

the HUMAN LIFE REVIEW



WINTER 2012

Featured in this issue:

William Murchison on The Theology of ObamaCare
Ellen Wilson Fielding on What Horton Heard
Marco Rubio on Why Abortion Is Bad for America
Christopher Bell asks What's a Pro-Lifer to Do?

TIMOTHY CARDINAL DOLAN & JACQUELINE NOLAN-HALEY
LAW & THE GOSPEL OF LIFE

W. Ross Blackburn on A Reply to Wesley J. Smith
Donald DeMarco on Of Kangaroos and Kings
David van Gend on Geron Scuppers Stem Cells
John M. Grondelski on "Coffee Shop Babies"

Also in this issue:

Kathryn J. Lopez & Anne Conlon • Chad Hatfield • Adriana Lee
Colleen Boland Toder • and Susan Austin in

FROM THE ARCHIVES:
The Aborting Community (1982)

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ABOUT THIS ISSUE. . .

. . . in an interview about *The Debate Since Roe*, the collection of *Review* essays I edited last year, I told Kathryn Lopez of National Review Online that the hardest thing about doing the book “was having to leave so many excellent essays out” (see *Appendix C*, page 78). I thought of this recently as I was proofing Susan Austin’s “The Aborting Community,” this issue’s From the Archives selection (page 54). Published here nearly thirty years ago, it is not only a fine essay—“Miss Austin is gifted with powerful style,” J.P. McFadden noted when introducing it in 1982—but one which, as you will see, could have been penned yesterday.

“Powerful style”—and delivery—characterize an address Timothy Cardinal Dolan gave at Fordham earlier this year. I know because I was there listening as New York’s Archbishop (and President of the United States Bishops Conference), reminded a sea of (mostly Catholic) lawyers that Natural Law preceded Christianity—by *centuries*. Maybe I’m reading too much into it, but it seemed to me as if many in the audience were hearing this—or at least understanding its implications for the ubiquitous Church/State debate—for the first time. Kudos to the Cardinal for his sorely needed constitutional evangelizing. And thanks to Kate Monaghan, press spokesperson for the Cardinal, for securing us permission to reprint “Law & the Gospel of Life” (page 74). Likewise to Jacqueline Nolan-Haley, whose insightful response to the Cardinal’s address we include here (page 82).

Our friends at the Susan B. Anthony List in Washington, D.C. have once again made it possible for us to share an important political speech with our readers. This time it’s the stirring address Marco Rubio gave at their recent gala—Sarah Palin and Tim Pawlenty were past keynoters whose speeches we reprinted. We welcome the eloquent Senator from Florida and salute his unabashed pro-life witness (“Why Abortion is Bad for America,” page 19). Rev. Chad Hatfield and Dr. Adriana Lee are also newcomers to the *Review*—their original pieces appear in the Appendices section because of their brevity (pages 91 and 93).

As I write, the Supreme Court is hearing arguments in the case challenging the constitutionality of the Patient Protection and Affordable Care Act of 2010. “The bossiness of the healthcare apparatus in the federal government,” observes senior editor William Murchison in “The Theology of ObamaCare” (page 5), “as the birth-control mandate makes painfully clear, is unexampled in American history.” And speaking of the mandate, it gives me great pleasure to welcome my predecessor, Colleen Boland Toder, back to these pages. “It’s About the Constitution, Not Contraception” (page 95) originally ran in the *Poughkeepsie Journal*; thanks to Colleen for sending it along. I hope that when and if she is able, this busy wife and mother of six, will, as she once did, write again for the *Review*.

ANNE CONLON
MANAGING EDITOR



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INTRODUCTION

“**H**as President Obama—has any president—the right to drive a tank over profound religious objections to policy?” So asks senior editor William Murchison about the controversial Health and Human Services mandate announced by Kathleen Sibelius on January 20. In “The Theology of ObamaCare” Murchison ridicules the “conventional mythology,” which would have us believe the mandate concerns an endangered right to contraception, when in reality it is an unprecedented attack on religious liberty. This is what ObamaCare looks like, he writes, now that the “chickens—plump ones at that—hatched during the health-care debate of 2009-10 are coming home to roost.” The HHS mandate includes abortifacient drugs and sterilization; where “are the guarantees that abortion—a constitutional right, thanks to *Roe v. Wade*—will not find friends in high places hopeful of funding it through the healthcare system, with taxpayer subsidies?” And so, he declares, “the friends of life, and of religious liberty” find themselves called deeper into battle.

