

the HUMAN LIFE REVIEW



SPRING 2012

Featured in this issue:

Christopher White on Evangelicals & Contraception

Robert F. Nagel on What the Supremes Are Thinking

TRUTH-TELLING IN THE PUBLIC SQUARE

TIMOTHY CARDINAL DOLAN • WILLIAM MURCHISON • WESLEY J. SMITH

DAVID KLINGHOFFER • JENNIFER LAHL • DAVID MILLS

ELLEN WILSON FIELDING • GREG PFUNDSTEIN • R. R. RENO

Richard Goldkamp on The Passing Political Scene

Edward Short on A Monsignor's Pro-life Witness

Also in this issue:

Suzy Ismail • Susan Yoshihara • Paul Greenberg • Pastor Iuventus

FROM THE ARCHIVES:

The Inalienable Right to Live (1975) by
Eugene Ionesco

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About this issue. . .

. . . when I told Wesley Smith we were publishing an article by Ross Blackburn (“A Reply To Wesley Smith,” *HLR* Winter 2012) taking issue with Smith’s contention that human life was best defended in the public square using arguments framed in secular terms (“The Bioethics Threat to Universal Human Rights,” *HLR*, Winter/Spring 2011), Wesley got excited. “I think,” he emailed me, that this subject “would make a very interesting symposium. I can imagine all kinds of fascinating essays . . . I am sure we could get very notable people on both sides of that argument.”

Well, you don’t get much more notable these days than Timothy Cardinal Dolan, Archbishop of New York and President of the National Conference of Catholic Bishops. But then His Eminence has plenty of eminent company in the symposium (“Truth-Telling in the Public Square,” pages 25-59) we feature here: R.R. Reno and David Mills of *First Things*; Greg Pfundstein of the Chiaroscuro Foundation; Jennifer Lahl of the Center for Bioethics and Culture; David Klinghoffer of the Discovery Institute; and the *Review*’s own senior editors, Ellen Wilson Fielding and William Murchison. Wesley Smith also joins the conversation. And that is indeed what it is—a congenial discussion of how best to propose the pro-life point of view for consideration in the noisy, media-occupied bizarre that is today’s public square.

This is the first time we have published work by Mr. Reno and Ms. Lahl in the *Review*—welcome to our pages. Welcome, too, to Robert F. Nagel (“What Do the Justices Think They Are Doing?” page 13), the Ira C. Rothgerber, Jr. Professor of Constitutional Law at the University of Colorado School of Law, who has written a most interesting piece on how Supreme Court justices regard the role they play in the nation’s governance. (Yet another welcome: this one to C-FAM’s Susan Yoshihara, whose address on aging we reprint on page 85.)

As you will see, with the symposium coming in at 35 pages, our article count is lower than usual. Leading off is one of our younger contributors, Christopher White (“Connecting the Dots: 21st-Century Evangelicals Revisit Contraception and Abortion,” page 5). Chris has announced that he will soon be leaving his job as international director of operations for the World Youth Alliance to pursue graduate studies in ethics at Fordham University—but he assures me he will still have time to write for us. Following is Professor Nagel’s essay, then articles by Richard Goldkamp (“Notes on the Passing Political Scene,” page 60), and Edward Short (“Msgr. Austin Bennett: A Welcome Voice of Patient Obedience,” page 69).

Not much room for appendices in this issue, but thanks go to the London *Catholic Herald* for permission to reprint a recent “Pastor Juventus” column (page 94) and to our friends at Public Discourse (www.thepublicdiscourse.com) for allowing us to include Suzy Ismail’s “A Muslim View on Respecting Life” (page 81). Thanks, too, to Paul Greenberg for another insightful column (page 92).

Finally, just a few words on “The Inalienable Right to Live,” the 1975 Eugene Ionesco essay (page 77) we present in From the Archives: Be sure to read it.

ANNE CONLON
MANAGING EDITOR



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INTRODUCTION

“It’s not about contraception, it’s about religious liberty.” That message is at the heart of those leading the growing opposition to the January 20th Health and Human Services Mandate, which would force religious institutions to provide free contraception in their insurance plans. Although the Catholic Church is the most direct target, President Barack Obama’s unprecedented threat to religious liberty has created a groundswell of opposition among Evangelicals, Jews and Muslims who, as Christopher White observes in our lead article, have joined the Church’s protest with a rallying cry: “We’re all Catholics Now.”

Nevertheless, this is an historical moment to ask, as White does in “Connecting the Dots: 21st-Century Evangelicals Revisit Contraception and Abortion,” what contemporary Protestants think about artificial birth control, and how it relates to abortion. “There is evidence of a growing shift in both public opinion and the religious attitudes of many, particularly among Evangelicals,” he writes, “as they are forced to reconsider the ‘contraceptive question.’” In order to understand the “reconsidering,” we have to look at the history, the “roots of Evangelicalism and the development of Protestantism, in general, after the time of the Reformation.” After all, Catholics and Protestants were once united in their opposition to contraception, and “many of the earliest and fiercest rejections of birth control came from Evangelicals, beginning in the end of the nineteenth century.” The legalization of abortion brought Catholics and Evangelicals together—marching side by side, notably, every January at the March for Life—and, though some Evangelicals still see birth control as a means of reducing abortion, many others are “connecting the dots,” revisiting their support of contraception “in seeking to develop a more consistent pro-life witness.”

As I write this, we are awaiting the Supreme Court’s decision on the constitutionality of Obamacare. Much current political discussion centers on the ideological positions of the justices. Our next author, Robert F. Nagel, a constitutional scholar, asks “What Do the Justices Think They Are Doing?” “Despite their prominence, the justices of the U.S. Supreme Court are mysterious, almost secretive figures,” he writes. Although they rule on decisions that will intimately impact themselves and/or their families—assisted suicide, homosexual marriage, religion in the schools—their opinions are presented as if “their own interests and beliefs” have nothing to do with their decisions. And yet, in the modern Court, those who “earnestly claim to be committed to judicial restraint” are willing to “use power expansively”—as in the *Roe v. Wade* decision. Nagel believes that the justices’ opinions in certain cases, if read carefully, *do* have a wealth of clues as to how the justices see *themselves*. He focuses here on the 1992 *Planned Parenthood v. Casey* decision, which questioned the constitutionality of *Roe* as precedent. Nagel finds the justices’ opinions rich with their own reactions to the personal and institutional implications of *Roe*; he argues that *Casey*’s majority opinions exhibit “hubris

merging with grandiosity,” to the point that the pro-*Roe* justices’ “writing is close to unhinged both rhetorically and substantively.”

Nagel’s article could not be more timely: This spring, conservative pundits are talking about “Liberals putting the squeeze to Justice Roberts” (George Will in the *Washington Post*, May 25), hoping to “secure his vote” to support Obamacare. (As Bruce Walker wrote in the *American Thinker*, April 2: “Leftists have long used the Supreme Court to fast-track their agenda by having augurs ‘read’ into the Constitution things invisible to us mortals. Now the left is discovering that he who lives by the sword may die by the sword—i.e., that we should all dread an impartial judiciary.”) Also timely is our symposium on “Truth-Telling in the Public Square,” which has its own introduction beginning on page 23.

Even as we head into the summer of this election year, it is fruitful to look back on the “passing political scene,” as contributor Richard Goldkamp does in our next article. If the message for protesting the HHS mandate is “It’s not about contraception,” then Goldkamp’s could be “It’s not ALL about money.” Yes, the economy matters, and he is one of millions of Americans suffering from the poor state of ours. But, as evidenced in the presidential campaign of Rick Santorum, the social issues get to the very heart of what being an American citizen means. The abortion question remains a *key* issue in American politics. Goldkamp writes that Santorum “has been far from alone in stirring up this controversy in an election year,” yet he “at times paid a high price” from the left-leaning media, whose hyperbole soared (“Rick’s religious fanaticism”) as they continued their “consistent (or consistently desperate) defense of the ‘right to choose.’” Perhaps, Goldkamp suggests, “secularists in the media prefer to look for ways to trash the reputations of their pro-life adversaries . . . rather than attempt to justify their own pro-abortion stance.”

Sadly, marginalizing those who speak up for the unborn is not only a tactic of the secular media. I was recently seated next to a priest at a pro-life dinner, who told me that in addition to his home parish, he was also helping out on Sundays at an Upper West Side Manhattan church—*until* the Sunday he gave a pro-life sermon. He was asked not to come back. In general, pro-life sermons in Catholic churches are a rarity, at least here in the New York area, but, as Edward Short writes in “Msgr. Austin Bennett: A Welcome Voice of Patient Obedience,” there are luminous exceptions. Short and his wife Karina met Msgr. Bennett, a consistent, outspoken and stalwart defender of the unborn, at St. Rita’s Church in Astoria, New York, where he has been celebrating Mass since 1958. Short’s profile of the good Monsignor is also a trenchant critique of the “reproductive rights” support of many in the Catholic and Protestant clergy—his most egregious example being Dr. Katherine Hancock Ragsdale, Dean of the Episcopal Divinity School in Cambridge, Massachusetts, who testified before Congress that her vows as an Episcopal priest have made her willing to break the law to transport minors across state lines so they can kill their unborn children.

This is a good segue to our final article, written by the famous Theater of the Absurd playwright, Eugene Ionesco, which was reprinted in our Summer 1975

INTRODUCTION

issue. Titled “The Inalienable Right to Live,” Ionesco was reacting to news that a Swiss doctor who admitted to euthanizing incurably ill patients had been released from jail. He wrote: “If we agree to the principle that terminally ill patients should be allowed to die,” where would we draw the line? After the “hopelessly sick and the unborn,” would we consider terminating “cripples, the aged, the insane, misfits and drifters? And then red-haired children and those with curly hair?” Richard Goldkamp recalls the furor in the media when Santorum dared make an historical comparison between the World War II era and today (“Santorum sees Nazis everywhere,” said the *Washington Post*). Eugene Ionesco, in 1975, had no qualms about making such a comparison.

Recently a British doctor urged publicly that newborn babies not be recorded officially until several days after their birth so that a determination as to their viability could be made. Does that not have the eerie ring of the Hitlerian death camps—only those still able to work are preserved a bit longer?

Plus ça change. Edward Short makes reference to a recent (Feb. 23) article in a British *Journal of Medical Ethics*, by two doctors (Giublini and Minerva) that “After-birth abortion (killing a newborn) should be permissible in all cases where abortion is, including cases where the new born is not disabled.” As Short writes, “here the authors make no bones about the fact that they regard not only the child in the womb but the child outside of the womb as *Untermensch*.” Though the term “after-birth abortion” may be shocking, the idea is not new: the authors themselves have written that they are only continuing a debate that “has been going on for over 40 years.”

* * * * *

We begin our appendices with “A Muslim View on Respecting Life,” a moving reflection delivered by Professor Suzy Ismail at the Princeton University Chapel on Respect Life Sunday (and reprinted in *The Public Discourse* in February). *Appendix B* is an address on “Hardships and Fears in an Aging Population,” given by Dr. Susan Yoshihara on the Diocese of Providence’s 6th Annual Human Life Guild Day. Yoshihara asks what a good death is, from a pro-life perspective. Our 2011 Great Defender of Life, columnist Paul Greenberg, is next in *Appendix C*, writing about reactions to the “After-birth Abortion” article, which, a few days after its controversial appearance on the website of the *British Medical Journal*, “Vanished . . . right down the old Orwellian memory hole.” And finally we reprint a column from the London *Catholic Herald*, by a priest who goes by the pen name Pastor Iuventus. It is a profoundly moving and eloquent account of his experience standing outside of an abortuary in London with the 40 Days for Life group, in a “stand off” with a “baying” band of “pro-choice” activists. His insights into the underlying truth of the confrontation, and his compassion for those who shouted against him, ought to be read by every defender of the unborn.

MARIA MCFADDEN MAFFUCCI
EDITOR

Connecting the Dots:

21st-Century Evangelicals Revisit Contraception and Abortion

Christopher White

In July 2011, the Institute of Medicine (a non-governmental organization which, like the National Academy of Sciences, was created by Congress and makes recommendations related to medicine and health) recommended that all insurance providers be required to provide coverage for women's contraceptives, free of charge, as part of "preventative care" coverage under the Obama administration's healthcare-reform law. On August 1, Secretary of Health and Human Services Kathleen Sebelius announced that this recommendation would, in fact, become government policy. Under the new policy, churches and synagogues themselves would be exempt, but religious institutions run by churches and synagogues, such as hospitals and universities, would not be. Immediately, religious groups—led largely by Roman Catholic bishops—protested the decision, as it would require them to violate long-held principles of their faith to pay for services contrary to their teachings and beliefs.

Initially, the Obama administration appeared sympathetic to these concerns, and in a November 2011 meeting with New York's Timothy Cardinal Dolan, the President assured Dolan that the administration would provide broad exemptions for the Catholic Church and other institutions that opposed paying for contraceptive services.¹ However, to the surprise of the Cardinal and many other religious leaders, on January 20, 2012, President Obama and Secretary Sebelius announced that there would be no exemptions—their only concession would be granting religious institutions an extra year to comply with the mandate. In response, the Catholic bishops joined together in declaring the decision an "unprecedented attack on religious liberty." Their response, though strong and unanimous, was unsurprising. What, perhaps, has been most surprising—to the Obama administration more than anyone—is the widespread support among Jewish, Muslim, and Evangelical leaders who also recognize the extreme overreach of the federal government. In the aftermath of the administration's ruling, ecumenical rallies for religious freedom have been held all across the country. And while the

Christopher White, former international director of operations at the World Youth Alliance, is co-authoring a book about vocations to the priesthood and will begin graduate studies in ethics this fall at Fordham University.

Catholic Church is, indeed, the institution directly on the firing line, other religious—and non-religious—leaders have joined together in unity, stating: “We’re all Catholics now.”

Throughout this debate, the U.S. bishops have striven to make clear that the heart of this battle is not about contraception, but religious freedom. And while they are right to do so, there is evidence of a growing shift in both public opinion and the religious attitudes of many, particularly among Evangelicals, as they are forced to reconsider the “contraceptive question.” While the evidence is largely anecdotal, there appears to have been an increase over the past two decades in the number of Evangelicals who are reconsidering their support of contraception as they seek to develop a more consistent pro-life witness.

**A One-Time United Front:
Historical Catholic and Protestant Opposition to Contraception**

To understand this fully, one must first understand the historical context of the contraception debate among Evangelicals in the United States. Contraception has not always been a “Catholic” issue. In fact, many of the earliest and fiercest rejections of birth control came from Evangelicals, beginning at the end of the nineteenth century. In his book *Godly Seed: American Evangelicals Confront Birth Control (1873-1973)*, Allan Carlson describes the situation:

It was Evangelicals who—starting in 1873—successfully built a web of federal and state laws that equated contraception with abortion, suppressed the spread of birth control information and devices, and even criminalized the use of contraceptives. And it was Evangelicals who attempted to jail early twentieth-century birth control crusaders such as Margaret Sanger. All the same, by 1973—the year the U.S. Supreme Court overturned the abortion laws of all fifty states—American Evangelical leaders had not only given a blessing to birth control; many would also welcome the Court’s decision in *Roe v. Wade* as a blow for religious liberty.²

To understand this, one must look to the roots of Evangelicalism, and the development of Protestantism in general after the time of the Reformation. Despite the many matters on which the Reformers disagreed with Rome, they, too, upheld the belief that the primary purpose of marriage, and hence intercourse, was procreation. The book of Genesis recounts the story of Onan, who during sexual intercourse withdrew before releasing his semen and was later punished by God with death. Both Catholics and Protestants have historically used this passage as a defense of their opposition to contraception. In 400 A.D., in his treatise *On the Good of Marriage*, Saint Augustine maintained that “sexual intercourse even with a lawful wife is unlawful and shameful, if the offspring of children is prevented. This is what Onan, the son of

Juda, did and on that account God put him to death.” Martin Luther, in his commentary on Genesis, wrote that “Truly in all nature there was no activity more excellent and more admirable than procreation. After the proclamation of the name of God it is the most important activity Adam and Eve in the state of innocence could carry on—as free from sin in doing this as they were in praising God.” Elsewhere Luther wrote: “Onan must have been a most malicious and incorrigible scoundrel. This is a most disgraceful sin. It is far more atrocious than incest and adultery . . . Surely at such a time the order of nature established by God in procreation should be followed.” John Calvin, the founder of modern-day Presbyterianism, also criticized the “sin of Onan” in stark terms, stating:

It is a horrible thing to pour out seed besides the intercourse of man and woman. Deliberately avoiding the intercourse, so that the seed drops on the ground, is doubly horrible. For this means that one quenches the hope of his family, and kills the son . . . before he is born. . . . When a woman in some way drives away the seed out the womb, through aids, then this is rightly seen as an unforgivable crime. Onan was guilty of a similar crime, by defiling the earth with his seed.³

Such sentiments were the prevailing belief of Protestants and Evangelicals for centuries after the split with Rome, and they went largely unquestioned until the early twentieth century. While opposition to birth control was quietly maintained by Catholics in the United States, it was the Evangelical leader Anthony Comstock who led the crusade for the passage of federal and state legislation banning the sale of contraception in the last quarter of the nineteenth century. Comstock, the Connecticut-born and later New York City-based reformer, spent his lifetime arguing that obscenity (primarily the availability of pornographic books) was linked to the evils of contraception and abortion. Demanding legislation that banned the distribution or sale of both contraceptives and obscene publications, Comstock charged that “dealers in obscene books and prints also commonly sold contraceptives and abortifacients.”⁴ In addition, he made a strong case that contraceptives encouraged immoral behavior and that abortion and contraception were dangerous to the health of women. While such a man would likely be reviled in our present era, Comstock was hailed as a true reformer and a hero of the day. He was not only highly regarded by the powerbrokers of New York and Washington but, as Allan Carlson notes, “other contemporaries saw Comstock standing shoulder to shoulder with Jane Addams and Jacob Riis as reformers battling the poverty, crime, and violence of the city.”⁵ When he died unexpectedly in 1915, his greatest nemesis was a woman who would spend the better part of the 20th century undoing much of his work and radically redefining the sexual norms of the day: Margaret Sanger.

Sanger, the global crusader for birth control and matriarch of Planned Parenthood, entered history at a time that proved ripe for her efforts. A fear of overpopulation around the globe dominated public opinion and interest in the “science of eugenics” was on the rise. The proponents of both had a common enemy: the Roman Catholic Church. During the 1920s, debate over birth control began to take place in mainline Protestant Churches. This came to a climax at the Lambeth Conference in August, 1930, when Anglicans approved a resolution stating that

Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless, in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles.⁶

For the first time in all of Christian history, a church acknowledged the permissibility of using contraception. While debate would continue for several decades, this proved to be a decisive turning point for Protestant denominations, and Sanger capitalized on the moment by popularizing the use of birth control as a means of “empowering women.”

After World War II, worries about overpopulation continued to preoccupy most Americans, as well as the international community at large. Such concerns dated back to Thomas Malthus’s 1798 *Essay on the Principle of Population*, in which he warned that people were reproducing more quickly than the food supply was increasing. In 1968, Stanford Professor Paul Ehrlich, following the same line of reasoning, forecast widespread famines in his bestseller, *The Population Bomb*. Ehrlich predicted “the breakdown of society and the irreversible disruption of the life-support systems on this planet, possibly by the end of the century.” A year later, in 1969, the United Nations Population Fund was founded to address the impending overpopulation crisis. During this same period, the United States doubled its spending on research and development for contraceptive methods and, concerned about a possible future shift in the balance of world power, joined the Ford Foundation (founded by the Episcopalian, Henry Ford), the Rockefeller Foundation (founded by the Baptist, John D. Rockefeller, Jr.), the World Bank, and the International Planned Parenthood Federation in convincing Asian countries that fewer people would lead to greater wealth. Even Walt Disney joined the fray by producing a cartoon film titled *Family Planning*, and the famous Evangelical leader Billy Graham was quoted in 1968 saying, “I believe in planned

parenthood.” A mere 25 years after the Lambeth conference had sanctioned birth control use in limited circumstances, Protestants came to consider it their Christian duty to curb overpopulation—and the widespread embrace (and promotion) of birth control became the norm.

Meanwhile, the same year that Ehrlich’s *The Population Bomb* was published, Pope Paul VI released his encyclical *Humanae Vitae*, which reaffirmed the Catholic Church’s opposition to artificial contraception. In *Adam and Eve after the Pill: Paradoxes of the Sexual Revolution*, Mary Eberstadt observes that “the encyclical warned of four resulting trends: a general lowering of moral standards throughout society; a rise in infidelity; a lessening of respect for women by men; and coercive use of reproductive technologies by governments.”⁷ Five years after the encyclical appeared, the Pope’s warnings were realized on an unprecedented scale when the United States Supreme Court legalized abortion in the now-landmark case of *Roe v. Wade*.

Comstock Was Right

In making the case for federal legislation, Comstock had stressed that contraception was intrinsically linked to abortion. The Supreme Court would later use similar reasoning in *Roe*. Comstock was also prescient in warning that contraception and abortion are bad for women. Despite the popular argument that the widespread availability of contraception would eliminate the number of abortions that take place, the opposite seems to have occurred. According to the Guttmacher Institute, a group dedicated to advancing so-called reproductive rights, almost 54 percent of women who obtain an abortion were using a form of contraception during the month they conceived. Similarly, Berkeley economists George Akerlof, Janet Yellen, and Michael Katz, researching out-of-wedlock childbearing in the United States, also found that access to contraception actually increases the number of unintended pregnancies.⁹ And as the historical record evidences, unintended pregnancies resulting from contraceptive failure have contributed to the more than 50 million children that have been aborted since *Roe v. Wade*.

While the political world has been sharply divided since 1973, Catholics and Evangelicals have been brought together in opposition to legalized abortion, and they continue to mount an active resistance. The more than 400,000 people that attend the annual March for Life in Washington, D.C. each year know this unity firsthand. As a result of this partnership, some Evangelicals have also begun to reconsider the contraception question, as they, too, see a link between abortion and contraception.

In the early nineties, the “Quiverfull” movement began in the United States with a mission “to serve God through proclaiming that every child is a gift

and blessing from our gracious heavenly father.”¹⁰ One of the seminal texts for the movement was the 1990 book *A Full Quiver: Family Planning and the Lordship of Jesus Christ* in which Rick and Jan Hess argue for a solid rejection of artificial birth control. While the Quiverfull movement does not have official membership, some estimates have placed their adherents at several thousand; others claim that the number is much higher. Among the movement’s supporters are notable Evangelical leaders R.C. Sproul Jr., Michael Farris, and Doug Phillips.

Other Evangelicals outside of the Quiverfull movement see the rejection of contraception as a means of fortifying their rejection of abortion. Students for Life of America—one of the largest pro-life groups in the country, led by Evangelical Kristan Hawkins and primarily comprising Evangelical college students—warns against the “Band-Aid” solution of contraception on its website.¹¹ For others, renouncing birth control—mainly the pill—has been the result of an increasingly blurry boundary between contraceptives and abortifacients. Pills like Ella and PlanB, which induce abortions by preventing a conceived embryo from implanting in the uterus, are likely to be covered by most insurers under the new HHS mandate.

