the HUMAN LIFE REVIEW

WINTER/SPRING 2002

Featured in this issue:

Building a Culture of Life: Three Keynote Addresses

Richard J. Neuhaus • George Weigel • Mary Cunningham Agee

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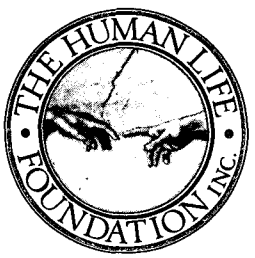
. . . we can't exactly recommend it as "beach reading," but who knows, some of you may find the beach the perfect place to peruse this big combined issue filled with important and timely stuff—including thirteen pieces we've gathered to help you keep up with (catch up on?) the ever escalating stem-cell/cloning debate. We begin coverage with an original article, "Cloning and the New Eugenics" (page 103), by the indefatigable Wesley J. Smith, who also contributes three columns he wrote for *National Review Online*. Thanks to *NR* for those and for permission to include senior editor Ramesh Ponnuru's "Lapse of Reason: The Libertarians and Cloning" (page 109). Ponnuru is one of the most eloquent, not to mention well informed, commentators around. "The Basics of Stem Cells" by Maureen Condic, an assistant professor of neurobiology and anatomy at the University of Utah, and a researcher herself, originally appeared in the monthly journal, *First Things*—thanks to our friends over there for allowing us to share this valuable primer. The *Weekly Standard* (*www.theweeklystandard.com*) continues to police the controversial intersection where politics and science collide, and we're grateful for permission to reprint recent insightful articles by Eric Cohen, Andrew Ferguson and J. Bottum. *The Wall Street Journal*'s feisty editorial page also gives this subject plenty of attention—Daniel Henninger's "The Cloning Issue Deserves Better than 'Why Not'?" (page 145) doesn't disappoint. We round out our coverage with commentary by Charles Krauthammer, Paul Greenberg and Dr. David van Gend, no strangers to the cloning debate (nor to these pages).

The controversial intersection of politics and science is where the late French doctor and geneticist, Jérôme Lejeune, often found himself. A translation of *La Vie est un bonheur,* Clara Lejeune's moving memoir of her father's life and his groundbreaking work with children who have Down's syndrome—he discovered the gene that causes Down's—has been published by Ignatius Press (*Life Is a Blessing*, $12.95); we thank them for permission to reprint "The Story of Tom Thumb" (page 76), which features much of Lejeune's own powerful writing about the humanity of unborn children. More recently in France, a court ruling impugning the humanity of the handicapped has caused an explosive public backlash. *Merci beaucoup* to *Commonweal* (*www.commonwealmagazine.org*) where we first spotted M. Therese Lysaught's fine report, "Wrongful Life? The Strange Case of Nicholas Perruche" (page 165).

Thanks, of course, to *all* our contributors for helping us deliver such a wealth of excellent material. And let us not forget the inimitable Nick Downes, whose cartoons will keep you chuckling, at the beach . . . wherever.

ANNE CONLON
MANAGING EDITOR



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INTRODUCTION

WE OPEN A SPECIAL Winter/Spring issue of the *Review* in a time fraught with the anxieties and sorrow of war, a time of great testing for our nation. We are engaged in a fight to defend our civilization; we thought it fitting to lead this issue with an article containing a pressing warning. Colonel Robert de Marcellus, in "A Foundering Civilization," deftly debunks the widely-accepted myths of the "population explosion," and asserts to the contrary that countries of the West, with their *below-replacement* fertility rates, are in for trouble. Government leaders, politicians and the media seem oblivious to what has been "quietly unfolding"—"the most portentous event of modern history: the failure of current generations to produce enough children to replace themselves."

What reality there is to the population "explosion" is due more to a decrease in mortality around the world (better health and longevity) than to an increase in fertility. Indeed, the United States' campaign to halt the population growth in developing countries has been, according to de Marcellus, too successful: even developing nations are facing declining fertility rates. The results of below-replacement fertility are dire: a dangerously top-heavy society, with an "elderly dependency ratio" that can be an economic and social disaster.

The situation in the U.S. is not as severe as it is in several European countries, so there is still time to turn things around. But only if the truth is told. "It is ironic," observes de Marcellus, "that the importance of children to the future has been understood by primitive tribes since early times, but that in today's supposedly sophisticated society, men and women behave as if children are no longer important to the survival of people."

Of course, in our culture, the devaluation of children has grown insidiously since the legalization of abortion. The prolife movement has been fighting an uphill battle to restore protection to our tiniest offspring for almost thirty years. And there is *good* news from that front, as Brian Caulfield reports in "Anatomy of a Pro-life Victory." The story began last January with some chilling news: New York Attorney General Eliot Spitzer started issuing subpoenas to crisis pregnancy centers across the state, demanding that they turn over mountains of documents. He was accusing them of "false advertising" and giving "medical advice" without a license (because they provided over-the-counter pregnancy tests?). It was a frightening prospect: most centers operate on shoestring budgets, manned by volunteers—how would they stay open if forced to spend their precious resources on legal fees? What actually happened makes for an inspiring and upbeat story, as you'll read—it's an uncommon tale of pro-life unity, which, as Caulfield argues, ought to be an inspiring model for prolifers in other states.

What follows is a special section, *Building a Culture of Life,* in which we publish the inspiring words of three distinguished keynote speakers at major pro-life conferences. The section has its own introduction, on page 26.

The late Dr. Jérôme Lejeune, as *Review* readers are well aware, was one of the most eloquent voices ever heard in the pro-life movement, which suffered a great loss with his death in 1994. We are pleased to have permission to reprint here a chapter from *Life is a Blessing*, a memoir of Lejeune written by his 4th child, daughter Clara. In her loving testament to her famous father—Lejeune was a top geneticist who "discovered" the cause of Down's Syndrome and also the importance of folic acid to prevent spina bifida—Ms. Lejeune gives us a glimpse of the private life of this great man. The chapter we include, "The Story of Tom Thumb," tells of the discrimination Lejeune and his family suffered because of his defense of the unborn. Once, after he'd appeared as sole pro-life speaker at an international health conference at the United Nations, Lejeune wryly noted, "This afternoon I lost my Nobel Prize." Yet the portrait Clara Lejeune paints of her father includes no bitterness—nor did he, she says, have a "martyr complex." He was a loving, gentle husband and father, a committed doctor, a brilliant scientist; and the beauty of his words about the beginnings of life are without compare.

Our next two articles focus on troubling recent events in Ireland. First, our Irish correspondent (Editor of the *Irish Catholic*) David Quinn tells the frustrating story of the March abortion referendum. The referendum was the result of nine long years of campaigning by the Irish pro-life movement to have a new vote that might reverse the 1992 decision on the "X-case," in which the Supreme Court allowed a 14-year-old to have an abortion on the grounds that she might commit suicide. Sadly, Quinn's tale is a prime illustration of how damaging pro-life *dis*unity can be. The key Irish prolife organizations fought a nasty civil war over certain words in the proposed Protection of Human Life in Pregnancy Bill, with damaging results. Quinn describes the struggle between pro-life "purists," whose "quest for a perfect, all encompassing pro-life law" is unachievable, and the prolifers who tried "to blend the politically possible with the morally acceptable"—this is a damaging friction certainly evident in our own country's pro-life movement. As Quinn puts it, "The purpose of moral reasoning is precisely to find a course of action that is both moral and practically achievable. Moral reasoning is worse than useless if it detaches morality from practical action. When this happens it becomes a sort of moral self-indulgence, something designed to make you feel morally pure but whose only effect in the real world is to allow the enemies of the culture of life to dominate the worlds of politics and the law."

The second story recounts Ireland's first publicized case of assisted suicide. The now-deceased woman, Rosemary Toole, had been depressed but physically healthy. When her body was found in Dublin, the search was on for two men seen partying with her in a "posh Atlantic Coast Hotel two days earlier."

As Rita Marker tells us, they were later identified as two Americans, Unitarian minister and "Compassionate Chaplain" of death George Exoo, and his homosexual partner, Thomas McGurrin.

Exoo's name is not new to Marker, head of the International Task Force on Euthanasia and Assisted Suicide: she has followed the career of this "Kevorkian wannabe," who in 1999 was one of the presenters at a conference for right-to-die activists, where participants shared the latest in "self-deliverance" technology. Exoo, who has claimed responsibility for more than 100 assisted-suicide deaths, has traveled extensively on "death junkets"—all expenses paid by the soon-to-be-deceased. As you'll read in Marker's riveting account, one such trip was made to Ireland, to "assist" Toole. While the Irish authorities are deciding whether to charge Exoo—assisted suicide still being illegal in Ireland, of course—Marker fears that this case will be used to open the door for advocacy of its legalization.

Our final trio of articles (and several of the appendices which immediately follow) are explorations of the massively important and controversial subjects of human cloning and embryonic stem-cell research. It would be hard to devote enough space to these hotly-debated topics on our national scene—the gravity of the moral issues involved seems to be almost matched by widespread confusion about the scientific facts. And that's dangerous: without clear understanding of the facts (e.g, "therapeutic" cloning involves bringing a being into life only to destroy it; embryonic stem-cell research does *not* hold a clear promise of wonderful cures), people are vulnerable to the charge that by raising objections to this "brave new world" experimentation they are "anti" science and progress, instead of *for* the protection of human beings.

Wesley Smith, who has written so extensively and tirelessly about euthanasia and assisted suicide, has been equally relentless recently in exposing the true facts involved in the scientific, moral, legal and political debates about stem-cell research and cloning. (We have reprinted three of his excellent columns on these subjects in the appendices.) His purpose in "Cloning and the New Eugenics," as the title sugggests, is to bring up the "less discussed—but just as urgently in need of our attention" prospect that "research cloning" will "open the door to ultra eugenics—the genetic redesign of our progeny." He quotes the pro-cloning Princeton bio-ethicist Lee M. Silver, in his book, *Remaking Eden*: "Without cloning, genetic engineering is simply science fiction. But with cloning, genetic engineering moves into the realm of reality." And the "genetic engineering" lusted after by many of today's scientists represents a newly-lethal form of the same evil, eugenics, that the world was horrified to encounter half a century ago. Is this dangerous form of "neo-eugenics" really what the average American wants to usher in with the new age of biotechnology? Smith hopes not.

"Human cloning is quickly rising to the top of issues that divide libertarians from conservatives." So writes the eloquent senior editor of *National Review*

magazine, Ramesh Ponnuru, in our next article: "Lapse of Reason: the Libertarians and Cloning." Ponnuru reports on a symposium in the libertarian magazine *Reason*, which "provided a fair sampling of the best arguments for human cloning on offer" (it turns out many articulate supporters of cloning are libertarians). Ponnuru argues however that these cloning proponents exhibit a glaring lapse of reasoned analysis: they fail to "acknowledge that there are rational arguments against therapeutic cloning that demand refutation." While the editor of *Reason,* Virginia Postrel, and others dismiss arguments against cloning as hysterical, a "fear of change," and contrary to ideals of American freedom, they ignore the crucial fact that cloning involves the *killing* of a human embryo. "Pro-cloning polemics frequently frame the debate in terms that obscure the point at issue. A cloning ban is said to be an attempt to 'ban research,' its supporters are said to fear knowledge . . . it is true that a ban would bar certain types of research and could prevent certain types of knowledge from being discovered—but because the research to get the knowledge involves homicide, not because it is research." Ponnuru concludes with a persuasive argument for pro-life libertarianism, based on sound moral principles.

Our final article originally appeared in the journal *First Things*: we reprint it here because we found it to be a most useful, clarifying primer, if you will, on stem-cell research—both embryonic and adult. Maureen L. Condic, an assistant professor of neurobiology and a researcher herself, writes in "The Basics about Stem Cells": "Regrettably, much of the debate on this issue has taken place on emotional grounds, pitting the hope of curing heartrending medical conditions against the deeply held moral convictions of many Americans. Such arguments frequently ignore or mischaracterize the scientific facts." By the time you've finished reading this fascinating look into the world of stem-cell research, you'll see that, in reality, the scientific evidence is not in conflict with our moral convictions: research using adult stem cells holds much more potential for cures, and none of the disturbing moral implications, of the more touted embryonic stem-cell research. In addition, contrary to media reporting that implies that cures to celebrity diseases are around the corner, there is "clearly much work that needs to be done before stem cells of any age can be used as a medical treatment. It seems only practical to put our resources into the approach that is most likely to be successful in the long run . . . there is no compelling scientific argument for the public support of research on human embryos."

* * * * *

We continue our coverage of the cloning debates in our appendices with a powerful argument against research cloning from columnist Charles Krauthammer, who admits he does *not* oppose it on the grounds that destroying a human embryo violates the sanctity of life. Krauthammer makes

a "secularist" argument against cloning, as the "ultimate commodification of the human embryo," the first time a human embryo would be created for the "sole purpose of using its parts." As Krauthammer says, referring to the slippery slope argument that has been derided by secularists in the past, this is "not a slide down a slippery slope. This is downhill skiing."

In the appendices that follow (there are too many in this full issue to introduce each one), we include other excellent columns on cloning and stem-cell research, by David van Gend, Wesley Smith, Paul Greenberg, Daniel Henninger, and Eric Cohen. We've also reprinted a report (by Andrew Ferguson of the *Weekly Standard*) on the first meeting of the President's Council on Bioethics, headed by chairman Leon Kass. (Members of the council were asked to read Nathaniel Hawthorne's short story "The Birthmark," a tale, quite appropriate we'd say, about "the mad quest for perfection . . . that ends with the destruction of its momentarily-perfected subject.") And, although we usually don't publish book reviews, J. Bottum, an editor of the *Weekly Standard*, wrote such a fascinating essay about Francis Fukuyama's new book *Our Posthuman Future* that we decided it merited an exception.

We leave the matter of cloning and related topics and turn, in our final four appendices, to other subjects relevant to the *Review*'s concerns. In the first, M. Therese Lysaught writes (in *Commonweal*) about the historic case of Nicholas Perruche—a "wrongful birth" suit that went to the French Supreme Court. We were happy to find, printed next, a column by our friend Austin Ruse about the population "explosion" which nicely complements our lead article by Colonel de Marcellus. Following Ruse is regular *Review* contributor Mary Meehan's "Graceful Exits," a piece to counter grisly tales of famous suicides by violence or overdose: Meehan reveals some edifying stories of famous persons whose deaths were examples of patience and courage.

Our concluding appendix is President George Bush's proclamation of National Sanctity of Human Life Day, announced just before the January 22 anniversary of *Roe* v. *Wade*, and the annual March for Life. To a country still reeling from September 11th, the President said: "The terrible events of that fateful day have given us, as a Nation, a greater understanding about the value and wonder of life. Every innocent life taken that day was the most important person on earth to someone; and every death extinguished a world."

We close this issue noting signs of hope. As spring deepens into summer, and we mark the nine-month anniversary of September 11th, here in New York we seem to be seeing a mini-boom of soon-to-be-born babies, blessed evidence of the resilience of the human spirit, and the hope that new life brings. Until next time . . .

MARIA MCFADDEN
EDITOR

A Foundering Civilization

Robert de Marcellus

When the *Titanic* struck an iceberg on the night of April 14, 1912, no one thought there was any real danger. After all, the ship was "unsinkable." Crew members reassured the passengers, who continued to eat, drink, dance, and eventually sleep. Reality started to set in only when the ship's Second Officer, Charles S. Lightoller, noticed that, with all the pumps working, the level of water in the stairwell was still creeping up and up. When the *Titanic* slipped below the surface, it shocked out of its complacency a world that felt it had almost achieved mastery of its destiny.

The story of the *Titanic* provides a vivid metaphor for the current demographic state of the world's industrialized nations. Like the passengers of the *Titanic*, today's public, news media, and government leaders are oblivious to ominous news—in this case, the quiet unfolding of the most portentous event of modern history: the failure of current generations to produce enough children to replace themselves. A French historian, Professor Pierre Chaunu, has called this failure "the White Pestilence," because, unless successfully combatted, it will eradicate European and other industrialized populations as surely as the Black Death destroyed the cities and towns of the Middle Ages. The loss of millions of young men in World War I was regarded at the time as a catastrophe of unequaled proportions, but, while today's White Pestilence is progressing quietly and without physical devastation, the impact on industrialized societies will be incomparably more severe and long lasting. Sustained below-replacement fertility affects almost every facet of national life. The funding through tax dollars of medical and retirement benefits, national defense, basic research, education, and infrastructure construction, to name but a few, relies on the efforts of working citizens. And that is in addition to the effect on the economy itself.

The remorseless figures

There is no question of what is taking place. The data on fertility—the average number of children per woman—are carefully recorded and published by the governments of all modern nations. It is well established that in

Colonel Robert de Marcellus (Ret.) is a decorated veteran of the Korean War and a former Inspector General of the Florida National Guard. He was a founding officer of de Marcellus, Knowlton & Associates, a public relations and advertising firm now part of ADDCO Industries. In 1991, he founded the Association for Family Finances in America, a Washington D.C.-based nonprofit organization which works to advance the economic welfare of families with children.

nations with modern health standards an average of 2.1 children per woman is needed to maintain a steady population—the "replacement level" (one child to replace each parent, and a fraction extra to replace children who die before reaching reproductive age, as well as to compensate for the slightly smaller number of female than male births).

How ominous are the current fertility figures? Very ominous. The fertility rate of Italy and Spain, for example, now hovers around 1.2. Japan is only slightly better off, at 1.46 and France at 1.6. The United States' fertility rate is currently at an almost healthy 2.1, but for a period in the late Seventies it was as low as 1.73. A rate as low as Italy's or Spain's means that *in every generation the native population will be nearly halved.* Furthermore, unlike a population decimated by war or pestilence, populations with low fertility age before they die, creating enormous economic burdens for the remaining young workers.

As the proportion of the non-working elderly to the working young increases, the income of young workers is increasingly absorbed by taxes. The ratio of the population aged 65 and over to the population aged 15 to 64 is known as the "elderly dependency ratio." While in most industrialized countries the ratio is now around 20%, in only thirty-three years it is expected to nearly double in the United States and France, and more than double in Japan, Germany, Italy, and Canada. In Italy, for example, unless the fertility rate rises dramatically, the elderly dependency ratio will grow from 23.8% in 1995 to 37.5% in 2020 to 60.0% by 2050. Dramatic aging of the population will occur in Japan, Germany, and Italy in just 12 ½ years, and in the other industrialized countries in another twenty years. Any nation whose tax base, production, and consumer base decline as precipitously as those of Europe appear destined to do faces economic and social catastrophe on a scale not seen in modern times.

Projected Ratio of Population Over 65 to that Between 15 and 64

COUNTRY	1995	2000	2010	2020	2030	2050
United States	19.2	19	20.4	27.6	36.8	38.4
Japan	20.3	24.3	33	43	44.5	54
Germany	22.3	23.8	30.3	35.4	49.2	51.9
France	22.1	23.6	24.6	32.3	39.1	43.5
Italy	23.8	26.5	31.2	37.5	48.3	60
United Kingdom	24.3	24.4	25.8	31.2	39	41.2
Canada	17.5	18.2	20.4	28.4	39	41.8

Source: Sheetal K. Chand and Albert Jaeger, "Aging Populations and Public Pension Schemes," Occasional Paper 147, International Monetary Fund, Washington, D.C.,1996, p. 4.

Note: The IMF figures assume, "perhaps optimistically," a return of the fertility rate in all countries to 2.1 over the next four decades. The actual increase in the dependent/working ratio will probably be much more drastic unless immigration rates increase appreciably.

Why is such a phenomenon not more widely remarked on? Why is it not the center of all government policy?

In the case of the *Titanic*, equanimity was bred of ignorance about the extent of the damage and the way the ship was constructed. In the present population crisis, equanimity is bred of ignorance of the etiology of the much-publicized "world population explosion" since the end of World War II. In fact, world population *has* grown markedly. However, it has done so mostly not through an increase in the fertility rate but through a decrease in the mortality rate owing to unprecedented advances in public health, in areas such as water purification, malaria control, and inoculations. What has taken place is a doubling and tripling of the number of generations alive at one time. When average life expectancy was 35 years in much of the world, many parents died before their children had reached reproductive age. Suddenly, in the span of a few decades, not only are parents living at the same time as their adult children, but so are grandparents and sometimes great-grandparents. As Nicholas Eberstadt, former Harvard professor and consultant to the World Bank and the Agency for International Development, has phrased it, "Population growth is not due to the fact that people are breeding like rabbits, but that they have stopped dying like flies."

Failing to understand the principal reason for the postwar population growth and ignoring basic economic theory, "experts" and the popular press have for over 30 years deluged us with "standing room only" scenarios marked by famines and disasters. In fact, the postwar population increase has brought with it enormous economic growth, resulting in better diets and more wealth throughout the world. The famines that have occurred have almost all resulted from specific policies of dictatorial governments, as in Ethiopia, or of government ineptitude in trying to force farmers into socialist economies, as in the old Soviet Union. Population density has been no bar to economic development and improved living conditions in free economies, even in areas with limited or no natural resources, as is attested to by the success of Hong Kong and Singapore. Prices have been falling for almost all resources, from food to minerals to fuels, indicating greater plenitude, because as population has grown, so have the ability, knowledge, and numbers of the producers. New resources have been discovered or produced faster than the old ones have been used. (Whale oil was once considered to be a diminishing prime resource.)

Gary Becker, Nobel Laureate economist from the University of Chicago, credits the success of the new economies in Asia to their ability to create "human capital." He calculates that 80% of wealth exists in the form of human capital—factors such as education, family support systems, and the

development of the work ethic. Human capital, however, like natural resources, requires continual renewal.

When the industrial nations first experienced below-replacement-level fertility, demographic projections assumed a return to the replacement level. This has not occurred, and there was never any reason to think it would, absent a conscious effort to cause it to do so. This effort has not been made, partly because policy makers are still fixated on "Limits to Growth" overpopulation scenarios, partly because breaking a vicious circle can cause more short-term pain than politicians will readily inflict.

A Warning from History

What is now happening to the industrialized world appears to be such a new phenomenon that many are in denial; population collapse and the resulting economic and social collapse "just cannot happen." But it *can* happen, and did at least twice in the ancient world. The primary cause of the demise of the Roman empire, and previously of the Greek city-states, appears to have been population collapse on a massive scale.

Over a period of two to three hundred years, starting at the time of Marcus Aurelius Antoninus in 150 C.E., the population of Rome's western empire fell by more than 80%. Where once there had been six Roman citizens, two to three centuries later there was only one. The consequences of this depopulation included deserted cities and farms; disintegrating roads and water and drainage systems; mosquito-plagued swamps where there had been fields; once-fruitful land overgrazed by sheep herds and eroded. The social and economic chaos resulting from falling fertility in turn resulted in more disease and less food, further depressing fertility. Finally, the deepening shortage of recruits to man the military legions meant depending on barbarian tribes to defend the borders, tribes who ultimately sacked the empire.

The collapse of the Roman population has been ascribed to a number of factors. Increasing urbanization, with absentee landowners who constantly increased their levies on the farmers until their lives became hopeless, has been advanced as one reason by Professor Chaunu. Changing social mores and epidemics have been given as reasons by others. Probably many factors combined to lower fertility, but there is no question about the result: economic and social collapse, finally ushering in the Dark Ages.

A similar collapse had taken place in ancient Greece a few centuries earlier. Even as some writers of the age were concerned that the future might bring overpopulation, fertility was falling. A few understood the danger. Isocrates (431-338 B.C.E.) wrote: ". . . those that die are not replaced." There were no official census figures to give us an exact picture of the population's

collapse, but there are figures on the number of taxpayers and voters. The 9,000 Spartan families that held land in the time of Lycurgus (a Spartan leader in the ninth century B.C.E.) had dwindled to 5,000 by the fifth century B.C.E., to 1,500 by the fourth century B.C.E., and to 711 by the third century B.C.E.

During the third century B.C.E. the entire territory of the Achaean league (12 city-states of the Peloponnesus, east central Greece, and the islands of Crete, Rhodes, Cephalonia, and Ithaca) could produce only 3,500 soldiers. In 146 B.C.E., the kingdom of Macedonia and the Etolian and Achaean leagues together were capable of fielding only 20,000 men.

The Greek geographer and historian Strabo (63 B.C.E.-21 C.E.) described Greece as "a land entirely deserted; the depopulation begun since long continues. Roman soldiers camp in abandoned houses; Athens is populated by statues." Plutarch observed that "one would no longer find in Greece 3,000 *hoplites* [infantrymen]." The historian Polybius (204-122 B.C.E.) wrote: "One remarks nowadays all over Greece such a diminution in natality and in general manner such a depopulation that the towns are deserted and the fields lie fallow. Although this country has not been ravaged by wars or epidemics, the cause of the harm is evident: by avarice or cowardice the people, if they marry, will not bring up the children they ought to have. At most they bring up one or two. It is in this way that the scourge before it is noticed is rapidly developed. The remedy is in ourselves; we have but to change our morals."

Causes of Fertility Collapse

Why is fertility collapsing today in the developed world? As in the ancient world, there are doubtless several factors at work. The change from agrarian to urban societies may have caused family life and children to be less highly valued. Members of modern economies need more years of education to acquire the skills for wealth creation; the time needed for acquiring education and establishing a career can cause women to put off marriage till age thirty or later, reducing the prime childbearing years by almost half. In the United States, acquiring that education can saddle young couples with high debts that may further postpone their having children, and high taxation on their earnings can create the perception that having more than one or two children is beyond their means. In many European nations, high social welfare costs and other public policies have restrained economic growth and created high and enduring unemployment, which affects the young disproportionately. Marriages again are therefore postponed, or young couples may be forced to live with parents in crowded housing that affords no room for children.

Changing sexual mores are also a factor. The social stigma on cohabitation

has been greatly reduced, especially in cities. Abortion is readily available. Divorce is commonplace and, for many women, ends their childbearing.

Increased employment of women in the marketplace is yet another factor. Many women enter the workforce because of a desire for independence and professional opportunities. Many others, however, would gladly stay at home to care for children if they thought it economically feasible. Ironically, the entry of women into the labor force to better the family financial picture has tended to lower the average wages of husbands, who now must compete for jobs in a more crowded labor market. Engaging women in the labor force has always been in the short-term interests of business, which profits from the expanded labor market, a factor that has no doubt contributed to the historic growth in developed economies over the last several decades. In the long term, however, business must suffer from population collapse, just as it has prospered from the population growth which has produced more and larger markets.

Economic Effects

We have seen the ultimate effects of population implosion in the cases of ancient Greece and Rome. How does a persistently low fertility rate affect a modern industrialized economy?

Testifying before the Congressional Subcommittee on Social Security, Paul S. Hewitt, Project Director for the Global Aging Initiative of the Center for Strategic and International Studies, described the course of events: "Aging recessions are marked by declining asset values, falling levels of consumption, spikes in precautionary saving by aged workers, falling growth rates and hence tax revenues, chronic budget deficits, declining returns on investment, capital outflows, and currency crises. If this sounds familiar, it should. Japan, in my opinion, already is in an aging recession. Its population has leveled off and soon will decline. Consumer spending has fallen for 29 straight months. Property values have collapsed. The retail and construction sectors are on deficit-financed life support. Due to the unique characteristics of Japan's social compact, the economy remains more or less at full employment. Yet under these conditions, fiscal stimulus is ineffective, since you cannot stimulate an economy when there are few workers to bring into the labor force. Monetary policy is also proving counterproductive, to the extent that lowering of rates of return merely prompts aging workers to save more. After 2010, these conditions are likely to prevail throughout much of Europe as well.

"Indeed, in its flagging currency, the euro, Europe, too, is beginning to exhibit symptoms of decline. Capital is fleeing the Continent at an unprecedented

rate. Despite today's unfavorable exchange rates and the supposed overvaluation of U.S. equities, German companies announced $94 billion in U.S. acquisitions in August [2000] alone. One reason for this is that European firms face the prospect of *declining unit sales for as far as the eye can see*. [Emphasis added.] A real estate shakeout is also on the horizon. Italy, Germany, and several smaller countries will experience dramatic declines in their household-forming age groups—Italy could have 30 percent fewer persons aged 25-40 by 2020. These kinds of pressures are sure to weaken household and financial institution balance sheets, spawning weakness elsewhere."

How Much Time?

In comparison to Japan and countries in Europe, the United States has some time to spare. But not much, as witness recent worries over Social Security and Medicare.

Begun in 1937, the American Social Security system paid its first benefits in 1940 to 220,000 beneficiaries. Benefits were funded through a 1% tax on workers, taken from their pay each week, and a corresponding tax on their employers. Although Social Security was initially "sold," politically, as a kind of annuity, a worker's tax payments are not invested for his own needs in old age but rather are used to pay benefits to the currently retired (leaving aside the recent practice of borrowing from the Social Security trust fund). When each worker retires, new taxes from younger workers are needed to fund his benefits. The system has therefore been likened to a Ponzi scheme, which pays large dividends to stockholders but does so only by finding an ever larger number of new investors, until the scheme must ultimately fail. Because both the number of workers entitled to benefits and the size of the benefits have grown significantly over the last 60 years, the combined tax on the employer and employee is today 12.4%, plus an additional 2.9% to fund medical care for the elderly.

The Social Security Ponzi scheme will start to unravel in about 10 or 20 years, when the first members of the "baby boom" generation reach retirement age. At that point, the government will have to choose among reducing benefits, greatly raising taxes on the still smaller proportion of working families, raising the retirement age, or devaluing the currency. The most likely course will be a combination of reduced benefits and higher taxes, which will tend to further reduce the number of children that young couples feel they can afford, thus compounding the problem in later years.

Serious as the problem of funding Social Security is, the problem of funding Medicare may well dwarf it. According to a report issued by the Organization for Economic Co-operation and Development (OECD): "Medicare

expenditures have been growing much faster than GDP (Gross Domestic Product) already, even though members of the baby-boom generation have not reached 65 yet. Such growth is due to a combination of factors, including a high elasticity for health care spending, deficiencies in controlling demand, but also the rapidity with which technological change is introduced. . . . An ageing population, when coupled with the diffusion of medical technologies, could lead to an even greater increase in demand for medical services . . . than the simple increase in the number of 65 and over would suggest . . . Official estimates show Medicare and Medicaid net spending [as] rising much more rapidly than Social Security spending . . . doubling as a share of GDP in thirty years.

"Official projections assume that the growth of Medicare costs will slow to the rate of per capita GDP between 2010 and 2020. No rationale is provided for this assumption, other than that otherwise spending would grow unreasonably fast." In fact, Medicare costs have soared since the program's inception. Starting at $3.4 billion in 1966, they had doubled to $7.2 billion in just four years; by 1980 the program cost $35 billion, by 1990, $109.7 billion. The problem is not—as is sometimes stated—that Americans are living longer. The problem is the abrupt fall in U.S. fertility after 1970. Had U.S. fertility remained at its average 1947-1964 figure of 3.37, there would today be over one and a third times as many workers under age thirty-three paying into the Social Security and Medicare Trust Funds, and there would be no impending disaster. In short, American couples have raised too few children over the last thirty years to pay for the cost of their own retirement and medical care in old age.

A Way Out?

Societies are gripped in a vicious circle. Fewer births create an aging population, which in turn requires increasing support through higher taxes, thus placing increasing pressure on young couples, who respond by producing fewer children. Politicians, too, are trapped in a box. Promised spending programs for the elderly become increasingly costly as populations age, and, as the elderly form a larger proportion of the population, they acquire increasing political power. Furthermore, our election cycles are so short that no politician can succeed by focusing on demographic and economic problems that will not become apparent to voters for another ten or twenty years.

Immigration is sometimes cited as a solution. However, unless the immigrants reproduce above the replacement level, they will only add to the aging population down the line. And if they do reproduce faster than the native population, this would be likely to change the character of the society in

ways that many Europeans and Americans would find unacceptable.

However, there may be a workable solution, at least in the United States, where the problem is not as severe as in Europe. The answer lies in an enlightened family policy.

Population Policy

The only "population policies" that the United States has pursued have been attempts to lower the fertility of developing nations. These policies are succeeding only too well. In 1992 the World Health Organization reported that, over twenty years, fertility in the developing nations had already fallen from 6.1 to 3.9. By now, some developing nations are dipping below the replacement level. Money spent on driving down even faster the fertility of developing nations would be much more wisely spent on boosting the United States' own fertility.

There is evidence that policies which support families with children are effective in raising fertility. Shortly before World War II, France, with a population depleted by the appalling losses of World War I and suffering from the lowest fertility rate in Europe, implemented a family-support policy. This program provided cash support for each child; it was commonly said at the time that the third child enabled a family to buy a car. Family size grew rapidly and became one of the largest in Europe.

Gradually, however, what had started as a "family policy" became a "social policy" that provided a plethora of programs for all sectors of the population. The proportion of family allowances to family income steadily decreased, as it was not adjusted for inflation. Wives gradually found that it was financially more rewarding to enter the work force than to raise children, and French fertility has since declined. The economist Jean-Didier Lecaillon believes that the reduced value of the family allowance was an important factor in this decline. However, the remaining allowance may well still account for the advantage that France, with a rate of fertility of approximately 1.6, enjoys over Italy, at 1.2. Prior to reunification with the Federal Republic, East Germany started a similar program of allowances, also with appreciable success.

The United States has never had a program of direct government aid to intact families; however, tax law following World War II practically shielded families with two or more children from federal income taxes. Because of the personal exemption, a median-income family with four children paid no federal income tax in 1948. "Bracket creep" gradually wore down the value of the personal exemption, as the exemption remained constant, while inflation edged—and eventually, in the 1970s, spiraled—upward. Measured as a

percentage of income, the income-tax burden rose most dramatically for families with children. The 1981 Economic Recovery Tax Act finally indexed tax brackets and exemptions to inflation, and, in 1986, the personal exemption was increased, but not nearly enough to make up for the years of decline in its value. Today, given not only inflation but also the rise in tax rates, we would need a personal exemption of over $12,000 to provide the same tax shield to families attempting to raise children as the $600 exemption did in the early postwar years. Were the family's tax exemptions or child tax credits increased to this value, it is reasonable to expect that many wives would opt to leave the work force and rear additional children. The promised new child tax credit of $1,000 is a step in the right direction, but only a small step.

Singles and older taxpayers grumble at any tax break offered specifically to families with children, but this is shortsighted. The overall fairness of a child-oriented tax policy becomes apparent when one considers that it is the children of those parents who elect to have them who will form the tax base in decades to come. Singles and couples who raise no children expect to draw Social Security and Medicare benefits in old age, but these benefits will be funded, under our present system, only through the taxes paid by other people's children. And each of those children, according to the U.S. Department of Agriculture, will cost the parents over $236,660 (adjusted for inflation) to raise to age 17, not including investment for higher education. It is indeed fair, therefore, that those who pay the cost of raising the next generation of taxpayers should pay lower taxes now, while those who do not take on the costs and responsibility of raising children, yet expect to be supported by the taxes paid by other people's children, should carry the heavier tax burden today. Tax relief for couples with children should also include payroll taxes for Social Security and Medicare, because these taxes are increasingly the ones that most limit the ability of working low-income families to meet the expenses of raising children.

Fertility and Prosperity

The famous "baby boom," commencing in the aftermath of World War II and continuing into the early 1960s, sparked an enormous surge in the economy, with an unprecedented demand for food, housing, appliances, furniture, toys, clothing, automobiles, and school buildings. An article in the April 18, 1952, edition of *U.S. News & World Report*, titled "More Babies, More Business," well illustrates the optimism of the period:

"The baby boom has been so large and so fast that the country still has trouble adjusting its thinking. In six years about 22 million children have been added to the population. That almost equals the entire population of the

U.S. in 1850. It is half the population of Great Britain. In numbers of consumers, the postwar children represent a market equal to the 11 Mountain and Pacific States, plus Louisiana. That new market has appeared in 312 weeks. In the same period, the net population growth—births minus deaths—has totaled 13 million. Never before—not even in the heyday of immigration—has the U.S. grown so fast.

"In 1952, barring the unexpected, a new market equivalent to the population of Indiana will be presented to industry. That will be the effect of the 3.9 million births estimated for this year. These will bring to nearly 26 million the new children gained by the nation since World War II. They must be fed, housed, clothed, educated, and given all the other goods and services they require. Their vast number guarantees, too, another population spurt in about 20 years as they reach marrying age."

In 1965 Robert C. Cook, President of the Population Reference Bureau, stated that the slumping birth rate of that year—when for the first time in 12 years the number of U.S. births dropped below 4 million—was "unquestionably related to a recognition that rearing children was an expensive undertaking." At that time, the cost to an average family with an annual income of $6,600 of raising a child to age 18 was estimated by the Institute of Life Insurance in New York to be $23,835.

The following two decades saw a fall in fertility that no doubt had something to do with the changes in sexual and social mores in the 1960s, but that also coincided with a growing proportion of income being taken in federal income and payroll taxes. The fertility rate bottomed at 1.73 during the "malaise" years of the Carter administration. (U.S. fertility had also plummeted during the Great Depression.) The Reagan years, which saw the indexing of tax brackets and exemptions in 1981 and the increase in the personal exemption in 1986—coinciding with "morning in America" economic expansion—also saw a modest upturn in fertility: to 2.0 by the end of the second Reagan administration.

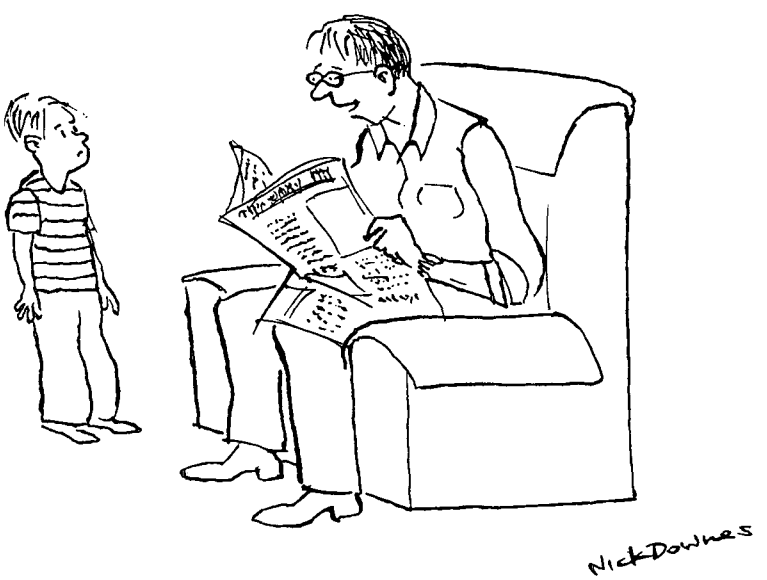
The Road Ahead

It is ironic that the importance of children to the future has been understood by primitive tribes since early times, but that in today's supposedly sophisticated society, men and women behave as if children are no longer important to the survival of peoples. It is crucial that leaders in the news media, government, and industry understand the consequences of what is now beginning to happen in Europe and do everything possible to prevent the same thing from happening in the United States. Our leaders must find the courage to explain to older citizens the need to sacrifice some benefits

for the future of the nation which so many have fought to preserve.

Clever solutions can buy time for industry and for government. Manufacturers of strollers can switch to producing wheelchairs, and baby-food manufacturers can start producing foods for the elderly. In the case of Social Security and Medicare, raising the retirement age, taxing the benefits of well-to-do senior citizens, forcing greater savings for retirement through an investment-based Social Security system, and in some way rationing medical care might all, though disagreeable, help postpone the day of reckoning. Such actions, however, cannot solve the basic problem: in the long term, a people must have sufficient children in order to survive.

We cannot continue to behave as ignorantly as the *Titanic*'s passengers. Fertility statistics are freely available, and they clearly foretell the nation's sad prospect if steps are not taken to change the course of our destiny. A people that does not produce new generations large enough to replace the old has no future.



"Your allowance, Billy, is that your mother and I allow you to live here."

Anatomy of a Pro-life Victory

Brian Caulfield

It's time to celebrate. A handful of crisis pregnancy centers staffed largely by volunteers stood up to blanket subpoenas from New York's pro-abortion attorney general, yelling "Stop!" To everyone's surprise, Attorney General Eliot Spitzer not only stopped, he withdrew the subpoenas accusing the centers of false advertising and practicing medicine without a license, and took a big public relations hit in an election year.

"For women seeking alternatives to abortion, CPCs can provide valuable services," he conceded in a February 28 statement announcing the withdrawal of the subpoenas.

Although threats still loom of the pro-life centers being forced into restrictive consent agreements, pro-lifers should not miss the significance of this victory but should be quick to build on it. Not only did the New York pregnancy centers assert their constitutional rights and win, a significant enough fact in New York's pro-abortion atmosphere, they also gained confidence, competence, and legal and moral support from mainstream professionals. Accustomed to working largely alone and on a shoestring, and getting little help even from pro-life forces in the state, the pregnancy centers were pleasantly shocked when lawyers from top Manhattan firms offered pro-bono services; when two pro-life government attorneys rebuked their New York colleague for what they called a political use of office; when a Catholic bishop vowed support against what he called the start of a nationwide effort to close down the pro-life centers; when journalists of many stripes provided sympathetic coverage of the David vs. Goliath standoff, and when a noted public relations firm developed a media plan to present the case of "compassionate conservatism" that the pregnancy centers represent.

Not even the usually reliable *New York Times* could provide ideological cover for Spitzer. In an article in late February, the *Times* struggled to build a case against CPCs, reporting claims that the centers lure women on false pretenses and use sonograms as a "coercive tactic." Yet the quote that rang truest amid the allegations and hearsay was a statement from the medical director of a Long Island "family planning" clinic: "The bottom line is no woman is going to want to get an abortion after she sees a sonogram."

Perhaps the most significant development in the battle with Spitzer, however, is the fact that the pregnancy centers pulled together in time of crisis,

Brian Caulfield writes frequently on the legal and medical aspects of abortion.

pooled resources, shared information and galvanized pro-life support in a state that too often has seen division within the ranks. They learned something about working in a largely hostile public forum, and now are poised to seize the pro-life moment. Just as the attacks of Sept. 11 forced New Yorkers to pull together, so the assault of the attorney general may mark a new era in pro-life activity and advocacy in New York. The Empire State too often has been a beleaguered link on the front lines, with high rates of abortion in urban areas and the astounding fact that in the Bronx abortions outnumber live births. Now the pro-life forces have become proactive. With some potent new allies, they see that the abortion fortifications are not as impregnable as they thought. New Yorkers of all persuasions love a fight, especially one that has been brought to their door by an unjust aggressor.

CPCs Empowered

"The mood of the pregnancy centers is not conciliatory," said John Margand, an attorney who runs a pregnancy center in midtown Manhattan, and was served with the first round of subpoenas. "The collective will of the pregnancy centers is this: if the attorney general has any intention of moving against them, he'll have a tight battle on his hands."

Margand is also executive director of Project Reach, which provides support, information, and training programs for pregnancy centers throughout the New York metropolitan area. He said that the lawyers for all the centers are working together to assure that no onerous conditions are imposed by Spitzer after the fact. Before withdrawing the subpoenas, Spitzer contracted an agreement with a small Birthright center in upstate Victor which he said would serve as "a simple standard" and "model" for "resolving outstanding issues" with all the centers. The agreement calls for the Victor center to inform persons who ask that it does not provide or refer for abortion or birth control, announce to clients that it is not a medical facility and not authorized to diagnose pregnancy, and state in advertising that the pregnancy tests it offers are self-administered.

Chris Slattery, another key player in the pro-life victory who runs five CPCs in New York City, called the agreement with the Birthright facility part of a well-planned "Spitz-krieg" to shut down or hamper the lifesaving activities of the centers. The terms of the agreement violate First Amendment rights of speech, he claims.

Spitzer's spokesman insists that the attorney general was acting in response to allegations made by women who had visited the pregnancy centers or from advertisements. In an interview in April, the spokesman, Darren Dopp, said that Spitzer still had a "law enforcement concern" about the advertising

and counseling of the centers. He added that Spitzer's office and the lawyers for the pregnancy centers were having "very productive discussions," but warned that the subpoenas could be reissued if any of the centers should "thumb their nose."

Spitzer stated in a press release, "It is imperative, however, that the staff and management of these facilities understand and adhere to the law regarding advertising and counseling."

There are more than 2,000 crisis pregnancy centers, also called pregnancy resource centers, throughout the nation providing free services. They come in many sizes and use many different procedures. All seek to spread a life-affirming message and counsel women against abortion. Most offer free urine pregnancy tests, available over-the-counter, that the client must administer herself. Some of the centers are innovative in seeking abortion-bound women. Slattery's centers, for example, avoid mentioning that they do not do abortions when women call. If asked, counselors say that they will talk about abortion when a woman comes for counseling, which certainly is true. Through counseling, pamphlets and videos, the centers offer perhaps the only information a woman will receive about the life and development of the unborn child and alternatives to abortion. They also offer free maternity and baby clothes, strollers, changing tables, and cribs; and they may find women a place to stay and financial help. The centers regularly receive letters of thanks from new mothers and pictures of babies saved from abortion. A recent initiative to have sonogram machines with qualified technicians and raise the centers to the status of medical clinics through affiliations with physicians may have alarmed abortion advocates who sought a preemptive measure.

Without these caring centers, and the selfless service of the many workers and volunteers, society would be poorer, and the abortionists would operate almost unopposed. In the post-9/11 atmosphere, when people of New York and the nation are more aware of the precious gift of life, the cause of the pregnancy resource centers is receiving unexpected support. Now is the time for pro-lifers to come to the aid of their fellows in the field and nurture a culture of life. The blueprint for action is found in a careful consideration of the many elements that contributed to the pro-life victory in New York.

"Good Faith Belief"

"Based upon his initial investigation, the Attorney General has a good faith belief that the entity named above may have violated one or more of these statutes by misrepresenting the services it provides, diagnosing pregnancy and advising persons on medical options without being licensed to do

so, and/or providing deceptive and inaccurate medical information."