In his February 16 House testimony, then-Bridgeport bishop William E. Lori, (now Archbishop of Baltimore), who heads the Bishops’ Ad Hoc Committee on Religious Liberty, told Congress that requiring Catholic organizations to fund birth control and abortifacient drugs would be like the government requiring “any business that serves food [to] serve pork.” There would be, he continued, “a narrow exception for kosher catering halls attached to synagogues, since they serve mostly members of that synagogue, but kosher delicatessens [were] still subject to the mandate.” Bishop Lori’s “parable of the kosher deli” got lots of play in the press and social media. That’s because stories can have power beyond even the storyteller’s intentions—the subject of our next essay, Ellen Wilson Fielding’s delightful “What Horton Heard,” which explores the moral witness of the elephant hero of a beloved Dr. Seuss story. Theodor Geisel’s “morals or messages,” Fielding writes, “like those of many creative people and also of ordinary folks struggling to articulate deep truths in daily life, work by analogy.” You may have seen this sign from *Horton Hears a Who* at a pro-life rally: “A person’s a person no matter how small.” Fielding says this story “holds a special place for pro-lifers and, contrariwise, causes continuing heartburn for pro-choicers including the late Theodor Geisel and his widow.” Geisel “vigorously protested” the use of the slogan by pro-life groups. Yet, in Fielding’s beautiful reflection on the use of analogies, it is clear that Geisel’s message about tolerance for humans who don’t look like us has resonated deeply with those who seek to protect the tiniest and most vulnerable persons of all.

On Feb. 1, Senator Marco Rubio of Florida gave a stirring address to guests at the Susan B. Anthony List’s annual gala; we are honored to reprint it here. Senator Rubio begins by observing that the right to life is not a political issue. Rather, he says, “it is a definitional issue. It is a basic, core issue that every society needs to answer, and the answer that it gives in this issue ends up defining what kind of a society you have.” Although there are many reasons to be pro-life, including spiritual—“virtually every religion condemns the practice of abortion, recognizes

that life is a gift from the Creator”—the Senator focuses here on the “pure, logical, public policy reasons why abortion is bad for America.” Rubio is powerfully sensible and clear even as the pro-abortion forces are at peak energy fighting *any* kind of restriction on abortion. A case in point, as Christopher Bell describes in our next article: the recent brouhaha over the Susan G. Komen Foundation. The day before Rubio’s speech, the press broke the story that Komen, a non-profit dedicated to breast cancer research, had announced it would not be renewing grants to Planned Parenthood, due to Komen’s new policy of not giving to any organization under legal or congressional investigation—as Planned Parenthood is now. The firestorm that followed was intense, as Bell outlines for us, and caused Komen to cave within three days. The message was clear: Hell hath no greater fury than “dissed” pro-abortion activists. So what is a pro-lifer to do? Bell gives his well reasoned advice.

And how should pro-lifers make the case for life in the public square? In the Winter/Spring 2011 issue, Wesley Smith contended that we ought to argue on secular terms, so as not to have the human-exceptionalism claim dismissed as only binding on those who believe in God. Reverend W. Ross Blackburn disagrees, and he has written a thoughtful reply to Smith, which we publish here. Blackburn’s essay, in fact, has given us so much food for thought that we’ve decided to run a symposium in our next issue examining his and Smith’s positions. Blackburn would understand well the frustration of our next author, professor of philosophy Donald DeMarco, who writes that in his teaching career he has watched his students, some of whom went on to become teachers, become “unduly influenced by secular trends.” Rather than rejoicing in their intrinsic dignity at being human and possessing an immortal soul, they “explain . . . that they are really products of chance, descendants of apes, and destined to peaceful oblivion.” They have accepted a low self-evaluation and, lacking a true understanding of what it means to be a human being, they are also unable to fully comprehend that “an unborn human has a future and a destiny.”

