also differs in degrees. By so asserting, humans lacking those traits become legitimate targets for eugenic policies. With little or no dignity, their interests are considered the same or less than those of highly developed mammals. It is tragically ironic that, given such reasoning, a baby not yet born is expendable because of the small degree of rationality, autonomy, and utility it has—while a dolphin’s life is valuable because it has a small degree of rationality, autonomy, and utility.

While presently the attack upon human dignity is the strongest among animal rights advocates, it is hardly the only attack we must counter. We must also pay particular attention to the denouncement of human dignity by professionals in medical, bioethical, and legal fields, for here we already see what the application of anti-dignity theories reaps: a willingness to kill humans by redefining what is human. Although it may seem to be too outlandish to be real, there is within academia another, more recent movement to abolish the concept of humanity itself. University presses are now publishing authors whose aim is to “desecrate[e] the category of humanity, and indeed to do away with it completely.”¹ Their immediate goal is to eliminate any condemnation of what we call crimes against humanity; the long-term goal is the elimination of all universal moral criteria to distinguish the good from the bad. In such a world not only is human dignity banished from ethical discussions, but also the whole idea that to be human is to act in certain ways. There can be no crimes against humanity, because there is no humanity.

We must search hard and long for a way to neutralize all such attacks and to destroy the pervasive culture of death. For centuries religion, specifically, the Judaic-Christian belief in humans as *imago Dei*, provided such a way. The number of Westerners who identify themselves as members of the Judaic-Christian tradition is shrinking, however, and so believers must not rest on past laurels. Rather, they must increase their efforts to convince others that, as *imago Dei*, humans possess unconditional and universal dignity. For those who reject religious foundations for human dignity, the practice of eugenics remains an imminent threat, because the secular foundations for dignity proposed so far have proven ineffective in fighting both old and new eugenics. If dignity is based on rationality, then the mentally disabled have no dignity. If it is based on autonomy, then preborn and newborn babies have no dignity. If it is based on utility, then Alzheimer’s patients have no dignity. Those who lack these secular requirements for dignity can be—and are—eliminated without compunction or fear of ethical condemnation. A less vulnerable secular defense of human dignity is urgently needed.

Regrettably, I have no magic bullet capable of reversing the current course towards a ubiquitous denial of human dignity. I can only offer suggestions and observations. The first step is to raise awareness of the threat to human

dignity. No longer can we assume that it is a universally acknowledged concept. Awareness of the endangered nature of human dignity is necessary before it can be sufficiently protected. We must recognize the central role dignity plays in life issues. If promoters of euthanasia, abortion, and assisted suicide succeed in emptying the concept of its true content, then they have cleared the way for making these actions morally acceptable. We should beware of semantical games. Today's eugenists have hijacked the word dignity to justify their assaults upon the concept. For example, the Voluntary Euthanasia Legalization Society renamed itself Dignity in Dying in 2005, when the actual purpose of the organization is to expunge the dignity of humans by killing them. Likewise, since the word eugenics is so closely associated with the Nazis, advocates never refer to themselves as eugenists. Therefore we must take care to do so. They never refer to their policies as eugenics. We must never tire of identifying them as eugenics. We must not allow the misappropriation of the word dignity by organizations that deny the unconditional, universal presence of human dignity.

Finally, as the battle to abolish human dignity as a concept and a reality continues, confusion will undoubtedly spread. Perhaps the most effective and available tool we have is our common sense—what we used to call a well-formed conscience. Regardless of the rhetoric, the sophisticated attacks, the persuasive examples, and the semantic maneuvers, common sense tells us that we have dignity. It tells us that our dignity must be respected and, in turn, we must respect the dignity of others. It tells us that, although we are demonstratively different from non-humans, our dignity demands we manifest that dignity by treating all creatures and creation with respect. As persuasive as eugenic rhetoric can sometimes be, common sense tells us it is false. As tempting and convenient as euthanasia, abortion, and assisted suicide can be, common sense—our conscience—tells us it is wrong to kill another human. Common sense can guide us through the maze and deliver us safely to a global society that identifies, respects, and protects human dignity.

NOTE

1. Sam Dubal, *Against Humanity* (Oakland: University of CA Press, 2018), p. 10.



**The Human Life Foundation graciously
thanks the members of
the Defender of Life Society:**

<i>Mr. & Mrs. Andrew Bean</i>	<i>Fr. Kazimierz Kowalski</i>
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Fighting Back Against Sex Trafficking

Mary Rose Somarriba

“Backpage.com and affiliated websites have been seized.”

The words were displayed on the big screen in the ballroom of the Dulles Hilton for the annual Coalition to End Sexual Exploitation Global Summit in April 2018, where more than 589 experts and activists from all over the globe congregated to discuss the problems of, and possible solutions to, some of the world’s greatest sexual exploitations.

Only the day before, Mary Mazzio, director of the recent documentary on sex trafficking in America, *I Am Jane Doe*, had presented remarks. Another participant, a mother going by the name of Angela, whose daughter had been sold on Backpage, had spoken during a panel discussion entitled “Life after Trauma: Survivor Perspectives.” Many of the attendees who had seen Mazzio’s documentary for the first time at the Summit had been introduced to the intricacies of Section 230 of the Communications Decency Act, which companies like Backpage have relied on to skirt legal repercussions for providing the platforms on which illegal activities are facilitated.

For many sex buyers, Backpage was an outlet where they could locate their latest purchase among the escort ads, the site itself being named after the notorious back pages of many cities’ street newspapers. There, ads ostensibly offering massages or companions for the arms of lonely men are in fact offering the services of women sold into prostitution. But it wasn’t simply the illegality of prostitution that caused the FBI to step in; what prompted the FBI to pull down Backpage was the numerous cases of sex trafficking involving the site, which persisted in posting photos and ads selling minors. In fact, the National Center on Missing and Exploited Children reports that 74 percent of all child sex-trafficking cases it handled between 2013 and 2017 involved Backpage.com.

At the Coalition to End Sexual Exploitation Global Summit, Angela told the story of her 15-year-old daughter’s kidnapping and rape by sex buyers responding to the ad for her on Backpage.com. In response, “We made it our mission to make sure Backpage and places like Backpage will be held accountable for what they’re doing to children . . . it was a fight but it was worth it.”

Angela is referring to the legislative action Congress took to amend Section

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230, after she and other parents ran into legal roadblocks in their fight to get their daughters' photos off the site. The problem was the stubborn provision exempting sites from responsibility for what's posted on them. Ultimately, the Fight Online Sex Trafficking Act (FOSTA)/Stop Enabling Sex Trafficking Act (SESTA) passed nearly unanimously in the House and Senate in March 2018 and was signed by President Trump in April. Now that FOSTA-SESTA has been signed, moms like Angela and their daughters will finally be able to take sites like Backpage to court.

Despite what seems like a cause deserving broad support, especially from groups fighting the exploitation of women, the closing of Backpage drew criticism from the Women's March in a controversial tweet a couple of days later.

"The shutting down of #Backpage is an absolute crisis for sex workers who rely on the site to safely get in touch with clients. Sexworkers' rights are women's rights." This message accompanied a retweet of a message first shared by the Collective Action for Safe Spaces, which read, "The crackdown on Backpage is not about ending trafficking; it's motivated by the patriarchal notion that women should not be free to do what we want with our bodies."

Even for a heavily politicized women's movement, this messaging surprised many, including me. While I knew many political women's groups include abortion as a must-defend-at-all-costs issue, I didn't expect them to go so far as to publicly voice support for other violent activities that can be construed as acts of bodily self-possession.

Consider the case of a young woman named Desiree Robinson, who was prostituted on Backpage.com in 2016. Far from experiencing safety or rights, a pimp sold her for \$250 to another pimp, and she was murdered less than a month later. She was 16 years old.

According to the comprehensive studies of psychologist Melissa Farley, founder of Prostitution Education and Research, as many as 99 percent of those in the sex industry have stated that they experienced violence within the industry. Marian Hatcher, who leads the human trafficking division at the Cook County Sheriff's Office in Illinois, reports that 37 children and adults were killed between 2007 and 2016 as a result of online sex ads like those at Backpage.com.

"Women's March, sorry, but your privilege is showing," the pro-life New Wave Feminists responded sharply on social media. "Backpage was shut down because vulnerable and exploited individuals were being hurt, harmed, and sold through it. Yes, for a select few 'sex work' might be a choice, but for so many others it is a necessary evil . . . a means to an end. When will you start standing up for those who were being trafficked through these ads—drug addicted, objectified, and used by a society that sees them only as a commodity to be purchased rather than human beings worthy of protection?"

It would seem that, like abortion, sex trafficking is another issue where the suffering of the most vulnerable is treated like collateral damage of a somehow “larger” cause. In both cases women and children bear the greatest costs, but the cause is spun as a win for women.

Used and Turned into Users

While it’s impossible to pin down precise numbers, the Department of Justice estimates between 100,000 and 300,000 domestic minors are being trafficked in the sex trade. Sex trafficking takes place all over the United States, trapping numerous girls (and boys, too) under the age of 18 into an industry that is no less coercive and confining after they turn 18.

People trafficked in the United States frequently are first exposed to psychological manipulation. Pimps often target vulnerable girls who appear to have little support structure, befriend them, gain their trust, and invite them to join an illusory glamorous lifestyle. Victims suffer repeated rape and are often threatened that if they don’t do as they’re told, they or their family will be harmed. The girls usually feel so ashamed they can’t imagine telling their families or reaching out for help; over time, they can develop a Stockholm Syndrome-type reliance on their abusers. Many girls who have escaped trafficking report that their pimps’ manipulation makes them feel they freely chose a life of prostitution and deserve what they get, when in reality they were coerced every step of the way, and were too young to make such decisions even if they had known what was entailed.

According to Farley’s research spanning nine countries, 89 percent of prostituted people want to get out now. Even after (if they’re lucky) trafficked people escape alive, they face many challenges, including emotional and psychological scars. Those running safe houses for formerly trafficked women and girls mentioned in one panel the heartbreak of trying to help the girls fall asleep at night, after all the trauma they’ve experienced.

Trafficking victims are not just enclosed in a seedy underworld most people will never catch sight of; they also are used in more public aspects of the sex industry that our culture nowadays treats as acceptable, popular, and legal, such as the production of pornography and stripping. So those consuming pornography or visiting strip clubs are participating in the exploitation of untold numbers of trafficked people, as well as fueling an ever-growing demand for the purchase of sex.

Sadly, speakers at the Global Summit revealed that the sex industry also harms children by exposing them to pornography as consumers. They are stumbling upon porn when they are as young as 10, and many become daily consumers. Ernie Allen, former president of the National Center for Missing and Exploited Children, described the problem of porn for kids as “a crisis

that is misunderstood, under-recognized, and under-appreciated.” The age of first-time users has “declined dramatically,” Allen says, and the “content has changed.” For instance, today incest is one of the fastest growing trends in porn. Most kids access porn on their mobile phones, Allen reports, and “it’s altering their developing brains.” Most troubling, they’re replicating the behavior they view: “the average age of first acts of sexual violence in kids is 15 and 16,” Allen said.

Many parents might be inclined to dismiss porn as not very serious, imagining something similar to their dad’s *Playboy* magazines. Today, however, a child’s first exposure to pornography can be the most hardcore variety that men escalate to after years of being desensitized to lower levels of explicit content. As sociology professor Jennifer Johnson described the economics and usage patterns of porn users, “adolescents start their sexual journey where grown men end up. It’s a new world order.” And kids are not only stumbling on such hardcore porn by accident, they’re being targeted by computer algorithms designed to get more consumers hooked. Author of *Big Porn Inc.* Melinda Tankard Reist insists, “we won’t be able to make any dent in our war against women unless we address porn as our most prominent sex educator.”

Children today are also pressured into sexting. They constitute 88 percent of those likely to have their photo shared with unintended recipients—often resulting in terror, isolation, and ostracization. The fallout from our exploitative culture can affect the gamut of teen relationships. Adolescent girls have told Tankard Reist that they’ve come to think they have to provide sex to a boy if they want to see a movie with him: “Male kindness is so alien to us; we assume it’s seduction every time,” she reports. It would appear that many of this generation’s children are not only facing sexual exploitation, they are losing faith in the existence of human relationships based on respect and integrity.

Still, some tout porn as a good thing for people—and a good thing for relationships. As Gail Dines, author of *Pornland* and founder of Culture Reframed, put it, “people today believe they’re empowered by the sexualized culture.” Some studies even claim porn helps viewers have more egalitarian views of the sexes, but further scrutiny reveals their measures of equality include specific views on social issues such as acceptance of abortion.

As Mary Ann Layden, psychotherapist and director of the Sexual Trauma and Psychopathology Program at the University of Pennsylvania, informed attendees in another discussion, 30-35 studies show porn is connected to sexual violence. “Men are not born rapists; you have to teach them,” Layden said. “Let’s stop teaching them.”

For some of us, it’s unsurprising that stepping away from the traditional view of sex and marriage would lead somewhere bad. But probably few imagined just how bad things would get.

Many women today are buying into the hypersexualized culture that treats them as objects, placing societal pressures above their best interests and being influenced by pressures to appear sexually attractive and available to men at all times. Men meanwhile, are growing in compulsive sexual behavior, the true enjoyment of which is questionable. Among men buying sex, as many as 60 percent have said they want to stop.

Signs of Progress, But So Much More to Be Done

Not all the news attendees heard at the Global Summit was bad. In April, the United Kingdom began enforcing legislation that requires all porn websites to verify the ages of all users, with legitimate age-checking software, not a simple checkbox kids can use to lie. States such as Virginia and Florida are among the most recent ones to pass legislation calling porn a public health crisis. And large-scale tools of traffickers like Backpage that made sex-buying easier than ever before (without walking to the sketchy part of town) are being shut down one at a time.

These successes of the movement to end exploitation were uplifting to celebrate at the Summit. It was heartening to connect with leading experts, law enforcement, and people whose lives have been touched by these crimes, mobilizing against a common enemy despite varied political or ideological backgrounds. Surrounded by kiosks of items made by at-risk women and new companies striving to help children and adults overcome porn consumption, one gets the sense that there's a lot of good work being done.

But, for me, the most hope-inspiring element was the testimony of survivors. One such woman at the Global Summit was Shamere McKenzie. "The devil had a plan to kill me," McKenzie said in a panel discussion, "because I was conceived in rape." When she was arrested as a prostitute, as is often the case for women and even girls, law enforcement didn't recognize that McKenzie was a victim of trafficking. "They say I'm a felon, but I say I'm a child of God."

Given the prevalence of trafficking in prostitution, many anti-trafficking groups present at the Global Summit lobby for prostitutes to be decriminalized, but for the selling of sex to remain illegal. The most successful model for reducing trafficking hasn't been to legalize the practice, but to decriminalize those sold for sex and increase criminal penalties for those who buy sex. Known as the Nordic Model, this actually helps reduce trafficking. Meanwhile, countries like Germany that have legalized prostitution are seeing signs of increased trafficking.

In addition to hearing about the best research on curbing exploitation on a grand scale, attendees at the Summit learned small-scale ways to combat problems in their homes and communities. Folks at home can stop fueling the demand for sex in prostitution by refusing to consume pornography or by getting

help if they've already developed an addiction. If pornography is hurting a marriage, there are excellent resources for both those with addictive behavior and their spouses, who often suffer from betrayal trauma on levels similar to those caused by other forms of infidelity (these resources are provided by Certified Sex Addiction Therapists and Certified Clinical Partner Specialists, respectively). We can put smart filters and accountability programs like Covenant Eyes on all the devices in our homes. Using books like those published by Protect Young Minds, we can prepare kids to tell their parents if they accidentally see pornography (the act of telling others being a factor that significantly reduces the likelihood of developing a compulsive habit).

In the sex industry, human life is cheap. However, for the lucky ones able to get out, it's awe-inspiring to see their resilience and hear about their missions to help others get out as well.

After a day of listening to numerous experts, attendees of the Global Summit were just preparing to sit down to dinner in the Dulles Hilton ballroom when news came that the FBI had seized Backpage.com—the goal for which so many present had been striving for so many years. The room went electric. Survivors of trafficking took to the stage to deliver their responses in the impromptu press conference that followed and streamed online. Here was hope that all our hard work against the world's greatest exploitations was bearing fruit.

“People are not products to be bought and sold online,” exclaimed Lisa Thompson of the National Center on Sexual Exploitation. “Human life, the dignity that should be given to everyone who takes their first and last breath, is priceless. . . . No one is born with a barcode or a price tag.”

Jordan Peterson: Apostle or Genius?

Andrew Mahon

During a question-and-answer session following one of his lectures, professor, psychologist, and best-selling author Jordan Peterson was asked about abortion. After disclaiming that he had an answer good enough to reveal, he replied: “Abortion is clearly wrong. I don’t think anybody debates that. You wouldn’t recommend that someone that you love have one.” Then, after some verbal “flailing about,” as he described it, Peterson said this:

The discussion regarding the legality of abortion is nested inside a larger discussion about the morality of abortion, and that’s nested inside a larger discussion about the proper place of sexuality in human behavior. . . . Sexual relations in the modern world—they’re bent and warped and demented out of shape I don’t think we’re mature enough as a culture to have a serious discussion about sexual propriety, especially in the aftermath of the birth control pill, and we seriously need to do that I think the eternal debate about abortion—as horrible as it is—is a surface manifestation of a much deeper problem.

This is all true. But Peterson has been criticized by some pro-life commentators for saying it—or at least, for saying it as a way of concluding the conversation at this point. “I think Dr. Peterson is both right and wrong at the same time,” writes Jonathan Van Maren, communications director of the Canadian Centre for Bio-Ethical Reform. “There is an enormous amount of work to be done surrounding the mess that our society has made of sexuality and relationships, a mess that is celebrated as liberation. But . . . many are recognizing that abortion is an issue of human rights: Human beings have human rights, human rights begin when the human being begins, and science tells us when a new human life begins.”

Of course Van Maren is correct. Abortion is a human rights issue and human life begins at fertilization. If you dispute this, I put you in the same category as flat-earthers and other deniers of science. But Peterson is a clinical psychologist. It is his job to focus on the psychology of the born, and to investigate how some people get themselves into the kind of mess where abortion seems the least bad of a slew of bad options. Van Maren and many other proliferators would like to hear a more emphatic pro-life statement from Peterson, but he doesn’t see that as his place as a psychologist.