On Jan. 4, the directors of three pregnancy centers read these words printed on imposing government stationery and speaking in the name of "The People of the State of New York." Subpoenas eventually were served to nine pregnancy center directors running 24 facilities.

A host of documents were demanded by Feb. 1, including advertisements, letters to donors, number of donors and delineation of support, names and credentials of staff members, training materials, numbers of clients seen, and names of entities to which clients are referred.

The victory began with the centers' independent but unanimous response: we believe in the rightness of what we are doing and we will stand our ground. They continued seeing clients and answering phone calls while wondering whether their phones were tapped, whether the woman who came in asking a few too many questions was a pro-abortion spy, or whether a volunteer had inadvertently given medical advice. In the midst of these worries, the directors resolved to press the AG's hand to see what, if anything, he had.

A few days after being served, Margand stated, "We see this not only as an attack but as an opportunity. We do not intend to take this lying down, and we will defend our First Amendment rights."

The centers were buoyed by the apparent political nature of Spitzer's subpoenas. In the first days of an election year, he hit what he saw as an easy target to satisfy his strong base of abortion supporters. Shortly after gaining office, he set up a Reproductive Rights Unit headed by Jennifer Brown, a past president of the National Organization for Women—New York and a former fellow for the ACLU's reproduction freedom project. Further, Spitzer's actions appeared to follow a handbook published by NARAL titled "Exposing Fake Clinics: A Step-by-Step Guide" on how to infiltrate and intimidate pro-life centers. One highlighted tactic, to "persuade state attorney general to bring litigation against targeted CPCs," sounded familiar. This was in addition to the fact that Spitzer spoke at a NARAL function, stating that he shared the goals of the organization, and that the NARAL/NY Web site boasts it "was central" to his narrow victory. Spitzer is quoted on the site: "NARAL/NY was instrumental in my victory. They made a difference not only for me, but for candidates throughout the state who care about choice."

"In essence, the attorney general has wed his office to a radical pro-abortion group, NARAL, and he is trying to cater to their demands as a political payback," Margand stated.

A year earlier, Project Reach helped a host of pregnancy centers band together to place a full-page display ad in the Yellow Pages that appeared with the familiar abortion clinic ads. The ad raised the profile of the centers,

putting them in direct competition with the abortionists. It also increased the number of women who came through the doors of the pregnancy centers and turned from abortion. Margand suspects that the ad caught the attention of the pro-abortion forces and prompted a response that culminated in Spitzer's subpoenas.

Slattery also was quick to respond, launching a one-man media campaign against Spitzer even before he received a subpoena. On the front lines of the abortion battle since 1986, when he opened Manhattan's first crisis pregnancy center, Slattery now operates five centers in three boroughs of the city, including two next to Planned Parenthood's busiest facility in the South Bronx. A veteran of legal struggles with two previous New York attorneys general, who forced him to list his center under "Abortion Alternatives" in the Yellow Pages and post a sign with disclaimers in his facilities, he was determined to make no more concessions. In almost every story on the subpoenas, from New York to Washington to California, Slattery was quoted. He appeared on Alan Keyes' cable show and the Christian Broadcast Network's "700 Club," and posted the latest media coverage of the case on his Web site (*www.expectantmothercare.org*).

Pro-life centers are becoming too successful at turning women from abortion and are taking a bite out of abortion shop profits, he stated. New York was just the first step in what would become a nationwide effort to close down the centers and make it legally impossible for pro-lifers to get anywhere near abortion-bound women, said Slattery.

"If we lose here, then every crisis pregnancy center in America is in real danger of being shut down!" he wrote in a February mailing to supporters. "I'll be darned if I'm going to give in to these fanatics without exhausting everything I have to fight them in our courts and the courts of opinion!"

Centers around the country paid close attention to the New York case, and members of the National Institute of Family Life Advocates, which provides pregnancy centers with legal support, met with people from Spitzer's office to learn more about the proceedings and warn their clients.

"Unfortunately, we have reason to believe that Mr. Spitzer's subpoenas are politically motivated and designed to harass, intimidate and weaken the voice" of CPC's, the director of a center in Fargo, N.D., wrote to supporters.

Legal Allies

The centers soon gained powerful legal help. Two midtown attorneys joined the pro-bono legal team with the approval of their firms. Also working for the defense were the American Center for Law and Justice and the Christian Legal Society, both in Virginia, and the American Catholic Lawyers Asso-

ciation in New Jersey. They drafted a petition to quash the subpoenas, filed in early February in jurisdictions where the different centers operated.

A devastating volley was issued a week after the subpoenas by South Carolina's attorney general, Charles Condon, who accused his New York counterpart of playing politics. In a letter, the pro-life Condon, also up for reelection, called the subpoenas "ill-advised," detailed the positive role of pregnancy centers in communities, and warned Spitzer not to let his view of abortion guide his subpoena power. Condon later appeared with Slattery on Alan Keyes' show and made a few more thrusts, reporting that a "really irate" Spitzer had called him and implied that pregnancy centers were "involved with the murder of abortion providers in the state of New York, which I thought was an outrageous accusation or implication to make."

Just when it appeared things were going well for the pro-life centers, they got even better. District Attorney Denis Dillon of Long Island's Nassau County, a long-time friend of pro-lifers who has refused to prosecute Operation Rescue participants, blasted Spitzer in a press conference in his office, telling the attorney general to "back off from his heavy handed harassment of pro-life pregnancy centers." Dillon, a member of the board of advisors to the Life Center of Long Island, charged Spitzer with violating the terms of agreement reached by previous attorneys general. He stated that if Spitzer suspected the center of violating the terms, he should have gone to the Supreme Court of New York in Suffolk County for instructions on how to enforce compliance.

"Instead, he has ignored the stipulation and resorted to a campaign of intimidation that can only have a chilling and disruptive effect on the important charitable work being done by these centers," Dillon boomed.

Bishop Henry Mansell of Buffalo weighed in early, defending the work of the CPC in his diocese and adding that "the probe may be part of a national effort to intimidate and harass people who are in crisis pregnancy centers."

The PR firm of Tarne and Powers in Washington was hired by some of the centers to run a media campaign, which was to include press conferences at strategic times throughout the state. Just as the effort was beginning, the attorney general began making conciliatory statements about his actions being misunderstood.

Winning Arguments

Spitzer's spokesman Dopp told this reporter that perhaps the office should have taken a different approach and made its intentions clear before issuing the subpoenas. While insisting that the legal action was justified by complaints, he said that the attorney general never intended to shut down or bankrupt the

centers. "We value these centers and we think they do good work," he stated.

He added that the agreement with the Birthright in Victor "met or exceeded what we're looking for," and that Spitzer wants good faith negotiations rather than an imposition of the same agreement on all the centers.

Nathan Adams of the Christian Legal Society, which represents five centers in the negotiations, stated, "The settlement agreement with Birthright is not one that my clients are interested in signing." The fact that Spitzer withdrew the subpoenas after the centers moved to quash indicates "that they couldn't have survived that challenge."

"The case law is clear that with non-judicial subpoenas the AG has wide discretion but he can't go on a fishing expedition. He must show grounds," Adams said. "We repeatedly requested that the attorney general produce any evidence, and he didn't."

He explained that the petition to quash argued that the pro-life centers are not bound by the state laws on commercial speech because they're not involved in commerce, offering all their services and goods free to clients. The petition then asserted that if the centers *are* regulated by the state law, then the law is unconstitutional, because legal precedent shows that the activities of the centers are protected by the First Amendment.

"In matters of non-commercial speech, court cases show that the highest level of scrutiny must be given to the actions of the government against the communications of citizens," he stated. "Otherwise there could be a chilling effect on the activities of private citizens and those, such as donors, who seek to associate with them."

In his opinion, Adams added, Spitzer's office was influenced by its own creation, the Reproductive Rights Unit, in seeking to silence the message of the centers.

"The state should not be in the business of enforcing an ideology," he said.

May these be the final words on the case.

Building a Culture of Life

We are privileged to present here three keynote addresses, each uniquely important and powerful, each given by a person who continues to make an enormous contribution to the task of building a culture of life. It happens that all three speakers are Roman Catholic, and also that Pope John Paul II features prominently in two, and is the subject of the third. Certainly there is much here to instruct and inspire those of the Catholic faith. Yet those of all faiths (or of none) who believe that human life must be protected in all its stages will find these speeches rich with insight and encouragement.

We begin with Father Richard John Neuhaus, an influential presence in the Catholic Church, in the pro-life movement, and in ecumenical dialogue, who gave the opening address at a Jewish-Christian conference at Fordham University (organized by the Institute for Religious Values). Neuhaus gave a bracing, hope-filled call to prolifers to resist weariness or despair, and to realize that we're "signed on for the duration" for a great cause that is "His cause before it's our cause"; he spoke of the deep meaning and the obligation for Jews and Christians to bear witness together to the truth that every human life is "inestimable . . . a meeting between the finite and the infinite."

George Weigel is a theologian and author who wrote the authorized biography of Pope John Paul II, *Witness to Hope*. His speech, which opened the *Culture of Life* conference at the University of Notre Dame, focuses on John Paul II; Weigel describes him as a brilliant visionary whose own life experiences shaped his powerful call, masterfully conveyed in his writing, to courageous engagement in the "enormous and dramatic clash between good and evil, death and life, 'the culture of death' and 'the culture of life.'"

Our final address was presented in Rome for the International Conference on Women, by a woman whose faith truly has moved mountains. Mary Cunningham Agee, who addressed her audience on *Motherhood at the Heart of the New Feminism*, is the founder and executive director of the Nurturing Network, an international charitable organization which exists to offer the practical support a woman needs to give her child life. After Agee herself suffered a second-trimester miscarriage, she thought: "If I could feel this much sorrow over the loss of my child . . . what kind of anguish must a woman who aborts her child feel?" She felt called to provide women with real alternatives. The Nurturing Network now has 32,000 volunteers who offer free counseling, medical assistance, nurturing homes, college placement and career opportunities (for example, for mothers who need to relocate during their pregnancies), adoption counseling and parenthood preparation. Since it began in 1985, the Network has served over *14,000* women with its program of practical compassion.

—The Editors

Together—for Life

Richard John Neuhaus

I should imagine that everybody here, without exception, has been to many, many such meetings; at least meetings that roughly fall under the umbrella of pro-life concern. And one of the most important things, I think, for all of us to remind ourselves of—and to be reminded of again and again—is that we're going to be at a lot more meetings, God willing. That there is no permanence, there is no end point to the great cause of life that brings us together. We are signed on for the duration and the duration is the entirety of the human drama, for the conflict between what John Paul II calls the culture of life and the culture of death is a permanent conflict. It is a conflict built into a wretchedly fallen and terribly ambiguous human condition.

And so those who have been recruited, who understand themselves by virtue of their very faith in God, their very having-been-chosen-by-God, the God of life—those who *understand* that, know that they are in this for the duration, and that everything that has been the pro-life movement of the last thirty-plus years has been the prelude, has been the laying of the foundation for the pro-life movement of the twenty-first century and of the twenty-second century, and of all the centuries, however many more there are to come.

That understanding is absolutely essential to the kind of commitment, the kind of devotion, the kind of self-surrender that has made the pro-life movement one of the most luminous illustrations of the human capacity for altruistic, genuinely other-regarding activities, indeed, not only in the American experiment, but in world history. Never before, I think it fair to say—ponder this—have so many people given so much over so long a period of time for a cause from which they have absolutely nothing to gain personally; and indeed in which they have, in many cases, *lost*—at least by any ordinary calculation of benefits—lost time, often friendships, or gained a great deal of opprobrium and misunderstanding on the part of others and, in many cases, have been jailed and arrested, and have paid deep fiscal penalties.

It is an inspiring thing to have been part of this first thirty years of this phase of what is called the pro-life movement. And we dare not be weary. We dare never give in to what sometimes seem to be the overwhelming indications that the cause is futile. We dare never give in to despair. We have not

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Richard John Neuhaus, a priest in the archdiocese of New York, is editor of *First Things* and President of the Institute for Religion and Public Life. This address was given at a conference at Fordham University April 24, 2001, titled "Exploring How Jews and Christians Can Work Together to Sanctify Human Life."

the right to despair. And finally, we have not the reason to despair.

It is a grand thing, it is among the grandest things in life, to know that your life has been claimed by a cause ever so much greater than yourself, ever so much greater than ourselves. In our American public life today, there's much talk about a culture war—sometimes in the plural, culture wars. It's a phrase that I've used, it's a phrase we've used in *First Things* from time to time, and people sometimes are critical of that. And they say, Oh, isn't that an alarmist kind of language, isn't that an inflammatory kind of language to use, to talk about wars?

Well, maybe. It's a contestation, if you prefer the word contestation. It's a conflict, certainly very, very deep. But it does have a warlike character to it. And if it *is* war, it's good to remember who it was that declared this war—who is waging a defensive war, and who an aggressive war. It was not our side that declared war. We were not the ones who decided on January 22, 1973 that all of a sudden everything that had been entrenched in the conscience and the habits and the mores *and the laws* of the people of this nation with respect to the dignity of human life and the rights bestowed upon that life—that all of that was now to be discarded. That in one, raw act of judicial power, which of course the *Roe* v. *Wade* decision was, every protection of the unborn, in all fifty states, would be completely wiped off the books.

Astonishing thing. It is important for us to remember that most of those who were on the side of what was then called liberalized abortion law, now called pro-choice, were as astonished as everyone else by *Roe* v. *Wade*. Nobody expected that the Court would simply abolish abortion law, would simply eliminate even the most minimal protections of unborn life.

That, of course, is not the only occasion upon which a war was declared that creates what today is called the culture war. There are many, many other points in the culture. Sometimes we simply refer perhaps too vaguely and too generally to *the Sixties*, but certainly under sundry revolutionary titles, all claiming to be great movements of liberation, was explicitly lodged and advanced and argued for in the name of warfare, a counterculture intended to overthrow, presumably, the oppressive, stifling, life-denying character indeed of Western Civilization itself and all its works and all its ways. It was to be an exorcism, if you will, of what was perceived to be a maliciously oppressive cultural order of which we are a part, with respect to sexuality—always weaving in and out and coming back to the question of sexuality—marriage and divorce and education policy and a host of things.

And so war was declared and war followed. And it will continue to look very much like a war. It is our responsibility not only for strategic or tactical reasons, but very importantly for moral reasons, to make sure that it doesn't

become warfare in the sense of violence and bloodshed. It is our responsibility to advance our arguments in this great contestation with civility and with persuasiveness, knowing that sound reason and the deepest convictions engendered by Judeo/Christian moral tradition both strongly support the cause of life which will ultimately prevail.

Professor Bernard Dobranski, Dean of Ave Maria Law School, noted the motto of Ave Maria, *Fides et Ratio*, faith and reason. And these two are seldom so powerfully conjoined as in the pro-life cause. We are constantly in the process of saying to those who claim that we would impose our values, and even worse impose our religion upon others: No, our response is: Let us reason, let us come reason together about what is the foundation of human life.

Let us come reason together about what are—as everybody should understand—moral questions about how we order our life together. The Dean said that all of law is moral, all of politics is moral, ultimately.

What is politics? I think the best shorthand definition of politics that anybody's ever proposed is Aristotle's. And Aristotle said politics is free persons deliberating the question how ought we to order our life together. *Free persons deliberating the question how ought we to order our life together.* And the "ought" of that definition is clearly a moral term.

Every political question of consequence is a moral question. What is fair? What is just? What serves the common good? Fairness, justice, good: these are all moral terms. We are the ones who are prepared to enter into the dialogue, if you will: the ongoing conversation, within the bounds of civility, as to how we ought to order our life together, including the question who belongs to the *we*—the most elementary of all political questions. Who belongs to the *we*? Who is entitled to our respect? Who is entitled to protection?

This conversation, this argument, in unwarlike ways, in civil ways, in persuasive ways, will prevail incrementally, piece by piece, sometimes moving, it seems, more backward than forward. But we're accustomed to that; we should be. We know that we've signed on for the duration, we know that the conflict between the culture of life and the culture of death is nothing less than the story of humankind. Humankind trying to find a better way, a more just way, a more humane way of ordering our life together, and of protecting all those who belong to the *we*.

Our goal . . . I think in the last few years it's been a very encouraging thing that across the spectrum of those concerned in various ways with the cause of life, there is an agreement on how we formulate our goal. What is it, that goal? The goal is every unborn child protected in law and welcomed in life.

I'm glad to say that, during the 2000 presidential campaign and since, President Bush has consistently reiterated that as the goal. When asked, "What do you mean when you say you're pro-life?"—I mean that we must work as a society for a time in which every unborn child is protected in law and welcomed in life.

Now we all know that we will never get to that time. There will always be abortions just as there will always be other forms of homicide, and there will always be robberies, and there will always be child abuse. We know that because we are unblinkingly realistic about the nature of the human condition and of our lives within it. But we also know what is that realistic goal that step by step, with wisdom, with courage, with unfailing commitment, we are working toward.

It is a great question of what it is that keeps you going. Each of us, I think—Jews and Christians, those of us who by the grace of God have been called to the community of the God of Israel, whether as Christians or Jews—it is for us to know that finally this is His cause before it's our cause. That He is the Maker of heaven and earth and the Author of life. And that every human life is inestimable, invaluable (that is to say no price can be put upon it), a meeting between the finite and the infinite. That every human life is destined from eternity and called to eternity, with God, from God.

And if one believes that, it is not whistling in the dark, or simply trying to keep up spirits or wearing a bright yellow smiley button to say that the cause of life will prevail. John Paul II, as you know, frequently speaks about the beginning of the third millennium as a springtime—a springtime of Christian unity, a springtime of Jewish/Christian understanding; a springtime of world evangelization, a springtime of the renewal of human culture.

And people sometimes ask, well, how can someone like Karol Wojtyla who became John Paul II say that, someone who has lived through the twentieth century, the bloodiest and most horrendous of all centuries in human history—lived through everything that would seem to contradict such a disposition, such an anticipation of a springtime? I mean he lived *through* Nazism, he lived *through* communism, he saw the slaughter and the horror. And people ask, how can he be so optimistic about the human project, about the future? And the answer, of course, is that he's not optimistic at all. Nor does he call us to be optimistic. Optimism is not a virtue—it's simply a matter of seeing what you want to see, and not seeing what you don't want to see.

Hope is a very, very different thing. Hope is looking into the heart of darkness and seeing at the heart of darkness that there is reason for hope. Because for Christians looking at the Cross, as we've just done during the Easter period, at the heart of darkness and Christian understanding is God

Himself in Jesus Christ. And the last word belongs not to darkness, but to love, to the resurrected life, to the vindication of hope.

So we know what the goal is: every unborn child, every old person considered expendable, all the radically disabled physically, mentally, everyone protected in law, welcomed in life. We work for that, relentlessly, the culture of life versus the culture of death. It is one of the greatest encouragements of recent years, for which the organizers of this conference can accept the due thanks of all of us, that there has been a growing convergence between significant sectors of the Jewish community and of the dominantly Christian pro-life cause of the last thirty, forty years; important for many, many different reasons. Not so much because it adds numbers or adds clout, but because it bears more powerful, more credible witness to what we mean when we speak together about the God of life, and renew, by such speech and by such witness and by such work, what society once meant by human beings created and endowed with inalienable rights.

It is among the contributions of this great cause to renew the constituting convictions of the American democratic experiment, which are very, very much under assault on many different fronts.

I remember years ago where my own personal involvement in the pro-life cause really began, long before *Roe* v. *Wade*, when it was then called the movement for the liberalization of abortion law here in New York and California and Hawaii. In the Williamsburg/Bedford-Stuyvesant section of Brooklyn, in St. John the Evangelist Church of which I was pastor, I read an article in *Harper's* magazine by Ashley Montagu, an anthropologist at Princeton (where does Princeton get these kinds of leaders?). And this article was about what makes a life worth living. And he ran through, as you might imagine, a number of criteria of what constituted a life worth living. Obviously physical health, being in a solid, secure family situation, having economic security and prospects of an educational and career future. I think there were ten or eleven criteria, measures of a life worth living. And I recall it was an Advent Sunday in 1964—I realize I don't look that old—and I was standing at the altar at St. John the Evangelist looking out at the three or four hundred people there attending the liturgy. And I realized, looking over all these black faces of people—almost all very poor—that in Ashley Montagu's judgment not one of them had a life worth living. Not one. Not one could meet more than two or three of the criteria, in his view, necessary to a life worth living.

And this—I have to say it—hit me . . . Kaboom! A great evil is afoot here—What is this man saying? And people who say these things and think this way—what are they saying? They're saying, of course, what anybody should recall if they're at all literate about the history of which we are a part;

they're saying that there are very, very large numbers of people living lives that are not worthy of life. And anybody who has any literacy with regard to the times in which we live will recognize that phrase, and where it was used before. *Lebensunwertes Leben.* Life that is not worthy of life. Which, of course, was the centerpiece of the genocidal, unspeakable practice of the Nazi regime: That we presume to decide which lives, indeed, are worthy of life and have any claim upon our attention. In short, we decide who belongs to the *we.* And we exclude those with whom we do not want to deliberate how we ought to order our lives together.

It's an astonishing thing: I know that it's very controversial and precisely because it is controversial it is necessary to touch on the ways in which there are parallels and non-parallels between that unspeakable horror of the Holocaust and today's culture of death. When my dear, dear friend John Cardinal O'Connor first came to New York, he spoke very straightforwardly about the parallels of the Holocaust. And it caused a great deal of controversy, and many in the Jewish community (but not only in the Jewish community) said, well, you have to be very careful in making that analogy. And they were right. And Cardinal O'Connor took that very much to heart and was from there on very, very careful indeed.

But at one point, all of us—Christians and Jews and whoever understands what's at stake here—have to understand that there is this crucial commonality. There is this lethal point of logic shared by these two dreadful phenomena: that we put ourselves in the position of deciding that certain peoples, by virtue of their race, their religion, their culture, their size, their disability, their language, name it—are *lebensunwertes Leben.* And that is the lethal logic that motors the madness of killing, whether it be partial-birth abortion, whether it be euthanasia, whether it be the willingness to destroy life in order to create the perfect baby, or to clone those who are considered the superior types of our species.Whatever mechanism and whatever cause and technological manipulation is being advanced in the tide of the culture of death has always at its center the lethal logic of *lebensunwertes Leben.* We're up against something very ominous, where evil is indeed afoot. The things that I've mentioned—partial-birth abortion has already been mentioned, other developments, eugenics, cloning, genetic engineering—and it is an ominous thing that in the last three years it has become respectable again to use the word eugenics.

Eugenics basically means good births, of course, but much more than that, it means the programmatic effort to redesign the *humanum,* create a superior, better kind of human being and, of course the flip side of that is to reduce or eliminate inferior types of human beings. Eugenics was an elite

cause, and a liberal cause and a progressive cause beginning in the late nineteenth century and the early part of the twentieth century. And then, of course, with the Second World War and with Hitler and the Holocaust, the idea of eugenics was totally discredited. The word was *verboten*, taboo. Nobody used the word "eugenics."

But now in the last two or three years, keep your eyes open, look at the books that are being published, read the leading opinion journals, it's becoming respectable again to talk about eugenics. And the people who talk about it say, well, of course there was that unfortunate episode, that unpleasantness back there around the middle of the century in Germany. But that really was an *aberration* and now we have to get back on track with the great cause of designing a better humanity. Dealing with human beings essentially as things, as products which are to please our consumer tastes. And if they don't, like any other consumer product, they simply can be rejected or eliminated or tossed out. That's a very, very ominous thing.

But I did not come here to discourage or to depress. It's very important, crucially important for us to remember, in this great contest between the culture of life and the culture of death and the form that it takes in what's called the culture wars of our society, how much we have to be thankful for.

If you recall, back in the late sixties and then in 1973, when the *Roe* v. *Wade* decision came down, the New York *Times* said—and all of the rest of the media echoed the proposition—that the abortion question had at last been settled. That was the word that was used; the Supreme Court had settled the abortion question. And here we are, almost thirty years later, and it's the most unsettled question in American life.

And that in itself is reason for hope. It's reason for hope that all the brightest and the best and their institutions in our society, almost without exception, in 1973 said that this question is over. Don't talk about it any more; don't argue about it any more. It is settled. All of the major universities and the voices from the Academy, the philanthropic world, the prestige media—go across the board, the powerful—those who control the commanding heights of culture were unanimous that this question was settled.

There was only one major institution in American life that dissented, and that was the Catholic Church, the bishops of the Catholic Church. Not as powerfully, not as articulately, not with the determination or the skill that they ought to have had. But they said, No way, wait a minute. This can't be right. This is a very, very dangerous thing.

We are counting up reasons for hope, reasons to encourage us. Now look where we are. Today we have the Evangelical Protestants, of all varieties, solidly committed to the pro-life cause. At the time of *Roe* v. *Wade* and still

five years after *Roe* v. *Wade*, the Southern Baptist Convention, the largest single Protestant association in the country, with more than fifteen million members, was passing resolutions in favor of legalized abortion. It was the great work of Francis Schaeffer and a handful of others that turned around the whole of that almost one-third of the American public that is Evangelical Protestantism.

And the Jewish: how very, very important this is. For a long time now some of us have been involved in the Christian/Jewish dialogue. (Again, I'm much older than I look.) And going back, I remember at Concordia Seminary in St. Louis, Missouri Rabbi Saul Bernard, who, thank God, is still with us. He was then the Interreligious Director of the Anti-Defamation League and would go around almost like an itinerant evangelist to Protestant seminary and Catholic, with this message about a strange phenomenon called the Christian/Jewish dialogue. And he first embroiled me in that. And I've never been able to get out of it, nor wanted to get out of it ever since.

Along the way it was by the grace of God my great good fortune to become a friend of someone for whom I thank God every day, Abraham Joshua Heschel, who was perhaps the most influential and admired Jewish theologian of this century, at least in America. Heschel did not live long enough, or it did not come together in quite the right way, for his ever to be entirely as clear as I thought he ought to have been on the question of abortion and the related questions of *lebensunwertes Leben*. But Heschel did understand what was involved. Heschel said that just to *be* is a blessing; just to live is holy. And he spoke and wrote magnificently about the pathos of God suffering with His wounded creation. Heschel had another line which is never to be forgotten, I hope. With regard to Jewish/Christian dialogue he said interfaith dialogue begins with faith.

And what is happening here in this meeting, and what is happening more generally in our society as all of us give ourselves to this, and we pray our efforts succeed, is a meeting in faith. Obviously there are deep differences between Jews and Christians, and the deepest of differences, as St. Paul wrote in Romans, chapters nine through eleven, probably await the end time, the *eschaton* of the final coming of the kingdom of God and the Messianic age, ever to be sorted out and resolved.

But along the way we are together pilgrims in faith, and pilgrims of faith, seeking to do the will of the God of Israel Who is the Author of Life. And that has to be much more than strategic and tactical considerations, as important as they are; that has to be the center of what brings us together in this meeting and what, from this meeting, will, by the grace of God, build and build into an ever greater cooperation. So much has already been happening

that is hopeful. The issue is not settled; it's the most unsettled in our life today. A few years ago the *Boston Globe*—which has a fiercely pro-abortion, anti-life editorial posture—wrote in an editorial after one of the numerous studies that have come out that some of us have been looking at for lo, these forty years, about the public attitudes on abortion—and the *Boston Globe* ruefully, regretfully said, we must face the fact (meaning those who suppport *Roe* v. *Wade* must face the fact) that seventy-five percent of the American people believe that abortion should not be legal for the reasons for which ninety-five percent of abortions are obtained. That's right.

It's a remarkable thing. And encouraging—the prestige media and the universities and the philanthropies and related institutions and persons who are perceived as controlling the commanding heights of culture do not have near the control that they think they do. Not near, thank God. The fact is that despite an almost unanimous and relentless campaign to have abortion accepted not simply as a purely private matter, and one that has to be entirely outside the scope of public purview or concern or control, but accepted as a positive good—they know that they have lost the argument publicly.

They hold on relentlessly with their fingertips, to whatever little edge they can get, partial-birth abortion—to even demand that infanticide (which surely this is) must be permitted. And why? Not because they are in love with infanticide; just out of simple human feeling, we must allow to our brothers and sisters on the other side that many of them find this as repugnant as do most feeling, thinking human beings. But they hold on to this because they dare not give an inch; because they believe that if even an inch is lost, their whole house of cards will come tumbling down.

And there is an element of truth to that. I think there is a strong element of truth to that. They know they have lost the argument.

We cannot be euphoric. We must always be terribly sober in estimating what the future holds. But I do believe that with this administration in Washington, we are at long last seeing a political expression of what for a long time has been a much deeper, moral, cultural turning in American life.

I always remind myself, and tell others, of Psalm 146. Psalm 146, as you know, says, Do not put your trust in princes, even when they're your princes and you're a bit more hopeful about them than you are about others. But I *am* hopeful that this administration has, in a way that is deeper than the political calculation, understood at least in part what is at stake. You remember we shouldn't be naive about this. And we know there are going to be disappointments. We know there are going to be tears. We know that. All of us are grownups. I recall President Reagan, when he would talk about negotiating arms control with the Soviet Union, would say, "trust but verify."

And so also with respect to this administration, or anybody else in the political arena who seems to be an ally, it should not only be "trust but verify," but also "trust and maintain the pressure," and *that* all of us must do in the political arena. We must do it together.

It is an encouraging thing again, the heroes in the Jewish community, and among them my dear friend Rabbi Marc Gellman, who you'll be hearing from later, who is sometimes described as being the only Reform pro-life rabbi in the country. And there is Nat Hentoff, who has just with breathtaking consistency and relentlessness acted upon the principles that made him such a hero of the left, and in some issues still a hero of the left, but who understood that he could not live with himself, he could not be Nat Hentoff except at the price of breaking ranks over this most elementary question of the status of the least among us.

Heschel used to say a society is measured morally not by how it treats people along the strength-lines in the society, but how it treats people along the fault-lines of the society. Nat Hentoff has understood that, and Chris Gersten and so many others.

It is more difficult for our Jewish brothers and sisters than it is for us, especially for us Catholics and for Evangelical Protestants today. It is much, much more difficult; because so many countervailing, counter-cutting forces and memories are in play, sometimes painfully. But for most American Jews, outside of the most observant, Orthodox community, the great belief, the right belief has been that the more secular the society is, the safer it will be for the Jews. A Reform rabbi friend of mine some years ago said, when I hear the phrase Christian America, I see barbed wire. That's hyperbole, of course, but one has to understand what he intends to say.

At least in the twentieth century, especially following the Second World War, in the dominant Jewish communities, the dominant intellectual, cultural, organizational forces were committed to what I have described as the naked public square; public life excluding as much as possible religion and faith-based morality. The great Leo Pfeffer himself, a believing and observant Jew, won court case after court case basically arguing that democracy required the radical secularization of public life, the removal of any transcendent reference to the public belief.

What we see in our Jewish brothers and sisters represented here, and in many, many other places around the country, and I speak now to you who are Christians and Catholic first—what we see here are some courageous people, some thoughtful people who have come to recognize in various ways that the naked public square, a public life that is devoid of the transcendent, of religion and religiously-based morality, is a very dangerous place. It is a

very dangerous place because where there is no transcendent inhibition against evil, there is no transcendent inhibition against the evil also of, for example, anti-Semitism. And where there is no transcendent aspiration to good that is given public expression in politics and in law, there is no transcendent inhibition of evil.

We are given the task of reviving, at many, many different levels working together, the high promise and the vitality of the American democratic experiment. We are the ones who are urging the renewal in all of this, who are urging that we come together and deliberate how we ought to order our life together, beginning with who belongs to the *we*. We are the ones who are prepared, if you will, to compromise with respect to this measure or this law or that law, fully knowing that what is uncompromisable is the goal of every unborn child protected in law and welcomed in life. That can never, never be compromised. But on the way to that goal, political and legal compromise is not morally compromising; indeed it is morally imperative. We are the ones who want to reason together. We are the ones who have that confidence in the mutually-reinforcing power of *fides et ratio*. Of faith and reason.

Well, I have gone on too long. Jews and Christians are the future not only of the pro-life movement in this country, but of reviving an understanding that the God of Israel, whom we all worship, is indeed at work and alive, providentially directing not only life in this century but of His entire creation.

Last year there was a mark of new maturity, very encouraging, positive and of historic importance in the Jewish/Christian dialogue with the issuing of a statement called *Dabru Emet* (*Speak the Truth*), on Jewish understandings of Christians and Christianity, published in the November issue of *First Things* and signed by over a hundred and seventy—now I understand well over two hundred—Jewish scholars. And among the things that this underscores is that we have an ultimate obligation for a moment that has never before happened in the history between Jews and Christians, and that in fact can only happen here in the United States.

Because it is only here that are there enough Jews, and enough Christians, mutually confident, mutually secure in their relationship to one another, to enter honestly into continuing conversation, and to continue an exploration of what the God of Israel intends for us and for the nation and the world of which we're a part. This is a new thing, this dialogue. What this meeting is about is one critically important facet of this new thing that God is doing, and that is moving the conversation from the theological and philosophical and historical and the sorting out of all the grievances and anxieties of a long, tortured history, to the question What shall we do now? What is it that

we are obliged to do now?

And what we are obliged to do now is to bear witness together; and more than bearing witness, to effectively collaborate together in advancing the arguments along with many others, until finally they find effective political and legal expression, and, most important, find expression in the everyday habits and mores of the American people. To secure the conviction that there is no such thing as *lebensunwertes Leben*. To persuade our fellow citizens that every life is a juncture between the finite and infinite purpose, destined from eternity and called to eternity.

Whether we will prevail or how we will prevail, this cause will prevail, this truth will prevail, because it is the truth of the God of life.

John Paul II: A Life for Life

George Weigel

I. *Evangelium Vitae*

The *locus classicus* for Pope John Paul II's teaching on the culture of life and its continual battle with the culture of death is, of course, the 1995 encyclical, *Evangelium Vitae*. The "headlines" in the encyclical were its decisive and irreversible rejections of the direct killing of the innocent, of abortion, and of euthanasia; in each instance, the Pope cited *Lumen Gentium* 25 in a solemn exercise of the papal magisterium, confirming the *sensus ecclesiae* as manifest through the college of bishops.[1] Considerable attention was also paid to the Pope's narrowing of the circumstances in which he considered capital punishment morally justifiable.[2] But there was much more in *Evangelium Vitae* than these three magisterial drum rolls and John Paul's teaching on the death penalty. A brief review of several of the encyclical's other key themes may thus be a useful place to begin our thinking together in this conference.

We are, the Holy Father writes, "facing an enormous and dramatic clash between good and evil, death and life, the 'culture of death' and the 'culture of life.'" There are no neutrals, and there can be no bystanders, in this clash. "We find ourselves," according to John Paul, "not only 'faced with' but necessarily 'in the midst of' this conflict: we are all involved and we all share in it, with the inescapable responsibility of *choosing to be unconditionally pro-life*. For us too Moses' invitation rings out loud and clear: 'See, I have set before you this day life and good, death and evil . . . I have set before you life and death, blessing and curse; *therefore, choose life, that you and your descendants may live* (Deuteronomy 30.15, 19)."[3]

For the Christian, engaging this struggle takes us directly to Calvary, for the Cross is *the* icon of the contest between the culture of death and the culture of life: "In the early afternoon of Good Friday, 'there was darkness over the whole land . . . while the sun's light faded; and the curtain of the temple was torn in two (Luke 23.44, 45).' This is the symbol of a great cosmic disturbance and a massive conflict between the forces of good and the forces of evil, between life and death . . . But the glory of the Cross is not

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overcome by this darkness; rather, it shines forth ever more radiantly and brightly, and is revealed as the center, meaning, and goal of all history and of every human life."[4]

Through the prism of Christian faith, we come to understand that the struggle between life and death is being played out at a cosmic, indeed eschatological, level. Here, John Paul takes us into the famous twelfth chapter of the book of Revelation, where "Mary . . . helps the Church to *realize that life is always at the center of a great struggle* between good and evil, between light and darkness. The dragon wishes to devour 'the child brought forth' (cf. Revelation 12.4), a figure of Christ, whom Mary brought forth 'in the fullness of time' (Galatians 4.4) and whom the Church must unceasingly offer to people in every age. But in a way that child is also a figure of every person, every child, especially every helpless baby whose life is threatened, because—as the Council reminds us—'by his Incarnation the Son of God has united himself in some fashion with every person' (*Gaudium et Spes*, 22). It is precisely in the 'flesh' of every person that Christ continues to reveal himself and to enter into fellowship with us, so that *rejection of human life*, in whatever form that rejection takes, *is really a rejection of Christ*."[5]

To build a culture of life, the Pope continues, is thus a primary Christian responsibility in the world today. That culture of life will necessarily be "the fruit of a culture of truth and love,"[6] for to choose life, according to the Mosaic prescription, is to choose the truth about the human person and to commit oneself to that truth, and those persons, in love. Thus the building of a culture of life must permeate the entire Church as it lives out the three-fold mission of Christ as priest, prophet, and king.

Building the culture of life is also an integral part of the new evangelization of which John Paul II has spoken on so many occasions. "We are the *people of life*," he writes, "because God, in his unconditional love, has given us the *Gospel of life* and by this same Gospel we have been transformed and saved . . . Interiorly renewed by the grace of the Spirit, 'who is the Lord and giver of life,' we have become a *people for life* and we are called to act accordingly."[7] That action finds its well-springs, for Catholics, in the prayer of the Christian community, especially its liturgical prayer. If, as the Pope suggests, we are a people who "*have been sent*" to build a culture of life as a "duty born out of our awareness of being 'God's own people, [who] declare the wonderful works of him who called us out of darkness into his marvelous light (cf *1* Peter 2.9)," that "being sent" is realized most profoundly in the Eucharist: "The Mass is ended, go in peace," is a summons to go out "into the deep"of the missionary territory that is the modern world in order to build a culture of life.[8]

Building the culture of life, the Pope reminds us, is pre-eminently a work of charity, "which finds expression in personal witness, various forms of volunteer work, social activity, and political commitment." In all these modes of Christian charity and Catholic action, the Holy Father continues, *"we must be inspired and distinguished by a specific attitude*: we must care for the other as a person for whom God has made us responsible." That, in turn, requires what John Paul describes as a profound, even relentless, consistency: the service of charity in building the culture of life "cannot tolerate bias and discrimination, for human life is sacred and inviolable at every stage and in every situation; it is an indivisible good."[9]

In forming Christians for service to the Gospel of life, the family has a special pride of place, for the family, in John Paul's reckoning, is what we might call the first school of life. Here is where we learn "the love that becomes selflessness, receptivity, and gift." Here is where we learn, if sometimes with difficulty, that everyone is to be "accepted, respected, and honored precisely because he or she is a person." These realities emerge from the moral truths built into the very structure of the family as a community of father, mother, and children, for the family is where we learn "*the meaning of procreation* as a unique event which clearly reveals that *human life is a gift received in order then to be given as a gift.*"[10]

In the public arena, living out the Gospel of life is a matter of both politics and culture. No doubt you will be talking about political and legal priorities in the days ahead. Here, let us simply note that, in John Paul's view, the many problems we face in the political arena—coarsened consciences, arguments of minimal rationality, deeply entrenched interests, political cowardice, the difficulties of working incrementally without abandoning principle, media bias, imprudent allies, boredom and apathy—can only be dealt with over the long haul by the building of a *culture* of life.[11] This requires, above all, the re-establishment of what the Pope calls "*the essential connection between life and freedom,*" which are "inseparable goods: where one is violated, the other also ends up being violated. There is no true freedom where life is not welcomed and loved; and there is no fullness of life except in freedom." Re-establishing the link between life and freedom in turn requires recovering, in individual consciences and in the public moral culture, "*the necessary link between freedom and truth.*" Absent its tether to the truth about the human person, freedom becomes its own worst enemy as it decays into license and becomes self-cannibalizing—about which, more in a moment.

Evangelium Vitae was the product of the Pope's mature reflection on the crisis of world civilization after the collapse of communism, a reflection

enhanced by a wide consultation with the world's bishops and with leading moral theologians. (And here we might pause and remember that great soul, John Cardinal O'Connor, whose impact on *Evangelium Vitae* was notable.) In a larger sense, however, *Evangelium Vitae* grew out of Karol Wojtyla's entire life experience, as he came to understand that experience through his philosophical reflection. I hope that some notes on that life experience will enrich your appreciation of the encyclical and your reflections on the "culture of life."

II. Karol Wojtyla

Without over-dramatizing the already dramatic, it's quite possible to argue that Karol Wojtyla has been in the cockpit of the struggle between the culture of life and the culture of death since seven a.m. or thereabouts on September 1, 1939. While he was serving Mass in Wawel Cathedral on that fateful day, Luftwaffe bombs began raining down on Kraków. Several weeks later, after a narrow escape from the pincers created by the advance into Poland of the armies of the world's two great totalitarian powers, Nazi Germany and Soviet Russia, many of Wojtyla's professors at the venerable Jagiellonian University were summarily shipped off to the Sachsenhausen concentration camp, where dozens subsequently died. This was but one step in the Nazi strategy of decapitating Polish culture in order to reduce the Poles to a slave population that would, eventually, be starved and worked to death. As the Nazi governor of the rump of Poland, Hans Frank, put it, "Every vestige of Polish culture should be eliminated. They will work. They will eat little and in the end they will die out. There will never again be a Poland."

Here, red in tooth and claw, was one modern brutalitarian form of the culture of death. Karol Wojtyla decided to resist it through the instruments of culture. He helped found an underground dramatic troupe, the Rhapsodic Theater, whose stated intention was to keep alive Poland's cultural memory—to keep alive a crucial aspect of the Polish culture of life—in order to secure the foundations of a post-war democratic political order. He continued his studies as the Jagiellonian University reconstituted itself underground. He became a leader in his parish's youth ministry, the "Living Rosary." He eventually joined the clandestine seminary organized by the heroic archbishop of Kraków, Adam Stefan Sapieha. All of this, it should be underscored, was done at the daily risk of his life. And while the precise terminology would only emerge decades later, all of this was self-consciously aimed at the preservation of the rudiments of a *culture of life* amidst the terrors and brutalities of the *culture of death* manifest in the Nazi occupation of Poland.

I am often asked what has surprised me during almost a decade of con-

versations and correspondence with John Paul II. One answer is that I am continually struck by the degree to which the experience of the Second World War remains with the Holy Father as a living memory. He does not brood over it, although he lost close friends during those awful years. He does not obsessively return to wartime reminiscences. But if you saw his face, bent over the memorial flame in the Yad Vashem Holocaust memorial in Jerusalem on March 23, 2000, you could not mistake the degree to which Karol Wojtyla had been marked for life by his first encounter with the culture of death, in this instance in its Nazi form. Some, who had similar experiences, went mad. Others despaired and drifted into depression and then self-destruction. Still others determined to build a worldly utopia, by force if necessary, through communism. Karol Wojtyla took a different path. Having learned, as he once put it to me, "humiliation at the hands of evil," he decided to spend out his life in defense of the inalienable dignity of every human person. He decided that his would be a life-for-life: a life lived so as to build a culture of life.

There is a wonderfully iconic moment from those years that tells us something important about Karol Wojtyla's strategic sense, and about the ways in which he thinks the culture of life must confront the culture of death—it's actually the story with which I decided to begin *Witness to Hope*. On November 28, 1942, the 1,181st evening in the long, dark night of the Polish soul, the Rhapsodic Theater was performing the Polish national epic poem, Adam Mickiewicz's *Pan Tadeusz*, behind the drawn blinds and shuttered windows of a Kraków apartment. Had they been caught in this forbidden act of national cultural expression, everyone present, actors and audience, would have been shot. As the performance unfolded, a Nazi sound-truck rolled through the street outside, the loudspeakers blaring out a hurricane of propaganda celebrating the latest victory of the invincible Wehrmacht. To many in the audience, the whole circumstance seemed a powerful metaphor for the hopelessness of their condition. It did not seem that way to twenty-two-year-old Karol Wojtyla. He calmly continued his recitation, determined that the word of truth he was speaking would not be drowned out by static, however intense and relentless, from the principalities and powers of the age. Here was "speaking truth to power" in a most elemental form. Here, embodied in the instinctive action of a twenty-two-year-old, was the conviction that the word of truth, spoken forcefully and compellingly and clearly, can be an effective instrument of resistance against the culture of death, and an effective tool—perhaps *the* most effective tool—in building the culture of life.

Karol Wojtyla spent the first decade of his priesthood during the early phases of Polish communism. By the time he returned from graduate studies

in Rome, the worst brutalities of the Stalinist take-over of Poland were finished, although arrests and harassments continued throughout the 1950s. The problem he found as a young priest was, in a sense, more insidious than summary executions or beatings. Now, with communist political control established, the culture of death manifested itself through the regime's attempt to destroy Polish civil society through the atomization of Poland's people. Father Wojtyla, like many priests of his generation, resisted this slow-motion etiolation of the sinews of Polish society by creating alternative forms of community, through the Church.

In Wojtyla's case, this strategy of building zones of freedom and truth in a world of Stalinist lies took the form of an extensive ministry to university students, who deepened their commitment to what their priest-mentor would later call the culture of life through their encounters with the man they called "*Wujek*," "Uncle." This was a community in which the culture of life was built through friendships that helped sustain personal commitments to moral responsibility. As one of the members of this group, now a retired physicist, once put it to me, Karol Wojtyla's goal as a confessor and spiritual director was to deepen in others their determination to lead morally serious lives—lives that were a *de facto* challenge to the ennui and atomization of the culture of death in its communist form. "I talked to him for hours and hours," this old friend of the Pope's recalled, "[but I] never heard him say, 'I'd advise you to'. . . He'd throw light on [a problem]. But then he would always say, 'You have to *decide*.'" Growth into the habits, the virtues, of the moral life was the kind of human maturation that eventually made effective resistance to the culture of death in its communist form possible.