Matters once thought settled—e.g., that human life must be protected—fall prey to secular relativism, a concept beautifully illustrated in our “From the Archives” essay, “The Aborting Community” by Susan Austin. She begins with this:

Today a woman has not conceived a child until she has decided not to abort it. True, she may carry within her a mass of protoplasm with a unique chromosomal structure, exhibiting independent sensations, reactions, movement, and will; but there can be no question of this being a human being until, with godly power, she makes it so by her solitary word.

This is what “choice” meant in 1982, and by our law it is just as true today. Austin goes on to describe, with devastating clarity, how a woman’s “private choice” actually has a whole community behind it, a community which has turned ordinary people into killers (“they kill because no one they know calls it killing”). She makes the profound point that it is now only the “great souls” who will *not* kill, for example, an unborn child with Down Syndrome.

Our final two articles deal with the brave new world of reproductive technologies.

INTRODUCTION

The first, by Australian doctor David van Gend, gives us the facts on the state of embryonic stem-cell research; thankfully, it is dead, or certainly ought to be. Why? Because of the “seismic shift in stem-cell science” that occurred in 2007 when a Japanese scientist reported a breakthrough, a new method of creating the equivalent of embryonic stem cells from human skin. As van Gend explains, it has nevertheless taken U.S. company Geron a few years to accept the news and halt massive spending on embryonic stem-cell research. Finally, contributor John Grondelski writes about the very strange new world of sperm donation described in a recent article in *Newsweek* on “coffee shop babies.” The details are not for the squeamish, and the implications for the children of such arrangements are profoundly disturbing.

* * * * *

We are honored to begin our appendices with an inspiring address by New York’s new Cardinal, Timothy Dolan. Given at Fordham Law School on January 25, “Law & the Gospel of Life” is an energizing call to recognize the “objective truth” of natural law, a moral order which flows “from the understanding of the human person” and can be shared, not just among the religious but, in the words of Blessed John Paul II, by “all people of good will.” We follow in *Appendix B* with a response to Cardinal Dolan by Fordham law professor Jacqueline Nolan-Haley, who commends him for presenting to his audience “two visions of law with completely different perspectives on human dignity”: the law of JPII’s “Gospel of Life,” and the “alternative” vision of human life manifest in current civil laws which deny certain categories of human beings the right to life.

January 22 marked the 39th anniversary of *Roe v. Wade*; a few days before, National Review Online published an interview in which NRO editor-at-large Kathryn J. Lopez talks to the *Review*’s managing editor, Anne Conlon, about *The Debate Since Roe*, the collection of *Review* essays Conlon edited last year. Reprinted as *Appendix C*, “Combating *Roe*: One Word at a Time” is a fascinating discussion about, among other things, why Conlon believes that suppressing the pain of abortion has led to increased bitterness in the debate. *Appendix D* is a reflection on this year’s March for Life (held on Monday Jan. 24) by the Very Rev. Chad Hatfield, Chancellor of St. Vladimir’s Orthodox Seminary in Yonkers, N.Y. Next, Dr. Adriana Lee reports, in *Appendix E*, on significant studies which find that the abortion rate has corresponded with a great rise in the incidence of cervical incompetency and premature birth. Our final appendix brings us back full circle to the HHS mandate: Former HLR managing editor Colleen Boland Toder sent us her excellent editorial which originally appeared in the *Poughkeepsie Journal* (“It’s About the Constitution, not Contraception”). “The matter at hand,” she writes, “is the unconstitutional and unprecedented seizure of power by the Obama administration.”

As William Murchison said, “No rest for the weary”—indeed.

MARIA MCFADDEN
EDITOR

The Theology of ObamaCare

William Murchison

What it's all about—I am paraphrasing conventional mythology—is The Pill. Or all the other well-advertised, widely resorted-to modes and means of contraception. If you don't see prevention of pregnancy as a vital human right, it's no wonder you fear and oppose the White House strategy for making contraceptive devices free to all under ObamaCare.

Yes, I agree: nonsense, all of that. But you have to deal with realities, like them or not. Among the uglier realities of the row over free contraception is the misapprehension that nothing more is at stake than a woman's right to tell the world that getting pregnant is nobody's business but hers.

While commencing this essay, I spotted a *New York Times*/CBS poll (published February 14) reporting impressive support, even among Catholics, for requiring private health plans to fund birth control—the essence of the Obama administration's February 10 “compromise” on contraceptive policy.