Some Catholic commentators have accused Peterson of psychological reductionism (see for instance “Jordan Peterson and the Catholic Faith” by

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Bradley Black in *Catholic Insight*, <https://catholicinsight.com/jordan-peterson-catholic-faith/>), particularly in reference to his biblical lectures. This worries many Christians. But Peterson has repeatedly and unequivocally denied that he is making a reductionist argument when he speaks of the psychology of Christianity. To do so would be ideological, and Peterson detests ideology. He leaves the door open for faith and revelation, but to speak about such things as a psychologist would take him off his subject—the subject on which he feels competent to contribute. After all, he is not a preacher. It's worth considering that if truth is absolute and ultimately to be found in Christianity, then an honest search for truth, from whatever angle, can lead only to one place. Peterson is on such a quest, and he is bringing millions along with him. Let's not try to impede him.

Speaking as a Catholic, there are two methods for obtaining truth: reason and revelation. The resulting truths can never be in conflict, for the simple reason that truth can never be self-contradictory. Revelation comes in where reason's domain ends. The two complement, support, and illuminate one another. Kierkegaard, in his essay "The Difference Between a Genius and an Apostle," helps clarify this relationship. The genius uses his powers of reasoning to determine observable scientific or philosophical truths about the universe and the human condition. The apostle uses his authority to convey an otherwise unknowable truth, relevant to a certain predicament. Peterson is a genius in the Kierkegaardian sense; he is not an apostle. Another such genius was the great novelist Walker Percy, who explained in an interview how Kierkegaard's essay helped bring him into the Catholic Church:

[W]hat the greatest geniuses in science, literature, art, philosophy utter are sentences which convey truths *sub specie aeternitatis*; that is to say, sentences that can be confirmed by appropriate methods and by anyone, anywhere, any time. But only the apostle can utter sentences that can be accepted on the authority of the apostle; that is, his credentials, sobriety, trustworthiness as a news bearer. These sentences convey not knowledge *sub specie aeternitatis* but news (*Paris Review*, 1986).

The true apostle and the true genius will never contradict each other. Rationally apprehended truth and revealed truth are like two pieces of one puzzle. They serve different functions, but they share a common source and serve a common goal. It's a mistake to revere revelation at the expense of reason, which can lead to misunderstanding, self-righteousness, and blindness. It may also betray a weak faith through its avoidance of rational criticism, which genuine truth is always able to withstand. Revelation at the expense of reason led to the Sanhedrin verdict. On the other hand, elevating reason over revelation leads directly to Lucifer, the fallen angel as imagined by Milton—incidentally, a favorite reference of Peterson's. We need both reason and revelation, equal constituent parts blending into one truth. Walker Percy's powers of reasoning were unsurpassed,

but they left over and pointed to a revelation-sized gap, which he recognized could only be filled by Catholic doctrine.

Christ is the Word, the *logos*, reason itself, as Jordan Peterson often observes. Therefore when we reason properly we are, in a sense, becoming Christ-like. Peterson's appeal is his infectious intellectual honesty. Everyone who listens to him with an open mind is exercising his reason—you can almost feel your brain expand as you absorb his lectures. If there's a revelation-sized gap left over, it will be conspicuous as long as honesty and openness remain.

Christians need not fear any intellectual who pursues truth. It is a mark of genuine truth that it is immediately corroborated by other already known truths, reasoned or revealed, providing a kind of confirmation that what you have heard is genuine. This confirmation is absent when a faulty axiom underpins a rational argument. Until recently, I couldn't find anything that I as a Catholic could seriously disagree with in Jordan Peterson's thought. But then I listened to his podcast with fellow Canadian psychologist Steven Pinker, in which they talked about Pinker's latest book, *Enlightenment Now: The Case for Reason, Science, Humanism and Progress*.

Pinker's central argument is that the world is getting better, and who wouldn't want to hear such a positive message? He is celebrated for having compiled an impressive array of statistics—in this book and in his earlier *The Better Angels of Our Nature*—which show that: The world is safer; fewer people are dying prematurely; life expectancy is longer than ever; the average standard of living is the highest it's ever been; extreme poverty is at an all-time low, etc. But Pinker's compelling claim is correct only from a certain starting point, one that ignores some rather important facts. For instance, to return to the matter of abortion, Pinker doesn't address the issue of well over a billion human lives lost to abortion in the past half century. Well over a billion. The omission is flagrant.

Late in the interview, Pinker questions the commonly-held regard for Mother Teresa as a morally praiseworthy individual, arguing that Bill Gates has saved more lives—over a hundred million. “What did she accomplish?” he asks, “how many lives did she save?” This is a bit ridiculous, because Mother Teresa's mission wasn't to save lives but to show disinterested love to every human being she came into contact with, especially those who had no one else to love them. She devoted her life to loving and caring for the poor and the suffering. That's what she accomplished. Bill Gates had billions of dollars to work with; Mother Teresa had nothing. She demonstrated that love is the most powerful force in the world and is abundant even where there is nothing else—perhaps most abundant where there is nothing else. A more interesting question would be, “How much more could philanthropists like Gates accomplish with their billions if they were to follow Mother Teresa's example?”

These are Pinker's claims, not Peterson's, but towards the end of the podcast Peterson concurs that the world is getting better, and insists that we should be happy about it. This is where I object, because it appears Peterson has accepted Pinker's tacitly posited but false definition of "better." Pinker would seem to define "better" as enjoying on average longer, healthier, and wealthier lives, with significantly reduced suffering (but only after birth). There's an ideology at play here, manipulating the axioms of critical thinking. I'm surprised that Pinker's ideological assumptions—which are essentially those of post-modern neo-Marxism—escaped Peterson's notice.

If our guiding principle as a society is only to eliminate the suffering that impinges on our healthy, wealthy, and long lives, we won't allow love and suffering to meet; we won't permit any more Mother Teresas to emerge. The kind of misguided compassion this way of thinking can lead to was apparent in the state-ordered death of 23-month-old Alfie Evans in the United Kingdom earlier this year. His parents lost a legal battle to keep their terminally ill son alive, despite having received the support of Pope Francis, the gift of Italian citizenship for Alfie, and the offer of a private military airplane to take the family to Rome where Alfie would be treated in a Vatican hospital. The ostensible justification for the youngster's death was a compassionate end to his suffering, or, more accurately, as he was no longer physically suffering by this point, a compassionate end to a life deemed no longer worthy of care. (Maybe it was the rest of the world that was suffering by having to coexist with a terminally ill child—a "better" world wouldn't include terminally ill children.) But, as Mother Teresa showed us, it is not the alleviation of suffering that is the most pressing need in our world but the triumph of love over suffering.

This is precisely what the judges and doctors who sealed the boy's fate couldn't allow. The image of Alfie and his parents in the unbreakable bonds of familial love, celebrating his second birthday in Rome a couple of weeks later, would have shattered their veneer of compassion. This is what was denied to the Evans family—the continued opportunity to love Alfie on this earth, despite his sickness. Love in the face of suffering; love transforming suffering—this was the crux of this issue. It is the crux of Christianity. It is, if I'm not being clear enough, the *crux* itself. Peterson often claims that the cross represents suffering. That's only half true. It represents the confrontation of suffering and love. The demonstration of love we might have seen, had Alfie been allowed to go to Rome, would have been an image of a father and a mother caring for a child destined for suffering and death. A more perfect representation of the Holy Family I cannot imagine.

But those of us who know this best know it because we have accepted a revealed truth. In a truly better world, reducing suffering, while necessary, is secondary to confronting and transforming suffering with love. Saving lives

is necessary but secondary to loving lives. Saving lives is, in fact, the natural result of loving lives. But in all cases love must come first. Love can transcend suffering, and therein lies the salvation of the world. Indeed, love must confront and transcend suffering, rather than merely try to eliminate it. God is love, says John. God is truth, says Aquinas. Truth and love are, in the final analysis, the same thing. The world gets better when these are our guiding principles.

At present, I fear the world is only getting better at hiding its horrors. Peterson is honest enough to recognize as much, but is it possible that the reason he didn't challenge Pinker's definition of "better" was because, while he speaks from within a Judeo-Christian worldview, he is not a professed Christian, and therefore hasn't accepted the revelatory truths necessary to fully comprehend a truly better world? Perhaps, but that's nobody's business but his. I don't expect revelation from Peterson in any case. I want to learn as much truth as I can from the genius that he is, and because he's not an apostle I expect from him at least the admission of a recognized gap in his apprehension of truth when his thinking reaches its limits. He usually complies. In this case I would have been satisfied with a caution against certainty that the world is getting better, but for the first time that I am aware of, I think he may have let ideology get in the way.

“Life is suffering,” Peterson often says. “Bear it!” he counsels, “try to reduce it.” This is so refreshing to hear because it's true. But it's not enough. It's not enough because it might lead us to think that a better world is merely one where there is a reduction in suffering at any cost—a world where suffering and love are never permitted to embrace. This is the world to which Steven Pinker points. As do the judges who denied Alfie Evans's parents permission to seek treatment for their son in another country. In such a world, abortion is permissible because it is held to prevent suffering. In such a world euthanasia is necessary because it is held to eliminate suffering. The fact that these so-called solutions to suffering also eliminate human lives (and invariably create more suffering) is barely even noticed.

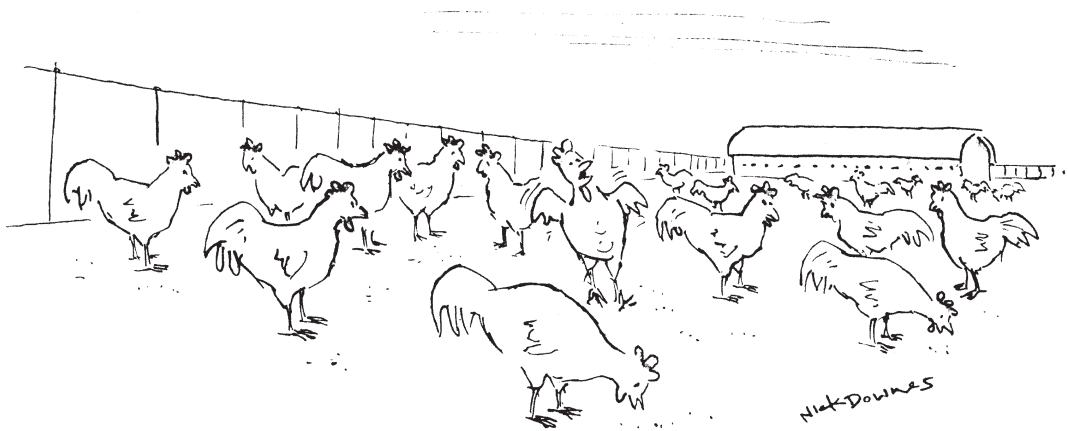
Yet these are all rationally apprehended truths. Does it, in fact, require Christian revelation to recognize that all human life has intrinsic value and is, therefore, worthy of love, no matter how much suffering there may be? I don't believe so. But maybe this is where reason and revelation meet. (And here we come to the difference between religion and ideology. True religious doctrine harmonizes with reason; ideological assumptions shut reason down.) The case certainly becomes airtight with the addition of Christian revelation, because Jesus showed us what the encounter of love and suffering achieves.

Peterson often invokes the horrors of the communist dictatorships of the twentieth century, responsible for a death toll, by some estimates, approaching a hundred million. By what calculus can this horrific cost of “reducing suffering” be

considered beneficial for the human race? And what about over a billion abortions that have occurred in nearly half that time period? Even without Christian revelation, reason shows us the problem with Pinker's thesis, and exposes his ideology. It's not just that the world can only be seen to be getting better by ignoring the staggering loss of life and the shameful lack of love. It's that this definition of "better" is entirely dependent on that loss of life and lack of love. Only by killing off those who suffer and those who we predict will suffer or cause suffering to others, and then by discounting their numbers from the statistics, can we arrive at Pinker's conclusion that the world is getting better.

In modern society, life, per se, has no value, and love is not a transformative force—but everyone's full of compassion and tenderness. As Flannery O'Connor said, "tenderness leads to the gas chamber." Is this really better?

Dr. Peterson?



"Thank God Almighty, I'm free range at last!"

Daniel Berrigan and the Meaning of “Pro-Life”

Nicholas Frankovich

Daniel Berrigan spoke at Union Theological Seminary in Manhattan one evening in the spring of 2003. His topic was the U.S. invasion of Iraq.

More than thirty years since he appeared on *Meet the Press* and the cover of *Time* magazine, a residue of fame still clung to him, the antiwar activist who, as a man of God, possessed a certain moral authority that the peace movement during the Vietnam era had been happy to borrow. The biblical overtones of his jeremiads against the war had served as a speed bump to slow down anyone who, conservative by temperament, might have been a little too quick to reject the same message when it was delivered by activists who lacked his religious formation and pedigree. Before you had thought through the case for or against the U.S. military effort in Vietnam, the televised spectacle of young demonstrators flouting and mocking the manners and morals of traditional society was hitting you in the gut if you were old-school and sensitive to violations of social norms and decorum. Antiwar marches tended to lack the intense restraint and self-conscious respectability that marked their counterparts in the civil-rights movement. The edges of the antiwar movement writ large were rough by comparison. You could be forgiven if your impulse was to return the rancor and declare yourself anti-antiwar. Enter Father Berrigan, an ascetic-looking middle-aged man with the halo of a sage, an old soul, discerning and serious, a little harder to dismiss than a mass of ragged student protesters in the streets.

Some called him a poser nonetheless. Was he affecting to be profound when he was only ponderous? To an extent, sure. He was susceptible to accusations of vanity and grandstanding. On a charitable interpretation, though, he might also be admired for a kind of stoicism. A passing comment he made to me once—I elaborate below—reinforced an impression I had long had that he felt the awkwardness of his presence in public, like Moses, and spoke up and spoke out despite his embarrassment. His gifts did not include the particular grace and aplomb that lent so much power to the oratory of Martin Luther King Jr. Berrigan in both his speech and his writing tended to lurch between the elegant and the shrill.

Consider this, for example, from 1968, a simple but eloquent acknowledgment that he and his partners in crime—an act of vandalism they committed

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to protest the war—were inadequate representatives of the larger cause they presumed to advance:

It will be easy, after all, to discredit us. Our record is bad; troublemakers in church and state, a priest married despite his vows, two convicted felons.

We have jail records, we have been turbulent, uncharitable, we have failed in love for the brethren, have yielded to fear and despair and pride often in our lives. Forgive us. We are no more, when the truth is told, than ignorant beset men.

Alas, in the same statement, which he read at trial in federal court, he also let loose this, a wooden and, at the same time, dramatizing and bitter scrap of hackish diatribe:

Redeem the times! The times are inexpressibly evil. Christians pay conscious, indeed religious, tribute to Caesar and Mars; by the approval of overkill tactics, by brinkmanship, by nuclear liturgies, by racism, by support of genocide.

His taste was uneven. Let's put any objections to that aside for a moment. From his "Redeem the times" remark and countless others like it, I suspect that Berrigan thought that America in the age into which he was born needed, even if it never wished for, the prophetic figure whose role he undertook to perform—and that he saw it as a duty, a cross, which he picked up not because he thought he would carry it well or would enjoy it but because he was called to it. If no one who could do the job better was stepping up, well: Here I am, Lord.

His speaking gig at Union on the eve of Operation Iraqi Freedom appeared to be arranged on short notice: The war was no longer a mere rumor but not yet quite a *fait accompli*, and those who opposed it felt an urgency to say or do something. I went to hear and watch Father Daniel Berrigan because I was curious to see how he was doing—he was in his early eighties by then—and to find out what his audience was thinking. I had every reason to assume that it would consist largely of Upper West Siders who were committed to the antiwar position from the get-go but still unsure of the exact attitude and vocabulary to adopt. No doubt they would be looking to one another for cues?

Ten years earlier, on behalf of a pro-life group at Columbia, I had called Father Berrigan to invite him to campus to speak on abortion. After explaining who we were and what we were looking for, I asked whether he would be comfortable appearing under our banner. "It doesn't matter whether I'm comfortable," he snapped, with the characteristic tetchiness that even a friend or two of his had remarked on in print. I had heard it in some of his public commentary on mic over the years, and now here I was the object of it until—I forget how long he kept me guessing—he made up his mind to tell me he accepted the invitation.

“It doesn’t matter whether I’m comfortable.” The sentence stung because it should have been mine too. I embraced the sentiment but not always. In my over-polite phone conversation with Father Berrigan, I projected my discomfort onto him, knowing that his opposition to abortion was on record but wondering how far he was willing to travel with mainstream proliferators who might be curious about but did not necessarily share his sweeping, approximately Mennonite view on the sanctity of human life.

Everyone who has given any thought to abortion and formed an opinion about it feels discomfort. That’s my conclusion from observing my own emotional reaction to the issue and from discussing it, over the course of decades, with many people who are committed to one side or the other in the abortion debate, and with many who have a foot in each camp. Most of us with both feet in the anti-abortion camp have friends or family members who have had an abortion or who, we have to assume, might have. The instinct to stand in solidarity with them is strong, but so is our awareness that, while the woman who has decided to have an abortion has human dignity and commands our respect, so does the unborn child who is the object of her decision. We have formed a relationship with the loved one who stands before us, while her unborn child feels like an abstraction, but we know that it isn’t, and that knowledge is a burden. We know too much to be pro-choice.

Personal ambivalence shades into political ambivalence when we think that our party, whether Democratic or Republican, is right on the whole but wrong on abortion, or vice versa. Democrats who feel the tug that the humanity of the unborn exerts on their conscience risk alienating their political tribe if they voice their qualms or if they harbor strong convictions that abortion is unjust and then act accordingly, supporting measures to curb or abolish the practice. Republicans who are unequivocal in their opposition to abortion but quietly troubled by the drift of their party away from classical liberalism and toward nationalism and populism feel pressure to accept, for the sake of the unborn but also to maintain their position with their political allies, foreign and domestic policies that they think are misguided.

Berrigan was no Democrat, as far as I could tell, but he had made friends on the American left, where the reflex to oppose U.S. military action and the reflex to support abortion rights appeared to create not much cognitive dissonance. Around 1990, I learned from a few sources about his dissent from the pro-choice orthodoxy of some of his peers.

A friend who was pro-choice but heard me out one day on the subject of anti-abortion sentiment on the left recounted for me a story from many years earlier. He was in Berkeley, as I recall, and found himself on the fringe of a conversation that included Berrigan. The subject of attacks on abortion rights came up and elicited a chorus of tongue-clucking from the gathered progressive

bien-pensants. As I visualize the scene, Berrigan took it all in, keeping his own counsel, waiting until the reaction had died down before, with a grave face and in a calm voice, he opened his mouth and said, as my friend reported, “People don’t seem to be thinking about this very clearly,” his introduction to a riff on how odd it was for them to advocate such sensitivity to the sanctity of human life when it was threatened from one side, by guns or bombs, but then to switch gears and pretend that it was outrageous to honor the same sensitivity when the insult to human life and dignity was accomplished by different means, a surgical procedure or a drug.