Karol Wojtyla eventually brought these and other experiences to mature philosophical reflection in the years immediately after the Second Vatican Council, during which he wrote his major work, *Person and Act*.[12] In *Gaudium et Spes*, the conciliar text to which Archbishop Wojtyla devoted his greatest energies and to which he made the most measurable contribution, the Catholic Church had proposed that the modern world's great aspiration to freedom might be realized, and a civilization characterized by justice, peace, and prosperity might be built, through a deeper, nobler understanding of the mystery of the human person. Christian humanism, in other words, was the Church's proposal in the face of the many false humanisms that underwrote various modern manifestations of the culture of death. Wojtyla thought that this proposal had to be put on a more secure philosophical foundation than the Council had been able to provide. He described what he proposed to do about this in a 1968 letter to his friend, the eminent French theologian Henri de Lubac:

"I devote my very rare free moments to a work that is close to my heart

and devoted to the metaphysical sense and mystery of the PERSON. It seems to me that the debate today is being played out at that level. The evil of our times consists in the first place in a kind of degradation, indeed in a pulverization, of the fundamental uniqueness of each human person. This evil is even more of the metaphysical order than of the moral order. To this disintegration planned at times by atheistic ideologies, we must oppose, rather than sterile polemics, a kind of 'recapitulation' of the inviolable mystery of the person."[13]

Here, I suggest, is the analysis that has driven Karol Wojtyla's thinking and action in the struggle between the culture of death and the culture of life for almost half a century. By 1968, the cardinal archbishop of Kraków needed no further convincing that ideas have consequences and that false ideas can have lethal consequences. Hitler's racial and eugenic ideas were responsible for the murderous deaths of perhaps 20% of Poland's pre-war population, including virtually its entire Jewish population—and indeed virtually all of European Jewry. Stalin's adoption of Lenin's ideas about the dynamics of history had reduced historically independent Poland to the status of a communist satellite—and tens, perhaps hundreds, of thousands had been killed in the process. A thick pall of ennui, occasionally spilling over into hopelessness, now hung over Poland in communism's late-bureaucratic phase. False humanisms—various forms of the distinctively modern phenomenon that de Lubac had once styled "atheistic humanism"—were responsible for the unmistakable fact that, in the first half of the twentieth century (a century which had begun with confident predictions of a bright human future), the world had become an abattoir. When the inviolable mystery of the person was traduced or denied, mass violations of the most elementary human decencies inevitably followed—and so did attempts to exterminate entire classes and ethnic, racial, and religious groups.

Confronting these false humanisms required more than "sterile polemics"; it required a more compelling account of the human experience, more compelling because more true. That is what Wojtyla tried to provide, through an analysis of human moral agency, in *Person and Act*. The final judgment on the success of that effort is not our business here. But permit me a brief summary of the argument of the book, because it sheds light on John Paul II's approach to building the culture of life.

Person and Act begins with a lengthy and rich introduction in which Wojtyla reflects on the nature of human experience and how human beings know the world and the truth of things. The author then tries to show how our thinking about the world and ourselves helps us to understand ourselves precisely as *persons*. While it is true that some things simply "happen to me," I have

other experiences in which I know that I am making a decision and acting out that decision. In those experiences, I come to know myself, not as a jumble of emotions and sensory perceptions, but as a *person*, a *subject,* or, in the classical term, the "efficient cause" of my actions. Some things don't simply "happen" to me. I am the *subject*, not merely the object, of actions. I make things happen, because I think through a decision and then freely act on it. Therefore, I am *somebody,* not simply some*thing*.

Wojtyla then shows how that *somebody* begins to experience his or her own transcendence in moral deciding and acting. Our personhood, he argues, is constituted by the fact of our freedom, which we come to know through truly "human acts." In choosing one act (to pay a debt I have freely contracted) rather than another (to cheat on my debt), I am not simply responding to external conditions (fear of jail) or internal pressures (guilt). I am freely choosing what is good. In that free choosing, I am also binding myself to what I know is good and true. In this free choice of the good and the true, Wojtyla suggests, we can discern the transcendence of the human person. I go beyond myself, I grow as a *person*, by realizing my freedom and conforming it to the good and the true. Through my freedom, I narrow the gap between the person-I-am and the person-I-ought-to-be.

Freedom, on one modern reading of it, is radical autonomy—I am a *self* because my *will* is the primary reference point for my choosing. Wojtyla disagrees. Self-*mastery*, not self-assertion, is one crucial index of a truly human freedom, he argues. And I achieve self-mastery not by repressing or suppressing what is natural to me, but by thoughtfully and freely channeling those natural instincts of mind and body into actions that deepen my humanity because they conform to things-as-they-are. Empiricists try to find the human "center" in the body or its processes. Kantian idealists try to find it in the psyche, in the structures of my consciousness. Wojtyla leapfrogs the argument between empiricists and idealists by trying to demonstrate how moral action, not the psyche or the body, is where we find the center of the human person, the core of our humanity. For it is in moral action that the mind, the spirit, and the body come into the unity of a *person*.

That person lives in a world with many other persons. So *Person and Act* concludes with an analysis of moral action in conjunction with all those "others" who constitute the moral field in which our humanity realizes itself, transcends itself, and grows. Here, philosophical anthropology touches the border of social ethics—How should free *persons* live *together*? As might be expected, Wojtyla takes a position beyond individualism and collectivism. Radical individualism is an inadequate view of the human person, because we only grow into our humanity through interaction with others. Collectiv-

ism is hopeless because it strips the person of freedom, and thus of his or her personhood. Once again, Wojtyla suggests, the issue is best posed in "both/and" terms, the individual *and* the common good.

In working out his theory of "participation," Wojtyla analyzes four "attitudes" toward life in society. Two are incapable of nurturing a truly human society. "Conformism" is inauthentic because it means abandoning my freedom: "Others" take me over so completely that my self is lost in the process. "Noninvolvement" is inauthentic, because it is solipsistic: Cutting myself off from the "others" eventually results in the implosion of my self. "Opposition" (or what might be called "resistance") can be an authentic approach to life in society, if it involves resistance to unjust customs or laws in order to liberate the full humanity of others. Then there is "solidarity," the primary authentic attitude toward society, in which individual freedom is deployed to serve the common good, and the community sustains and supports individuals as they grow into a truly human maturity. "It is this attitude," Wojtyla writes, "that allows man to find the fulfillment of himself in complementing others."[14]

At the heart of the struggle between the culture of death and the culture of life today is the question of human freedom, which must be lived in solidarity. And this brings us to the mature social magisterium of John Paul II, in the encyclical *Centesimus Annus*, which has important things to say about the culture of life.

III. *Centesimus Annus*

Amid the seemingly unbridled optimism about the inevitable triumph of the democratic project in history that accompanied the collapse of European communism in 1989-1991—optimism that took its most exuberant form in Francis Fukuyama's famous claim that we were in fact living at the "end of history"—John Paul II quickly decoded new threats to the dignity of the human person: threats which, unaddressed and unresolved, would jeopardize the well-being of law-governed democracies. Those threats were not material, like Warsaw Pact tanks, Soviet SS-18s, or the other lethal artifacts of the Cold War. The new danger, yet again, was in the order of ideas, and specifically moral ideas. In both old and new democracies alike, political theorists and politicians were arguing that democracy was by definition "value-neutral"; or, as one prominent Polish political philosopher put it, democracy must be based on a "neutral *Weltanschauung*."

John Paul II knew that there was no such thing as a "neutral *Weltanschauung*," and took up this new challenge in the 1991 encyclical *Centesimus Annus*. There, the Pope taught that the Church valued democracy

because it fostered citizens' participation in public life and provided for both governance and political change by peaceful means. But John Paul also taught that democracies were not machines that could run of themselves. "Authentic democracy," he continued, "is possible only in a State ruled by law, and on the basis of a correct conception of the human person." Then the Pope came down to cases, noting that there had recently been suggestions that only "agnosticism and skeptical relativism" could provide the intellectual and cultural foundations of democratic politics; some had even argued that moral truth was fungible and could be determined by plebiscite. This was unacceptable, John Paul argued, for "if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power." Nor was this a merely theoretical concern, the Pope continued: for the history of the twentieth century had shown how "a democracy without values easily turns into open or thinly-disguised totalitarianism."[15]

The last word stung. Surely, critics asked, the Pope was not suggesting that the democracies, which had defended freedom from two twentieth century totalitarianisms, risked becoming exemplars of those evil systems? That was exactly what John Paul was suggesting, but with a crucial difference. A new and subtle form of tyranny was encoded within those secularist and relativist ideologies that tried to banish transcendent moral norms from democratic political life. If a democracy did not recognize the reality of such moral norms and their applicability to public life, then conflicts within that democracy could only be resolved through the raw exercise of power by one group—exercising its will through legislation, judicial fiat, or more violent means—on another. The losing faction would, in turn, think that its basic human rights had been violated. And the net result would be the dissolution of democratic political community. There was a new specter haunting, not just Europe, but the democratic world as a whole: it was the specter of Weimar Germany, a splendid edifice of finely-calibrated democratic institutions built on wholly insufficient moral-cultural foundations. The only way to exorcize that specter, John Paul was suggesting, was by re-linking democracy and moral truth.

John Paul deepened his critique of post-Cold War real-existing democracy in the 1993 encyclical *Veritatis Splendor*, which had several things to say about the cultural foundations of democracy. Against the thin concept of freedom as a neutral faculty of choice that could attach itself legitimately to any object (a concept the Belgian Dominican Servais Pinckaers has called the "freedom of indifference"), the Pope proposed what Father Pinckaers has styled "freedom for excellence": freedom tethered to truth and ordered

to genuine human flourishing.[16] There were universal moral norms, John Paul argued, and we can know them by a disciplined reflection on human moral agency. Thus freedom, as Lord Acton had understood a century before, was not simply a matter of personal autonomy, of doing what we like—"I did it my way," as that notable political theorist, Frank Sinatra, put it. No, true freedom meant doing it the *right* way: freedom was the right to choose freely what we should choose, which is the objectively good.

When the "freedom of indifference," whose intellectual roots Pinckaers traces to William of Ockham and whose most prominent contemporary form is utilitarianism, is married to modern technology, the result is the culture of death as we know it in the United States today. This thin, deracinated concept of freedom underlies the Supreme Court's re-affirmation of the abortion license as a question of personal "autonomy" in the famous "mystery" passage of the 1992 *Casey* v. *Planned Parenthood* decision. There, as you will recall, Justices Kennedy, O'Connor, and Souter defined the "heart of liberty" as "the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."[17] The same "freedom of indifference" underwrites many of the defenses of euthanasia that are advanced today, as it does the proposals to use unborn children as material for medical experimentation.

The response to this misbegotten concept of freedom must be a richer, nobler concept of freedom, the "freedom for excellence" that John Paul describes in *Centesimus Annus*, *Veritatis Splendor*, and *Evangelium Vitae*. As the Holy Father said at the United Nations in 1995, the Catholic Church celebrates the human quest for freedom as one of the great dynamics of our time, because the Church believes and teaches that human beings are made for freedom.[18] At the same time, the Church insists that freedom is not a neutral faculty of choice. Freedom is lived most humanly by developing the habits of mind and heart—the virtues—that enable us to satisfy our natural attraction to happiness, our natural disposition toward the good. Building the culture of life thus requires education for freedom—an education in which we learn to be attracted by what is truly good, beautiful, and conducive to human happiness. Education for freedom means learning to recognize and live the Law of the Gift that is inscribed in the human heart. Education for freedom means learning, and living, the truth that we are made for self-giving, not self-assertion.

It is within the context of his longstanding concern for the "pulverization" of the human person in late modernity and his more recent critique of "real-existing democracy" that we should locate John Paul II's insistence, in *Evangelium Vitae*, that "the *Gospel of life* is not for believers alone: *it is for*

everyone. The issue of life and its defense and promotion is not a concern of Christians alone. Although faith provides special light and strength, this question arises in every human conscience which seeks the truth and which cares about the future of humanity. Life certainly has a sacred and religious value, but in no way is that value a concern only of believers. The value at stake is one which every human being can grasp by the light of reason: thus it necessarily concerns everyone."[19]

Building a culture of life, in other words, is a matter of human beings working in solidarity to defend *human* rights—indeed, the most fundamental of human rights, the right to life itself. The degree to which that fundamental right to life is "received" in a culture and recognized in law is a crucial measure of the health of a civilization. John Paul II suggests, with reason, that if we do not defend the right to life from conception until natural death with all our strength, then all other "rights-talk" is hypocrisy.

By focusing the question of the "pulverization" of the human person in an immediate and unavoidable way, the life issues provide a crucial index of the moral and cultural health of our civilization—and, it might be added in light of the events of September 11, 2001, of our capacity to defend our civilization and its noblest concept of freedom against the *mysterium iniquitatis* at work on a global scale through a distorted form of monotheism.

IV. "Witness to Hope"

As the Holy Father understands full well, building the culture of life is not something that will be accomplished in a month, a year, a decade, or even in our lifetimes. It is a task for generations, and given the reality of the *mysterium iniquitatis*, it seems likely that it will be a never-ending task. What sustains the Pope in his determination to resist the culture of death and his commitment to the culture of life? What can sustain us in living out our inescapable responsibilities in this regard?

When he addressed the U.N. General Assembly on October 8, 1995, John Paul II defined himself as a "witness to hope," a fine phrase that I adopted as the title for the Pope's biography. Hope for John Paul is not optimism. As I have come to know him, Karol Wojtyla is neither an optimist nor a pessimist, for these are matters of optics, of how things look and of how we look at things—and that can change from day to day. There were a lot of optimists in the United States on the evening of September 10 who had become pessimists by the following night. Hope is a sturdier reality than optimism. Hope is a virtue, indeed a theological virtue, and Christian hope rests on the foundation of Christian faith. That, certainly, is how the Pope understands the

sources of his own hope for a springtime of the human spirit. Here he is at the rostrum of the U.N. six years ago:

"As a Christian, my hope and trust are centered on Jesus Christ. . . . *Jesus Christ is for us God made man, and made part of the history of humanity. Precisely for this reason, Christian hope for the world and its future extends to every person.* Because of the radiant humanity of Christ, nothing genuinely human fails to touch the hearts of Christians. Faith in Christ does not impel us to intolerance. On the contrary, it obliges us to engage in a respectful dialogue. Love of Christ does not distract us from interest in others, but rather invites us to take responsibility for them, to the exclusion of no one . . .Thus . . . the Church asks only to be able to propose respectfully this message of salvation, and to be able to promote, in charity and service, the solidarity of the entire human family."[20]

There are deep, one might even say "cosmic," ironies in our times. A century which witnessed the proclamation of the death of God was in fact the century of the death of the gods who failed. None of the false gods who were worshiped in the twentieth century—gods who called men to slaughters of unprecedented proportion—were able to drive from history the paralyzing fear that hung, like a funeral pall, over the trenches of France in late 1914 and then drifted down the decades, blighting the lives and destinies of four generations. Being on "the right side of history" didn't expel the demon of fear from the Bolsheviks and their heirs; it gave greater scope to evil, from the execution chambers in the Lubyanka basement to the frozen wastelands of the Siberian mines—here, surely, was a manifestation of the culture of death. Racial determinism and its presumed sense of biological superiority didn't exorcize the demons that created German National Socialism; living out its fears, the master race laid waste to Europe from the Atlantic to the Urals. Here, too, was the culture of death, manifestly. The therapeutic society explained fear away, which worked only for awhile, or medicated it into oblivion, legally or illegally, which was just another form of the pulverization of the human person. Now we are afraid again, as a fear- and hate-driven irrationality, marrying nihilism to a variant of an ancient religious tradition to form another manifestation of the culture of death, stalks the earth. Now we are afraid again, as the day draws ever nearer when we have the capability of remanufacturing the human condition by manufacturing human beings.

Christian hope, as displayed by John Paul II, does not deny fear. In building the culture of life, there is no need to deny the fearsomeness of the culture of death; on the contrary, moral realism requires us to recognize that fearsomeness. No, Christian hope transforms fear by an encounter with Christ

and his Cross, the place where all human fear was offered to the Father, making it possible for us to live beyond fear.

That kind of fearlessness—Christ-centered fearlessness—is what John Paul II embodies in a singular way. That is the kind of fearlessness that is indispensable for Christians building the culture of life. Speaking truth to power and defending the culture of life in the face of the *mysterium iniquitatis* in its multiple manifestations is, as Thomas Merton once wrote, more a matter of the "language of *kairos*" than the "language of efficacy"—although we must be as efficacious in our argumentation as our wits allow. Still, in this great work of the defense of human rights, we do not sing "we shall overcome" so much as "This is the day of the Lord, and no matter what happens to us, *He* shall overcome."[21]

Because of that, we just might have a chance. In any event, the hope that rests on faith demands that we give it a try.

NOTES

1. Cf. John Paul II, *Evangelium Vitae* 57, 62, 65.
2. Cf. *ibid.*, 56.
3. *Ibid.*, 28.
4. *Ibid.*, 50.
5. *Ibid.*, 104.
6. *Ibid.*, 77.
7. *Ibid.*, 79.
8. *Ibid.*; cf. also John Paul II, *Novo Millennio Ineunte*, 1
9. *Ibid.*, 87.
10. *Ibid.*, 92.
11. *Ibid.*, 95.
12. I refer to Wojtyla's *Osoba i czyn* as *Person and Act*, rather than using the title of the currently available English edition (*The Acting Person*), for reasons explained on pp. 174-175 of *Witness to Hope*.)
13. Cited in Henri de Lubac, *At the Service of the Church* (San Francisco: Ignatius Press, 1993), pp. 171-72.
14. Karol Wojtyla, *The Acting Person* (Dordrecht: D. Reeidel Publishing Co., 1979), p. 285.
15. John Paul II, *Centesimus Annus*, 46.
16. See Servais Pinckaers, O.P., *The Sources of Christian Ethics* (Washington: Catholic University of America Press, 1995).
17. *Casey v. Planned Parenthood of Southeastern Pennsylvania*, 112 Sup.Ct. 2791, at 2807.
18. Cf. John Paul II, *Address to the Fiftieth General Assembly of the United Nations Organization*, 2-3.
19. *Evangelium Vitae*, 101.
20. John Paul II, *Address to the Fiftieth General Assembly of the United Nations Organization*, 17.
21. Cited in Gordon Zahn, "Original Child Monk," in *Thomas Merton on Peace*, edited with an introduction by Gordon C. Zahn (New York: McCall, 1971), p. xxix.

Motherhood at the Heart of the New Feminism:
A Vocation of Love and Service

Mary Cunningham Agee

When Americans are invited to speak at international gatherings such as this, we are typically relied upon to supply down-to-earth, practical advice. Our entry into a program tends to signal an audience to settle back and ease up from the more rigorous philosophical considerations of the day and prepare to glean a few clever, problem-solving tips.

Americans, after all, are supposed to be a nation of pragmatists, the inventors of the latest labor-saving gadgets, the efficiency experts, the "how to" gurus of this over-worked, time-constrained world. Corporate America prides itself on being the birthplace of the "pert chart" and the infamous "bottom line."

And so, when it comes to grappling with today's provocative topic, the contemporary woman's challenge to find personal fulfillment in achieving a balance between family and career, it might seem like second nature for us to try to reduce this presentation to a practical little list of handy "do's and don'ts."

Despite my years at Harvard Business School and as a Strategic Planning Vice President for two Fortune 100 companies, I am hoping to use our time together today in a very different way. I do not believe that our topic lends itself very well to simplistic checklists or tidy "how to" reminders. I've seen too many of my female friends worn out and disillusioned by trying to conform to a false image of "superwoman" in pursuit of an equally unrealistic ideal of "having it all" simultaneously.

A New Perspective

Now that I am 50 years old and immersed in the challenging process of guiding my vibrant 16-year-old daughter through the labyrinth of her own life-altering choices, I am moved to speak to you today from a slightly different and, hopefully, more candid perspective. It is the perspective of one whose words are born of life's rich experiences, of one who hopes to give to you what no one seemed able or prepared to give to me when I was facing these issues a few years ago. I am hoping to speak to you today as more than just another professional woman who has managed to achieve a reasonable

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balance between a fulfilling career and a very meaningful home life. Rather, I plan to speak to you today from the more heartfelt perspective of an empathic friend. You might say that I will be speaking to you as a mother.

So let's spend no more than a few moments addressing a few facts and figures that dramatically convey the intense challenge of contemporary woman's situation. Recently, the *Washington Post* reported the reassuring results of a study of the sleeping habits of 1.1 million Americans. Surprisingly, the analysis showed that people sleeping only six to seven hours nightly actually tended to live *longer* than those who slept eight or more hours nightly. [*Washington Post, 2-14-02*] I suspect that most of the women in this audience are hoping that this research turns out to be true, because as we all know so well, crowding everything in that needs to be done in a day doesn't leave much room for eight or more hours of downtime daily.

In case you are wondering if you are just imagining your chronic state of fatigue, a 1999 study in the *Journal of Health and Social Behavior* [March 1999, by Chloe E. Bird] documented that American married women in fact work 14 more hours weekly than single women, while married men only work an additional 1 ½ hours. And a recent Canadian study by *GPI Atlantic* [March 1998, updated in 2000] went so far as to estimate that the total yearly market value of Canadian women's unpaid cooking, cleaning, and child-rearing amounted to about 275 billion Canadian dollars! By most calculations, women working both inside and outside the home are conservatively estimated at putting in an average work week of 73 hours. Similar studies estimate that single employed mothers work at least 75 hours a week, with literally only *one* hour a day free for so-called "quality time" with their own children!

Statistics such as these suggest what many frantically busy modern women have already intuited—that the schedules we have imposed upon ourselves daily are, if not impossible, at least improbable. In our struggle to fulfill ourselves, our family obligations and our job descriptions, we have only succeeded in filling up our day planners while allowing ourselves to be pulled in too many different directions to even begin to experience any kind of personal fulfillment.

If we sincerely want to explore the question before us, then number crunching and efficiency gadgets will not take us nearly far enough. I recommend that we put away our calculators and calendars and reflect upon this topic in a whole new way. As an American woman who devoted most of her undergraduate years to studying not Economics or Business but Logic and Philosophy, I am struck by how much more these disciplines may have to offer than the more obvious management courses that I studied at Harvard Business

School. This is true because any meaningful consideration of today's topic requires us first to address the most profound inquiries into the nature of man and woman and the meaning of life. It will be upon these foundational insights that we will then be able to provide solid, consistent responses to the full array of life's daily choices.

So, when we look at the complex relationship of modern woman and her unique role in both work and family, and think about how to make the complicated choreography of her life function effectively, we must begin by asking such fundamental questions as: What is the true nature of a woman? What are her innate strengths and weaknesses? How ideally should her life interface with that of her partner, man? What is her ultimate end, the "*telos*," for which she was created? And how is she best suited to attain this?

At this point I must share my personal conviction that the most complete answers to all of the human heart's deepest questions will always and necessarily be found in the life and teachings of Jesus Christ, the Son of God, our Creator. Fortunately, as Catholics living, working, and reflecting during the fruitful pontificate of our beloved Pope John Paul II, we can draw upon an abundance of insightful materials to help us better understand our unique purpose and identity as women as we contribute our particular gifts at the opening of the third millennium.

The Nature of Woman

And so let us ask, what are the primary characteristics of female nature and what kinds of careers or professional tasks will enable us to fulfill this unique calling? Most of us, I would hope, have gotten over—or should I say gotten past—that peculiar brand of 1960s and 70s feminism that stridently tried to assert that there is no difference between men and women. Although we all know that there is virtually no occupation or preoccupation that a woman cannot accomplish successfully, we have also come to recognize that certain categories of work or professional occupation more comfortably conform to a woman's nature.

Let me direct you to the particularly perceptive words spoken by then-Bishop Karol Wojtyla to Polish women university students in 1962 [*The Way to Christ: Spiritual Exercises, Pope John Paul II, Karol Wojtyla,* tr. by Leslie Wearne, Harper, 1984, pp. 35, 37]: "Let us consider a woman's interior character as compared with that of a man's. . . . Christ understood this difference perfectly—women are more feeling and intuitive people and become involved in things in a more sensitive and complete manner. . . . [W]oman is first and foremost a mother. A mother is the person who generates, which means bringing up–and bringing up not only children—with love and intuition. Her

basic task is that of educating. Jesus Christ, the Son of God, God made man, allowed himself to be educated by a woman."

Given this unique purpose and capacity, it seems reasonable to assume that the *way* women combine their roles within and without the family will differ essentially from the way men do so. In order for this way to be joyful, sustainable and productive, it must conform to her nature. This holds true whether women are simultaneously mothers and professional women, or single and childless, or engaged only in professional careers. Being true to our nature as women is essential to our integrity, to our whole-ness, to our ability to experience joy. Like all human beings, we need to "act out" who we are, expressing ourselves and at the same time forming ourselves by our actions. As the English Jesuit poet, Gerard Manley Hopkins, put it, "What I do is me: for that I came." ["As Kingfishers Catch Fire, Dragonflies Draw Flame"]

The way in which a woman does what she does will be just as surely an expression of her feminine nature as what she does. This is true in such seemingly superficial matters as dress and deportment; for this is her style. But it is even truer at a deeper level for which style is a sign or sacramental working out of differences which arise from an inner orientation that expresses her own unique feminine psychology.

We know that most women at some point in their lives choose to marry and bear children and nurture them. In choosing the great rewards and challenges of family life, as wife and mother, a woman finds ample opportunity to express the profoundly feminine part of herself, simultaneously serving others and developing her potential for greater love, greater service, greater fruitfulness and, ultimately, a greater expression of herself. In an especially moving passage in *Mulieris Dignitatem* [Part VI], the Holy Father poignantly describes women's unique contribution to this human enterprise: "Motherhood implies from the beginning a special openness to the new person: and this is precisely the woman's "part." In this openness, in conceiving and giving birth to a child, the woman 'discovers herself through a sincere gift of self.' Parenthood—even though it belongs to both [father and mother]—is realized much more fully in the woman, especially in the prenatal period. . . . Motherhood involves a special communion with the mystery of life, as it develops in the woman's womb. The mother is filled with wonder at this mystery of life, and 'understands' with unique intuition what is happening inside her. . . This unique contact with the new human being developing within her gives rise to an attitude towards human beings—not only towards her own child, but every human being—which profoundly marks the woman's personality. It is commonly thought that women are more capable than men

of paying attention to another person, and that motherhood develops this predisposition even more."

Let's consider what all of this means for us, not only for those among us who are mothers at home caring exclusively for families, but for those who are mothers also contributing their gifts in the world—whether working for pay, volunteering, or simply interacting with others. "Attention must be paid," cries out Willy Loman's wife in Arthur Miller's tragic play *Death of a Salesman*. Yes, indeed, attention must be paid to all of the seemingly "un-special" people who constitute always and everywhere the overwhelming majority of the human race. And who, according to Pope John Paul, is best equipped by nature to render this deeply humane and humanizing attention? Who is best equipped to respond with sensitivity both to expressed needs and to those hungers and yearnings betrayed by a tone of voice, a look in the eyes, slumped shoulders and heavy sighs? The answer is that we are, as women, because of our acute awareness of the other and, if you will, our more sensitive social antennae that are always alert to the most subtle emotional and psychological vibrations.

We must also acknowledge that we as women are in the most biological sense of our identity "receptive." Our bodies are indisputably hard-wired to receive the male sperm in order that the human race might continue. But I hasten to add that this receptivity should in no way be confused with any notion of "passivity." For again, returning to the facts of biological science, we observe that once the sperm unites with the egg, the womb immediately focuses it energy on creatively nourishing the zygote, actively providing it with everything it needs to foster and promote new life. And, as every mother in this audience can appreciate, this pattern continues long after birth. For it is the mother, the woman who harbors life within her, nurturing and nourishing her unborn child. And after giving birth, it is the woman again who typically continues to nurture her children in ever-evolving ways, seeking to understand and encourage her offspring in all of their awesome originality.

I believe that this physical and maternal capacity to actively receive, embrace, nourish and nurture new life has as its analogue a similar feminine professional ability to "receive" those around her—that is to receive and nourish the ideas of those around her. It is worth noting that men often grapple with ideas in a way that suggests images of wrestling. We remember Jacob, for instance, wrestling with the angel all night for mastery. Men attempt to "master" knowledge and ideas—perhaps a reflection of their mandate to subdue the earth. We have all observed the masculine tendency to throw out challenges to a new concept or argument, more or less testing its worth in a sink-or-swim, survival-of-the-fittest way.

If men are busy "subduing" the earth, then I believe, by contrast, that we women seem to take heart from the injunction to "fill" it. We are more likely to receive ideas as something to assimilate to our own world view. Other people's ideas actually become a form of nourishment to us. This does not mean that we uncritically accept whatever we are told, but rather, that we are more inclined at least to meet a new concept halfway. By nature, we have a tendency to help an idea along by rephrasing it more convincingly, unearthing supporting evidence or proofs, encouraging the originator of a new concept by reformulating and expanding upon an embryonic idea. We professional women tend to be well-disposed toward seeing other people's intellectual offspring succeed, rooting for them like a mother encouraging her child to take his or her first steps.

Qualities such as these clearly find a warm reception in traditional "female" careers like education, care of the young, the service and health professions. But I also believe that these qualities accommodate themselves well to many of the less traditional professional settings. I have experienced first-hand how helpful and appreciated this quality of welcoming new ideas, new methods, and new people can be in the typically male dominated and competitive corporate world. I have often found that offering colleagues a chance to prove themselves by expanding creatively on their newly conceived suggestions is as important in building a loyal, effective management team as testing how well they will hold up under the pressure of defending themselves against conflicting opinions.

The unique qualities and strengths of women, then, can and do find meaningful expression in a wide variety of professional careers and activities. Therefore, the real problem faced by busy wives and mothers today who take on substantial professional responsibilities, whether by choice or by necessity, is not how to reconcile the demands of these tasks with their female nature. Nor is it primarily a matter of figuring out how to handle the obvious challenge of time-management. No, I believe the key issue for modern women goes back to the more philosophical question of setting appropriate and sustainable priorities. For me, this has meant nothing less than identifying the fundamental difference between a "vocation" and a "job."

The Primacy of Our Vocation to Motherhood

If, as the Holy Father says, women are by nature mothers, then those of us who have chosen the *vocation* of being a wife and/or mother must wholeheartedly embrace the *primacy* of this role in defining our true identity. This necessarily and most practically translates into a generous sharing of our most limited and precious gift of time. We must see through the utilitarian

rationalization that would attempt to silence our conscience by saying, "You are using your womanly nature to mother and nurture *other* people, projects, and causes that affect many *more* people's lives, so the lives that you share at home will just have to make the sacrifice of doing without you for the *greater* good of others."

It's true that families are meant to channel generous amounts of their love, energy, and talent outwards, in service to the world around them. But family and marital commitments, once entered into, must still be regarded as primary, for they constitute a genuine "vocation"—or "calling" from God. A vocation—unlike a job—actually transforms the terms of one's life. It establishes binding covenants, in this case with husband and children—a far more elemental tie than any business or social contract. Covenants, after all, involve an exchange of persons, while contracts involve merely an exchange of goods or duties.

I have found that when the vocational choice to mother a family is undertaken with a loving attitude of Christian service, it becomes the source of immeasurable creativity and intellectual energy that, in turn, overflows into outsides pursuits as well. However, I have equally found that when a woman tries to deny or compromise her principle vocation, she endangers not only the good of those for whom she is primarily responsible, but also her own physical, emotional and spiritual wellbeing. For she is quite literally cutting herself off from her own nature—frustrating her own natural desire to love and care for those entrusted to her, to be receptive to them, to be fully attentive to their needs, and, in return, to be cherished, to be held in high regard and to be understood and blessed by them.

The immediate question before us today then is: How can a working wife and mother go about achieving a meaningful "balance" between the potentially conflicting public and private demands that result from fulfilling responsibilities both inside and outside the home? As I prepare to reply more fully to this inquiry, I must admit that I do so not from the safe distance of one who has mastered a subject through intense theoretical study—but rather, from the acutely personal and essentially practical perspective of one who has lived her subject matter.

As a dedicated wife, best-selling author, home schooling mother and, at the same time, managing director of a 32,000 volunteer member charitable enterprise that serves the urgent and practical needs of thousands of mothers in crisis, you might say that my life is living proof that a meaningful balance *can* be achieved. But I would be failing you miserably if I did not go on to add that maintaining this delicate balance is an intense, daily challenge that requires the utmost of care and self-scrutiny.

To underscore the importance I place upon resolving the basic difference between our vocations and our jobs, I would go so far as to say that there is a kind of "infidelity" committed by those who freely choose the vocation of marriage and family life and then relegate it to second or third place. When a more alluring or ego-gratifying career opportunity comes along, the inevitable "unfaithfulness" to the legitimate needs of loved ones entrusted to us is what inevitably adversely affects a woman's health and happiness. Naturally, I am not trying to suggest that if a single woman or a woman without children legitimately exercises her choice to work extensively outside the borders of family life that this choice would in any way involve infidelity. Similarly, someone consecrated to the religious life would not be demonstrating any unfaithfulness to his or her nature by forgoing the biological expression of generativity.

I maintain, however, that true fruitfulness both inside and outside the home for those who have chosen the vocation of wife and mother will depend most essentially and quite simply upon keeping the primary vocational commitment in first place. Then, having responding faithfully to her primary responsibility, a woman will be free to let this energy and love—the fecundity of all those relationships—flow out into creative service to others. We can rest assured knowing that there will be plenty of early warning signals to clearly expose when an incorrect attitude or improper performance of responsibilities is taking place. One sign we may recognize is an impatient, clock-watching mentality that finds us apportioning time to loved ones in a begrudging way. When this occurs, an insensitive kind of rigidity usually sets in that resists throwing out the pre-planned schedule to make room for the child or spouse who needs not "quality time," but *time* pure and simple. These gifts may include time to tag along on an errand, to chatter while you are making dinner, to help you select the clothes you'll be wearing to work or to assist you while packing. It may translate into something as simple and spontaneous as coming along with you when you walk the dog or just feeling free to interrupt you without having to feel like an intruder.

When we begin to feel as though "real life," with its supposedly big stakes, is being waged "out there," instead of at home, the warning lights should start to flash. When we begin to place too much importance on penetrating a new professional inner circle or cracking the "glass ceiling," these too should be considered early warning signs of an unhealthy imbalance. As most of us have painfully come to recognize, our ambitions for greater success and recognition may often come disguised as a seemingly benevolent desire to better employ our talents or even better aid humanity. A friend of mine who writes extensively on family issues recently joked ruefully about being

under a tight deadline and snarling at her children who came tugging at her for a little love and attention, "Scram. Can't you see that I'm writing about the family?"

By the way, let me hasten to add that this temptation to cheat on our primary responsibilities because of a desire to do "greater" things doesn't just affect women. Men, too, can throw their lives out of balance without really noticing it, convincing themselves that the world needs their contribution more than their families or that family members need a more affluent lifestyle more than they need the regular presence of a devoted father. And, just as with women, the greater the man and his opportunities are, the greater the temptation. Politicians–even the best of them–are notoriously prone to fail here. A recent book about former American president Ronald Reagan quotes his daughter Patti Davis, who recalled that she and her siblings, like many children of prominent politicians, often felt that their problems and concerns looked fairly petty next to those of the nation. A flunked test, a friend's rejection, a part in a school play, a crucial ball game–how small they all seemed when stacked up against the Cold War, abortion and the unemployment rate. And yet, as G. K. Chesterton said of women's contributions in the home, "Which is more important–to be something to everybody or everything to someone?"

Even in the private sphere, there are ambitions that can interfere with our natural inclination to be nurturing, mothering and self-giving. We may unknowingly begin to judge ourselves, our worth, and our performance by the kind of house we own or its condition. We may, even more tragically, be tempted to judge the success of our mothering by our children's academic, athletic or social performance, penalizing them with our disapproval if they "make us look bad" by their failures or mediocrity.

The warning signs or tell-tale symptoms of a vocational version of "lukewarmness" and a professional ambition that is out of control include rigidity, impatience and an unmistakable loss of fulfillment or satisfaction. When any job routinely demands excessive, inflexible or inconvenient hours, we must admit that it will not be conducive to a well-balanced or fulfilling personal life. Similarly, any job that requires lots of travel or intense pressures that impact our moods or ability to focus on our family's needs must be placed at least temporarily off limits by a woman who appreciates the primary significance of her vocation as wife and mother. Other family commitments to care for aged parents or an ailing spouse who may need more emotional or physical support can require similar career decisions as those made by women who are raising children. In such cases, high-powered careers may need to temporarily be postponed or even passed over in order to fulfill

our primary vocation.

This is where we as modern women need to be painfully honest as we examine our consciences and trace the source of our daily frustrations and family problems. Every woman experiences the normal ups and downs in her relationships with those in her home, but when she finds herself being chronically drained of any sense of joy in her home and family life, she must be willing to consider the possibility that her vocation may be in conflict with her job. We may be tempted at such moments to conclude that we aren't very good at the mothering or nurturing role in life. We may be tempted to retreat, half in wrong-headed humility, half in relief, to a professional arena that may seem better suited to exploit our strengths and reward our efforts. But these emotional dodges need to be recognized for what they are and be rejected. In these and all of our prudential judgments, when we are tempted to be either too hard or too easy on ourselves and others, a wise spiritual director can help us to separate sound reasons from dangerous rationalizations.

We must admit that setbacks at home are able to daunt us so much precisely because the stakes are so much higher there, extending to our immortal souls and those of our loved ones. We can change jobs, we can switch careers, and eventually, we can retire—but our primary vocation as wife and mother endures forever and to a particular, irreplaceable family. Even seeming failure in this environment is not as bad as our desertion. As Mother Teresa so often would remind us, "We are not called to be successful, but to be faithful."

Many, perhaps most, women do not suffer from such temptations to ambition or self-aggrandizement because they do not enjoy the luxury of making such choices. They work because they must in order to feed, clothe and educate their families with whom they wish they could spend more time. They accept the best jobs they qualify for, juggling questions of pay, hours and health plan benefits the best way they can, knowing that they do not have the freedom to express dissatisfaction with their lot. Some of these women have husbands who cannot earn enough money to keep their family going without a second income; some have disabled or unemployed spouses; some experience the special loneliness and pressures of bringing up children in a fatherless household. These women scrub floors or work in factories or at supermarket check-out counters. They do not pretend to be "fulfilled" by their work, though they know the anxious satisfaction of bringing home a paycheck to a house with an empty refrigerator, and hoping it will buy enough food for everyone until the next payday.

I must admit to having a special love and respect for the working mothers

I am describing here. For I was raised by a mother who endured these same challenges with an unmistakable optimism and undaunted faith that never left me feeling either unfortunate or unloved.

No matter how many hours a woman such as this is forced to work outside of her home, she will find special joy and fulfillment even in the most sacrificial of circumstances if motherhood is still her primary vocation. If love for her vocation is the fire that motivates her through great difficulties, not only will she find her identity in giving and receiving love, but her children will fully respond to this as well. Many children who grow up in relative poverty with mothers who cannot spend as much time with them as they would like, still feel loved, protected, nourished and nurtured. These children feel secure because they know that all of the work, worry and care is for them. These children are very much mothered.

Our Maternal Role Model

St. Paul tells us that our Father in heaven is the one from whom every father on earth receives his name. For us Catholic women, motherhood must always have an equally special association with the motherhood of Mary, our Blessed Mother. Granted, as Jesus' mother, Mary had a distinct advantage over all of us. After all, Our Lady never had to deal with backtalk or disobedience or temper tantrums!

The closest she probably ever came to that experience with Jesus probably occurred during the three days that she and Joseph spent searching for their Son after he remained behind in the Temple. Of course, Jesus was certainly not "rebelling" against Mary and Joseph, as our own teens may be inclined to do given their fallen natures. In fact, we recall that the child, Jesus, in this incident was actually practicing true obedience to his Father in heaven. Psychologically, however, we women can imagine the bewilderment and outright panic of His parents, Mary and Joseph, at behavior that must have at first seemed out of character and downright inconsiderate. No other event like this is ever mentioned from Jesus' childhood. When he returned to Nazareth, we are told simply that Jesus "was subject to them."

I have often meditated upon this scene wondering if perhaps His mother was a bit on edge for some time after this event. Maybe she was on the lookout for further signs of some change or upheaval in her relationship with Jesus. The pain, fear, and confusion that she must have suffered during those three days of searching were perhaps compounded by a sense that somehow her maternal script had changed. Her normal pattern of family life must have *felt* permanently altered. I suspect that such feelings may sound quite familiar to all of us imperfect mothers who may be suffering through the growing

pains of raising adolescent children.

In a way, Jesus seemed to almost deliberately encourage this view that their relationship was about to change. His mother asked him, with a restraint which must prove to any mother among us that she was, indeed, immaculately conceived, "Son, why have you done this? Look, your father and I have sought you anxiously."[Luke 2:48] In response, Jesus identified not Joseph, but Someone else as his Father–the Father who had generated Him from all eternity. Of course, both Mary and Joseph already knew that Joseph had not biologically fathered Jesus. But naturally, they were all accustomed to referring to Joseph as Jesus' father, since he so faithfully had filled that function for the Incarnate Son of God. Both Mary and Joseph must have been stunned; they must have been forced to adjust their previous understanding of their roles since this had apparently never come up before this event.

So Mary and Joseph could not have been experiencing the more common human pain of knowing that their Child had done wrong. Rather, they must have endured a much more difficult human anguish of knowing that their Child must have done right, even though they did not fully understand why. Luke's gospel account simply says, "These words which he spoke to them were beyond their understanding." [Luke 2:50]

Aside from this mysterious episode in their lives, Mary and Joseph and Jesus lived an apparently "normal" home life, though I would have to agree with some of my friends who express sympathy for the most "ordinary" member of this household. After all, despite his sanctity, Joseph was the only "un-immaculate" member of the family. If anything went wrong in that holy household, everyone must have known exactly where to look! But for us women considering today's topic, it is endlessly instructive to reflect upon the sole female exemplar in this holy family. She alone can show us what a woman can and should be. While we know that we won't ever directly hit that mark, it surely helps to know at least where to aim or how to get even close.

Mary's example has singular importance to our discussion today. She had infinite reservoirs of receptivity and sensitivity to God and to others, and a capacity to give and receive love that we can only dream of. Her fiat at the Annunciation was a complete giving of self—past, present, and future—and the self that she gave we can be certain was wholly pleasing to God. There was nothing she needed to repent for or be ashamed of. Her contemplative capacity to meditate on pregnant words—and on the Word she bore in her own body—is a much magnified example of our own feminine ability to unite ourselves to the words and thoughts of others. We find few details

about Mary in the Gospels, but each scene in which she plays a part, I suggest, provides the best clues for each of us as we seek genuine answers about how to lead a truly fulfilling life.

Her sinlessness, her perfection as a woman in no way prevented her from the discomfort of being perplexed as we so often are about God's deeper purposes. After all, she was not omniscient, and so we read that "she pondered these things in her heart." How often we, too, must embrace this gift of pondering, of taking into ourselves mysteries far greater than ourselves, of accepting our own inadequacy to understand God's purposes. How often in our roles as wife, mother and worker, we must be willing to rest in patient quiet with mystery, just as we peacefully rest in the presence of the Blessed Sacrament. We may recall how Our Lord asked three of his favorite male apostles, Peter, James, and John, to "watch with me" in the Garden of Gethsemane, and yet we might also remember that they were unable to keep at bay their human weakness. They fell asleep. Can we doubt for even a moment that our Blessed Mother, though not physically present in that Garden during her Son's agony, was still watching with Jesus in Spirit?

Throughout her life, Mary pondered the words of God, whether in the Hebrew Scriptures that so influenced her "Magnificat," or the words that the angel Gabriel spoke to her, or the message of the Magi, or the prophecies of Anna and Simeon in the Temple. She did not treat these words as a code to be cracked; she did not attempt to wrestle meaning from them. She lived with them; she made a home for them in her heart as she made a home for the Divine Word in her womb. I believe that this contemplative attitude towards God—of loving, trusting acceptance of His will—is something we women can and must learn from our Mother Mary. It is an awareness that we can learn from every recorded event in her life.

But for now, let us return again to consider the particular lesson that we can learn in the Finding of the Child Jesus in the Temple. We remember that Mary and Joseph had been searching for three days before finding their lost Son, only to, in a sense, "lose" him again by the enigmatic words He spoke to them—words which must have at least initially seemed to shatter the intimate unity of the Holy Family. His response seems to foreshadow the adult Jesus' words that "he who loves father and mother more than me is not worthy of Me. And he who loves son or daughter more than me is not worthy of Me" [Matt. 10:37]. I believe that Mary and Joseph were being reminded that they were supposed to love Jesus not only as a son, but even more as a teacher, savior and mediator with the Father. Humanly speaking, this was, indeed, a "hard saying," but Mary cherished these words, too, in her heart, like every

other word that issued from the mouth of God. As mothers, as working women, as spouses, we are called to do the same.

Our Professional Role Model

The wedding feast at Cana offers us yet another, powerful lesson about being authentic, fully-engaged women. On this occasion, we are allowed to see our Blessed Mother in a social setting—a big party. Wedding celebrations in Jesus' time ran on for many days. Notice that she does not retire to the rooftop to do her daily meditation. Instead, she is actively involved in the most practical needs of those around her. Her empathy and sensitivity to others and her awareness of the emotional undercurrents must have alerted her to the looming crisis in the dwindling wine supply.

Through her behavior in this scene, we can easily imagine Mary with a lifetime of experiences handling many other kinds of practical crises—bringing a good meal to a hungry neighbor, helping to nurse a sick Nazarean or assist a local woman in giving birth, minding a young family for a friend, coming to the bedside of a dying fellow Israelite who, if he had only known it, had lived like Simeon to see "the dawn from on high"—the Messiah—visit him. We have to believe that Mary would be at home with the spiritual works of mercy too—instructing the ignorant, comforting the sorrowing, counseling the doubtful. Imagine having Our Lady available in your hometown as your friend, neighbor, or coworker, and being able to drop by for coffee and a few words of advice and encouragement! This is how we, too, must see those in our homes and places of work who help us, and this is precisely how we are called to help others.