Earlier, the administration had ordered religious institutions (hospitals, colleges, and charities, but not places of worship) to make birth control available to employees under health insurance. The implications of such a policy were immediately plain. Say you led a Catholic high school dedicated to upholding church teaching as to the sinfulness of deliberately thwarting conception. For you the White House had a few words of counsel: Get over it. Your government had determined that churches alone, among religious institutions, enjoyed the right not to offer their employees birth control. There ensued the public tumult the White House ought to have expected by treating non-church religious institutions, and their employees, as quasi-dependents of government, required to shelve their consciences and pay up, like good little robots, for whatever their government said they should pay for. Catholics across the political-cultural spectrum joined evangelicals and Jews in expressing outrage. Even Catholic advocates of the 2010 health-care law—e.g., the Catholic Health Association—bridled.

The moment of immediate crisis passed with the administration's tactical withdrawal from the immediate field of combat. That's to say, a new policy gambit replaced the old one—the previously referenced compromise that put the monkey on the backs of the insurance carriers, requiring them to

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advise the customers of their American right to birth control—without copays. (That the cost is going to get passed along, inevitably, to the whole broad range of American health insurance customer is a point the administration likely hopes few will dwell on. Likewise unresolved: the question of how to deal with religious institutions that self-insure.)

For all that, the public myth of birth control as prime issue in the dispute seems to have taken hold and may not lose its grip any time soon. Sixty-five percent of voters replying to the CBS/*New York Times* poll said they favored covering birth control under health insurance. Fifty-nine percent felt the same about the insurance plans at the center of the earlier dispute—those provided by religiously affiliated employers. Notwithstanding the Catholic Church's opposition to birth control, 57 percent of Catholic voters, according to the *Times*, agree with the substance of the Obama "compromise." Just 36 percent oppose it. Much was made in the media at the time as to the relatively small number of Catholics who appear to follow—consistently, if at all—their church's birth-control teaching. The *Times* quoted one Jennifer Davidson, 38, a California Catholic, as understanding the whole issue to be "personal," rather than religious. In California, the personal seems regularly to trump the religious. Those "things that are Caesar's," rather than God's, grow tall in the rich soil of the West Coast. But as everyone knows by now, the whole cultural entity known as "the West"—from Europe to the Americas to the Antipodes—offers once-alien ideas a welcome nearly as warm as California's. The works of secularism are today's moral kudzu, spreading, entwining, defying remediation.

What polls indicate, observation and experience possibly ratify—the easy availability of contraception as the position, at present, of the American majority. Yet—and it's a huge "yet"—religious liberty is the question that swallows up competing considerations, such as why won't my employer, whoever he is, pay for my condoms? Attributing the present dispute to differences of viewpoint over contraception affords the opportunity to slam the door on the argument without obligation to address urgent questions that arise in the political world. Such as: Has the Obama administration the constitutional right to order the public subsidization of birth control? Certainly the administration believes itself to enjoy that right under the Patient Protection and Affordable Care Act of 2010 (PPAC)—in popular parlance, ObamaCare. PPAC directs the Department of Health and Human Services to draw up a list of preventive services coverable free of charge, such as mammograms and a new annual wellness test. To this already long list, birth control measures have now been appended.

Just a second, though. As 12 state attorneys general declared in a letter to

Health and Human Services Secretary Kathleen Sebelius, Treasury Secretary Timothy Geithner, and Labor Secretary Hilda Solis, the constitutional issues at hand are larger and more vexing than the administration seems to believe. “We are deeply troubled,” wrote the state legal chiefs, “by the unprecedented coercion of organizations and individuals to act contrary to their religious beliefs . . . [their] sole alternative being to cease activities of immeasurable value to their employees, constituents, and, indeed, society as a whole.” That’s to say, an organization desirous *not* to provide the required coverage could simply wind up its affairs: not the likeliest of choices when you’re in the business of caring for cancer and heart patients as well as for folk with more sexual appetite than patience to think through its consequences. And what about just stopping by Planned Parenthood for a free supply of condoms? Wouldn’t that obviate the need to impose on institutions morally committed to another way of understanding the responsibilities attendant on sexual relations? The administration evidently doubts it. Why, though? No one seems to have thought through all the implications of a federal order that private people do expressly stated, and controversial, things.