In the autumn of 1991 he and four others, including Carol Crossed, a pillar of the Seamless Garment Network (SGN), had protested, on the same day, at a military facility and then a Planned Parenthood office that had announced plans to open a local abortion clinic in Rochester, New York. The five of them were arrested for their protest at the latter. Crossed had persuaded him to lend his presence to the demonstrations. He was an early signer of the SGN ad—a declaration of opposition to war, abortion, euthanasia, the death penalty, and a host of other issues that I thought blurred the message, but so be it—that was being run in several national publications around that time. (In April 1994, the ad ran in the *Columbia Daily Spectator*, under the co-sponsorship of SGN and Columbia Coalition for Life. I believe that Carol lent us most of the funds to pay for it and that I still owe her hundreds of dollars, plus interest.)

On the evening of February 1, 1993, exactly one year and two days after Berrigan had received his sentence (40 hours of community service) for trespassing upstate, he and I met, as planned, at Columbia’s main gate, on Broadway at 116th Street in Morningside Heights. He lived about a mile south, in a community of Jesuits who occupied a floor or two of a large apartment building on West 98th Street. He arrived wearing a wool hat and looking gaunt as always but also frail, much older than his 71 years. He looked like he’d been through a war. I wondered whether he was ill.

We walked over to Hamilton Hall and up to the third floor, to our assigned room. About ten people had shown up, braving the cold and the dark in the dead of winter, to hear an elderly priest liken abortion to war and denounce both. Not exactly a keg party.

Earlier that day, an ad for the event ran on a back page of the *Spectator*, indicating the time and place and the sponsoring organization, Columbia Coalition for Life. Half the student population hadn’t been born when he first broke into the national news, for burning draft files in the parking lot of a Selective Service office in Catonsville, Maryland, on May 17, 1968, in the middle of a two-month span that included the student strike at Columbia and the assassinations of Martin Luther King Jr. and Robert F. Kennedy. Twenty-five years later, Berrigan remained a notable voice and personality for American Catholics on the left,

but his profile outside that community had diminished, and those of us who planned his speaking event at Columbia realized the likely limits of his name recognition among the late adolescents and young adults to whom we sought to introduce his interesting mind. We had to convey to them something of who he was and why it was notable that he was advocating against abortion, so we put in the center of the ad this excerpt from an interview he gave in 1979, around the time that my friend witnessed him privately schooling some comrades on their hypocrisy:

I come to the abortion question by way of a long, long experience with the military and the mainline violence of the culture expressed in war. . . . I see an interlocking directorate of death that binds the whole culture. That is, an unspoken agreement that we will solve our problems by killing people in various ways, a declaration that certain people are expendable, outside the pale.

Berrigan was a poet and that night at Hamilton Hall delivered a talk that the next day the president of Columbia Coalition for Life shook her head at, calling it bizarre. He stood with the unborn, he said, because he was one of them—he was unborn himself. His verbal dance was hard to follow, but I surmised that he was alluding to his death, the idea being that he was in the process of being born into the afterlife. Whether he was as preoccupied with the heavy fact of his mortality as I was, still shaken by the impression that he must be battling some dire illness, I don't know. (I might have been wrong: He went on to live twenty-three more years.) In any case, the analogy he tried to explain to us was confusing. Let's say that our life on earth is to the afterlife as our life in utero is to our life between birth and death. Doesn't that mean that we can abort a child, or euthanize him after birth, and he ends up in the same place, eternity, as he would have if he had died a natural death at age ninety-four? We would be depriving him only of the minor bit between birth and death, and moreover some would call that not a deprivation at all but an act of mercy.

What Berrigan meant to suggest, I gathered, was that if we condoned the decision to abort unborn children and thereby hasten their progress toward death, the common destination of mortal creatures, that logic would dictate that we condone the decision to do the same to him, or to anyone for whom death is inevitable anyway—and for whom of us isn't it? I suppose that he bet on our instinct to recoil from the thought of killing him as he stood there intoning his cryptic thoughts in front of the chalkboard as our minds wandered or we strained to understand what he was getting at.

We had thought that Berrigan was going to explain to us that war and abortion were poisonous plants that grew from the same vile root, perhaps of greed or fear or some other form of moral failure. Instead he directed us to the more conventional equation of abortion with euthanasia. He could just as easily have equated it with the death penalty. The rhetoric of what others had begun to call

the “consistent ethic of life” fell from his lips quite naturally. Most of us who discover the consistent ethic of life through working on only one of the four main issues—abortion, euthanasia, the death penalty, war—that, taken together, constitute the target of seamless-garment activism and discourse never develop much passion about the other three. Berrigan came to his radical philosophy from “long, long experience with the military and the mainline violence of the culture expressed in war,” as he said, but his motivation for entering into antiwar activism translated smoothly into sympathy for social movements dedicated to the abolition of the other practices whereby the taking of human life is legitimated.

His setting draft files on fire at the Selective Service office in Catonsville was a form of violence but against property, not human life, and he meant the outrage that his action provoked to be instructive. Were you angered as well by the carnage that the files facilitated? In testing your reaction to his antics, he led you to examine your priorities. “Our apologies, good friends,” he said in court, “for the fracture of good order, the burning of paper instead of children.”

To his disappointment, the literally pro-life philosophy underpinning his antiwar activism wasn’t shared by the Catholic Church, his spiritual home, whose just-war doctrine is well developed after centuries of elaboration and refinement. He said that women were not unreasonable to look at the teaching and ask why the Church had no just-abortion doctrine. Paul Ramsey, a Protestant scholar of religion and ethics, wrote extensively about just-war theory and did use it to develop a careful, influential argument that abortion in some cases could be morally legitimate.

The equivalence that Berrigan drew between abortion and war offends both anti-abortion, pro-military conservatives and antiwar progressives who support abortion rights. As an intellectual exercise, the endeavor to articulate a broad definition of the pro-life cause is often criticized for being imprecise. “*Pro-life* is a modern American political slogan,” the philosopher Edward Feser told *LifeSite News* in August 2018, explaining his opposition to the Catholic Church’s recent decision to declare the death penalty morally “inadmissible.” Feser considers the Church’s teaching against abortion, however, to be sound. The term *pro-life* “has no philosophical or theological content at all,” he asserted, although some would disagree. Jains, for example, regard all life as sacred, regardless of species; the observant watch their step to avoid stepping on an insect. Take their premise, narrow its application so that it’s restricted to the human species, and there you have a description of Berrigan’s broad definition of *pro-life*, rejected by clear majorities on both the left and the right.

“It does not serve clarity of thought to crunch disparate realities into a single

judgment,” the Catholic theologian and ethicist Daniel C. Maguire has argued, from the anti-war, pro-abortion-rights camp. “We have seen Daniel Berrigan after a protest against nuclear weapons going across town to picket women entering an abortion clinic as though these issues were seamlessly knit into one.”

That’s not quite correct. The Planned Parenthood office was not an abortion clinic, though it was proposing to open one, and, more to the point, he was not picketing the women, or men, entering the building but those who sought to sell, as a service, the killing of unborn children. Berrigan never to my knowledge berated women for having abortions. He had no interest in legal or legislative efforts to abolish the practice and thought that overturning *Roe v. Wade* would be pointless if most Americans still considered abortion a tragic necessity. He saved his censure for those who promoted or rationalized the practice, and he observed a similar distinction in his denunciations of the military.

A few weeks after he spoke at Columbia, Father Berrigan invited me to a dinner party at his apartment. At one point in the conversation, the five of us at his dining-room table found ourselves at an intersection between race and the military. I pointed out that for the past couple of generations black Americans had found that career paths in the armed services were for the most part refreshingly clear of racial bias or preoccupation. A couple of the other guests—all of us at the table were white—raised their eyebrows and sighed. I had touched on intersectionality, as we now call it, and violated what they presumed was a tacit agreement among us that American society was fundamentally both racist and warmongering. The term *political correctness* was just beginning to enter the language in those days, the early 1990s, and there I was, challenging it. As the three of us sparred, two of them against me, Berrigan sat back, watching and listening. “It’s true,” he interjected when he saw that we were at an impasse. He meant that I was right: that the military had integrated more successfully than most American institutions. In his choice of words he went on to give us a lesson in civility, maintaining his critique of militarism while expressing respect for those who join the armed services for understandable reasons and with good intentions.

“Make distinctions where there are differences,” Maguire writes, impatient with the conflation of war and abortion. We could add to that list euthanasia and the death penalty. Each of the four practices has unique features that require that arguments for permitting it, or for abolishing it, be uniquely nuanced if they are to be persuasive. But those four practices also share a common feature, the willingness to take human life. So we link them, some or all of them, in various combinations, in an effort to formulate a web of public policies that would be morally consistent with one another when joined under a common principle, whether it be pro-choice (abortion rights, euthanasia), pro-security (death penalty, military capability), or pro-life (opposition to all or some of the means by

which human lives are taken legally and with societal approval).

What Berrigan said to us that night at Union Theological Seminary in 2003, as the Pentagon was preparing for war in Iraq, was what you would expect, I suppose. I forget most of it. I do remember that, several minutes into his free-style, rambling monologue, he made a conventional gesture to flatter the audience, which in this case, given our geographical location, was about as reliably leftist as any that could have been assembled anywhere in the United States. "I salute you," he said, playful, teasing the crowd, suppressing a smile. "You would not be here tonight if you weren't concerned." And then the zinger: He called us "pro-life."



"The nerve! Her fur is even more endangered than mine!"

The Fatal Flaws of Assisted Suicide

Catherine Glenn Foster

In 2014, there were 2,626,418 deaths in the United States.¹ Of these, 44,193 were attributed to intentional self-harm: suicide.² Suicide is currently the tenth leading cause of death in the country, and one of only three leading causes that are on the rise.³ Lawmakers recognize the “significant medical and non-medical costs” of suicide and its “physical, emotional, and psychological damage” to patients and their families and friends.⁴ Yet even as this epidemic increasingly threatens our society, some lawmakers are proposing and enacting legislation that perversely escalates rather than resolves America’s suicide crisis. This dissonance is illustrated by two high-profile suicides that occurred in 2014.

Robin Williams’ cultural influence on generations of Americans would be hard to overstate. But even as he brought joy to millions, he was facing very serious personal challenges. In addition to a long-term struggle with substance abuse and depression, Williams had been diagnosed with Parkinson’s disease and, according to his wife, was experiencing symptoms of what an autopsy revealed to be Lewy body dementia when he killed himself in August 2014. What Americans mourned in the wake of Williams’ passing wasn’t only the heart-breaking loss of an admired actor and contemporary comedic hero, but also the perniciousness of suicide itself.

Not quite three months later, a young California woman who wanted to take her own life was in the headlines. Earlier that year, Brittany Maynard had been diagnosed with terminal brain cancer.⁵ Realizing that the coming months would likely bring bodily deterioration and physical disability, she decided to seek physician-assisted suicide.⁶ Since in 2014 it was not legal in California, Maynard moved to Oregon—which had legalized assisted suicide in 1997—where she received a prescription for life-ending drugs and died in November 2014.⁷

While many might assume that the mainstream media would take a similar approach to these two deaths, nothing could be further from the truth. The headlines labelled Robin Williams a “sad clown,” and referred to his death with language such as “slashed wrist,” “hanged,” “tortured,” “failed,” “despair,” “agony,” “driven by demons,” “tragic,” and “way too soon.”⁸ In stark contrast, Brittany Maynard’s death was described with phrases such as “choice,”

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“dignity,” “option,” and “inspiration”; news reports said she died “on her own terms” with “zero regrets” and “reignited debate.”⁹

Robin Williams and Brittany Maynard each faced a terminal illness; each chose to take control over the time and place of the death. However, when an authority figure such as a doctor sanctions a deliberate death, when death is medicalized and presented as a “treatment,” people may start to feel differently—more deferentially—about the circumstances surrounding the person’s demise. Rather than seeing physician-assisted suicide as a specific category of suicide, some will validate and even defend the decision to end one’s own life, recasting it as a death “with dignity.”

Speaking to the false distinction between such deaths, Dr. Kevin Fitzpatrick, former Director of Hope Ireland, wrote, “When non-disabled people say they despair of their future, suicide prevention is the default service we must provide. Disabled people, by contrast, feel the seductive, easy arm of the few, supposedly trusted medical professionals, around their shoulder; someone who says ‘Well you’ve done enough. No-one could blame you.’”¹⁰

Suicide, in all its forms, is an attack on the inherent value and true dignity of every human life. Yet while suicide generally and assisted suicide specifically, having been so prevalent in the public eye, might seem novel, society has long struggled with these issues and with fringe efforts to push assisted suicide and euthanasia into the mainstream as viable options.

The contemporary debate on assisted suicide and euthanasia is in fact the latest manifestation of a campaign that began in the late 19th century, when proponents started promoting legislation that would legalize one or both of these practices. Initially, such legislation was largely rejected due to the wide criticism and controversy that attended the topic. However, in 1942 Switzerland became the first country to decriminalize assisted suicide where no “selfish motives” existed.¹¹ Today, Switzerland is a destination for suicide tourism, a phenomenon that draws people to the country for the sole reason of killing themselves.¹²

The next major changes in the law came in the mid-1990s, when Australia briefly legalized assisted suicide in the Northern Territory¹³—and quickly became the first and only place to repeal it—and courts in Colombia ruled that euthanasia on demand was legal, but passed no substantive law on the matter. In the 2000s, activists continued to see some modest success as the Netherlands and Belgium legalized euthanasia in 2002, as did Luxembourg seven years later.¹⁴ In 2015, Colombia enacted a law legalizing euthanasia on demand; Canada legalized it in 2016.¹⁵ But numerous legislative and legal efforts to promote assisted suicide/euthanasia around the world have largely failed—today it is legal in only four of the fifty European nations, and only a handful of countries and jurisdictions internationally.

Several such jurisdictions are in the United States.¹⁶ While no federal law

has been enacted on the subject, assisted suicide is now legal in California,¹⁷ Colorado,¹⁸ the District of Columbia,¹⁹ Oregon,²⁰ Vermont,²¹ and Washington;²² it will go into effect in Hawaii on January 1, 2019.²³ Generally, these laws have an application process that, upon completion, allows a person with a medical prognosis of six or fewer months to live to obtain a prescription for lethal drugs. This process typically includes a written request form which requires the signatures of two witnesses.²⁴ While the current legislation provides that one of the two witnesses must be unrelated to the patient and must not receive any benefits upon his or her death,²⁵ no requirements are in place for the second witness to be disinterested in any way—the two witnesses could be an heir and his cousin or an heir and his best friend. Once the drug is dispensed, there is no follow-up supervision. No requirement exists that the death be witnessed by neutral, disinterested parties, or by anyone at all. Furthermore, there are no requirements that the individual who was prescribed the drug be the one to ingest it, leaving ample room for abuse of the system.

The vast majority of states, however, have enacted laws to prohibit assisted suicide. Even Oregon and Washington have such bans in place; their legislators simply decided to carve out an exception for one profession to assist in suicides. While assisted-suicide activists have attempted to argue that such bans were never meant to apply to medical professionals, legislative histories demonstrate that many of them were enacted in the 1990s as a protective measure in the wake of the Kevorkian scandal. And in the years since Oregon legalized assisted suicide, more states have affirmatively enacted laws to ban the practice than have passed laws to legalize it; about 200 assisted-suicide bills have failed in more than half the states.

The legislative efforts to protect vulnerable populations from assisted suicide have been almost universally supported by the courts. The U.S. Supreme Court, in particular, has consistently found that for “over 700 years, the Anglo-American common law tradition has punished or otherwise disapproved of both suicide and assisting suicide.”²⁶ The first two Supreme Court decisions on the subject, *Washington v. Glucksberg*²⁷ and *Vacco v. Quill*,²⁸ declared that nothing in the U.S. Constitution provides for a fundamental right to assisted suicide and continue to protect Americans today. Moreover, the Court has repeatedly held that the preservation and protection of life is a legitimate and valuable state interest, and that while all lives have intrinsic value, society’s most vulnerable members—elderly adults and those with disabilities—are particularly in need of protection. The Court affirmed that bans on assisted suicide further compelling state interests such as the preservation of human life and protection from medical malpractice, coercion, financial pressure, and psychological complications.²⁹ The Court has said that were it to declare assisted suicide a constitutionally

protected right, it would be the first step down the path to voluntary and perhaps involuntary euthanasia.

The Supreme Court's concerns have proven valid. Research has shown that for the most part the reason individuals choose to commit suicide has nothing to do with pain, or even the fear of pain. Ezekiel Emanuel, a prominent bioethicist, has written that "[p]atients themselves say that the primary motive is not to escape physical pain but psychological distress; the main drivers are depression, hopelessness and fear of loss of autonomy and control. . . . In this light, assisted suicide looks less like a good death in the face of unremitting pain and more like plain old suicide."³⁰ And the top reasons cited for assisted suicide in Oregon are fear of losing autonomy (91.5 percent), of being less able to engage in activities (88.7 percent), and loss of dignity (79.3 percent).³¹

One study in that state specifically cites depression as an overlooked factor in requests for assisted suicide.³² Yet even in light of this vulnerability, patients are entrusted with the decision of whether or not to take their own life. Many of them may be considering assisted suicide because of financial duress, pressure from family members, loneliness, or because they are feeling like a burden to someone else. Yet the legislation that is being proposed has no psychological-screening requirement, only a circular requirement that the attending physician refer the patient for counseling if he or she believes the individual needs it. Counseling referrals are not as common as they should be. In 2014 only three patients of the 155 who requested doctor-prescribed suicide in Oregon were referred for a psychological evaluation.³² In 2013, only two of the 71 patients who actually committed doctor-prescribed suicide in that state were referred for counseling.³³ In one particularly clear-cut case, a man with a 43-year-history of suicide attempts, paranoia, and depression was deemed not to require counseling prior to receiving a lethal prescription.³⁴ In one study, 94 percent of non-psychiatric physicians indicated that they could not determine whether a psychiatric disorder was impairing the judgment of a patient who requested assisted suicide.³⁵

Tragically, the decision to commit assisted suicide may often be influenced by misdiagnosis. Current studies show that "experts put the [misdiagnosis] rate at around 40%."³⁶ There are reported cases of individuals who have been killed without having any underlying symptoms, where the doctor had simply made an "error."³⁷ Prognoses are often wrong, as well—at least 17 percent of patients in one recent study were misinformed.³⁸ Harvard professor of sociology and medicine Nicholas Christakis agrees that doctors often get terminality wrong in determining eligibility for hospice care.³⁹ In recognition of this fact, Arthur Caplan, director of the Center for Bioethics at the University of Pennsylvania, has declared that six months is an arbitrary figure.⁴⁰ And real-world stories support the claims made by experts in the field.