Yes, Mary pondered cosmic matters in her heart, and we as women are lost if we lack this contemplative element too. But she did not have the vocation of a Carmelite. She was in the world, like we are, and the wedding feast at Cana demonstrates this perhaps better than any other. You may ask, what does Mary have to say to us as wives and mothers as we scrub a kitchen floor or cook dinner or bring children to soccer practice or go grocery shopping? What does she have to say to those of us who, whether or not we are wives and mothers, go out to earn a living in the workplace, or operate a business from our home? How do we penetrate the silence of the Gospels to imagine her daily life in details that we can identify with?

A little reflection on what we see biblical Jewish women doing may help us to fill in some of the background of Mary's days. A woman lights up the dark interior of her home with a lamp and sweeps the floor to find a missing coin; another woman takes leaven and buries it in three measures of flour to make bread. Other women—some of them married—accompany Jesus on

his travels. The Samaritan woman at the well has come to fill her water jars. The soldiers at Calvary cast lots for Jesus' seamless garment, probably woven by his own beloved Blessed Mother. Martha bustles about cooking and serving her guests. The women of Jerusalem weep as Jesus passes them on the road to Calvary. Anna the prophetess spends most of her long widowed life in the temple praying. Another widow gives her mite—all that she has—to the temple treasury; and yet another widow pleads her cause before an unjust judge, who finally relents just to get her out of his hair. Peter's mother-in-law, cured of a fever, rises to feed Jesus and his apostles. (Now, that's a familiar sight—the Apostles come home from a hard day of watching Jesus cure the sick, and the first thing out of Peter's mouth is no doubt, "What's for dinner?")

All of these women parade past our view in the Gospels, shedding colorful highlights on what life must have been like in first-century Palestine, but still failing to give us a full portrayal of anything we could think of as a business or professional activity. For that, let's turn to a passage from the Old Testament about another "Ideal Woman." Let's consider the well-known description of the good wife at the end of the Book of Proverbs (31:10-31).

It happens that the good wife in Proverbs enjoys a more comfortable lifestyle than that of the Holy Family in Nazareth. She has plenty of servants, buys fields and plants vineyards, and her husband sits at the city gates with the elders (in Washington we call this a power couple!) But she is a hard worker, a good manager, and a friend to the poor. She is wise and kind and her children "rise up and call her blessed." (How many of us, mothering teenagers, look forward to that day!)

With a little imagination, there is no reason why we can't picture Mary, too, running a relatively modest weaving business from her home. (Remember that seamless garment!) Perhaps she helped organize some of the other village women, parceling out piecework among them and arranging orders with the merchants catering to the nearest palace household or Roman garrison. After all, in the Book of Acts, Paul's convert and associate Lydia is described as a seller of purple dye. While we do not know precisely when Joseph died, Mary could well have found herself for a number of years as the chief breadwinner, at least until Jesus reached an age to fully assume adult responsibilities as a workman. We are free to imagine Mary confronting these kinds of economic stresses and practical challenges, none of which would have found her at a loss for how to deal with them.

In any event, the concluding words of the passage in Proverbs apply better to Mary than to any other woman ever born: "Many women have done excellently, but you surpass them all" (Proverbs 31:29). While the capable woman

in Proverbs is a source of financial gain to her household, the author chooses to emphasize her *service to her family* and those around her. We are told that she does "good and not evil all the days of her life" (Pr. 31:12); that she "rises while it is yet night, and provides food for her household" (Pr. 31:15). She clothes her household as well as supplying the city merchants; that "she watches over the ways of her household" (Pr. 31:27), which must include caring for and instructing those children who, a few verses later, "rise up and call her blessed." She is celebrated not only for her industry and managerial skills, but for her wisdom, kindness, and charity to the poor. Most important of all, she is described as a woman "who fears the Lord" (Pr. 31:30.)

On our own, we may feel a bit discouraged at the prospect of even coming close to attaining this womanly model. But let's not forget that Mary is the Ideal Woman, and so we should not lose hope of becoming worthy women. For remember that Mary was given to us on Golgotha by her own Son to be our mother. And so she is in a very real sense responsible for bringing us up too. It is part of her maternal job, and we have already seen that she is excellent at everything that she does. If we pay close attention to the advice that she offers to us, we will have every reason to hope that we can more closely come to resemble her.

Let's return once again to the story of the wedding Feast at Cana, to see what else Mary may be revealing to us about how we as women should conduct our daily life. First, I believe that she is reminding us to take an active part in the life of those around us—both in our families and beyond. We should remember that the wedding feast in Cana would have drawn together every family in Cana and several of the neighboring villages. She is vividly demonstrating for us the importance of being highly alert to other people's needs and cultivating the kind of generous hearts that will go the extra mile to help others. You will note that rather than judging the young couple or their parents for their poor planning, Mary set about solving their problem. Other guests at Cana may have noticed the wine running out, but my hunch is that they may have been more inclined to exchange a few words of gossip with their friends: "I told Anna that she'd never have enough for that crowd, but they're so cheap with their money. Do you remember the miserable spread at the older girl's wedding?"

Unlike this common tendency among us fallen creatures, Mary instead opened her heart to another's plight. Her own sinlessness and human perfection did not make her any less tolerant of our failings, moral or otherwise. Instead, her superabundantly graced nature took no part in the very things that make us critical of others: defensiveness, guilt, egoism, jealousy, competitiveness, a sense of inferiority, fear.

Let's focus even more closely on her behavior in this scene. Notice that almost immediately, Mary seems to know what to do. She goes to her Son and Savior, and presents him with the situation. Then she trusts him to do the right thing. After that, she evangelizes. This woman of silence, whom we imagine after Pentecost staying home to cook for St. John, mend his clothes and listen to stories of healings and conversions, speaks her one-sentence sermon—the only recorded command she makes in all of the Gospels: "Do whatever He tells you."

The Blessed Mother's Principal Advice

"Do whatever He tells you." That was Our Lady's lifelong rule and it is her primary message to each of us today. Her Son himself made obedience to his heavenly Father the touchstone of His life, the alpha and omega of all His actions. We know that following the Father ultimately led Jesus to the Cross just as it also led His mother as a faithful witness and courageous sharer in all of her Son's suffering. We realize that Mary's own suffering had been predicted many years before, in another scene in the Temple in Jerusalem, where she, a brand-new mother, came with Joseph to offer their Son to the Lord. How poignantly relevant this scene is for all mothers. All of us know, deep in our hearts the tormenting truth that our children do not belong to us. The Jewish custom of presenting the firstborn to the Lord made it quite clear to whom these children really belong. Mary surely needed no reminder of God's claims upon her child, because of the special circumstances surrounding his conception and birth. But how much else she intuited about this small Messiah's future mission is not revealed to us. Did she, with her deep meditation on the words of the Jewish prophets, already connect Isaiah's Suffering Servant with the Messiah's redemptive role? Her "Magnificat" of jubilant praise gives no clue of this to her cousin, Elizabeth, but Mary may have mercifully chosen to hold back some of the disquieting insights she may already have had about her Son's mission.

On the other hand, Simeon's prophecy to the young mother that "a sword will pierce your own soul too" (Luke 2:35) was clearly divinely ordained news of something not fully understood by her before. Mary must have returned over and over again to these words, as she reflected through the years on the great mysteries in her life. She had learned that her Son would suffer greatly and, therefore, her own pain would be immense: When a sword pierces your soul, it doesn't hurt just a little bit, and it doesn't get better in short order. Mary was given the prophecy of a pain and anguish that would be mortal for Jesus, and would feel mortal to her too. We again recall that Calvary was actually present in miniature at the Presentation in the Temple, that

first place of maternal sacrifice. The two turtledoves (notice *two* victims—for Mary was to share in the sacrifice of her Son) were handed over as surrogates for the baby that Simeon lifted up in his arms, recalling Jesus' words that "When I am lifted up [on the cross], I will draw all men to myself" (John 12:32).

But have you ever wondered, as I have, why there were only two victims? Why not three? Where was Joseph in this picture? Joseph, who also must have heard Simeon predicting that a sword would pierce his wife's soul? Surely at some point in Mary's reflections on this scene, either then or later, she must have realized something of what this meant. In all likelihood, she must have realized that Joseph would not be there with her at the foot of the cross. She and her Son would already have watched him die. Only a very few of the women who followed Jesus—and, uniquely among the male disciples, John—would find the courage and fidelity to climb Mt. Calvary, but Mary would be essentially alone. Again, what a powerful example is presented to us as women struggling to fulfill so many roles and that so often we must perform alone.

Our Spousal Role Model

I think sometimes that we are tempted to undervalue the depth of the love between Mary and Joseph and, in so doing, lose a profound opportunity to glean special insight into our own spousal role as wife. We may make the mistake of seeing theirs as mostly a marriage of convenience—with Jesus needing an earthly father and Joseph being drafted for this purpose, a little like Simon of Cyrene carrying the Cross. And then, there is the monumental fact of Mary's virginity. With modernity's disordered emphasis on the overriding importance of the sex act, we may again be tempted to draw a false equation: no sex, no deep love.

I believe that this portrayal is inaccurate. After all, Mary and Joseph were betrothed even before the angel's announcement of Jesus' birth and Mary had already chosen a life of virginity. That is made clear by her question to Gabriel about how she was to become a mother since she did not "know man." Mary, therefore, had an immense capacity for love—self-donating, self-emptying love–made fully possible by her sinless state. She loved *everyone* better than we can love *anyone*. But that surely doesn't mean that she loved everyone in the same way and to the same degree. Joseph, the "just man," was not only privileged by God to guard and provide for Jesus. He was selected to be the Blessed Mother's devoted husband. He was pre-ordained to breathe Jesus' air, to hug his son's body, to lead him in prayer, to model fatherhood in its enfleshed form.

Married women can glean tremendous insight from the awareness that Mary and Joseph must have shared a married love whose purity was matched only by its profundity. After all, they shared the vocation of being the earthly parents of the Incarnate God. Among all those around them, they alone fully understood who Jesus was from his earliest years. They did not need to wait 30 years to hear Peter, inspired by the Holy Spirit, say, "You are the Christ, the Son of God." All of this must have contributed to the development of an extraordinary bond.

It is for this reason that I believe it was not an inconsequential revelation for Mary to learn, on that fateful day of the Presentation, that this intimate, loving spousal relationship would be interrupted by death before she and her Son would undergo what she may well have thought of as "their" Passion.

We might ask, when precisely did Joseph die? There are a lot of years to choose from between the Finding in the Temple and Jesus' emergence from his hidden years at about the age of 30. We find no mention of Joseph in the later Gospel references, except to identify Jesus as "the carpenter's son," which tells us nothing about when he actually died. Tradition seems to put it late in Jesus' youth or early in his adulthood, perhaps on the theory that God would have preserved him as the family breadwinner until his Son could take over. That still leaves us room to imagine some transitional period for Mary when she must have functioned as the single parent of an adolescent or young adult. Perhaps certain relatives may have helped out. (Remember in Mark 3:21 we are told that some unidentified relatives who believed that Jesus was out of his mind came to get him.) On the other hand, we know that Jesus personally chose His disciple John to care for His Mother following His death. If there had been a close male relative by blood or marriage, normal Jewish practice would have prompted him to have stepped in.

But, whether or not Mary received help from family members after Joseph's death, we women can understand that she must have had to manage, as many in this audience may have, without a husband's emotional and psychological support. Any woman can empathize and identify with this. Single parents are particularly familiar with the loneliness of making decisions for a child without the comforting backup of someone who loves that child just as much. They know the profound quiet of an "empty nest" that's missing not only the grown children, but the spouse who was supposed to have shared their old age. Across the span of 20 centuries, Mary seems to have seen and understood the profound challenges and deep needs of single mothers. Therefore, the blessed happiness of the Holy Family should never be used to discourage any woman with a seemingly imperfect or incomplete home life from looking to Mary for consolation, advice, and example.

Embracing the Cross

I believe all that Mary suffered at Calvary is implicitly contained in the familiar scene to which we will now return one last time, the Finding of the Child Jesus in the Temple. This woman to whom we can turn for the keenest insight into our true feminine identity must have sensed the coming Passion—probably not in every detail, but at least psychologically and emotionally. And we should note that she accepted it all, not as a slave accepts a beating, but as a good child accepts what her good Father gives to her. Mary teaches us how to embrace the Cross. She repeatedly did so—not just in her middle age, on hearing that the Temple guard had arrested her Son, but even as a young woman. As our role model, she is truly a woman for all seasons.

We women can gain much practical advice and lasting encouragement by walking closely with Mary as she bears the particular cross of partial knowledge. Without having prophets conveniently rise up to clue us in on our own future crosses, we, too, know that life will inevitably send us burdens to bear—illness, the deaths of loved ones, betrayals, disappointments, opposition—all kinds of heartaches, swords aimed at our very own hearts. And so we need to learn from the loving courage of Mary that we can meet our crosses not like a dog who cowers before a blow, but like courageous daughters of our heavenly Father, resolved to share out of love our unique part in our own family's sufferings, our particular part in the living cross.

We may face the cross of an addicted family member, we may confront a physical handicap or debilitating illness, financial hardship, unhappy working conditions, desertion by a husband or loved one, loneliness. Perhaps, like St. Monica, we may even suffer a beloved child's rejection of the Church.

For me, "embracing the cross" as a woman has not meant practicing a passive, dumb endurance of whatever has come my way. Neither has it meant adopting sackcloth and ashes to let everyone know just exactly what I may be feeling about this earthly life. Rather, it has meant praying honestly and openly about each new challenge or difficulty, seeking to view each and every painful test through Christ's eyes. It has also meant employing my mind, my heart and my will to put into action the most constructive, positive response – while radically trusting and believing with every once of my being that "all things *do* work for good for those who love God." (Romans: 8:28)

If we will each actively take up our crosses in this way, it will make all of the difference *in* the world—and *to* the world. Merely enduring pain will only bring the cross falling right down upon our shoulders. Without the transcendent power of a dynamic faith, an active hope and a vibrant love, we truly can feel like we are being buried alive. But when we learn to embrace

the cross (which is not to be confused with going out to hunt for more!) we are empowered to embrace Christ's energy and peaceful vision too. And Christ's embrace is always healing, always strengthening and ever consoling.

Conclusion

As we approach the close of our time together, let me leave you with one overriding thought: Mary speaks to us contemporary women of all walks of life very specifically, very personally, very maternally from her place at the foot of the cross, because it was there on Good Friday that she became *our* mother. "Woman, behold your son. . . . Son, behold your mother" (John 19:26-27). Jesus not only offers us His own mother, but asks us to "behold" her, to contemplate her life, her example, her very person as our model in living a life that will bring us into union with him. To the extent that we fight our crosses, trying to duck unpleasant responsibilities or decide questions of conscience based upon our own preferences or convenience, we will not be following in Her courageous footsteps.

A funny example comes to mind that graphically illustrates my point. Many of the mothers in this audience may recall taking part in a Lamaze or childbirth preparation class. Remember (if you haven't blocked the whole experience out!) how the instructors would stress that we should not "fight the pain"? We were advised that tensing up and resisting would only make the pains of labor feel worse and take longer. Easy to say, hard to do. You must also recall that they were right! I believe that the same lesson holds true for us when we encounter life's psychological and emotional pains. "Carrying" crosses like a family member's addiction or bad behavior or financial difficulties does not mean that we as wives and mothers are being expected to take responsibility for someone else's bad choices or actions. Rather, it means that we are being invited to learn–maybe over many years of trying!—to better understand each person and every situation in the radiant, forgiving light of Christ's loving example. We are being encouraged to become more open to our family members as being in Christ's "distressing disguise," as Mother Teresa would so often refer to it.

And, as many of us have learned the hard way, once we are able to recognize Christ in those causing us special pain, we can finally begin to be Christ for them. For some of us in certain situations, "being Christ" will mean practicing tough love, as Jesus did with the rich young man who "went away sad." But for others of us, the purpose of our crosses will not be to suffer as much as possible, but to simply learn to say honestly, when each particular crucifixion is concluded, "Consummatum est"—our task of co-redemptive suffering is accomplished, completed, consummated.

At times, endurance and what we as children were taught to call "offering it up" will be all that we *can* do–and, therefore, all that we are *asked* to do. At other times and with other crosses, we may need to actively intervene to help ourselves and others. We may need to research alternatives, consult wise and experienced friends or professionals, endure difficult conversations and make very hard decisions. We may be challenged to change our own lives, open up a new sphere of activity or respond to a new call to service in our lives.

In closing, it occurs to me that since we are in the season of Lent, you could perhaps substitute this talk for the Stations of the Cross that you meant to meditate upon today! But I am also reminded that March is the month of the Annunciation. Let us conclude our time together with one final reflection upon our Blessed Mother by turning to the first recorded event in her life. In this central, defining scene, she encountered and embraced all possibilities, all crosses, crises, epiphanies, and blessings that she was destined to experience. The Annunciation was the reason for which she had been immaculately conceived and the reason for which she was called into this world. At the very moment of her fiat, Mary conceived Jesus—and that means *all* of Him, including His birth at Bethlehem, His Cross on Calvary, and His empty tomb of Easter. The beginning of the joyful mysteries of the rosary is also the starting place of 15 decades of joy, pain, and glory.

The Life that began germinating within Mary, one Galilean springtime two thousand years ago, brought the entire human race to a new and hope-filled springtime. I recall that in his well-known speech at Gettysburg, President Abraham Lincoln movingly described the United States as "conceived in liberty." With the conception of Jesus, our Savior, all of humanity was in a very real sense re-conceived in liberty—what St. Paul would later describe as "the glorious freedom of the children of God." For Mary's freedom from sin both points to and makes possible our own less spectacular freedom from the imprisoning effects of sin, and our opportunity to attain eternal life.

All of this is possible because Mary—wife, mother, and faith-filled woman—freely chose complete and unqualified acceptance of the Divine Will.

This discussion of our topic cannot be concluded without taking a moment to place our particular inquiry in its proper historical context. During the past 30 years or more, many of us have watched in horror as Secular Feminism, along with certain New-Age variants, has attempted to seduce an entire generation of women with nothing less than lies about what constitutes "freedom" as opposed to slavery. Like the serpent in the Garden of Eden, false prophets have promised us modern Eves that we could become

like gods, controlling our lives and our bodies, deciding for ourselves the definition of good and evil, "tasting" whatever experiences looked pleasurable, whether or not they were forbidden. With the aid of contraception and abortion, we have been coaxed to seek love and sexual fulfillment without worrying about any consequences. We have been told that we are now "free" to leave our husbands, "free" to abandon our children to overworked and underpaid caregivers, "free" to pursue power careers that will leave us little time to nurture our loved ones. What a "waste of time," we have been chided, when we could be out there saving the world or making an impressive salary or impacting world events!

But listen to the contrast of our timeless role model, Mary, at the Annunciation, at the dawn of true human freedom. Her reply: "Be it done unto me according to thy Word." And the angel Gabriel, who had once heard the rebellious angels cry out, "I will not serve," was now free to rejoice. Everything would be all right now. The Savior, freely choosing to descend into our human nature, had been freely accepted by "our tainted nature's solitary boast," as Wordsworth so aptly referred to Our Blessed Mother.

Because of who Mary was and what she did, we women can look with special confidence toward sharing a destiny almost as splendid as hers. But my clear advice to you is this: that we must follow her essential maternal pattern of loving service in order to do so. Like her, we must be contemplative souls, willing to ponder the mysteries of our lives. We must be "practical idealists," ever looking out for how we can answer the needs and concerns of others. We must be courageous bearers of life's many crosses while being resolute believers that Christ will transform senseless pain into redemptive suffering. And above all and encompassing all, we must be open, trusting recipients of our loving Father's divine will, holding onto this truth which alone will bring us to an authentic and lasting form of fulfillment through the joyful, sorrowful, and glorious mysteries of our lives.

"The Story of Tom Thumb"

Clara Lejeune

While scientific progress is discovering each day a new secret about life, some would have us believe that we know with less and less certainty what a member of our species is ... The legislators of today owe it to themselves to compose a declaration that will define this epoch. Confronted with the tyranny of democracy, they have to proclaim the rights of human beings.

In 1972 an initial draft law, called "*proposition Peyret*," started off the debates about abortion. Under a law dating back to 1920, persons who performed abortions could be sentenced and punished.

This first draft law was concerned exclusively with infants with handicaps that were detected before birth. Why allow individuals to live who will be unhappy and who will make their families unhappy?

Fate sometimes takes turns that are painfully ironic. Two men each made a fundamental discovery that, they hoped, would advance the state of medicine with a view to curing disease.

It was Professor Liley, originally from New Zealand, who first invented the technique of prenatal diagnosis. He hoped that in this way one could detect and treat sick infants at an earlier stage of their development. The other was my father, who discovered the cause of trisomy 21 and was using every possible means to find out how to cure this condition. He, too, was convinced that it ought to be treated very early, in utero.

The two men knew and respected each other. They would become helpless witnesses of the reversal of their respective discoveries. Thanks to amniocentesis and karyotyping (a method for determining the chromosomal characteristics of a cell), the technology was in place for eliminating "undesirable specimens" before birth. Their discoveries were diverted from their original objective.

"*Un dossier de l'écran*"["Onscreen dossier"], a very popular program in those days, alluded for the first time in the course of a televised debate to the question of aborting pre-born infants who were found to be handicapped. The only ones who could really be recognized at the time were those with trisomy.

Clara Lejeune is the author of *Life is a Blessing: A Biography of Jérôme Lejeune* (2000 Ignatius Press, San Francisco) from which this chapter is excerpted, with the permission of the author. The original French edition, *La Vie est un bonheur: Jérôme Lejeune, mon pere*, was published in Paris in 1997. Clara is the fourth of five children of Birthe and Jérôme Lejeune.

The parents of children with trisomy experienced this as a veritable search-and-destroy mission. "What has he ever done, my little boy, that they want to do away with those who are like he is?"

One morning a ten-year-old boy with trisomy came for a consultation. He was crying inconsolably. The mother explained, "He watched the debate with us last night."

The child threw his arms around my father's neck and said to him, "They want to kill us. You've got to defend us. We're just too weak, and we don't know how." From that day on, Papa would untiringly come to the defense of the pre-born child.

He knew very well how much he would lose in the battle. One of our friends said to us recently, "There are some fights that you just have to fight. You don't always win them."

And Papa, better than anyone, knew where the fight would lead.

A while before that he had gone to an international conference on health in New York. Many years previously he had been named the French expert on "the consequences of atomic radiation for human beings and their descendants." One day, in the inner sanctum of that august U.N. body, the debate on aborting the unborn unfolded with the usual arguments: the mortality rate from clandestine abortions, preventing deformed infants from coming into the world, sparing women moral and psychological suffering, and so on. Alone in his camp, Jérôme Lejeune took the podium and spoke about the unique child, the likes of whom would never again exist, whose life was being jeopardized by the proceedings going on at that moment. Is life a fact or a desire? He affirmed, "Here we see an institute of health that is turning itself into an institute of death."

He spoke in English and played deliberately on the words "institute of health" and "institute of death." That evening, as every evening, he wrote to Mama and confided to her, "This afternoon I lost my Nobel Prize."

It must be admitted that he had been formed in the school of hard knocks in May 1968. For months he was the only professor who had not missed a single hour of class and who had never been booed or shouted down. His strategy? Listen, never get angry, but do not yield an inch of terrain.

One day when he was working in his laboratory at the Faculty of Medicine, some students who were on strike came in, intending to store some medications that they had stolen from the hospital pharmacy. They thought that the lab would be deserted and were surprised to find him there. Papa suggested a room where they might store the medications, and the students left, happy to have met a professor who was so understanding.

They came back the next day looking for the medications for "their comrades who were fighting against the National Guard storm troopers."

They were many, and they demanded to have their spoils of war immediately. Papa politely opened the door for them and said, "I would be glad to, but do you have the authorization form?"

He had remembered a nun who, whenever someone asked her an embarrassing question, always answered, "I will have to ask the Mother Superior."

He used the same method. He answered every argument or threat in the same way. "Nothing would please me more, but I need to have the voucher."

There were many of them, and they were very agitated. They could easily have socked him in the jaw and taken the medications. However, weary of the conflict, they left, and at the end of the strike the medications were returned, intact, to the hospital pharmacy.

May 1968 taught him to defend himself when he was without support. He knew that opponents always respect those who have courage. And he had courage enough and to spare.

With a team of professors—three of them out of the entire faculty—he prepared the final examinations for that year. In July they negotiated with the Minister of Education, Edgard Faure, and, contrary to all expectations, obtained permission to hold the exams in September. By working night and day they succeeded in preparing the examination questions so as to present the minister with a *fait accompli*. The medical students would be able to take their exams and thus not lose a year of study. Things turned out the same way for all the other students, too.

One of the consequences of May 1968 left him very bitter. The sluice gates of the medical school admissions policy were opened, and he understood, twenty years in advance, the problems that we are experiencing today: "They're training too many physicians. In a few years some of them will be earning the minimum wage or else unemployed. Payment by procedure will be blamed for generating out-of-control medical expenditures, whereas the excessive number of doctors will be the real cause."

No one listened to him in that arena, either. But that wasn't his battle. He was there to defend the smallest and the weakest.

He often said that "a society that kills its children has lost its soul and its hope," and he continued:

> For the greatest lesson taught by biology is precisely this debut of the human being in a condition so lowly as to be astonishing, and this manner of fashioning oneself in the shelter of one's mother, hammered out by the indefatigable hope of the throbbing aorta and quickened by the rapid beating of one's own heart. It is the very lesson of unwearied hope. And it is this same heart, which was beating within you

> on the twenty-first day of your existence, which you must consult to determine your course of action. Every day you will have to achieve again this impossible synthesis between true values and hard reality. Every day we will have to struggle, we will have to convince ourselves and others, too, and it will be difficult, uncertain, impossible. Just don't forget that last year it was already hard; it was difficult; it was uncertain; it was impossible then.
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> This reflection alone determines our only possible course of action, which can be summed up in a single phrase: come what may, and whatever may happen to us, we will never abandon the little ones.

Oh, of course he went about it in dead earnest. He pilloried "the chance intellectuals . . . who pretend to believe that it is possible to hold the most contradictory opinions as long as they phrase them elegantly. To excuse murder they have invented the marvelous hypothesis that no one was being killed. They have succeeded in circulating among the general population the astonishing proposition that a tiny, two-month-old-man, a little man at the age of ten weeks is neither human nor alive."

He also blamed "the pedantic utilitarians" and ridiculed those who pretended that the embryo is not a human being:

> [As the human mind evolved, it] brought about the appearance of a new language that would finally make it possible to understand something that the human race had been doing for thousands of years without ever realizing it, terminology that would enable it to know how it ever managed to reproduce itself. And it [the intellect] discovered that all one had to do was to think forcefully enough that this thing in its developing phase was human for it to become so. But if one did not think forcefully enough about it, or if someone thought the contrary, the thing would perceive it by a strange sort of perception, by the infusion of some kind of sociologico-parental spirit forbidding it to become human, and the thing then would not become human.

What he was battling against was the refusal to look reality in the face.

"A man is a man is a man." Say that this little man bothers you and that you prefer to kill him, but say the truth. What you are dealing with is a little man. It is not a mass of tissue; it is not a little chimpanzee; it is not a potential person.

And he would tell the true story of Tom Thumb, this little man that we all once were in our mother's womb. In those days, when he used to say this, he was challenged by many of his colleagues in the sciences. Today, the marvels of technology allow each one of us to verify, by sonogram, that everything he said then was scientifically accurate. Thus we now have films of surpassing beauty to show us the beginning of life. But the same people who note with amusement that certain babies grab the amniocentesis needle in their hand and that it is quite difficult to make them let go in the next breath will recommend in vitro fertilization to the parents. The argument that Jérôme

Lejeune untiringly defended, "Don't kill it, because it is a human being," is thus rendered null and void. Our schizophrenic society proudly presents at the family dinner table the latest sonogram of the child who is a few months old and yet uses abortion as a simple remedy when contraception fails.

Nevertheless, this is the reason that he was and still is hated so much by certain people. How can one dispute a scientific truth? Certain people have been so blinded with fury at his remarks that they did not realize that Jérôme Lejeune, in setting forth his proofs, was thereby as well, one of the first to reveal to the eyes of the general public the magic of life.

The following text was written in 1973; it sums up forcefully all of the conviction, scientific certitude, and rhetorical talent that made Jérôme Lejeune an extraordinary defender of life:

> Modern genetics can be summed up in an elementary creed as follows: in the beginning is a message, and the message is in life, and the message is life. A veritable paraphrase of the first sentence of a very old book that you know well, this creed is still the creed of even the most materialistic geneticist. Why? Because we know with certainty that all of the information that will define the individual, that will dictate not only his development but also his subsequent conduct, we know that all of these characteristics are inscribed in the first cell. And we know this with a certitude beyond any reasonable doubt, because if this information were not entirely encapsuled therein, it would never arrive, for no information enters into an egg after its fertilization . . . .
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> But, one will say, at the very beginning, two or three days after fertilization, nothing exists yet but a tiny mass of cells. In fact, it's only one cell to begin with, the one that results from the union of the ovum and the sperm. To be sure, the cells multiply actively, but that little mulberry that will nestle in the wall of the uterus, is it really different from its mother already? I should think so: it already has its own individuality, and, almost incredibly, it is already capable of controlling the maternal organism.
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> This minuscule embryo, on the sixth or seventh day, while just one and a half millimeters in size, immediately takes charge of the biological operations. He and he alone stops the periods of his mother by producing a new substance that obliges the corpus luteum of the ovary to function.
>
> Tiny as he is, he is the one who, by a chemical command, forces his mother to offer him her protection. Already he is having his way with her, and God knows that he will not give this up in the years to come!
>
> Fifteen days after the period is missed, that is to say, at the actual age of one month, since fertilization took place fifteen days before that, the human being measures four and a half-millimeters. His miniscule heart has been beating for a week already; his arms, his legs, his head, and his brain are already roughly formed.
>
> At sixty days, that is, at the age of two months, or one and a half months after menstruation stops, he measures some three centimeters from the head to the tip of his buttocks. Folded up, he could fit into a nutshell. Inside a closed fist he would be invisible, and that closed fist could crush him inadvertently without anyone noticing it. But open your hand; he is practically finished: hands, feet, head, organs, brain,

everything is in place and will do no more than grow. Look at him more closely, and you will already be able to read the lines on his hand and tell his fortune. Look even more closely, with an ordinary microscope, and you will make out his fingerprints. Everything needed for a national identification card is there right now . . . .

The incredible Tom Thumb, the man smaller than my thumb, really exists, not the one in the fairly tale, but the one that each of us once was.

But the brain, someone will say, will not be completely developed until around the fifth or sixth month. No, you're wrong; it still won't reach its final form until birth, its innumerable connections will not be established until the age of six or seven years, and the totality of its chemical and electric mechanisms will not be running smoothly until the age of fourteen or fifteen years!

But does the nervous system of our Tom Thumb function already at two months? But of course: if his upper lip is brushed with a hair, he moves his arm, his body, and his head as though to escape . . . .

At four months he fidgets so vigorously that his mother perceives his movements. Thanks to the quasi-weightlessness of his space capsule, he makes a lot of somersaults, a stunt that will take him years to perform again in the atmosphere.

At five months he grasps firmly the tiny stick that is placed in his hand, and he begins to suck his thumb while waiting for delivery . . . .

Then why the discussions? Why should we wonder whether these little human beings really exist? Why rationalize and, as a famous bacteriologist has done, pretend to believe that the nervous system does not exist before the age of five months?! Every day, science reveals to us a little more about the marvels of this hidden life, the world of these minuscule people, a world teeming with life and even more charming than the tales told in the nursery. For the make-believe tales were based on this true story; and if childhood has always been enchanted by the adventures of Tom Thumb, it is because all of us, whether children or adults, once were like Tom Thumb in the womb of a mother.

Today it may seem incredible, but this sort of talk was forbidden in the sixties. It laid a guilt trip on the mother; it was unlawful; it represented "the dictatorship of the moral order." Because he wanted to affirm, loud and clear, a scientific truth from which a duty followed, Jérôme Lejeune became involved in a much bigger battle, which was unusually violent.

I was twelve or thirteen years old at the time. On our way to school, which we used to travel by bicycle, my sister and I would pass the walls of the medical school, on which were painted in black letters and phrases:

"Tremble, Lejeune! The MLAC [a revolutionary student movement] is watching."

"Lejeune is an assassin. Kill Lejeune!"

Or else:

"Lejeune and his little monsters must die."

Believe me, that brought our childhood very quickly to an end. These are things that cannot be forgotten even if, during adolescence, there is a sort of play-acting in these street wars, the seriousness of which is not realized.

And it wasn't just words. At every meeting he was harassed, often physically. One time, during a debate at the *Mutualité*, it was impossible for him to take the floor. The audience was yelling, and he was hit in the face with raw calves' liver and tomatoes. He did not step down, but waited for a lull and then yelled louder than the others, "Those who are with me, leave the room!"

After a few moments of bewilderment, the auditorium emptied. There remained about fifteen persons, led by a vociferous Dominican priest, who had placed themselves in a diagonal line across the auditorium to give the impression that they were very numerous. When it became evident that they could now be counted, they left, the people returned to the auditorium, and they were able to begin the conference.

Twenty years later, I have had various opportunities to gauge how tenacious this hatred can be. He who hated no one, who always said, "I am not fighting people; I am fighting false ideas," is, even today, the object of unconcealed fury on the part of those who set themselves up as the apostles of tolerance. Maybe it was that calm strength that walked straight ahead, without worrying about what was "politically correct"; maybe, too, it was that oratorical gift employed to defend the life of pre-born children; maybe it was above all because he had been brought to the pinnacle of science and fame by people who resented him from then on because he made their political job difficult.

Many tried to bribe their consciences in those days. I have proofs of this in writing, but don't count on me to denounce any of the men and women who were struggling then with a problem that touches the very heart of human liberty and conscience. They thought otherwise, that's all. And that right, of which they always tried to deprive my father, has suffered too much for us to treat it with anything other than an infinite respect.

Afterward he had numerous troubles of various sorts; the litany would be tedious and, ultimately, incredible. From then on he would never again be invited to any international conference on genetics. He would undergo one financial investigation after another, but there was nothing to discover. Then the tax authorities challenged him about the deduction of professional expenses that is automatically authorized by contract for professors of medicine, on the grounds that "it includes the cost of transportation to the hospital, and it is a well-known fact that he travels by bicycle." He had to pay back taxes on a four-year period, but there was no fine, since he was in good faith and not to blame (the former tax inspectress was the one who had written, telling him to claim the deduction).

We have preserved a letter full of good humor that he wrote to the dean of the faculty in which he expresses his astonishment at having received neither

a promotion nor a raise in salary in seventeen years! He admires the administration's constancy in his regard and understands that one must show preference to the researchers who have titles and projects much less important than his so as to encourage them.

Basically, he laughed at all that. What was really difficult for him was when the funding for his research was discontinued in 1982. The "mandarin" law forbidding professors of medicine from conducting research for more than twelve years was ultimately applied only to him and to three other unfortunate professors of medicine, who were then supposed to serve as an example. He lost his laboratory and the entire team that worked with him. The others, all of the others, thanks to their well-placed connections, managed to convince the university that their presence was indispensable to the functioning of the department.

He still drew a salary, but he no longer had office space, a lab, funding for research, or collaborators. That may seem incredible, but it is the truth.

Golden opportunities in the United States were offered to him; he hesitated and refused them. His heart was here, in the center of the Latin Quarter, in the France that he loved so much and that made such a sorry return. He found a new location on the *rue des Saints-Pères*, where he established the Institute for the Pre-born. He found ways of paying his research team. His international reputation in the scientific world brought him financial resources that he had not hoped for.

During the last fifteen years of his professional life, he would carry out his research projects thanks to funding from North America, England, New Zealand, and also the Institute Claude-Bernard. He traveled all over the world, lectured, and returned with awards, grants for the people on his team, or money for a research program. To be sure, he was never short of money, but it never bothered anyone that the man who continued to form future generations of French geneticists in his department at the hospital was obliged to go abroad begging for bread in order to continue his research.

Certain individuals would retort that it was because his scientific investigations were no longer of any interest. A review of the titles of the projects that he worked on until a few months before his death is enough to silence such an accusation. Let us simply recall that his funding was discontinued at the time when he was interested in folic acid. The pretext given was that the research was useless. Besides, the vote was obtained thanks to the good offices of some of his closest friends and colleagues. In reality, the stances that he took were unsettling; it became necessary to remove him. He was working on the efficacy of folic acid in preventing spina bifida, for which there is now abundant proof, and on its beneficial effects in strengthening the fragile

X chromosome. Today, without going into details, the usefulness of folic acid is recognized by the scientific community, and his research, taken up again by others, is considered to be extremely promising.

A few months before his death, he published with one of his female assistants a very interesting study on the connections between trisomy 21 and Alzheimer's disease, with findings that have since been confirmed. His last award-winning publications, his crowning achievement, would be concerned with cancer, of which he was to die in the following weeks.

Papa did not have a martyr complex. He hated to have people pity him. He certainly would have been displeased if the troubles that he went through had become known. That was not his concern. If I have alluded to them, it is simply to recall that, in a democracy like ours, "good folks don't like it when someone travels off the beaten track."

There were lots of people ready to defend human life, and they often had the best intentions, but sometimes certain ones had forgotten that the primary duty is one of understanding and assisting. If one is too intent on being right, one forgets that there are human dramas behind certain actions of which one disapproves.

Meeting on a daily basis with mothers in distress, Jérôme Lejeune quickly understood that it was necessary to help women so that they would not be forced into abortion as their only alternative. Very quickly he became the president of Secours aux futures mères (Help for future mothers), which takes in women who are in difficult situations as soon as they know they are pregnant. The Tom Thumb Houses shelter them from the very beginning, if necessary, without waiting for the seventh month, as is usually required by homes for pregnant women. When you are two months pregnant and do not know where to go because the boyfriend or the father wants nothing more to do with you, it is no use knowing that someone can take care of you at seven months. Here, no one asks for identification papers, no one judges; women are accepted and helped, so that they can make a fresh start in life with their babies by allowing them to be born.

He was also the scientific advisor to Laissez-les vivre ["Let them live"]. But from the 1980s on, the disagreements with the president of the association became serious. The president wanted to turn the movement into a political organization, under the influence of Jacques Cheminade, a representative from the European Worker Party who, as many will recall, has since then been a candidate in several elections in France.

This is the party of a certain Lyndon LaRouche, who incidentally was doing a prison term in the United States. Papa, who never got involved in politics, refused to leave the door wide open for him to lead off those who,

because of their prolife convictions, were disappointed with the Giscard administration and who might have listened to other siren songs.

He also cautioned his friends who were lawyers and doctors, who had some influence in various Catholic circles. In reality, behind the standard, reassuring remarks, Jacques Cheminade was concocting strange pacifist messages in which slogans from the far right joined with those from the far left.

When he saw that Jacques Cheminade was coopting the movement, he quit Laissez-les vivre, the excesses of which he did not appreciate. Thanks to his warnings, the Catholics did not fall into the seductive nets of Cheminade, who then failed to make his political debut in France. From then on he would be the target of the European Worker Party for years. Party members set up a curbside newsstand where they sold a paper called *Nouvelle Solidarité* that would make Papa out to be, in turn, "a lascivious viper"; "the Pope's assassin, with photos to prove it"; and "a KGB agent disguised as a practicing Catholic." We used to think it was rather droll, except when they came to our street to slash all four tires on our car or when, for several months, some youths who looked like they were from Eastern Europe kept us under a rude sort of surveillance from the street corner and followed us when we went out in the evening with friends.

We never really knew who these people were. The authorities came several times to investigate, and maybe they have confidential information about this movement in their files. This lasted for several years; I guess that they got tired of it, since intimidation wasn't working, and they looked for other victims.

Perhaps it is venturing too far to state that publication of *Nouvelle Solidarité* ceased the moment the Berlin Wall fell, for want of funds coming from the Communist East bloc. In any case, the future would prove that the European Worker party was shamming conservative values in order to pave a political way for itself and for some especially dubious ambitions.

The battle over abortion left its mark on our adolescence. We were "Professor Lejeune's children." In certain places we were celebrities, while in others we were avoided like the plague. That quickly taught us that, since clothes don't make the man, we have to live with labels that don't define us.

But I must say that, even twenty years later, it still surprises me. After serving for several months as staff director in the governmental ministry for solidarity among the generations, my appointment met with much violent opposition, in spite of my best efforts. No one knew me, I had not yet said or done anything, but I had this original sin ignominiously inscribed on my forehead in bold letters: I was the daughter of Professor Jérôme Lejeune. The curious thing is that the most vehement attacks demanding my resignation

came from those movements and from that sector of the press that claim to be in favor of tolerance and freedom of thought.

I wanted to tell them, "The crime that I have committed, in your eyes, is to have been born of the legitimate love of my father and mother. In the final analysis, it is the color of my skin that you don't like."

It is quite difficult to clear yourself when you don't know what the charges are. If gaining favor in their sight requires denying my father, then they had better not count on me for that. For so much love given, for so much love received, what else is there to do but to bear witness?

Reprinted from 1974 Ad Hoc Committee in Defense of Life, Inc. booklet *How to Argue About Abortion*, by John T. Noonan, Jr.

"The incredible Tom Thumb, the man smaller than my thumb, really exists, not the one in the fairy tale, but the one that each of us once was."

Ireland's Pro-life Civil War

David Quinn

Last October the pro-life movement in Ireland finally got its wish, or at least that is how it seemed at first. For nine long years pro-lifers had been campaigning for a new pro-life referendum. The hope was that through such a referendum the effects of the X-case decision of 1992 would be reversed. In that decision the Supreme Court had allowed a 14-year-old, who had become pregnant by a middle-aged neighbour, to have an abortion on the grounds that if she did not she might commit suicide.

Nine years before that, in 1983, the Pro-Life Campaign had successfully fought for an amendment to be inserted into the Constitution which would protect the life of the unborn with equal regard for the life of the mother. The Supreme Court decision, by permitting subjective psychological grounds for abortion (who is to say if a woman is suicidal?), had driven a horse and four through the 1983 amendment, and so the Pro-Life Campaign now had to persuade the Government to hold another referendum aimed at overturning the X-case.

It had its work cut out, but it was joined in the battle by new pro-life groups, chief among them the energetic Youth Defence, which had been formed in the immediate aftermath of the X-case. Youth Defence was more militant and less genteel and middle-class than the Pro-Life Campaign. It favoured street protests, unlike the PLC, which preferred behind-the-scenes lobbying of politicians, letter-writing campaigns, petitions and the like. Youth Defence felt that the PLC's tactics would never lead anywhere, that what was needed was high-profile action, hence their street protests and picketing of family-planning clinics on the grounds that they were acting as referral agencies for abortion clinics in Britain.

The PLC felt such actions were counter-productive, that they alienated politicians, played into the hands of the media, and drove crucial middle-ground voters into the arms of the pro-abortionists. Although agreed about ends—that there should be no abortion in Ireland and the X-case decision must be reversed—the very different means favoured by the PLC and Youth Defence led to tensions between the two groups. These tensions were to prove critical in the referendum.

In October the Irish government, led by Prime Minister Bertie Ahern,

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announced its intention to hold a pro-life constitutional referendum either before the end of the year or early in 2002. The date settled upon was March 6. The government published a piece of legislation called the Protection of Human Life in Pregnancy Bill. If passed, the Bill would be inserted into the Constitution.

The Bill was complex, as it turned out probably too complex, and the various parties to the abortion debate needed to study it before they could declare their position on it.

Among those parties were the aforementioned Pro-Life Campaign and Youth Defence, Human Life International (Ireland), the Society for the Protection of Unborn Children (SPUC), Family & Life, a plethora of pro-abortion groups, the opposition parties, as well as the medical profession, the legal profession, the Catholic bishops, the Protestant Churches and the other religions, and a host of other groups too numerous to mention. Finally, there was Dana Rosemary Scallon, the independent Member of the European Parliament. She was another crucial player because she commanded a small but significant slice of the electorate.

This slice was about as pro-life as it is possible to be and in a tight referendum where every vote would count, Dana's position could hardly be more important.

Within days of the publication of the Bill, cracks began to appear in the pro-life movement. The strongest objections focussed on the following words contained in the Bill: "In this Act, abortion means the intentional destruction by any means of unborn life after implantation in the womb."

Many pro-life people decided that these words withdrew protection from human life pre-implantation in the womb and that the Bill, if passed, would legalise the Morning-After Pill (MAP), and embryo experimentation. For this reason, groups such as Youth Defence and the closely allied Mother and Child Campaign came out against the Government proposal.

The Pro-Life Campaign had a quite different interpretation of the Bill, one to which I, and consequently the paper I edit, *The Irish Catholic*, subscribed. (*The Irish Catholic* is Ireland's biggest-selling Catholic paper). The PLC said that in giving particular protection to unborn life in the womb, it was not thereby withdrawing protection from the unborn pre-implantation in the womb.

The name of the Bill was critical to understanding it. To repeat, it was the Protection of Human Life in Pregnancy Bill. Its intention was precisely that; to protect human life in pregnancy. Furthermore, the Bill was intended

as a piece of criminal law, meaning that it had to define abortion in such a way as to allow the crime of abortion to be proven.

Not even the woman herself can tell she is pregnant until the baby has been in her womb for some weeks. Only when it can be proven that she was indeed pregnant, and that the pregnancy was terminated other than by natural miscarriage, can it be shown that a crime has been committed. Only then can the law act against her and the abortionist.