Just as many pastors consider it their duty to occasionally remind their congregations of the benefits of exercise or the importance of doing one’s civic duty by voting, some Evangelical pastors are now warning of health threats posed by some contraceptives. In 2003, the National Cancer Institute (NCI) cited a significant increase in cancer risks for oral contraceptive users. Likewise, in 2005 the World Health Organization (WHO) listed oral contraceptives as a carcinogen, giving them a group one classification—the same class as tobacco and asbestos.¹² Whether these pastors address this subject from the pulpit, in a weekly bulletin, or during premarital counseling, their warnings are becoming more common throughout the country.

Even though it seems clear that public opinion on birth control is shifting among Evangelicals, some continue to view it positively as a means of reducing abortion. In his November 2, 2011, *New York Times* editorial column, Nicholas Kristof praised the New Evangelical Partnership for the Common Good for applauding family planning in a draft statement that read: “Family planning is morally laudable in Christian terms because of its contribution to family well-being, women’s health, and the prevention of abortion.”¹³ While such a sentiment may have been widely shared among Evangelicals in the years between the 1930 Lambeth Conference and *Roe v. Wade*, today groups like New Evangelical Partnership for the Common Good, and others willing to heartily endorse contraception as a means of reducing abortion, may actually be in the minority. In 2005, the senior

associate editor of the Evangelical magazine *Christianity Today*, Agnieszka Tennant, summarized it in blunt terms: “Being pro-life isn’t only about opposing surgical abortion.”¹⁴ As pro-life Evangelicals continue to connect the dots between contraception and abortion and aim for consistency, it is likely that the trend of waning support for the former will continue.

NOTES

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In Loving Memory of
Priscilla Langford Buckley

(OCTOBER 17, 1921 – MARCH 25, 2012)

*Long-time Board Member
of the Human Life Foundation,
Dear and Cherished Friend*



Priscilla with Rose Flynn DeMaio and James P. & Faith McFadden

What Do the Justices Think They Are Doing?

Robert F. Nagel

I.

Despite their prominence, the justices of the United States Supreme Court are mysterious, almost secretive, figures. True, during Senate confirmation hearings nominees answer wide-ranging questioning about their backgrounds, attitudes, and philosophies. But in recent decades these hearings have been elaborately orchestrated, and in any event (except in the instance of a nomination to be Chief Justice) they cannot provide information about the experience of sitting on the Court. Once on the Court, the justices, of course, give public speeches, but most are unrevealing. The members of the Court do gather for conferences at which they discuss pending cases, but these are kept strictly secret. The young law clerks with whom the justices work extensively are sworn to confidentiality. Little of general interest can be learned from questioning during oral arguments, since the interchanges center on the legal issues of a particular case.

The consequence is that the modern Court's often surprising behavior seems largely inexplicable. Why are justices who earnestly claim to be committed to judicial restraint so willing to use power expansively? Why do they feel competent to settle difficult, deeply contested disputes that clearly involve many extra-legal considerations? Indeed, when they settle such disputes, to what extent do they believe that they are applying law rather than their own political or moral preferences? And why in modern times have justices—both conservative and liberal—treated disagreement with their constitutional interpretations as illegitimate and dangerous?

Such questions are, needless to say, addressed by observers and even by the justices. But most of the books and articles and speeches that deal with these questions convert them into matters of legal and interpretive philosophy. Thus, Justices Breyer and Scalia have both written books arguing about the proper place of original intent in constitutional law. Such debates are useful but limited. They address what the justices believe should guide them, but they do not reveal what the justices are experiencing or actually doing.

Right under our noses, however, there is a resource for seeing how the justices understand themselves. This resource, the written opinions used to

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explain the Court's decisions, are at one level about the law rather than the justices and so are not often consulted for this purpose. Jurists, however, do reveal something of themselves in their legal opinions. In some exceptional decisions, such as *Planned Parenthood v. Casey* (where the Court re-affirmed the basic ruling in *Roe v. Wade*), the justices discuss themselves directly. More commonly, they write impersonally, but even this self-effacement is telling.

The impersonality of most opinions is mostly taken for granted despite the fact that today most observers recognize that the justices are intensely interested in the constitutional cases they decide. This is so because they live in the society that their decisions do much to shape. They may have children or grandchildren who attend public schools that, because of establishment clause decisions, are bare of religious observances. A relative or a friend may be a homosexual whose life has been changed by the privacy decisions that protect their sexual conduct. Some of the justices may hope that at some point assisted suicide might be an option for themselves or a relative.

The consequences of case outcomes involve more subtle or remote interests as well. A decision may advantage the political party responsible for the justice's elevation to the Court or a cause that has long interested the justice. It may implement some moral precept favored by the justice's religion. Patterns of decision making may lead to fame or obloquy or obscurity.

Nevertheless, for the most part the justices write their opinions as if their own interests and beliefs have nothing to do with their decisions. This silence is significant. Like black robes, elevated seating, and arcane language, the impersonality of judicial opinions is meant to convey the impression that judges are focused solely on relevant legal issues and that they are disciplined enough to achieve a high level of objectivity. Thus, the removal of the justices' personalities and interests from their opinions is an effort to communicate to the public about judicial intentions and capacities even as it helps the justices to remain mysterious, opaque figures.

In some specific types of cases, however, the justices must abandon the ritual of silence. Because of the subject matter of certain lawsuits, the capacities, inclinations, and objectives of judges must be described. Attention to these cases can tell us something important about the people who use the techniques of legal interpretation to control so much in our public life.

II.

Occasionally, the claim is made that a particular judge was so personally interested in the outcome of the lawsuit that his involvement violates constitutional standards of due process. As recently as 2009, for example, the Court

expanded this constitutional protection to apply to a state judge who sat on a case where one of the parties had made a substantial financial contribution to that judge's political campaign. The Court declared:

[T]here is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent.

The recognition that a large campaign contribution might influence a judge is sensible enough and represents an effort to move consideration of judicial bias to a slightly more realistic level, but the Court's reasoning rests firmly on an idealized view of judges and their capacities. The majority opinion quotes (no fewer than four times) this passage from an earlier decision:

Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law.

The repeated reliance on this passage is incongruous in an opinion that aims at some degree of realism about judges' capacities. Notice that the passage begins by referring to "[e]very" procedure that would offer "*possible*" temptation. And the procedure need only offer a temptation to "the average man as a judge." A temptation to do what? "[N]ot to hold the balance nice, clear and true." In other words, the existence of a temptation that might possibly cause an average judge to depart even slightly from a precise legal balance violates due process of law.

Because the existence of almost any personal incentive might meet this test and thus create a constitutional violation, the paradoxical effect of the passage is to idealize judges and judging. The standard for unconstitutional partiality can be phrased in such exacting terms only because of the assumption that the average judge will seldom be tempted to depart from holding the balance "nice, clear and true." Otherwise, virtually any judicial decision might be subject to challenge for partiality.

Thus, even as the Court slightly expands the standard for a finding of unconstitutional bias, it repeatedly reverts to an unrealistic and self-serving description of the capacities of ordinary judges. The conceit that judges can be wholly disinterested or have some superhuman capacity to resist their personal biases is repeated in numerous cases. Paradoxically, this idealistic depiction is an explicit formulation of the claim that is implicitly made by the ritual of silence. In different ways, both say: *Judges are normally capable of an extraordinarily high degree of objectivity.*

Given human frailties, it may not be surprising that the justices, even when they choose to acknowledge the possibility of bias, insist on an idealized depiction of judges. However, this idealized depiction is dangerous. If ordinary state court judges possess nearly a superhuman capacity to decide cases strictly according to the law, how much greater are the capacities of the justices themselves! And if decisions at that level are thought to have been made strictly according to law, it might seem to follow that political disagreement with the Court's constitutional decisions is profoundly illegitimate.

An inflated view of the capacity of jurists for detachment, however, does not explain other important aspects of modern judicial behavior. It does not, for example, explain why the justices exercise power over so many issues or why they are willing to decide so many that involve practical and political considerations. It does not cast much light on whether the justices believe they are applying law rather than their own preferences, since a putative capacity for detachment does not necessarily ensure that judges will exercise that capacity in their decision making. It does not even satisfactorily explain the justices' bitter resentment of disagreement from the political branches. Since detachment is not equivalent to infallibility, a detached justice might benefit from criticism expressed by the other branches, and, in any event, a detached justice might be expected to accept disagreement with equanimity. To get a fuller picture of the justices' self-understanding, we must examine a case where the members of the Court depict jurists as emotional and heroic.

III.

When the Court is asked to overrule a prior decision, the underlying issue is whether its legal analysis in that earlier case was deeply enough mistaken that it should be abandoned. This is to say that the Court's own past behavior is the subject matter of the case. No case better illustrates how intense and personal the justices' interests can be when precedent is challenged than *Planned Parenthood v. Casey*. The United States Justice Department made *Casey* the occasion for asking the Court to overrule one of the two most controversial, divisive, and significant decisions of the twentieth century. Sitting on the Court at the time were three members who had participated in deciding *Roe v. Wade*. In subsequent cases six members had called significant aspects of *Roe* into question. When considering the justices' personal stake in *Casey*—whether in favor of reaffirming or overruling *Roe*—it is necessary to recall some well-known facts. *Roe* had changed abortion laws in every state. In each year following that decision, well over a million

abortions have been performed. The Justice Department's call to overrule *Roe v. Wade* followed decades of political resistance to that decision, resistance that took the form of demonstrations and occasional violence, federal statutes limiting funding for abortions, and dozens of state statutes that directly or indirectly challenged *Roe*. Several presidential nominations to the Court were almost certainly made with the intention of inducing a reversal of *Roe*, and one—that of Robert Bork—resulted in the most vitriolic and dramatic confirmation battle in modern times. In addition to creating an angry, energetic political movement with wide political impact, *Roe* had precipitated intellectual critiques remarkable for their severity and seriousness. In short, the justices' positions in *Casey* would affect their personal and professional relationships, their reputations, the status of the Court on which they served, the political and cultural climate of the nation in which they lived, and (it is not too much to say) their places in history.

The tone and content of the *Casey* opinion are, to say the least, unusual. The justices' words are weighty and expressive. I cannot think of a case where the Court makes a more extensive, even impassioned, effort to confront the personal and institutional implications of a decision. Even while voting to reaffirm the basic holding of *Roe*, some of the justices acknowledge the existence of good-faith doubts about the morality of abortion, as well as their own doubts about its constitutionally protected status. They discuss their reactions to the political turmoil that followed *Roe*. They speak openly and proudly of some of the sweeping changes induced in American society by the Court's decision. And they write at length about the Court's central role in the American political system and how that role would be undermined by a decision to overrule *Roe v. Wade*.

If *Casey* is in many ways a stunning exception to the ritual of silence, it is also a disturbing reminder of the frailties that the justices can exhibit when they drop the mantle of impersonality. The justices yield to the temptation to minimize or deny past error throughout the majority opinion. *Casey* begins with a reformulation of *Roe*'s account of why abortion is a protected liberty under the due process clause. Given the depth of the criticisms that had been leveled at *Roe*, the reformulation is remarkably brief, assertive, self-important, and complacent. This defense of the central holding in *Roe* is followed by a separate and much longer, more systematic discussion of the place of precedent in constitutional law. Since it is axiomatic that a prior case should not be overruled if it is correct as a matter of law, this section would not have been necessary if the justices had been convinced by their own claims about why *Roe* had been rightly decided. So, the manifest purpose of the Court's lengthy and impassioned section on precedent was to provide practical

reasons for reaffirming *Roe* and thereby to diminish the importance of the question of prior error.

Indeed, the section on precedent begins by largely eliminating the question of whether *Roe* was so wrong that it should be reversed. While recognizing in the abstract that a prior judicial ruling could come to be seen “clearly as error,” the opinion moves quickly to assert that “when this Court reexamines a prior holding, its judgment is customarily informed by a series of prudential and pragmatic considerations. . . .” These considerations—the effects of reversal on the rule of law and the relative costs of reaffirming and overruling—occupy almost all of the remainder of the long discussion of precedent.

This is not to say that the possibility of error is completely ignored. The justices acknowledge it in a few places—but usually dismissively. Thus, the Court describes a reversal based on a change in the Court’s conception of constitutional principles as “a present doctrinal disposition to come out differently from the Court of 1973.” What is needed is “some special reason over and above the belief that a prior case was wrongly decided.” Thus, the Court treats most principled objections to *Roe* as momentary opinions or mere beliefs. At one point the opinion does acknowledge the possibility of a reversal based on “principles worthy of profound respect,” but asserts that such a reversal, like a reversal based on more superficial ideas, would create an impression in the public that the Court was surrendering “to political pressure.” In contrast, attention to social facts and pragmatic issues would somehow reinforce the Court’s status as a legal arbiter. Thus the possibility of legal error—“if error there was”—is pushed to the margins of the case.

Closely connected to the impulse to minimize the possibility that *Roe* was based on legal error is the desire to deny that *Roe* had involved judges in issues that cannot be resolved by normal judicial methods. The Court dismisses this criticism in one short paragraph that begins with the bald assertion that *Roe* “has in no sense proven ‘unworkable.’” A few lines later the justices conclude that the determinations required by *Roe* “fall within judicial competence.” As an assessment of their own decision-making abilities, this sentence, offered without examples or elaboration, can only be described as a rather astonishing expression of self-confidence.

To gauge the scale of this self-confidence, put aside (as, perhaps, too picky) the fact that in *Casey* itself the Court abandons as unworkable *Roe*’s famous trimester scheme. Consider instead the fact that just a few pages before asserting that the issues raised by *Roe* are all within judicial competence, the Court had characterized the inquiry into the content of the liberties protected by the due process clause in this way:

[C]hoices central to personal dignity and autonomy . . . are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.

Apparently, the justices believe it to be self-evident that they are competent to decide which liberties are necessary for individuals to define their own concept of existence and the universe. The opinion does not explain how jurists can do this without displacing the very individual autonomy they claim to protect. And it does not explain, given the variety of ways that people seek to find meaning in life, how the justices are capable of identifying the requisite fundamental rights.

But the self-confidence of the justices does not end there. Prior to *Casey* and then in *Casey* itself, the justices made determinations about the importance of a state's interest in assuring that parents be notified of a daughter's impending abortion or that husbands be notified of their wives' impending abortions. In *Roe* and then again in *Casey*, the justices announced their determination that the state's interest in protecting the potential life of the fetus becomes significant at the point at which the fetus can live outside the womb with or without artificial aids. In short, in 1973 the Court plunged into a morass of the most difficult moral and philosophical issues imaginable. That the justices could emerge some 20 years later to announce blandly that these issues are all within their competence as judges is, to put it mildly, not a sign of mature self-assessment.

In other ways, as well, the *Casey* opinion merges self-confidence with hubris. Against the backdrop of the multiple and complex causes of the radical alterations in sexual mores, employment practices, and family life seen during the modern era, the Court attributes to *Roe* the way people have "organized intimate relationships and made choices that define their views of themselves and their places in society." If this were a single assertion, the claim might be ignored or explained away. But a bit later the justices repeat the thought: "An entire generation has come of age free to assume *Roe*'s concept of liberty in defining the capacity of women to act in society . . ."

And hubris merges with grandiosity. In defending *Roe v. Wade*—possibly the most incoherent, unmoored decision ever handed down—the justices solemnly declare:

The Court must take care to speak and act in ways that allow people to accept its decisions on the terms the Court claims for them, as grounded truly in principle, not as compromises with social and political pressures having, as such, no bearing on the principled choices that the Court is obliged to make.

Indeed. And what principle was expressed in *Roe*? The *Casey* majority

explains that *Roe* was one of those cases where the Court “calls the contending sides of a national controversy to end their national division by accepting a common mandate rooted in the Constitution.” But even this unembarrassed conception of the Court’s role is not enough. In words often quoted but not fully appreciated, the justices go on to claim that the desire of the American people to live according to the rule of law “is not readily separable from their understanding of the Court vested with the authority . . . to speak before all others for their constitutional ideals.”

These ideas—that it is the Court’s role to end national division on deep moral disputes and to enable Americans to see themselves through constitutional ideals, as well as the associated idea that overruling *Roe v. Wade* would undermine the Court’s legitimacy and thus its capacity to perform these functions—would be less disturbing if less a reflection of the justices’ own beliefs and fears. In 1992 when *Casey* was decided, there were, of course, many empirical studies of the effectiveness of constitutional rulings and the sources of the Court’s legitimacy. But these are not mentioned, perhaps because they tend to show how difficult it is to be confident about such matters. The entire force of the argument depends on the justices’ urgent declarations, and these declarations reveal how completely even conservative members of the Court believe that their role is crucial to nationhood and profoundly endangered.

Nevertheless, as we have seen in other cases, the justices claim the mantle of detachment and selflessness. In at least two places unidentified justices express personal reluctance at reaffirming *Roe* and present themselves as being driven to do so by fine legal calculations. Overruling *Roe* would also amount to a betrayal of those who had accepted that ruling and had suffered as a result. “To all those . . . , the Court implicitly undertakes to remain steadfast” A break from this “promise of constancy” would be “nothing less than a breach of faith.” While some might detect in this rather inflated phrasing the suggestion of personal considerations like gratitude and personal loyalty, the justices insist that their concern is about the Court’s legitimacy, and legitimacy “is not for the sake of the Court but for the sake of the Nation to which it is responsible.”

In *Casey* the justices unburden themselves of a self-serving, even grandiose self-image as well as deep fears and resentments. They nevertheless attempt to present themselves as impartial enforcers of the law. The members of the majority are so caught up in the case that their writing is close to being unhinged both rhetorically and substantively. *Casey* may well be the most personal and revealing Supreme Court decision ever issued, although the theme of besieged heroism can be found in a number of other opinions.

IV.

We have seen that in constitutional cases the justices present two different images when depicting their own interests, goals, and capacities. In most cases they make—either implicitly or explicitly—sterile and unrealistic claims of judicial objectivity and devotion to the law. In other cases they present fulsome and aggressive depictions of judicial courage and wisdom. These two self-understandings track the two most prevalent judicial philosophies. The first of these is formalistic and asserts that the judge's task is simply to apply authoritative legal standards to the resolution of cases. This model requires steely impersonality and precision in the judge. The second, more realistic model asserts that judges cannot avoid the influence of non-legal considerations such as policy preferences, personal experiences, and so on. Recognizing, as it does, that the justices cannot escape controversial and difficult judgments that lie outside the law, this view requires vigorous self-confidence.

It is not surprising that the justices' understanding of themselves should be shaped by the most widely held depictions of the nature of judging. What is surprising is that the justices should be able to combine two radically inconsistent—indeed, opposite—conceptions of what they do on the bench. They regard themselves as simultaneously doing law and politics. They believe that objective legal standards and personal preferences are different but inseparable.

This complex self-understanding explains much that is otherwise baffling about the record of the modern Supreme Court. The justices, both conservative and liberal, have exercised power across such a wide range of public issues because the presence of a practical or political component in a particular issue cannot be thought to disqualify the judiciary. This is so because the justices believe that the legal and the political are always present in constitutional disputes. If the existence of a political component were thought to disqualify judges from resolving a dispute, they would always be disqualified.

Because the justices believe that the legal and the political are combined, it is natural for them to feel confident in their capacity to resolve extra-legal issues. The nature of law is such that judges throughout history must necessarily have resolved non-legal issues while adjudicating legal disputes. The personal and the political, then, have never been the special preserve of the executive and legislative branches.

Do the justices believe that in controversial constitutional cases they are implementing their own beliefs about politics or policy? Of course, they do. They think this is an unavoidable aspect of doing their job, because legal issues are also present and cannot be separated from questions of politics and policy.

The recognition that they are making significant determinations outside the domain of legal authority, however, does cause the justices to be uneasy. One reason is that the formalistic strain in their thinking continues to resist the idea of political judging. While the justices are reconciled to making political judgments, they also are motivated to conceive of the judicial role in terms that can distinguish it from the roles of the other branches. As *Casey* demonstrates, a result is that the justices are inclined to understand their function in grandiose terms that certainly separate them from other political decision makers.

A second reason for anxiety is that the justices have to recognize that a particular interpretation, which cannot be fully explained on the basis of legalistic deduction, can never be completely authoritative or conclusive. At the same time the legalistic strain in their thinking insists that their interpretations are the best available. This means that the justices know that they cannot overcome disagreement with their interpretations at the same moment that they believe their interpretations to be correct. Thus, as *Casey* also illustrates, the justices feel a profound sense of frustration and vulnerability. Under these circumstances, opposition to the Court seems especially threatening to them, especially given the exalted functions that the justices understand themselves to be performing.



"Not that stretcher."

Symposium:

Truth-Telling in the Public Square

In the Winter/Spring 2011 issue of the *Review*, Wesley Smith, in his article “The Bioethics Threat to Universal Human Rights,” proposed that in arguing for human exceptionalism one ought to utilize secular terms, because “human dignity can be well defended from secular bases.” To base the defense on religious terms, Smith said, gives the non-religious an excuse to dismiss the arguments entirely. The Rev. W. Ross Blackburn disagrees; he wrote us last fall to see if we would be willing to publish his reply. His thoughtful article, “Arguing for Human Dignity in Bioethics & Public Policy: A Reply to Wesley J. Smith,” was published in our Winter 2012 issue. Blackburn stated that his response was “written principally for Christians”:

I write as one who has a deep appreciation for Smith’s serious, persistent, and tough-minded work for many years in defense of life of the vulnerable. But here I think he is wrong, and furthermore that his position actually works against the ends he is pursuing. In the end, a secular argument cannot do the heavy lifting that will be required to (re) establish that human beings are exceptional, that we do have inherent dignity and intrinsic worth, and that therefore human life should be honored and protected.

We spoke to Smith about Blackburn’s article, and the idea of a symposium was born. As you will see, while all of the nine contributors to “Truth-Telling in the Public Square” agree on the inviolability of human life, each comes at the question of how best to argue for it in the public square from their own unique, and engaging, angle. Some come down on the side of the secular, some the sacred, and some think each argument makes sense . . . to a point. Some question whether one can persuade through argument at all.

We are honored to begin with His Eminence Cardinal Timothy Dolan, who sets the tone by stressing the importance of what we are doing, not merely “preparing for a debating contest” but considering a question which “goes to the very essence of what it means to be human and how we are to live with one another.” “We are not mere creatures of reason or appetite or interest,” writes His Eminence. “Science alone cannot speak the full truth about human nature. We are necessarily spiritual beings, concerned about transcendent values.”

In the eight additional commentaries that follow, the reader follows the twists and turns of a fascinating discussion which reflects the richness of our Western, Judeo-Christian culture. Contributors look to, for example, ancient Greece (Hippocrates, Euclid), the Talmud, the Gospel and papal encyclicals, to natural law, and to American history and the abolitionist movement. Remarkably, you may come away agreeing with *both* Blackburn and Smith. Smith, who has re-joined the discussion with “The Struggle for Human Equality Must Be Waged on All Fronts,” says that the threats to human life are too dangerous and imminent to leave a secular

appeal out of the equation. “The current cultural emergency requires that we engage the anti-humanists at every possible turn, and try to help all understand—whatever their political philosophy or religious belief—the urgency and righteousness of the cause.” I would agree; on the other hand (and I would say this is true especially for those “hard cases” the utilitarians often raise), how far can our arguments go without referring to God as the Author of Life, who allows suffering, with its awful mystery? How can we truly live as human beings without the sense of “fear at the mystery of human life,” as David Klinghoffer writes, something primal, even pre-religion that may be dismissed as superstition but may instead be “preserved memories of wisdom?” How can we stop the culture from “playing God” if we don’t say His name?