Aside from the obvious flaws, there are endless loopholes that exist in state laws legalizing assisted suicide. Too often, those seeking to end their lives with medical help “doctor shop,” whether from doctor to doctor, or from state to state as Brittany Maynard did. Even if a doctor refers for counseling, the purpose of such evaluations is to determine competence, not to treat the patient’s underlying issues. Once competence is established, the patient has the ability to request life-ending drugs—which are not tracked after delivery and thus can easily be appropriated by others or otherwise misused.⁴¹ As no witnesses are required at the time of actual ingestion, there is no assurance that the act itself was truly voluntary, or even self-administered. And, in fact, in the bills proposed thus far, there is no requirement that “only” the person who receives the prescription may administer the dose. Rather, “self-administer” is defined as the patient’s “act of ingesting”; in Washington, for example, the assisted-suicide act states: “‘Self-administer’ means a qualified patient’s act of ingesting medication to end his or her life” There is grim irony in the prospect of mainstreaming assisted suicide in the name of individual autonomy and liberty, when such legalization simultaneously introduces new ways to compromise that autonomy and potentially coerce and oppress vulnerable individuals, for example, through elder exploitation and the abuse of individuals with disabilities.

When a person has decided to commit assisted suicide, she must take one of two kinds of barbiturates—precisely the same kind that have led to furor over instances of botched capital punishment. These can take anywhere between three and 48 hours to actually take effect and bring about death. Side effects such as vomiting are common, and some patients regain consciousness after taking the drugs. Incredibly, one in five patients does not even die from taking these drugs.⁴² In pursuit of the abstract goal of dignity, and having engaged in the precise planning of the details of their death, many will find themselves in excruciating and potentially humiliating situations.

It is both strange and puzzling that as Americans enjoy prosperity and continuing international influence and power, more of us are nonetheless clamoring for new ways to die. This mystery might be solved, at least in part, by understanding a phenomenon called “suicide contagion,” scientifically known as the Werther Effect.⁴³ There is empirical evidence that media coverage of suicide inspires others to commit suicide.⁴⁴ One study, which incorporates assisted-suicide statistics, demonstrates that legalizing assisted suicide in certain states has led to a rise in overall suicide rates—assisted and unassisted—in those states.⁴⁵ The study’s key findings show that after accounting for demographic, socioeconomic, and other state-specific factors, physician-assisted suicide is associated with a 6.3 percent increase in overall suicide rates.⁴⁶ These effects are even greater for individuals older than 65 years of age—14 percent increase.⁴⁷

Journalism students are taught to adhere to strict reporting guidelines concerning suicide due to the increasing pervasiveness of the Werther Effect. Celebrity suicides, such as those this year of Kate Spade and Anthony Bourdain, also serve to inspire more suicides—some people have even killed themselves at celebrity funerals.⁴⁸ Following the media attention surrounding Saddam Hussein’s execution by hanging, the rate of suicide increased sharply; specifically, the number of young men who hanged themselves rose.⁴⁹ Suicide prevention experts have criticized assisted-suicide advertising campaigns, writing that a billboard proclaiming “My Life My Death My Choice,” which provided a website address, was “irresponsible and downright dangerous; it is the equivalent of handing a gun to someone who is suicidal.”⁵⁰

Unfortunately, it gets worse. There have been numerous instances in which voluntary death leads to involuntary euthanasia. Dr. Peter Saunders has observed that “in practice the boundaries are continually migrating and the nation’s moral conscience is shifting year on year. Call it incremental extension, mission creep, or slippery slope—whatever—it is strongly in evidence in Belgium.”⁵¹ In that country, one-third of the people being euthanized are in fact being killed involuntarily—without any explicit request from the individual.⁵² A written request for euthanasia in Belgium was absent in 87.7 percent of unreported cases from June 1, 2007, to November 30, 2007.⁵³ Indeed, nearly half of all cases of euthanasia in that country are not even reported, allowing for an unknowable amount of abuse within the system.⁵⁴ This expansion of assisted suicide and euthanasia is not exclusive to Europe. A pro-assisted-suicide lawmaker has introduced legislation to expand the prognosis window for assisted suicide in Oregon. Barbara Coombs Lee, president of Compassion & Choices—formerly known as the Hemlock Society—told *USA Today*: “It’s not as simple as pain. Everyone gets to identify their own definition of suffering.”⁵⁵ And the Oregon Health Authority recently admitted: “The question is: should the disease be allowed to take its course, *absent further treatment*, is the patient likely to die within six months? . . . I think you could also argue that even if the treatment/medication could actually cure the disease, and the patient cannot pay for the treatment, then the disease remains incurable.”⁵⁶ Simply put, this is neither autonomy nor choice.

Meanwhile, physicians tend to be rightly concerned about assisted suicide as a threat to the integrity of their profession and to their conscience. Assisted-suicide laws and proposed bills contain, at best, only the most limited conscience protections to avoid coercive or mandatory participation in these deaths by doctors—the same healing professionals who have sworn to “first do no harm.”⁵⁷ Most contemporary versions of the Hippocratic Oath require physicians to swear that they “will give no deadly drug to anybody who asked for it, nor . . . make a suggestion to this effect.”⁵⁸ Assisted suicide negates a core tenet

of the curative, healing, and caring professional role of the physician.

The Supreme Court has stated that “[t]he government undoubtedly ‘has an interest in protecting the integrity and ethics of the medical profession.’”⁵⁹ Accordingly, Justice Scalia wrote: “Virtually every relevant source of authoritative meaning confirms that the phrase ‘legitimate medical purpose’ does not include intentionally assisting suicide. ‘Medicine’ refers to ‘[t]he science and art dealing with the prevention, cure, or alleviation of disease’ . . . [T]he AMA has determined that ‘[p]hysician-assisted suicide is fundamentally incompatible with the physician’s role as healer.’”⁶⁰

This is even true in Switzerland, the suicide tourism capital of the world. One study found that although most of the doctors polled approved of assisted suicide, most were themselves unwilling to intentionally cause death.⁶¹ However, some American medical associations traditionally opposed to assisted suicide are now considering not only taking neutral positions but even forcing doctors to refer patients for assisted suicide.

Likewise, some American pharmacists are concerned about the impact that legal assisted suicide may have on their businesses. Pharmacies keep in stock only a small percentage of drugs at any given time due to the number of available drugs on the market and often-limited shelf life. However, there have been a number of lawsuits relating to contraception and abortion drugs in which the government has demanded that pharmacies stock specific medications, although a patient could simply go to another nearby pharmacy that stocks the drug. As it relates to assisted suicide, if a pharmacy manager decides not to stock life-ending medications, the state could opt to intervene and mandate the presence and availability of death-hastening drugs throughout every community in the state.

Coroners, similarly, are being compelled to facilitate assisted suicide by essentially falsifying death certificates, listing the patient’s disease, not the drugs ingested, as the cause of death. In states where assisted suicide has been legalized, physician-assisted suicide cannot be termed a suicide. Accordingly, the then-president of the California State Coroners Association, Rocky Shaw, expressed concerns about how to classify such a death. After the bill legalizing physician-assisted suicide passed in California, Shaw probed: “[W]hat should we do if a guy takes life-ending drugs and then goes to sit in a park to die, and we find him there?”⁶² And if the death certificate lists a disease, not suicide, as the cause of death, it could create a legal inability to prosecute criminal behavior and affect civil suits.

While many proponents of assisted suicide claim that adequate safeguards exist to protect individuals, Paul Russell, founder of Hope: Preventing Euthanasia and Assisted Suicide, articulated it well when he wrote, “I have never come

across a ‘safeguard’ that could guarantee safety for vulnerable people. . . . [After all,] unless we describe, in the law, every possible illness and every possible remedy, what possibility is there that we can ensure safety? The variables are infinite. . . . What the supposed ‘safeguards’ do well is to protect doctors. They are provided with an immunity from prosecution for homicide or assisting in suicide if they comply with a set of procedures.”⁶³ In simpler, more direct, and unfortunately cruder terms, assisted suicide endorses the right of doctors to give some Americans the means to fatally overdose.

Yet assisted-suicide activists continue to agitate for its legalization in legislatures and courts. They are pushing radical cultural shifts through documentaries like *How to Die in Oregon* and more mainstream movies like *Youth in Oregon* and *You Before Me*. And they are engaging in the political process more than ever before.

Recent media coverage has led some advocates to declare premature victory: describing assisted suicide as having “reached a threshold where it is unstoppable.” But legalization bills are seeing significant pushback. In fact, even in the socially liberal state of Connecticut, assisted-suicide bills have been proposed in five of the last six years but have failed to get a single vote despite advocates having spent well over \$500,000. Compassion & Choices has publicly admitted that in Connecticut, they “were concerned that if the votes weren’t there to come out of committee, that a vote in the negative would set back this issue for several years.”⁶⁴

And just as, thanks to recent Supreme Court developments, we may have increased hope on issues concerning the beginning of the life spectrum, so too can we have hope on the other end. Justice Gorsuch wrote a pivotal book on assisted suicide, *The Future of Assisted Suicide and Euthanasia*.⁶⁵ And Justice Kavanaugh has publicly stated his admiration for former Chief Justice Rehnquist, and especially of his *Glucksberg* analysis, which conducted appropriate substantive due process analysis by asking whether a right to commit suicide with the aid of a doctor was longstanding and well-established in common law and tradition.

In the end whatever the circumstances and catchphrases employed, assisted suicide is not about “choice” or “dignity,” it is government-endorsed suicide, guided by a trusted medical professional. Assisted suicide is dangerous for all involved and indeed for all Americans. Our hope, however, lies in the fact that there have been a number of victories in this realm of the law as many states have continued to reject proposed assisted-suicide legislation and organizations nationwide vigorously oppose the mainstreaming of intentional death and affirm historic and life-affirming practices in both medicine and law.

NOTES

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16. Or. Rev. Stat. §§ 127.800-995 (1994); Wash. Rev. Code § 70.245 (2008); Vt. Stat. Ann. tit. 18 V.S.A. 113 (2013); Cal. End of Life Code § AB-15 (2015); Colo. Rev. Stat. Proposition 106 (2016); D.C. Code § B21-0038 (2016); Haw. Rev. Stat. § HB 2739 (2018).
17. 2015: by legislation, ABX2-15 (AB-15), the End of Life Option Act, took effect on June 9, 2016; challenged in court and implementation halted May 25-June 15, 2018, when an appellate court stayed a lower court ruling that had overturned the law.
18. 2016: by referendum, Proposition 106, the End of Life Options Act; went into effect December 16, 2016.
19. 2017: by legislation, B21-0038, the Death with Dignity Act, signed by Mayor Muriel Bowser December 19, 2016; went into effect February 18, 2017; implementation started June 6, 2017.
20. 1997: by referendum, Oregon Ballot Measure 16, November 8, 1994 by a vote of 51.3%; ORS 127.800-995; an injunction delayed implementation of the Act, but was lifted on October 27, 1997; Measure 51 in November 1997 post-*Glucksberg*; *Gonzales v. Oregon*.
21. 2013: by legislation, Vermont Patient Choice and Control at the End of Life Act, in effect since May 2013; sunset provision on select safeguards removed by S.108 (Act 27) in May 2015.
22. 2009: by referendum, Washington Death with Dignity Act, Initiative 1000, November 4, 2008; RCW 70.245; went into effect March 5, 2009.
23. 2019: by statute, HB 2739, Hawai'i Our Care, Our Choice Act, signed into law April 5, 2018.
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27. 521 U.S. 702 (1997) (also enumerating the prohibitions or condemnations of assisted suicide in 50 jurisdictions, including 47 States, the District of Columbia, and 2 Territories, 521 U.S. at 710 n.8).
28. 521 U.S. 793 (1997).
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46. See *id.*
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Humanae Vitae at Fifty

Brandon McGinley

The commemoration of the 50th anniversary of *Humanae Vitae* has proceeded along predictable lines. Venues and commentators generally categorized as “liberal” in politics and theology have taken the opportunity to continue to register their disappointment with or outright dissent from Pope St. Paul VI’s reaffirmation of Catholic teaching on artificial contraception. Meanwhile, those on the “conservative” side have once again consulted their notebook of fawning *Humanae Vitae* adjectives—“courageous,” “countercultural,” and, of course, “prophetic.”

While we have seen a subtle change in tone under the reign of Pope Francis—there is a glint in the eye of the liberals, while conservative triumphalism has been tinged with defensiveness—these commemorations could just as well have marked the third or fourth decades of the encyclical as the fifth. We have seen the same essays covering the same ground using the same arguments marking out the same battle lines more or less since Paul VI promulgated his letter. While the usual discourse has allowed writers to pay their mortgages and magazines to fill their pages, the genuinely radical message of *Humanae Vitae* has been smothered in partisanship.

I witnessed the colonization of American Catholicism by American politics at its most stark and most ridiculous during the 2012 presidential campaign. I remember attending a meeting of conservative Catholics who were plotting how to motivate their coreligionists to go to the polls for Mitt Romney. As part of the presentation to local activists, the organizers indicated that they had done some unique polling to identify the Catholics most likely to favor the Republican nominee: They asked respondents if they would call themselves “pro-life Catholic” or “social justice Catholic.”

The implication was clear: For these men, to emphasize teachings on sexuality and human life was to be conservative, trustworthy, and orthodox; but to emphasize justice and peace was to be liberal, unreliable, and probably heretical. More than that, placing “pro-life” at odds with “social justice” mapped the then-dominant (though now increasingly imperiled) American ideological coalitions directly onto the Church. The dogmas of economic libertarianism had become markers of orthodoxy just as much as anything in the creed; critical

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accounts of free market ideology had become tantamount to heresy.

This is the context in which *Humanae Vitae* has been received in the American Church. As a “victory” for “conservatives”—a kind of photo negative of *Roe v. Wade*—the document has been read almost exclusively in the terms not of Church tradition, but of the peculiar brand of traditional liberalism we call modern American conservatism. The prevailing wisdom, shaped by this “conservative” reception, is that *Humanae Vitae*’s teaching about artificial contraception is valuable in three ways: as an individual moral stricture; as a guide to ordering a flourishing family life; and as a prophetic warning about the degradation of our sexual culture.

These three notions affirm key points of American conservative ideology: individualism, the primacy of the nuclear family, and the reduction of social problems to failures of personal morality under the influence of degrading norms—that is, “culture.” Conversely and conveniently, the primary American interpreters of *Humanae Vitae*, at least among those who accept its core teachings, have failed to find anything in the encyclical that challenges conservative ideology. The result has been an impoverished understanding of what a world without artificial contraception—the world envisioned by Pope St. Paul VI and by the Church through the centuries—would truly require.

It has not always been this way, and it must not continue to be this way not only for the sake of the authentic meaning of *Humanae Vitae*, but for the sake of Catholic moral and political witness generally. In this time of instability and insecurity, when a fresh and authentic and comprehensive social vision is most dearly needed and desired, the Church’s witness has been rendered impotent by scandal, of course, but also by incoherence. *Humanae Vitae* is not some kind of moral policy that can be considered (or even changed) in isolation from the rest of Church teaching; it represents part of a coherent and organic whole. It doesn’t fit neatly in any extant American political coalition, and attempts to make it do so have made its full meaning unintelligible.

It is important to remember that *Humanae Vitae* did not begin with a blank canvas; the Catholic Church had long opposed artificial contraception. But in the twentieth century, social, economic, and technological conditions made the issue more pressing than it had ever been before. In 1930, the Lambeth Conference of the Anglican Communion declared that artificial contraception could be licit within marriage. Only six months later, Pope Pius XI delivered a strong rebuke in *Casti Connubii*, calling attempts to “deliberately frustrate” the natural end of intercourse “an offense against the law of God and of nature.”

But Pius XI was no “conservative” in the modern sense of the word. His political and economic teachings in *Quadragesimo Anno* and elsewhere were consulted and admired by architects of the New Deal. While he warned against socialism, he reserved especially strong condemnations for those who would

deny workers a living wage—that is, not just enough to survive on but enough to raise a family of whatever size God intends. Pius XI, following his predecessor Leo XIII and in accord with the timeless teachings of St. Thomas Aquinas and others, describes society as an organic whole with a common good that must be served by the economy and by the political authority.

Another prominent churchman made the connection between economics and artificial contraception even more explicit. Monsignor John Ryan, an activist priest of the Depression era who zealously promoted a living wage, argued that pushing birth control on the working class allowed capitalists to shirk their duty to pay genuinely family-sustaining wages. For this natural law theologian, contraception not only detached sex from procreation, as *Humanae Vitae* rightly insisted, but detached the generations from one another. Normalizing contraception would destroy intergenerational solidarity by turning children into matters of choice whose upkeep was the sole responsibility of the nuclear family rather than the natural progression and expansion of the human community whose welfare was the duty of all—including and especially the employer. This has proven just as prophetic as any of Paul VI's striking predictions about sexual culture.

In fact, this is the full meaning of *Humanae Vitae*: It is not just a blueprint for personal sexual conduct or for flourishing nuclear families, but for all of society. Without that last, crucial aspect, the encyclical is easily reduced to an academic exercise and a political talisman—that is, a source of abstract debate and a way to signal affiliation with factions within the Church. This limited approach to *Humanae Vitae* damages its overall coherence and, even more pressingly, make implementing its teachings in a broad-based way nearly impossible.