This is why abortion was defined as the intentional destruction of unborn life after implantation in the womb. No other definition would have had any force under criminal law. Under no other definition could the crime of abortion have been proven. How could abortion have been defined as the intentional destruction of unborn life pre-implantation for the purposes of criminal law, when no one can prove that the woman is pregnant until *after* implantation?

If I'm belabouring this point, it is for a purpose, because only by properly understanding it can the fundamental mistake of those pro-lifers who opposed this Bill be understood.

Another point pro-life opponents failed to understand is that the Bill could not have withdrawn protection from unborn life pre-implantation even if it had wanted to, because unborn life is protected in the constitutional amendment of 1983.

It was this further failure of understanding that led groups such as Youth Defence and Human Life International (Ireland) to believe that the Bill would legalise the MAP and embryo experimentation. It is true that the Government said the Bill would have the effect of legalising the MAP but this was an interpretation aimed at placating liberals in the Government who would have otherwise opposed the Bill in toto, and it is an interpretation that was flatly contradicted by legal experts of all shades of opinion. It also ignored the fact that the MAP is already available in Ireland because of a legal loophole.

As for embryo experimentation, the contention that the Bill would legalise this was plainly ridiculous. First, the Government had only last December told the European Union that it was opposed to such experimentation. Second, the Irish Medical Council, the body in charge of regulating Irish doctors, bans it, and third, embryo experimentation would be unconstitutional.

These counter-arguments failed to impress Youth Defence and its allies. In fact, some pro-lifers went further and rejected the Bill on the grounds that it was not a total and comprehensive pro-life measure. They wanted perfection

and felt that it was immoral to support any Bill that fell short of this ideal. Thus did they ignore what the Pope has to say in *Evangelium Vitae* on this score. In the following passage John Paul II asks whether it is possible for legislators to vote in favour of a law that does not totally ban abortion. He answers that it is morally permissible to do so, so long as the law being voted on is an improvement on the one it is intended to replace.

> A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorised abortions, in place of a more permissive law already passed or ready to be voted on. Such cases are not infrequent. It is a fact that while in some parts of the world there continue to be campaigns to introduce laws favouring abortion, often supported by powerful international organisations, in other nations particularly those which have already experienced the bitter fruits of such permissive legislation there are growing signs of a rethink on this matter. In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a proper and legitimate attempt to limit its evil aspects (paragraph 73(3)).

Pro-life advocates critical of the government proposal took cognizance of this passage but found ways to rationalize it away. Some said that it referred to legislators only and so did not apply to voters. But this was plainly absurd, as during a constitutional referendum the voters are acting as legislators.

A more sophisticated argument was that the passage was not relevant to the proposal on the table, as the proposal was not a step in the right direction. Although it would remove the suicide exemption from the general ban on abortion, it would subtract from the existing protection given to the unborn by, in the belief of some, removing protection from the unborn before implantation. But as discussed, this reading was based on a terrible, and as it turned out, ill-fated misinterpretation of the proposal.

Meetings took place between the Pro-Life Campaign and representatives of Youth Defence, HLI (Ireland), as well as Dana, who had come out firmly against the Bill, to see if some compromise could be worked out. In reality, each side was trying to persuade the other of its point of view. The PLC firmly believed that what was on offer was a step in the right direction and that the Government was not going to offer anything better. Youth Defence and its allies were equally firmly of the conviction that what was on offer was actually a step backwards and that it was better to reject it and start again. It was a case of the immovable object meeting the irresistible force.

The debate raged back and forth in the letters pages and through the opinion columns of papers such as *The Irish Catholic*, but the positions had been taken.

Pro-life opponents of the Bill set about recruiting overseas pro-life groups. The main pro-life group in Britain, the Society for the Protection of Unborn Children, sent over money and personnel. In e-mails and mail-shots to pro-lifers in America and elsewhere, wild interpretations of the Bill were offered without any attempt to include the PLC side of the story. In fact, the PLC, the very backbone of the pro-life cause in Ireland for years, was often mercilessly traduced.

Some opponents of the Bill even turned up at the Vatican. At a meeting organised by the Pontifical Council for the Family, the head of the Council, Cardinal Alfonso Lopez Trujillo, was briefed about the Government Bill—that is to say, he was given a very distorted account of it. Based on this account, he was reported to have said at the meeting that he hoped the Irish bishops would do the right thing with regard to the proposal. This was taken to mean he wanted them to reject it.

The visits to the Vatican were attempts to outflank the Irish hierarchy because pro-life opponents of the Bill knew that the bishops were broadly in favour of it and intended to come out with a joint statement supporting it.

In this respect, their efforts were to no avail, because in December, two months after the Bill had been announced, the Irish bishops did indeed issue a statement supporting it. They basically took the line of the Pope in *Evangelium Vitae* arguing that while the proposal wasn't perfect, it was an improvement on what it was replacing and therefore Catholics could licitly support it. They also reiterated that Catholics were equally free to reject it if they could do so in good conscience.

The stance of the bishops did nothing to alter the stance of those opposed to the Bill for pro-life reasons. In effect, they took the attitude that either the bishops didn't know what they were talking about with respect to the proposal, or they were engaged in a terrible moral compromise for political purposes.

Logically, neither of these conclusions could necessarily be ruled out, but neither seemed plausible. Could it really be said, for example, that Cardinal Desmond Connell, Dublin's super-orthodox archbishop and a member of the Congregation for the Doctrine of the Faith, was misinterpreting the Bill, or was engaged in a moral compromise? Could this really be true of *all* the bishops, acting in concert?

The upshot of all these behind-the-scenes battles was that the pro-life movement entered the campaign proper badly split and wounded. The Pro-Life Campaign and its ally, Family & Life, had two battles on their hands: the first a civil war with other pro-life groups, the second the battle proper with the myriad pro-choice groups arrayed against them.

Unlike the pro-life side, the pro-abortion groups were as one. They had no doubt that from their point of view the Bill was a big step in the wrong direction. They didn't think it withdrew protection from unborn life pre-implantation, thereby formally legalising the already available MAP, or embryo research. To put it another way, a split pro-life movement faced a single-minded, unified and highly determined pro-abortion army, backed by all the opposition parties plus all the main media.

The miracle is that the referendum was so close—it was defeated by fewer than 10,000 votes. The tragedy is that it could have been handsomely won.

The pro-abortion opponents of the Bill ran a clever campaign that played very effectively on the fears of middle-ground voters, especially young women. Posters asked people not to abandon "raped, pregnant, suicidal" women. They put it about that the Bill, far from legalising the MAP, might actually ban it. They pointed out that under the Bill a woman found guilty of having had an abortion could be jailed for up to 12 years. That this might happen to a vulnerable woman struck many as appalling.

Try as the Pro-Life Campaign might, it could do little about the misinformation being spread about by opponents of the proposal, whether pro-life or pro-choice. It tried, for example, to point out that under the current law a woman found guilty of abortion faces a life sentence. It pointed out that no woman has been jailed for having an abortion in decades and that the penalty exists mainly to indicate disapproval of abortion, and that to remove it altogether would effectively legalise abortion.

It tried to point out to both the pro-life and pro-abortion opposition that the bill did not affect the status of the MAP one way or the other—that it was, in fact, silent on the issue.

All this and more it tried to point out, but everything it did was played down by the media, everything opponents of the Bill did was played up. It was like playing a football game in which the referee would blow the whistle on any perceived infringement of the rules by one side, and overlook the most glaring fouls of the other.

What I personally find most frustrating about the campaign, apart from the media bias and the pro-life split, was that the few times I was invited onto programmes, it was to debate against a pro-life opponent of the

proposal, rather than a pro-abortion opponent. I never dreamed when the Bill was launched in October that I would find myself in a TV studio in a prime time programme debating Dana, of all people, Ireland's one and only unapologetically Catholic politician. It was tragic.

In fact, Dana's stance proved to be decisive. In a close result, of course, any number of factors are decisive. Even the weather played a part. On the day of the vote poor weather in the conservative west of Ireland kept voters at home, while good weather on the more liberal east coast encouraged voters to come out.

But there can be little doubt that Dana was good for 40,000 or 50,000 votes. She may actually have been responsible for more than that, because anecdotal evidence suggests that many pro-life voters stayed at home because the differences between Dana and the bishops on this score simply left them confused and so they decided not to vote at all rather than make a mistake.

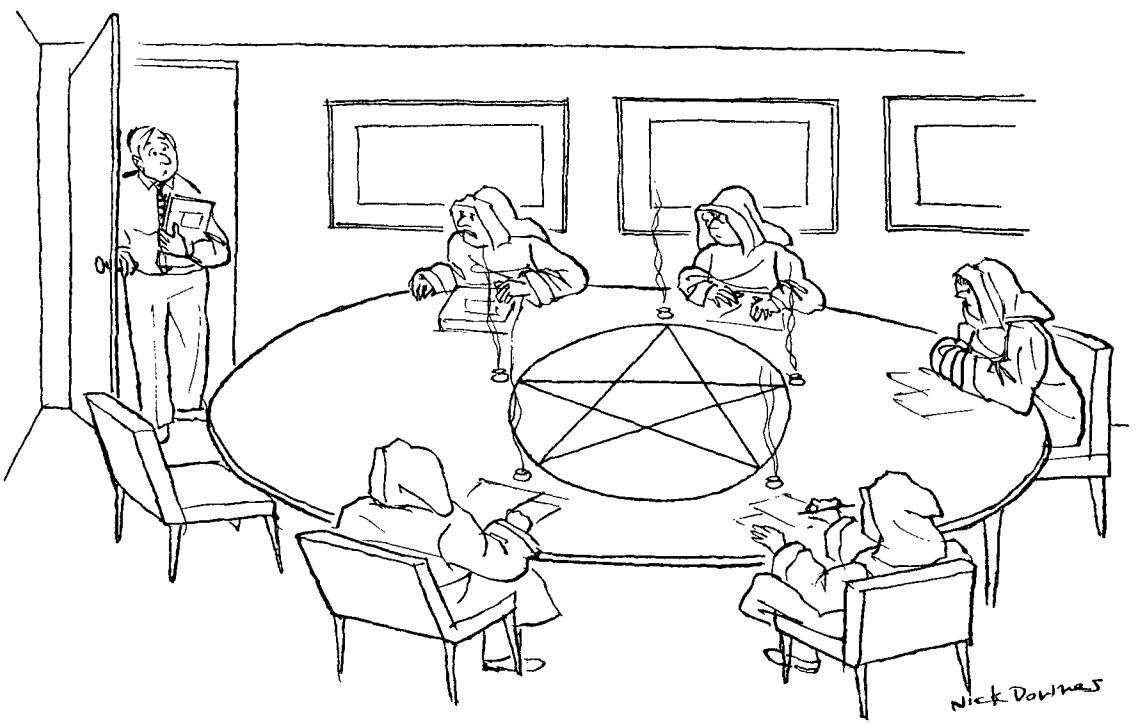
And so it happened that the pro-abortion side in Irish life was handed a momentous victory. From here on in it will prove almost impossible for the pro-life movement in Ireland to persuade a future Government to put another constitutional amendment intended to rescind the X-case to the people. From here on in every legislative and constitutional initiative will be in the hands of pro-abortion groups. For the foreseeable future, the pro-life side in Ireland will be engaged in desperate rear-guard actions as the pro-choice side moves to take advantage of the X-case judgement, to have it legislated for, and so give abortion a foothold.

The bid to reverse the X-case was undone in large part by an inability on the part of some pro-lifers to tell the difference between a political compromise and a moral compromise. Their quest for a perfect, all-encompassing pro-life law, something that is not politically achievable in the present climate, effectively meant their withdrawal from any kind of meaningful and practical engagement with the political process. Their opposition to those pro-lifers who tried to blend the politically possible with the morally acceptable only served to hand victory to the pro-abortionists.

The purpose of moral reasoning is precisely to find a course of action that is both moral and practically achievable. Moral reasoning is worse than useless if it detaches morality from practical action. When this happens it becomes a sort of moral self-indulgence, something designed to make you feel morally pure but whose only effect in the real world is to allow the enemies of the culture of life to dominate the worlds of politics and the law.

On March 7, the day of the count, the enemies of the culture of life cheered

their victory as the final result came in. They knew that the defeat of the Government proposal had brought much closer the day when abortions will take place in Ireland. What a pity those pro-lifers who opposed the amendment couldn't see that also. Instead they played right into the hands of their enemies. A disaster.



"The time has come, Mitchell, for you to decide whether you are a team player, or not."

"House Calls" for Death

Rita L. Marker

To all appearances, they seemed so ordinary. Other guests at the posh Atlantic Coast Hotel in Westport, County Mayo, recall Rosemary Toole[1] and her two male companions as three middle-aged people having a good time. They partied in the Harbour Master Bar for four hours before retiring to one of the hotel's 85 rooms for the night.[2]

"They were laughing and joking from the minute they came in. It was as if they knew each other very well. They ordered rounds of Jack Daniel's with Coke and seemed to be having a good old conversation," one hotel guest said. "The three of them got into the spirit of things and sang along. . . . Rose was tapping her feet, smiling and at one stage she did a little dance at the table on her way to the loo."[3]

Another hotel guest who observed the merry threesome as they sang and danced said, "It sends a shiver down my spine to think that it was her last night alive. I'm shocked now to think that she had planned everything and the two guys with her knew she was going to die."[4]

Two days later, Toole's body was discovered in an apartment in a wealthy Dublin neighborhood. Her head was covered with a plastic bag. Tubing led from the bag to a container of helium gas.

A search began for two West Virginia men, identified as George Exoo, a Unitarian minister, and his gay partner, Thomas McGurrin. They and Ireland's first known assisted suicide became international news.

A very, very lonely woman

Rosemary Toole had been married twice and was separated from her second husband. She had no children. According to her father, 91-year-old Owen Toole, she frequently talked to people from all around the world about suicide. In an e-mail message to a right-to-die list serve, she wrote that assisted suicide should be available for the mentally ill because "brain torture is worse than any physical torture."[5]

According to Libby Wilson, a retired doctor who heads the Scottish pro-euthanasia group called Friends at the End (FATE), Toole had been forced to give up her job at the Investment Bank of Ireland several months earlier because of severe depression.

Rita L. Marker, an attorney, is executive director of the International Task Force on Euthanasia and Assisted Suicide.

Toole had asked Wilson to help her commit suicide, but Wilson refused since her organization limits support of assisted suicide to those who are physically ill. Wilson was aware, however, that Toole had obtained a copy of the suicide manual, *Final Exit.* Furthermore, five days before Toole's death, Wilson knew of plans for the assisted suicide, but she did not inform anyone of Toole's impending death because she considered their phone conversations and e-mails to be confidential doctor-patient communication.

Asked why Toole, who had done so much research and certainly knew how to kill herself, was seeking help from others, Wilson said, "I think she was very, very lonely. She did not want to be alone."[6]

Time to go now

Toole paid all expenses for the men's trip, but she didn't meet Exoo and McGurrin in person until three days before her death, when she greeted them at the Dublin airport. However, she had been in contact with Exoo by phone and e-mail ever since they had been put in touch through a "concrete referral" from a woman Exoo described as "really well grounded."[7]

Toole rented a car at the airport. Then she and the men spent two leisurely days traveling through the Irish countryside, purportedly giving McGurrin the opportunity to get in touch with his ancestral roots in Westport, County Mayo. Their jaunt concluded with the night of partying at the Atlantic Coast Hotel.

It appears that the unhurried pace ended when they went from the hotel to the rented apartment that had been chosen to serve as the backdrop for Toole's death.

Exoo and McGurrin had brought equipment to use for the assisted suicide. Toole had obtained canisters of helium gas and drugs. "They were Irish pills and she had ground them up. She had tons of the stuff," Exoo said.[8]

The men acknowledge that they helped set up a mechanism that would cut off Toole's oxygen supply. In addition to setting up the suicide kit, they admit guiding her through five practice sessions with it, but they claim they only watched as Toole took pills with vodka and then placed a plastic bag over her head.

Exoo described the final moments during which Toole swallowed the crushed pills, covered her head with a plastic bag and breathed helium. "She had not a second's hesitation,"[9] he said. In other interviews, however, he acknowledged prodding her to get on with her death. During the process, Toole decided to pause to smoke a cigarette. Exoo saw this as a problem and told her, "OK, Rosemary, time to put the cigarette down, if you don't mind."[10]

She complied and the process continued.

(Exoo's admission that he told Toole to put out the cigarette and don the plastic bag could result in legal problems for him, as could his knowing provision of the equipment designed for assisted suicide. Section 2 of the

Irish Criminal Law [Suicide] Act 1983 states that anyone who "aids, abets, counsels or procures the suicide of another" is guilty of an offense punishable up to 14 years' imprisonment.)

After waiting for a short time to make certain that she was dead, Exoo and McGurrin returned the rental car to the Dublin airport and flew to Amsterdam—where they claim they received a message from Toole.

Roses from Rosemary?

According to Exoo, he and McGurrin received a "sign" from Toole while they were in Amsterdam. "We always ask people to give us a sign when they reach the other side successfully. And they come within 24 hours of the person passing. She said her sign would be a bunch of roses. The very next night we were walking down the street in Amsterdam, and a guy brushed by us and he was carrying four bunches of red roses. I think that's reasonable evidence."[11]

McGurrin corrected Exoo's recollection, saying it was "more like six" bunches of flowers.[12] He didn't say whether six bunches of flowers indicated a higher satisfaction score than a mere four would have.

In addition to the roses-from-Rosemary story, Exoo points to other reasons to illustrate that his actions were above reproach.

He sees no problem with the fact that she had been lonely and depressed. Asked if he felt that he was fully qualified to decide if Toole was of sound enough mind to choose her death, Exoo, who has no medical or psychological training, said, "Sure, I don't have any problems with that."[13]

He said, "Sometimes they say, 'I don't like the taste (of the pills),' and that's an indication of second thoughts; but she didn't have a moment's hesitation. She gulped that stuff down."[14]

In addition, he questioned her to make certain she was acting rationally. "I said to her, 'Are you really sure you want to do this? You're so cheerful.' She replied, 'Yes, I really have enjoyed these two days with you, but I will be miserable.' She had no doubt in her mind about her exit. She suffered from serious depression."[15]

He explains that many times he obtains medical records, but he doesn't always insist on it because most of the time a person's medical condition is obvious.[16] He admits that he has also assisted "a certain percentage of people who are younger, who have illnesses that are debilitating," but not life threatening, or individuals who have "multiple chemical sensitivities."[17]

He also said that, just before she died, Toole had a 45-minute phone conversation with a doctor from the United States who works with him. Without reviewing any medical records or even seeing Toole in person, the unnamed doctor assured Exoo that Toole was an appropriate candidate for assisted suicide.[18]

Exoo contends he should not be charged with any crime in connection with Toole's death.

Above the Law

Not long after his involvement in Toole's death had been confirmed, Exoo, speaking of himself, pompously declared, "If George has to go before the authorities in Ireland, he will go with a free and open conscience."[19]

But, as word reached him that Irish authorities and legal experts from the United States were actually building a case to extradite him, he said, "I don't think this matter will go any further. They won't arrest me. I'm American."[20] Reflecting further on the possibility that he could be brought to trial, he said any case against him would be "a very bad case to try, given the fact that I am first of all a clergyman, secondly that she called me there, and thirdly because her family approved in advance."[21] (Toole's father vehemently denies having approved his daughter's death. Referring to Exoo, Owen Toole said, "He's a bloody liar."[22])

Exoo also claims that he didn't know assisted suicide was illegal in Ireland.[23] And he makes another assertion as to why he should not be held legally accountable for Toole's death: "I am more responding to the laws of the heart and what I believe are the laws of God and the laws that invoke people to end suffering," he said.[24]

He told one reporter that he does generally try to follow the guidelines of what is legal in the United States[25] but that the law of the heart takes precedence. Of course, no state—not even Oregon—permits the activities in which Exoo has been engaged.

In fact, in many ways he bears strong similarities to Jack Kevorkian.

"You could call me the local Jack Kevorkian"

Exoo, like Kevorkian, seems to take personal delight in assisted suicide, calling it "a beautiful thing" which "becomes a very intense spiritual event." He has said, "In every instance I've been involved in, it's been an incredibly fine experience."[26]

Since being linked with Toole's death, Exoo has tried to emphasize his under-the-radar method of death delivery. "I'm not interested in being another Jack Kevorkian," he told a reporter.[27] However, he had previously been viewed as a little known Kevorkian wannabe who sought publicity where he could get it.

In 1997, then describing himself as the "Chaplain in Dying" for Hemlock of Western Pennsylvania and West Virginia, he told a Pittsburgh newspaper, "You could call me the local Jack Kevorkian if you want. I take that as a compliment."[28]

At that time, he was relying on Derek Humphry's book, *Final Exit*, and sometimes called Humphry for advice. If the preferred drugs weren't available, he said he would check the PDR (Physician's Desk Reference on prescription medications) and "look for things that say, 'Warning. Warning. This may be fatal when taken with alcohol.'"[29]

Since then, he has used various devices or veterinary drugs to assist deaths.[30] In 1999, Exoo was among the presenters at a select conference of right-to-die activists, assembled from around the world in Seattle, Washington. Participants at the "Self-Deliverance: New Technology Conference" shared inventions and devices intended to be so easy and effective to use that no government could stop suicide, assisted or unassisted. Exoo demonstrated the DeBreather, a device intended to prevent the panic reflex that occurs during suicide by asphyxiation.[31]

Like Jack Kevorkian, Exoo has claimed responsibility for more than 100 assisted suicide deaths. However, unlike Kevorkian, who fears flying and insisted that his victims travel to him, Exoo has traveled extensively to carry out assisted suicides. His death junkets—some of which have been to destinations in France, Singapore, Switzerland, and Italy[32]—are paid for by those who are soon-to-be-deceased. As he told the *London Times*, he will travel anywhere and guarantees that he won't "botch it."[33]

McGurrin says he accompanies Exoo on many of his suicide trips "because George needs a traveling companion. I worry about him because he falls asleep at the wheel."[34]

As was the case with Jack Kevorkian, Exoo had a sporadic career before hitting the headlines with his assisted suicide activities.

George of all trades

Fifty-nine-year-old George Exoo was born in Cleveland. He was raised a Methodist, graduated from Boston's Emerson College in 1964, earned a graduate degree from Harvard Divinity School, and studied toward a doctoral degree in music history at the University of California-Berkeley. After being ordained a Unitarian minister in 1973, he led congregations in South Carolina.[35]

While in South Carolina he received a grant to study how Interstate 26 rest areas were used for homosexual sex. He released his findings to pressure the state to install condom machines at the rest stops. Instead the information led to a police crackdown on rest-stop sexual activity.

In the wake of the controversy, Exoo left South Carolina to help establish a hospice at a Hare Krishna community in West Virginia. It was there that he met McGurrin, a Krishna monk. (McGurrin now identifies himself as a Buddhist Unitarian.)

The two moved to Pittsburgh where Exoo supported himself with income from the care of a disabled man and with his salary as WQED Radio's Church Man.[36] The pair now live in Beckley, a town of about 17,000 people located in the coal fields of southern West Virginia.

According to published reports, Exoo's main source of income is the $375 a month he receives from his 24-member Unitarian congregation and from money he receives from those whose deaths he assists through his "Compassionate Chaplaincy" organization. Exoo says his congregation also provides support for the work of Compassionate Chaplaincy.[37]

Compassionate Chaplaincy

Compassionate Chaplaincy, which operates out of Exoo and McGurrin's home, is a non-profit 501 (c) (3) organization whose materials bear the slogan, "We listen with the heart."[38] Its services, listed at the group's web site, include "Assurance of Success":

> Self-deliverers cringe at the prospect of botching the job. We all know the horror stories . . .
>
> The Chaplaincy offers unique client services to the dying. Chaplain, George Exoo, a Unitarian-Universalist minister for a quarter century—life Hemlock member—guides the incurably and terminally ill to the Other Side . . .
>
> Exoo makes house calls. Drawing on philosophical wisdom of the world's religions and the practical wisdom of Derek Humphry, he prepares people for death and stays with them as they self-deliver. Thus death becomes a serene, well-managed shift from this world to the next.[39]

The site makes it clear that clients are expected to provide travel expenses and makes a pitch for donations for the "work of the ministry."[40]

Compassionate Chaplaincy's promotional flyer asks, "Do you need help in dying well?" It also suggests to potential corpses, "If you would like to have personal and expert assistance in planning your death, *based on the most advanced 'how-to' information*, contact the COMPASSIONATE CHAPLAINCY by letter or phone." The ad notes that the organization provides house calls, gives "more than just 'tea and sympathy,'" and "provides a personal and honest consulting service that has no equal."[41]

In addition to listing Exoo as its chaplain, the business card for the group names McGurrin as its counselor.[42] However, the extent of his counseling services appears to be somewhat limited. He says that, while he does "meditate and get into a meditative state with clients," the counseling and praying is left to Exoo.[43]

Exoo's and McGurrin's futures, as well as that of Compassionate Chaplaincy, will depend upon a decision by Irish authorities.

Future Uncertain

In mid-March, the Irish police announced plans to travel to West Virginia to finalize their investigation of Exoo, a step that is necessary before making a decision about charging him. In spite of the fact that he has spoken extensively with the media, Exoo will not be so forthcoming with authorities. He said his attorney has advised him that, when the Irish police come to see him, he should invite them in for tea, tell them about the beautiful scenery in West Virginia—but not talk about the case.

As for continuing to assist suicides, Exoo plans to be more cautious. He fears he might be "set up" by someone and could get in trouble with the law, so he is considering lie detector tests for those who request his services to insure that "they are not plants." "It is horrible," he said, "but we might have to do that."[44]

The future of the assisted suicide debate in Ireland must also be considered. Exoo says, "I would hope what I have done raises questions in Ireland."[45] And it is possible that Toole's death has opened the door for consideration of assisted suicide and euthanasia in Ireland. Already Dan Neville, Fine Gael's deputy health spokesman, has called for such a debate.[46]

When Jack Kevorkian's actions became known, some dismissed him. They thought a bizarre misfit was irrelevant and that he would not have any impact on public policy. That mistake should not be made again.

NOTES

1. Toole's full name was Rosemary Elizabeth Toole Gilhooly, but she used the name Rosemary Toole.
2. Toole had rented the room earlier in the day at a cost of EUR 164 a person. When her body was discovered, the hotel receipt was found in her purse. (Damien Lane, "Rose's Last Night," *The Mirror*, February 5, 2002.)
3. *Ibid.*
4. *Ibid.*
5. Message from Rosemary Toole to right_to_die@efn.org, August 26, 2001.
6. Joe Humphreys, "Tragic choice of woman who most feared a failed suicide bid," *The Irish Times*, February 3, 2002.
7. Tara Tuckwiller, "Beckley minister sat with Irish woman during suicide," *Charleston Gazette Online*, February 2, 2002.
8. "Suicide helpers have no regrets," *Sunday Independent* (Ireland), February 3, 2002.
9. Kathy Donaghy, "I don't regret helping woman to die, says preacher," *Irish Independent*, February 6, 2002.
10. Henry MacDonald, "Rosemary, it's now time to go," *The Observer*, February 3, 2002.
11. *Ibid.*
12. Patrick Smith, "Minister says he gave 'spiritual direction' to suicide woman," *The Irish Times*, February 3, 2002.
13. *Supra* note 7.
14. *Supra* note 9.
15. *Supra* note 2.
16. Jennifer Bundy, "Police in Ireland Investigate His Role in Death of a 49-Year-Old Woman," *Pittsburgh Post-Gazette*, February 17, 2002.

17. *Supra* note 7.
18. "Minister defends role in Irish woman's suicide," *Charleston Gazette Online,* February 4, 2002.
19. *Supra* note 12.
20. John Breslin, "Evidence builds against suicide case minister," *Irish Examiner*, February 5, 2002.
21. "Exoo says any prosecution unlikely to succeed," *RTE News*, February 3, 2002 and *supra* note 3.
22. Mark Sage, "I did not approve suicide," *PA News*, February 4, 2002 and Caoimhe Young, "Dad: No suicide blessing," *The Mirror*, February 5, 2002.
23. "US pastor who helped Irish suicide says he followed 'laws of God,'" *Agence France Presse*, February 4, 2002. (Ignorance of the law is not a defense to the crime of assisted suicide. However, even if it were, his claim of ignorance is ludicrous. As a longtime Hemlock member and participant at right-to-die conferences he would be well aware of the fact that assisted suicide is illegal in Ireland.)
24. *Ibid.*
25. Jennifer Bundy, "Minister's companion likes to get to know those he helps to die," *Associated Press*, February 4, 2002.
26. Greg Stone, "Suicide Ruling Won't Change Public's Attitude, Minister Says," *Charleston Gazette*, June 27, 1997.
27. *Supra* note 25.
28. Sharon Voss, "Last rights: Providing help to those who end the suffering," *Pittsburgh Post-Gazette*, May 25, 1997.
29. *Ibid.*
30. Gay Alcorn, "The slow death of euthanasia," *The Age* (Melbourne, Australia), December 18, 1999.
31. Carol Ostrom, "Conference displays new devices in search for a way to die," *Seattle Times,* November 19, 1999.
32. Carol Ostrom, "Aided-suicide activists fed up," *Seattle Times*, May 20, 2001; Michael O'Farrell, "Right-to-die pair who advised on woman's suicide may never be charged over her death," *Irish Examiner*, February 4, 2002; *supra* note 25; Roland Watson and Daniel McGrory, "Web's minister of death 'beyond the law,'" *London Times*, February 18, 2002.
33. Roland Watson and Daniel McGrory, "web's Minister of death 'beyond the law,'" *London Times*, February 18, 2002.
34. *Supra* note 25.
35. The Unitarian-Universalist Association (UUA) stopped recommending him for ministerial positions in November 2001, although Exoo can still serve as a UUA minister. Exoo contends that the split occurred when the UUA wanted him to include a doctor on the board of Compassionate Chaplaincy. However, John Hurley, director of information for UUA in Boston said Exoo resigned because there were charges against him. "In light of those charges, he chose to resign," said Hurley, who would not reveal the nature of the charges nor whether they were of a civil or criminal nature. (Bev Davis, "Church officials: Exoo action not on their behalf," *The Register Herald* [Beckley, WV], February 8, 2002.)
36. As the "Church Man," Exoo evaluated church services, offering on-air critiques of music, architecture and sermons in area churches.
37. Jennifer Bundy, "Police in Ireland Investigate His Role in Death of a 49-Year-Old Woman," *Pittsburgh Post-Gazette*, February 17, 2002.
38. Slogan from business card, web site, and from "Heart Voices, the Newsletter of Compassionate Chaplaincy." On file with author.
39. Compassionate Chaplaincy web site (http://www.city-net.com/~compchap/) accessed April 26, 2001. The web site also describes Exoo as "the planet's only paid church critic" and claims that "Presbyterians, Episcopalians and Roman Catholics have hired him as a consultant on congregational growth." Since shortly after Toole's death the web site has been inaccessible.
40. *Ibid.*
41. Compassionate Chaplaincy promotion flyer, distributed in 2001, on file with author.
42. Compassionate Chaplaincy business card on file with author.
43. *Supra* note 25.
44. *Supra* note 33.
45. *Supra* note 25.
46. Alison Healy, "Fear voiced of copycat incidents," *The Irish Times*, February 1, 2002.

Cloning and the New Eugenics

Wesley J. Smith

It's ba-aack.

Eugenics, the ideology that seeks to improve humankind by manipulating our collective gene pool, is making a comeback. Not only is this pernicious utopianism regaining respectability, but with the advent of computers and recent breakthroughs in bioscience, a "new eugenics" would be far more robust and effective than the "old eugenics" ever was.

Eugenics originated with the English mathematician and statistician, Francis Galton. A cousin of Charles Darwin, Galton believed that heredity governed human talent and character just as it does eye coloration and facial features. In 1865 he proposed that society adopt the selective breeding techniques of animal husbandry as a means to improve society. He later coined the term eugenics, which means "good in birth," to identify the cause.

In its boom years of the 1920s and 1930s, eugenics developed into a very influential social and political movement in the United States, Canada, England, and Germany. In the U.S. alone, eugenics theory was taught in more than 350 American universities and appeared in more than 90 percent of high school biology textbooks. Eugenics societies were formed throughout the country and academic journals proliferated. Philanthropic foundations, such as the Rockefeller and Carnegie Foundations embraced the movement wholeheartedly, financing eugenics research and policy initiatives. Many of the political, cultural, and arts icons of the day—including Theodore Roosevelt, Winston Churchill, George Bernard Shaw, and Margaret Sanger—were proud eugenicists.

Eugenicists took two distinct approaches to implementing their theories. Believers in "positive eugenics" sought to persuade men and women possessing "worthy" traits to intermarry and procreate liberally in order to strengthen the human gene pool. (Four children per marriage was thought to be the minimum number necessary to maintain a given stock.) There were even prizes awarded to large families exhibiting the best eugenic traits.

Positive eugenics perniciously undermined human equality by claiming that some humans were inherently better than others. But its evil twin, "negative eugenics," was even worse. Believing that eugenic marriages would be insufficient to hold back the rising tide of "unfit" humanity, negative eugenics sought to prevent those with "undesirable" traits from procreating at all:

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Under the spell of eugenics, more than 30 states passed laws that resulted in 60,000 innocent Americans being forcibly sterilized. Matters were even worse in Germany: not only did the government sterilize hundreds of thousands of people, but the eugenics movement provided intellectual justification for the euthanasia Holocaust circa 1939-1945, during which German doctors murdered more than 250,000 disabled infants, children, and adults.

Horrified by the bloodshed and oppression, the West turned away from eugenics. Branded a "pseudo-science," eugenics was pronounced stone-cold dead—and good riddance to it.

But eugenics wasn't really dead; it was merely hibernating. Memories of the Holocaust faded and religious faith waned as reverence for naked science increased and researchers unlocked many of the mysteries of life at the molecular level. For many, the belief in the sanctity of human life became passé. These events reached into the eugenics grave and like the evil alien in Stephen King's *It*, the beast stretched, yawned, and began to stir.

The trouble started in the early 1970s: only thirty years after the euthanasia Holocaust killing genetically "unfit" babies once again became a topic of conversation among the bioethics elite and scientific intelligentsia. For example, Nobel Laureate James Watson, the co-discoverer of the DNA helix, declared in 1973, "No one should be thought of as alive until about three days after birth," adding that parents would then be "allowed the choice" to keep their baby or "allow" their child to die if his or her genetics did not pass muster. Similarly, in 1978 his research partner Francis Crick was quoted in media reports as opining "No newborn should be declared human until it has passed certain tests regarding its genetic endowment" and that "if it fails these tests it forfeits the right to life."

Such views, while still shocking in the 1970s, are perceived by many today as worthy topics of calm, respectful debate. Consider the example of Australian moral philosopher Peter Singer, who argues that an infant has no more right to live than a fish does because neither is a "person."

Singer is the world's best known advocate of infanticide. He justifies baby-killing as a way of increasing overall happiness in society. Knowing that he wouldn't get far calling for permission to kill "normal" infants—no matter how much unhappiness such infants might be perceived to cause—Singer cynically focuses his assault on the sanctity and equality of human life by promoting eugenic infanticide (my term) of disabled infants. For example, in his philosophy primer *Practical Ethics*, Singer wrote:

> When the death of a disabled infant will lead to the birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of the happy life for the first infant is outweighed by the

> gain of a happier life for the second. Therefore, if the killing of the hemophiliac infant has no adverse effect on others it would . . . be right to kill him. . . .

True, Singer and others of his ilk do not spout hatred from the rooftops about unfit masses overwhelming respectable folk, as their intellectual predecessors did in the past. Rather, they promote infanticide with passive prose as an impersonal utilitarian tool to reduce suffering. But that is just the same old evil in a different suit. It is intrinsically eugenic in that it assumes that some human lives have greater value than other human lives, and further, that we can deny some the right to life while preserving it for others. Illustrating how high the tide has already risen, Singer should be an intellectual outcast—but instead, he was rewarded for his views a few years ago by receiving from Princeton University a coveted tenured chair in bioethics.

As if this weren't worrisome enough, along comes human cloning. Human cloning is explosively controversial. Most agree that "reproductive cloning" (cloning to produce live-born infants) should be banned, at least for now. But we are currently arguing heatedly over whether cloning should be permitted for *research* purposes.

Usually, the cloning debate focuses on whether it is moral to create human clones, destroy them, and then harvest their embryonic stem cells for use in future medical therapies. Less discussed—but just as urgently in need of our attention—is the prospect that research cloning would open the door to *ultra eugenics*—the genetic redesign of our progeny. As pro-cloner Princeton biologist Lee M. Silver wrote in *Remaking Eden*, "Without cloning, genetic engineering is simply science fiction. But with cloning, genetic engineering moves into the realm of reality."

Here's why: To learn how to genetically engineer human life, scientists require a "control" human gene system upon which to experiment, using the same basic starting material again and again to test different techniques. (The control system would consist of many identical clone embryos created with DNA from the same donor.) Researchers would experiment on these embryos to learn which genes control which functions, how genes interact, and to develop modifying techniques to produce specified genetic alterations in a future baby's makeup. Should they succeed, scientists would be ready to present a genetically modified infant to the world as a *fait accompli* and ask: Shouldn't we drop "Luddite" bans and permit parents to endow their children with (in Silver's snake-in-the-garden phrase) a "special genetic gift" (like enhanced intelligence)? The next sound you'd hear would be the pistol shot starting the "Oklahoma land race" to ultra eugenics.

Of course, this is not to say that eugenics doesn't have a certain siren-song appeal. Eugenicists promote cloning as leading to cures for genetically-

based diseases. But there are moral approaches we can pursue toward achieving that deeply desired end. Moreover, the price for permitting eugenic cloning would be exorbitant. "Cloning," wrote Ian Wilmut and Keith Campbell, the creators of cloned-sheep Dolly, "will affect all aspects of human life—the things that people can do, the way we live, even, if we choose, *the kinds of people we are.* Those future technologies will offer our successors a *degree of control over life's processes that will come effectively to seem absolute.*" (My emphasis.)

Power tends to corrupt and absolute power corrupts absolutely. Not only would ultra eugenicists promote improved health but also the right of prospective parents to have so-called "designer babies" engineered and processed to obtain selected attributes, e.g., high I.Q.s, greater strength, superior athletic ability, lovelier faces, taller statures, etc. Indeed, in multiple books and articles, bioethicists already argue that parents should have an almost unlimited right to "enhance" their offspring through genetic engineering—a license that University of Texas bioethicist John A. Robertson, in a telling phrase, calls "the fabricator's procreative liberty."

What would this mean? In a world of ultra eugenics, simply being a human baby would no longer suffice. In order to compete, our offspring would have to be modified into hyper-humans, beings engineered to make them "better" than the unenhanced; in other words, the first members of a new master race. The new eugenics, it seems, is not much different from the old eugenics.

"Not true!" neo-eugenicists exclaim. The old eugenics led to despotism primarily because it was governmentally enforced, not because eugenics theory is wrong. The new eugenics, these advocates claim, would actually promote freedom because it would be a "*laissez faire*" system where "choice" and the marketplace ruled rather than government fiat.

Ignoring for the moment that there are already calls within bioethics for laws mandating genetic screening of fetuses, and assuming for the sake of argument that the government *would* keep its paws out of the new eugenics, the argument that "choice" would prevent oppression ignores a crucial truth about human culture: Peer pressure and social coercion have far more power to control our behavior than do the government and the law.

That being so, ultra eugenics would lead to social fascism and peer despotism. Ponder these points: Many parents intertwine their own egos with the successes or failures of their children. Considering the awful competitiveness exhibited by some soccer moms and dads, the phenomenon of the "stage mother," and the lengths to which some parents go to assure their children's enrollment in the best schools, imagine the competition that would develop

to produce the "best" genetically enhanced babies. Like some surrealistic game of keeping up with the Joneses, the race to breed ever more intelligent, beautiful, and talented children would grow progressively more extreme.

Professor Silver predicts as much in *Remaking Eden*, in which he forecasts the development of a neo-caste system that would eventually divide the human race between the betters with genetic enhancements—the "GenRich"—and inferior normal humans called "Naturals." Silver believes that the superior GenRich would ultimately gain control of "all aspects of the economy, the media, the entertainment industry, and the knowledge industry," while the inferior Naturals would be consigned to "low-paid service providers or working as laborers." If he is right, there would be far more slavery than freedom in such a society.

A remade Eden would also spark a negative eugenics pogrom against those deemed to possess inferior genes. When bioethics patriarch Joseph Fletcher looked into his crystal ball in the 1970s, he envisioned an era of genetic "quality control" in which "carriers" of "undesirable" genetic traits would be identified and oppressed. For example, he supported an idea first posited by Linus Pauling that genetic "carriers should wear a small tattoo on their foreheads as Indians wear caste marks." Along these same lines, one of the pioneers of in vitro fertilization, Dr. Bob Edwards, suggested in 1999 that "we are entering a world where we have to consider the quality of our children." He further suggested that in the future it will be a "sin" for parents "to have a child that carries the heavy burden of genetic disease."

Should such attitudes become widely shared—not an unlikely prospect, considering how successful old eugenicists were in popularizing their agenda—imagine the pressures on parents to prevent "inferior" babies from entering the world. And imagine the discrimination that could arise against those deemed genetically deficient who were born: shunning, denial of health insurance, lost educational opportunities, difficulty gaining meaningful employment, and perhaps even the chance to fall in love and marry.

As ultra eugenics accelerated, fewer and fewer "genetically inferior" humans would make it through gestation. Embryos are already eugenically selected for implantation or rejection at IVF clinics while expectant parents are often pressured to terminate pregnancies when prenatal testing discloses the presence of Down's or other genetic anomalies. The same fate would likely await embryos or fetuses found to have genetic predispositions to diseases such as breast cancer, Alzheimer's, and mental illness. Moreover, as our knowledge about the interaction of genes increased, unborn life found to possess non-health-related "undesirable" traits might also be rejected. These unfortunates might include those diagnosed as having a propensity toward

obesity, homely features, alcoholism or other addictive behaviors, homosexuality, undesirable stature, poor athletic ability, low intelligence, criminal or other anti-social behavior, etc.—the list could go on for pages.

Had such a world existed in years past, considering his destined deafness Beethoven might not have been allowed to be born. If Lincoln was bi-polar or had the genetic condition known as Marfan's syndrome, as some have speculated, he might well have been "selected out" in favor of an embryo likely to have a less troubled nature. For that matter, we might have lost Winston Churchill when his genetic screeners warned his parents that he would have a predisposition for alcoholism. Similarly, Julius Caesar might not have been born had his patrician father learned that his son would have epilepsy.

And think about the everyday people whose absences, due to genetic screening, would make our lives less full: The wise-cracking waitress with the club foot who makes Saturday morning breakfasts such a joy; the teacher whose students laugh behind her back at her speech impairment only to discover later that she changed their lives; the developmentally-disabled man whose loving nature makes him the community favorite; the wise grandparent who nurtured and mentored his grandchildren and then died too young of genetically-caused colon cancer.

Aldous Huxley wrote of his prophetic novel, "The theme of *Brave New World* is not the advancement of science as such; it is the advancement of science as it affects human individuals." Eugenics is evil because *its* self-evident truth holds that all men are *not* created equal. Such thinking objectifies the lives of disfavored individuals, leading with the force of gravity to a fundamentally unjust society. Should the new eugenics ever take hold, the dysfunction described in *Brave New World* will seem mild by comparison.

Lapse of Reason:

The Libertarians and Cloning

Ramesh Ponnuru

In November, the libertarian magazine *Reason* posted on its website defenses of human cloning by 38 "leading thinkers and commentators." The occasion was noteworthy for several reasons. One is that Virginia Postrel, the former editor of the magazine who organized the feature, assembled a truly impressive group. Writers included Nobel Prize-winning scientists, prominent bioethicists, political scientists, law professors, economists, and philosophers. The symposium provided a fair sampling of the best arguments for human cloning on offer.

Another reason to pay attention is that human cloning is quickly rising to the top of issues that divide libertarians from conservatives. To be sure, many supporters of cloning, including many of Postrel's contributors, are not libertarians. But many of the most articulate supporters are libertarians, and the issue has clearly become a priority for them. Postrel recently went so far as to write that much as she dislikes Tom Daschle, she hopes the Democrats keep the Senate this year because they're less hostile to cloning.

Both parties, reflecting public opinion, want to ban "reproductive cloning." But Democrats, more than Republicans, favor "therapeutic cloning." The distinction concerns not the cloning technique—the act of creating a human embryo would be the same in both categories—but the intention. In reproductive cloning, the cloned embryo would be intended to develop into a baby just as a normal embryo would. In therapeutic cloning, the cloned embryo would be used for medical research and treatment, and destroyed in the process.

The *Reason* symposiasts differ among themselves about whether reproductive cloning should be banned (some would ban it because it is currently unlikely to yield healthy children) and whether cloning research should be federally funded. But all of them, along with other writers affiliated with *Reason*, favor therapeutic cloning, and none of them seems opposed in principle to reproductive cloning. Their arguments overlap considerably. Those arguments also share characteristic flaws.

Hysteria About Hysteria

Before examining the merits of the case for therapeutic cloning, it's necessary to clear away some underbrush. Debaters on both sides of this debate,

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as in other debates, use loaded rhetoric and emotional appeals. In the case of the *Reason* symposiasts, much of this rhetoric is just silly— especially coming from people who present themselves as the party of, well, reason.

They liken a ban on therapeutic cloning to the persecution of Galileo, say it is "contrary to the ideals of American freedom and democracy," claim that it would lead to a "vindictive police state driven by anti-scientific agitators," and attribute support for it to a "fear of change." The memory of witch hunts and burnings at the stake for heresy is invoked. Michael Lind writes, "Like most Americans, I do not want to see the United States degenerate into a cross between Amish Pennsylvania and theocratic Iran." Harvey Silverglate imagines that a ban on cloning, like a ban on abortion, would violate the First Amendment's guarantees of freedom of religion and speech. He also writes that "as recently as the horrendous events in New York and Washington, we have come to see the inevitable result of intolerance of differences as to issues that touch the ultimate questions of human life and existence."