Finally, as David Mills writes, it may come down not just to how we argue, but *who we are* as we participate: “If we want to argue for human dignity in the public square by appealing to the God who gives us that dignity, we have to make the appeal plausible and attractive by living godly—which is to say sacrificial—lives, lives that show others what human dignity looks like.”

And we have to be willing, as Cardinal Dolan writes, to reach out with “reason, faith, love and empathy. That is also the way to build a truly human society.”

MARIA MCFADDEN MAFFUCCI

The Transformation of Hearts

Timothy Cardinal Dolan

The question of how best to frame arguments defending the sanctity of human life in the public square is not merely a matter of preparing for a debating contest. It goes to the very essence of what it means to be human and how we are to live with one another.

Indeed, the value and dignity of human life is not a sectarian issue only for Catholics or Christians, nor is it just a question of pragmatic politics. While these are areas of particular interest and expertise for the Church, it is vital for a healthy society that all participate robustly in the debate.

Even in this secularized age, most people welcome the contribution of religious organizations in the public square. But sadly, more and more, we hear people say that religion is inherently divisive, or that a faith-based perspective is not even rational. They believe that only neutral secular principles can provide a valid basis for public policy, and that appeals to transcendent values—such as religion—cannot be legitimately part of the debate. Participants in public discourse are expected to set aside their religious convictions, as a condition of joining the discussion.

We reject these arbitrary limitations on our ability to participate in the marketplace of ideas. There is no conflict between faith and reason, and our theology is just as rigorous and rational a body of thought as any field of secular learning. Interestingly, these limits never seem to be imposed on any other philosophical or value-based point of view—just imagine even suggesting that those who believe in modern gender theory must be excluded from an important public debate, because their position is a transcendent value and thus the secular equivalent of religious belief.

This anti-religious assumption has dire consequences. It betrays who we are. It asks us to deny our very identity as believing persons, and pretend that we are atheists. But we cannot divide ourselves—we cannot act in private as a religious person, but as a secularist in public. How can we truly engage others on a human level, if we must deny who we are, and who they are?

The contribution of religious voices and religious values is essential if we are to have a discussion worthy of the human person and a truly human society. We are not mere creatures of reason or appetite or interest. Science alone cannot speak the full truth about human nature. We are necessarily

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spiritual beings, concerned about transcendent values. Our culture is currently undergoing a crisis, in which the sense of God has been eclipsed and people have lost the understanding that they have a responsibility to something higher than themselves. This is a spiritual crisis that demands a spiritual response. Indeed, all great reform movements in American history—the Revolution, abolition, temperance, progressivism, civil rights, and the pro-life movement—have been religiously inspired.

The public discussion must therefore engage these ultimate values, even when there is profound disagreement about them. The only way to genuinely respect divergences of opinion, and to express true tolerance and understanding for those with whom we differ, is to be open to a discussion of the ultimate questions of the purpose and meaning of human life. Religion cannot be excluded from that conversation, if we are to live together in a fully human way.

As a practical matter, the exclusion of religious content from the public debate will inevitably lead to the dominion of ethical relativism, in which no human rights can be guaranteed with certainty. Without an understanding of the relationship between law and ultimate truth, lawmakers will inevitably base their decisions on power politics, or the whims of raw utilitarian and consequentialist calculations. By denying the transcendent, this positivist approach to law “diminishes man, indeed it threatens his humanity” (Pope Benedict, Address to the Bundestag, 2011). Nobody will be safe, and society will be a dangerous place, as we can see by looking around us at the modern world and recent history—genocide, terrorism, warfare, euthanasia and suicide, human trafficking, and abortion, just to name a few.

As a result, when the Church steps into the public square, we cannot do so as if we were just another secular institution or association—a social service agency, a school system, a network of hospitals, or even a collection of voters. It is certainly true that we are all of those things, and they give us broad experience and a particular perspective in the debate, particularly when it comes to issues involving the poorest and most vulnerable.

But the Church is more than this. We always and primarily are evangelists, with a mission to proclaim the Gospel and to call people to a conversion of heart. To do this, we must address the issues—and our audience—on several different levels, each of which involves an appeal to the truth about human life and the human person.

The first approach involves the moral norms written in the human heart, which can be discerned by reason through reflection upon human nature. This is the *natural law*, which is the best point of departure for civil discourse and forms the necessary foundation for all just civil laws. Its

principles are universal, binding upon all, and independent of any particular cultural or historical traditions.

The exceptional nature of humanity, and the dignity and inviolability of every human life are bedrock principles of the natural law. We understand that each human being is unique and irreplaceable, that human life begins at the moment of conception, and that human beings are qualitatively different from other animals. This is confirmed by both biology and philosophy. We understand that there are universal qualities that make us human, but also that our human nature and dignity are not lost in the event of a temporary or accidental loss of function or qualities. Contrary to some of the dark eugenic impulses in modern society, one never stops being human, merely because one is disabled, old, or in the womb.

The natural law is the common moral lexicon of Western civilization. It allows us to engage in a fruitful discussion, for instance, about the appalling fact that over 40% of all pregnancies in New York City end in abortion. It enables us to join with philosophers and bioethicists in considering the meaning and potential consequences of human cloning and embryonic stem-cell research. It permits us to defend the unborn and disabled against those who would dismiss their humanity or rights because of their condition of dependency or a “quality of life” deemed “unworthy.”

The next, deeper level of our argument stems from the fundamental core of our religious faith itself—that every human being has been made in the image and likeness of God, that we have been placed in a special position of responsible stewardship over the rest of creation, that we have been redeemed by Jesus Christ who was both true God and true man, and that we are all called to a vocation of love through the service of others.

We should thus have no qualms about making the argument that human beings are unique in creation, that all human beings are brothers and sisters under God, and are members of a common family that transcends all superficial differences of race, sex, age, and so on. A great number of people in our society share these beliefs, and we can—we must—appeal to this consensus. This approach was followed by many leading Christian social crusaders, like Rev. Martin Luther King, Cesar Chavez, and Dorothy Day. We should be proud to follow their example.

There are many who may not accept our religious beliefs, but who nevertheless see them as valuable contributions to the public debate. After all, the teachings of our Church are reflected in many ways in the beliefs of other faith traditions, and we can appeal to this common ground. St. Paul would be familiar with this situation, since it is similar to his appeal in Athens to the philosophers’ openness to hearing about “an unknown god” (Acts 17:16).

Our final contribution to the public debate must always be directed to the innate human vocation to love. Our mission is ultimately not just about convincing, but it is always about converting. In Pope John Paul's great encyclical letter, *Evangelium Vitae*, he said that our aim is "a general mobilization of consciences and a united ethical effort to activate a great campaign in support of life." The goal is not just the enactment of good laws that protect human life, but the transformation of hearts so that threats to life are simply unimaginable. Love is essential to this conversion.

This is made explicit when we call others to compassion for those who are most vulnerable to the various threats to life and dignity. Within the heart of every person is an understanding of the ties that bind us, and that differentiate us from the animal kingdom. An appeal to this innate solidarity of all people was a common feature of all the great reform movements—one need only recall the famous "slavery medallions" of the British abolitionist movement, which depicted a man in chains asking the poignant question, "Am I not a man and a brother?" We have the tools for this at hand—modern science has opened a window to the womb so that we may see our unborn brethren, and we have so many examples of the beautiful dignity in the lives of our elderly and handicapped friends. This is an emotional appeal to basic human empathy, and we should never hesitate to make it.

But we also make this argument by the way that we serve others in love. Here is where the Church truly comes into her own. As Pope Benedict notes in his encyclical, *Deus Caritas Est*, "The entire activity of the Church is an expression of a love that seeks the integral good of man . . . Love is therefore the service that the Church carries out in order to attend constantly to man's sufferings and his needs, including material needs."

Every act of love and charity reflects the luminous beauty and uniqueness of human dignity, both in the actor and in the one who is served. This is an indispensable part of our argument—without it, no other appeal, however powerfully reasoned, can possibly succeed.

In the end, then, the most effective way to frame our arguments on behalf of human life is by reaching out with reason, faith, love and empathy. That is also the only way to build a truly human society.

A Brotherly Debate

William Murchison

This is good stuff. By which I mean, why don't we have more discussion, more intellectual byplay, of the sort on display here: Blackburn vs. Smith, but not really, you know, *versus* in the modern sense of how-dare-you-you-dirty-rat?

That's not what the gentlemen are about. No slinging of abuse here, no heated contradiction; just some sharing of perspectives, some opening of curtains for examination of the way the sunlight falls on ideas stated one way or another. This is very civilized. It is not what you see on the Internet, I can tell you—as if you needed to be told. The Internet—sigh. That brings up a whole new scheme for symposia of, I am afraid, limitless duration. Back to my brothers Smith and Blackburn.

The first wishes us to put more time into defending human dignity “from secular bases,” the better to be heard and heeded. The latter argues that “universal human rights proceed from God, and therefore are God's concern;” in other words, abandonment of the religious front would collapse the whole pro-life movement.

Well, now, a few observations, the chief of these being, I don't see the two arguments as dramatically opposed to each other. I see them, in fact, as complementary.

On the urgency of arguing from a theological perspective, I stand alongside my brother Blackburn, not exactly fingering rosary beads as I do so but nodding enthusiastically to the assertion that Christians can't “defend human dignity in the public arena without tying one hand behind their back.” A position, I must add, that my brother Smith doesn't advocate unless I am missing something, and I don't think I am. Smith salutes religious pro-life thinkers such as Dame Cecily Saunders, Paul Ramsey, and Leon Kass. I think his brief for a secular defense of human life proceeds from something like heartache over the failure of bioethics to give an account of human life's value in the abstract. He wants to address the bioethicists in terms they might appreciate or at least understand with some cultural reluctance.

I have some doubts myself as to how effectively the people in question can be addressed, even in such terms as Smith proposes. The heart unmoved by awe for the miracle—properly that: “the miracle”—of human life seems

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to me unlikely to expend much anguish on the “human dignity” of the unborn or the extremely unwell. But I could be wrong. That’s the point. In the event I’m totally off base about the mysterious motions of the Lord with respect to human hearts and consciences, it seems to me incumbent that we meet secular folk on such ground as they occupy. If the mountain won’t go to Mohammed (an old phrase that seems to have dropped out of discourse), Mohammed must go to the mountain. Pro-life folk, in other words, must be prepared to bring secular reasoning to any discussion with secular folk. I don’t say that it’s going to work, but the argument for trying to make it work seems to me unassailable. You just never know.

One thing you definitely know is the intensity of the scorn—sometimes just the blank indifference, which can be worse—that all too many modern folk feel for traditional religious-based argumentation. The secular orientation of our age is virtually beyond dispute. A lot of these people plain don’t want to hear what they interpret as “preachin’.”

It wasn’t like this 50 years ago, prior to *Roe v. Wade*. Indeed, I think *Roe v. Wade* was a major game-changer from the secularist viewpoint. It conditioned people to think of life as existing on its own terms, without noticeable ends beyond the acquisition of localized pleasures and satisfactions. This is one of the reasons that, as I have argued in the *Human Life Review*, the resort to politics comes up short in the success department when the topic is abortion. Polls show a populace fairly evenly divided over the justice of intercepting unborn life. The now-familiar formula for meeting abortion proponents halfway or part way—no abortion save in cases of rape, incest, or to save the mother’s life—underscores the public’s ambiguity on this topic of extraordinary moment. One senses that a lot of people just don’t want to talk about it: don’t want to see themselves as party, actual or potential, to an assault on “life” or “human dignity,” either one. By the same token, many are reluctant to deprive others of the doubtful privilege of “terminating” a pregnancy. The various questions that Wesley Smith excels in addressing—euthanasia, the harvesting of human organs, etc.—call forth these very same sentiments: discomfort mingled oddly with emotional distance.

How you turn this great battleship in the water I don’t think anyone can really say with confidence, which is certainly one reason for wishing my brother Smith success in his quest to address the secular mind in secular terms. I don’t really recognize my brother Blackburn’s heart in the conclusion some might imagine as flowing from his argument—to wit, Wes Smith shouldn’t even be listened to. Blackburn isn’t impressed with Smith’s prospects for success in arguing for “human dignity” as a tool with which to beat back the waves of attack on the human proposition. He thinks the religious

argument far more powerful.

Here, I think, my brother Blackburn has hold of the central point in the debate if in fact that's what it is—a debate. The point at issue would be human responsibility for the greatest of all God's gifts—that of life itself. I think we intuit very well the challenges attendant on going to the culture of today and proclaiming the old tale of a man's rib and a woman's awakening yawn in a far-off garden long ago. Some thus addressed would hear—or re-hear—and believe, carrying forward their belief to the examination of momentous questions such as, Can't I pull the plug if I want to? Still others would flinch at the thought of such supernatural goings-on, reaching all the while for the remote control.

The purpose of the great narrative, of course, reintroduced into our midst, would be the engagement of the culture at the level of reality as opposed to fantasy or indifference. A god—or God—who made life: That would change things, would it not? It appears to have changed things for millennia: infinitely more than any Supreme Court decision, or any act of Congress, or any given tome by any given bioethicist, can be said to have changed them. You can't get past this element. You may hope opinions can be swayed by resort to other, more palatable arguments, and that those arguments will conduce to reform and the general good. Nonetheless, no secular argument puts in the shade the contention that life is of God, not of Darwin or Dawkins or the Hastings Center. Unimaginable consequences flow from this understanding, consequences too deep perhaps for contemplation.

In the apocryphal book of First Esdras can be found, possibly, the operative phrase. Three attendants at a great banquet compare, in terms of strength, the properties of wine, women, and the king himself. A wise man among them bats down their reasoning. He extols truth alone. "Then all the people shouted, and said, 'Great is truth, and strongest of all!'" *Magna est veritas et praevallet!*

I think that might be the one unexceptionable point amid the battle smoke and confusion of our time.

The Struggle for Human Equality:

It Must Be Waged on All Fronts

Wesley J. Smith

I am honored by Professor Blackburn's serious critique of my article, "The Bioethics Threat to Human Dignity," and very pleased that the editors considered the important question of how to best defend human exceptionalism worthy of a *Human Life Review* symposium. Thank you.

Human exceptionalism, as I wrote in the original article, is fundamental to defending the sanctity/equality of human life. Indeed, if we reject the *objective* intrinsic value of all people, our ability to promote and actually enact policies consistent with universal human rights—alas, our reach still exceeds our grasp in this regard—becomes impossible.

If being human—in and of itself—does not accord an individual the highest moral value, then we have to decide what subjective criteria to apply to deciding who and what matters more and less. And that is precisely the anti-human game that is afoot across a broad and threatening front. As I wrote in the original article, many in bioethics support an "undignified" bioethics that explicitly rejects the exceptional nature of the human being—which leads to such odious proposals as killing the cognitively disabled for organs and "after-birth abortion" infanticide.¹ The animal-rights movement—which must be distinguished from "animal welfare"—is pursuing human/animal moral equality and animal personhood.² Meanwhile, radical misanthropic environmentalism pursues "nature rights" and proclaims that the earth is a living entity afflicted by human parasites, "requiring a substantial decrease in the human population."³ The totalitarian possibilities associated with these and other ideological denials of human exceptionalism are obvious.

The current cultural emergency requires that we engage the anti-humanists at every possible turn, and try to help all understand—whatever their political philosophy or religious belief—the urgency and righteousness of the cause. But too many impede their effectiveness by conflating the defense of human exceptionalism with a religious proselytizing project. I believe Professor Blackburn fell into that trap by writing an article "principally for Christians," advising that we *cannot* engage the issue of human

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uniqueness and intrinsic value without also discussing God.

Let me take my thoughts a step further. Christians are not apart from the general community, they are in (if not of) it. This means that people of faith need to be able to articulate pro-human exceptionalism arguments from *the perspective of the audience*, which is growing increasingly secular, and indeed, explicitly anti-Christian. Moreover, in my view, the current cultural *zeitgeist* makes the rational case for human exceptionalism far stronger than a religious apology precisely because it is based on “belief” rather than “faith.”

Ah, Professor Blackburn brought that up, didn’t he? He claims that first principles necessarily fall within the metaphysical realm and hence are religious by definition, writing:

In the end, Smith’s argument is rooted in an *a priori* presupposition, indeed a *metaphysical* presupposition, which not all share and which cannot be proven. My point here is not that Smith is wrong, but only that he argues religiously. Metaphysics, by definition, deals with first principles, unproven presuppositions upon which an argument or a worldview is built. Logically speaking, God is a metaphysical presupposition. So is not-God. And, I would argue, so is the exceptionalism of mankind. Calling a perspective “secular” does not make it irreligious, it only alerts us that the metaphysical presupposition of the perspective excludes God.

To the contrary: There is an important difference between “belief” and “faith.” The former is often derived by weighing argument, reviewing evidence, observing, researching, etc. Perhaps human exceptionalism can’t be “proved” to a metaphysical certainty, but it can certainly be *discovered* and *demonstrated*. In contrast, faith is belief that “does not rest on logical proof or material evidence,”⁴ or as the author of *Hebrews* so eloquently put it, “faith is the substance of things hoped for, the evidence of *things not seen*.”⁵ That is a distinction with a real difference in the context of this discussion. We can ascertain and study the many ways in which human nature differs from animal nature. Not so the existence of a soul or the reality of salvation.

Professor Blackburn questions why those natural capacities and attributes that make humans exceptional—e.g., moral agency, rationality, creativity, etc.—are “moral” as opposed to the sacrifices made by penguins to protect and feed their young. But this is a false comparison. The penguins are acting on instinct. They *have no choice in the matter* and that is true whether or not they evolved or were created. In this sense, *they are not actually doing anything laudatory*. Indeed we admire their extraordinary efforts precisely because we view them through the prism of our own exceptional moral nature.

In contrast to penguins and all animals, we have the capacity to *choose* whether and how to love, care, protect, and raise our children, or indeed, whether to have offspring at all. That is, by definition, a morally relevant

and distinctively human trait, in contrast to, say, our bipedal nature, about which we have no choice and which presents no moral implications. After all, the penguins are bipedal too.

The point is that by arguing on behalf of human exceptionalism from rational bases, we can produce data and engage in philosophical argument to convince people that:

1. Humans possess unique capacities (such as moral agency, creativity, and rationality);
2. These characteristics are moral rather than merely biological attributes;
3. Our uniqueness in these regards justifies the acceptance and propriety of human exceptionalism; and,
4. The clear exceptional nature of man opens the door to the broader discussion of why we alone in the known universe possess rights and bear duties, and the benefits and burdens that such a view establishes.

In contrast, an argument that invokes the *imago Dei* will hit a wall of futility if the subject of the advocacy replies, “So what? I don’t believe in God.” Thus, to state that Christians should argue from faith risks unilateral intellectual disarmament against those members of the community who reject faith or have a different faith and even among those Christians who do not believe their faith should drive public policy or be forced on the rest of society.

I am not saying that arguing from a Christian foundation has no place. It certainly does—in the right context. And yes, Martin Luther King, Jr. so argued on behalf of the equality of African-Americans. But he did so when the nation generally adhered—at least in theory—to Judeo/Christian principles.

That nation no longer exists, and unless and until there is a revival, I submit that we must adjust our advocacy in defense of human exceptionalism accordingly. This isn’t to reject faith. Nor is it to turn our back on spreading the good news. But it is to say that such efforts aren’t currently effective or generally persuasive. We can spit into the wind, to use a crude image, or we can work with the best persuasive tools that are available.

NOTES

1. Alberto Giubilini and Francesca Minerva, “After-Birth Abortion: Why Should the Baby Live?,” *Journal of Medical Ethics* (2012), doi:10.1136/medethics-2011-100411
2. For example, see Steven M. Wise, “Legal Personhood and The Nonhuman Rights Project,” 17 *Animal Law*, 24 March, 2011, pp. 1-11.
3. Foundation for Deep Ecology, “The Deep Ecology Platform,” <http://www.deepecology.org/platform.htm>
4. *The Free Dictionary*, <http://www.thefreedictionary.com/faith>
5. Hebrews, 11.1, New King James translation.

Preserved Memories of Wisdom

David Klinghoffer

When my father was at the end of his life, I had the opportunity to get to know his ICU doctor a little bit. The experience shed some light for me on the question under discussion here.

The context was torturous for many reasons, including that in our family there was no agreement on the question of actively ending my dad's life. He had been unresponsive for months in the hospital in Los Angeles and suffered both a heart attack and a stroke in the meantime. There was one, later two, other immediate kin who felt confident he would want to be removed from life support and allowed, quickly, to die. They insisted therefore that this was the right thing to do.

For my part, committed to Orthodox Judaism, I could not give my consent to this—even if others in our family were correct that, had we put the question to him when he was still well, that's what he would have said he wanted.

With me as an unexpected ally stood the doctor. I say unexpected because the nursing staff and social workers at the hospital made no secret of their own views. One male nurse asked when our family was going to “let him go.” That was always the favored euphemism. I said, “I don't know. I'm not sure. Not yet,” to which the nurse responded in a brutal, clipped manner that shocked me, “Why not?”

The doctor never had a conversation with me about his own religious or philosophical beliefs. He had a Persian name and an accent that sounded faintly German. Let's call him Dr. Pahlavi. When other family members pressed him on cutting off life support, he was dismissive, disgusted at the idea. “That's stupid,” he exclaimed to me. Dr. Pahlavi argued strongly for giving my dad more time to wake up, even if it meant, as seemed certain, that he would awaken to permanently diminished strength and mobility.

Did the doctor have religious beliefs that insisted on the sacredness of life? He gave no indication of it. Dr. Pahlavi explained his view in oddly professional terms: “I worked too hard keeping your father alive to let him die now.” When I told him what the nurse had said about “letting him go,” Dr. Pahlavi was angry and demanded to know, “Who said that? Who?” (I declined to say, not wanting to get anyone in trouble.)

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I found it hard to believe that the doctor's adamancy arose, as he claimed, merely from not liking the idea of having fruitlessly spent his own energies. The strength of Dr. Pahlavi's feelings, faced with intense opposition from some of the patient's family, seemed to demand another explanation.

Often we rationalize gut-level responses to experiences, giving a practical or philosophical rationale for something that goes much deeper in us. I agree with Wesley Smith that the sacredness and dignity of life should not have to offer religious defenses for itself. My conversations with Dr. Pahlavi reminded me that it may be possible to call on other instincts. A *pre-religious* intuition recognizes there is something awesome, worthy of holding in dread—*fearful*, in the sense that William Blake had in mind when he described the tiger's "fearful symmetry"—about a human life, even if the person whose life it is can't speak for himself. We don't dare hasten its end, even if the patient were to tell us he prefers that, or make use of it for our own purposes.