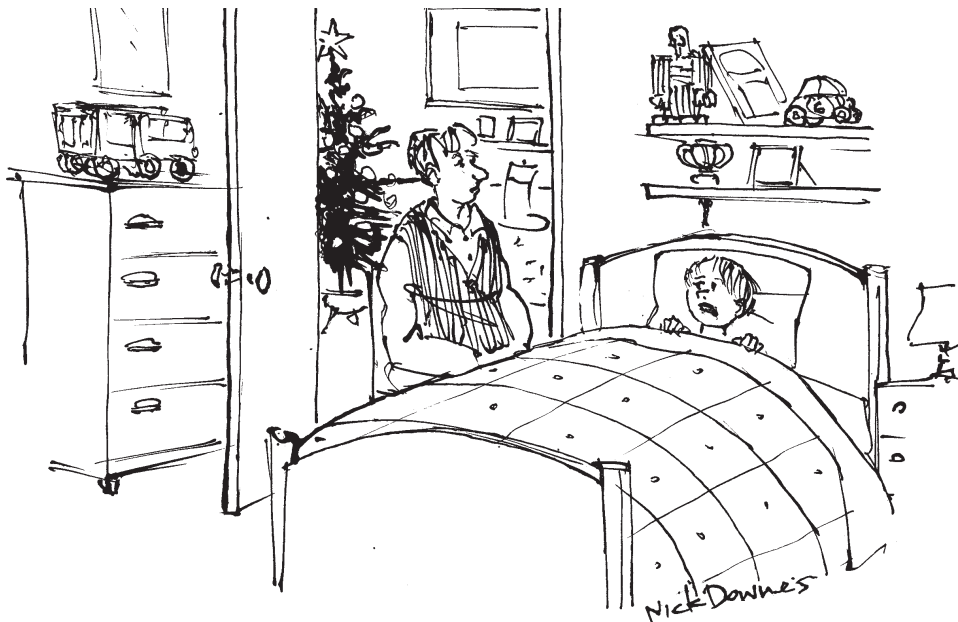
To be sure, there will be—and are right now—many families who can faithfully live out the teachings of *Humanae Vitae* with confidence as isolated family units. And we trust that those for whom eschewing artificial contraception is gravely, perhaps even mortally, difficult will be given the grace to persevere, because God never asks the impossible of us. But it is not good enough—indeed it is not fulfilling the duties implied by *Humanae Vitae* in the context of Catholic Social Teaching—for those with the good fortune of means and stability and health to blithely regard these struggles as the unavoidable cost of faithfulness. It should be our goal to build a society where faithfulness, in matters of both spirituality and practical morality, is as accessible as possible to as many people as possible. That is the common good we all share and participate in; it doesn't end at the door of the household.

The *Humanae Vitae* society is an organic whole, lurching through time and space just as surely as I do. It is animated by pursuit of the common good. Its members are sustained by a guaranteed living wage and accessible healthcare. It is defined by an ethic of corporal solidarity, especially with the very young

and the very old. And it is united by the hope that the beautiful chaos of a community open to the constant and unpredictable emergence of new life can not only be managed, but transmuted into shared flourishing.

This is neither left nor right, liberal nor conservative—at least in the usual senses of those words. As long as *Humanae Vitae* remains trapped in that failing dialectic, it will remain impotent to effect change beyond a few isolated families and communities. But, if we can liberate it, *Humanae Vitae* can take its rightful place as the keystone not just of Catholic Social Teaching, but of the Church’s comprehensive response to the growing crisis of Western civilization.

This is the untapped promise of *Humanae Vitae*: It’s not just about saying “no” to contraception; it’s about saying “yes” to embracing human life in its fullness, together.



“Can he tell who’s been fake-nice?”

GOSNELL:**THE TRIAL OF AMERICA'S BIGGEST SERIAL KILLER***Directed by Nick Searcy**Reviewed by Anne Conlon*

News that a Philadelphia doctor had murdered hundreds of babies delivered alive during illegal late-term abortions received scant press coverage when it came to light in 2011. Ditto for the movie that tells his story, *Gosnell: The Trial of America's Biggest Serial Killer*, which opened in October, three years after filming finished. That's how long it took producers Phelim McAleer and Ann McElhinney to find a distributor. Not only has the press ignored the film—just a handful of mainstream reviews as of this writing—venues like Facebook and NPR, by refusing to run ads, have actively suppressed it. Theaters too. Despite *Gosnell's* successful opening—it was in the top ten at the box office the weekend of Oct. 12—nearly a third of the 668 theaters where it showed dropped it after a week, including AMC Kips Bay here in Manhattan, where it was the sixth highest grossing picture (out of 15 screens) that weekend.

McAleer and McElhinney, Irish journalists whose work includes documentaries on fracking and global warming, arrived at Kermit Gosnell's 2013 murder trial, shocked to see that the courtroom wasn't packed with reporters. *Gosnell*, a true crime drama, recounts how the media was Twitter-shamed—when a photograph of rows of empty courtroom benches with “Reserved for Press” signs went viral—into showing up. Which it did for about a minute. McAleer and McElhinney, while not pro-life advocates, were appalled at Gosnell's butchery and the media's indifference to it, and have spent the better part of five years working to take the story mainstream. (*Gosnell: The Untold Story of America's Most Prolific Serial Killer*, a bestselling book they developed in conjunction with the film, was published in 2017.)

* * *

I wrote about the Gosnell grand jury report when it was released in 2011 (“A Philadelphia Story,” HLR, Winter/Spring 2011). The report is a finely crafted document, one could almost say a literary one—a harrowing tale which proves truth can be scarier than fiction. It can also be a challenge to filmmakers, especially when the subject is abortion. The producers never would have found a distributor had they recreated on screen the grisly killings that took place for decades at Gosnell's back-alley “Women's Medical Society,” where, the grand jury report tells us, police found putrid “surgical procedure rooms [that resembled] a bad gas station restroom.” There was “blood on the floor” and “equipment was rusty and outdated.” The “remains of fetuses,” many over 24 weeks old, were “scattered throughout, in cabinets, in the basement, in a freezer . . . in bags and plastic jugs.” Tiny severed feet were preserved in jars. One employee

told grand jurors “how he had to lift the toilet so that someone else—he said it was too disgusting for him—could get the fetuses out of the pipes.”

The viewer isn’t spared the gore. But mostly we see it in our mind’s eye. The film uses language out of the grand jury report (as I am doing here) and subsequent trial transcripts to conjure images of near-term babies executed by Gosnell, who, his employees testified, “routinely cracked jokes about babies whose necks he had just slit.” In one scene, Earl Billings, the actor playing Gosnell, looks down on a baby he has killed (out of shot), and tells his assistant it was “big enough to walk me to the bus stop.” Billings, who even looks like Gosnell, gives an eerie performance as the sociopathic killer who fancies himself a Renaissance man. In another scene Gosnell plays a romantic Chopin etude (“No Other Love”) on the piano while police search his Victorian mansion—a trash-filled, flea-ridden hoarder’s den—for fetal remains.

The film makes much use of the reaction shot, the camera examining the faces of ordinary people—police officers and forensic experts, DAs and lawyers, judges and jurors—as they apprehend the extraordinary crimes that took place in what the grand jury called a “baby charnel house.” And in one powerful scene, we see the strained reaction of an “ordinary” abortionist, who testifies she has performed 30,000 procedures, as Gosnell’s attorney (played by the film’s director Nick Searcy) describes in excruciatingly precise detail the *legal* method commonly used in mid- and late-term abortions. It’s practically the same as Gosnell’s, except the child has been killed by lethal injection beforehand.

Though he had no OB-GYN training, Gosnell specialized in late-term abortion—“the bigger the baby, the more he charged,” the grand jury reported. (He made \$2 million a year.) His MO was to have his staff administer labor-inducing drugs to women during the day and then show up at night to deliver and dispatch their babies. Apparently, sometime after the Supreme Court upheld the partial-birth abortion ban (in 2007), Gosnell did attempt to kill babies with poison before aborting them. But, according to the grand jury, he “was not skillful enough to successfully administer digoxin,” and “babies continued to be born alive, and he continued to kill them by slitting their necks.”

But babies weren’t his only victims. Gosnell’s clients were low-income girls and women, mostly minorities and immigrants; some were brought there against their will (the grand jury said he routinely “performed forced abortions”), some referred by doctors who wouldn’t do late-term procedures. “Numerous patients of Gosnell,” the report states, were injured when he “would attempt to remove the fetus himself.” Many ended up in hospitals, “infected, with fetal remains still inside them; and with perforated uteruses, cervixes, and bowels.” At least two of them, 41-year-old Karnamaya Mongar and 22-year-old Semika Shaw, ended up dead.

Ms. Mongar, whose story the film relates, died from an overdose after

Gosnell told unlicensed staff members—they were all unlicensed—to “med her up” when she started experiencing severe pain. According to the grand jury report, she was given “repeated unmonitored, unrecorded intravenous injections of Demerol, a sedative seldom used in recent years because of its dangers.” Gosnell’s employees were a motley crew—one started working for him when she was 15—accustomed to dishing out powerful drug “cocktails,” as they called them, to keep women in labor from making too much noise. “He didn’t like nobody calling the police or anything,” one staffer testified. They all knew that Gosnell was killing viable babies; some of them, if the doctor wasn’t around when a baby unexpectedly “fell out,” killed them too. But, as the grand jury report observes, “Everyone there acted as if it wasn’t murder at all.”

Which was pretty much the way health officials acted as well. The film can only begin to cover the alarming findings laid out in the last chapter of the grand jury report, “How Did This Go On So Long?”—a scathing 80-page indictment of virtually every agency charged with overseeing the well-being of Pennsylvania residents. Well, not actually an indictment. While Gosnell and several of his employees faced criminal charges, not one state employee was charged with anything. Not those at the Pennsylvania Department of State, who “took no action to suspend or revoke” Gosnell’s license—even after having been notified, in 2002, of the death of Semika Shaw, and having learned, “eight years before Karnamaya Mongar died,” of Gosnell’s “illegal practice [of having] unlicensed workers anesthetizing patients when he was not at the clinic.” Nor those at the state’s Department of Health (DOH), who ignored numerous complaints about the “reckless” abortionist and let his dangerously substandard facility go uninspected for “16 plus years.” One figure in the film, whose character is an amalgam of several public officials the grand jury called out for malfeasance, mouths the bureaucratic defense: “People die.” These were the exact words the chief counsel of the DOH used when testifying about the death of Karnamaya Mongar.

“Most appalling of all,” the grand jury pronounced, was that “the Department of Health’s neglect of abortion patients’ safety and of Pennsylvania laws [was] clearly not inadvertent: *It is by design.*” “We have no idea,” they concluded, “how many facilities like Gosnell’s have remained out of sight, out of mind of DOH for decades—since they were first ‘approved.’” Seven years after their report was issued, can any Pennsylvania health official speak to the grand jury’s concern? Have there been any investigative reports, any “spotlight” teams assigned to ascertaining whether other renegade abortionists are still in operation? I wonder.

—*Anne Conlon is the managing editor of the Human Life Review.*

**THE STRANGE CASE OF DR. COUNEY:
HOW A MYSTERIOUS EUROPEAN SHOWMAN SAVED
THOUSANDS OF AMERICAN BABIES**

Dawn Raffel

(Blue Rider Press, 2018, 278 pages, hardcover, \$27)

Reviewed by Sarah Gallick

From 1898 to 1943, entertainment seekers from Coney Island to the Chicago World's Fair could buy tickets to gawk at tiny premature infants in incubators. In our enlightened age we might wonder what kind of parents would put their newborns on that kind of display. The answer is they were parents who believed this was the only hope for their child. Rejected by the medical experts, they had turned to Martin Couney, the "Incubator Doctor," who, while definitely not a physician, saved thousands of babies otherwise doomed to die.

The "Incubator Doctor" is the subject of a fascinating new book by Dawn Raffel, whose previous work includes a novel and two short-story collections. *The Strange Case of Dr. Couney* can't properly be called a biography—its subject misled many people about his past and his credentials, and published nothing but the occasional letter to the editor. Nor did he leave any papers. Yet Raffel is a terrific storyteller and has produced a fine history of a forgotten hero of the pro-life movement and a pioneer in the science of neonatology.

The story begins in 1920 in a Brooklyn hospital where a young married woman named Marion Conlin, having gone into premature labor, delivers twin girls. One is stillborn and doctors assure the parents that the other girl, named Lucille, would not last the day. The infant's father tells the doctor about a sideshow with premature babies he had seen out at Coney Island. The doctor is dismissive. So Woolsey Conlin picks up his two-pound daughter, wraps her in a towel, and hurries outside, hailing a taxi to take them to Coney Island and Dr. Couney.

Like Lucille Conlin, the babies Couney took on generally weighed one or two pounds. Even the rare hospital with incubators to treat premature infants dismissed these tiniest newborns as hopeless, or as we say today, non-viable. But Couney was a believer.

Born Michael Cohn in Prussia to displaced Alsatian Jews, he arrived in New York at the age of eighteen. During the next ten years he changed his name and teamed up with another impresario, who invited him to exhibit incubators at important fairs in Europe, including one celebrating Queen Victoria's Diamond Jubilee. Couney became the public face while his partner handled the finances. There were other doctors and inventors promoting their own versions of an incubator for preemies, but they lacked Couney's messianic showmanship.

By 1898 Couney was back in the United States, stationed on the midway at the Trans-Mississippi Exposition in Omaha, not far from the Wild West Show

and the camel ride. In 1901, he launched an ambitious campaign at the Pan-American Exposition in Buffalo, but the assassination of President McKinley turned the fair into a financial disaster. It was not a total loss, however, because he had hired Annabelle Maye Segner (Maye), a 25-year-old R.N. with a degree from Indiana University, to supervise the nursery. By 1903 he had married Maye and she began handling his business affairs. Setting up house in Brooklyn, they were joined by her widowed mother and Louise Recht, a nurse who had worked with Couney in Paris. In 1907 his only daughter was born at home, and Raffel hints at the likelihood that Hildegard Couney was in fact the unmarried Louise's daughter. (The father being another Couney associate.)

Maye Couney and Louise Recht supervised the care of the infants, lifting them out of their incubators every two hours to be fed through the nose, one tiny drop of breast milk (obtained from the child's mother or a wet nurse) at a time. These babies received finer care than they might have had in the best hospitals. For example, blindness has long been associated with incubators, but no Couney baby ever went blind. Raffel credits this to the fact that Couney's machines never had enough oxygen to do that kind of damage and to his nurses having taken the babies out so regularly.

Although he was always referred to as Doctor, there is no evidence that Couney ever studied medicine or held a medical license. He was scrupulous about working under the supervision of local medical doctors. The committee behind the Louisiana Purchase Exposition (St. Louis, 1904) would have done well to accept Couney's proposal to show at their fair, but instead they went with a licensed local physician who had no experience with preemies. This proved to be a disaster—at least 39 of the 43 babies on display died. An outraged Couney wrote to the *New York Evening Journal*, calling the deaths “the crime of the decade,” and charging that for political and other (read money) reasons, the exhibit had been placed in the hands of “people who did not know the difference between an incubator and a peanut roaster.”

Couney's work paralleled the rise of the eugenics movement. In 1913, for example, while he was exhibiting at Denver's Lakeside Amusement Park, Dr. Margaret Clark's “Better Baby Campaign” was taken up by *Women's Home Companion*, which promoted the contests at fairs across the country. Denver gynecologist Mary Bates wrote that such contests, “speed the day when we can have scientific elimination before birth of the unfit and someday the scientific culture of the fit.”

In 1934 Couney was at the Chicago World's Fair, “A Century of Progress,” where the Hall of Science featured eugenics exhibits promising “improvement in the breed of man.” (This would be the first and last eugenics exhibit at a World's Fair.) Couney, consigned to the midway, promoted his “Infant Incubators with Living Babies” using his perennial slogan, “All the World Loves a Baby.” He also appeared on radio with Dr. Julius Hess, director of a children's hospital

and president of the Chicago Medical Society, who became a lifelong supporter.

The rise of the eugenics movement, Raffel writes, “Would cast a shadow over the perception of premature infants and dim their prospects for decades to come.” In Chicago, Dr. Harry J. Haiselden denied lifesaving treatments to infants he deemed “defective,” deliberately watching them die even when they could have lived. Haiselden wasn’t the first or only doctor to intentionally allow a child to die, but he was the first to call in the press. He eagerly displayed dying babies to journalists, in addition to writing his own articles for the *Chicago American*. The Chicago Medical Society finally stripped Haiselden of membership—not for letting his tiny patients die, but for publicizing his cases.

Maye’s death in 1936 marked the beginning of difficult years for Couney. He had relied on his wife to handle his business and control his free spending—he never billed any of his patients a nickel.

New York’s 1939-40 World’s Fair, showcasing the “World of Tomorrow,” was a financial disaster for everyone involved, including Couney. The onset of World War II also took a toll on his personal finances as he assisted many relatives who were fleeing Hitler’s Germany. Business fell off as the lure of resorts like Atlantic City and Coney Island faded and young men were being called up for the draft. In 1943, Cornell New York Hospital opened the city’s first dedicated premature infant station. That same year Couney closed his Coney Island show for good. His work was done.

Couney died in 1950 at the age of 80, but his story goes on. His obituary in the *New York Times*, headlined “Martin A. Couney, ‘Incubator Doctor,’” caught the eye of Dr. William Silverman. A pioneering neonatologist, Silverman would later become director of neonatal intensive care at Babies Hospital of Columbia-Presbyterian in New York. As a sort of hobby, he sought to learn more about the “Incubator Doctor,” and his hunt brought him in touch with fellow Couney buffs in Paris, Berlin, London, Omaha, Buffalo, New York, and Chicago who shared his obsession. They became an informal Couney Circle. But the fact was that most of the details of Couney’s early years were clouded or conflicted. The more they learned, the more they wondered. In 1979, Silverman published an article based on his years of research in *Pediatrics*, a peer-reviewed journal. (Silverman died in 2005.)

The best part of Raffel’s book may be her interviews with people who owed their life to the “Incubator Doctor.” They all ask for information about the man who saved them. But Couney himself remains elusive.

Jane Umbarger and Jean Harrison, a pair of twins born in 1934, were delighted to talk about their time with Couney at the Chicago World’s Fair, but were surprised to learn that they had been exhibited on the midway. All those years, they had assumed that Couney’s display was in the Science Hall. Lucille Conlin recalled visiting Couney in 1939, while she was a nursing student at St. John’s

Episcopal Hospital in Brooklyn. When she earned her nurse's cap the next year, Couney sent her a corsage.

Beth Bernstein Allen was born in 1934, weighing one pound, 10 ounces. Her twin survived for two days, and doctors did not expect Beth to last much longer. The hospital where she was born, now Maimonides Medical Center, had a few incubators, but no one trained to treat an infant who weighed under two pounds. Doctors suggested Couney, but Beth's mother resisted the idea of putting her baby in a sideshow. She only agreed when Couney came in person to plead his case. For years after, Beth's parents would bring her to Couney's home in Brooklyn on Father's Day. It was Beth Allen who directed Raffel to Dr. Lawrence Gartner, the last surviving member of Silverman's Couney Circle, who turned his own research materials over to her. Gartner assured her that in spite of his lack of credentials, "Martin A. Couney must be considered the 'American father of neonatology.'"

In 2015, Raffel even managed to put together a reunion of five Couney babies, all women. Lucille Conlin was the oldest, a married mother of five. These are real people who were once real newborns struggling to survive. They were not non-viable fetuses.

Raffel writes, "He moved in the ephemeral, flash-and-dazzle world of the midway, surrounded by flaneurs who left little but pixie dust behind." The Couney babies and their descendants would no doubt agree that the Incubator Doctor left far more than pixie dust behind.