Accordingly, the 12 state attorneys general bade the three administration officials do some immediate thinking and re-thinking—or else expose themselves to vigorous opposition in court: opposition such as the states have levied already in other courts against the universal mandate, under ObamaCare, to purchase individual insurance.

In the *Wall Street Journal*, shortly after Obama came back at his critics with his plan to reach the same goal by a different path, former Justice Department officials David B. Rivkin, Jr. and Edward Whelan called the new plan an unconstitutional “farce.” The plan runs counter, Rivkin and Whelan wrote, not just to the First Amendment guarantee of religious “free exercise” but also to a 1993 act of Congress, the Religious Freedom Restoration Act. Under the latter enactment, meant to redress the effects of a 1990 Supreme Court decision that narrowed free exercise protections, the federal government is obliged to prove a “compelling government interest” in imposing a new burden on religion. What interest would that be under the birth-control mandate? Protection of the existential human right to a condom? Likelier the administration would manufacture some inescapable duty to reduce hospital and school costs resulting from unwanted pregnancies and births. The feat, in any case, went unattempted.

At a deeper constitutional level, undergirding statutes like the Religious Freedom Restoration Act, lies the First Amendment itself, with its guarantee of the right to free exercise of religion. “The refusal, for religious reasons,”

Rivkin and Whelan contend, “to provide birth control coverage is clearly an exercise of religious freedom under the Constitution. The ‘exercise of religion’ extends to performing, or refusing to perform, actions on religious grounds—and it is definitely not confined to religious institutions or acts of worship. Leading Supreme Court cases in this area, for example, involve a worker who refused to work on the Sabbath (*Sherbert v. Verner*, 1963) and parents who refused to send their teenage children to a public high school (*Wisconsin v. Yoder*, 1972). In the high-school case, the Supreme Court found that even a \$5 fine on the parents substantially burdened the free exercise of their religion. Under [ObamaCare], employers who fail to comply with the birth-control mandate will incur an annual penalty of roughly \$2,000 per employee. So it is clearly a substantial burden.”

In the Obama administration’s seeming indifference to considerations such as freedom to resist birth-control mandates, there is a mystery that begins to unroll itself as one contemplates the administration itself and its ideological alliances. The Obama administration seems at bottom indifferent to religion itself—untouched by the wonder and mystery of supernatural interventions in the affairs of humans. The administration’s gaze is flat, as opposed to rich and capacious. The objects of its delight are secular objects. Character and morality, difficult topics as they are for democratically elected office-holders to address in the context of law and regulation, rarely achieve motion in policy terms. There seems scant affinity, in short, between the administration and those whom we have come for some reason to call, generically, “people of faith.” That this measure or that one might run counter to religious convictions of a certain sort seems not greatly to engage the administration’s interest. In discussions leading up to the original mandate—the one that provoked the original outcry—Catholic conferees, including outgoing White House chief of staff William Daley and Vice President Joseph Biden, sniffed trouble. They reportedly wanted the administration to back off. No such luck. The matter, in White House circles, may have seemed unimportant against considerations of political bounty to be won by assuring the feminist lobby of the administration’s undying love.

That partisan politics can trump competing considerations isn’t exactly Twitter-worthy news. However, for partisan politics to trump religion . . . wait, let’s broaden the terminology from just plain “religion” to “the Christian religion,” irrespective of differences among Christians concerning birth control. To recommence: For partisan politics to trump the Christian religion’s claim to freedom of thought and action regarding life questions deserves to be counted as something extraordinary. The strong implication is that President Barack Obama and his political team are not greatly moved by appeals

to the Christian tradition of the West, and to the character of that tradition's views concerning the perplexities of human existence. Naturally, the right to such a mindset as marks the President and his team is unalienable under the First Amendment: the same amendment to which foes of his birth-control mandate resort to for protection. "Free exercise," one would think, is a term broad enough to encompass reluctant exercise, attenuated exercise, even non-exercise. You might suppose, even so, that a lawyer or two, in a staff meeting, would point out the constitutional trouble for which the White House was virtually begging. If none did, that point, too, is worth noticing. The White House doesn't think much, or make much, of religious arguments.

Asking why not is perhaps beside the point. Other points demand attention.