Fear at the mystery of a human life may be just the right word for what I am trying to invoke. There need not be any shame in speaking in praise of a universally accessible fear, nor embarrassment at the possibility of encouraging a dread superstition. We may feel more comfortable calling up prudential reasons and practical wisdom to do battle for us in public debates. But what people dismiss as superstitions are sometimes just the preserved memories of wisdom.

It's not religion I am appealing to. However my own faith offers the confirmation that before revelation comes in, healthy instincts instruct us. Jewish tradition distinguishes those of God's commandments that we know only by revelation from those that long preceded the giving of the Torah to Moses at Mt. Sinai. The group of moral precepts known to the children of Noah, that is to all of humanity before there was ever a Jewish people, fall into seven categories. They are called the Noachide covenant.

The Talmud's tractate *Sanhedrin* shows how they can be derived, with their many details, from certain verses in Genesis. Judaism's opposition to hastening the death of even a very ill and moribund person, like its opposition to abortion, comes from there. Unlike the covenant with the Jews at Sinai, this universal Noachide covenant was never the subject of an explicit revelation. Yet somehow its principles are known, around the world, without the need of a theophany.

The fearfulness that attends the taking of a man's life is such that it is known not only to men but even to animals. The Talmud records a teaching from a second-century sage:

"Rabbi Simeon ben Eleazar said: A day-old infant, alive, requires no

protection from a weasel or from rats. But Og, king of Bashan, dead, must be protected from a weasel or from rats, for Noah and his children were told, ‘The fear of you and the dread of you shall be upon every beast of the earth’ (Genesis 9:2)—as long as a man is alive, the fear of him is laid upon creatures; once he is dead, such fear ceases.” (*Shabbat* 151b)

Even a weasel, even a rat, instinctively senses the awful potency of a human life, including a helpless one, and holds it in dread. However once a human being dies, including a once-mighty specimen like the monstrous King Og, who slept on a bed nine cubits long or about 13.5 feet (Deuteronomy 3:11), the fear has fled. The same is not true of living or dead animals. They enjoy no aura of sanctity.

Without religion, without philosophical instruction, weasels and rats both recognize human exceptionalism. Compared to these common pests, why are we so much less sensitive to the aura cast by human life? You can attribute that, probably, to the numbing mental habits that come with a culture of materialism. Recovering our sensitivity is probably less a matter of hearing political arguments or absorbing religious teaching than it is of unlearning materialist dogmas.

That happens, among other ways, when we carefully observe the hints of purpose and design in the world, subtle evidence in life, down to the tiniest machinery in the cell and the enigma of the genome, that gesture to some source of immaterial agency and intention operating behind the façade of existence. That’s a different thing from a religious belief or intuition, though not irrelevant to it.

I admit this doesn’t necessarily shed any light on Dr. Pahlavi’s private thoughts about life and medicine. But apart from instinctive dread, I’m hard pressed to think of a reason why people unmoved by religious traditions may still retain the fear of treating life cheaply. I hope that this instinct is only dormant, waiting to be uncovered, among many of us.

My father, in the end, died at the insistence of others in my family and with his own agreement. Or so I was told.

But that was not before a small miracle happened. For months I flew down to Los Angeles from Seattle regularly to visit him, each time finding him unresponsive. Occasionally he would open his eyes, but my dad was already blind when he became ill. With a tube down his throat to help him breathe, there was little hope of his being able to speak even if he did wake up. Social workers urged that he be taken home to die in a hospice setting. At that point I had not been able to communicate with him for more than three months.

Before one visit, though, a friend offered what seemed like a whimsical suggestion: “Maybe he’d like to write. Why not give him a piece of paper

and see?" Well, why not? I said I would.

And so, amazingly, it turned out. My dad was now out of the ICU and in a nursing facility but still seemingly unconscious. Minutes after walking through the door of his room I took his hand and put a pen and paper in it. His hand moved, grasped the writing implements. He started writing.

It looked like chicken scratch at first but in a few minutes I could make out what he wanted to say. "Thirsty," he wrote. "Water."

I'm compressing a lot here but after being allowed to communicate—as he could not otherwise, being blind and with the tube down his throat—my dad recovered the ability to write and, on my last visit before he died, even to speak if very hoarsely and haltingly, one syllable at a time. He was the same person he always had been, fully lucid, but now, briefly, freed from the prison that being unable to communicate had imposed on him. So many others around him assumed that only his body lived, a husk, an existence unworthy of an animal. "Let him go!", they said. But they were wrong, and he proved it better than any argument could. He showed us the spark of his entire personality was still there all along, dreaming, waiting to be uncovered.

The exceptionalism of a human being is a fearful thing not entirely capable of being expressed in terms you would call rational, or religious. It's apprehended more often by a pre-conceptual awareness, much as Abraham Joshua Heschel wrote of the way we recognize God, before being able to put that recognition in words or ideas.

Sometimes, in moments like those I had with my father, it reveals itself more clearly. The challenge for those who would defend the sacredness of life is to help others uncover the awareness, the sensitivity, that waits and dreams in themselves.

Thank God Hippocrates Was Pagan

Jennifer Lahl

To suggest that one cannot or should not defend the sanctity of human life in the public square by using publicly accessible secular language is to remove a necessary tool for making the case for valuing and protecting all human life. While religious arguments are good and necessary even in the public square, secular arguments from reason are equally as important for effectively engaging in the marketplace of ideas in a pluralistic society. If we deny secular reasoning, then we deny thousands of years of the rich Hippocratic tradition in medicine. For in fact Hippocrates and his colleagues were pagan. Dust off the oath and read it.

The Hippocratic Oath divides into two parts—the oath and the covenant. In the oath, the physician swears (to a list of pagan gods) his allegiance to his teacher, who is equal to his parents, and pledges to share his knowledge with others who have also signed the covenant. The covenant part of the oath establishes the professional obligation to practice medicine to a standard far greater than just “doing what the patient asks.” In summary, the obligations are:

1. To give optimal care to the sick and to never injure or wrong them—a concept often summarized by the term “do no harm” (“I will use those dietary regimens which will benefit my patients according to my greatest ability and judgment, and I will do no harm or injustice to them”);

2. To never assist in suicide or practice euthanasia, nor suggest it (“I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan”);

3. To never perform an abortion (“and similarly [to giving a lethal drug], I will not give a woman a pessary to cause an abortion”);

4. When one does not have sufficient expertise (there was a clear demarcation between physicians and surgeons in ancient medicine), to refer to a practitioner who does (“I will not use the knife, even upon those suffering from stones, but I will leave this to those who are trained in this craft”);

5. To treat all patients as equals (“avoiding any voluntary act of impropriety or corruption, including the seduction of women or men, whether they are free men or slaves”);

6. To never have sex with patients (“avoiding any voluntary act of im-

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propriety or corruption, including the seduction of women or men, whether they are free men or slaves”);

7. To maintain patient confidentiality (“Whatever I see or hear in the lives of my patients, whether in connection with my professional practice or not, which ought not to be spoken of outside, I will keep secret, as considering all such things to be private”).¹

Hippocrates and his contemporaries understood the idea of the sanctity of human life and the dignity of human persons, or as Wesley J. Smith writes, the idea or ideal of human exceptionalism. The Hippocratic belief of *primum non nocere*—first, do no harm—was the guiding principle in the covenantal directives which flowed from it. No euthanasia, nor even the thought of suggesting it, even if asked. No abortion. Equal treatment for all one’s patients along with the command of proper conduct, which protects the physician-patient relationship. Why? Because of the belief in human dignity and the sacredness of each and every human life. These concepts are known and understood by those in the secular world as well as those in the major religions. While tucked away from many people’s minds, the sensibilities of the oath are still very much with us. Yes, they are eroding, but they can easily be resurrected and put into practice when we make our arguments in the public square. This is something I often do in my work, and it has been quite effective in making the case for the sanctity of human life. Let me offer a few illustrations of how this works out in everyday life.

Physician Assisted Suicide (PAS)

The arguments put forth in support of PAS (or as supporters call it, Physician Aid in Dying) are rooted in personal autonomy and choice, and in rights and freedom. It is a secular defense for the right of individuals to decide, if and when their suffering becomes too great to bear, to end their lives by requesting from their physician a lethal prescription. Arguments against this practice from a strictly religious point of view often fall on deaf ears and have not proven effective. “God is the author of life, the creator of and the decider of our days.” “Suffering is instructive in producing character and virtue as in the life of Job.” These are true claims by those who share an orthodox Judeo-Christian view, but are often meaningless arguments in the public square.

On the other hand, a secular argument against PAS can be powerful and effective, offering a chance to poke holes in the pro-PAS position and demonstrating how detrimental legalized PAS can be. For example, Oregon’s Death with Dignity Act “allows terminally-ill Oregonians to end their lives through the voluntary self-administration of lethal medications, expressly

prescribed by a physician for that purpose.”²² Without drumming up absurd stories, it is not difficult to come up with cases of extreme suffering without terminal illness. So if this practice is about Oregonians voluntarily choosing to end their lives, why is it restricted only to those suffering from terminal illness? Who is the state of Oregon to push its restrictions on my personal autonomy and right to die?

The actual act is instructive. It is a 12-page document of rules and regulations stating who can sign up for a lethal prescription and how to go about doing so. These rules and regulations create many impediments to one’s “right to die.” Waiting periods, verbal and written requests, notifications, witnesses, etc., are examples of required practices. In order to mitigate “abuses,” pages of safety measures must be put into place. Perhaps revisiting why Hippocrates was adamant about the need to “do no harm”—to never practice euthanasia and to treat all patients as equal and with utmost respect—is in order for those in the public square arguing for the maintenance and nurture of the covenantal bond between physician-as-healer and patient.

Triage

From the French word *trier*, which means “to sort,” triage is a system implemented in France during World War I by physicians who were treating the wounded and needed to quickly assess and prioritize cases. This system is still practiced today all around the world, in hospitals, war zones, and with emergency medical providers. The foundational principle is that all patients are equal and of value. From there, they are sorted into categories of medical need as it relates to injury or illness. Triage depends on and functions within the Hippocratic tradition of “first, do no harm”—treat all patients as equal, practice within an area of medical expertise, and make referrals to specialists. If you visit a busy inner-city emergency room today, you will witness healthcare professionals administering care based on medical need, the Hippocratic tradition of “first, do no harm,” and seeing all people as equal and deserving of care.

While appeals to a faith tradition can be powerful and life-changing, we need a multitude of strategies to persuade and convince the larger culture that all human life is of equal intrinsic worth and that we need to enact policies which protect and serve human life. Secular documents like the Hippocratic Oath and even the more modern Universal Declaration on Human Rights acknowledge the dignity and rights of human beings and are useful and instructive to accomplish those ends.

NOTES

1. Taken from "Rights of Conscience for Health Care Providers," a project by the American Association of Pro-Life Obstetricians and Gynecologists (AAPLOG), commissioned in conjunction with Jennifer Lahl, R.N., M.A.; Wesley J. Smith, J.D.; Evan Rosa, The Center for Bioethics and Culture; and AAPLOG.
2. <http://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/statute.pdf>



"You're going to have to submit to peer review eventually, Bradshaw!"

Good Arguments, as Far as They Go

David Mills

Poor Stanley Fish suffers a lot of abuse from conservatives who accuse him of being a relativist or something worse when he's only trying to explain how arguments actually work in public. Which is to say, that they don't always work the way you want them to. An argument may be final and definitive, and still people of intelligence and good will misunderstand, ignore, or reject it, often with an impatient wave of the hand.

Thoughtful people don't always understand this. They think that public argument is an enterprise like chess. You win the game when you checkmate the other player's king according to the rules. It's all clear and simple. But arguing a point, especially a moral point, is often like playing chess with someone who does not know the rules very well and isn't all that keen on them anyway, because he thinks friendship or good will or making sure no one feels like a loser more important than following the rules. And anyway, the rules are artificial and imposed upon him, plus they don't make sense (what's with the knight?).

You checkmate the other player's king and find that he doesn't see that you've won the game. He will say "I'll just move my king here," and you say "But there he's in check from the bishop." Your opponent grunts as if to say, "Well, you *may* have a point," and then says, "Okay, I'll move him here then," putting his king diagonally next to a pawn. When you object that his king is in check from your pawn, he says brightly, "Oh, being in check from a pawn doesn't really matter. Your move." And then, were you to humor him and keep playing, on his next move he'd take your pawn with his king, and laugh while doing it.

That is the way public arguments very often work out. They work out this way perhaps most often when the subject is a moral and especially a bioethical one. These decisions affect peoples' lives more directly than many others, and even if the decisions do not affect them now they either close or open options they may want to exercise in the future. Tens of millions of people have aborted their children, or encouraged a daughter or wife or girlfriend to abort her child, or conceived a child through in vitro fertilization, or even let a loved one die.

That is the great X factor in these discussions. They involve the most personal matters possible. Many of the people we would argue with have a

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prior and very personal commitment to a position they cannot rationally sustain, and the only way to argue about it in public is to argue very badly, but with conviction. Slandering the other side (“attack on women!”; “imposing your values!”; “care only about babies, not mothers!”) helps a lot, as does ruling out of bounds their fundamental convictions (“separation of church and state!”). Confusion helps them more than clarity, even when they think they have the better case.

“Even if you only kill people three percent of the time, that still makes me uncomfortable,” Caleb Jones told the young woman standing on the street raising money for Planned Parenthood, who had just offered him the official line about abortion being a small part of their work. “But they’re not really killed,” she responded.

“You mean they survive?” I asked, genuinely surprised by a response I had never heard.

“Well . . . Not really.”

“Hm . . . so it seems they do get killed.”

“Well, okay.”

That young woman’s “Well, okay” was not a concession, as she went on to prove. Jones asks her when it is right to kill a baby and she answers “I don’t know. I’m not to say” and a little later “Well, it’s still a woman’s right. She can choose.” He presses her to tell him what the woman is choosing and she says “Choose whether or not to continue with the pregnancy.” How would she do that? he asks.

“By getting an abortion.”

“Yeah, by killing them.”

“Well”

Jones makes a logically irrefutable case but it does not move the young woman—that’s a non-committal “Well”—even when he tells her that he has cystic fibrosis and would have been aborted if many people had their way. For some of us that would be a kind of trump card, having in front of us a living example of the man utilitarian ethics would destroy. For her, and for many like herself, the good of abortion, euthanasia, embryonic stem-cell research, and related assaults on human dignity are premises not to be denied.

This is the world in which Wesley Smith and Ross Blackburn want to argue for human dignity. It is a world unfriendly to both positions, but unfriendlier, I think, to Smith’s than to Blackburn’s.

Smith’s argument does not depend upon appeal to belief in God or in a special revelation. If I understand him correctly, from other things he has written, he believes that we can offer philosophic arguments for understanding man as an inescapably moral being with an essential nature. We can, for

example, show that any idea of human personhood, even the most utilitarian one, is incoherent without belief in an essential human nature. These arguments hold that we can prove man to be a certain kind of creature even though we don't know—or don't say, for the sake of arguing the matter in public—where he came from and why he is that sort of creature.

In his essay he offers several pragmatic arguments, showing that rejecting human dignity as a premise leads to the rejection of good things most people still value. Quoting Leon Kass, for example, Smith notes that the loss of belief in human dignity justifies an abolition of human liberty that “everyone, whatever their view of human dignity, holds dear.” You will not find many people who want to live in the worlds of *1984* and *Brave New World*. (Other, that is, than people who think they would be the rulers of those worlds, which suggests one reason this kind of utilitarianism is so popular among academics at elite universities.)

The pragmatic arguments can be summarized as “If you don't want to wind up down there with alligators and the rattlesnakes, don't get on this road and hit the gas,” or from the other point of view, “If you like living in the penthouse, don't blow up the foundations.” Some show that actions that may seem attractive now, like experimenting on embryos to find cures for adult diseases, lead to actions we do not now countenance. Others show that goods we value, like racial and sexual equality, depend upon certain commitments that we endanger or destroy when we take those actions that may seem attractive now.

And they are good arguments, as far as they go. The pragmatic arguments are especially good if we evaluate them not as public arguments to be used with any and all, but as arguments to be used with those in the middle and particularly those (to borrow a political term) on the center-right. And with those among them who care about argument, a group that does not include everyone among even the smartest and most successful. They are not people for whom the complex and subtle philosophical arguments will mean much, but they do sense that ideas can work themselves out in ways they don't expect or want.

These are people whose moral instincts are more or less sound but pull them in both directions, because the assaults on human dignity seem to achieve good ends. They are people who instinctively dislike abortion but for whom it seems to be “a tragic necessity” that should be “safe, legal, and rare,” who believe the right to life inviolable but for whom the embryo (only ambiguously human) can be experimented upon to help the suffering, and who want to defend the vulnerable but believe personhood somehow depends upon being a certain kind of person with a certain quality of life.

Pragmatic arguments well presented—especially if made personal—may move them to doubt and perhaps even deny the goodness of an action about which they were previously ambivalent or confused. This is especially true when the goal is a limited one of advancing a good program or blocking a bad one and the people to whom we are speaking have only to tilt in one direction, without necessarily being convinced. A man does not have to be sure he's on the edge of a steep and slippery slope to stop walking forward. All he has to believe is that he may well be on the edge.

Thus I agree with Smith about the possibility and the necessity of engaging these issues in secular terms. We have, after all, no alternative if we are going to speak in the public square, where some people will only listen to secular arguments, and that we must do. You have to speak the people's language.

And there are people who truly want to know what is good and will listen to reason, people who will change their minds when shown that their principles will take them to places they do not want to go. We can't be too pessimistic. Man is a fallen creature, yes, but one with a surprising capacity for finding and embracing the truth. And the Christian may hope that reasoning well may lead people to Reason Himself.

But still, the pragmatic arguments do not work all that well. I wish they would, but they don't. Most of the time, if my observation is correct, people moved by pragmatic arguments will not finally commit themselves because on issues like these they do not respond to conclusive arguments as binding because proven, but as reasons for leaning to one side or the other. They can easily be induced to lean to the other side.

Here I agree with Blackburn, to the extent of insisting that some portion of the Christian's public voice must be a public witness explicitly grounded upon Christian belief. Just to follow to the end the arguments whose truth they see, many people need Divine urging or Divine threat. God, you might say, makes conclusive arguments binding. And not always because such people need to be rewarded or pushed, but sometimes because they humbly doubt their own instincts or their own thinking, when their instincts or their thinking leads them to positions the great and good (I mean that ironically, let me say) of our society reject.

It may seem an unfair attempt to trump the opposition, appealing to God as well as to argument, but there is a catch: We have to pay for the trump cards. They don't come in the deck we've been given. If we want to argue for human dignity in the public square by appealing to the God who gives us that dignity, we have to make the appeal plausible and attractive by living godly—which is to say, sacrificial—lives, lives that show others what human dignity looks like.

Truth-Telling in the Public Square

Ellen Wilson Fielding

Many years ago, when I was in my early twenties, I fell into a series of personal debates about the existence of God with an agnostic graduate student in modern philosophy. The Catch-22 of our conversations in this ultimately frustrating exercise was that he had appropriated the right to set the ground rules for our argumentation. I didn't realize at first that this left us with (to picture it in physical terms) a very spare architectural space upon which I could attempt to tack on what inevitably seemed to him extraneous, unnecessary, and uncongenial beliefs about the nature of the universe, its origins, possible moral and natural ends, and inherent laws.

From his vantage point, on the other hand, it made sense that he would be the one with the right to rule things out of bounds, because he already conceived of both the world and other human beings as largely unknown and unknowable; hence he was, to modify the physical metaphor, alert to attempted intrusions from strangers at the door. And not much did get admitted. For instance, he would argue the ambiguity of the meaning and intention of most of what we see and hear and (according to his lights) incompletely interpret, although in day-to-day activities he conceded the necessary practicality of human beings more or less pretending to know each other and the world better than in fact it was possible to do so.

So you can imagine that within the constricting proportions of the debating field he had laid out for us, we could not achieve much progress. Almost every time I attempted to propose an argument or convey what I considered legitimate grounds for thinking the idea of God rational or persuasive or likely, I would run slam into the walls blocking off forbidden territory. We got nowhere, but he greatly enjoyed the exercise, not only because his own convictions were never under real threat, but also because he got to exercise his passion for logic in the curtailed conceptual Astroturf of an unreal mental construct. Anomalies and intuitions of anything beyond were barred.

My friend's logical extremism is something we do not necessarily run up against much nowadays (or even back then) in public debate over human exceptionalism and the sanctity of the human person, but I think my experience has much to tell those of us whose understanding of the world and of our status or duties within it is fed by religious belief. In particular, this

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experience suggests by contrast how we can and should debate such fundamentally philosophical and theological matters. The biggest lesson for me was: Don't assume your opponent's assumptions about the perimeters of rational discourse.

I am not going through either Wesley Smith or Ross Blackburn's article point by point in this small space. Instead I will briefly suggest the extent to which I have worked out for myself this vexed question of "using" religion in public debate on sanctity-of-life issues and the special status of our species. To begin with, although I have tried to craft over the years many arguments for this journal that can appeal to a broad audience of theists, atheists, and agnostics, for me and probably for most people the surest and truest foundation for affirming the exceptional status of human beings and the moral requirement to treat them in a non-utilitarian way is either implicitly or explicitly theological. In fact, the very term "sanctity of life," which is prolifically used in pro-life circles, points to God, since the whole concept of sanctity derives from religion. Therefore I am sympathetic to Ross Blackburn's argument that believers should not allow secular referees to rule out of bounds any allusion to many of our most fruitful, illuminating, and motivating beliefs, thus shrinking the area of permissible discourse about the nature of reality.

On the other hand, if we are primarily talking about explicit God-speak when we debate the prudence of airing religious pro-life arguments in public (especially in forms such as biblical quotation that will likely leave the unbelieving listener cold), then I agree that in most cases such an appeal will not achieve its prolife objective. But choosing one's presentation with the audience in mind (as Blackburn points out St. Paul attempted to do in his approach to the Athenians) is quite different from accepting the validity of secular Do Not Trespass signs; for these signs hamper truthful discussion of a real world in which, if God exists, certain stubborn existential realities ensue.

Such pushback by religious people into the public square can sometimes be crucial. It prevents the mainstream debate on literally life and death topics from being deprived of insights from, say, natural law theory and other ways of explaining our world that, though they fit intricately into a complete theological framework, also often appeal in whole or in part to the reason of many ordinary religious skeptics. In other words, not everything we have been told to confine to the religious ghetto really belongs there, and when we comply with excessive docility by hiding these arguments away, we actually propagate the false notion that they are peculiar, private, with no true resonance or appeal or legitimacy beyond ghetto limits. And while walling

away religion limits our efficacy beyond our own professing members, it also means that the public square shrinks and becomes more crabbed, cranky, peculiar, and incomplete in its perspective. In short, it comes to inhabit its own self-imposed and self-narrowing ghetto. So it is our job to push the boundaries of what appear to both sides to be relevant perspectives, true observations.