—*Sarah Gallick is a writer and editor residing in Manhattan. Her publications include The Big Book of Women Saints (HarperOne).*

ABORTION MATTERS

Edited by Anthony McCarthy

(London: Philos Educational Publications, 2018, 146 pp., paperback, £9.99)

Reviewed by John Grondelski

It's paradoxical that just as modern bioethics insists on informed consent as an indispensable criterion of medical ethics, the degree of misinformation about abortion that it tolerates or even encourages is overwhelming. If you don't believe it, just ask the average person to make a sound, intellectually coherent pro-life case. Rhetorical "sound and fury, signifying nothing" has supplanted rational depth; indeed, a certain strain of modern thought deems holding the "right opinions" as dispensing from any need to buttress them with reason or facts.

That's why books like *Abortion Matters* are so needed. Published to mark the fiftieth anniversary of the Abortion Act 1967 (which in practice legalized abortion in England and Wales) the book is an up-to-date British version of

Jack and Barbara Willke's classic *Handbook on Abortion* (minus the pictures). McCarthy's basic compendium of the well-hidden facts about abortion belongs in libraries, schools, and on every prolifer's bookshelf. Its price makes that possible. The book is a project of the Society for the Protection of the Unborn Child (SPUC), Britain's leading pro-life organization.

Arranged in question-and-answer format, the book's nine chapters cover all the issues abortion raises. The first two go to the heart of the matter: When does life begin? Chapter One highlights what happens at conception, debunking efforts that downplay its significance with references to twinning or embryo loss. Chapter Two provides a detailed description of prenatal development from conception until birth, beginning with a useful explanation of what happens between fertilization and implantation, followed by close attention to developmental progress from the first trimester up to twenty weeks (the period when most abortions occur). Especially valuable is the manner in which some questions are formulated—e.g., when does the fetus first experience hearing, sensitivity to light, and the capacity to feel pain?—questions which, if allowed to speak for themselves, point to the humanity of the unborn child.

Other chapters deal with the semantic gymnastics used to mask the reality of abortion and how pro-abortion arguments can be successfully refuted; how abortions are performed today and “how abortion has been normalised” worldwide (to the tune of about 56,000,000 annually); how abortion poses threats to a woman's health and well-being.

Chapter Six recounts how abortion was legalized in England and Wales. Unlike the United States and Canada, where abortion regulations (U.S.) or their lack (Canada) are the result of federal court decisions, England and Wales theoretically have statutory limits on abortion. (The Abortion Act 1967 does not apply to Northern Ireland.) In practice, however, those limits only pose obstacles to those insufficiently creative to circumvent them. Most abortions pass muster under the legal criterion: permissible up until 24 weeks if “the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, to the physical or mental health of the pregnant woman.”

Obviously, “mental health” and “greater” proportions of “risk” can be highly subjective categories. In addition, abortion is always legal if there is “a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.” Although implicitly conceding the humanity of “the child,” the law allows “it” to be aborted for eugenic reasons. As in many other countries today, elimination of handicap is occurring through extermination of the handicapped. Chapter Six also highlights how the British medical establishment (particularly the National Health Service and the UK's Planned Parenthood equivalents) have woven abortion into its “services.”

And while proponents contend that abortion “liberates” women, *Abortion*

Matters addresses the little-discussed subject of how abortion actually harms women. These harms include women's own physical and mental problems after abortion, the huge pressures (sometimes including physical violence) exerted on women to "choose" abortion, and the disproportionate number of unborn females killed because of cultural preference for sons. Given the large presence of women of Southern Asian extraction in the UK (Indian, Bangladeshi, Pakistani), sex-selection abortion could be of great concern.

Characterized by rigorous logic and British skill at understatement, *Abortion Matters* offers readers willing to *think* about abortion something to think about. The title is sufficiently neutral on its face to welcome anyone open enough to engage the issue. And while most of the writing is factual and to the point, the author does not hesitate to draw out the absurd implications of pro-abortion arguments. Writing, for example, about the genetic basis for distinguishing the unborn child as a separate human being from his mother, McCarthy observes:

In biological terms, the baby is unambiguously a distinct living creature from the time of conception onwards. Moreover, if the baby were merely part of a pregnant woman, we would have to say the woman had, after a number of weeks, two hearts, four eyes, two noses etc. This is clearly not the case" (p. 21).

In the end, the challenge is to restore thinking to the question of abortion. Those clinging to a vacuous rhetoric of "rights" and "choice" recognize that rational thought is lethal to their "cause," which is why they harp on "who chooses" while religiously avoiding "what is being chosen." That's why, amidst their florid rhetoric demanding "informed choice," advocates of abortion don't want women to see ultrasounds of their baby, even when "technology has opened a bright window into the womb." They prefer to lie. As one abortionist put it: Women "always wanted to know the sex [of the baby they aborted], but we lied and said it was too early to tell. It's better for the woman to think of the fetus as an 'it'" (p. 107). And to tweet about her abortion!

This invaluable little book, which also includes a list of books and websites that can be consulted for further information, deserves both wide readership and distribution. (To order, see: <https://www.spuc.org.uk/get-involved/shop>)

—John M. Grondelski (Ph.D., Fordham) is former associate dean of the School of Theology, Seton Hall University, South Orange, New Jersey. All views herein are exclusively his own.

Shedding Light on Depression's Darkness

Maria McFadden Maffucci

On June 9th, at the end of the week in which both designer Kate Spade and celebrity chef Anthony Bourdain died by suicide, I wrote a Facebook post:

It's been an emotionally wrenching week in many ways. As a woman who struggles with anxiety, phobias, and once (blessedly only once and not too prolonged, unlike many of those I love) suffered a bout of clinical depression, and as a mother whose son is going through considerable mental challenges due to autism and OCD, if I am honest, I can still feel the stigma and shame pressing on me around the edges. And fear; my heart hurts to see the harsh comments some have made. Depression is like a terrible fog that the sun of rationality has a hard time breaking through. It's like feeling like a stranger in your own body. Suicide, so terribly, can inspire suicide. I volunteered on a suicide hotline years ago, way before it was a "choice," and they told us to steer into the skid . . . in other words, if someone is hurting, listen, enter into their own unhappiness, accept it first. It's hard to do with those you love because the first thing you want to do is cheer them up . . . "It's not that bad." The first step toward helping someone is accepting that it IS that bad. And that you will abide with them where they are. Ultimately, none of us can control another person. My love and prayers to all those suffering today.

It was an impulsive post, written quickly and with tears. I was unprepared for the compassion that came pouring out from Facebook family and friends, and for that I am blessed and grateful—and also a little sheepish as it was not my intention to send an S.O.S.

Some misunderstood my post to read that I was in the throes of depression; I was/am not. I was sad about events, worried about my son, and reacting to ugly comments I'd seen on social media regarding depression and suicide. We are all at times sad, worried, anxious, and yes, depressed. But clinical depression is something else. As I said, I blessedly had one brief siege, but I will never forget how it felt. And because of that, I grieved to see the judgment that some heaped on Kate Spade, for example: "She had a daughter! How could she be so selfish?" Yes, I can understand emotionally reacting that way—I did too, wondering how she could do that to her daughter. But that was followed by the recognition that depression is a disease—and an evil force that can make the most awful solution seem like the one crucial thing to do.

I became depressed due to a combination of things—maybe more accurately, a culmination. I started having chest pains and anxiety, and then a bad reaction to an acid reflux medication caused insomnia and a racing heart. I couldn't sleep.

I couldn't rest my thoughts. I was terrified that I would not be able to care for my children. Looking back, I realize it was no coincidence that this happened a few months after my son reached puberty. It came earlier than I expected, and I wasn't prepared; seeing the changes just reinforced the worry over his autism diagnosis and his future. All my life I had been plagued by neurotic worrying and phobias. I'd always been able to be happy anyway—or so I thought. Now, even though I had so much love and support in my life—a terrific husband, three wonderful children, loving friends and family—depression started taking over. I knew rationally how much I had to be pleased about, but all I could feel was a dull, encroaching darkness, and I could not imagine ever feeling better. Thank God my husband, siblings, and friends were supportive and ready to do whatever I needed.

Most helpful, my husband often watched the kids, so I could be with my mother. Those readers who knew my mother will remember she had a gift for stillness and acceptance of others. Yet at times in her life her seemingly calm exterior hid inner turmoil and anguish. She had been clinically depressed, and she understood what I was going through, saying to me gently, "It's like a dark fog over everything, isn't it?" She listened when I wanted to talk, but she didn't try to cheer me up or talk me out of it. She just lovingly abided with me in my state. It was my mother who, after a few weeks had passed—and medical tests indicated nothing physically wrong—encouraged me to get help and took me to her psychiatrist. I started medication and therapy, and within two weeks, saw a tiny ray of light—within a few months, I was almost back to feeling myself. In the years since then, I have been blessed to have experienced a great reduction in the kind of severe anxiety and phobias that used to limit my daily life.

I never considered suicide, but I tasted the despair that can lead to it.

As a firm believer in a loving and merciful God, and a devout Catholic, I think it is important to stress that depression is not a failure of faith. It is a crisis. As Rev. Ross Blackburn wrote so eloquently in a recent reflection, "Crisis is normal for the Christian life. It is normal for life, period. Failure, disappointments, the death of loved ones, broken relationships, addictions and bad decisions, insecurities and depression, and health crises are all part of the world in which we live, and therefore a part of our own lives." With faith, however, there is the gift of knowing that God is there, abiding with you, even if you can't feel His presence. Some of the greatest saints—St. Teresa of Calcutta!—lived through excruciating and prolonged spiritual dryness and anxiety. It is not a sign of weakness, but one possible condition of our shared humanity.

In October of 2016, we lost our beautiful and beloved nephew, Doug Sweeney, to suicide. The suffering of his family is unimaginable. I will close with the comment his brave mother, Dorothy, who now advocates for depression and

suicide awareness, wrote in response to my post:

Thanks for shedding light on this issue. By taking it out of the shadows hopefully people will begin to understand and only then can we truly affect real change. Losing Doug to suicide was the worst thing that ever happened to my family. If I can prevent even one family from this nightmare, I know his loss was not in vain.

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

Sex Dolls and Pandemic Loneliness

Jason Morgan

Casey Calvert is an adult-film actress in Los Angeles. She stars in pornographic movies which are shot at film studios, but half of her income, according to a recent BuzzFeed article, now comes from “personalized porn.”

What is “personalized porn”? For anywhere from a couple of hundred to several thousand dollars, Calvert will make a porn video specifically tailored to a client’s request. These one-of-a-kind, producer-direct-to-consumer videos are very popular, Calvert says, because porn is so quickly and widely pirated that it is difficult for clients to feel intimate with porn stars unless they pay the porn stars to address them by name or act according to their (often disturbing and bizarre) requests.

“You can’t pirate someone saying your name,” Calvert says in the BuzzFeed piece. “You can’t pirate someone wearing exactly the clothes you want them to wear, doing exactly the things you want them to do. It’s the connection, the interactivity.”

It is significant that in a world saturated with porn—a world in which even “children’s” shows and Disney movies are pervaded by innuendo and immodesty—people should be starving for “connection” and “interactivity.” Casey Calvert is a person, of course, as is everyone who is, sadly, caught up in the exploitative, dangerous, and dehumanizing porn industry. But so much of Calvert’s personhood is bleached away by the corrosive effects of porn that her “fans” are willing to pay a lot of money for some hint, however fleeting and twisted and contrived, of intimacy with her as a human being.

Perhaps nowhere is this heartbreaking desire for companionship more on display than in the booming sex-doll industry. Until just a few years ago, sex dolls were a sick joke. Not even porn addicts could be expected to stoop so low as to seek solace with a life-size curvaceous version of Gumby. Today, sex dolls are virtually everywhere, and getting even more ubiquitous with each passing month. Factories cannot keep up with demand. Sex-doll brothels have appeared in England, France, Germany, and Spain. A sex-doll brothel that opened in

Russia before the World Cup proved so popular the proprietor was considering opening more locations. And in Japan, sex dolls have entered into the icy standoff between husbands and wives who live separately under the same roof. Some Japanese men claim that they actually love their sex doll, taking it on trips to the park and introducing it to their children and friends.

A quick Internet search will reveal that Japan is hardly an outlier in this rush to anthropomorphize robots. But most psychiatrists still claim that sex dolls will do the opposite, that somehow the robots will re-anthropomorphize us. For example, it is reported that some thirty percent of those who visit the sex-doll brothel in Spain have mental problems that preclude them from interacting normally with women. Sex dolls, the experts assert, help men like this eventually learn to approach and become intimate with human females. Some married couples have even begun using sex dolls to “improve” their sex lives, even if there was no particular problem that needed improving.

But is enhanced human interaction really the end goal of this industry? What do men really want when they turn on a porn video or buy or rent a sex doll? (And we should remember here that women constitute a sizable minority of porn and sex-doll purchasers.) What is the illusion that is for sale? What is the difficulty to which Casey Calvert—or an injection-molded assembly of wires and wig and silicone—seems to be the answer?

Ours is an age of complete liberal autonomy. We enter into contracts, not covenants. We have rights, not obligations. We would take, but not give. We believe with Thomas Hobbes that “life is brutish” and with Jean-Paul Sartre that “hell is other people.” We crave intimacy, but we have come—let us admit it—to loathe human beings. We prefer avatars, which present a fantastic version of ourselves while reducing the other to a square, flat image on a screen. (We sometimes call these images “icons,” but they are the opposite. Real icons are windows to Heaven; computer icons are one-dimensional bear traps.)

The truth is that porn and sex dolls—and brothels, and strip clubs, and call-girl services, and advertisements that titillate the passions—are predicated on a fundamental lie we tell ourselves. A client may contact Casey Calvert with a request for a “personalized” porn video because he thinks he craves “intimacy” with her, but in truth he is afraid of intimacy. He is afraid of the fecundity of love, the abundance of sharing, the complexity of commitment. He doesn’t care about Casey Calvert. He uses her to cover over his fear of being open to knowing another person in real time. He is a denizen of liberal modernity, seeking to assuage, for a moment, the suffocating vacuum of incommunication his lonely life has become.

Sex dolls are merely the culmination of this retreat from human relationships. Those who watch porn are complicit in the dehumanization of porn stars. Those who buy or rent sex dolls cannot bring themselves to undertake even that sad,

regrettable form of human interaction. A sex doll has nothing to do with sex (because “sex” implies, etymologically, the pairing of male and female). It is not even onanistic. It is the cancellation of one’s humanity, the sublimation of the self into an automaton, the lonely alchemy of soul into silicon.

Sex dolls represent, then, the perfection of liberalism. With the rise of the sex dolls, we will never need to know or love anyone—even ourselves.

—*Jason Morgan is an assistant professor at Reitaku University in Chiba, Japan.*

“Please Stop, before It’s Too Late.”

David Poecking

My community is among those in Appalachia, Ohio, and Pennsylvania hit hard by opioid abuse. The emergency medical technicians tell me they get from one to three overdose calls daily. Rarely does a month go by without a funeral for some young or middle-aged man, or occasionally a woman, who died of an overdose of heroin, fentanyl, carfentanil, or some such. The deaths mystify in their own way: Not because there is doubt about the overdose, but because the addict’s history is so miserable that no one is really sure whether the overdose was accidental or deliberate.

Perhaps the user attempts rehabilitation. Sometimes that’s successful, and the user enters into extended or permanent recovery. But sometimes he leaves the program a few days later, and the downward spiral continues. The user robs the homes of parents or other family members. The family agonizes over whether they can help the user by pressing charges and sending him to jail, or whether he stands a better chance of recovery while at liberty.

These symptoms can repeat for months or even years as affected family members grow increasingly angry, frightened, and sad. The user’s parents or closest family often come to a cathartic moment of confrontation or appeal. These can reflect anger or despair:

“I can’t help you anymore. Go, and never come back.”

“If you attack your sister again or try to rob her, I’ll shoot you myself.”

“You can sleep in the back yard, but if you ever try to get back into this house, I’m calling the police.”

But I’ve heard parents make a more direct, personal appeal: “Please, if there is any love of life or love for any of us left in you, please, just stop, before it’s too late.”

I’d like to think that the pro-life movement at its best represents this last kind of cathartic appeal—not to a drug addict, but to our country. For forty-five years

now, we've been flirting with a culture of death. How much longer can we last before the logic of abortion, the legally tolerated elimination of inconvenient persons, pervades every aspect of our society?

The obvious example is our jurisprudence. As I write, the journalists and social media have been whipped up by the nomination of a judge to the Supreme Court of the United States. Pro-choicers fret that if confirmed, the new Justice might secure a majority of the Court in the overturning of *Roe v. Wade*, thus returning abortion law to the several states, some of which would likely ban abortion or more sharply regulate it. I'm inclined to believe a healthier regime would promote judges on the basis of arcane legal theories and exquisite legal expertise, so this political frenzy signals a society sickened by its perceived need for abortion.

But jurisprudence is not the only example.

- Abortion as freedom from the burden of other human beings leads logically to euthanasia and the perception of the elderly as a waste of effort and resources.

- Abortion as a zone of privacy immune to rational regulation invites "sweet mystery" thinking. We now pretend we don't understand the purposes of human sexuality or the human vocation to love.

- Abortion as the separation of the decision to copulate from the decision to reproduce tends to make the female body obsolete. Though it was intricately designed ("evolved," if you prefer) to nurture life, it must now be artificially reshaped to optimize male sexual excitement rather than effective childrearing.

- Allegedly absolute sovereignty of parents over whether even to remain parents objectifies the child, invites "designer babies," and introduces a new way for the rich and the powerful to oppress the poor and the weak.

We could go on, at length. Writers at *Human Life Review* and elsewhere have exhaustively explored how abortion distorts the human mind and corrupts human relationships. But against all this, the pro-lifer cries out:

"Stop, please stop! Abortion pure and simple might be a semi-private choice, in the tragic way some people do evil that good may come of it. But the decision to legalize abortion is broadly public, a gaping, society-wide wound in our legal order. You think you're making a private decision, but you're hurting everyone.

"Stop, please stop! Children can be burdensome, but we now enjoy so much greater capacity to feed, house, and otherwise care for people than we did a hundred or even fifty years ago. Churches and charities are eager to help. Couples around the country are lined up to assist or adopt. No one needs to die from neglect. Everyone at some point in life is vulnerable. We all need the protection of the law and the support of the community.

"Stop, please stop! You were not born to make a series of lifestyle choices, impress other people, then get old and ugly, and die. You were born to receive the love of others, to return that love to them and to love still more, and thus to

partake of the building of a civilization of love and peace. Don't talk or legislate about children as if they were threats or impediments to the good life. Instead, think of them as more guests in our ever-widening circle of friends and family.