Several contributors also write, without a trace of irony, that *supporters* of a ban are guilty of "panic" and "unreserved hysteria."

Overheated rhetoric need not discredit the cause with which it is associated. Some of the rhetoric here, however, stems from an analytical failure: specifically, a failure to acknowledge that there are rational arguments against therapeutic cloning that demand refutation. In the comments quoted above, it is assumed that opponents of cloning are moved by religious sectarianism or psychological flaws. They are taken to have made no effort to reason about cloning, rather than merely to have reasoned mistakenly.

Public Reason: Its Use and Abuse

The assumption that there are no rational grounds for conservative moral views—or at least none that need consideration in public debates—has a fine pedigree. Whether or not they know it, the libertarians are echoing John Rawls, the most influential liberal political philosopher (which is of course to say the most influential political philosopher) of the last thirty years. Rawls argues that in a modern democracy, policies must be based on reasons that can in principle command universal assent rather than on personal interests, secret rationales, or sectarian religious dogmas.

Rawls's concept of "public reason" sounds fine in bare outline. But as he and his students elaborate it, it has a nasty tendency to rule conservative policies outside the realm of acceptable debate. They don't, in the first place, look very hard for conservatives' reasons. If large numbers of people prefer conservative policies but are unable to articulate suitable "public reasons" for them, their views are held to be sub-rational and therefore can't prevail.

If philosophers can articulate rational reasons for these policies but the average Joe can't understand their reasoning, those reasons are deemed insufficiently accessible to the public.

What is ignored here, as such critics of Rawlsian public reason as Robert P. George and Christopher Wolfe have observed, is the possibility that people can have inarticulate but genuine knowledge. They note that most people could not, if pressed, make an airtight case that murder is wrong. Yet their belief that it is wrong is perfectly rational and amounts to genuine knowledge.

Religious teaching, too, can reflect reason. Take the most influential religious opposition to abortion and therapeutic cloning, that of the Catholic Church. Whether or not its teaching is correct, it is based on premises that are in principle rational and accessible to non-Catholics: the premise that embryos are members of the human species, for example, not that they have souls. (Not only does the Church use these reasons to present its public case, they are in fact the reasons that guide the Church: It has never taken a position on whether embryos have souls.)

Rawlsian liberalism stacks the deck further by assuming that the default position is the liberal one; it's up to conservatives to make the case—which has to be simple enough to be public, yet compelling enough to be well reasoned—for departing from it. No wonder Rawls has pronounced that anti-abortion arguments do not meet the test of public reason. These arguments are inadmissible, even though a Rawlsian may generously concede that they may in some sense be true.

In the cloning debate, the libertarians are setting up standards that work just like public reason. Opposition to cloning is held to be based merely on subjective feelings of revulsion or on religious dogma, with no reasons to back them up. In the *Reason* symposium, philosopher of science Noretta Koertge argues that "we should pay attention to our moral intuitions, but only as data which should be subjected to philosophical analysis and complemented with empirical findings, not as the last word when the conclusions of rational argument do not validate our gut feelings." Koertge is right about that, so long as the possibility that the intuitions are correct is given more than lip service. The pro-cloners usually don't give it even that.

Harvey Silverglate's First Amendment fantasy, mentioned above, simply assumes that opposition to cloning and abortion must be based on non-rational religious views. His own side is composed of "rational people devoted to liberty." Ron Bailey, *Reason*'s science editor, has expressed similar thoughts, as when he approvingly quoted a bioethicist who attributes opposition to cloning to "nostalgia for the Inquisition."

The libertarians also make their opponents' case look less reasoned than it is simply by misstating it (probably innocently). The *Reason* symposium is characteristic of arguments for therapeutic cloning in its failure ever to describe accurately the case against it. In last year's debate over stem-cell research, Bailey misunderstood the pro-life position to be that stem cells are babies. The actual pro-life view is that the embryos from which the stem cells are taken are human beings; and that, since taking the stem cells destroys the embryos, the act is homicidal in the same sense as killing a baby.

Pro-cloning polemics frequently frame the debate in terms that obscure the point at issue. A cloning ban is said to be an attempt to "ban research," its supporters are said to fear knowledge, and it is opposed on that basis. It is, of course, true that a ban would bar certain types of research and could prevent certain knowledge from being discovered—but because the research to get the knowledge involves homicide, not because it is research. To adapt political scientist Kenneth Minogue's phrase, the ban would merely attach a "negative adverbial condition" to research: that it proceed non-homicidally.

The Nub of the Matter

Virginia Postrel does, at least, address the key issue in the debate over therapeutic cloning: What moral status do cloned human embryos have? Do they have any claims on us? (The right not to be destroyed would seem to be the smallest claim an entity could have.) Her take can be seen in an excerpt from a December *Wall Street Journal* op-ed piece:

> [The pro-life] view treats microscopic cells with no past or present consciousness, no organs or tissues, as people. A vocal minority of Americans, of course, do find compelling the argument that a fertilized egg is someone who deserves protection from harm. . . . But most Americans don't believe we should sacrifice the lives and well being of actual people to save cells. Human identity must rest on something more compelling than the right string of proteins in a petri dish, detectable only with high-tech equipment. We will never get a moral consensus that a single cell, or a clump of 100 cells, is a human being. That definition defies moral sense, rational argument, and several major religious traditions.

You can, perhaps, see the sketches of an argument here. Not, to my mind, a strong one. A morally significant fact, such as a being's having the ability to direct its own development, can always be redescribed in a way that hides its significance (e.g., "the right string of proteins"). From a certain perspective—a perspective that generally goes with support for the destruction of embryos, incidentally—all of us are big clumps of cells. We routinely use high-tech equipment to tell if someone has died or still has human identity.

What's most telling, however, is Postrel's nervous invocation of public opinion. She and her allies would never let public opinion dictate policy on

reproductive cloning, since the public is overwhelmingly against it. In that case, the public's position has to submit to rigorous philosophical probing that (allegedly) reveals it to be based on aesthetic revulsion, religious dogma, etc. (Postrel's presentation of public opinion on therapeutic cloning, while fair, is also questionable: Poll findings on the subject are very dependent on the wording of the question, suggesting that public opinion is still forming.)

But Postrel offers more of an argument than Michael Lind does in the *Reason* symposium. He writes, "Unlike fetuses in a later stage of development in the womb, rudimentary human embryos consisting of a few dozen or a few hundred cells that have not been implanted in a womb cannot plausibly be defined as human beings. People who see no distinction between blastocysts and babies, far from being exemplary moralists, show an incapacity to draw an elementary moral distinction that destroys their claims to be taken seriously as moral thinkers." Q.E.D. Lind, whose failings do not include a reluctance to spell out his views in detail, supplies no further argument. Co-contributor Elizabeth Whelan is also content to rest on assertion.

Jonathan Rauch, in a *National Journal* essay posted on *Reason*'s website, also tries to respond to the argument that embryos are human beings (though he slightly misstates that argument) and that no end, however noble, can justify their killing. "To a great extent," he writes, "one has to just take or leave this argument. One must look at a blastocyst . . . and decide how one feels about it. To me, this ball of cells is much more than a fingernail clipping, but it is also much less than a human being. Speaking of it as a person or near-person does not preserve the dignity of human life; it trivializes it." The relevant considerations then boil down to which is less distasteful, "farming embryos" or letting people die of diseases that farming embryos could help cure. He picks embryo-farming.

It's a handy form of argument. Let's apply it to another issue—say, gay marriage, for which Rauch is a thoughtful spokesman. An opponent could say to Rauch: "The case for gay marriage doesn't advance equality and the dignity of man; it trivializes it. One must look at gay couples and homosexual activity and decide what one feels about it. It sure doesn't look like marriage to me." The point is that Koertge was correct: Aesthetic impressions unbacked by philosophical reflection—just "looking at" something without thinking it through—are not enough in matters of moral consequence. Libertarians are keen to apply that idea, indeed in an extreme form, to the debate on reproductive cloning. They blithely throw it aside when it comes to therapeutic cloning. Insofar as their failure to engage their opponents' case makes it possible for them to do so, they are acting in accordance with

Rawlsian public reason. But they are failing any more reasonable definition of public reason.

The Argument from Disagreement

Libertarians have another tactic for avoiding actual engagement with the issues, and it too follows the Rawlsian playbook: the argument from disagreement. Bioethicist Ronald Green writes in the symposium, "The opponents [of cloning] are entitled to their views, but not all Americans share them. The real question is why their view of the moral status of this very early form of human life should trump others' equally sincere beliefs or health care needs." Ummm, how about because we're right and they're wrong? Libertarian feminist author Daphne Patai sounds the same note: "When politics or religion attempts to control science . . . we should all worry, for different political positions may find different research programs unsettling and how would we then resolve the ensuing conflicts?" How about by reasoning them through? The alternative is to say that the fact that A disagrees with B is a reason to compromise by taking A's position.

Molecular biologist Jeremy Peirce writes that "we have the right to determine our own actions and positions in matters of conscience like these, and binding a debatable opinion to a federal felony is inappropriate and foolish." Do we have this right? A formally identical right was asserted by slaveowners. The analogy is unfair only if slavery violated someone else's rights in a way that destroying human embryos does not—which is precisely the point at issue. The argument from disagreement is superfluous if Peirce is right to think that destroying embryos is no big deal, and it fails if he's wrong.

Biophysicist Gregory Stock, who heads UCLA's program on medical technology and society, makes a different version of the argument: Given that we have laws that seem not to treat embryos as living human beings worthy of protection (permissive abortion laws, laws that let in vitro fertilization clinics discard "surplus" human embryos), he asks, How can we ban therapeutic cloning?

If Stock means that no one can logically support both policies, he is wrong: It is possible to support legal abortion without denying that fetuses are living human beings. Their claims could be judged to be real, but trumped by the bodily integrity of the pregnant women. (There are good reasons for rejecting this judgment, but that's not the point here.) The Supreme Court is certainly capable of making this distinction, if that's what he is getting at: It views abortion in light of a putative right of women to decide whether to "bear or beget" children—obviously not at issue in therapeutic cloning—and it has cautioned against treating this and similar alleged rights at too

high a level of abstraction.

To the extent that there is genuine inconsistency between allowing abortion and outlawing therapeutic cloning, that is no reason for pro-lifers to abandon their opposition to both. The fact that several states have anti-sodomy laws on the books is no reason for gay-rights advocates not to push for legal protection from discrimination in those states. Both gay-rights and pro-life advocates can also, in good conscience, pick their battles. The fact that the premises behind a pro-life position (like opposition to therapeutic cloning) have unpopular implications for other issues (say, abortion) is not an argument against that position. Most supporters of abortion—Peter Singer famously excepted—aren't willing to fight for infanticide, although their argument plainly tends in that direction. Most supporters of therapeutic cloning aren't willing to fight for reproductive cloning just now, either. To say that for a policy to be legitimate a polity must for good reasons endorse it, the premises behind it, and all other policies to which the premises logically lead, is to set the bar high—higher even than Rawlsian public reason does, and far higher than is realistic for a polity composed of imperfect human beings.

Twin Spin

The people who openly argue for both types of cloning deserve credit for candor, but the arguments they're making create a problem for them. *Reproductive* cloning is said to be nothing to frighten us because a clone just makes a twin of whoever is being cloned. Libertarians appear to think this is a knockdown argument: "To my knowledge no one has argued that twins are immoral," Bailey writes. The destruction of embryos in *therapeutic* cloning, meanwhile, is said to be okay because the embryos are at such an early stage of development that twinning is still possible. Since the embryo could become two embryos, it's not an individual.

Both arguments from twinning are vulnerable to serious objection. But what's more important—although the libertarians are wholly oblivious to it—is that the arguments collide head-on. We're not supposed to worry about reproductive cloning because it just makes twins. But at the same time, it's okay to kill a human entity so long as it's possible for a twin to be derived from it. Since all of us can in theory be cloned at any age, and a clone is just like a twin, that seems to leave all of us without any ground to protest being killed. Which I, for one, resent.

Even without their twin arguments about twins, the libertarians can't come up with a defensible line of demarcation past which killing someone is wrong. If research that involved the killing of five-year-olds had the potential to

generate massive health benefits, why would it be wrong in principle to proceed? Most of the objections to a cloning ban that appeared in the symposium would apply with equal force to a ban on such research. The ban would "criminalize scientific research," override the individual consciences of scientists, and so "insult and demean" them. It would leave valuable knowledge unlearned. And—to mention another trope of the symposium—it would probably just lead to the research's moving to other countries where the kids would be treated even worse.

In a debate on National Review Online, Bailey admitted that he doesn't "claim to know precisely when human life begins"—i.e., at what point it becomes a no-no to kill human beings for their spare parts—but added that "it certainly begins well after the blastocyst stage of embryonic development." So it's definitely okay to kill a human being in the first two weeks of development. And afterward?

For a Pro-Life Libertarianism

The alternative view—the one I hold, as the reader will have guessed—is that conception, or the simulation thereof that is cloning, creates a new human being: a self-contained organism, not a part of another human being like a sperm or egg cell. This being is valuable simply because it is a human being and not because of any traits—sentience, hair, the ability to protect itself—that it happens to possess. (Technically, of course, the "it" is wrong here.) It is a person from the first moment, rather than a mere body that becomes inhabited by a person as it develops (which would imply an untenable person-body dualism). You were once an embryonic human person. To kill that embryonic person would have been to kill you—an unjust act then, as it would be now, and an act that should be illegal then as now, no matter what benefits might come from it.

Further, I suspect that whether life begins at conception would not even be a question if we did not have interests—e.g., a desire for medical breakthroughs or fear of the burdens of pregnancy and parenthood—in denying the proposition. If we had no incentives to kill an embryo (but had today's medical knowledge), I doubt we would question that it is wrong to do so.

Finally, I think everything I've written here is actually compatible with libertarianism. Libertarians believe, after all, that the purpose of government is to protect people from aggression. If cloned embryos are people, the state should protect them from being killed. Libertarianism furnishes no premises for deciding whether cloned embryos, or human embryos generally, are people. That's why there are libertarians in good standing—a minority, to be sure—who want abortion outlawed. They can oppose therapeutic cloning,

too. (It is true that these pro-life positions are incompatible with libertarianism if it is understood as a rule demanding state inaction in the presence of moral disagreement. But that rule is a plainly ridiculous foundation for libertarianism — try applying it to slavery.)

Opponents of a federal ban on therapeutic cloning make one final argument: Even if all the foregoing is correct, the Constitution doesn't give the federal government the power to ban it. As Notre Dame law professor Gerard Bradley testified before a House judiciary subcommittee, however, a ban aimed at preventing an interstate traffic in connection with human cloning is compatible with the last major statement on the commerce clause by the Supreme Court: the 1995 *Lopez* case, which tightened the limits on federal power. But a plausible case could be made that even the *Lopez* Court didn't set those limits tightly enough. The best constitutional warrant for a ban is the Fourteenth Amendment, which guarantees equal protection of the laws to all persons and gives Congress authority to enforce that guarantee. Under that amendment (which is not to be confused with judicial interpretations of it), Congress may decide that a ban on therapeutic cloning is required to protect one class of persons.

Up until now, I've concentrated on therapeutic rather than reproductive cloning. Therapeutic cloning is what's actually in contention in Congress. Both supporters and opponents of therapeutic cloning seem to agree that reproductive cloning is the worse of the two, so the debate centers on the former. But another reason for my emphasis is that I think, contrary to the prevailing assumption, that therapeutic cloning is *less* defensible than reproductive cloning, because the former involves the killing of a human being and the latter does not.

A federal ban on reproductive cloning raises trickier issues of morality, of political philosophy, and of constitutional interpretation than does a federal ban on therapeutic cloning. I lean toward a ban on reproductive cloning, although for reasons that may not be compatible with any sort of libertarianism.

Nick Gillespie, *Reason*'s current editor, recently wrote an interesting essay on libertarianism vs. conservatism in which he observed, in passing, that "*National Review* conservatism . . . seems to groan" at "every new development in genetic engineering." The charge is untrue: NR cheered the prospective benefits from cloning pigs in the last issue. *Reason* libertarianism does, unfortunately, celebrate every new development in biotechnology. Surely the task is to use reason to distinguish between welcome and unwelcome developments—the latter including those that involve violations of sound

moral principles. (Some of those violations are not at all new in type, like homicide.) Undoubtedly, biotechnology is going to raise a lot of questions in coming decades that are more difficult than whether to bring new human beings into the world in order to kill them for medical purposes. We are unlikely to be well guided through them by people who can't even get the easy questions right.

"Should I wear shorts or slacks?"

The Basics About Stem Cells

Maureen L. Condic

In August of last year, President Bush approved the use of federal funds to support research on a limited number of existing human embryonic stem cell lines. The decision met with notably mixed reactions. Proponents of embryonic stem cell research argue that restricting federal funding to a limited number of cell lines will hamper the progress of science, while those opposed insist that any use of cells derived from human embryos constitutes a significant breach of moral principles. It is clear that pressure to expand the limits established by the President will continue. It is equally clear that the ethical positions of those opposed to this research are unlikely to change.

Regrettably, much of the debate on this issue has taken place on emotional grounds, pitting the hope of curing heartrending medical conditions against the deeply held moral convictions of many Americans. Such arguments frequently ignore or mischaracterize the scientific facts. To arrive at an informed opinion on human embryonic stem cell research, it is important to have a clear understanding of precisely what embryonic stem cells are, whether embryonic stem cells are likely to be useful for medical treatments, and whether there are viable alternatives to the use of embryonic stem cells in scientific research.

Embryonic development is one of the most fascinating of all biological processes. A newly fertilized egg faces the daunting challenge of not only generating all of the tissues of the mature animal but organizing them into a functionally integrated whole. Generating a wide range of adult cell types is not an ability unique to embryos. Certain types of tumors called teratomas are extraordinarily adept at generating adult tissues, but unlike embryos, they do so without the benefit of an organizing principle or blueprint. Such tumors rapidly produce skin, bone, muscle, and even hair and teeth, all massed together in a chaotic lump of tissue. Many of the signals required to induce formation of specialized adult cells must be present in these tumors, but unlike embryos, tumors generate adult cell types in a hopelessly undirected manner.

If a developing embryo is not to end up a mass of disorganized tissues, it must do more than generate adult cell types. Embryos must orchestrate and

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choreograph an elaborate stage production that gives rise to a functional organism. They must direct intricate cell movements that bring together populations of cells only to separate them again, mold and shape organs through the birth of some cells and the death of others, and build ever more elaborate interacting systems while destroying others that serve only transient, embryonic functions. Throughout the ceaseless building, moving, and remodeling of embryonic development, new cells with unique characteristics are constantly being generated and integrated into the overall structure of the developing embryo. Science has only the most rudimentary understanding of the nature of the blueprint that orders embryonic development. Yet, recent research has begun to illuminate both how specific adult cells are made as well as the central role of stem cells in this process.

The term "stem cell" is a general one for any cell that has the ability to divide, generating two progeny (or "daughter cells"), one of which is destined to become something new and one of which replaces the original stem cell. In this sense, the term "stem" identifies these cells as the source or origin of other, more specialized cells. There are many stem cell populations in the body at different stages of development. For example, all of the cells of the brain arise from a neural stem cell population in which each cell produces one brain cell and another copy of itself every time it divides. The very earliest stem cells, the immediate descendants of the fertilized egg, are termed embryonic stem cells, to distinguish them from populations that arise later and can be found in specific tissues (such as neural stem cells). These early embryonic stem cells give rise to all the tissues in the body, and are therefore considered "totipotent" or capable of generating all things.

While the existence of early embryonic stem cells has been appreciated for some time, the potential medical applications of these cells have only recently become apparent. More than a dozen years ago, scientists discovered that if the normal connections between the early cellular progeny of the fertilized egg were disrupted, the cells would fall apart into a single cell suspension that could be maintained in culture. These dissociated cells (or embryonic stem cell "lines") continue to divide indefinitely in culture. A single stem cell line can produce enormous numbers of cells very rapidly. For example, one small flask of cells that is maximally expanded will generate a quantity of stem cells roughly equivalent in weight to the entire human population of the earth in less than sixty days. Yet despite their rapid proliferation, embryonic stem cells in culture lose the coordinated activity that distinguishes embryonic development from the growth of a teratoma. In fact, these early embryonic cells in culture initially appeared to be quite unremarkable: a pool of identical, relatively uninteresting cells.

First impressions, however, can be deceiving. It was rapidly discovered that dissociated early embryonic cells retain the ability to generate an astounding number of mature cell types in culture if they are provided with appropriate molecular signals. Discovering the signals that induce the formation of specific cell types has been an arduous task that is still ongoing. Determining the precise nature of the cells generated from embryonic stem cells has turned out to be a matter of considerable debate. It is not at all clear, for example, whether a cell that expresses some of the characteristics of a normal brain cell in culture is indeed "normal"—that is, if it is fully functional and capable of integrating into the architecture of the brain without exhibiting any undesirable properties (such as malignant growth). Nonetheless, tremendous excitement accompanied the discovery of dissociated cells' generative power, because it was widely believed that cultured embryonic stem cells would retain their totipotency and could therefore be induced to generate all of the mature cell types in the body. The totipotency of cultured embryonic stem cells has not been demonstrated and would, in fact, be difficult to prove. Nonetheless, because it is reasonable to assume embryonic stem cells in culture retain the totipotency they exhibit in embryos, this belief is held by many as an article of faith until proven otherwise.

Much of the debate surrounding embryonic stem cells has centered on the ethical and moral questions raised by the use of human embryos in medical research. In contrast to the widely divergent public opinions regarding this research, it is largely assumed that from the perspective of science there is little or no debate on the matter. The scientific merit of stem cell research is most commonly characterized as "indisputable" and the support of the scientific community as "unanimous." Nothing could be further from the truth. While the scientific advantages and potential medical application of embryonic stem cells have received considerable attention in the public media, the equally compelling scientific and medical *disadvantages* of transplanting embryonic stem cells or their derivatives into patients have been ignored.

There are at least three compelling scientific arguments against the use of embryonic stem cells as a treatment for disease and injury. First and foremost, there are profound immunological issues associated with putting cells derived from one human being into the body of another. The same compromises and complications associated with organ transplant hold true for embryonic stem cells. The rejection of transplanted cells and tissues can be slowed to some extent by a good "match" of the donor to the patient, but except in cases of identical twins (a perfect match), transplanted cells will eventually be targeted by the immune system for destruction. Stem cell trans-

plants, like organ transplants, would not buy you a "cure"; they would merely buy you time. In most cases, this time can only be purchased at the dire price of permanently suppressing the immune system.

The proposed solutions to the problem of immune rejection are either scientifically dubious, socially unacceptable, or both. Scientists have proposed large scale genetic engineering of embryonic stem cells to alter their immune characteristics and provide a better match for the patient. Such a manipulation would not be trivial; there is no current evidence that it can be accomplished at all, much less as a safe and routine procedure for every patient. The risk that genetic mutations would be introduced into embryonic stem cells by genetic engineering is quite real, and such mutations would be difficult to detect prior to transplant.

Alternatively, the use of "therapeutic cloning" has been proposed. In this scenario, the genetic information of the original stem cell would be replaced with that of the patient, producing an embryonic copy or "clone" of the patient. This human clone would then be grown as a source of stem cells for transplant. The best scientific information to date from animal cloning experiments indicates that such "therapeutic" clones are highly likely to be abnormal and would not give rise to healthy replacement tissue.

The final proposed resolution has been to generate a large bank of embryos for use in transplants. This would almost certainly involve the creation of human embryos with specific immune characteristics ("Wanted: sperm donor with AB+ blood type") to fill in the "holes" in our collection. Intentionally producing large numbers of human embryos solely for scientific and medical use is not an option most people would be willing to accept. The three proposed solutions to the immune problem are thus no solution at all.

The second scientific argument against the use of embryonic stem cells is based on what we know about embryology. In an opinion piece published in the *New York Times* ("The Alchemy of Stem Cell Research," July 15, 2001) a noted stem cell researcher, Dr. David Anderson, relates how a seemingly insignificant change in "a boring compound" that allows cells to stick to the petri dish proved to be critical for inducing stem cells to differentiate as neurons. There is good scientific reason to believe the experience Dr. Anderson describes is likely to be the norm rather than a frustrating exception. Many of the factors required for the correct differentiation of embryonic cells are not chemicals that can be readily "thrown into the bubbling cauldron of our petri dishes." Instead, they are structural or mechanical elements uniquely associated with the complex environment of the embryo.

Cells frequently require factors such as mechanical tension, large scale electric fields, or complex structural environments provided by their embryonic neighbors in order to activate appropriate genes and maintain normal gene-expression patterns. Fully reproducing these nonmolecular components of the embryonic environment in a petri dish is not within the current capability of experimental science, nor is it likely to be so in the near future. It is quite possible that even with "patience, dedication, and financing to support the work," we will never be able to replicate in a culture dish the nonmolecular factors required to get embryonic stem cells "to do what we want them to."

Failing to replicate the full range of normal developmental signals is likely to have disastrous consequences. Providing some but not all of the factors required for embryonic stem cell differentiation could readily generate cells that appear to be normal (based on the limited knowledge scientists have of what constitutes a "normal cell type") but are in fact quite abnormal. Transplanting incompletely differentiated cells runs the serious risk of introducing cells with abnormal properties into patients. This is of particular concern in light of the enormous tumor-forming potential of embryonic stem cells. If only one out of a million transplanted cells somehow failed to receive the correct signals for differentiation, patients could be given a small number of fully undifferentiated embryonic stem cells as part of a therapeutic treatment. Even in very small numbers, embryonic stem cells produce teratomas, rapid growing and frequently lethal tumors. (Indeed, formation of such tumors in animals is one of the scientific assays for the "multipotency" of embryonic stem cells.) No currently available level of quality control would be sufficient to guarantee that we could prevent this very real and horrific possibility.

The final argument against using human embryonic stem cells for research is based on sound scientific practice: we simply do not have sufficient evidence from animal studies to warrant a move to human experimentation. While there is considerable debate over the moral and legal status of early human embryos, this debate in no way constitutes a justification to step outside the normative practice of science and medicine that requires convincing and reproducible evidence from animal models prior to initiating experiments on (or, in this case, with) human beings. While the "potential promise" of embryonic stem cell research has been widely touted, the data supporting that promise is largely nonexistent.

To date there is *no* evidence that cells generated from embryonic stem cells can be safely transplanted back into adult animals to restore the function of damaged or diseased adult tissues. The level of scientific rigor that is normally applied (indeed, legally required) in the development of potential

medical treatments would have to be entirely ignored for experiments with human embryos to proceed. As our largely disappointing experience with gene therapy should remind us, many highly vaunted scientific techniques frequently fail to yield the promised results. Arbitrarily waiving the requirement for scientific evidence out of a naive faith in "promise" is neither good science nor a good use of public funds.

Despite the serious limitations to the potential usefulness of embryonic stem cells, the argument in favor of this research would be considerably stronger if there were no viable alternatives. This, however, is decidedly not the case. In the last few years, tremendous progress has been made in the field of adult stem cell research. Adult stem cells can be recovered by tissue biopsy from patients, grown in culture, and induced to differentiate into a wide range of mature cell types.

The scientific, ethical, and political advantages of using adult stem cells instead of embryonic ones are significant. Deriving cells from an adult patient's own tissues entirely circumvents the problem of immune rejection. Adult stem cells do not form teratomas. Therapeutic use of adult stem cells raises very few ethical issues and completely obviates the highly polarized and acrimonious political debate associated with the use of human embryos. The concern that cells derived from diseased patients may themselves be abnormal is largely unwarranted. Most human illnesses are caused by injury or by foreign agents (toxins, bacteria, viruses, etc.) that, if left untreated, would affect adult and embryonic stem cells equally. Even in the minority of cases where human illness is caused by genetic factors, the vast majority of such illnesses occur relatively late in the patient's life. The late onset of genetic diseases suggests such disorders would take years or even decades to reemerge in newly generated replacement cells.

In light of the compelling advantages of adult stem cells, what is the argument against their use? The first concern is a practical one: adult stem cells are more difficult than embryonic ones to grow in culture and may not be able to produce the very large numbers of cells required to treat large numbers of patients. This is a relatively trivial objection for at least two reasons. First, improving the proliferation rate of cells in culture is a technical problem that science is quite likely to solve in the future. Indeed, substantial progress has already been made towards increasing the rate of adult stem cell proliferation. Second, treating an individual patient using cells derived from his own tissue ("autologous transplant") would not require the large numbers of cells needed to treat large populations of patients. A slower rate of cell proliferation is unlikely to prevent adult stem cells from generating sufficient replacement tissue for the treatment of a single patient.

The more serious concern is that scientists don't yet know how many mature cell types can be generated from a single adult stem cell population. Dr. Anderson notes, "Some experiments suggest these [adult] stem cells have the potential to make mid-career switches, given the right environment, but in most cases this is far from conclusive." This bothersome limitation is not unique to adult stem cells. Dr. Anderson goes on to illustrate that in most cases the evidence suggesting scientists can induce embryonic stem cells to follow a specific career path is equally far from conclusive. In theory, embryonic stem cells appear to be a more attractive option because they are clearly capable (in an embryonic environment) of generating all the tissues of the human body. In practice, however, it is extraordinarily difficult to get stem cells *of any age* "to do what you want them to" in culture.

There are two important counterarguments to the assertion that the therapeutic potential of adult stem cells is less than that of embryonic stem cells because adult cells are "restricted" and therefore unable to generate the full range of mature cell types. First, it is not clear at this point whether adult stem cells *are* more restricted than their embryonic counterparts. It is important to bear in mind that the field of adult stem cell research is not nearly as advanced as the field of embryonic stem cell research. Scientists have been working on embryonic stem cells for more than a decade, whereas adult stem cells have only been described within the last few years. With few exceptions, adult stem cell research has demonstrated equal or greater promise than embryonic stem cell research at a comparable stage of investigation. Further research may very well prove that it is just as easy to teach an old dog new tricks as it is to train a willful puppy. This would not eliminate the very real problems associated with teaching *any* dog to do *anything* useful, but it would remove the justification for "age discrimination" in the realm of stem cells.

The second counterargument is even more fundamental. *Even if* adult stem cells are unable to generate the full spectrum of cell types found in the body, this very fact may turn out to be a strong scientific and medical advantage. The process of embryonic development is a continuous trade-off between potential and specialization. Embryonic stem cells have the potential to become anything, but are specialized at nothing. For an embryonic cell to specialize, it must make choices that progressively restrict what it can become. The greater the number of steps required to achieve specialization, the greater the scientific challenge it is to reproduce those steps in culture. Our current understanding of embryology is nowhere near advanced enough for scientists to know with confidence that we have gotten all the steps down correctly. If

adult stem cells prove to have restricted rather than unlimited potential, this would indicate that adult stem cells have proceeded at least part way towards their final state, thereby reducing the number of steps scientists are required to replicate in culture. The fact that adult stem cell development has been directed by nature rather than by scientists greatly increases our confidence in the normalcy of the cells being generated.

There may well be multiple adult stem cell populations, each capable of forming a different subset of adult tissues, but no one population capable of forming everything. This limitation would make certain scientific enterprises considerably less convenient. However, such a restriction in "developmental potential" would not limit the *therapeutic potential* of adult stem cells for treatment of disease and injury. Patients rarely go to the doctor needing a full body replacement. If a patient with heart disease can be cured using adult cardiac stem cells, the fact that these "heart-restricted" stem cells do not generate kidneys is not a problem for the patient.

The field of stem cell research holds out considerable promise for the treatment of disease and injury, but this promise is not unlimited. There are real, possibly insurmountable, scientific challenges to the use of embryonic stem cells as a medical treatment for disease and injury. In contrast, adult stem cell research holds out nearly equal promise while circumventing the enormous social, ethical, and political issues raised by the use of human embryos for research. There is clearly much work that needs to be done before stem cells of any age can be used as a medical treatment. It seems only practical to put our resources into the approach that is most likely to be successful in the long run. In light of the serious problems associated with embryonic stem cells and the relatively unfettered promise of adult stem cells, there is no compelling scientific argument for the public support of research on human embryos.

APPENDIX A

[*Charles Krauthammer, a former practicing psychiatrist, is a writer and syndicted columnist. He is also a member of the President's Council on Bioethics. The following appeared on May 10, 2002.* ©*2002* The Washington Post. *Reprinted with permission.*]

Research Cloning? No.

Charles Krauthammer

Proponents of research cloning would love to turn the cloning debate into a Scopes monkey trial, a struggle between religion and science. It is not.

Many do oppose research cloning because of deeply held beliefs that destroying a human embryo at any stage violates the sanctity of human life. I respect that view, but I do not share it. I have no theology. I do not believe that personhood begins at conception. I support stem cell research. But I oppose research cloning.

It does no good to change the nomenclature. The Harry and Louise ad asks, "Is it cloning?" and answers, "No, it uses an unfertilized egg and a skin cell."

But fusing (the nucleus of) a "somatic" cell (such as skin) with an enucleated egg cell is precisely how you clone. That is how Dolly the sheep was created (with the cell taken not from the skin but from the udder). And that is how pig, goat, cow, mouse, cat and rabbit clones are created.

The scientists pushing this research go Harry and Louise one better. They want to substitute the beautifully sterile, high-tech sounding term SCNT—"somatic cell nuclear transfer"—for cloning. Indeed, the nucleus of a somatic cell is transferred into an egg cell to produce a clone. But to say that is not cloning is like saying: "No, that is not sex. It is just penile vaginal intromission." Describing the technique does not change the nature of the enterprise.

Cloning it is. And it is research cloning rather than reproductive cloning because the intention is not to produce a cloned child but to grow the embryo long enough to dismember it for its useful scientific parts.

And that is where the secularists have their objection. What makes research cloning different from stem cell research—what pushes us over a moral frontier—is that for the first time it sanctions the creation of a human embryo for the sole purpose of using it for its parts. Indeed, it will sanction the creation of an entire industry of embryo manufacture whose explicit purpose is not creation of children but dismemberment for research.

It is the ultimate commodification of the human embryo. And it is a bridge too far. Reducing the human embryo to nothing more than a manufactured thing sets a fearsome desensitizing precedent that jeopardizes all the other ethical barriers we have constructed around embryonic research.

This is not just my view. This was the view just months ago of those who, like me, supported federally funded stem cell research.

The clinching argument then was this: Look, we are simply trying to bring some good from embryos that would otherwise be discarded in IVF clinics. This is no slippery slope. We are going to put all kinds of safeguards around stem cell

research. We are not about to start creating human embryos for such research. No way.

Thus when Sens. Tom Harkin and Arlen Specter were pushing legislation promoting stem cell research in 2000, they stipulated that "the stem cells used by scientists can only be derived from spare embryos that would otherwise be discarded by in vitro fertilization clinics." Lest there be any ambiguity, they added: "Under our legislation, strict federal guidelines would ensure [that] no human embryos will be created for research purposes."

Yet two years later, Harkin and Specter are two of the most enthusiastic Senate proponents of creating cloned human embryos for research purposes.

In testimony less than 10 months ago, Sen. Orrin Hatch found "extremely troubling" the just-reported work of the Jones Institute, "which is creating embryos in order to conduct stem cell research."

The stem cell legislation Hatch was then supporting—with its "federal funding with strict research guidelines," he assured us—was needed precisely to prevent such "extremely troubling" procedures.

That was then. Hatch has just come out for research cloning whose entire purpose is "creating embryos in order to conduct stem cell research."

Yesterday it was yes to stem cells with solemn assurances that there would be no embryo manufacture. Today we are told: Forget what we said about embryo manufacture; we now solemnly pledge that we will experiment on only the tiniest cloned embryo, and never grow it—and use it—beyond that early "blastocyst" stage.

What confidence can one possibly have in these new assurances? This is not a slide down the slippery slope. This is downhill skiing. And the way to stop it is to draw the line right now at the embryo manufacture that is cloning —not just because that line is right, but because the very notion of drawing lines is at stake.

APPENDIX B

[*Dr. David van Gend is Queensland (Australia) secretary of the World Federation of Doctors Who Respect Human Life. The following first appeared in the* Courier Mail, *April 9, 2002, and is reprinted with permission.*]

Keep Stem Cells Adult-only

David van Gend

The stem cell debate needs to get over its fixation with embryonic cells, which remain both useless and dangerous, and focus on the dramatic but safe achievements using these precious stem cells from our own "adult" tissue, and from the afterbirth of babies.

So far we have had "a factually undernourished, immature debate" according to Christopher Pearson in the Age (1/4), referring to the astonishing ignorance of politicians, journalists, and therefore the public, concerning stem cell therapies. The one essential fact—that we can harness the magnificent power of stem cells without ever destroying human embryos—has so far been successfully buried under a heap of embryonic hype.

Credit for thus keeping the public "factually undernourished and immature" must go to the "well-orchestrated lobbying campaign" by the IVF embryo industry, noted in the *Australian Financial Review*. The embryo researchers, whose four or five spokesman appear invariably in every news item on stem cells, understandably emphasise embryonic sources of stem cells rather than adult sources. Embryos are their chosen field; if embryonic research is sidelined, they are sidelined.

As a result of this professional lobbying and media work, the Premiers and the public have come to think that embryos are the only game in town when it comes to stem cells and those cures for terrible afflictions like Parkinson's and spinal paralysis. That is completely false.

We will send the Premiers a list of several dozen medical reports of dramatic new human therapies and cures using adult and placental stem cells, if they would care to fax us back a list of embryonic therapies and cures. Their sheet will be completely blank. There is not, contrary to public illusion, a single therapy using embryonic stem cells, while stem cells from these other uncontroversial sources are rapidly being applied to a wide range of previously incurable conditions.

The most recent medical example—and a fine example of the trickle down effect of an ignorant media keeping us all stupid—was young Rhys Evans, a British toddler with "bubble boy" immune deficiency. On Friday night, immediately after reporting the COAG agreement to allow embryo research for stem cells, Australian television networks reported Rhys's cure using genetically modified stem cells. The illusion was created that this was a breakthrough for embryonic stem cells, but of course they were his own non-embryonic marrow stem cells.

Half a dozen other children with severe immune deficiency have been fixed with adult stem cells. A child last year in Singapore with thalassemia was cured

using stem cells from another baby's placental blood. Several blind Taiwanese men were likewise reported cured last year using stem cells from their cornea. French and German trials last year were successful using adult stem cells to repair heart muscle after heart attack. An American woman with a severed spine has now regained at least the movement in her feet and control of her bladder after treatment with her own adult stem cells. All this achieved ethically without ever destroying or cloning a single embryo.

None of our leaders seems to be aware of the successful use of adult stem cells in a range of cancer therapies, or of further promising trials in juvenile diabetes, Parkinson's, MS and other immune disorders—including a "phenomenal" response in a Chicago trial for Crohn's disease last August reported at *stemcellresearch.org*.

This explosion of genuine treatments using adult and placental stem cells will leave the whole fanciful, unethical, and dangerous world of embryonic exploitation in the dust.

Fanciful, because as embryo researcher Professor Martin Pera of Monash conceded in Saturday's *Courier-Mail*, "there were no guarantees the experimental technology would progress beyond the lab."

Unethical, because each embryo is a unique, dynamic human existence with its own genetic identity and destiny, part of the human family, not mere frozen meat.

Dangerous, because the only clinical achievement of embryonic stem cells has been to produce tumours of teeth and hair in the brains of animals and of a Chinese woman suffering Parkinson's disease. No wonder the editor of the journal *Stem Cell* cautioned last September, "it will be necessary to thoroughly investigate the malignant potential of embryonic stem cells".

By contrast, *Newscientist.com* on January 27th reported "Ultimate Stem Cell Discovered"—an adult bone marrow stem cell which matches the versatility of embryonic stem cells without the malignant potential. These are the magic bullets of medicine in the years ahead, and they are from our own body, not from embryos.

What then to do with the frozen generation of IVF embryos, these abstracted and abandoned offspring in their cold metal womb? There is no good outcome. Either they are thawed out as expired meat, which is a gross offence, or they are reheated as food for science, which is a more complex violation.

The former scenario demands that IVF companies in future be prohibited from the offence of creating surplus embryos, along the lines of the Norfolk Clinic which will only conceive embryos that are to be implanted. The latter "reheating" scenario is the greater of the two evils, because it establishes the principle that human embryos can be consumed as raw material for research—with COAG allowing for any research, not just for stem cells—and it creates an ongoing market for this product. And embryo research is the necessary first step into embryo cloning and the whole eugenic project of "child as consumer product", not fellow human traveller.

Pandora's box can still be bolted down again. When it comes to a conscience vote in State Parliament on embryo experimentation, a better informed conscience may now acknowledge that COAG acted in blissful ignorance, and in light of adult stem cell advances there is no compelling reason to lay the foundations of a dehumanising industry—today stem cells, tomorrow cloning—around our tragically "surplus" embryos.

"Have I called at a bad time?"

APPENDIX C

[*Wesley J. Smith, a frequent* Review *contributor, is the author of* Culture of Death: The Assault on Medical Ethics in America (Encounter Books). *The following three essays appeared on* National Review Online *(www. nationalreview.com) January 14, January 31, and April 23, 2002, and are reprinted with permission.*]

Close the Door on Cloning

Wesley J. Smith

There's an old saw about a man whose wife comes home unexpectedly and finds him in bed with his naked mistress. "Who is that woman?" the outraged wife demands. The man, a surprised and innocent look on his face, says: "Woman? What woman?"

Cloning apologists remind me of that philandering husband. Their opponents point out that a cloned human embryo is a human life, and the cloners reply with: "Human life? What human life?"

Unfortunately, it seems to be working, as the media and nervous politicians continue parroting the line that a human-clone embryo is not really human.

The biotech industry has nothing to lose and everything to gain from this. Hoping to make vast fortunes from patented "products" derived from the destruction of embryonic life, Big Biotech is counting on being able to create an unlimited supply of human clones. Their problem: The American people believe there is something inherently valuable about human life. Cloning sheep and other animals is one thing — but cloning humans, that's different.

The House of Representatives has already passed a strong ban. President Bush strongly supports outlawing human cloning and is guaranteed to sign legislation as soon as it reaches his desk. The only task remaining before cloning humans becomes illegal is passage of the ban by the United States Senate.

Pushed into a corner, pro-cloners responded by mounting an intense public-relations and lobbying campaign aimed at thwarting passage of S-790, the Senate counterpart to the House anti-cloning bill. The cloners' approach: Agree to outlaw "reproductive" cloning (that is, implanting a clone into a womb for purposes of gestation and birth) — but allow so-called "therapeutic" cloning (cloning used for research, that culminates in the death of the clone) to proceed unhindered.

But such a policy would open the door to the unlimited cloning of human life— because the act of cloning does not occur at birth. A clone is created when the nucleus is removed from a human egg and implanted with genetic material taken from the person being cloned. The egg is then stimulated and reacts as if it had been fertilized. *Once this occurs, the act of cloning is complete.* After that, it's only a matter of what's done to the human life that has been created: research which destroys it (therapeutic cloning) or implantation in a womb (reproductive cloning).

And here's where the cloning advocates get disingenuous. In order to allay Americans' disgust toward human cloning, Big Biotech argues that a human

embryo created by cloning isn't really a human life. Embryology textbooks, however, will beg to differ. The science of the matter is that once embryonic development commences, a separate and distinct human life exits. For the first eight weeks of its life, it is known as an embryo. Thereafter, until birth, it is called a fetus.

In either category, the developing life is an individual, self-contained form of human life with its own genetic makeup and gender. Given sufficient time, healthy genes, and the right environment in which to gestate, it will result in the birth of a human baby. But—whether or not the embryo is ever born—scientifically, it is a human life from the beginning of its existence as a distinct organism.

But that truth hinders the cloning agenda. So, advocates have mounted a campaign to redefine words. The following are just a few of their rhetorical gambits.

The myth of the "pre-embryo." One of the most pervasive arguments made by promoters of human cloning—as well as those defending embryonic stem cell research (ESCR)—is that embryos younger than two weeks' development are really "pre-embryos." There's just one problem with that assertion: There is no such thing as a pre-embryo.

Don't take my word for it. Princeton biologist and cloning enthusiast Lee M. Silver admitted in *Remaking Eden* that the term pre-embryo has "been embraced wholeheartedly . . . for reasons that are political, not scientific." He further states that the term "is useful in the political arena—where decisions are made about whether to allow early embryo (now pre-embryo) experimentation . . ." Or we can turn to basic embryology. The authors of the textbook *Human Embryology & Teratology* have refused to recognize the existence of a "pre-embryo" because: (1) it is ill-defined; (2) it is inaccurate; (3) it is unjustified, because the accepted meaning of the word embryo includes all of the first 8 weeks; (4) it is equivocal, because it may convey the erroneous idea that a new human organism is formed at only some considerable time after fertilization; and (5) it was introduced in 1986 "largely for public policy reasons."

The clone embryo is merely a collection of dividing cells. A more recent attempt to strip the clone of its humanity claims that the embryo clone is nothing more than dividing somatic cells that are no different, in kind or nature, than the cells you lose every day in your shower. Pro-cloner Alan Russell, executive director of the Pittsburgh Tissue Engineering Initiative, wrote in a recent opinion column in the *Pittsburgh Post-Gazette*:

> All cells contain DNA, which gives them the ability to reproduce. But cloners have discovered that if one removes the DNA from mom's egg cell (producing an empty cell) and replaces it with her daughter's DNA, the newly produced cell can survive . . . We then have in our hands a fresh cell which from now on will look like her daughter's cell . . . In a dish, technology will exist to take that cell and simply convince it to multiply—clone itself . . . The process is called cloning because the new cell created in the laboratory has the ability to copy itself again and again before turning itself into the liver cell that your loved one so desperately needs.