The truth is, many atheists and agnostics throughout history have embraced a more expansive debating field for ideas about the unique status of humankind and the basis of human rights than today's crowd of militant atheists and muzzy-headed New Agers and let's-be-practical utilitarians. In fact, to adopt a civil-rights metaphor, we should not be afraid to move at large throughout the whole of the bus, rather than meekly occupying the back seats.

The point of public debate is to appeal to the public, and it is possible to do so in appealing and thought-provoking ways, and with maybe more finesse than by wielding "The end is nigh" signs. To offer a slight example, last Lent I came across these words while engaged in spiritual reading: Man can be defined as the animal that sins. I paused to think about this, though what arrested me was not the commonplace that man sins—unfortunately, every examination of conscience brings that home to me personally—but that wrongdoing and consciousness of it is a defining human characteristic vis-à-vis the rest of creation. It is something that sets us apart, something that makes us—dare I say it?—exceptional.

And what made me dwell particularly on this thought and want to introduce it into "public square" debate is my long-time familiarity with animal rights-style denunciations of human beings as "the animal that kills its own," the one capable of great cruelty against its own species, etc. In short, I was thinking that many such people, especially the activists and the propagandists, illogically employ a version of this rather humiliating argument for human exceptionalism to beat exceptionalists over the head with. "Look, you carry on wars and exterminate peoples and abuse children, even when you aren't kicking dogs and bludgeoning baby seals. Why do you think you're so great?"

However, in attempting to pull human beings down from a throne of superiority and rudely break in on human pretension, these non-exceptionalists open the door to the very insight they reject. Surely at least a few of those seduced by one or the other school of radical animal rights—whether motivated by love of animals or loathing for human beings or fuzzy New Ageist pantheism—would be a little struck, a little interested in reconsidering human exceptionalism if we submitted as evidence not our intelligence or

creativity or penchant for world domination but our mysterious sinfulness. “Man is the only animal that sins” holds implications that might make non-fanatics, at least, pause to confront their own experience. Sinning involves conscious understanding that what we are doing is wrong, and also a perception that our act is more or less freely chosen. There is no evidence that animals, even when they are behaving “badly,” are so to speak choosing the dark side, as human beings in both trivial and profoundly serious ways often do.

I am not claiming that this or any other argument, whether religiously derived or not, would in a given venue silence opposition. As in all such discussions and debates, the point is not to slam those we oppose with overpowering and incontrovertible arguments that prompt unconditional surrender—that sort of thing almost never happens for anyone, whether on “Crossfire” or at a neighborhood barbecue. What is possible is to provoke little pockets of private consideration, little (probably internal) “ahas” that someone can mull over, put away for a time, and then maybe surreptitiously revisit. The larger point is this: If the ideas we present and the reasons we muster for them derive from true epiphanies about human nature, true perceptions about who and what we are, what our place is, and how we are to behave in the universe, they deserve an airing of some kind, in some fashion, outside sectarian ghettos. The non-exceptionalist and the unbeliever in the sanctity of human life deserve to be exposed to a larger, less artificial world.



“Out there somewhere there’s a pie with my name on it.”

By Reason Alone

Greg Pfundstein

None should deny that the terrible threats to human dignity that Wesley Smith describes are very real and should concern all people of good will; in addition, it is clear that W. Ross Blackburn makes strong and valid criticisms of the particular argument that Smith offers. But setting aside the particulars of that controversy, it would be valuable if an argument could be made for the dignity of the human person that did not depend on faith in divine revelation for its premises.

Blackburn writes in his essay, “It is certainly true that American society does not have the same generally uniform Christian worldview that it did 150 years ago, or even 50 years ago. . . . It does not follow, however, that recognizing the secularization of thought means that one must argue on secular ground to be most effective in public discourse.” Blackburn agrees that straightforward argument from premises held by faith may no longer be persuasive in public discourse. But he rejects the idea that we must begin on “secular ground,” that is, from premises which are admitted by those with whom we are arguing for the dignity of the human person. What Blackburn proposes, instead, is that we either make arguments that are rhetorical, in the form of questions, directed at the premises of our interlocutors, or simply state the truth and make arguments from a religious perspective. His argument is essentially that stating the truth will be most effective, because God is faithful and will make the witness of the faithful efficacious.

It must be noted at the outset that the question of what is most effective in public discourse is primarily a practical question, which can be determined by the same arts which shape modern political discourse: polling, focus groups, actual outcomes of contests of ideas. As a practical matter, we can find out what is most persuasive to individuals in our culture.

The question at the core of the discussion is not one about what is most effective, but about what is possible. Specifically, Smith thinks that we can argue for the dignity of the human person from premises based in reason alone (and it is his opinion that this will be the most effective argument in public discourse), and Blackburn thinks that we cannot argue for the dignity of the human person without accepting premises from divine revelation (and it is his opinion that this will be the most effective argument). But is it possible to argue from premises not derived from divine revelation that every

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human person has inviolable human dignity? The premises of such an argument may not be what Blackburn describes as “secular ground” and may therefore not be accepted by those with whom we are arguing for the dignity of the human person; but is it possible to make a persuasive argument from true premises which concludes that human beings have dignity that should not be violated?

Before proposing an answer to that question and presenting an argument, it is important to clarify a point made by Blackburn in his essay. He says, “[W]e should make it clear that *everyone* reasons from faith, from presuppositions that cannot be proven but are held nonetheless.” In fact, not all presuppositions are created equal.

Perhaps a helpful example is Euclid’s *Elements*, a treatise comprised of thirteen books, each of which builds upon the previous one. Most begin with definitions, and the first book also begins with five postulates and five common notions. In classical Aristotelian logic, a definition is described as a proposition which gives the genus of a thing and its difference. That is, what kind of thing is it, and what distinguishes it from other things of that kind. A line, for instance, is, in Euclidean geometry, a breadthless length, an abstraction of a single dimension. Other modern systems of geometric analysis propose other definitions of the line, but in so doing they describe a different reality or a different abstraction from reality for analysis. A proper definition is one which accurately describes a kind of being in a non-accidental way that distinguishes it from other similar things.

Postulates or axioms are premises which can neither be proven nor disproven. Take, for instance, Euclid’s first postulate: “To draw a straight line from any point to any point.” If one were to assert that it is not possible to do so, one would be denying, essentially, that space is extended in three dimensions. It would be *unreasonable* to do so.

The common notions are premises which are self-evident, which is to say that to understand the terms is to see the truth of the premise. For instance, Euclid’s fifth common notion is, “The whole is greater than the part.” If you know what whole means and you know what part means, you know that the whole is greater than the part. No premise of this sort requires faith in any strong sense. Such principles appeal to reason.

Now, there are many philosophical questions that would need to be addressed in order to bring the question of human dignity to a satisfactory conclusion, so perhaps at this point it would be helpful to note that no party to this debate denies that human persons have dignity and rights which are not to be violated. The controversy revolves precisely around this question: What is a human person? Is an embryo or a fetus a human person? Is an

individual incapacitated by age or injury a human person? For our purposes, the question of how we ought to treat human persons can be left to thinkers of greater capacity. For the purpose of making an argument from premises not derived from divine revelation, the questions that must be answered are, first, what is the definition of a human person, and, second, what axiom or common notion is relevant to the question of whether certain individuals are human persons and therefore possess dignity that cannot be violated.

In the case of the definition of a complex reality like person, the articulation of a proper definition can require much discussion. But if we start with a definition which is deeply rooted in Western thought and tradition, we can begin to see clearly where the controversy over the definition of person lies.

Fifth-century Roman philosopher Boethius offered this definition: A person is an individual substance of a rational nature. Let's examine the definition in parts. Individual: No party to the debate denies that a person is an individual. While many individuals are persons, they are not the same person. Each is unique. Rational nature: For simplicity's sake, we can say that this part of the definition is describing the same reality described by modern definitions on both sides when they talk about activities or capacities for activities such as thinking, relating to others, being conscious, and the like. So while there is controversy here about which activities are most important or most essentially those of persons (and such controversies might be particularly relevant to the question of whether other animate beings are also persons, such as primates who are in some sense conscious), we all agree that a proper definition of person needs a term like this. Finally, according to Boethius, a person is a substance. What is substance?

In the philosophical tradition Boethius represents, substance is distinguished from accidents, which are incidental qualities which inhere in a subject, a substance. The substance literally "stands under" its accidents. There are individual beings which are substances, like me and you, and there are individual beings which are accidents, like my skin color and my relationships to other people and my current location. "In New York City" is a reality that can be said of me in answer to the question: Where? "Six feet" describes my particular vertical dimension. But there is no "where" and no size without a substance, except in abstraction.

More important to the discussion of the person is the fact that in Boethius's thinking, actions are accidents. If a man starts running and then he stops and sits down, he is still the same man whether he is running or sitting. Even if he were to lose his legs and thereby lose the ability to run, he is one and the same man in terms of substance, even if he has changed in certain important accidental respects.

This definition of person as substance can be paired with an important axiom: *Agere sequitur esse*, acting follows being. This principle is fairly clear through example: You can't be talking unless you are the kind of being that can talk. You can't be photosynthesizing unless you are the kind of being that can photosynthesize. And you can't be thinking unless you are the kind of being that can think. A person is not an individual substance who is talking; a person is an individual substance who is the kind of being who can talk. If a person is not talking at this moment, or not yet able to talk, or no longer able to talk, the person is still the kind of being which talks.

If a person is an individual substance of a rational nature, the kind of being that is capable of the sorts of activities all identify with personhood, and if acting follows being, it is irrelevant whether an individual person is currently exercising reason or even currently able to exercise reason. What is relevant from the perspective of human dignity and human rights is the fact that the individual substance in question is the kind of being that can exercise reason. Thus as soon as you have a unique individual substance of the kind which has human rights, that individual substance, that person, has human rights. Science tells us that at fertilization DNA from the mother and from the father join to make a completely new, distinct, and unique human being, an individual substance which is the kind of being that will exercise reason. Even if the individual has not yet actualized the potential for activities which we consider indicative of personhood, even if that person has stopped actualizing that potential, and even if that person will never fully actualize that potential because of disability, nevertheless, the kind of being we are embracing has a nature that, always or for the most part, imparts the ability to exercise the activities which all admit are evidence of personhood. *Agere sequitur esse*.

And this should make clear the crux of the disagreement with those who want to deny human rights to some persons: If a person were to cease to be a person when he loses the capacity for activities indicative of personhood, person would not be substance. From this perspective, a person is a particular sum of particular accidents. Indeed any being is just the sum of its current characteristics, activities, and abilities—its accidents. The kind of radical materialism which underlies such a conception of reality is left without any means of defending the human rights of any of us. Either we are all persons with dignity as long as we exist as substances, or none of us is.

Whether or not an argument along these lines will convince the committed materialist, for our purposes it is sufficient to note that such arguments do not rely on divine revelation.

Thomas Aquinas, in the first article of the first question of his *Summa*

Theologiae, asks whether any doctrine beyond what is available through the philosophical disciplines is necessary. In his response he argues that while much can be known about God by reason alone, it was necessary for God to reveal himself because otherwise very few, only with great effort over much time, and with a great admixture of error, would be able to come to the knowledge of the truths about God which are available to us by reason. There is no question that to embrace the truth about the human person by faith is the easiest and surest route. But it is possible to establish it by reason alone.



"I'm not a doctor, but I sweep up at a nearby clinic!"

The Arts of Persuasion

R.R. Reno

How do we defend the sanctity of life in the public square? Should we appeal to the truths of faith? Or should we limit ourselves to secular reason? These are not easy questions to answer, and that's because they limit us to a false choice. What moves the public varies widely, and we cannot know in advance what will trigger social change.

The struggle against slavery, which shares important features with the struggle against abortion, provides a good example. For a long time many in the anti-slavery North adopted something like the attitude we find today toward abortion. Prominent politicians and opinion leaders felt that slavery, however regrettable, was a fact of national life that had to be accommodated. After all, it was allowed by the Constitution, and in any event abolition seemed impossible. Slavery was too entrenched and the prospect of its elimination too traumatic.

However, the abolitionist cause did not stagnate, but instead gained ground. Those “personally opposed, but . . .” began to shift their stances, recognizing that they could no longer temporize. Nobody found new arguments against slavery in the years leading up to the Civil War. The cases against slavery, some based on natural right and others relying on theology or the Bible, were often repeated and well known. Instead, it was the publication of Harriet Beecher Stowe's tale of the human toll of slavery, *Uncle Tom's Cabin*, that together with Fredrick Douglass's autobiography shifted public opinion. These stories put a human face on moral evil.

The story of the pro-life movement has not been all that different. By the end of the 1970s, the arguments against abortion were well rehearsed. Everything turned (and still turns) on who counts as a human person worthy of the full respect and protection of law. With the philosophical terrain well known, the two sides became entrenched in their positions, marshalling arguments to defend them. Then the use of sonogram imaging became widespread, and we could see the face of the fetus, a more eloquent testimony to the humanity of the unborn than any philosophical or theological argument. It was our *Uncle Tom's Cabin* moment. Now polling data shows that more and more people are opposed to abortion.

Novels, autobiographies, and sonogram images. These are the sorts of things that tend to be “game changers.” That's to be expected. For the most

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part we make arguments to justify positions we already hold; when our arguments are refuted, very, very few of us are brought up short. Instead, we tend to retreat, regroup, and find new arguments. This is not to say that there is no place for the arts of persuasion—some closely linked to rigorous argument—or that there are no changes of heart. There certainly are, as we all know. But what induces such change tends to be concrete, more a matter of people and images than syllogisms.

We need to keep this fact about human psychology in mind when we think about how we should intervene in the public square. For the most part, the notion of “public reason” applies to the justifications for laws and policies. We can say, for example, that there is no secular reason to support a law requiring church attendance, for only revelation allows us to know that Jesus is the Son of God. We do not rely on uniquely theological foundations when we propose laws limiting and (eventually, we hope) prohibiting abortion. As Wesley Smith and many others have shown, there are philosophical reasons to think that the unborn should be counted as human persons. Indeed, one can give sociological reasons: A creative utilitarian or committed nationalist might interpret the demographic crisis in Europe as sufficient reason to prohibit abortion. It would increase the birth rate!

These justifications, however important, need not be the sources of our convictions or the motives for our advocacy, as many wrongly imagine. For example: Asked why I think we should reform our social-welfare programs, I’m perfectly capable of rehearsing Charles Murray’s arguments about the ways in which they currently encourage a debilitating culture of poverty. But if asked why I make it a priority, I’ll start to tell stories about my experiences as a young person working as a volunteer for my church summer camp in Baltimore, and if pressed I’ll begin to draw on biblical passages that seem to capture the problem we face. In other words, although the justifications I give ought not to conflict with political and moral motivations I have—it would be a sign of intellectual dishonesty if they did—they need not be the same. In fact, as I’ve suggested, they are very unlikely to be the same. We tend to use our skills in logic and analysis to find the reasons why we believe what we believe; we rarely reason our way to important moral beliefs.

The important difference between justification and motivation needs to be kept firmly in mind. Wesley Smith urges us to “base” our public policy on secular foundations, including our efforts to defend the sanctity of life. In response, W. Ross Blackburn argues that secular arguments fail to engender a strong moral presumption in favor of the sanctity of human life. It is quite possible that both claims are true, because they aim at different targets.

A metaphor such as “base” can generate confusions. Smith surely does

not want to rule out sermons designed to motivate the faithful to make the pro-life cause a priority, or for that matter sermons that use the Bible and Christian tradition to illuminate the intrinsic dignity of the human person. His goal, it seems to me, is to make sure that religious believers have clear ideas about how their public advocacy, however motivated, however initiated, however clarified and strengthened, can be justified by reasons widely accessible to those who do not share their faith. To accept this obligation reflects the respect due to our fellow citizens as citizens rather than as co-religionists.

However, these secular reasons need not be compelling, as Blackburn wrongly glosses the standard of public reason (and not without encouragement from many secular advocates of public reason who are keen to gain control over the public square). When it comes to the sanctity of life, he writes, “a secular argument cannot do the heavy lifting.” Here is another metaphor that generates confusion, not the least because there are no arguments, including theological ones, that are capable of doing much in the way of “heavy lifting,” if by that image we mean persuading people to change their minds and motivating them to make personal or political sacrifices to defend the sanctity of life.

Arguments are important, and I do not wish to be read as dismissing them. It is very hard to convince someone to believe something for which one cannot give cogent reasons, which is why we need to be ready to give reasons on behalf of the sanctity of life. However, cogent is not a synonym for compelling. Once one leaves the seminar room and enters into the public square, it becomes clearer and clearer that the debate about abortion, and about the sanctity of life more broadly, turns on very deep intuitions about the meaning and purpose of our lives, intuitions that are largely insulated from and unresponsive to carefully framed inferences, no matter how nicely formulated and cogently argued.

The relative impotence of reasoned argument stems from the fact that our minds follow our souls, and our souls are made for loyalty. Our hearts have reasons that reason cannot know, as Pascal famously said. And our hearts are shaped and formed by hopes and fears, by images of human flourishing and dire pictures of suffering, which is why Harriet Beecher Stowe’s novel was so effective, as has been the sonogram.

Contemporary secular society encourages us to prize our autonomy above all, and this forms our moral imaginations in ways that tend to transform the world into material for our self-directed purposes. Nobody thinks we can simply use everything as we please. Secular society imposes limits: We’re to respect the autonomy of others, and there are many utilitarian reasons to

prevent us from compromising the resources available for others. But the tendency is clear: The lines of moral limitation are to be drawn as narrowly as possible, giving us ever greater scope for the free exercise of our wills. That's why so many think that we can dispose of ourselves (doctor-assisted suicide) and that the unborn should not limit a woman's choice.

The examples Smith gives of new threats to human dignity amount to more of the same: redrawing the lines ever more narrowly so that still more of the material of human life is available for us to do with as we see fit. The recently born become disposable. Cloned fetuses serve as organ farms. The nearly dead are redefined as actually dead so that their organs can be used. In each case bad moral arguments provide justification, and to be sure they need to be refuted. But we need to be clear about the challenge we face: It's the way in which our moral imaginations are formed by modern secular society that makes us receptive to these arguments.

Formation under the authority of divine revelation—even formation under the metaphysical pressure of belief in a supreme being—works against the secular mentality, which is why religious convictions play such a decisive role in sustaining a robust defense of the sanctity of life, as we know from our practical involvement in the pro-life movement. This is not because revealed truths provide key premises in pro-life arguments. Instead, religious faith encourages us to see our lives as oriented around service to God and our neighbors rather than around autonomy. This in turn encourages us to enlarge the circle of respect for life, making us more receptive to pro-life arguments of the sort Smith and others make.

Here Blackburn is surely correct to push back against any effort to refocus the moral imaginations of believers around secular principles, as some overly enthusiastic proponents of “public reason” tend to do. The last half-century has seen the drastic decline of Christian influence over important segments of American society. It's this that has made our society receptive to arguments that all too conveniently define the young, the sick, the handicapped, and the elderly as non-persons. Let's be vigilant. It's very important for the cause of life that we not allow this secular mentality to control public debate. For it wants to minimize the formative influence of religious ideals, ideals that dislodge us from the center of reality and make room in our imaginations for those who live on the margins of the human family.

Notes on the Passing Political Scene

Richard Goldkamp

Moments before I began working on this commentary in February, I decided to sift quickly through my mail. Among seven solicitations for donations were (as you might expect in this election year) a total of five notices from politicians. But the politicians weren't alone that day. Nonprofit enterprises and lawyers were also pushing their favorite causes. Some of them also wanted to keep the political kettle bubbling.

Money, money, money. Although my routine donation in response to requests was \$0.00, I know that much of that day's mail dealt with valid and even admirable projects. It didn't matter since I was in no position to help for the moment. I was one of 30 staffers laid off in our weak economy three years ago by the last paper where I worked, after two decades as a copy editor there. Despite Social Security and retirement checks, I'm still trying to halt a downhill slide in resources. Money still matters.

I am far from alone. At this writing, some estimates suggest that almost 25 million Americans are either out of work or underemployed. Creating new jobs and reviving an economy that has been improving only at a snail's pace initially occupied the attention of roughly a dozen candidates in pursuit of the Republican nomination for the presidency—a field that by February had finally narrowed down to four. Many of those candidates were sent to the sidelines by sniping from their own rivals. In fact, many of the negative attack ads were created not by the candidates themselves, but by new Super PACs—political organizations outside any candidate's control, operating without the power to endorse. The candidates, however, regularly picked up on the nastier aspects of those attack ads to sling mud at their rivals.

Meanwhile, with no opposition in the primaries, our current White House occupant had to have been watching gleefully from the sidelines.

Each of the four GOP contestants still in the running as of early March had his own strengths: Mitt Romney, the up-and-down front-runner with executive experience as a former governor, had a financing and campaign organization that his rivals envied. Rick Santorum, happily married and the father of seven children, not only sought to rejuvenate U.S. manufacturing, but stressed the importance of family life, showing a passion about his convictions that enticed some voters. Former House Speaker Newt Gingrich was widely perceived as politically the most knowledgeable and the best

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debater still in the chase. And longtime House member Ron Paul stressed the nation's need to bring Washington's spiraling debt back under control, an idea most taxpayers favored.

Which brings us back to the question: Is money all that matters? Important as it is, it's not everything. That applies not only to people in shaky personal situations like mine, but to our country as well. Let's explore why.

In the face of current economic conflicts, international threats, and widespread dissatisfaction with the political class, the candidate who devoted the most attention to America's *social* issues was undoubtedly Rick Santorum. And at times he paid a severe price—especially from our nation's left-leaning media elite.

A great case in point comes from the pages of my hometown daily, the St. Louis *Post-Dispatch*, when between February 21-23 the paper ran three blistering commentaries about the Catholic Santorum and/or his Church under the following headlines and subheads:

Headline 1: "Rick's religious fanaticism." *Subhead:* "Politics: Santorum thinks he's found electoral gold in societal wedge issues."

Setting the stage here for *Post* readers was New York *Times* columnist Maureen Dowd. To put it mildly, she was less than thrilled with this alleged fanatic's entire brand of politics.

Headline 2: "Reclaiming religious freedom." *Subhead:* "Contraception: Catholics are called to respect the rights of others as well as their own consciences."

In this piece, published on the same day as Dowd's, the politically correct president of Catholics for Choice, Jon O'Brien, "chose," as a dissenter from both Church teaching and natural law, to hustle artificial birth-control as the best way to keep unwanted children out of our way. After all, isn't having sex with whomever you want, whenever you want, wherever you want, as "sacred" to some people as the kind of unity experienced by a couple who become "two in one flesh" when they get married?

Or maybe the thinking in the most radically secularized segment of American culture is that *none* of those options, including traditional marriage guided by mutual self-giving love, should be treated as "sacred."

Headline 3: "Santorum cries Nazi." *Subhead:* "Politics: Binary extremes of good and evil, where his political foe isn't just wrong but uses 'phony theology.'"

The *Washington Post*'s Dana Milbank launched his guest column in the *Post-Dispatch* with this bald assertion: "Rick Santorum sees Nazis everywhere: in the Middle East, in doctors' offices and medical labs, in the

Democratic Party, and now in the White House.”