"Please, if there is any love of life or love for any of us left in you, please, just stop, before it's too late."

—*At the time this was written, Fr. David Poecking was pastor of St. Elizabeth Ann Seton Parish, Carnegie. He is now administrator of Catholic parishes in Kennedy, McKees Rocks, and Robinson, Pennsylvania.*

Can We Want a Baby Too Much?

Ellen Wilson Fielding

Even good things—perhaps especially good things—can be desired too much, or in the wrong way, or potentially so. Take babies, for instance. To be specific, take Rose, the baby daughter of Laura Ingalls Wilder.

Devotees of the *Little House on the Prairie* series of frontier books debate how much Laura Ingalls Wilder's journalist daughter Rose influenced the character and quality of her mother's books. Oh, Laura could write, and her epic late 19th-century pioneer childhood gave her great material to work with. However Rose, a lifelong professional journalist, maybe contributed more of the pacing and plot development. But in the posthumously published *The First Four Years*, we read the account of Laura's early married life with Almanzo Wilder, published largely unedited by either mother or daughter. That may help explain why, shortly after the scene where Laura gives birth to her daughter, I felt stunned by the visit of a familiar character.

Mrs. Boast, a fellow homesteader introduced about three books earlier, comes by to see the new baby. Ella was a young newlywed and Laura a 13-year-old when they first met in *By the Shores of Silver Lake*; in every subsequent appearance, she is a warm, merry, outgoing presence. Suddenly, now, after several years' passage, a different note is struck. The still-childless Mrs. Boast hungrily eyes Laura's baby and begs to be given the child, since Laura and Almanzo are bound to have more. Fortunately Laura and Almanzo don't do so—as it turns out, they will have only one other child, a boy who dies as a small baby.

We know the desperation that afflicts so many women in crisis pregnancies. However, the desperation of a woman who is pregnant and does not want to be is often matched by the desperation of one who is not and desperately wishes she were. The solution that suggested itself to Mrs. Boast, out there on the sparsely settled South Dakota prairie, was informal adoption. That and more formal types of adoption remain options today, but there are also a host of scientific advances she would never have dreamed of that in many cases make

it possible for women who would not otherwise have been able to do so to conceive and bear their own children.

However, just as in King Solomon's time, morally acceptable means of addressing infertility must be separated out from those which, although they would also result in motherhood, would endanger or exploit or sacrifice other lives. For example, when in vitro fertilization is used to help infertile couples achieve childbirth, multiple human embryos are generally implanted to increase the chances of success; if more than one or two attach to the uterine wall and seem to be thriving, their numbers are usually reduced. And we have all heard of lawsuits regarding rights to frozen fertilized eggs in the case of divorce or death. In other cases, when a woman's own eggs cannot be used for fertilization, another woman is paid to undergo the painful and risky procedure of having her eggs harvested. Meanwhile researchers continue going down the road to human cloning. In all these cases both the yearning and hopeful parents and the medical personnel are keeping their eyes on the prize, but not calculating the effects on other lives involved or meditating upon whether there are any moral absolutes to be considered. Which is why that sort of analysis should be done way before the point when these decisions become practical for us—before personal, professional, financial, and political motivations cloud clear thinking. Desperation leads people and societies to strange places. Sometimes, it leads—perhaps without our fully realizing it—to a kind of snatching, to our taking something that is not ours, something that, if we paused to ask for it, the rightful owner would decline to give.

This can be hard to see when the object is a baby. After all, aren't babies wonderful? Isn't that the pro-life message, the point of our efforts, the subtext of the billboards and posters of developing embryos and fetuses? Then why sourly condemn certain modernly-derived methods of obtaining them for people who otherwise would have to do without?

And of course babies are wonderful. But they are not wonderful in the same way the Rolex watch a mugger steals is wonderful. They are beyond our capacity to weigh the value of, as we weigh ounces of gold or evaluate the clarity of a diamond. Like the famous Mastercard commercial tagline, they are "priceless." They are human lives. And they are not human lives being acquired by other human lives (that is the master/slave relationship) but human lives being mothered and fathered or foster-mothered and fathered into maturity. So their lives matter just as much as ours do—and just as much as the lives of anyone who might be sacrificed to bring them into being. That includes "excess" fertilized ova, whether frozen or implanted.

Near the end of Evelyn Waugh's *Brideshead Revisited*, Julia Flyte renounces her adulterous relationship with Charles Ryder, concluding with these words:

"I've always been bad. Probably I shall be bad again . . . But . . . it may be a

private bargain between me and God, that if I give up this one thing I want so much, however bad I am, He won't quite despair of me in the end."

You could almost reverse the words in that quote to arrive at the state of mind of those lovers of life who, finding themselves in desperate circumstances, hope that, in just this one case, to attain this one greatly desired life, they can grab for "this one thing I want so much," be forgiven, and perhaps even find their action tallied up on the divine balance sheet as a good. But sadly, wishing cannot always make it so.

I don't know what ever happened to Mr. and Mrs. Boast—whether they were able to adopt someone else's child, or whether Mrs. Boast unexpectedly conceived after waiting many years, or whether they were able to make peace with the gnawing hunger for a family of their own. Maybe, if the Boasts had lived in our own era of scientific marvels, they could have conceived a child by morally licit means and filled that empty place in their home. Or maybe they would have been tempted beyond their level of resistance to snatch—to accept a means of achieving conception that would sacrifice another to obtain "this one thing I want so much." Today, too, there are many infertile couples who have traveled portions of their road, and know how they felt, and hope that they found peace.

—*Ellen Wilson Fielding is a senior editor of the Human Life Review.*



"Remind me—what was so bad about Philadelphia?"

APPENDIX A

[J.P. McFadden, the founding editor of the *Human Life Review*, died on Oct. 17, 1998. This essay originally appeared in the Fall 1979 issue of the *Review*.]

What the Difference Is

J. P. McFadden

It will soon be seven full years since the United States Supreme Court handed down its decisions in the Abortion Cases. It seems clear that the Court intended a final solution to the problems involved: The seven-man majority mandated the most “liberal” abortion laws in the Western world, striking down existing laws in all 50 states. In effect, abortion-on-demand, throughout the full nine months of pregnancy, was made legal for any woman who could find a doctor willing to approve the operation. The power of the several states to interfere in any way was severely restricted. Indeed, in the first three months—when the majority of abortions take place—any restrictions whatever were proscribed. And the lower courts have seemed to vie with each other in imposing the most rigorous (the layman would say pro-abortion) interpretation of the mandate; in the main, the High Court has sustained such extreme rulings.

In all this, the Court acted in far more radical fashion than anyone had anticipated. True, in the late 1960s there was agitation for “reform,” and pro-abortion activists had succeeded in loosening the laws in a handful of states. But nowhere had they won a victory comparable to that presented them on January 22, 1973. In fact, the most publicized instance—New York’s 1970 law (narrowly passed after bitter debate) that permitted abortion up to 24 weeks—seemed to indicate that the force of “reform” was spent, and the trend already moving in the other direction, for in 1972, only a few months before the Court’s *fiat*, the New York legislature repealed the “reform” (only then-Governor Nelson Rockefeller’s veto preserved it until the Court mooted the question). Today, there is even stronger support for this view, e.g., the scholarly survey of opinion studies by Professor Judith Blake and printed in a *pro*-abortion publication in 1977.¹ Blake concluded: “None of our time series on public views regarding abortion indicates that the Supreme Court decisions had an important positive effect on opinion. The longest series—from 1968 through 1977 on elective abortion—shows a leveling off of opinion [favorable to abortion] after 1970 and only a modest increase in approval by 1974 that remained unchanged by 1977. This increase can hardly be said to constitute a sharp rise in a long-term upward trend in approval antedating the Court’s decisions.” Nor is there any more recent evidence of such a trend. On the contrary, the general public perception is that anti-abortion sentiment is growing dramatically.

Why, then, did the Court go so far? To what demand was it responding? What prompted it to do precisely what the late Dr. Alan Guttmacher, then probably the nation’s leading pro-abortion spokesman, warned against as late as 1967 when he wrote: “I believe that social progress is better made by evolution than by revolution. Today, complete abortion license would do great violence to the beliefs and sentiments of most Americans. Therefore I doubt that the U.S. is as yet ready to legalize abortion on demand, and I am therefore reluctant to advocate it in the face of all the bitter dissension such a proposal would create.”²

Some would say that the Court has simply got used to acting in this way; that, since 1954 at least, the majority of the Mr. Justices have been impatient with the evolutionary social progress advocated even by such partisans as Dr. Guttmacher, and have been legislating a new social order. (Not a few have said exactly that kind of thing in this journal.) If this is true, it would also seem to be true that, up to the abortion decisions, the Court was not only imposing new social policies but also doing so successfully. Americans have granted the Court *moral* suasion. The argument is no longer: Is the Court properly interpreting the Constitution and the law?—not even the Justices themselves seem to bother much about that nowadays. Rather it has become: Is the Court “right”? Despite strong opposition to desegregation, reapportionment, and busing—to cite the most obvious examples—the Court maintained and/or achieved a consensus, certainly among “opinion makers,” that it was doing *good*. (For practical purposes today, such a consensus is reflected in, and largely enforced by, the *media*, e.g., Walter Cronkite always approves, and he knows.) Why hasn’t this happened with abortion?

Four years ago (1975 in the London *Sunday Times*) Malcolm Muggeridge gave us his opinion.³ He was of course writing for a British audience; abortion law there was “liberalized” in 1968, so at that time the United Kingdom had had the same seven years’ experience with abortion-on-demand that we have now. “Generally,” wrote Muggeridge, “when some drastic readjustment of accepted moral values, such as is involved by legalized abortion, is under consideration, once the decisive legislative step is taken the consequent change in *mores* soon comes to be more or less accepted, and controversy dies down. This happened, for instance, with the legalization of homosexual practices of consenting adults.

“Why, then, has it not happened with the legalization of abortion? Surely because the abortion issue raises questions of the very destiny and purpose of life itself; of whether our human society is to be seen in Christian terms as a family with a loving father who is God, or as a factory-farm whose primary consideration must be the physical well-being of the livestock and the material well-being of the collectivity.

“This explains why individuals with no very emphatic conscious feelings about abortion one way or the other react very strongly to particular aspects of it. Thus, nurses who are not anti-abortion zealots cannot bring themselves to participate in abortion operations, though perfectly prepared to take their part in what are ostensibly more gruesome medical experiences.”

One need not share Muggeridge’s Christian viewpoint to agree that he’s got it right. Abortion *is* different. The Court’s *fiat* has *not* brought about that change in mores indispensable to making the new legislation take hold. As noted, the trend is now clearly going in the opposite direction. If we continue to follow the English parallel, the second seven years will be even leaner ones for the pro-abortionists: there, in the face of still-growing opposition (as many as 100,000 anti-abortion demonstrators have turned out in London—proportionally, some five times as many as have yet assembled in Washington), Parliament has been forced to reconsider the original “liberalization” several times, has already “tightened” the present law, and could move further toward at least partial repeal of abortion-on-demand. (Of course, Parliament can overrule itself; here, it is not so simple for the Congress—or the people—to overrule the Supreme Court.)

And if you do share Muggeridge’s viewpoint, you see why the pro-abortionists have, from

the start, made every possible effort to label all opposition as religiously-inspired, and thus “unconstitutional,” in direct violation of the reigning Secularist rendering of the First Amendment as freedom *from* religion. They rightly sensed that, if they could not make that point stick, they would fail to overcome the opposition of the majority, which still derives its moral opinions from Christian roots. It is worth noting that, for the pro-abortionists, it was no doubt the correct strategy—the only chance they had to at least neutralize the majority and smother *organized* opposition which, once inflamed, would predictably burn out of control. Their failure may well have resulted from a *tactical* mistake: making the main thrust anti-Catholicism. The hope of isolating the best-organized minority from the rest of the natural opposition no doubt had the devil’s own allure about it. And, a decade or so earlier, it might have succeeded. The “old” Catholic Church could have been counted on to organize monolithic opposition on so clear-cut a moral issue; it might well have been strident enough to scare off allies—thus dooming any broadbased anti-abortion effort. But by the 70s, “Vatican II” (more accurately, how it was perceived, by Catholics and non-Catholics alike) had not only sapped any such Catholic capability but also had enormously lessened traditional Protestant fears of Rome, even—especially—among those who had felt them most, i.e., those now generally called Evangelicals. Thus, while Catholics were no longer able to fill the bogeyman role, the Evangelicals—far and away the largest and most vigorous American religious community today—had become capable of playing precisely the part the pro-abortionists feared. Ironically, it may well be this historically implausible religious alliance that overturns a new morality that is plausible only in a “post-Christian” society.

This is, admittedly, a rather impressionistic sketch (it could be greatly elaborated upon, as it has been in this journal for the past five years). But the central point is this: on abortion, the Court is *not* perceived as having done “good,” as was the case with desegregation. Then, its opponents suffered guilt feelings (even if their rights were being violated, it seemed ignoble to defend them). Now, the bad conscience is all on the other side, and not helped by the language the Court’s majority used in the Abortion Cases: going Soloman one better, it callously divided the living unborn into three “trimesters”; breezily deciding that since no one could really agree what rights the baby should have, it should have *none*, and so on, leaving its supporters to defend unrestricted killing of the innocent in the name of nothing more than a newly-discovered constitutional “right to privacy” for presumptively *non*-innocent consenting adults. (If the pro-abortionists had stuck to their original pleas for abortion in the “hard cases”—innocent victims of rape, incest, etc.—they might have succeeded in slowly eroding anti-abortion laws much as divorce laws have been trivialized; but the Court was impatient, and the Fabian option has undoubtedly been lost.)

On the other hand, anti-abortionists are constantly buoyed by the rewarding feeling that they are fighting the quintessential good fight, motivated not by any selfish concerns whatever but rather a *pure* desire to protect the helpless and the innocent. Thus the amazing effectiveness of the “right to life lobby” in Washington and elsewhere: it has dawned (albeit slowly) on politicians that these people are perfectly willing—even anxious—to spend the rest of their lives fighting on this “single issue,” that their numbers are growing (probably into the millions already), and that there is nothing comparable on the other side. More, while they can expect to pacify most pro-abortionists with a vote for, say, ERA, there is only one

way to prevent the anti-abortionists from making their political lives a nightmare: they must vote against abortion ever and always.

This imbalance of forces could grow much greater. The anti-abortionists love to invoke the slavery analogy, for obvious reasons.⁴ And certainly the analogy would seem to hold on the main point: not since slavery has so intractable a *moral* issue been plunged into the political maelstrom. But the comparison tends to *underrate* the potential strength of the “new abolitionists.” They are not encumbered by any particular regional, economic, or even political baggage. Nor do the pro-abortionists enjoy anything like the enormous strengths that the Slave Interest once marshalled—all the political, cultural, traditional, even economic (e.g., a shrinking, aging population already bids to stamp “no solution” on the nation’s *current* dilemmas) factors would seem to be running *against* them. And all this without even mentioning religion *per se* (surely there can be no long-range compatibility between any viable Christianity and a Slaughter of the Innocents?). To be sure, the pro-abortion party *can* claim some powerful allies, for instance the Establishment, and the *Zeitgeist*. There is certainly no doubt that the American Establishment contributed the *sine qua non* for legalized abortion-on-demand; handy symbols are the brothers Rockefeller, their Foundation, and their legion of minions in academia, the media, the Main Line Protestant churches, and so on. Such people financed, propagandized, and made “respectable” what had been a heinous crime. And of course the “times” (not to mention the *Times*) were with them. As M.J. Sobran never ceases to remind us, Secularism is the Established Religion in America today, courtesy of the same folks who brought us the Abortion Cases—in which *pagan* “values” were specifically invoked!

The Abortion Interest has another “strength” too: it has been legally established at a time when the nation is harried and distracted as never before by a multitude of other vexed problems. All this at a time, as our President reminds us, that Americans seem to have lost their once-famous confidence that they could solve any problem. Add this factor to the difficulty that, unless the Court decides to reverse itself (highly unlikely), the only way to disestablish abortion is the very difficult amendment process, and you probably have the Interest’s greatest strength. At a moment in our history when nothing seems to get *done*, holding the legal and political high ground is an enormous advantage.

But then it is a strictly *defensive* advantage, and wars are rarely won by defense alone. Thus time may well be with the anti-abortionists. Consider this point: by now, at *least* 10 million American women must have had abortions (the actual number could well be twice that, or more). A great fear of anti-abortionists was that this would work *against* them; that each aborted woman would thereafter have a powerful personal reason to support legalized abortion. There is little evidence that this is happening. Only a handful of women have publicly flaunted having had abortions; the vast majority are silent. They do not join the “activist” Women’s Lib or other pro-abortion groups: indeed, while there are quite a few such organizations—often well organized and financed—they are notoriously short of the foot-soldiers such women were expected to provide, another fact that has not escaped the watchful notice of the politicians. Here again, the trend seems to be *against* the Abortion Interest, e.g., relatively large numbers of once-aborted women are showing up in the ranks of the “right-to-

lifers,” where they do speak out publicly—their confessions of the “terrible mistake” have become a regular feature of anti-abortion meetings.

If this picture has any truth in it, one would expect to see cracks beginning to show in abortion’s defenses. As it happens, there is a recent and highly visible one. A “founding father” (by his own estimate, and it is very hard to dispute him on the evidence) of the “abortion rights” movement has now publicly repudiated the movement, his own part in it—again, by his own count, he has been personally responsible for 75,000 abortion deaths!—and the Supreme Court decisions that made it all possible. True, he is just one man. But his act is loaded with symbolism.

He is Dr. Bernard Nathanson. He was a co-founder of the National Association for the Repeal of Abortion Laws in the 60s. NARAL was the most visible and effective symbol of the early “reform” movement; it inspired much of the agitation, and helped win the most important victories, e.g., the New York high-water mark mentioned above. (It still exists today as the National Abortion Rights Action League.) Nathanson ran the nation’s largest abortion clinic; he also performed many himself in his private practice (some 1,500, he estimates, of his total body count). Probably no one else is better qualified to tell the inside story of the pro-abortion movement. Nathanson does his best to spill it all, and seems to enjoy doing so. His erstwhile NARAL friends must find the whole thing painful.

Now if things were going well for the abortionists—going as they used to, when *only* pro-abortion stuff got published or publicized by the media—this book would have been buried in a 500-copy edition by some Vanity Press. Not today: the book (titled *Aborting America*) was published by the nation’s *premier* publisher, Doubleday & Co. And Nathanson had the “help” of a *Time* magazine editor in writing it. In short, for the first time, an *anti-abortion expose* has been treated as something that will sell—like, say, a Watergate memoir, or the latest sex novel—because the publisher judges that there is a big enough audience for it. Verily, there is symbolism in that!