If there were an Academy Award for disingenuousness in advocacy, Russell

would be a shoe-in. First, the entity is not called a clone because its cells divide. If that were true, all cells would be clones—since all cells replace themselves through cellular division.

Second, a clone is so named because the cloned entity is virtually identical, genetically, to the provider of the genetic material used to replace the nucleus of the egg. (I say "virtually" because a minute amount of genetic material from the egg becomes part of the genetic makeup of the new cloned entity.)

Third, while it's true that replacing the egg nucleus with the DNA of the cloned person is the primary technique used to clone in the laboratory, this genetic transfer is not all that happens. As stated earlier, the cloner must next stimulate the genetically modified egg to grow in the same fashion as it would had it been fertilized. Thus, just as Dolly the cloned sheep is not its mother, so a cloned human embryo is not merely a somatic cell line derived from the person who was cloned; it is a separate and distinct living entity.

Finally, the "new cell" does not "copy itself again and again" until, as if by magic, it suddenly becomes various body tissues. Rather, if the cloned embryo survived long enough he or she would go through exactly the same stages of development as any other baby—from an embryo, to a fetus, to birth. Indeed, as the clone embryo nears two weeks' development, its makeup has changed dramatically from what existed at the single-cell stage. Like its naturally created counterpart, he or she would now be made up primarily of undifferentiated stem cells, which would, given the time to develop, become all of the tissues of the body—such as, for instance, the liver tissue referenced by Russell. It is these stem cells that are the current targets of the biotech industry.

"If it has the ability to twin, it isn't human." Some cloning supporters claim that an embryo isn't really human life until it can no longer become an identical twin. The idea seems to be that until the time in embryonic development when identical twinning cannot occur, the embryo isn't really a human individual. Since human research clones would be destroyed prior to that time, destroying the clone would not actually take a human life.

The argument is ridiculous. Naturally occurring identical twins originate from the same fertilized egg. (Fraternal twins develop from different fertilized eggs.) Twinning occurs early in gestation when the single embryo splits into two identical embryos—a natural form of cloning. These identical embryos are now siblings.

Before twinning, an embryo—whether naturally conceived or cloned—is an individual, self-contained embryonic human life with a gender and an individual genetic makeup. After identical twinning, there are now two individual, self-contained human lives, each having an identical gender and genetic makeup. In other words, there are now two human lives instead of one. *However, even though they appear to be identical genetically, each life is unique.* (For example, should the twins ever be born, each would have different fingerprints.)

Advocates of the Brave New World Order know that, in the cloning debate, we

confront the most fundamental issue possible: Does individual human life have inherent value simply and merely because it is human? They also know that if the answer is yes, we will ban human cloning as an immoral and unethical objectification of human life.

(This would not mean abandoning medical research into the potential of human cellular therapies. To the contrary, by dropping our pursuit of cloning and ESCR, all our resources and energies could be aggressively applied to pursuing adult/alternative stem-cell therapies that offer the potential benefits of ESCR—without degrading the value of some human life to that of cattle herds or timber forests.)

But if Big Biotech and its apologists are able to convince the public that the answer is no—if they succeed in excluding embryos from our common humanity in order to justify harvesting their parts—*the value of human life itself* will be transformed from an objective good into a matter of mere opinion. That, in turn, would lead us to create subjective criteria by which to judge which humans have lives that are sacrosanct, and which do not.

And, it turns out, this is exactly what the modern bioethics movement is already doing. According to "personhood theory," being a part of the human community is not what matters. What counts is being part of the "moral community." Those who belong are "persons," a status gained—whether by a human or an animal—by possessing certain cognitive abilities, such as being self-aware over time. Those who do not belong are "non persons," humans (and other life forms) that have insufficient ability to reason, and that therefore have lives of significantly less moral concern.

The humans generally cast into the outer darkness of non-personhood include all unborn life (whether created by cloning or by fertilization); newborn infants; people with advanced dementia; and those in persistent coma, or who have other significant cognitive disabilities. Not only do these humans not possess the right to life, they may not have the right to bodily integrity. Indeed, it has been argued in the world's most respected medical and bioethics journals that the body parts of non persons—whether organs, corneas, or embryonic stem cells—should be available to harvest for the benefit of persons. In this sense, the debate over cloning and ESCR is merely one battlefield of a much larger war.

Cloning Reality

Brave New World has arrived at last, as we always knew it would. On January 22, 2001, Britain's House of Lords voted overwhelmingly to permit the cloning and maintenance of human embryos up to 14 days old for the purposes of medical experimentation, thereby taking the first terrible step toward the legalization of full-blown human cloning. Meanwhile, an international group of human-reproduction experts announced their plans—current legal prohibitions be damned—to bring cloned humans to birth in order to provide biological children to infertile

couples. They expect to deliver their first clone within 18 months. The ripple effect on human history of these and the events that will inevitably follow may well make a tsunami seem like a mere splash in a playground puddle.

Human cloning is moving slowly but surely toward reality despite intense and widespread opposition throughout the world. Many resisters worry that permitting human cloning would remove us from the natural order. As the venerable Leon R. Kass has so eloquently put it, cloning brings conception and gestation "into the bright light of the laboratory, beneath which the child-to-be can be fertilized, nourished, pruned, weeded, watched, inspected, prodded, pinched, cajoled, injected, tested, rated, graded, approved, stamped, wrapped, sealed, and delivered."

Kass's point is that once human life is special-ordered rather than conceived, life will never be the same. No longer will each of us be a life that is unique from all others who have ever lived. Instead our genetic selves will be molded and chiseled in a Petrie dish to comply with the social norms of the day. And if something goes wrong, the new life will be thrown away like some defective widget or other fungible product. So long, diversity. Hello homogeneity.

Perhaps even worse, widespread acceptance of cloning would be a deathblow to the sanctity/equality of life ethic—the cornerstone of Western liberty from which sprang our still unrealized dream of universal human rights. The premise of the sanctity of life ethic is that each and every one of us is of equal, incalculable, moral worth. Whatever our race, sex, ethnicity, stature, health, disability, age, beauty, or cognitive capacity, we are all full moral equals within the human community—there is no "them," only "us."

Cloning stands in stark opposition to this equalitarian dream. It is—and always has been—the quintessential eugenic enterprise.

Eugenics, meaning "good in birth," directly contradicts the self evident truth enunciated by Thomas Jefferson that all people are created equal. Eugenicists believe that the moral value of people is relative, or to put it another way, that some of us are better than others of us. Eugenicists seek to "improve" humanity by breeding out the "undesirable" traits of those deemed less worthy. Indeed, the pioneers of the eugenics movement worked for more than 50 years during the late 1800s and into the middle of the 20th Century to eliminate the genes of the "unfit" from the human gnome, first by encouraging proper eugenic marriages (positive eugenics) and more perniciously, by involuntarily sterilizing those deemed to have undesirable physical and personal traits (negative eugenics).

Anyone with even a modicum of historical knowledge—alas, a scarce commodity in these post-modernistic times—knows where that led. In this country alone, 60,000-plus people were involuntary sterilized. In Western Europe, eugenics belief systems combusted with social Darwinism and anti-Semitism to produce the Nazis and thence to the Holocaust.

Today's eugenicists are not racist or anti-Semites but they exhibit every bit as much hubris as their predecessors by assuming that they—that we—have the right to direct the future evolution of humanity, only now rather than having to rely on

clunky procreative planning they literally grasp the human genome in their hands. Cloning plays a big part in these plans as the patriarch of the modern bioethics movement, Joseph Fletcher, a wild eugenicist, well knew when he wrote nearly 30 years ago that cloning would "permit the preservation and perpetuation of the finest genotypes that arise in our species."

What are these supposedly "finest" genotypes? Most neo-eugenicist cloning advocates worship at the altar of the frontal lobe, valuing high intelligence and logical thinking in much the same way that founding practitioners of eugenics valued the blue eyes and blond hair they saw each morning in their own mirrors. Thus, Princeton University's Lee Silver hopes through cloning to create a "special group of mental beings" who "will be as different from humans as humans are from the primitive worms . . . that first crawled along the earth's surface." Yet Fletcher, Silver, and most others of their ilk almost always miss the point that smart people are not necessarily good people. And they rarely discuss designing people with the most important human capacities of all: the ability to love unconditionally, gentleness, empathy, the deep desire to be helpful and productive. Ironically, these highest, best human characteristics are often found in people with Down syndrome or other developmental disabilities—the very people who the neo eugenicists believe should be evolved intentionally out of existence whether through genetic manipulation or if necessary, selective abortion, and infanticide.

Eugenics, as awful as it is, is only the beginning of the threat posed to the natural order by human cloning. Some cloners have decided that if they are going to "play God"; they might as well do it all the way by creating altogether new life forms. Indeed, scientists have already used cloning techniques to add jellyfish genetic material to a cloned monkey embryo, manufacturing a monkey that glows in the dark. Nor is human life itself immune from such "Dr. Meraux" forms of manipulation. For example, some in bioethics and bioscience support the creation of chimeras—part human and part animal—beings Joseph Fletcher called "parahumans" who he hoped would "be fashioned to do dangerous and demeaning jobs." In other words, Fletcher advocated the creation of a slave race of mostly-humans designed by us and for our use. "As it is now," the bioethics patriarch wrote in his typically snobbish fashion, "low grade work is shoved off on moronic and retarded individuals, the victims of uncontrolled reproduction. Should we not program such workers 'thoughtfully' instead of accidentally, by means of hybridization?"

Fletcher's dark dream of human/animal chimeras is well on its way to reality. Not too long ago Australian scientists announced they had created a "pig-man" through cloning techniques, and allowed the hybrid to develop for more than two weeks before destroying it. Last year, a biotech company took out a Europe-wide patent on embryos containing cells both from humans and from mice, sheep, pigs, cattle, goats, or fish. Where such manipulations will lead may be beyond comprehension.

Cloning presents humankind with the postmodernist version of the Faustian

bargain. Through cloning, we are told, our greatest dreams can be realized: the barren can give birth, genetic anomalies and disabilities can be eliminated at the embryonic level, near immortality will be within our grasp as replacements, for worn out organs can be grown in the lab for transplantation without fear of bodily rejection. But the devil always demands his due—the higher the "value" of the bargain, the greater the price.

In cloning technologies we may face the highest price of all: the end of the perception of human life as "sacred" and the concomitant increase in the nihilistic belief that humans are mere biological life; an increasing willingness to use and exploit human life as if it were a mere natural resource; eventually, the loss of human diversity itself—and these are just the foreseen consequences. The unforeseen consequences of mucking around in the human gnome may be worse than we can imagine. As Leon Kass has written, "shallow are the souls that have forgotten how to shudder."

Spinning Stem Cells

The pattern in the media reportage about stem cells is growing very wearisome. When a research advance occurs with embryonic stem cells, the media usually give the story the brass-band treatment. However, when researchers announce even greater success using adult stem cells, the media reportage is generally about as intense and excited as a stifled yawn.

As a consequence, many people in this country continue to believe that embryonic stem cells offer the greatest promise for developing new medical treatments using the body's cells—known as regenerative medicine—while in actuality, adult and alternative sources of stem cells have demonstrated much brighter prospects. This misperception has societal consequences, distorting the political debate over human cloning and embryonic-stem-cell research (ESCR) and perhaps even affecting levels of public and private research funding of embryonic and adult stem-cell therapies.

This media pattern was again in evidence in the reporting of two very important research breakthroughs announced within the last two weeks. Unless you made a point of looking for these stories—as I do in my work—you might have missed them. Patients with Parkinson's disease and multiple sclerosis received significant medical benefit using experimental adult-stem-cell regenerative medical protocols. These are benefits that supporters of embryonic-stem-cell treatments have yet to produce widely in animal experiments. Yet adult stem cells are now beginning to ameliorate suffering in human beings.

Celebrity Parkinson's disease victims such as Michael J. Fox and Michael Kinsley regularly tout ESCR as the best hope for a cure of their disease. Indeed, the *Washington Post* recently published a Kinsley rant on the subject in which the editor and former *Crossfire* co-host denounced opponents of human cloning as interfering

with his hope for a cure. Yet as loudly as Fox and Kinsley promote ESCR in the media or before legislative committees, both have remained strangely silent about the most remarkable Parkinson's stem-cell experiment yet attempted: one in which researchers treated Parkinson's with the patient's own adult stem cells.

Here's the story, in case you missed it: A man in his mid-50s had been diagnosed with Parkinson's at age 49. The disease grew progressively, leading to tremors and rigidity in the patient's right arm. Traditional drug therapy did not help.

Stem cells were harvested from the patient's brain using a routine brain biopsy procedure. They were cultured and expanded to several million cells. About 20 percent of these matured into dopamine-secreting neurons. In March 1999, the cells were injected into the patient's brain.

Three months after the procedure, the man's motor skills had improved by 37 percent and there was an increase in dopamine production of 55.6 percent. One year after the procedure, the patient's overall Unified Parkinson's Disease Rating Scale had improved by *83 percent*—this at a time when he was not taking any other Parkinson's medication!

That is an astonishing, remarkable success, one that you would have thought would set off blazing headlines and lead stories on the nightly news. Had the treatment been achieved with embryonic stem cells, undoubtedly the newspapers would have screamed loudly enough to be heard. Unfortunately, reportage about the Parkinson's success story was strangely muted. True, the *Washington Post* ran an inside-the-paper story and there were some wire service reports. But the all-important *New York Times*—the one news outlet that drives television and cable news—did not report on it at all. Nor did a search of the *Los Angeles Times* website yield any stories about the experiment.

Human multiple-sclerosis patients have now also benefited from adult-stem-cell regenerative medicine. A study conducted by the Washington Medical Center in Seattle involved 26 rapidly deteriorating MS patients. First, physicians stimulated stem cells from the patients' bone marrow to enter the bloodstream. They then harvested the stem cells and gave the patients strong chemotherapy to destroy their immune systems. (MS is an autoimmune disorder in which the patient's body attacks the protective sheaths that surround bundles of nerves.) Finally, the researchers reintroduced the stem cells into the patients, hoping they would rebuild healthy immune systems and ameliorate the MS symptoms.

It worked. Of the 26 patients, 20 stabilized and six improved. Three patients experienced severe infections and one died.

That is a very positive advance offering great hope. But rather than making headlines, the test got less attention than successful animal studies using embryonic cells. The *Los Angeles Times* ran a brief bylined description, while the *New York Times* and *Washington Post* only published wire reports. Once again, the media's almost grudging coverage prevented society at large from becoming acutely aware of how exciting adult-cell regenerative medicine is fast becoming.

Meanwhile in Canada, younger MS patients whose diseases were not as far advanced as those in the Washington study have shown even greater benefit from the same procedure. Six months after the first patient was treated, she was found to have no evidence of the disease on MRI scans. Three other patients have also received successful adult-stem-cell grafts with no current evidence of active disease.

It's still too early to tell whether the Canadian patients have achieved permanent remission or a cure, but there can be no question that the research is significant. Yet the story was only publicized in Canada's *Globe and Mail* and in reports on Canadian television. American outlets did not mention the experiments at all.

These Parkinson's and MS studies offer phenomenal evidence of the tremendous potential adult cell regenerative medicine offers. At the same time, the unspectacular coverage these breakthroughs received highlights the odd lack of interest in adult stem-cell research exhibited by most mainstream media outlets. Nor are these stories the only adult-stem-cell successes to have gotten the media cold shoulder.

It's worth recapping just a few of the other advances made in adult-cell therapies and research in the last two years, all of which were significantly underplayed in the media:

Israeli doctors inserted a paraplegic patient's own white blood cells into her severed spinal cord, after which she regained bladder control and the ability to wiggle her toes and move her legs. (I only saw reporting on this case in the *Globe and Mail*, June 15, 2001.)

Immune systems destroyed by cancer were restored in children using stem cells from umbilical-cord blood. (There was a good story in the April 16, 2001 *Time*, but other than that I saw no reporting.)

At Harvard University, mice with Type I diabetes were completely cured of their disease. The experiment was so successful that human trials are now planned. (This was reported in the July 19, 2001, *Harvard University Gazette*, but I saw no coverage at all in the mainstream press.)

Diabetic mice treated with adult stem cells achieved full insulin production and all lived. This is in contrast to an experiment in which embryonic stem cells injected into diabetic mice achieved a 3 percent insulin production rate and all the mice died. (According to the May 2001 *STATS*, published by the Statistical Assessment Service, the embryo experiment made big news while the media ignored the adult cell experiment.)

How many humans have been treated by embryonic stem cells? Zero. Indeed, before human trials can even be safely undertaken researchers will have to overcome two serious difficulties that stand between patients and embryonic-cell regenerative medicine: 1) ES cells cause tumors, and 2) ES cells may be rejected by the immune system. Surmounting these difficulties—if they can be surmounted at all—will take a very long time and much expense. There is no risk of rejection

with adult cells, by contrast, because they come from the patients' own bodies. Nor, at least so far, does adult-stem-cell therapy appear to cause tumors. This puts adult therapies years ahead of the game.

The media continue to imply that embryos hold the key to the future. But increasingly, it looks as if our own body cells offer the quickest and best hope for regenerative medicine. The time has come for the public to insist that the media stop acting as if adult stem cells are the "wrong" kind of stem cells, and report to the American people fully and fairly the remarkable advances continually being made in adult regenerative medicine.

"Edward's in the garden tending to his hangover."

APPENDIX D

[*Paul Greenberg, a Pulitzer Prize winning journalist, is the editorial page editor of the* Arkansas Democrat-Gazette. *The following column appeared on April 17, 2002.*]

The case for cloning?

Paul Greenberg

The underlying arguments for cloning humans have a familiar sound about them, the sound of rationalization. That's because the prospect of artificially re-creating ourselves arouses in ordinary human beings a deep moral repugnance. And one has to offer various reasons to overcome it. For example:

— Cloning will help us fight debilitating diseases, at least on the part of those cloned. Don't think of what happens to your identical clone; he/she/it is expendable. Keep your eye on Number 1.

The argument for slavery was made from much the same point of view: the master's. Many a distinguished statesman made the case for slavery; none ever expressed a wish to be the slave.

But think of the benefits to the master's health. To quote James Watson, the discoverer of DNA's double helix: "What the public wants is not to be sick, and if we help them not to be sick, they'll be on our side."

I would amend Dr. Watson's simple, clear argument only slightly to correspond with reality: Sometimes it's necessary only to *promise* the public that its health will be served, since cloning has yet to prove its value.

But is it as simple as making promises? The public opinion polls indicate that people understand that cloning isn't a cure for all what ails us: Most Americans seem to be against it. Four out of five, according to one poll.

James Watson may be a better scientist than molder of public opinion. Then again, just give him time. At one time, most folks were against abortion as a kind of social panacea, too.

— Cloning will help the infertile reproduce. To reproduce exactly. Why be a parent when you can have a twin? Of course there's always the chance that the cloned may have some health problems, like Dolly the prematurely old sheep. But we'll be told it's worth a try.

— Everybody else is doing it, mainly in European laboratories. The world's first cloned baby, according to not quite confirmed reports, should be born in November to "an important wealthy personality." But is this science or an ego trip?

— A child's right to be born has been eclipsed of late by the popularity of abortion, but those that are allowed to live have a right to be healthy, don't they? One expert speaks of "the right of every child to be born with a sound physical and mental constitution, based on a sound genotype ... the inalienable right to a sound heritage." And what better way to assure that heritage than to clone it?

Don't we all have a right to be perfect, or at least free of defects? Or at least to

have a child that comes with an ironclad guarantee? Like a good car. Ah, but where do we draw the line? Do we eliminate the club-footed and epileptic but keep the left-handed and allergic? The commodification of life presents some hard choices.

And once we begin programming the next generation, what does that do to its identity? Or does the next generation have a right to a genetic identity of its own? Especially when we can choose a better one. We shall be as gods, as the serpent assured Eve. Aside from a few religious fundamentalists, who sees any problem with that?

A lot of us do, of course. One needn't be a card-carrying member of the Religious Right to recognize hubris and its dangers.

Very well, if our natural repugnance moves us to ban cloned reproductions of ourselves, how about cloning for research purposes only? Here's a middle way that satisfies the ambitions of science without entering the thicket of ethical problems that await the cloned and their creators. Americans love practical compromises.

But how is creating life For Experimental Purposes different from conducting medical experiments on humans who can't give informed consent? Or in this case, any consent at all.

To justify experimenting on human clones, we shall have to define clones as something other than human. Surely we can. Look at how we've managed to dehumanize the fetus. And yet all the usual word games may still fail to mask the natural repugnance human cloning arouses in humans. The soul has reasons of its own.

Repugnance, we shall be reminded, is not a reason. But that doesn't mean there is no reason for the revulsion that the idea of cloning human beings excites in us.

Why is the idea so instinctively repellent? Leon Kass, a scholar who has thought about these things rather than rushed to experiment, calls it the wisdom of repugnance:

"We are repelled by the prospect of cloning human beings not because of the strangeness or the novelty of the undertaking, but because we intuit and we feel, immediately and without argument, the violation of things that we are right to hold dear. We sense that cloning represents a profound defilement of our given nature as procreative beings, and of the social relations built on this natural ground. We also sense that cloning is a radical form of child abuse. In this age in which everything is held to be permissible so long as it is freely done, and in which our bodies are regarded as mere instruments of our autonomous rational will, repugnance may be the only voice left that speaks up to defend the core of our humanity. Shallow are the souls that have forgotten how to shudder."

It is this shallowness of the soul that explains the transformation in our time of so many practices from abomination to institution.

The debate over human cloning has this much in common with the differences between what have come to be called the pro-life and pro-choice camps over

abortion and euthanasia. This debate, like the others, is over our differing definitions of human dignity and who should be allowed to share it. Even the unborn? And, now, even the cloned?

Another debate was once conducted in this country over whether a slave could be considered human in terms of what if any natural rights he might claim. The subject of this debate over human cloning may be new—science is always producing novelties—but the essence of the debate is ancient: our idea of human dignity.

"You're sick of my cheating. *You're* sick of my drinking.
You're sick of my losing jobs. Why is everything always about *you?"*

APPENDIX E

[*Daniel Henninger writes the weekly "Wonderland" column for* The Wall Street Journal. *The following appeared on April 19, 2002 and is reprinted with permission of* The Wall Street Journal © *2002, Dow Jones & Company, Inc. All rights reserved.*]

The Cloning Issue Deserves Better Than "Why Not?"

Daniel Henninger

The U.S. Senate is about to take up and debate the issue of human cloning—whether to ban it outright, or to allow the technology for therapeutic purposes alone. On one familiar level, this is frightening. Normally the Senate confines its mental energies to such matters as highways for West Virginia and tossing logs onto bonfires around fallen executives. Perhaps sensing their lack of standing as philosophes, some senators at the dawn of this debate have grafted themselves to a letter signed by 40 Nobel laureates, who unified themselves to denounce President Bush's proposed ban on human embryo cloning experimentation.

The senior senator from Massachusetts (Ted Kennedy, for readers under 30), announced the other day that "Congress was right to place medicine over ideology in the past, and we should do the same again." Arlen Specter sees the banners taking America back to the "Dark Age."

The 40 Nobelists, including a few economists, expressed their fears this way: "By declaring scientifically valuable biomedical research illegal, Senator Brownback's legislation, if it becomes law, would have a chilling effect on all scientific research in the United States" and would "send a strong signal to the next generation of researchers that unfettered and responsible scientific investigation is not welcome in the United States." Who said scientists no longer believe in absolutes?

William F. Buckley Jr. once famously wrote that he'd rather be governed by the first 100 names in the Boston phone book than by the Harvard faculty. All things considered, I'd rather have the cloning issue decided, just now, by the first 100 names in the U.S. Senate than all the Nobel laureates in America.

This is saying something, insofar as I'm not sure what Teddy Kennedy is talking about, though presumably if the enemy that day was ideology, his side won. More to the point, I might prefer putting more faith in science than the World's Greatest Deliberative Body on this decision if we were living in 1952 and not 2002. A lot has changed since then and on balance for the better. These 40 Nobelists have contributed mightily to a better life for all. Science triumphed through those years, however, by staying loyal to the rigor it imposes on falsity and truth. But now, when science has driven itself, and us, to a point where we must decide whether its work with human biology will be moral, or not moral, we not only lack equal intellectual rigor for the task, we indeed may have no rigor at all anymore.

Let's begin with the final paragraph of the Nobelists' letter, wherein they swear off cloning a person: "We, the undersigned, urge that legislation to impose criminal and civil sanctions against attempts to create a cloned human being be en-

acted." There, in all of 22 words, is the concession they offer to a world of concerns about the slippery slope of this technology: Trust us; we, the undersigned, won't do it. But I don't trust them.

The subject of this column is not therapeutic cloning itself. Nor do we wish here to take up the problems the biotech industry has had finding new-product flow that will redeem the unfulfilled promises it made to investors. Biotechnology's prospect of alleviating disease such as Parkinson's and Alzheimer's is too great to simply say no, never. My argument is with the way we think now, with what has come to be known as the postmodernist intellectual tradition, a real force in the culture of ideas in academia, media and politics. For some 30 years its way of thinking about the world has taken a great many victory laps in the arenas of history and politics. But I wouldn't let these people within 100 miles of deciding an important debate about genetics.

Lacking a quarter-million words of space to explain, we'll attempt a summary. For most of the 20th century, until the 1960s, modernists challenged tradition and authority by asking "Why?" The postmodernists, however, believe this form of challenge to be a quaint waste of time. They face any hard issue and reply: "Why not?" Thus, your objection to human embryo replication or assisted suicide or partial-birth abortion, however forcefully argued, has no particular ethical or moral standing. It's "interesting," at most.

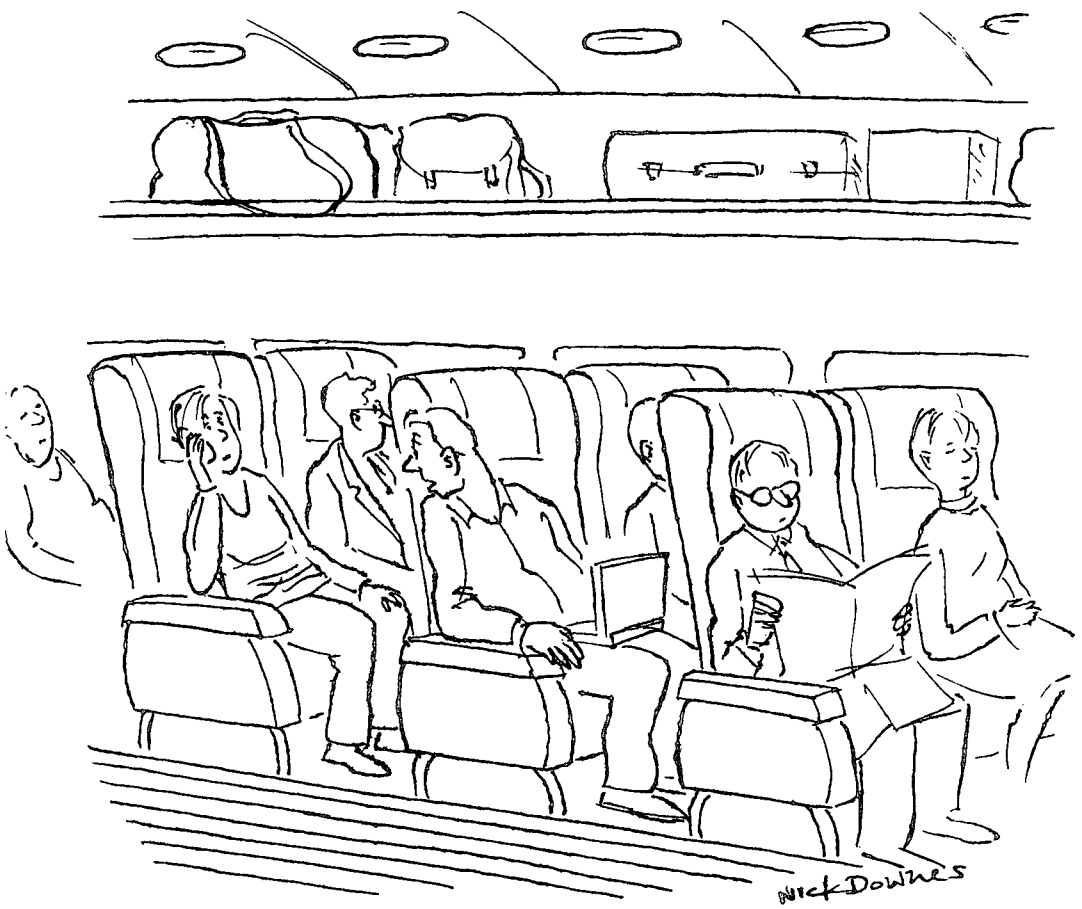
They'll say, "No one's talking about cloning humans." But that's disingenuous. Postmodernists as a matter of, well, ideology, don't recognize the validity of stand-still limits like that. And I think a lot of them will issue this guarantee as a means to win the policy debate now, confident they'll be able to wear down inhibitions to the next steps over time, if not here, elsewhere. In an elegant reduction, the DNA Nobelist James Watson (an anti-ban letter-signer) once said: "What the public wants is not to be sick, and if we help them not to be sick, they'll be on our side."

Last week President Bush gave a speech supporting a ban in which he worried about a time when "human beings are grown for spare body parts and children are engineered to custom specifications, and that's not acceptable." In more than a few circles today this is read as almost up-from-the-swamp fundamentalism. One major editorial summed up the postmodernist's dismissal in four words: "The President's Narrow Morality."

This is self-assured moral trumping, and any veteran of the policy wars is by now used to how this the game is played. It's been fun, sometimes. But on this one subject—what it will mean to manipulate the basis for human life or to "discard" human embryos—winning by characterizing the opposition as narrow moral bumpkins just isn't going to be good enough. Simply asserting that your opponents don't care about mitigating disease with technology isn't good enough. The cloning issue will remain a political and intellectual mess unless its proponents engage the other side and just this once make a more philosophically rigorous case for opening this door and stepping through.

Absent that, and it really is absent from public view so far (more mental effort

went into justifying the Endangered Species Act), we are better off letting Congress decide what will be cloned. Whatever its manifest faults, Congress is the way we discover and define our common interests. Its members are at least answerable to their constituents. Too much of the scientific and intellectual pantheon has come to believe its politics is answerable only to whatever happens to be in its own head, that day. I know for a fact which I prefer.



"Could you speak up? I can't overhear a word your saying."

APPENDIX F

[*Andrew Ferguson is a contributing editor to* The Weekly Standard *and a columnist for* Bloomberg News. *The following appeared in the February 4 issue and is reprinted with permission.*]

Kass Warfare

Andrew Ferguson

The president's council on Bioethics began its first public session on January 17, in a dreary ballroom of the L'Enfant Plaza Hotel, a pre-postmodern pile of orange stucco set astride an expressway off-ramp in southwest Washington, D.C. Leon Kass, the University of Chicago bioethicist selected by President Bush to be the council's chairman, opened the session with a brief assessment of the country's change in mood since September 11.

"In numerous if subtle ways," Kass said, "one feels a palpable increase in America's moral seriousness, . . . a fresh breeze of sensible moral judgment, clearing away the fog of unthinking and easy-going relativism. . . .

"It has been a long time," he continued, "since the climate and mood of the country was this hospitable for serious moral reflection."

Kass is blessed with a somber baritone that carries an unmistakable authority quite apart from his well-deserved reputation as a thinker. And as I sat in the ballroom audience I might have been moved to agree with him, almost, had someone not slipped me a story from that morning's *Washington Post.*

It was what the trade calls a "walk-up," a story alerting readers to the council's debut and offering them a sense of the subject's "complexity." The reporter drew deep from the wellsprings of philosophy, sociology, geopolitics—all that stuff.

"The council," wrote the reporter, "will be navigating a scientific and ethical landscape significantly more complex than the one that existed [a few months ago]. In November, researchers announced that they had made the first human embryo clones, giving immediacy to warnings by *religious conservatives* [my italics] and others that science is no longer serving the nation's moral will. At the same time, the United States was fighting a war to free a faraway nation from the grip of *religious conservatives* . . ."

The story gave a good sense of how easy it is for Washington reporters to get bogged down in complexity—Taliban abroad, Taliban at home, who can tell which is which?—but it also served as a standing rebuke to Kass's optimism. Moral seriousness? Tell it to the *Post*, professor.

And it's not just the *Post*, of course. Bioethics—falling at the point where the oldest questions of philosophy intersect with the most recent advances of biological research—has brought all of political Washington out of its depth. Politicians and bureaucrats who came to town with no grander goal than snatching a few more nonrecourse rural electrification loans at accelerated submarket depreciation levels for the gang back home—not to mention the staffers who help them do that and

the reporters who write about them when they do—are suddenly being asked, thanks to cloning and stem-cell research and the galloping progress of genetics, to wrestle with definitions of personhood, the boundaries of human aspiration, and the purpose of life. None of these was in the job description.

Kass and his council are supposed to help. The executive order authorizing the council, signed in the wake of Bush's televised stem-cell research speech to the nation last August, gives it two overriding tasks. The first is pragmatic and Washington-like. In light of the House of Representatives' unanimous vote last summer to ban all human cloning, and in anticipation of the Senate's coming consideration of the House ban, the council is to examine the public policy implications of recent advances in genetic science. Over the past twenty years at least a half dozen federal commissions have been impaneled for similar purposes; in all cases their recommendations have been written up, published, admired, and forgotten.

The council's second charge, however, is unique: "to undertake fundamental inquiry into the human and moral significance" of the same issues—to move beyond the narrow domain of public policy and make these issues the subject, as Kass says, of serious moral reflection.

This makes the council a body without precedent in Washington's history, our first National Endowment for Rumination. Conferring with Kass, the White House selected members from most of the thinking professions: four law professors, four research scientists, three philosophers, a sociologist, two political scientists, a theologian, a psychiatrist, and even a newspaper columnist, albeit one with psychiatric training, a Pulitzer Prize, and a medical degree (Charles Krauthammer). The panel will meet publicly six to eight times a year, for two days at a stretch. The January sessions fairly flew by, particularly judged against the pace of Commerce committee hearings. They began on a suitably odd note, with a discussion of Nathaniel Hawthorne's "The Birthmark," a short story written in 1846.

"I wanted to begin with a short story for several reasons," Kass told reporters before the session began. "I want to show that on these questions there are resources available to us that go far beyond the articles I or other commission members may write in the specialized journals. These are fundamental human questions that are being addressed.

"And I wanted the story to force us out of our respective disciplines, and begin conversing with one another, not in our professional identities as scientists or humanists, but as human beings."

And it worked, sort of. The ensuing discussion showed, at the very least, that the council members are divided in their approach to bioethical problems not merely in their professional roles but in their personal dispositions.

"The Birthmark" is a gothic parable, one of several cautionary tales Hawthorne wrote about scientific arrogance and amorality. It tells of a "man of science," called Aylmer, who marries a beautiful woman, Georgiana, who carries on her left cheek an almost imperceptible birthmark. "Seeing her otherwise so perfect, he found this

one defect grow more and more intolerable. . . . It was the fatal flaw of humanity which Nature, in one shape or another, stamps ineffaceably on all her productions, either to imply that they are temporary and finite, or that their perfection must be wrought by toil and pain."

Aylmer retreats to his laboratory and prepares a treatment that will remove the birthmark. Georgiana submits, and dies from his attempt to render her flawless.

Hawthorne's point, and Kass's, isn't hard to discern: Our birth, our entry into life itself, marks us with an "imperfection," our finitude if nothing else, and any attempt to remove us from that limitation will have the unintended consequence of destroying what we hope to perfect. The application of the story to current scientific Utopianism, whose enthusiasts promise the conquest of disease and even mortality, isn't hard to discern, either. "The Birthmark," in fact, is a creative summary, in story form, of Kass's own critique of biogenetics.

In the council's discussion that first morning—studded with the long, uncomfortable silences and bursts of overlapping conversation familiar to anyone who's attended a graduate seminar—the scientists declined to be led to this easy conclusion about the nature of contemporary science.

Janet Rowley, a molecular biologist from the University of Chicago, seemed puzzled, if not quite offended, at the suggestion that the story had any relevance to bioethics.

"You can in no way equate what Aylmer does with science," she said. "He is not a scientist in the way he approaches his problem."

"I hang around with scientists all the time," said Daniel Foster, a physician-researcher at Texas Southwestern Medical School, "and I can tell you they don't have grandiose schemes to eliminate imperfections. They don't talk about perfection at all—they just want to help the community. They're nice people, you know.

"What happens in this story is not a model for bio-scientists. Real scientists set goals that are achievable. They are not trying to take over the world."

For the panel's scholars, however, most of whom share Kass's skepticism about the new science, the story was rich in ominous implication.

"It's important," said Robert George, a Princeton philosopher, "that we not move as a culture to the point where we identify the worth of a human being with his or her lack of defects. . . . Aylmer lost sight of persons as having *intrinsic* worth."

William May, an ethicist from Southern Methodist University, said that "The Birthmark" is a tale about the tension between a "transforming love" and an "accepting love," the urge to improve life versus "the desire to savor it."

Amid these colloquies the scientists mostly fell silent.

Mary Ann Glendon, a Harvard law professor, wondered at the motivation of Georgiana in submitting to Aylmer's therapy. "Aylmer worships a false god, and she worships Aylmer. I don't understand her."

"I'm speaking as a psychiatrist," responded Paul McHugh of Johns Hopkins Hospital, "and I can tell you, Mary Ann, not only do we understand it, we have a name for it! It's called 'identifying with the aggressor.'"

McHugh said he had read the story long ago. "When I read it as a teenager, I was horrified. I shuddered. When I read it as a psychiatrist, I began to *understand* Aylmer.

"I think my reaction as a teenager was better. Understanding too much can take away the shudder."

Obliquely, McHugh was the first to raise what in the bioethical debates has come to be known, not very technically, as the "Yuck Factor"—the instinctive revulsion most people feel toward many prospective biomedical innovations, such as the screening of embryos for (say) sex selection or eye color, or the cloning of human beings for reproductive purposes. (The latest Gallup poll found that 88 percent of Americans disapprove of reproductive cloning.) Kass himself has written an anti-cloning manifesto called "The Wisdom of Repugnance." Skeptics count on this deep-seated, prerational revulsion to serve as a basis for strict government controls over the uses to which genetic science may be put.

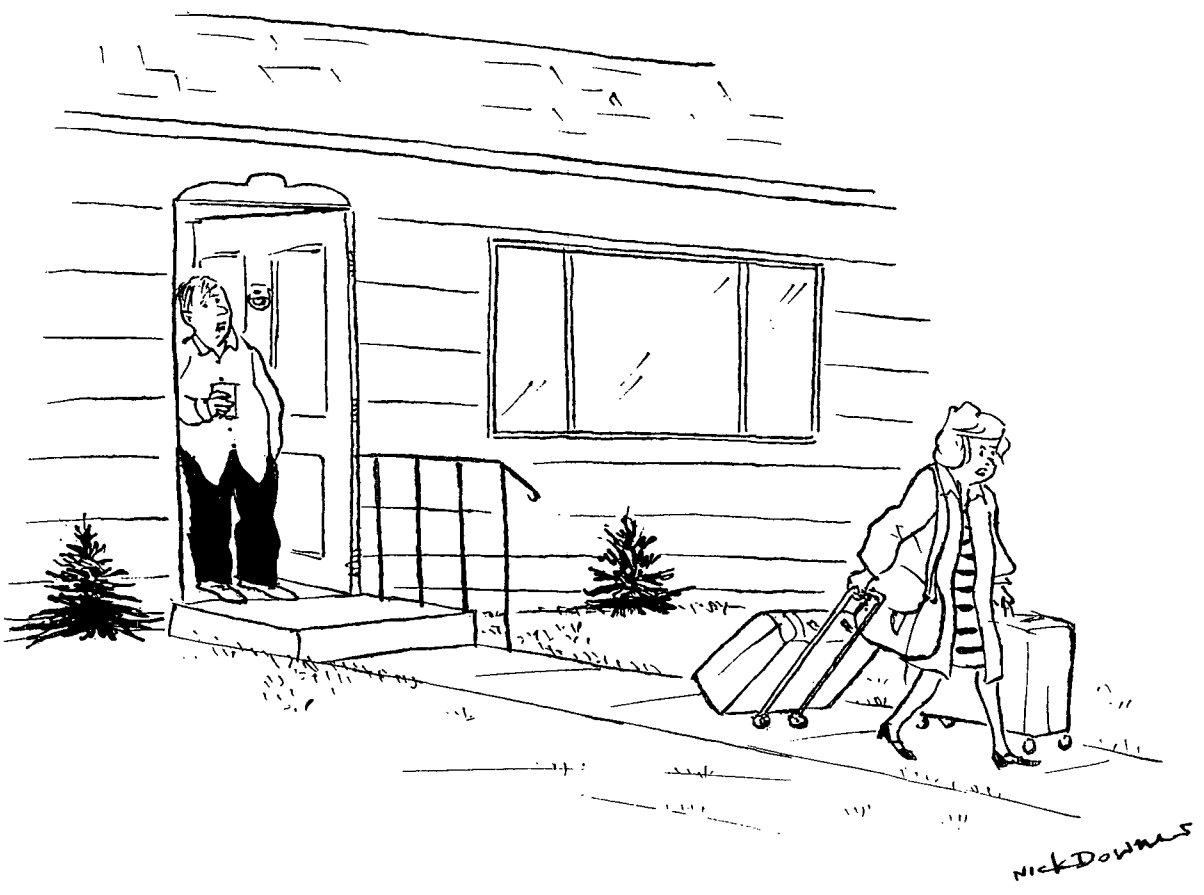
As the council's deliberations progressed, however, and as the scientists and the scholars continued to talk past each other, it became clear that the Yuck Factor may be a flimsier reed on which to hang an argument than some anti-cloning skeptics hope. By the final session on the second day, Kass had abandoned for the time being his struggle to tether the conversation to such "fundamental" questions as "What is *human* about human procreation?" The agenda at last moved to a concrete discussion of cloning and public policy. And here the council reached a quick and unaccustomed unanimity. Every council member objected to cloning human beings for reproduction—"at this time," as Rowley, the molecular biologist, said.

The qualifying phrase is crucial. For the scientists, the Yuck Factor has less to do with moral intuition than simple safety. As the technology now stands, the creation of a human being through cloning would be highly perilous. To proceed with it under these circumstances would be a horror—or yucky, at the very least. For now a ban on reproductive cloning preserves the commonweal and the integrity of science. But, goes the implication, when the safety issues are resolved, the repugnance, on the part of the scientists anyway, will disappear too.

Moral intuitions like the Yuck Factor are subject to revision; they can even be overcome altogether. The Yale law professor Stephen Carter pointed out that "repugnance" was once the basis for laws against miscegenation. The repugnance is gone now, and so are the laws. Could a legal ban survive a similar shift in public intuitions about creating clones or designing babies to a parent's taste?

Probably not, which may lead Kass to continue to draw the council's work back to its second, philosophical task. He wants to see whether there's an argument lurking under the repugnance—a set of transmittable principles that can still be applied a century from now, when inarticulate disgust at certain kinds of genetic

manipulation may no longer be sufficient to stifle the demands of science. It's an admirable project, brimming with democratic optimism. It assumes, for one thing, that we have indeed entered a new era of moral seriousness (the *Washington Post* notwithstanding). If Kass is right about that, then the president's council will continue to be not only the best show in town but the most consequential, too.



"So, the bloom is off the rose?"

APPENDIX G

[*Eric Cohen is a resident scholar at the Ethics and Public Policy Center and co-editor of* The Future is Now: America Confronts the New Genetics. *The following appeared in the April 22 issue of* The Weekly Standard *(www.weeklystandard.com) and is reprinted with permission.*]

New Genetics, Old Quandaries: Debating the Biotech Utopia

Eric Cohen

In January, the President's Council on Bioethics began its first meeting with a reading of Nathaniel Hawthorne's story "The Birthmark," a parable of a scientist's obsessive effort to remove a "crimson stain" from his wife's cheek. It is about the mad quest for perfection—the revolt against "sin, sorrow, decay, and death"—that ends with the destruction of its momentarily perfected subject.

Fortunately, most Americans—and most scientists—are not so mad. But the animating myth of both modern democratic politics and modern technology is that misfortune is not inevitable, and that health and happiness are possible for everyone. We do not worship progress. We don't believe it is our "destiny." But we think and act as if progress is always possible, and the future will always be better than the past.

President Bush expressed this spirit at the end of his speech last week on the dangers of human cloning: "I'm an incurable optimist about the future of our country. I know we can achieve great things. We can make the world more peaceful, we can become a more compassionate nation, we can push the limits of medical science." Even as he called upon scientists to respect moral limits that many of them wish to deny, the president celebrated the coming "age of genetic medicine, a time when many of the most feared illnesses" might be "overcome." Even as he documented what he deemed to be morally grotesque biological experiments already underway both at home and abroad, he affirmed the American capacity to "pursue medical research with a clear sense of moral purpose."

One has to admire America's "incurable optimism." Unlike Europe, which seems to have arrived (or believes it has arrived) at the end of history, America still believes there is work to do, and therefore responsibilities to meet.

But there is a danger, too, in living too much for the future. C.S. Lewis explained this in the guise of "Uncle Screwtape," a senior devil giving advice on how to tempt human beings away from "the Enemy" (i.e., the good). As he put it: "We want a man hagridden by the Future—haunted by visions of an imminent heaven or hell upon earth—ready to break the Enemy's commands in the Present if by doing so we make him think he can attain the one or avert the other."

The belief that the future will be better than the past—indeed, that it cannot be otherwise—is at the very heart of the American biotechnology project. As biotech spokesman Carl Feldbaum declared at last year's industry conference: "Our revolution is about more than science. Make no mistake, it touches the whole earth, potentially every individual, and we have to keep faith with global society. Only

then will we be doing our jobs and delivering on the promise of our distinct revolution which so far, we can all be very, very proud of."