Forgive me: That kind of insulting hyperbole should be reserved for the garbage can. Mr. Milbank’s column was responding to a controversy that had erupted a few days earlier when Santorum, speaking to a group of supporters, made a historical analogy between the World War II era and today. His choice of words may have been misleading, such as when he said that “the Greatest Generation, for a year and a half, sat on the sidelines while Europe was under darkness.” But Santorum also made it clear later that he never intended any direct comparison between Barack Obama and Adolf Hitler.

Those three *Post-Dispatch* strikes at Santorum and the Catholic Church raised one obvious question: If media elitists were willing to put an ardent conservative like Rick Santorum on the political hot seat for his “religious fanaticism,” why weren’t they willing to do the same for a radical liberal like Barack Obama? After all, just three weeks earlier, in his address at this year’s National Prayer Breakfast, Obama had quoted from the Bible, invoking Christ’s support for his push to hike taxes on rich Americans.

The reason for the media attacks, one suspects, was not an objection to the Catholic faith—after all, there are many self-declared Catholics among the media elite—so much as an objection to Santorum’s championing the Church’s consistent defense of the sanctity of all human life. That belief flies directly in the face of the media elitists’ consistent (or consistently desperate) defense of “reproductive rights” and “a woman’s right to choose.” It’s easier for them to focus on misleading phrases like that than to confront the act of abortion itself.

This is not meant to be a condemnation of women who have abortions, many of whom face very difficult circumstances, economic and personal, which can lead them to think they have no other choice. Often they feel prodded into it by the baby’s father or by family members, for reasons of convenience. And many will later regret this decision made in desperation. Likewise Santorum himself has no interest in condemning women who have had an abortion. Neither does the Catholic Church, which extends the healing power of mercy and forgiveness to anyone who has come to regret having had a part in the sacrifice of an unborn child.

Nor (pace Jon O’Brien) are Catholic bishops on a misguided crusade against women who use artificial birth control. However, the bishops are also not about to endorse it as a “sensible” alternative to abortion, especially since some contraceptives are actually abortifacients, preventing conception by snuffing out the life of a baby already conceived.

Rick Santorum has been far from alone in stirring up this controversy in an election year. Abortion, birth control, and other sanctity-of-life issues are deeply entrenched in American culture, infringing at times on the world of presidential politics. Mr. Santorum has offered an articulate defense of the pro-life side of the abortion debate, a stance that has steadily gained support among young women as well as young men. Despite all this, the pro-life side of this issue remains particularly unpopular with some media elitists, who would just as soon brush it permanently under the rug. Why? Because defending the killing of an unborn child is never easy, even when the killing is legal. Secularists in the media prefer to look for ways to trash the reputations of their pro-life adversaries, therefore, rather than attempt to justify their own pro-abortion stance.

In roughly the same week in late February when guest columnists were attacking Santorum and the Catholic Church in the *Post-Dispatch*, three major stories also hit the media with information that could spur a new cultural dialogue about the downslide of family life in America and why it matters.

First, the left-leaning New York *Times* (much to its credit, in this case) carried a feature story highlighting recent research concerning children born out of wedlock. Nearly a half-century ago, the story pointed out, the late Democratic Senator Daniel Patrick Moynihan, then a Labor Department official, had issued a study reporting that a quarter of black children were being born to unwed mothers. His warning of a new “tangle of pathology” touched off a heated debate at the time.

Today, 73 percent of black children are born out of wedlock. They are joined by 53 percent of Latino and 29 percent of white children. Overall, the number of American children born out of wedlock has grown to 41 percent, according to Child Trends, a group that analyzed data from the National Center for Health Statistics. The majority of these births occur among couples living together. Not surprisingly, a University of Michigan study found that two-thirds of such couples had split up by the time their child reached 10 years old.

Serious implications flow from this: Children born out of wedlock face a greater chance of falling into poverty, failing in school, and suffering emotional and behavioral problems. Studies also show that it is not at all uncommon for the crime rate to increase among kids who enter their teenage years in single-parent households.

A week after that story appeared in the *Times*, Charles Murray, an articulate critic of out-of-wedlock births, was interviewed by Fox news analyst Gerri Willis about *Coming Apart*, his new book in which he looks at the

changing state of white America, analyzing significant differences between the working class and the upper middle class. Some 84 percent of men and women in the latter group still marry, he reports, while the marriage rate in the working class has dropped to 48 percent. And as nearly as Murray could determine, only 1 out of 8 working-class men retains a strong faith and attends church regularly.

Several days before the Murray interview, Catholic theologian Jay Richards and Evangelical televangelist James Robison were also interviewed on Fox about a book they recently co-authored, *Indivisible: Restoring Faith, Family, and Freedom Before It's Too Late*. Although both men have shown the ability to tackle tough political issues facing conservative Christians, they refrained from advancing any particular political view (or party) during the Fox interview, emphasizing that their book focuses on a “spiritual moment” in America.

So despite his occasional gaffes, Rick Santorum has had outside support for injecting social issues into this campaign.

But moving beyond the primaries, the Republican Party’s biggest hope for winning this election is the Obama administration’s subtle but enormously deceptive new “health” project that now threatens to undermine religious liberty across the country. Outlined in early January by the Health and Human Services Department under Kathleen Sebelius, it added a volatile contraception mandate to the administration’s already controversial ObamaCare legislation. As former Arkansas Gov. Mike Huckabee noted on his TV show, Obama had suddenly handed his Republican foes a major new campaign issue on a silver platter. One no one had expected.

Almost overnight, potent signs of resistance to the mandate erupted among Catholic bishops and other religious leaders across the country. While the mandate involved religious institutions in general—pretty much only churches (and synagogues) themselves were exempt—it was widely perceived as targeting Catholic hospitals, colleges, and other social agencies such as Catholic Charities, requiring them to offer health plans providing free contraception to their employees and students.

Since the mandate clashed directly with Church teaching, New York Archbishop (and head of the U.S. Conference of Catholic Bishops) Timothy Dolan flatly rejected it as a direct attack on the conscience rights of religious believers. Catholic League leader Bill Donohue considered the mandate such a grave threat to religious liberty that he bluntly told Fox News, “I think the Obama administration has declared war on the Catholic Church.”

The administration’s response to mounting pressure from an array of

religious leaders was to call a news conference Feb. 10 announcing an apparent compromise: The president promised that the government would make insurance companies responsible for covering the cost of contraceptives for religious institutions affected the mandate.

Staff aides then wheeled around to assure the media that the Obama administration was not compromising, but only offering an “accommodation” to give religious leaders time to comply with the mandate.

The bishops rightly noted that this “no-compromise accommodation” had changed nothing, since at the end of the year they would still be required to offer health plans that, whatever the semantics, covered contraceptives (including abortifacients and sterilization procedures) for their employees. Extending exemptions from this mandate to agencies or institutions under Church control was simply *not* part of the administration’s agenda—despite the fact that a number of businesses had already been granted exemptions of various kinds from the federal healthcare law itself.

Widespread support for the bishops’ adamant stand soon came from Baptist and Lutheran pastors, Evangelical ministers, and even some Jewish rabbis. All saw the same grave risk to their own First Amendment rights. By the first week in March, attorneys general in at least seven states had also agreed to challenge the HHS mandate in court as an attack on the First Amendment. In addition, court challenges by 26 states to the constitutionality of certain aspects of ObamaCare itself were still pending. (As of this writing, a ruling from the Supreme Court was not expected until sometime in June at the earliest.)

A brief new controversy was stirred up by Georgetown University law student Sandra Fluke, when she sought to back the administration’s cause by testifying in favor of free birth-control coverage at an unofficial House hearing in late February. She defended the “critical healthcare needs” of her fellow students who, she claimed, suffered because the campus health plan did not include cost-free contraception. She also alleged that Georgetown students had to pay up to \$3,000 for contraceptives during their three years in law school. (A spot check by a *Weekly Standard* staffer soon found that a Target store pharmacy not far from campus offered a generic brand of birth-control pills for \$9 a month.)

The Catholic bishops have not pushed for the government to ban all birth control, nor have they tried to block access to it for women in general. They’ve insisted only that Catholic and other religious institutions should get an exemption from the contentious HHS mandate, which would otherwise force them to flout Church teaching and violate Catholic consciences in order to comply. Two of the world’s great religious leaders in recent decades, John

Paul II and Benedict XVI, repeatedly have emphasized that the Church does not *impose*; she only *proposes*. But in the tug of war over contraception, why did it look so much as though the president of the United States was the one trying to *impose* his government's will on the Catholic Church and other religious bodies all over America?

Although Obama attempted to project the image of a man as sympathetic to the concerns of religious leaders as to those of progressive women, he could only do so by pretending that contraception is merely another form of healthcare. But the reality is that these pills and devices were developed not to improve women's health, but to make sexual intimacy safe from pregnancy (or so they hoped).

At a congressional hearing in early March, Secretary Sebelius defined the HHS mandate as "a critical preventive health benefit for women and for their children." The best way to pay for it, she opined, was to apply the "savings" resulting from fewer babies as a way to help pay for birth control. Forgive a slightly barbed question here: Why did Ms. Sebelius's testimony sound so much like she was projecting a far higher regard for sexual promiscuity than for the sanctity of human life itself?

That's exactly why this HHS mandate, far from defending women's rights, is instead a thinly disguised attack on our religious liberty, including the liberty of many pro-life women, the presence of whom in this national debate has been far less recognized by most of the media than that of their pro-choice opponents.

It should be obvious by now that neither the eventual Republican nominee nor the president can afford to be overconfident either about their prospects or about the prospects of the country they hope to be leading in January, 2013. As important as financial backing and the still unpredictable state of a slightly improved economy may be to the candidates, more than that is at stake for many Americans in this election. Our professorial president, eloquent as he can be at times, has shown ample signs he's ready to keep defending his "hope and change" view of our country. He also seems to believe black voters on Election Day will be so pleased by his administration's pro-choice policy that they won't be overly concerned about America's annual loss of more than 400,000 unwanted black babies.

That may depend on how many black voters have chanced onto a hypnotizing Website operated by the Rev. Clenard Childress, a pro-life black Baptist pastor from New Jersey. His online site, www.blackgenocide.org, makes it clear that those 400,000 unborn innocents are being killed daily by abortion. (Most of Planned Parenthood's "choicest" clinics are located in

our country's predominantly black neighborhoods.)

Unfortunately, Obama likely doesn't need to worry about losing anything like 20 to 30 percent or more of either Catholic or black voters who supported him four years ago. What he can realistically worry about, however, is losing a perhaps crucial 2 to 5 percent of either Catholic or black supporters (or both).

Besides rejuvenating our economy, the GOP nominee will face the challenge of refocusing public attention on the restoration of an America that protects our religious liberty and personal freedom from a government that is now trying to control the Church and regulate our personal lives in ways America has never seen before.

If the Republican candidate wants to boost his chances to win in November, he should make it clear why he supports the sanctity of every human life as well as the First Amendment's protection of our religious liberty. As for Barack Obama, he's our first president ever to pursue policies violating both. Not, we may hope, the best way to get re-elected.



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Msgr. Austin Bennett:

A Welcome Voice of Patient Obedience

Edward Short

In his great encyclical *Humanae Vitae* (1968), affirming the Church's rejection of artificial birth control, Pope Paul VI conceded that the stand he took on behalf of the Church would not be universally popular. "It is to be anticipated that perhaps not everyone will easily accept this particular teaching," he admitted, with what now seems comic understatement. "There is too much clamorous outcry against the voice of the Church, and this is intensified by modern means of communication." Yet, for so faithful a pontiff, and one so steeped in history, this was not in itself surprising, for "the Church . . . no less than her divine Founder, is destined to be a 'sign of contradiction.'" About this, the pope could not have been clearer: The incidental unpopularity of the Church's position would never cause the Church to "evade the duty imposed on her of proclaiming humbly but firmly the entire moral law, both natural and evangelical." And this followed from the fact that, "Since the Church did not make either of these laws, she cannot be their arbiter—only their guardian and interpreter. It could never be right for her to declare lawful what is in fact unlawful, since that, by its very nature, is always opposed to the true good of man."

Now, when public authorities around the world "declare lawful what is in fact unlawful" with blithe indifference to the "true good of man" with respect to contraception, abortion, euthanasia, and the redefinition of marriage, the pope's words can be seen to have exhibited a terrible prescience. They also place the issue of contraception where it belongs, in the most fundamental of contexts, for "In preserving intact the whole moral law of marriage, the Church is convinced that she is contributing to the creation of a truly human civilization. She urges man not to betray his personal responsibilities by putting all his faith in technical expedients." Thus, the pope defended "the dignity of husband and wife" and encouraged married couples "to share God's life as sons of the living God, the Father of all men."¹

If in affirming these truths the pope realized that many of the Catholic laity would not follow his lead, he was equally realistic about the clergy, to whom he wrote directly:

And now, beloved sons, you who are priests, you who in virtue of your sacred office act as counselors and spiritual leaders both of individual men and women and of

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families—We turn to you filled with great confidence. For it is your principal duty—We are speaking especially to you who teach moral theology—to spell out clearly and completely the Church’s teaching on marriage.

And in order to accomplish this, the pope recognized that priests “must be the first to give an example of that sincere obedience, inward as well as outward, which is due to the magisterium of the Church.” As it happened, this obedience was not entirely forthcoming and there was a good deal of dissension among the clergy. Indeed, “To [Pope Paul VI’s] horror,” as Eamon Duffy wrote in his history of the popes, “instead of closing the question [of artificial birth control], *Humanae Vitae* provoked a storm of protest, and many priests resigned or were forced out of their posts for their opposition to the Pope’s teaching.”²

One priest who appreciated the profound rightness of the pope’s response to this vexed issue was the Reverend Msgr. Austin P. Bennett, a priest of the Diocese of Brooklyn, who, although charged for decades with overseeing the diocese’s financial, medical and insurance affairs, has nothing of the ecclesiastical bureaucrat about him. On the contrary, this energetic, engaging, deeply practical man epitomizes the good shepherd—one who may be steeped in history, law, and languages, but who nevertheless serves his flock unstintingly, young and old, rich and poor, faithful and not so faithful, with Christ-like solicitude.

My wife Karina and I first met Msgr. Bennett at St. Rita’s Church in Astoria, Queens, where he has been celebrating Mass since 1958. That he should have such a long history with this wonderful church is apt, for Saint Rita (1381-1457) is an emblem of patient obedience, a patroness of desperate causes. What immediately drew my wife and me to Msgr. Bennett is his wonderfully staunch commitment to the unborn. In his intercessions, he has his parishioners pray for the repeal of all laws legitimizing the killing of the unborn child in the womb, and in many of his sermons he deplores the savagery that has led to the murder of over 50 million children in America alone since the passing of *Roe v. Wade*. Here is precisely the sort of obedient, faithful, conscientious priest that Pope Paul VI had in mind when he exhorted the clergy “to proclaim with humble firmness the entire moral law, both natural and evangelical.”

Recently, in response to President Obama’s mandate demanding that the Roman Church pay for abortion, contraception, and sterilization drugs for those whom it insures, Paul Rahe, Professor of History at Hillsdale College, confirmed the extent to which Msgr. Bennett’s defense of life has not been typical of the Roman clergy: “I was reared a Catholic,” Rahe wrote, “wandered out of the Church, and stumbled back in more than thirteen years ago.”

I have been a regular attendee at mass since that time. I travel a great deal and frequently find myself in a diocese not my own. In these years, I have heard sermons articulating the case against abortion thrice—once in Louisiana at a mass said by the retired Archbishop there; once at the cathedral in Tulsa, Oklahoma; and two weeks ago in our parish in Hillsdale, Michigan. The truth is that the priests in the United States are far more likely to push the “social justice” agenda of the Church from the pulpit than to instruct the faithful in the evils of abortion.³

The truth of this observation only makes Msgr. Bennett’s stalwart testimony to the evils of abortion all the more admirable, though it has to be said that, since the contraception mandate was issued, more and more Catholic priests are speaking out from the pulpit against the government’s war on the unborn.

Austin P. Bennett was born in Brooklyn, New York, on February 26, 1923. From his father, a lawyer, he inherited his legal smarts and from his mother, a businesswoman, his crack administrative skills. As a boy, he attended Our Lady of Angels parish school under the exacting tutelage of the Sisters of Charity of Halifax. He graduated from Regis High School, the Jesuit scholarship high school in Manhattan, in 1941. It was while he was in high school that he recalls attending a certain movie house in Yorkville on the upper East Side of New York that showed newsreels of German soldiers massacring Jews in German-occupied Russia—an experience which opened his eyes to what resulted when a highly scientific, ostensibly civilized society took it into its head to regard other human beings as *Untermensch*, or sub-humans.

Msgr. Bennett attended Holy Cross College in Worcester, Massachusetts, also under the Jesuits, and was placed in the Latin and Greek honor section. He then progressed to the Seminary of the Immaculate Conception in Huntington, Long Island. On June 11, 1949, he was ordained to the priesthood for the Diocese of Brooklyn. Upon ordination, he was assigned to Saint Saviour’s parish in Park Slope, Brooklyn and was there until 1955. He counted himself exceptionally fortunate to serve as a parish priest at Saint Saviour’s. When I asked him about this pivotal assignment, he told me that he had prayed to be allowed to serve at least six years as a parish priest before taking on administrative duties—it was vital for him, he said, to know and guide ordinary parishioners—and it was only when he was called to Rome in 1955 that he realized that his prayers had been answered.

In June of 1955 he was assigned to residence in the Casa Sta. Maria Dell’Umilta of the North American College in Rome for studies in Canon Law at the Pontifical Gregorian University. He completed his studies in 1958 with a Doctorate in Canon Law *summa cum laude*. The Gregorian published his dissertation on the history of the power of the archbishops of Canterbury

in its *Analecta Gregoriana* series in Canon Law. On completing his thesis, Msgr. Bennett returned to the Brooklyn Diocese and has remained on the Bishop's staff ever since. He continues to advise the diocese and its parishes and affiliates on their financial, insurance, hospital, and pension operations. In 1998, he was assigned to the Confraternity of the Precious Blood at the Monastery of the Precious Blood. Thanks to Msgr. Bennett's forward-looking direction, the Confraternity continues to flourish. What is particularly heartening about the 9 o'clock Mass that he celebrates at St. Rita's is how many young people attend. The first five pews are packed with children, and to see their radiant, smiling faces is to be reminded not only of God's abundant blessings but of all the faces missing from those and other pews around the world as a result of the culture of death—a travesty of culture that President Obama is intent on expanding.

In sharing with me the genesis of his own deep interest in the roots of abortion, Msgr. Bennett spoke not only of that chilling film he saw when he was a high school student, but the horror he felt after the pro-abortion ruling of *Roe v. Wade* was passed, when he beheld his American compatriots adopting the same rationale for the killing of unborn children that the Nazis used to justify the killing of Jews—the rationale that the human beings they were killing, human beings created in the image of God, were somehow subhuman.

Of course, with the arrival of sonogram technology, this rationale has had to change: Now the pro-abortion argument is that the unborn can be killed not so much because they are subhuman as because their right to life is subordinate to the suppositious well-being of their mothers, despite numerous studies now showing verifiable links between abortion and post-traumatic stress, breast cancer, infertility, depression, and obesity. But this is a distinction without a difference. In effect, the advocates of abortion still treat the unborn child as subhuman.

Recently, the “reproductive rights” argument was given a new spin by Dr. Katherine Hancock Ragsdale, President and Dean of the Episcopal Divinity School in Cambridge, Massachusetts, who testified before Congress on March 8, 2012, that if Congress were to outlaw the transporting of a minor without her parents' consent across state lines to get an abortion, she would continue to break the law by helping girls end their pregnancies. At a hearing of the House Judiciary Subcommittee on the Constitution, Ragsdale recalled how she helped a 15-year-old girl she had never met before obtain an abortion: “Although New Hampshire was closer to that girl's home than Boston, as it happened, I did not take her across state lines. Nor did I, to my knowledge, break any laws. But if either of those things had been necessary in order to

help her, I would have done them,” she explained. “And if helping young women like her should be made illegal I will, nonetheless, continue to do it.” Her rationale for these views is instructive; she cites the vows she took as an Episcopal priest. These impelled her to break the law, to help teenage girls kill their unborn children without their parents’ knowledge.

Where does the Episcopal Church sanction this? Well, the Lambeth Conference, in its exquisitely Anglican way, set forth a useful guideline in 1930. According to Resolution 15, which was adopted by a vote of 193 against 67, the Conference decided:

Where there is clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles.

Having thus opened the door to contraception and abortion, the Conference attempted to extenuate its connivance in these things by expressing “its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience,” but the damage had already been done. Dean Ragsdale may not be the most logical of women, but she knows her church’s moral judgment on this issue, and it does indeed provide sanction for the killing of unborn children.

A striking aspect about the Ragsdale episode is the light it sheds on how our age regards clerical authority. When Roman clergy oppose abortion, they are castigated as hypocrites and denounced; when liberal Protestant clergy defend abortion they are received with open arms, as though oracles of enlightened good counsel. Indeed, many in the President’s Party regard the Dean’s moral authority as irreproachable. The subcommittee’s ranking member Rep. Jerry Nadler (D-N.Y.), for example, wholeheartedly agreed with Ragsdale and called the Child Interstate Abortion Notification Act (H.R. 2299), which would make it illegal to “circumvent parental consent laws in a state by, without the parents’ knowledge, taking a minor girl across state lines for an abortion,” an “assault to the reproductive rights of women.”

Dean Ragsdale, however, goes much further than Rep. Nadler; for her, abortion not only ensures the “reproductive rights of women,” it is a “blessing.”

When a woman gets pregnant against her will and wants an abortion—it’s the violence that is the tragedy; the abortion is a blessing. When a woman might want to

bear and raise a child but fears she can't afford to because she doesn't have access to healthcare or daycare or enough income to provide a home—it's the lack of justice that is the tragedy; the abortion is a blessing. When a woman has planned and provided for a pregnancy, decorated the nursery and chosen a name, and, in the last weeks, discovers that her fetus will not live to become a baby, that it has anomalies incompatible with life, and that preserving her own life and health, and sparing the fetus suffering, require a late-term abortion—it's the loss of her hopes and dreams that is the tragedy; the abortion is a blessing. And, and here's one that really gets me in trouble, when a woman simply gets pregnant unintentionally and decides this is not a good time for her to bear and care for a child—there is no tragedy. The ability to enjoy healthy sexuality without risking a pregnancy that could derail her education or career, the development or exercise of the gifts God has given her, is a blessing.⁴

Here, it is important to stress that Dean Ragsdale makes no attempt to claim that the child in the womb is unreal; instead, she goes out of her way to consult the feelings of the unborn child; indeed, she advocates abortion because, as she says, she is in favor of "sparing the fetus suffering." This same pity leads her to argue that special needs children should also be killed in the womb, because, as far as she can judge, their "anomalies" make them "incompatible with life." This is the post-sonogram defense of abortion, the logic of which is patent: inexpedient children are not entitled to life because they are threats to the "reproductive rights" of women; they are "incompatible with life"; they are *Untermensch*.