I am not reviewing the book here (I have reviewed it elsewhere; you will find that review reprinted in the appendices of this issue). But perhaps I should note that Nathanson has by no means become a “right-to-lifer” nor is he, even now, totally against abortion. He thinks the Court should “revise” its present position, and that a great deal can and should be done to limit and control the carnage. Some of his notions are silly, some shallow. He remains substantially unrepentant about those seventy-five thousand “Alphas” (God help him, he still can’t call them unborn babies or even “fetuses,” so he has invented his own antiseptic terminology). But a great deal of what he says is important as expert-witness testimony against legalized abortion. Certainly anyone involved on either side of the controversy should probably read the thing, and the uninitiated will learn plenty from doing so—probably a lot more than many want to know (it requires a strong stomach for the vivid blood-and-gore scenes). The point is, the book is more important than its contents.

Nathanson has dealt a symbolic wound to an already-retreating force, all the more damaging because he *knows*, he was one of *them* (still *is*, really). If it is a fact that the anti-abortion forces are growing—and that seems visibly true—and if Judith Blake is right, i.e., that the *general* opinion has already swung away from approving abortion, then the pro-abortionists must at least hold their own. They have lost Nathanson, and they are likely to lose a great

many of those who read his book, which would not be available if they were not also losing their grip on the media. It is a downward spiral.

Yet the *Zeitgeist* remains with the pro-abortionists. Abortion on demand is not an American phenomenon. The whole Western world has now succumbed to the craze, just a single generation after it tried the Nazis for crimes that *included* abortion. (More to the point, how do we distinguish genocide by race from genocide by *class* of humans?) In the Communist world, of course, abortion is turned on and off like a spigot, according to the political calculations of the “leaders.” Thus in poor Hungary, which has long had more abortions than births, it is utilized as an escape-valve for a demoralized people. (The Russians themselves have *miscalculated*: they are now a minority in their own empire.) The Japanese seem to abort with the same avidity they bring to taking pictures. *Can* such a massive horror be stopped once unleashed, short of the decline and fall of the civilization which permits it?

Perhaps not. As Nathanson writes (in his own defense), the “errors of history are not recoverable, the lives cannot be retrieved.” It will require a massive effort to reverse so strong a tide, for abortion is both symbol and cause of decay, the death-wish of a society that has forgotten its past and fears its future. Without doubt, a society that does not recoil from the willful destruction of its own future generations is doomed. But millions of Americans *are* recoiling from the abortion horror. Whatever other parallels there may be between slavery and abortion, surely one is that not since the Abolitionists has this nation seen anything like the anti-abortionists. If their numbers continue to grow at the current rate, they alone could tip the balance: as students of such “causes” know, if 10-20 percent of the total population becomes fully committed to a certain political or social objective, it usually achieves it (although rarely on the terms it demanded, or to the extent it hoped for—slavery lingered on, some would say lingers still, long after it was “ended”).

Total abolition of abortion is of course not possible. I know one isn’t supposed to put it this way, but it’s the best way to explain it: Abortion is a sin, and will disappear at the same time, and not before, we do away with sin itself. Or evil, if you prefer. But the worst thing about sin is not its existence, but its *denial*. It is one thing to admit that abortion will always be with us, quite another to make it the official *policy* of our nation, with the support of our laws, the use of our money—to promote and encourage it with all the powers of state and society, at ruinous cost to both.

And yet, as Professor John T. Noonan has made clear, the abortionists are unwilling to compromise their abortion “liberty” in any way whatever.⁵ They demand total acceptance, and total support, from our society. It is not conceivable (if they will forgive me the word) that they can maintain such a public franchise for their “private right.” It *is* conceivable that anti-abortionists can win majority support for their solution: to recriminalize virtually all abortions. The greater the polarization becomes, the harder it is to imagine what kind of compromise will heal a wound so festered.

But of course that is what the American political system is all about. Our basic presumption is that we all agree on the common good, and can compromise the “points of difference.” Surely the most frightening aspect of the slavery-abortion analogy is that the system broke down completely on slavery. I am not predicting an abortion civil war, just reemphasizing the point that compromise on the issue will be hard to achieve. Solomon in his wisdom suggested

APPENDIX A

that each party get half the baby, but that was not the solution to the problem—the solution came from the mother who chose life. The shrill intransigence of the abortionists may force the majority of Americans to do likewise.

NOTES

1. Judith Blake is a professor at the School of Public Health of the University of California (Los Angeles); her study of opinion on abortion first appeared in the March and June (Vol. 3, Nos. 1 and 2) issues of *Population and Development Review*, published by the Population Council, Inc. The entire study was reprinted in the *Human Life Review*, Vol. IV, No. 1, Winter 1978.
2. See *The Case for Legalized Abortion Now*, published by Diablo (sic) Press (Berkeley, California, 1967), pp. 12-13.
3. Mr. Muggeridge's article, "What the Abortion Argument Is About," also appeared in the *Human Life Review*, Vol. I, No. 3, Summer 1975.
4. See the extensive treatment of slavery-abortion analogies by Prof. Patrick Derr in the *Human Life Review*, Vol. V, No. 3, Summer 1979.
5. See especially Prof. Noonan's book *A Private Choice: Abortion in America in the Seventies*, published earlier this year by the Macmillan Co.'s Free Press (New York, N.Y.); two chapters of the book were reprinted in the *Human Life Review*, Vol. V, No. 3, Summer 1979.



J.P. McFadden with Malcolm Muggeridge in 1979

APPENDIX B

[Wesley J. Smith is a director of the Discovery Institute's Center on Human Exceptionalism. This article first appeared in the *American Spectator* on October 23, 2018 (<https://spectator.org>), and is reprinted with Mr. Smith's permission.]

The Transhumanist Bill of Wrongs

Wesley J. Smith

Transhumanists have seen the future and it is authoritarian. More specifically, it is both authoritarian and anti-human. To make matters even worse, transhumanism would coercively bankrupt the world economy. Beyond that, it's a pipe dream that threatens venerable Western values. What's not to like?

For those who may not know, transhumanism is an increasingly influential futuristic social movement that flowed out of the high academy to become a pet cause of atheism advocates and Silicon Valley billionaires. Akin to a contemporary Tower of Babel project, it is utopian to the core, with adherents who grandiosely plan to “seize control of human evolution” to bring about a “post-human” species that will leave natural humanity in its wake.

When it first emerged, the movement was obsessed with exercising “morphological freedom,” e.g., harnessing cutting-edge technologies to enhance intellectual capacities or effectuate superhero-type physical capabilities. These are still important transhumanist agenda items. But as the movement matured—and seeking to pluck hope from the naked and nihilistic materialistic beliefs of most adherents—the movement's focus shifted to the pursuit of corporeal immortality—such as their expectation of uploading minds into computers or maintaining physical life through repeated cloned organ transplantation surgeries.

Attaining actual indefinite existence is about as likely as finally discovering the Fountain of Youth. But that doesn't mean transhumanism should be dismissed as nothing more than a fecund source of science fiction movie plots. Indeed, given that some of society's most influential members have embraced the cause—Google's Ray Kurzweil and Tesla's Elon Musk, to name just two examples—the movement presents a clear and present danger to established social mores and threatens to divert vast financial resources to Quixotic quests.

The dangers that transhumanism poses are illustrated vividly by “The Transhumanist Bill of Rights” (TBR), adopted by the Transhumanist Party and recently published by *Wired*. A close look at the document reveals it actually as a Bill of Wrongs that would undercut liberty and bankrupt institutions.

Transhumanism would shatter human exceptionalism. The moral philosophy of the West holds that each human being is possessed of natural rights that adhere solely and merely because we are human. But transhumanists yearn to remake humanity in their own image—including as cyborgs, group personalities residing in the Internet Cloud, or AI-controlled machines. That requires denigrating natural man as *unexceptional* to justify our substantial deconstruction and redesign. Thus, rather than view human beings as exclusive rights-bearers, the TBR would grant rights to all “sentient entities,” a category that includes both the biological and mechanical:

As used in this TRANSHUMANIST BILL OF RIGHTS, the term “sentient entities” encompasses:

- (i) Human beings, including genetically modified humans;
- (ii) Cyborgs;
- (iii) Digital intelligences;
- (iv) Intellectually enhanced, previously non-sapient animals;
- (v) Any species of plant or animal which has been enhanced to possess the capacity for intelligent thought; and
- (vi) Other advanced sapient life forms.

According to the TBR, all sentient entities have “equal and total access to any universal rights to life”—our most fundamental existential protection currently reserved to human beings. Moreover, the TBR conjures “ending involuntary suffering, making personhood improvements, and achieving an indefinite lifespan via science and technology,” as fundamental rights of equivalent importance. This would seem to mean, among other anti-human consequences, the required legalization of euthanasia, an end to using animals in medical research, anything goes scientific research, perhaps even a legal proscription against unplugging an AI computer deemed to be self-aware and therefore entitled legally to continued existence.

The right to engage in transhumanist enterprise would prevail over religious freedoms and even democratically derived public policy decisions. Ominously, Article IX of the TBR states:

While all individuals should be free to formulate their independent opinions regarding the aforementioned pursuits, no hostile cultural, ethnic, or religious perspectives should be entitled to apply the force of law to erode the safeguards protecting peaceful, voluntary measures intended to maximize the number of life hours citizens possess.

Transhumanism would also bust the bank. Article VI states:

Involuntary aging shall be classified as a disease. All nations and their governments will actively seek to dramatically extend the lives and improve the health of their citizens by offering them scientific and medical technologies to overcome involuntary aging.

Imagine the cost of *that!*

Meanwhile, Article VII declares, “All sentient entities should be the beneficiaries of a system of universal healthcare.” Remember, those so entitled would not be limited to human or even post-human biological beings, but would also include “altered, augmented, cybernetic, transgenic, anthropomorphic, or avatar sentient entity.”

It is one thing for private companies and philanthropists to spend hundreds of millions chasing transhumanist imaginings. It’s their money, after all. But **the TRB would coerce general society to fund transhumanist pursuits** by requiring “all sentient entities sufficient basic access to wealth and resources to sustain the basic requirements of existence . . . and function as the foundation for pursuits of self-improvement,” meaning funding for post-human upgrading.

Not only that, but the TRB **requires the creation of a quasi-communist society**—hardly surprising since transhumanism, like communism, flows out of an atheistic and materialistic mindset. Thus, Article XIX states:

Given the inevitability of technology eventually replacing the need for the labor of sentient entities, all sentient entities should be the beneficiaries of an unconditional universal basic income, whereby the same minimum amount of money or other resources is provided irrespective of a sentient entity's life circumstances, occupations, or other income sources . . .

Lest you think that such requirements would not be sufficiently bankrupting, the TBR would also require that each individual receive a generous guaranteed support from the state to make up for the "inevitability of technology eventually replacing the need for the labor of sentient entities." From each according to his abilities, to each according to his needs.

Transhumanism would also distort family life by unleashing reproductive anarchy and mutating parenting into primarily a means of self-gratification. "All sentient entities are entitled to reproductive freedom, including through novel means such as the creation of mind clones, monoparent children, or benevolent artificial general intelligence." The possibilities are endless, but among other dystopian potentials, this could mean the birth of cloned babies genetically altered to suit the desires of parents and deploying quality control techniques including the disposal of defective gestating products. Aldous Huxley call your office!

Enough. Transhumanism needs to be seen as a threatening subversion actively seeking to overthrow the venerable principles that conservatism preserves and promotes. And while most of the movement's technological fever dreams will never eventuate, transhumanist values threaten to replace Judeo/Christian principles with a hedonistic utilitarianism that eschews personal restraint and lassos us all into the collectivist pursuit of post-humanity.

Utopianism never ends well. Transhumanism should be resisted by all who value natural rights and the true meaning of human liberty.

APPENDIX C

[Charles Camosy is associate professor of theology at Fordham University and author of *Too Expensive to Treat?—Finitude, Tragedy, and the Neonatal ICU*. This book review appeared in *First Things* Oct. 8, 2018, and is reprinted with the magazine's and Mr. Camosy's permission.]

Trust Women: A Progressive Christian Argument for Reproductive Justice

Reviewed by Charles Camosy

In *Trust Women*, Rebecca Todd Peters aims to advance a progressive Christian feminist project, but her book is neither progressive nor feminist.

Peters, a professor and Presbyterian minister, supports a libertarian deference to individual autonomy over against any justice-centered moral analysis of individual actions. Indeed, some of her sentences could have been written by Charles Koch: “While public policy sets the boundaries that shape our moral lives together as a society, public policy is not usually used to monitor or control individual citizens’ moral choices.” But restricting the individual moral choices of individuals, especially when they threaten the most vulnerable, is central to the progressive mindset. Progressives support coercing the choices of individual people in many matters: from their greenhouse gas emissions to what they pay their employees.

What about Peters’s theology? Does she make a “progressive Christian” argument? Ironically, in the relatively little time Peters spends engaging explicitly Christian theology, she spends her time conserving earlier stages of the Christian tradition regarding prenatal life. She notes that Scripture is “completely silent” on the topic of abortion, and that the Church fathers had varying opinions about when the prenatal child became a full member of the moral community. She notes that both Innocent III and Thomas Aquinas favored delayed hominization, which dated development of a rational nature to some months after fertilization.

“Even within the Roman Catholic Church, abortion was not completely prohibited until 1889,” she argues. And it wasn’t “until the Second Vatican Council” that Catholic teaching forbade abortion to ensure “protection of life.” Peters thus rejects the progressive theological position—which includes prenatal life among the least ones bearing the face of Christ—in order to embrace the part of the tradition that was ambiguous about the moral status of the prenatal child.

Most of the other theological references are hopelessly vacuous. Peters says, for instance, that “Christians are right to care about sex and to approach it as a moral issue. Sex is a sacred and wonderful activity that can be shared between two people in ways that deepen and reinforce mutual bonds of caring and commitment. And it’s fun!” Elsewhere she says, “From a feminist theological perspective that affirms both the goodness and justice of God, I find it impossible to believe that conception and pregnancy, much less the fertilization of an egg by a sperm, are either the will of God or gifts or blessings from God.” Why? Because of the “theological ramifications” of belief in a God who would give her a pregnancy “while withholding one from another woman.”

And what, exactly, makes this a feminist work?

When I give talks on abortion, more than 90 percent of the question-and-answer periods feature at least one question asking how I, as a male, have any business discussing the issue. It is of course an ad hominem argument. Anyone interested in justice for a vulnerable population ought to be able to act on behalf of that vulnerable population, regardless of sex or gender. But such questions give pro-life men a chance to offer a helpful rejoinder: Historically, it is men who have been at the forefront of abortion rights. Justice Ruth Bader Ginsburg herself argued that the men who decided *Roe v. Wade* were making patriarchal and not feminist arguments. Half of American women identify as pro-life, and many more are skeptical of abortion, especially later in pregnancy. A higher percentage of women (60 percent) than men (50 percent) support a twenty-week ban on abortion.

These women are invisible in Peters's analysis. When Peters says "trust women," she apparently means "trust women who have abortions." Her book never engages with pro-life feminism—even though she must be aware of how dramatically the Women's March (which she attended) led to the spotlighting of pro-life feminism in major media outlets.

I knew something was amiss when I flipped to the index and didn't see Sidney Callahan's name. In many ways the grandmother of contemporary pro-life feminism, Callahan consistently argues that abortion on demand relies on male assumptions about sex and bodily normativity, and primarily supports the sexual interests of men. It heaps hopeless burdens on women, including a society that assumes women should have abortions rather than keep their babies and expect to receive social support.

Callahan also criticizes abortion-rights feminists for not insisting on legal protection for the vulnerable. The idea that women may bestow or deny the right to life of prenatal children is ironic, given the history of men who claimed the authority to bestow or deny the rights of women. Peters ought to have responded to the powerful claim of the New Wave Feminists: "When our liberation costs innocent lives, it is merely oppression redistributed."

Of course, Peters denies that abortion costs innocent lives. But the foundational question of the abortion debate—the moral status of the prenatal child—gets just a handful of pages. If the prenatal child is a full person with the same moral and legal claims as other children, then the abortion debate is one thing. If the prenatal child is something less than a full person, then the abortion debate is an entirely different thing. Peters gives no serious attention to this fundamental question. And for good reason: When the reality of the prenatal child is faced honestly, the debate usually doesn't end in favor of the extreme positions of abortion rights activists.

But justice discourses—especially progressive justice discourses—demand that we pay attention to invisible and marginalized populations. Those whose dignity inconveniences those who have power over them. Progressive justice discourses also tend to pay attention to the views of marginalized groups. But Peters fails to acknowledge that people of color are less supportive of abortion rights than white people, or that economically disadvantaged people are less supportive of abortion rights than economically privileged people, or that women are less supportive of broad access to abortion than are men. (Not to mention that each of the major pro-life organizations today is led by a woman.)

Though Peters claims to be interested in justice, her justice concerns are directed at one population only: the minority of women who enjoy or support the right to abortion on demand for any reason at any stage of pregnancy. Her book, like the broader throw-away culture, discards the prenatal child as so much trash.

If Peters had written a more courageous book—one which challenged the abortion rights culture so pervasive within the centers of power to which she is connected (her university, her church, the academy, etc.), she might have been able to build bridges. She is willing to criticize the idea that (especially poor) women always have “choice,” and she advocates social support for women who choose not to kill their prenatal children. These are important areas for dialogue between pro-life feminists and reproductive-justice advocates.

But Peters was apparently not interested in opening a dialogue of that sort. Perhaps she thinks such a dialogue would come too close to implying that there should be fewer abortions. Or perhaps the source of her reluctance is articulated in this interview: “I’ll never reach the hardcore pro-lifers and that’s fine—most aren’t interested in having a conversation.”

She could not be more wrong. Thousands of pro-life feminists stand ready to have a conversation and find common ground. With the prospect of changes coming to the Supreme Court, the struggle to make sure women have the resources to bring their children to term is more important than ever.

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Ours is an age of complete liberal autonomy. We enter into contracts, not covenants. We have rights, not obligations. We would take, but not give. We believe with Thomas Hobbes that “life is brutish” and with Jean-Paul Sartre that “hell is other people.” We crave intimacy, but we have come—let us admit it—to loathe human beings. We prefer avatars, which present a fantastic version of ourselves while reducing the other to a square, flat image on a screen. (We sometimes call these images “icons,” but they are the opposite. Real icons are windows to Heaven; computer icons are one-dimensional bear traps.)

—Jason Morgan, “Sex Dolls and Pandemic Loneliness”