But is the genetic revolution good for us? Is it a "revolution" at all? Is it happening "now"? And is this revolution utopian or bourgeois? Does it expand the American commitment to equality by making those with Jefferson's "saddles on their backs" (diseases, disabilities, mediocrity) more equal? Or does the coming age of genetic choice and control threaten to unravel our commitment to equality by enshrining the principle that only some lives are fit to live?

The first question is whether there is in fact a genetic revolution and whether the key moment is now. After all, many of the arguments and dilemmas in the current biotech debate are very old: the clash of religion and science; the humanitarian desire to relieve man's estate, and the moral hazard of seeking such relief by any means possible; the promise of technology to improve the human condition, and the danger that our technological hubris will lead to the abolition, self-destruction, or degradation of man.

Moreover, the debates themselves—over human cloning in particular and genetic manipulation in general—are also not new. Leon Kass, the chairman of the President's Council on Bioethics, and Joshua Lederberg, the Nobel Prize-winning geneticist, debated the ethics of human cloning in the Washington Post in 1967. James D. Watson, the co-discoverer of the structure of DNA, testified before Congress about human cloning in 1971, declaring, "If we do not think about it now, the possibility of our having a free choice will, one day, suddenly be gone." And the Christian ethicist Paul Ramsey addressed cloning in 1970 in "Fabricated Man: The Ethics of Genetic Control." "To soar so high above an eminently human parenthood," he wrote, "is inevitably to fall far below—into a vast technological alienation of man."

Finally, we are already, in important ways, a "eugenic" society. We already tolerate or embrace surgical enhancements of our physical appearance, for no other reason than individual desire, and with no limit except our ability to pay. We already advertise, on billboards and in television commercials, drugs like Zoloft and Paxil, which promise to make anxious people "happy" and imperfect lives more perfect. Some of us already pick and choose embryos based on their genetic characteristics or sex, taking what we like and discarding what we don't.

And so, our problem is not simply or predominantly a lack of ethical dialogue or forethought about where the new genetics might take us. Our dilemma is that biological and genetic science proceeds apace—one advance at a time—untroubled by the futuristic ethics (or moral backlash) it often inspires, or by the many commissions that have met to discuss what biotechnology means for society. Descartes, among others, saw what it means centuries ago: "that we could be free of an infinitude of maladies both of body and mind, and even also possibly of the infirmities of age, if we had sufficient knowledge of their causes, and of all the remedies with which nature has provided us." Whether such "freedom" is truly possible, and whether it is compatible with the technological power that is its precondition, is

what we may now be finding out.

With this in mind, I want to suggest three reasons why this moment is both distinct and important for confronting the new genetics, and why the new genetics is different, in degree if not in kind, from medical progress heretofore. I also want to suggest that American optimism about our capacity to shape the future for our benefit—to make life better than it is—may need to refocus itself on governing the very technology that claims to do just that. This requires, paradoxically, an optimism about our capacity to accept the imperfections of life, lest we endanger the human goods and moral responsibilities that such realism makes possible; and lest, like Hawthorne's scientist, we destroy the beauty of the one we love, so to speak, in a misguided effort to make her better.

The first reason this moment is important is simply that a wave of biological and genetic advances has occurred over the last few years. In 1997, we cloned a mammal; in 1998, we isolated human embryonic stem cells; in 2000, we completed the "first draft" of the entire human genome; and in 2001, we cloned human embryos (though scientists in China may have done this even earlier). At the same time, research proceeds in novel areas like artificial wombs, man-animal hybrids, and the screening of embryos according to their genetic traits. Much of what was predicted in the 1970s seems to be coming to pass, if not always as quickly or dramatically as many promised and feared.

Moreover, the new genetics, while it appeals to the established goals of modern biomedical science—freedom from "the maladies both of body and mind"—seems different in important ways. For one thing, it allows one generation to choose the natural characteristics of the next. And the changes we make to ourselves—for example, by altering the chemical workings of the brain—may be so perfectly implemented that the self-medicating "patients" lose the capacity to know what they have become. The modifications themselves will predetermine our judgment about whether such alterations are good—by making us people who cannot imagine life without them.

There seems to be widespread repugnance at the idea of parents designing children to the specifications of Olympic athletes or master pianists, or elites designing subordinates who aspire to nothing more than serving their maker's needs. But what about the more apparently benign uses of genetic control—such as boosting the intelligence of a child who is below average, or ensuring that a new child is a genetic match for an existing child in need of an organ transplant, or screening out children with a greater likelihood of developing dreaded diseases?

The answer to this question—Why not design our offspring "for their benefit"?—has to do with the kind of people we would have to become to perform such experiments in the first place, and the kind of world that such a genetic disposition seems to lead to. Indeed, the willingness to make the next generation something "better"—to test one's hypotheses on one's offspring—is also a willingness to gamble with their well-being. The supposedly beneficent reasons for genetically improving future generations and the moral disregard it would require are in direct

conflict.

The second reason this moment is important and distinct is that the use of biotechnology by illiberal regimes—like China—is coming into full view. Chinese eugenics and Chinese "medicine"—including mandatory abortions, state regulation of child-rearing, and the harvesting of organs from the living—are by now well known. But in our own optimism about biological and genetic progress—and the belief that the new technology is, in essence, not dangerous but life-affirming—we have thought little about how our advances will be used by nations with less respect for human life than we now have, or whether the similarity between our science and theirs might suggest something is amiss in the ethics of our own research. Two examples will suffice:

-In recent months, American researchers announced advances in both artificial wombs and in the promise of cells taken from cow fetuses (not embryos, but fetuses) for curing terrible diseases. Also, Chinese scientists announced that they have successfully cloned embryos using rabbit eggs and human DNA. And so, does anyone doubt that, if and when it becomes possible, Chinese scientists will harvest cloned human fetuses for research and experiments?

-Last month, Francis Collins, head of the Human Genome Project, delivered a lecture on advances in the human genome, stating his belief that within a few years we'll be able to isolate and test for numerous genetic disorders. Around the same time, there was a series of reports of parents using pre-implantation genetic screening (i.e., tests of embryos in the laboratory) and abortion to select babies with or without particular traits. Does anyone doubt that the Chinese, if and when it becomes possible, will use our knowledge of the genome and our techniques of genetic screening to produce children made-to-specification, a practice we still claim to find repugnant?

And so, while we might pursue such technologies for what seem to us good reasons, our capacity to criticize biology's evil uses—our capacity to make the case for human rights against those regimes that ignore them—may one day be compromised if our technology makes us more like them, rather than them more like us.

Finally, the political and moral culture of the nation has changed since the late 1960s and early 1970s, when the last great debate over biogenetic technology took place. It has changed in part because of the triumph of the "prochoice" doctrine in abortion, entailing as it does the belief that the moral status of the unborn is determined by the mother's subjective will. This leaves us in the odd position of trying to oppose the "modification" or "improvement" of nascent human life in a society that allows its destruction for any reason at all. This dilemma has become apparent on an issue like sex-selection of embryos, which many feminists find troubling, and yet difficult to oppose given their defense of abortion.

These issues have been taken up most forcefully in the current debate over cloning, which reveals a series of political divisions. For one thing, the same cloning

researchers whom roughly half the Senate sees as medical heroes, the other half sees as renegades whose experiments undermine our respect for human life and should be deterred with criminal penalties. This is the culture war at its sharpest.

The cloning debate also exposes deep conflicts within both liberalism and conservatism. There is the conflict between libertarians and social conservatives on the right, and between greens and quality-of-life liberals on the left. Greens and social conservatives believe the new biotechnology can be used to corrupt nature and human nature, and that government has a role in regulating to prevent its misuse. Libertarians and quality-of-life liberals believe the new biotechnology serves both a more perfect freedom (from suffering, rules, and physical restraints) and a more perfect equality (for the sick, disabled, and dissatisfied, who no longer have to endure the sting of their "unequal" condition).

But at a deeper level, the biotech debate will reveal the perhaps shaky foundations of late-bourgeois life itself, which, for all its rejection of utopianism on a grand scale, may have opened the door to utopianism on a small one. Indeed, the moral defense of capitalism once rested firmly on a belief in the limited wisdom and virtue of human beings, a belief that man is unequipped to make heaven on earth. Now bio-capitalists seem to be promising just that. And where liberalism once rested its moral argument on an unflinching commitment to the principle that "all men are created equal," our leading liberals now defend (or seem willing to tolerate) picking and choosing future human beings according to their superior traits. In doing so, they follow the lead of John Rawls, who suggested this new liberalism three decades ago. It is, he wrote, "in the interest of each to have greater natural assets. This enables him to pursue a preferred plan of life. In the original position, then, the parties want to insure for their descendants the best genetic endowment (assuming their own to be fixed). The pursuit of reasonable policies in this regard is something that earlier generations owe to later ones, this being a question that arises between generations. Thus over time a society is to take steps at least to preserve the general level of natural abilities and to prevent the diffusion of serious defects."

It would, of course, be silly to deny the value of health, well-being, and "greater natural assets." Health is a blessing, not to be trivialized by the healthy. And excellence is a gift, perhaps even more than it is an achievement. But it is at least worth noting that the more biologically improved we become, the less willing we may be to accept imperfection—or the imperfect. And the more we come to believe that life can be fixed, mastered, and ordered to our liking, the less prepared we may be for the disorder and disaster inherent in our mortal condition.

If this is correct, then liberal "compassion," which seeks to solve the problems of man by technologically overcoming (or weeding out) his "birthmarks," may be well on its way to deconstructing itself. And bourgeois realism about the limited aims of human striving—health, self-improvement, commerce—may be condu-

cive to a failure of realism about what man is: both the evils he is capable of, and the vulnerability and need for courage that ultimately define him.

And yet, the fact that we are now engaged in a great debate about these questions—about the meaning of human procreation and healing, of experiments using nascent human life, of personal makeovers and custom-made descendants, of self-government in the realm of biotechnology—is encouraging. Nothing has been finally decided. We will continue to make arguments and cast votes—such as whether to ban human cloning—and as long as we do, there is every reason to remain, if not incurably optimistic, at least moderately so.

"Makes me feel uneasy too."

APPENDIX H

[*J. Bottum is Books & Arts editor of* The Weekly Standard, *where the following appeared on April 29.*]

Stopping the Future

J. Bottum

Our Posthuman Future
Consequences of the Biotechnology Revolution
by Francis Fukuyama
Farrar, Straus and Giroux, 272 pp., $25

Francis Fukuyama is right, of course, when he says in his new book, "Our Posthuman Future," that we should be frightened by the Brave New World that eugenic biotechnology has opened up for us. He's right about the probable causes. He's right about the likely effects. He's right about the incapacity of researchers to prevent themselves from pursuing new scientific discoveries. He's right about the inability of patients to stop themselves from demanding new scientific cures. He's right about nearly everything—except his reason for being right.

A political scientist at Johns Hopkins, Fukuyama first came to fame with his 1989 essay "The End of History" (published in book form in 1992 as "The End of History and the Last Man"), in which he argued that liberal democracy no longer faced any challengers in world history. Since then, he's produced two other books: "Trust: The Social Virtues and the Creation of Prosperity" and "The Great Disruption: Human Nature and the Reconstitution of Social Order." But, he writes in the preface to "Our Posthuman Future," he continued to think about the various critiques his "end of history" thesis received. And he found himself least able to dismiss the one which pointed out that the rise of liberal democracy is not the only defining feature of modern times. Science has pushed along modernity as well. And the end of history cannot have been reached until the end of science, for science always holds out the possibility that some technological advance will undo the gains of political and economic liberalism.

Along the way, as he worked his way through this thicket of issues, Fukuyama emerged as one of the most thoughtful and important commentators on cloning and biotechnology. Recently appointed a member of the President's Council on Bioethics, he's grown increasingly worried about the damage being done by science to human nature itself—a nature that is necessary, he believes, to claim and maintain the natural rights and human dignity that are at the heart of liberal democracy.

So, in "Our Posthuman Future," he sets out to define the dangers posed by biotechnology and to propose a solution. In the first section of the book, "Pathways to the Future," he points out the extent of the changes looming. In vitro fertilization already routinely screens embryos for birth defects before implantation. Human-animal hybrids are rapidly becoming a reality. And germ-line engineering, in which

genetic changes will be handed on to future generations, is coming soon. All of these are eugenic in purpose. All of them portend the end of a distinction between medicine and enhancement. And all of them weaken the natural basis of rights and dignity.

The book's second section, "Being Human," takes up the question of human nature's vulnerability to scientific attack, and the final section, "What To Do," makes an impassioned call for the government to respond to this threat with significant regulation and watchdog organizations.

Fukuyama presents all this with his usual seriousness and learning. Analysis of the science moves as easily on the page as political theory, while he ranges through intellectual history, congressional debate, and popular culture. Fukuyama has a gift for a certain kind of nonpolemical prose that invites agreement without overpowering the reader. "Our Posthuman Future" is consistently fascinating and thought-provoking. But it's also finally unpersuasive—even for those who begin with the desire to halt eugenic biotechnology before it destroys us. And if we could only reach down to why the book is unpersuasive, we'd have some insight into the philosophical dilemma we face at this dangerous moment.

Essentially, Francis Fukuyama is caught in what we might call the great modern conservative dilemma. Politically speaking, modernity is liberalism, and liberalism is modernity. It was Fukuyama himself who pointed this out in "The End of History and the Last Man." History hadn't come to an end in 1989, he insisted; the fall of Soviet communism was merely the final proof of liberalism's implacable triumph. History, as the clash of genuine alternatives, had actually ended right where Hegel said it had—in 1806, when Napoleon's victory at the Battle of Jena ensured that there no longer existed any real political possibilities besides liberalism.

But as modernity careened bloodily from side to side while liberalism's triumph worked itself out over the last two centuries, certain people have felt the desire to get off the boat. For some in America, for instance, the impetus was the disaster of socialist economics. For others it was an inability to stomach abortion. For others it was crime rates. For others it was euthanasia. For a few recent converts it is biotechnology and cloning. But, for all of them, a point is reached where they decide, "This is where I say, 'Enough.' This is a good place to stop."

Thus the economic libertarians wish to hold their position in the 1890s, the Evangelicals in the 1920s, the Southern agrarians in the 1940s, and the *National Review* conservatives in the 1950s. For a century and a half after the French Revolution, Catholicism stood as the only major force opposed to modernity, and even after the great rush of Vatican II aggiornamento, Catholics essentially froze the modernity they were willing to accept at 1964. A variety of factors drew off the neoconservatives around 1972.

Reagan's great conservative coalition of the 1980s was essentially a uniting of all these dissenters from the liberal project under one big Republican tent, and it was enormously successful in closing off certain economic lines that advanced

thought had once assumed were identical with modern liberalism. Who now defends big government? Who still believes in the superior efficiency of a centrally planned economy?

But in other ways, the Reagan revolution was unsuccessful—as the continued rise of out-of-wedlock births and the apparent ineradicability of abortion and our lockstep march toward biotechnology's Brave New World all demonstrate. And that is because, in a certain way, there was never any chance of success. Examined closely, each disembarking group proves to have been seeking not to undo modernity but to freeze it at a particular moment—a moment when certain vestigial elements left over from the premodern world kept at bay the worst effects of modern times.

And yet, lacking a coherent unmodern philosophy, we can offer no compelling reasons for modernity to stop where we wish it to. The economic and political battles against communism, by returning liberalism to its original course, certainly changed the direction of modernity. But they did nothing to slow modernity down. Over the last few decades, for example, political scientists, sociologists, and scholars of the American Founding have all pointed out that a smidgen of religious belief seems necessary to prevent modern liberalism from devouring its own political and economic gains. But this insight hasn't brought us much, for a culture's religious belief doesn't derive from the desire that the culture have a religious belief. Meanwhile, since its Enlightenment beginning, modernity has conceived of religion as its great enemy, and the antireligious impulse of the modern world is still steaming on and on—unchecked by our recognition that it ought not to, that it ought to have stopped somewhere before this.

Or, for another example, consider the question of whether we could have had a liberalism that was against abortion. We did manage to find an anti-Communist liberalism, after all—however much the Communists insisted that the future was theirs and that they were merely liberals in a hurry. And, hard as it is to remember, there was a moment around 1969 when several liberal writers were insisting that care for the poor and the weak demanded the rejection of abortion. But the liberationist impulse was simply too strong, and the sexual revolution too much fun. And so abortion came, despite opposition from those who wanted a modernity without it. Having bought a ticket this far, what means—what right, for that matter—did they have to stop the boat from going further?

And now, at last, modernity has brought us the biotech revolution, and Francis Fukuyama has reached his point of saying, "Enough. We must get off." God knows, he's right. The first third of his book is utterly convincing proof that we are heading straight onto reefs that will destroy us. But the question is how we are to prevent that—for it is the internal motor of modernity itself that has driven us here, and Fukuyama accepts vast seas of modern development.

His answer relies on the claim, put at length in his last book, "The Great Disruption," that a "reconstitution of the social order" has been taking place in recent

years. We have, he admits, gone through a very bad stretch: "With all of the blessings that flow from a more complex, information-based economy, certain bad things also happened to our social and moral life." But against those bad things, human nature has at last begun to reassert itself. "By nature," he writes, humans "organize themselves into not just families and tribes, but higher-level groups, and are capable of the moral virtues necessary to sustain such communities." And though the reconstituted society may not be all that conservatives desire, we have, as it were, reached a natural harbor and stopping point. We are no longer sailing deeper into the chaos that the great cultural disruption of the 1960s brought us.

"Human nature" is a distinctly premodern notion: a philosophical essence (to its proponents) or invention (to its rejecters) that overcomes the apparent divide between metaphysics and ethics; a way to connect the structure of reality with the moral life. If we are built in a certain fashion, then there are generally right and generally wrong ways to try to live.

A Christian vision of man as made in the image of God comes very quickly to positive ethical laws. Aristotle's account of human beings as aimed at happiness through friendship and contemplation issues almost as quickly in precise demands. Fukuyama, however, is reluctant to give a precise definition of what human nature might be. In "Our Posthuman Future," he offers one loose account based on statistical norms—and a second by arguing backwards from the politically accepted truth of natural rights to the existence of at least as much human nature as is necessary to support those rights. But, whatever human nature is, its reality is not necessarily incompatible with a modern outlook on things. Indeed, before the Great Disruption, most enlightened thought assumed its truth. And there are two pieces of modern evidence that suggest this human nature actually exists: the fact that a return to common sense has caused the cultural chaos to level off in recent years, and the fact that the trendiest science—in the guise of evolutionary biology—has been increasingly prone to the rediscovery of human nature.

All of this, of course, provides reasons to stay on board modernity's boat. But now, Fukuyama points out, biotechnology wants either to redefine or to abolish human nature.

His analysis here is brilliant. Think for a moment, he demands, of what the world will look like when masses of people survive beyond their hundredth birthday. What will happen to jobs, positions, honors, and wealth? What will happen when First World nations have a median age of sixty, while Third World nations have a median age of twenty?

Think, for that matter, of what will happen when anti-depressants and mood-changers reach perfection. "Prozac and Ritalin are only the first generation of psychotropic drugs," he notes. "In the future, virtually everything that the popular imagination envisions genetic engineering accomplishing is much more likely to be accomplished sooner through neuropharmacology."

Fukuyama has been almost alone in insisting that our huge cultural investment

in such drugs is of a piece with biotechnology, but his argument in "Our Posthuman Future" is convincing. The immortality project, the perfect-baby project, and the universal-happiness project are all aimed at the same end: the amelioration and consequent elimination of the human condition. Our notions of natural rights, our claims of human dignity and equality, are all based on the complex interplay of birth, health, aging, and death. And when these have changed as completely as biotechnology wants to change them, what will remain of rights, dignity, and equality?

Indeed, what will remain of humanity itself? Fukuyama opens with a curious quotation from Martin Heidegger: "The threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has always afflicted man in his essence. . . . Man [is threatened] with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth." It's never easy to figure out what Heidegger's stray gerunds and knotted participles mean, but the claim here seems to be exactly what worries Fukuyama: that we can actually close off to ourselves, by changing human nature, the truth of reality itself.

The problem Fukuyama faces is how to prevent this biotech future from coming to pass. He has an analysis that shows stopping it to be necessary. And he has, in the last third of his book, a device of massive and immediate government regulation that he thinks will work. What he lacks is a coherent means to connect the two. He demands that we convince ourselves we need to defend human nature. But this human nature proves, at last, to be merely the same kind of premodern vestige that all the previous passengers disembarking from the modern boat tried to claim: something needed by modernity in order to preserve its liberal political gains, but nonetheless incompatible with modernity.

Fukuyama's difficulty is that he has bought too much else in modernity to reject biotechnology easily. You can see this in the support he claims from evolutionary biology, for one branch of science is unlikely to give sufficient ammunition to fight the horrors brought about by another branch. With a thick account of human nature, it might be possible to accept good science and reject bad. ("Our Posthuman Future" praises Pope John Paul II's treatment of evolution in this context.) Fukuyama, however, mistrusts thick accounts. He is too modern to think he can persuade us with the pope's religious claim, too current to imagine he can restore us to Aristotle's philosophical view, and too scientific to rely on Aldous Huxley's literary understanding. But without some such support present generally in the culture, the government regulations for which he calls are doomed. The political pressure from activist groups will be too great. The moral confusion of politicians will be too massive. And, most of all, the internal motor of science will be too powerful.

There was a revealing moment last June, during testimony on the House of Representatives' bill to ban human cloning, when Congressman Ted Strickland of

Ohio complained, "We should not allow theology, philosophy, or politics to interfere with the decision we make" on what ought to be a purely scientific matter. Like so much that has been said in the cloning debate, it was both profoundly silly and profoundly true. Strickland was merely exasperated and vulgar enough to say out loud what we all perfectly well understand. Science has its own imperative force, and we cannot resist it without ceasing to be modern. Unless we embrace as a culture some coherent unmodernism, there is no preventing the biotech future. You and I—and Francis Fukuyama—may get off the boat, but the boat is going on.

We've had one attempt to cobble an anti-modern philosophy solely from the resources of modernity itself; it was called "postmodernism," and apart from encouraging a residual suspicion of all science, it did nothing to solve our problem and a great deal to exacerbate it. What we need instead is someone of Fukuyama's intelligence and skill to gather up the premodern elements necessary to maintain the political advances of modernity—and to build them into a new and coherent philosophical vehicle to take us out of these dangerous waters.

"This is a no-smoking space flight?"

APPENDIX I

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Wrongful Life? The Strange Case of Nicholas Perruche

M. Therese Lysaught

The law tells stories. So argues Catholic legal scholar Mary Ann Glendon in her short but fascinating book, *Abortion and Divorce in Western Law*. Glendon draws on anthropologist Clifford Geertz's claim that law is a "culture system"—it "tells stories about the culture that helped to shape it and which in turn it shapes: stories about who we are, where we came from, and where we are going." Law's stories, Geertz and Glendon argue, cannot but constitute who we are. Its language and concepts become part of our ordinary language and influence how we perceive reality.

At times, though, a law attempts to advance a story that seems radically out of step with what we understand to be true, with who we believe we are or who we wish to become. Such cases illustrate law's constitutive power. A poignant example that has been wending its way through the French courts is the case of eighteen-year-old Nicholas Perruche, who recently won a claim for "wrongful life."

Nicholas was born in January 1983. Four weeks into his gestation, his four-year-old sister contracted German measles. His mother, aware that German measles can cause severe congenital handicaps, told her physician that if she tested positive for the disease she wanted an abortion rather than risk giving birth to a severely handicapped child. Mrs. Perruche underwent two blood tests, two weeks apart. Laboratory error gave contradictory results. Instead of pursuing the matter further, her physician advised her that she could "safely continue her pregnancy."

Nicholas's profound handicaps became evident soon after his birth. He cannot hear, cannot speak, and is mostly blind. His heart is weak. He moves only when carried or put into a wheelchair. Mrs. Perruche suffered a mental breakdown when Nicholas was two, requiring psychiatric care. His parents subsequently divorced.

Today, Nicholas lives in a government institution and spends alternate weekends with his mother and father. But his parents were concerned that after the age of twenty, he would probably have to leave the institution and require permanent private care. The family first went to court in 1988. Arguing that the error of the laboratory and the physician had brought suffering to the family, the Perruches were awarded approximately $13,000 in damages.

Had the case ended here, it would be have been novel enough, presenting the first appearance in French jurisprudence of a concept indigenous to the U.S. legal landscape, namely, "wrongful birth." "Wrongful birth" suits claim that the negligence of health-care providers (for example, botching sterilizations, failing to inform about a prenatal test, or misdiagnosing a fetus's handicap) prevent the mother

from exercising her right of autonomy and thus to abortion. Wrongful birth claims have been advanced when the "birth" resulted in children both with and without disabilities.

Wrongful birth cases differ from traditional malpractice suits in two ways. Traditional malpractice suits (which in these situations might be brought under "wrongful conception" or "wrongful pregnancy") describe the "damage" as a medical or physical harm to the mother. This would not include the existence of a child one would rather not have. Consequently, malpractice compensation is generally limited to recovery for damages associated with pregnancy itself (loss of wages, costs of pregnancy and delivery, etc.) as well as emotional duress. In wrongful birth cases, the damage lies not with the pregnancy itself—Mrs. Perruche, for example, was not opposed to being pregnant nor to giving birth to a second child. The damage lies rather in the burden that this particular child imposes on the life of the parents and family. Wrongful birth suits seek additional compensation for wages lost because of the care required by special-needs children, and for the medical, educational, and emotional costs associated with the child's disability. Typically, these costs are only compensated until the child reaches the age of majority.

But Nicholas's case is not solely one of wrongful birth. In addition to arguing for damages on their own behalf, the Perruches sued the laboratory and the physician on Nicholas's behalf, arguing that Nicholas himself had been harmed by their errors. On four occasions, Nicholas was awarded damages, but each time the verdicts were reversed on appeal. Last July, the Cour de Cassation, the French equivalent of the Supreme Court, upheld a 1991 lower court ruling that awarded Nicholas damages. The court argued that because the errors of the physician and the laboratory "had prevented Mrs. Perruche from exercising her choice to end the pregnancy in order to avoid the birth of a handicapped child, the latter can ask for compensation for damages resulting from his handicap." The Perruches were awarded about $68,000 with a further $250,000 to cover the cost of Nicholas's life-time care.

With this decision, the French courts imported the additional U.S. concept of "wrongful life." "Wrongful life" suits do not claim that the physician's negligence caused the impairment (as would a malpractice case). Rather, "wrongful life" suits argue that the health-care provider's error is responsible for the plaintiff having been born and consequently experiencing the suffering and incurring the expense caused by the impairment. The impairment causes the harm. The "wrong" is attributed to the birth itself, implying that in his being born the plaintiff's rights were violated. Nicholas, the wrongful life claim implies, had a right to be terminated before birth.

The ruling caused an uproar in France. Persons with disabilities criticized the decision as demeaning of them as human persons. Ethicists criticized it for encouraging eugenics. As 2001 wore on, opposition to the ruling increased, culminating in a strike of sorts by outraged physicians. In January the twenty-four-hundred-strong National Syndicate of Gynecologists and Obstetricians

began refusing to perform routine ultrasound scans. The doctors argued on pragmatic grounds, citing fear of lawsuits should disabled babies be born. But their action resonated with a deeper sensibility across the country. Shortly after the strike began, the French National Assembly called an emergency session and passed legislation forbidding plaintiffs to seek damages simply for having been born. The bill passed by an overwhelming margin.

The first successful "wrongful life" case in the United States was the 1984 decision of the New Jersey Supreme Court in the case of Peter Procanick (whose mother, like Josette Perruche, contracted German measles in her first trimester). But Procanick saw no overwhelming congressional response. U.S. obstetricians and gynecologists certainly did not go on strike. Ethicists seem to have barely batted an eye. Why? And why was the French response so different? How might we account for these differences? One answer, I would suggest, lies in our national stories as captured in our respective abortion laws.

What is the story that French abortion law tells? Two features seem very similar to U.S. statutes. In France, abortion is available up to the tenth week of pregnancy to any woman "whose condition places her in distress." "Distress" is simply defined by the woman. After ten weeks, only "therapeutic" abortions are permitted, for situations that pose a threat to the woman's health or when "there is a strong possibility that the unborn child is suffering from a particularly serious disease or condition considered incurable at the time of diagnosis."

Three features of France's abortion law, however, provide clear points of departure from the U.S. situation. First, the language of the statute clearly names the fundamental issue as one involving human life. Its first sentence reads: "The law guarantees the respect of every human being from the commencement of life. There shall be no derogation from this principle except in cases of necessity." Second, the statute specifically outlines ways in which the state is to take an active part in promoting respect for life: "The teaching of this principle and its consequences, the provision of information on the problems of life and of national and international demography, education toward responsibility, the acceptance of the child in society, and family-oriented policy are national obligations." Toward these ends, the state provides substantial financial support for women and their children. Finally, the statute mandates several procedures—including a counseling session—designed to make the woman aware of, and able to choose, alternatives to abortion.

As such, the story told by French abortion law seeks to balance, as Glendon notes, compassion for pregnant women with concern for fetal life and expresses the commitment of society as a whole to minimize occasions when a tragic choice has to be made between the two. Nonetheless, the overarching theme of the story is that of "*respect* for *every* human being from the moment of commencement," a respect that the state is obliged to foster. That the French believe this to be the state's obligation makes sense in a country twice ravaged within recent memory by war. (This link is seen even more clearly in German abortion laws, where the courts expressly root their commitment to the protection of unborn human life in

the experiences of World War II.)

The claim that Nicholas was *harmed* by not being aborted tells a very different story. It suggests that "respect" entails destruction rather than nurture. (This claim is currently advanced in the United States within the human embryonic stem-cell debate). It does not suggest that abortion is a tragic action of individual conscience that the state will allow as a compromise while working against it. Rather, it suggests that at times the destruction of human life is a "right," a good to be pursued. Ironically, in a dark inversion of the claim to a right to life, the right to be terminated prior to birth becomes the only right fetuses with disabilities possess. By issuing this decision, France's highest court suggested that the state support the destruction of specific human beings.

The rejection of the court's ruling by the French populace, medical professionals, and legislators suggests that this is not their story. It does not describe who they understand themselves to be. And it is not who they want to become.

In the United States, of course, *Roe* v. *Wade* and subsequent legislation tell a very different story. U.S. laws start out not from respect for every human being but rather from the fundamental conflict between a woman's individual liberty or privacy and a "nonperson." Moreover, U.S. laws prohibit states from instituting the kinds of policies that are required in France in order to make women aware of and able to choose alternatives to abortion. Such policies have been repeatedly interpreted as creating an "undue burden." Of course, given the dismal public support for maternity and child rearing in the United States, real alternatives do not exist for many women. Thus, the U.S. legal narrative tells a story in which the state is limited in its obligations to protect human life and has little responsibility to actively nurture and foster the lives of those within its purview. In this context, "wrongful life" is the logical extension of the story told by *Roe*.

But the question remains: What about Nicholas? The French were unwilling to allow him to be described in terms that rendered his life not worth living. They refused to cast him as a person whose burdens outweigh his inherent value and negate the goodness of his existence. They did not wish the concepts associated with "wrongful life" to enter into the way they see and will see persons with disabilities.

What resources might we in the United States have to counter the description of persons with disabilities offered by "wrongful life" cases? The picture is mixed. The law itself might provide one antidote. Currently only three states recognize wrongful life suits—New Jersey, California and Washington—while twenty-three state appellate courts have refused them. This, coupled with the constitutive power of the Americans with Disabilities Act—contested though it may be—challenges the normative claims of "wrongful life" suits vis-à-vis persons with disabilities.

But this very account of our legal situation reveals that the status of persons with disabilities in the United States remains deeply ambiguous. Those who wish to forge a different reality for persons with disabilities will need to turn to other stories and practices. I will end by offering just one powerful alternative practice

that emerges, coincidentally, from France: the communities of L'Arche.

Founded by Jean Vanier in 1964 and subsequently exported to twenty-four countries including the United States, L'Arche works to create communities of friendship between volunteers and persons with disabilities—disabilities even as profound as Nicholas's. L'Arche intentionally embodies an alternative narrative of who persons with disabilities are and puts that narrative into practice. Against the belief that persons like Nicholas are so profoundly damaged that the good of their existence is negated, L'Arche aims to help them gain a deeper sense of their own worth, as persons worthy of love and friendship, whose value and beauty lie hidden in their weakness. It is a practice premised on a different story—not one of privacy and "nonpersons." It is based on a belief in the reality of the Trinitarian God, a community of persons, in whose image and likeness all of us—visibly handicapped or not—are made. By seeking to live this reality, L'Arche makes its claims "come true" even for persons with profound handicaps and provides a real alternative to the story embodied only in the technologies of prenatal surveillance. In so doing, it not only challenges us to see persons with disabilities differently, it challenges us to understand ourselves, and so to live, differently.

L'Arche and its work, of course, does not deny the tragedy of Nicholas's condition, the loss of who he could have been, and the anguish of his family. It does not deny the pain experienced by those with disabilities, but locates their pain primarily in society's rejection of them as persons. "Wrongful life" claims embody this rejection profoundly. By making manifest the dignity of persons with disabilities, L'Arche challenges the belief that tragedy, loss, and anguish are the only words needed to describe Nicholas's life and that Nicholas's very existence is a wrong above all to himself.

APPENDIX J

[Austin Ruse is the President of the U.N. watchdog C-Fam (Catholic Family and Human Rights Institute). The following first appeared in the National Catholic Register *and is reprinted with their permission.]*

The Bomb That Went Psssst

Austin Ruse

The "Population Bomb" went Psssssssst.

It did not explode. It just ended. And not with a bang, not even with a whimper. More like the sound coming from an old stretchy balloon. According the United Nations experts, the population explosion is officially over, and this from the meddling institution that helped get the whole thing going in the first place.

The U. N. Population Division, official statisticians for the U.N., hosted an expert meeting at U.N. headquarters a few weeks ago and announced their projections for population-control alarmists have been predicting since I was in the first grade that the world would soon run out of everything—food, natural resources, even space. College dorm posters from 25 years ago showed a planet so full that some were forced to live on overcrowded beaches.

This population scare was the engine that drove aggressive population-control programs in the poor brown, black and yellow nations. The population bomb also drove the push for radical acceptance of abortion and environmental extremism. Even the United Nations now accepts that this scenario wasn't true—not all of the United Nations, but one very influential branch.

What U. N. population experts are now saying is that the fertility rate in a number of countries is substantially lower than thought. So low, in fact, that the United Nations is now projecting the world will see a billion fewer people by the year 2050 than previously expected. We're currently at 6 billion. They had projected we would swell to 10 billion; now they are down to 9 billion.

The Population Division first sounded this alarm at a meeting in 1997, when it was reported that more than 60 countries were no longer replacing themselves. Most of these countries are in the developing world. Subsequent reports put the below-replacement group much higher, heading north of 80 countries, and including countries both rich and poor.

Dr. Joseph Chamie, head of the U.N. Population Division, is an unbiased statistician. I do not know what his position on abortion is. I suspect he is in favor of it. In any case, Chamie is alarmed about the impending fertility downturn. In fact, he is in something of a rolling debate with other U.N. agencies that love abortion, support it and pay for it, those who believe the world is awash in a dangerous contagion: people.

Chamie sees things differently. He issued a report last summer that flatly contradicted the dominant anti-natal ethos of the United Nations. His "World Population Monitoring Report 2001" asserts that, even though population has grown, food production and natural resource extraction have kept ahead of it. He also says

that population growth may affect the environment, but that environmental degrading is more complicated than a single factor. He even said declining populations harm the environment.

It is on fertility rates and demography that Chamie raises an alarm and raises the hackles of population controllers. Chamie says the crisis is not impending. He reports that Russia shrank by 800,000 people last year. He says that the crisis is here. Two years ago he hosted a meeting that looked at the crisis of aging populations, including the prospect of intergenerational competition for financial resources. Now he fears something more.

What happens when population begin not just to age, but also to fall?

So alarmed at this development, the Population Division held an expert meeting last year to consider solutions to the huge demographic and economic dislocation occurring because of an aging and dying population. Their single solution was massive immigration to the developed world from the developing world, something that most countries view as unacceptable. And new numbers show even the poor south is now experiencing below-replacement fertility.

The larger question is this: Once the ethos of small families is bred into us, how is that changed? We know that having children shows a remarkable generosity. This kind of generosity was once commonplace. It seems to have been replaced with a desire for European vacations, single-malt scotch and SUVs. They told us to have just enough children to replace ourselves, and no more.

In order to get there, a kind of greed had to be instilled. Once the greed for things is instilled in the human heart, how is it changed? Why have only two children? Why not one? Why not none? What policymaker had discovered is they do not know how to get couples to put the brakes on fertility decline. They do not know how to stop couples from stopping having children. A few years ago Sweden, yes Sweden, offered tax incentives for increased family sizes. It worked only briefly.

I am frequently asked how many people the world can hold? What a crazy question. How in the world can I know? How can anyone know? It is really not our business anyway. All I know is that when I fly anywhere in the world and I look down from on high, I see a remarkably empty planet and know that we could use a few more friends.

Now, it seems, even the United Nations is catching on to this.

APPENDIX K

[*Mary Meehan, a Maryland writer and longtime contributor to this* Review, *has published widely on life-and-death issues. A shorter version of this article appeared in* Celebrate Life, *March-April 2002.*]

Graceful Exits

Mary Meehan

Are you bothered by stories of people who sit around plotting their own demise? Put off by those who hoard pills for overdose, or learn how to tie plastic bags around their heads? Do you suspect that there are better and braver ways to face one's final illness?

Many people who support dying "the old-fashioned way"—without overdoses, plastic bags or bullets—stress that pain-control techniques are now so advanced that no one need die in extreme and unrelenting pain. They are largely right. Yet there is no guarantee against some pain, nor against discomfort and extreme fatigue. Even when modern medicine does its best, there is still need for patience and courage.

It is remarkable how people overlook these old-fashioned virtues in debates over assisted suicide and euthanasia. It is striking how seldom anyone suggests that adults should be brave in order to set a good example for teenagers in their many trials.

The Quakers have a saying, "Let your life speak." They understand that words are not enough, that we should act out our deepest convictions in our daily lives. To this one might add: When the time comes, we can also let our deaths speak a message of courage to those we leave behind. By leaving with grace, we can give our last and best gift to family and friends.

Hollywood, often the last place to look for good examples, provides some excellent ones in this case. Great performers can summon extra strength in times of crisis, and they appreciate the importance of a brave exit.

Facing a devastating cancer, the late actor Michael Landon declared: "If I'm gonna die, Death's gonna have to do a lot of fighting to get me." He said that "if you fight and win, it pays off for thousands of people. It gives them hope, and hope can work miracles." He did not win, but he showed an admirable lack of self-pity as he neared death at age 54. Suggesting that he hadn't missed much in life, Landon said that "I've had a pretty good lick here."

Performer Tiny Tim (Herbert Khaury), knowing that heart problems might soon take his life, said that "I am ready for anything that happens. Death is never polite, even when we expect it. The only thing I pray for is the strength to go out without complaining." He was fatally stricken in 1996 while singing his signature song; his wife said that "the last thing he heard was the applause" and that she was the last person he saw.

Audrey Hepburn showed the same class in facing terminal cancer that she had always shown on film. Trying to hide her pain, she made things as easy as she

could for family and friends. "This is the happiest Christmas I've ever had," she said less than a month before she died. And she gave her two sons the kind of message a family member treasures forever: "You are the two best creations I ever made."

Nineteenth-century writer Harriet Beecher Stowe knew that her mind was not right in her old age. But she accepted that reality with tranquillity. "My mind wanders like a running brook," she wrote one friend on a lucid day. "I have written all my words and thought all my thoughts, and now I rest me in the flickering light of the dying embers." Her mind may have wandered, but she certainly hadn't forgotten how to write.

The Yankees' great player, Lou Gehrig, in his farewell to fans after he was diagnosed with amyotrophic lateral sclerosis, said that "for the past two weeks you have been reading about the bad break I got." Yet he considered himself "the luckiest man on the face of the earth" because of all the people who had helped him along the way. Despite rapidly-increasing weakness, Gehrig worked for a year as a parole commissioner in New York City. When he could no longer do that, he received visitors at home with cheerfulness and grace until his death at age 37.

The knight who led Sir Thomas More to the Tower of London, after More was condemned to death, wept as he said goodbye. But More urged him to "be of good cheer, for I will pray for you and my good lady your wife, that we may meet in heaven together, where we shall be merry forever and ever." Of King Henry VIII, the source of all his troubles, More said that he wanted God "to preserve and defend the King's Majesty, and to send him good counsel."

George Washington thanked his doctors, while also trying to end their hopeless efforts to save him. "I thank you for your attentions," he said courteously, "but I pray you to take no more trouble about me. Let me go off quietly; I cannot last long." John Greenleaf Whittier, the old Quaker poet, told his doctors: "You have done all that love and human skill could do; I thank you."

Harriet Tubman, the famous Underground Railroad conductor, had a message for women who were still struggling to win the vote. "Tell the women to stick together," she said. "God is fighting for them and all will be well!" The formidable Susan B. Anthony, in her last speech to her suffragist troops before she died, declared simply: "Failure is impossible!" To her successor she said: "Take your stand and hold it: then let come what will, and receive the blows like a good soldier."

All of these people were able to transcend the normal self-centeredness of the dying process. They thought of others and gave them the messages of hope, thanks, love and determination that everyone needs in life's struggles.

Some also tried to ensure that their deaths would not add bitterness where there was more than enough already. An Irish Free State military court condemned Erskine Childers to death after his capture in the bitter Irish civil war of 1922-23. (Childers, like Eamon de Valera, opposed the treaty that provided for the Irish Free State but kept it subordinate to England.) Shortly before he faced the firing squad, Childers asked his older son to promise to "shake hands with each person who figured in

my death" and never to use his father's name "to any political advantage." To his wife Molly, who shared his nationalist convictions, Childers wrote that his coming death seemed "perfectly simple and inevitable, like lying down after a long day's work." Before they shot him, he shook hands with each man on the firing squad.

Less dramatic, but closer to what most people today might achieve, was English artist Thomas Gainsborough's reconciliation with a professional rival, Sir Joshua Reynolds. The tension between them probably had been caused by the blunter, more impetuous Gainsborough. When he was dying of cancer, though, Gainsborough asked Reynolds to visit him and view some of his paintings. Gainsborough had long revered the Flemish painter, Sir Anthony Van Dyck, and there is a legend that he told Reynolds, "We are all going to heaven, and Van Dyck is of the company."

When all accounts are settled, reconciliations made and messages sent, there is much to be said for going out with song. Shortly before his death in 1809, Austrian composer Joseph Haydn was visited by a French soldier who sang for him one of Haydn's own arias. Although quite weak, Haydn was able to accompany the soldier on the piano.

As her death approached in 1883, the old abolitionist Sojourner Truth sang one of her favorite hymns, "It Was Early in the Morning." And the aged Harriet Tubman told fellow church members, "I am nearing the end of my journey. I can hear them bells a-ringing, I can hear the angels singing, I can see the hosts a-marching." When she was dying, she led friends and family members in singing "Swing Low, Sweet Chariot":

I looked over Jordan, and what did I see,
Coming for to carry me home?
A band of angels coming after me,
Coming for to carry me home.

Much better than a plastic bag over your head, don't you think?

APPENDIX L

[President George W. Bush issued the following proclamation on January 18, 2002.]

National Sanctity of Human Life Day 2002

George W. Bush

This Nation was founded upon the belief that every human being is endowed by our Creator with certain "unalienable rights." Chief among them is the right to life itself. The Signers of the Declaration of Independence pledged their own lives, fortunes, and honor to guarantee inalienable rights for all of the new country's citizens. These visionaries recognized that an essential human dignity attached to all persons by virtue of their very existence and not just to the strong, the independent, or the healthy. The value should apply to every American, including the elderly and the unprotected, the weak and the infirm, and even to the unwanted.

Thomas Jefferson wrote "[t]he care of human life and happiness and not their destruction is the first and only legitimate object of good government." President Jefferson was right. Life is an inalienable right, understood as given to each of us by our Creator.

President Jefferson's timeless principle obligates us to pursue a civil society that will democratically embrace its essential moral duties, including defending the elderly, strengthening the weak, protecting the defenseless, feeding the hungry, and caring for children—born and unborn. Mindful of these and other obligations, we should join together in pursuit of a more compassionate society, rejecting the notion that some lives are less worthy of protection than others, whether because of age or illness, social circumstance or economic condition. Consistent with the core principles about which Thomas Jefferson wrote, and to which the Founders subscribed, we should peacefully commit ourselves to seeking a society that values life—from its very beginnings to its natural end. Unborn children should be welcomed in life and protected in law.

On September 11, we saw clearly that evil exists in this world, and that it does not value life. The terrible events of that fateful day have given us, as a Nation, a greater understanding about the value and wonder of life. Every innocent life taken that day was the most important person on earth to somebody; and every death extinguished a world. Now we are engaged in a fight against evil and tyranny to preserve and protect life. In so doing, we are standing again for those core principles upon which our Nation was founded.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, January 20, 2002, as National Sanctity of Human Life Day. I call upon all Americans to reflect upon the sanctity of Human Life Day. I call upon all Americans to reflect upon the sanctity of human life. Let us recognize the day with appropriate ceremonies in our homes and places

of worship, rededicate ourselves to compassionate service on behalf of the weak and defenseless, and reaffirm our commitment to respect the life and dignity of every being.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand two, and of the independence of the United States of America the two hundred and twenty-sixth.

GEORGE W. BUSH

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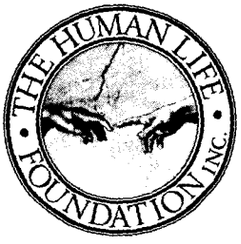
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