That this post-sonogram defense of abortion is gaining ground is evident from an article entitled "After-birth abortion: why should the baby live?" by Alberto Giubilini of the University of Milan and Francesca Minerva of Oxford University, which recently appeared in the *British Journal of Medical Ethics*. There, the authors contend, as their abstract states, that "After-birth abortion (killing a newborn) should be permissible in all cases where abortion is, including cases where the newborn is not disabled." Their defense of their argument will surprise no one who has paid any mind to the defense of abortion: "foetuses and newborns," the authors declare, "do not have the same moral status as actual persons" and therefore any law which permits abortion should also permit infanticide.⁵ Here the authors make no bones about the fact that they regard not only the child in the womb but the child outside of the womb as *Untermensch*.

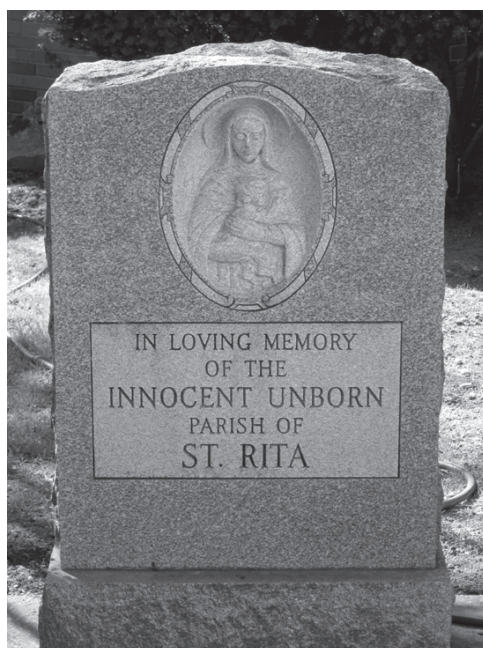
At the height of the Nazi terror, which, as we all know, ended very badly indeed for the *Untermensch* of European Jewry, Albert Einstein stood up and admitted how wrong he had been in his youth about the Roman Catholic Church. In 1940, he told *Time* magazine: "Only the Church stood squarely across the path of Hitler's campaign for suppressing the truth. I had never any special interest in the Church before, but now I feel a great admiration

because the Church alone has had the courage and persistence to stand for intellectual truth and moral freedom. I am forced thus to confess, that what I once despised, I now praise unreservedly.”⁶

Thanks to Msgr. Austin Bennett and his staunch defense of children in the womb, whom President Obama and his supporters are intent on killing, under the pretext that murder redounds to the health and well-being of women, the tradition of moral and intellectual truth-telling that Einstein so admired is alive and well at St. Rita’s Church in Astoria, New York. This is the “sign of contradiction” that Pope Paul VI wrote his brave encyclical to encourage. May it be a sign that all people of good faith work to emulate!

NOTES

1. See Pope Paul VI, *Humanae Vitae* (25 July 1968).
2. Eamon Duffy, *Saints and Sinners: A History of the Popes* (New Haven, 1997), p. 281.
3. See Paul Rahe, “American Catholicism’s Pact with the Devil” in *Ricochet* (10 February 2012) or <http://ricochet.com/main-feed/American-Catholicism-s-Pact-With-the-Devil>
4. See Penny Starr, “Priest Who Calls Abortion a ‘Blessing’ Tells Congress She’d Break Law to Help Minor Cross State Line to Get One” in CNS News (8 March 2012) or <http://cnsnews.com/news/article/priest-who-calls-abortion-blessing-tells-congress-shed-break-law-help-minor-cross-state>
5. See Madeleine Teahan, “Ethicists call for killing of newborns to be made legal” in *Catholic Herald* (2 March 2012).
6. See Albert Einstein quoted in Michael Burleigh, *Sacred Causes: The Clash of Religion and Politics, from the Great War to the War on Terror* (New York, 2007), p. 213.





**“Good writing can win battles;
great writing, whole wars.”**

—J.P. McFadden

This is a book for anyone who has sat around the kitchen table (or the dorm room) defending the sanctity of human life while wishing he or she had greater command of the facts and arguments. Culled from the *Human Life Review*'s unique 35-year-record of anti-abortion advocacy, *The Debate Since Roe* features essays by doctors and lawyers, politicians and political scientists, philosophers and clerics, journalists, and, to quote the *Review*'s late founding editor J.P. McFadden again, those who bring “a layman's view of the meaning of it all.” A perfect gift for students, pastors, family members and friends. To order a copy (\$14.95 includes shipping), please use the enclosed business reply envelope or call us at (212) 685-5210. Bulk pricing is available for orders of over 10 copies. You may also order copies at our website: www.humanlifereview.com.

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FROM THE ARCHIVES: (1975)

The Inalienable Right to Live

Eugene Ionesco

The head doctor of a Zurich clinic who withheld medication and nourishment from incurably ill patients who might have lived another month, a year, or two, has been released from jail. He still has to answer to a court of law but, although fired from his position, is again free to treat his private patients. The Swiss Medical Association is defending him. Numerous petitions have been submitted on his behalf. We have the right, say the undersigned, to demand that we be permitted to die when we want. That is one point of view. However, requesting death to cut short suffering can be likened to suicide, which is condemned by religions. Do we have the right to commit suicide?

Worse yet, scientists and doctors are assuming the right to make this decision for others. That is the same as murder. The doctor in question assumed this right when he refused to prolong the life of patients who had not specifically asked to be allowed to die. Hospitals and the medical profession are asking us to take this step from suicide to authorized murder. A sign of the times.

After the liberation of France an SS “hero” was put up against the wall. He begged, he pleaded on his knees, he defended himself desperately before he was executed. This soldier, a murderer to be sure but nevertheless brave in battle, was, when faced with his own death, turned into a blubbing wretch.

Each evening a priest visits the cells of condemned men to give comfort. Their lives hang on the hope of a reprieve. The priest avoids the cell when he learns that a plea for clemency has been denied. At the last moment the condemned prisoner knows—fifteen minutes before his execution—that his plea for mercy has failed. He is instantly turned into an agitated, collapsing bundle of humanity that has to be propped up and forcibly dragged to the place of execution. And when a condemned man is notified that his sentence has been commuted to life at hard labor his joy knows no bounds.

Famous authors, humanitarian organizations, legal, medical, and academic societies, and all manner of well-intentioned souls have lobbied for years to outlaw the death penalty. And most countries have done away with capital punishment.

Why the present turnabout? What is the point of letting the murderer live

Eugene Ionesco, a major playwright whose work was translated and performed in 27 languages, died in 1994. This article, which first appeared in the *Deutsche Zeitung* of Stuttgart, was also published by the *Atlas World Press Review* (Atlas World Press Review, 1180 Avenue of the Americas, New York, NY, May 1975). It was reprinted, with permission, in the Summer 1975 issue of the *Review*.

when the innocent patient is executed? A sentence of death is the ultimate penalty. In the seventeenth century a tragedy that did not end with the death or murder of the main character was merely a tragicomedy. In many novels we read of condemned men who—when the early morning hour for execution has passed—are gripped with unspeakable joy because they have been granted at least another twenty-four hours of life.

There are cases of doctors incurably ill, often with a disease in their area of specialization, who nevertheless allow themselves to be lulled like innocent children by considerate colleagues who offer impossible hopes for recovery. I also know the case of a gravely ill woman who for years bravely bore her suffering. Finally the surgeon brought her up short: “You have survived your ailment seven years. What more do you want?” The woman wanted nothing more—her will to carry on left her. She returned home and died within a few days. I wonder what this brutally frank doctor would have done were he struck down by the same disease.

We have often heard of doctors who are emotionally drained by the death of their patients. Poor doctors! Perhaps they should eliminate their patients more quickly to be relieved of this trauma. Then they could devote their full efforts to helping the sick die expeditiously. Doctors will then be like the executioners of old who did not give the condemned “another minute.”

To look death in the eye you have to be either a Christian or a Stoic. Even then the Mother Superior of Bernanos dies a terrible death, wracked by fear despite her strong faith. Something else must be added. There are too many sick people in hospitals—too much bother for doctors and nurses; their burden must be made lighter. We know what goes on in hospitals. Sue me if you will but we know what goes on: indifference, irregular doctors’ hours in the overcrowded wards, negligence, and, again, indifference.

One of my colleagues of the Académie Française recently wrote in a newspaper that one has to talk to the sick about death, that one has to help them in dying. What idiocy! Who in these understaffed hospitals has time for that? Can you call a priest to each patient’s bed? There are no longer enough priests. The few who remain have all they can do converting jazz and pop singers to the Church.

And can you imagine how a doctor or a nurse would go about preparing a dying patient for death? Go ahead, ask them. They’d laugh in your face. There’s too much to do as it is. What more do you want? It’s much easier to stop the treatment or to administer a shot. All of these incurably ill take up entirely too much space and too much time in dying.

One should let any person live who can still take comfort in the rays of the sun, the occasional visit of a child or a relative. Let live the one who is still

warmed by memories and how the windows of the room light up at dawn. Who knows of the dreams of an unconscious patient? What does it mean to take the life of a terminally ill patient? Who is incurable?

We are born incurable. Even Christ on the cross complained that God had forsaken him. Joan of Arc recanted and was burned as a redeemed heretic.

Only yesterday we did our best to keep up the spirits of a terminally ill patient. But today a new approach is taking shape: We cannot evade the issue of dying, but it should be death with dignity. How considerate! The entire propaganda, the whole temper of our times, is based on lies and deceit; every truth gets twisted around, nothing is cast in its true light, we are living a lie. Lies are our daily bread, and instant communication spreads them around the world. The political process is in the main the learning of lies; the end justifies the means and the means are lies.

But now the white lies that kept hope alive in terminally ill patients are considered inexcusable. And all this in the name of “human dignity,” which at other times we mock and spit upon.

A number of facts tell a different story. The life of a dying hospital patient must be terminated because the bed is needed for others. That fits the pattern—legalized abortion, euthanasia, the killing of infants born deformed. Recently a British doctor urged publicly that newborn babies not be recorded officially until several days after their birth so that a determination as to their viability could be made. Does that not have the eerie ring of the Hitlerian death camps—only those still able to work are preserved a bit longer?

If we agree to the principle that terminally ill patients should be allowed to die, just where do we draw the line? After the hopelessly sick and the unborn, would we consider terminating cripples, the aged, the insane, misfits, and drifters? And then red-haired children and those with curly hair? The danger lies precisely in where you draw the line on death sentences.

Many millions have been killed in concentration camps, which still exist in several countries. Hostages have been killed since time immemorial. At the moment schoolchildren are being slain in the Middle East for the express purpose of wiping out a race. Those who hold views other than our own are eliminated, to say nothing of those killed in wars, atomic bomb massacres, and other bombing raids. All these raise the basic question whether we kill simply for the sake of killing. Could all of the ideologies, including the one that advocates so-called “death with dignity,” be masks behind which we hide our joy in killing? I really believe that is the deeper meaning of the principal preoccupation of modern man.

Let me return to euthanasia. Clearly the value of life has sunk precipitously. There are 3 billion of us on this earth. Possibly there are too many of us to

value life as much as we once did. In addition totalitarian systems have destroyed humanity and the dignity of the individual. Humanism is coming apart at the seams.

Millions brought into the world are sacrificed for idealistic societies and for inhuman societies in which life is not worth living. Today's society is assuming the form of a mindless, insensitive monster. Society is the Moloch that feeds on its children—that is the state, the collective.

In truth, however, we are all—as numerous as we may be—unique souls, unique human beings. That is true of all living things. No two cats are alike, no two tigers bear the same markings on their fur. Stand in the street and look at the people! None is like the other. They are all the same and yet so different. The creativity of the Creator is infinite. The only truth is in the individual except when he submerges himself into the mass and loses himself in a totality. Then he is no longer himself and loses his personality and his worth.

Similarly, no moment in the life of any person is like that of another. This evening or tomorrow everything can change. In pain and suffering can be found the eternal renewal of that which is good and beautiful in creation. The poor, the moderately well off, the rich, all cling to life. That is, they want to be.

Did Georges Pompidou perhaps ask that his life be ended to ease his suffering? Like all others, despite his pain, he clung to life. It was said that he was brave. No one has yet defined with any assurance whether bravery or cowardice is involved in living or in ending one's life. It is impossible not to love one's state of being. There have been many miracles on this earth. But the greatest miracle of all is life. Jesus performed the miracle of raising Lazarus from the dead. He himself arose from the dead. And what do religions promise? Immortality, resurrection, eternal life. I want to say something quite banal—something that can still be said today but might not mean much tomorrow: Killing is a crime.

What is the greatest crime of all? Not to help someone whose life is in danger. And that is just what a number of doctors are doing, safe in the protection of society's indifference and changing values. It is dangerous to criticize doctors. We are in their hands. But Moliere dared criticize them. Even Jules Romain mocked them. Today you dare not do it anymore. They are part of the power structure.

Yet I ask myself, in the future what will be the state of mind people will find themselves in when they go or are delivered to the care of a hospital?

APPENDIX A

[Suzy Ismail, a Visiting Professor at DeVry University in North Brunswick, New Jersey, is the author of When Muslim Marriage Fails: Divorce Chronicles and Commentaries. This article is adapted from remarks she made in the Princeton University Chapel on Respect Life Sunday. It was published February 7, 2012, by The Public Discourse: Ethics, Law and the Common Good (<http://www.thepublicdiscourse.com>) and is reprinted with their permission. Copyright 2012 the Witherspoon Institute. All rights reserved.]

A Muslim View on Respecting Life

Suzy Ismail

In a world preoccupied with material wealth and convenience, the gift of life is often minimized and sometimes forgotten altogether. Modernity encourages us to view “unwanted” life as a burden that will hold us back. For Muslims, however, just as for many in other faith traditions, life must be acknowledged, always and everywhere, as a true blessing.

In the pre-Islamic period, the practice of female infanticide was widespread in much of Arabia, but it was immediately forbidden through Islamic injunctions. Several verses of the Quran were revealed that prohibited this practice to protect the rights of the unborn and of the newborn child: “When the female infant, buried alive, is questioned for what crime was she killed; when the scrolls are laid open; when the World on High is unveiled; when the Blazing Fire is kindled to fierce heat; and when the Garden is brought near; Then shall each soul know what it has put forward. So verily I call” (81: 8-15). Indeed, there are many verses in the Quran that remind us of the sanctity of life. We are told that “Wealth and children are an adornment of this life” (18:46), and we are commanded to “Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin” (17:31).

While the religious injunctions reverberate through faith on a spiritual level, the blessings of life touch us daily on a worldly level, as well. As the mother of three beautiful children, I can truly attest to and appreciate the gift of life. But I also understand how heartbreaking it is to lose it.

I want to share with you the story of how I came to realize life’s fragility and the importance of making the most of our spiritual journeys here on earth. Over thirteen years ago, my husband and I were eager to start our family. We were ecstatic when, a few months shy of our first anniversary, we found out that we were expecting. Very early on, we began playing the “new parent” planning game, picking out names and nursery colors even before our first doctor’s appointment.

A few months into the pregnancy, the doctor scheduled a routine ultrasound. Giddy with excitement, we entered the darkened room and waited in great anticipation to see our child. There on the screen—fuzzy, yet discernible—we could see our baby’s outline. We imagined the features and jokingly guessed who the baby might look like. But the ultrasound technician did not laugh with us. As she solemnly stared at the screen, we followed her gaze. As inexperienced as we were,

we could tell that something was not right: our baby had no heartbeat.

After losing my first child, I truly began to understand the meaning of life. When the heartbeat we'd heard so clearly on the Doppler suddenly ceased, our baby's life ended in the womb, before he or she even had a chance to begin in the outside world.

But strong faith and an unshakeable belief in a just God is a great formula for filling any emotional void. As the Quran states in Verse 156 of Surat Al-Baqara, there are great blessings for those "who, when a misfortune overtakes them, say: 'Surely we belong to God and to Him shall we return.'" Losing our first baby led to a deeper appreciation of God's magnificence and the miracle of His creation.

Several months later, we found out we were expecting again. This time, the excitement was tempered with worry. Our first ultrasound came much earlier in the pregnancy, and we eagerly scanned the screen for the telltale beating before glancing at fingers and toes or eyes and nose. And there it was, strong and steady! We breathed a sigh of relief. Our baby was alive.

As the months of this second pregnancy progressed and the baby bump grew larger, we began to hope. Each ultrasound revealed a little more of our child and each kick confirmed that this time we were really going to begin our family. As the due date quickly approached, we felt more confident in choosing baby items and room colors. We even chose the name for our baby girl. Her name would be Jennah, which means Heaven in Arabic.

With just a few weeks left before my scheduled delivery date, I went into labor. As we sped to the hospital and I was wheeled into the darkened ultrasound room, out of habit, my eyes went directly to the heart area on the screen that I knew all too well by now. That tiny heart, which I had sought out so many times in the previous ultrasounds, had stopped beating.

That day, so many years ago, I delivered Jennah, my stillborn daughter; and that day we buried Jennah. We hadn't known how fitting her name would really be. As the infection that had ended the pregnancy sped through my blood in the days that followed, I recognized just how delicate life really is. Nothing can bring life into perspective as much as loss. And nothing can affirm faith as much as life.

Today, as I look at my three beautiful children, I know that God is good. No, God is great, or in Arabic, *Allahu Akbar*. And what gives me the greatest solace in times of trial is the verse in the Quran that states: "It may be that you detest something which is good for you; while perhaps you love something even though it is bad for you. God knows, while you do not know" (2:216).

As Muslims, we believe in the power of life to change others, and we believe even more in the power of God. In any disaster, in any calamity, and in the face of any death, we are urged to repeat "*inna lilah wa inna ilayhee raji'un*"—"To God we belong and to Him we return." In the end, only He knows what is best for us.

I could share with you so many stories from the Hebrew Bible, the New Testament, and the Quran that illustrate the power of God in our lives: the creation of Adam, the patience of Job, the perseverance of Noah, the purity of Joseph, the judiciousness

of Solomon, the trials of Jonah, the obedience of Abraham, the wisdom of Moses, the devotion of Jesus, and the inspiration of Mohamed. I could share these stories with you, but they are available to all in the Holy Scriptures.

Instead, I want to share with you the story of an amazing woman whom I met recently at a conference. This woman truly exemplifies the spirit of respecting life. Melinda Weekes had recently returned from a trip to the Sudan, where she was helping to enact a policy of slave redemption. For years and years, a rampant genocide was perpetrated in southern Sudan by the wealthy slave traders of the north. They would pillage and torch the mud huts of the villagers, and then capture the women and children to sell them into slavery.

Heartbroken by what was happening in Sudan, this woman traveled across the world to help free these slaves by buying them back from the traders and returning them to their villages. Upon their return, she helped them rebuild their lives by establishing schools and educating their girls so that they could break free from oppression. Describing the strength of these women in the face of modern-day slavery, Melinda shared story after story of the things she had seen on her trips to Sudan. She spoke of one of the most powerful experiences she had had, when she sat with a woman who had lost her home, her husband, and her children, and had suffered incredible harm at the hands of her slave master. She asked the woman, "How do you survive? How do you manage to continue living?" The woman responded, "When the world pushed me down to my knees, I knew that it was time to pray. I am blessed to still have these old knees that allow me to kneel, blessed to be able to prostrate, blessed to be able to pray. And I am blessed because I have God."

I ask you today to reflect on women like these, to reflect on their inner strength, and to reflect on your own life as you know it. I ask you to accept life as a gift and to understand that your life belongs to a greater power, to a higher authority that breathed life into your soul at your beginning and decreed that you should live it with good morals, good ethics, and a good heart that can truly make a difference in the lives of those around you.

In the memorable words of Mother Teresa:

Life is an opportunity, benefit from it.

Life is beauty, admire it.

Life is a dream, realize it.

Life is a challenge, meet it.

Life is a duty, complete it.

Life is a game, play it.

Life is a promise, fulfill it.

Life is sorrow, overcome it.

Life is a song, sing it.

Life is a struggle, accept it.

Life is a tragedy, confront it.

Life is an adventure, dare it.

Life is luck, make it.

APPENDIX A

Life is too precious, do not destroy it.
Life is life, fight for it.

I'd like to end with a prayer, a Muslim ayah (verse 286 from Suratul Baqara) from the Quran:

On no soul doth God place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it earns. (Pray:) Our Lord! Condemn us not if we forget or fall into error; Our Lord! Lay not on us a burden like that which Thou didst lay on those before us; Our Lord! Lay not on us a burden greater than we have strength to bear. Blot out our sins, and grant us forgiveness. Have mercy on us. Thou art our Protector; help us against those who stand against faith.

I ask you today once again to respect life, for there is no greater gift. Respect life, yours and the lives around you. For when we lose respect for life, we lose respect for humanity, and when we lose respect for humanity, we lose respect for God's creation, and when we lose that, we have lost everything.



"Don't let the burnt meatloaf be a metaphor for our marriage, Ed."

APPENDIX B

[Susan Yoshihara, PhD, is a senior vice president for research at Catholic Family & Human Rights Institute (C-FAM) and a board member of Rhode Island Right to Life. She is also coeditor of the new book, Population Decline and the Remaking of Great Power Politics. The following is the text of an address she gave at the Diocese of Providence's 6th Annual Human Life Guild Day, September 24, 2011.]

Hardships and Fears of an Aging Population

Susan Yoshihara

When I think about old age I am reminded of long childhood drives in a light blue Mercury wagon with our family of six, going to see great grandmother in the city. At the end of our visit, my mother would say, "Go hug great grandma, kids, this might be the last time you see her." She said the same thing year after year after year. Great grandma lived a long time. And she used to say, "God has forgotten me. God has forgotten me."

My child's mind couldn't understand why she felt gypped by a long life. But looking back, who could blame her?

Her role in life was to be the matriarch. There is family lore of her rising each morning at four to start dinner, impeccably-dressed and hard at work before the rest of the house awakened. Now in her nineties, mostly everyone she knew had gone home to God. And while many loved ones surrounded her, what was her purpose?

It raises the question: Am I, are we, any *better* prepared for living a long old age?

TV commercials tell you how to stay younger, look younger, and feel younger. Have you ever seen an ad telling you how to get old, look old, and feel old?

It's all about avoiding age. It's about eliminating suffering. Lately, it's also morphing into eliminating the sufferer. In just a few years we have seen regular folks accepting laws allowing physician-assisted suicide. Soon, it will be on our doorstep here in our state. While it affects many groups, it threatens particular harm to the dignity of our elderly.

The Graying Globe

I've been thinking a lot about the effects of old age lately, having just finished editing a new book on global aging. What we found in the research was unsettling.

The UN calls this massive shift toward global aging "unprecedented," "pervasive," "profound," and "irreversible." There are already more elderly people in the developed world than children. The developing world will follow in the next few decades.

For some reason the UN statisticians decided to markedly increase the assumed fertility in this year's report, asserting that every nation on earth will achieve replacement fertility or 2.1 children per woman by 2100. This led them to declare that there would be 10 billion of us by then, which population zealots have hailed as evidence that we are having too many babies. What you won't hear in the news is that even with this dramatic assumption about higher fertility, the new report

shows that the world will age even faster than what was projected just two years ago when their report used a much lower fertility figure.

The median age in the U.S. is now 37 years old, it's around 40 in Britain and France, 44 in Germany and Russia, and in Japan, the oldest country, half the population is already 45 or older. China is only a few years behind the U.S. at 34 and a half, and its share of elderly is greater than that of the U.S.

By the time my two-year-old daughter is 40, twenty percent of Americans will be over 65, up from 12 percent a few years ago. The over-80 crowd will have doubled in the same time. Globally, one in five people will be 60 or older. And while the U.S. will remain the youngest developed country due to our relatively high fertility rate, we'll have the largest number of old people. If things remain the same, we'll also spend the most per capita on health care. By my daughter's 60th birthday, life expectancy for an American woman will be between 92 and 101 years—on average.

My great grandmother died at the age of 97 in 1978. She was considered exceptional. In the future, her prolonged old age will be the rule.

In other words, our generation and our children's will live longer as old people than any other generation in history, and there will be more of us than ever before.

While the prevailing culture is aimed at youth, it is high time to talk about how we will get old.

Hardships and Fears

When Mother Teresa came to the United States in the 1970s she decided to found an entirely new branch of her order. Her inspirational visit included a visit to one of our nursing homes. She encountered a man who just kept looking at the door. What are you looking for, she asked. I am waiting for my son, he said. The attendants said the man's son had not visited in a very long time.

The longing for love and the fear of loneliness is real, even when our physical needs are well taken care of.

There is talk in the halls at the UN these days of a new human-rights treaty for the aged; the official talks started last December. The AARP among others say there must be a way to help elders preserve their independence and autonomy in a society geared toward the young. (Ironically this is the same theme the UN used for its just-concluded Year on Youth. "Personal independence and autonomy" have become the watchwords of rights for every age it seems.)

The problem is that our modern rights-culture pits these in competition, a fact Pope Benedict XVI warned against in his 2009 address to the UN General Assembly. My aging parents' dependency is an infringement upon my right to privacy. The more we value self-sufficiency, the more we fear losing it. And the more resentment we feel at the imposition of others.

Recent polls bear this out. What we fear most about aging, the numbers say, is losing independence and losing our minds, becoming sick and becoming a burden. One British poll showed that people fear these more than death itself—by a wide margin.

Those who promote assisted suicide know this. And they exploit our fears deftly. The director of legal affairs for the pro-euthanasia group Compassion & Choices gave a talk in Idaho a few years ago in which she couched the need for assisted suicide in terms of “a right to pain relief.” But then she went on to cite data finding that 91 percent of those surveyed said the reason they wanted a lethal overdose was “a loss of autonomy.” Next was “the patients’ inability to engage in life fully.” Well down the list was a need for pain relief. In other words, while euthanasia is often promoted as a compassionate end to suffering, more often it is an extraordinary response to very ordinary feelings about the hardships of old age.

Euthanasia on the March

With funding from big donors and likeable faces out front, the assisted-suicide campaign is on the march. They now have softer sounding names. “Compassion and Choices” is the new name for the “Hemlock Society.” The term “assisted suicide” is out and “aid in dying” and “death with dignity” are in.

Oregon has allowed physician-assisted suicide since 1994, Washington since 2008; Montana’s supreme court has said it is sometimes acceptable, and Vermont is perilously close to allowing it as well. Massachusetts will probably put it on the ballot this fall and from what pro-life advocates there say, it will probably pass. In the meantime, we in Rhode Island will be inundated by the media blitz spilling over from the Massachusetts campaign. Euthanasia advocates hope this will prep the battlefield in favor of the fight here.

Proponents will assure us that the laws have safeguards to make sure that no one dies involuntarily. But just look at the existing laws and you will see that the much-touted safety valve is an illusion. As the U.S. Conference of Catholic Bishops noted in their 2011 letter on the subject, these laws have “generally taken great care to *avoid* real scrutiny of the process for doctor-prescribed death—or any inquiry into *whose* choice is served.”

Proponents will also tell us the recourse to physician-assisted suicide will be strictly limited to patients with only a few months to live. We know from what happened in Europe that this is probably not so. As Wesley Smith points out, Switzerland now boasts suicide tourism, including clinics where couples can die together: one to avoid suffering the illness, the other to avoid suffering the grief. In the U.K. family members administer lethal doses to the old or infirm. Imagine the mental and emotional pressure put upon the aging to spare their family the burden of caring for them.

In Belgium, there is already serious talk of combining euthanasia and organ harvesting for the public good. Look at the conversation in Vermont today where physician-assisted suicide is offered as a way to help pay for health-care reform.

Proponents will say that the law will help relieve suffering, but there is no hard evidence of this. The year after the Netherlands legalized euthanasia, more than 1600 people were killed. No one knows the degree of “consent” in these deaths nor the pressures the deceased were under to end their lives quickly. In Oregon, patients

who have been denied authorization for costly care have been offered a lethal dose instead. Again, no one knows the circumstances or even the total number of deaths in Oregon because officials have not kept records. We should remember that the next time someone holds that law up as a model for our state.

Refuting the Claims of the Pro-euthanasia Campaign

Looking at what has happened, it's clear that the campaign to legalize or depenalize euthanasia preys upon the most vulnerable groups in our society: the elderly and infirm, the disabled, and even children. A civilized society seeks to protect these vulnerable groups, not exploit their fears.

As the U.S. Catholic bishops put it in their letter, "By rescinding legal protection for the lives of one group of people, the government implicitly communicates the message . . . that they may be better off dead. Thus the bias [against] . . . someone with an illness or disability is embodied in official policy."

By promoting suicide, society also promotes the notion of meaningless or unbearable suffering. It is a vicious circle. Aid-in-dying advocates say that no one should undergo meaningless suffering. Of course there is no such thing for a Christian. But even a non-religious person knows that human beings will suffer to live. Look at the great triumphs of human achievement, what a child bears in just being born, or the lengths people went to in saving what is precious to them in last year's hurricane and tsunami.

Nor does suicide ever solve the problem of human suffering. As one doctor put it, you can't save a sinking ship by blowing it up.

In the debates ahead of us, some may say that modern technology and prolonged lives create the demand for euthanasia. But in reality, most cases involve doctors giving a lethal dose at home. Cutting a life short by suicide is often a rejection of medical advancements that relieve suffering and heal the patient.

Let us remember, too, the central role of physicians here. An aging society relies on a compassionate and professional medical community. Yet we have already seen studies demonstrating substantial adverse emotional and psychological effects on the physicians who have participated in the process.

The bishops' letter warns us that: "Health care providers' ability and willingness to provide . . . pain management can be undermined by authorizing assisted suicide." And that studies show "untreated pain among terminally ill patients may increase," and development of hospice care can decrease.

These laws threaten to undermine our system of palliative care at a time when our aging society will need it the most. The effects would be profound and far reaching.

A Good Death

So, what is the alternative?

According to Ian Dowbiggin's *Concise History of Euthanasia*, the word is Greek and it means simply "good death."

What is a good death? To find the answer I consulted the experts. Not renowned philosophers or celebrated authors, but practitioners who have accompanied hundreds of thousands of people to their deaths for more than 170 years. These experts are the Little Sisters of the Poor and some 17,000 of them have cared for the elderly in 30 countries and six continents.

In 1991 their superior general wrote to the European Commission which had just passed a principle of euthanasia for Europe. The sisters said: "The goal pursued is to help life to be lived until death, in serenity and 'human dignity,' and the serenity of old age . . . increases by having the security of being treated and taken care of until death."

The letter went on:

Old age is a stage of life. It is not an illness . . . disabilities are accepted all the more readily when those who surround the elderly do not dramatize them . . . but take care of the elderly with . . . esteem and affection.

Death is an event that should be lived by each one . . . [We make the elderly happy] by thoughtful attentions which are so important to them, to visit them, to increase contacts with their families . . . to stay with them at all times, both day and night. . . . [this] promotes a trusting atmosphere which pacifies, [and] facilitates the response to questions . . .

Real peace reigns so often in the room of the dying person where the family comes even more willingly since the Little Sister is there if need be. The other residents go there to pay a little visit, to say "good-bye" (not without emotion). But we can say that in these circumstances, Death takes on its true dignity. It is the confident placing of one's life into the hands of the one from whom it was received. It is an achievement.

Think of that. Think of facing our death in the same way we face so many of the challenges that we now call achievements. Those we anticipate in our youth, savor in our middle age, and recall throughout our lives.

More than any rank, title, or honor bestowed, more than any athletic or physical feat, facing death takes preparation of mind and spirit. And like any endeavor, it is made so much more better by the attentive love of family.

What Is My Purpose?

My great grandmother thought God had forgotten her. Like her, the question the elderly ask is, "What is my purpose?"

In her day people either died "in the harness" or shortly after getting out of it. "The company wins again," my grandfather would say when one of his colleagues from the phone company died a year or two after drawing retirement benefits.

Today we have the opposite problem. Fewer companies and government bodies can afford to keep their pension promises. This only adds to the fears of living decades in retirement. Longer work may prolong our sense of purpose in the marketplace. But then what?

We are good at giving retirees ways to have fun: casinos and bus tours, family

APPENDIX B

gatherings and church events. But recreation gives no more meaning to our later years than it did to our youth. No matter our physical and mental capacity, we feel the need to be of service.

Last fall my family gathered at the hospital as my father went in for major heart surgery. If any of you has had it you know that there's no other kind.

During the long, anxious hours a few volunteers sought my mother out, sat down beside her, and cheerfully answered her many questions. Each volunteer had been through the surgery, some a few times. They were grateful to be alive and it showed. My dad said the volunteer who made the deepest impression on him, a man named Phil, would be surprised to know that what helped him most wasn't his considerable knowledge, but his example. Phil had found his purpose and at the age of 87 was carrying it with joyful conviction.

We also need vibrant examples of caring for the sick and aged. Nowadays when a single person leaves a career to care for an aging parent people say, "What are you doing? That's why we have nursing homes. You are only young once." (The Catholic tradition takes a different view, defining this kind of single life a vocation on par with marriage and the religious life.)

Studies show that societies where adult children take in their parents can be stronger economically. A book on Social Security reform from the CATO Institute found that an increase in worker productivity, the *sine qua non* of economic recovery, is found where future workers grow up in multi-generational households and learn such qualities as loyalty and perseverance.

Just as the young draw long-term benefit from living with their elders, the old crave the companionship of the young. Our movement needs young people, who, after all, have the most to lose if aid-in-dying legislation passes.

And the young have responded generously to the call to fight abortion, much to the chagrin of abortion advocates. We would do well to enkindle in young people the same degree of passion for defending the dignity of the old as they have shown fighting for the rights of the unborn.

We can start by appreciating what many parents of teenagers know: Young people are keen observers of hypocrisy. In the upcoming debates many of them will see that we can't plausibly champion the rights of vulnerable groups while at the same time passing laws to eliminate them.

If we are to defend our society from the ravages of a suicide culture, we must start in our own families, in our own lives.

Preparing for this talk has caused me to ask myself these questions. Am I too proud to be an imposition on others? Do I have enough gratitude for what my parents have done for me? Am I prepared to take them in when it is my turn to give without counting the cost?

Many of us are not sure how we could possibly rise to such a challenge. Several years ago, I found myself unprepared when I reported to the home for the dying destitute in Calcutta. Nothing equipped me for the radical intimacy of accompanying someone to her death. And yet, after a few days of watching far better men and women

do it, I found it was as simple as bending my knees and sitting down next to them. Before I knew it, a dying woman reached out to comfort me. Some of you have trod this path with loved ones and know it can be a beautiful if difficult journey. When the time comes we will have the grace to do what is asked of us. We need not be afraid.

Spiritual Challenge

Left out of secular discussion about aging is the profound reality that you and I live another life besides the physical one. It is the interior life. It has its own ages and stages that are not hinged to chronological age. We can live this hidden life robustly in spite of, indeed because of, the hardships and challenges that come with sickness and old age. We are all invited to this inner adventure and we are all free to squander it through neglect. God never coerces us.

The payoff of this interior life is not necessarily the relief of physical or mental adversity. But the saints tell us it is something better, including an abiding peace and joy.

This way of life presents an extraordinary opportunity for a generation that seems destined to spend many years living beyond its youthful vigor. And this presents a major challenge to the Church. For who will show this generation the way?

Conclusion

It is indeed a great time to be pro-life. Living and working to defeat threats to life at its most vulnerable stages can make us “human beings fully alive”—the very glory of God according to St. Irenaeus.

As we debate, lobby, go to the polls, or work in public office we know that just achieving victory in law and policy will not be enough. The profound, pervasive, and irreversible effects of an aging society require not just doing something for the world but being something for the world.

It will be our example, our own transformation, that will help others choose healing love over selfish resignation.

I wonder, though, when historians and theologians look back on this era of aging, what will they say about our generation? Were we allowed this unprecedented period of old age in order to be the next “greatest generation”? Not to fight on the ground but to engage the epic spiritual battles of our time? And when they look back will they say that we missed the opportunity or rose to the challenge?

My great grandmother spent her last year of life in the home of her granddaughter. Even though my aunt and uncle had five children in or around their teens, they didn’t complain about giving up their family room for her. I think they still take special pride in their sacrifice.

At her funeral Mass, the priest looked down from the pulpit and reminded the 52 of her family members present that we were all here on earth because of her.

If I could talk to my great grandmother today, I think she would tell me that she knew in the end that God had not forgotten her.

Nor will he forget any one of us.

APPENDIX C

[Paul Greenberg is the editorial-page editor of the *Arkansas Democrat-Gazette* and a syndicated columnist. The following column was published April 4, 2012, and is reprinted with Mr. Greenberg's permission.]

Another line crossed

Paul Greenberg

Something happens to ethics when it becomes a specialty. It becomes professionalized, certified, rarefied. It becomes something besides ethics. It becomes expertise, not thought or depth so much as focus. Specialization sharpens the mind by narrowing it. As in medical ethics or legal ethics or business ethics. Or, to use a phrase cynics consider an oxymoron, the ethics of journalism. The new science of ethicism shouldn't be confused with ethics any more than theology is religion. But it's a common enough misapprehension as professional ethicists take the place of ancient sages who taught ethics, not reduced its scope. You can tell exactly when this transformation takes place: when some qualifying prefix must be added to ethics. As in bioethics.

As with any other specialty, bioethicists develop their own jargon, their own code of conduct, their own preferred practices. And their own secrets. They become professionals. And as George Bernard Shaw noted in "The Doctor's Dilemma," "All professions are conspiracies against the laity."

By their prefixes ye shall know them. The prefix bio- lets us know that something besides ethics is being practiced here. The meaning of the word has been changed, its quality altered. Prefixes can serve as a warning.

It should have come as no surprise not long ago when the *Journal of Medical Ethics* published an essay by a couple of bioethicists who made a case for what they dubbed "after-birth abortion."

Only the innocent layman, attached to the plain meaning of words, and accustomed to thinking of ethics rather than bioethics, might think "after-birth abortion" a contradiction in terms.

Not so, these experts explained: "What we call 'after-birth abortion' (killing a newborn) should be permissible in all cases where abortion is, including cases where the newborn is not disabled."

It's a perfectly understandable position once you accept that abortion itself is ethically—well, bioethically—permissible for whatever reason. And not just to rid the world of those we call disabled, or who might not be of the preferred sex.

Now we get "after-birth abortion"—a natural enough progression in the history of "abortion rights." The born, the unborn, why insist on the technical distinction between them? It's the same organism, isn't it? Why let the accident of birth determine an ethical question?

By now we all know what partial-birth abortion is: destroying a baby only halfway out of the birth canal. Why not post-birth abortion, too? It's a logical extension of the same principle. At least to these two bioethicists.

Only the less advanced, the less expert, who still think in terms of just ethics, might have trouble understanding this new concept. But it's only the next room of the nightmare.

What's the difference, do you suppose, between "after-birth abortion" and what used to be called infanticide? Is it just another word game, like pro-choice in place of pro-abortion? Since we've become conditioned to accepting abortion, as in "abortion rights," is "post-birth abortion" just a more acceptable way to sell infanticide? Maybe we're not talking philosophy here at all, but just public relations.

When this theory was met with a wave of revulsion from those without their sophistication, its authors explained: "We are really sorry that many people, who do not share the background of the intended audience for this article, felt offended, outraged, or even threatened. . . . The article was supposed to be read by other fellow bioethicists who were already familiar with this topic and our arguments."

Oh, I understand well enough: When reason fails our experts, they fall back on condescension.

Here's the really shocking, still really revolutionary idea: that all men are created equal, that they are endowed by their Creator with certain unalienable rights, and among those is the right to life. That concept is not only a political principle but an ethical imperative. But it is no more a "self-evident" truth than it was in 1776, when it was declared.

That idea is certainly not self-evident to our contemporary ethicists. Note this article in a journal of medical "ethics." To borrow a phrase from George Orwell, it would take an intellectual to believe such stuff; no ordinary man would.

A few days after it appeared on the website of the *Journal of Medical Ethics*, this revealing, all too revealing, article had vanished. Or at least outsiders were no longer allowed access to it. When I tried to call it up again, it was gone. Right down the old Orwellian memory hole. It was now an un-article, closed off to us mere laymen. We might not understand. Its thesis might shock, and so it needed to be discreetly hidden away, to be shared only with select professional colleagues.

But just give the rest of us time. As each old ethical line is crossed, as each Thou Shalt Not becomes another Thou Mayest, each such advance becomes easier to understand, then accept. There was a time when abortion on demand was considered unacceptable, too, even a crime. We've just crossed another ethical line, that's all. What's the big deal?

There was a time when we looked down this slippery slope and shuddered. Now we find ourselves looking up. And fewer and fewer of us may shudder.

APPENDIX D

[*Pastor Iuventus* is the nom de plume of a priest who writes for the London Catholic Herald. The following column was published in the Herald on April 6, 2011, and is re-printed here with the paper's permission.]

Standing for truth in Bedford Square

Pastor Iuventus

The *Guardian*, champion of the marginalised, described it as having a “carnavalesque” atmosphere. Well, I suppose so, if your idea of fun is trying to make sure that no voice but your own may make itself heard, and you find it amusing to insult and ridicule the religious sensibilities of one of the country's minority religions.

The newspaper was referring to the “stand-off” which took place on Friday evening in London's elegant Bedford Square. The 40 Days for Life group was winding up another campaign for peaceful witness and prayer with a vigil attended by Bishop Alan Hopes, auxiliary in Westminster. The vigil was confronted by an angry group of “pro-choice” activists who objected to their presence and tactics, which, as anyone who has had anything to do with 40 Days for Life will know, are entirely peaceful, non-confrontational and respectful of women.

Hearing the baying and insults of the crowd I don't think it is being fond to say that all I could think of was Jesus before the Sanhedrin and Pilate. It felt like a confrontation about truth. All who are on the side of truth must expect such opposition—and more. I don't know what I expected to feel, but after the initial shock of the hostility I began to feel quite calm. I wasn't there as an activist in any political sense. It wasn't about protesting or winning. I was there to pray as an expression of a desire to listen to the voice of truth and literally to stand there to advert to it. Confrontation was inevitable not because these were evil people or because of the strength with which they expressed their views, but because our peaceful presence drew their fear and anger, which are painful reminders of their own feelings about the abortions they have had. In reality, their “choice” was under no threat whatsoever but it is, in reality, as vulnerable as hell to the truth—and that was what drew their reaction. We needed to be there not in any political sense of confronting them with a show of strength, but to witness that truth does not “empower” you. You can concur with it, witness to it, be a victim for it, but you can never control it or silence it. Jesus left such an example, for he allowed distortion of the truth apparently to prevail in order to reveal the inner impotence of anything, however powerful, but truth. What is truth? Jesus cannot engage with this question by Pilate for much the same reason that one could not engage with the crowd screaming at us last Friday night. He can just manifest that it is there, that he is it. With his last breath he will manifest it, because if you cannot recognise your need to engage with the truth when it is literally standing before you, what is the chance that someone's clever arguments will convince you?

And there, before both groups last Friday night, stood the shocking truth: an

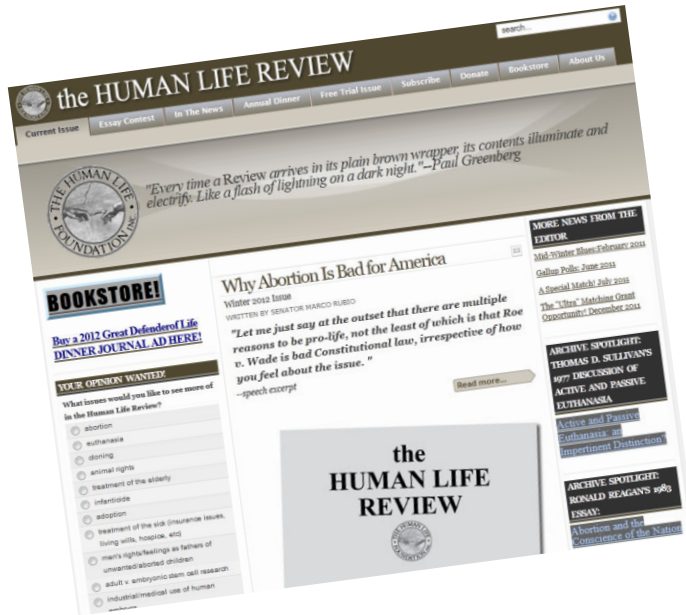
abortuary. Not a women's gynaecological hospital, a women's crisis centre, a refuge for abused or pregnant women, but a facility which exists to kill children who are not required, who are inconvenient or unwelcome. What is truth? That this is a place where women are "empowered" by choice or that this is a place of death? Nor can it be allowed that the "choice" is one between having a baby and not having one. It is between having a baby or having the most appalling invasive intervention to destroy that child within you, with all the concomitant hormonal, physical, and psychological consequences of dealing with pregnancy, the genesis of new life, as though it were a medical crisis like cancer. One of the "pro-choice" women opposite us described that action on her blog as "a minor medical intervention." Whatever your take on "choice" this is a simple denial of truth.

The underlying realisation of this by the pro-choice demonstration was hard to miss, for the truth cannot be silenced, not even by our own conscious minds. A slogan like "Keep your Eucharist off my uterus" is tragic, for in psychological terms it is a projection of what these women fear in the depths of their hearts they have done: that they have made their wombs, which were sacred tabernacles of life, places where they fear nothing holy, nothing life-giving, now may have place. By screaming at a group of people praying as though their prayers would somehow touch them in that intimate area they were telling us in the most shocking way how they felt about the "minor medical intervention"—in reality, an appalling invasion of that sacred space—which they subconsciously regretted submitting to. In truth their cries, did they but know it, were directed against the very clinic they were "defending."

Every so often they would lapse into silence, and there would remain just the quiet sound of a crowd of 400 or so saying: "Holy Mary, Mother of God, pray for us sinners . . ." Truth sounding out falsehood. Then their silence began to speak of the desperation, the sorrow, that lay so immediately behind the anger, so that they would quickly rouse themselves again to trying to drown out the prayer with cacaphony.

The unborn need our voices to remind those who would destroy them of what they are doing. And those who have done so need our witness to draw their anger so that they can begin to see its real source and object—their much vaunted "choice." We must love them and pray for them. "Father, forgive them, for they do not know what they are doing."

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