One is the need, among adherents of the right to life and of religious liberty—two not exactly disparate causes—for broadening existing alliances. The need and the feasibility, I might add. The mandate—irrespective of differing opinions on the broad Christian front (within and without the Roman Catholic fold)—has clear bearing on religious exercise. So also does it bear on freedom questions, highly basic ones, susceptible to understanding by the marginally religious; certainly by those troubled, even today, by the shadow of the papal miter. Has President Obama—has any president—the right to drive a tank over profound religious objections to policy?

True enough, liberty depends in the end on Christian understanding of the unique and precious status conferred on man by God, but the matter receives secular reinforcement as well. The libertarianism of Ron Paul, a consistent opponent of abortion be it noted, speaks to resentment of bureaucrats who would shape the lives of others according to made-up schemes of their own. The sheer individualism of many Americans—bless their cussed hearts—helps keep the government off their turf and mitigates, when it doesn't manage to squelch entirely, new policies incompatible with freedom. Or anyway such has been the case for a long time now. When it ceases to be the case, we're in for it.

To put the matter another way, the sheer oppressiveness of this or that government policy is matter for interesting alliances between religious and not-so-religious people. I remark the ongoing merger, out there in Sloganland, of "God and Guns." In which phrase many will find, I acknowledge, a shivery quality. I think the junction of firearms and the Almighty does not vitiate the understanding that God, who, as a great old hymn would have it, "sets the prisoner free," is a powerful resource for men and women determined to stay free. "Now how in the hell can he get by with that?" is the kind of question one can hope will arise frequently in the context of the fight over

the birth-control mandate. Presidents can't just order and get done the things they want done—whatever those things might be. There are rules, limits, boundaries. “Power tends to corrupt and absolute power corrupts absolutely.” Lord Acton's great dictum is not, strictly speaking, theological, but if the books of Kings and Samuel (just for example) fail to affirm its lasting validity, subsequent commentators and philosophers have written in vain.

The second point requiring notice: What have we given the federal government here in the form of ObamaCare? We are finding out what broad government powers the bill enshrines, not the least or lightest of which is the much-contested power (not yet appraised by the U.S. Supreme Court) to fine—or tax, it comes to the same thing—individuals who refuse after 2014 to purchase health insurance. The bossiness of the healthcare apparatus in the federal government, as the birth-control mandate makes painfully clear, is unexampled in American history.

What this means in right-to-life terms is inescapably plain. It means the government can—will—try to impose its own theology of birth control. That the government did indeed try to do so, notwithstanding that its broader intentions met with resistance and some frustration, is the point to notice. There are many ways to skin cats, as well as numerous opportunities to make the attempt. Whoever watches politics and politicians long enough discerns soon enough the folly of looking away even briefly. Political people who want something deeply and emotionally cannot be forced to go somewhere else and take up gin rummy. They will await their chance. The slightness of the victory over the power grab concerning birth control practically guarantees, other things being equal, the return of the regulators—after a suitable, and probably not terribly short, waiting period.

Where in the meantime are the guarantees that abortion—a constitutional right, thanks to *Roe v. Wade*—will not find friends in high political places hopeful of funding it through the health-care system, with taxpayer subsidies? These friends may not get much of what they want on the first go-round, or the second, perhaps not even on the third. Still, what legal principle will prevent their returning again and again—as did President Obama, rebuffed in his attempt to make religious hospitals and schools pay for birth control? All the President did was back off a little ways, modify his approach, and claim to have satisfied everyone. We didn't hear him say, “excuse me, I was wrong,” did we? Of course not. Obama, by his own reckoning, is never wrong. Neither are, in their own estimation, the people inside and outside government who see free birth control as a social boon on a par, for ought one knows, with the abolition of slavery. It doesn't matter who pays, just so long as the birth control user, in satisfaction of her (or even his)

rights, doesn't have to. By spreading around the cost to insurance companies, thus to insurance customers, the government guarantees all the money necessary to hand out all the free devices a sexually liberated culture could desire. And ain't we got fun?

Chickens—plump ones at that—hatched during the health-care debate of 2009-10 are coming home to roost. We have seen their water bowls filled, their feed distributed, by no less a figure than the president of the United States. The friends of life, and of religious liberty, whatever their discrete concerns, find themselves obligated for longer and longer duty at defensive posts and stations.

No rest for the weary: as usual these days.



What Horton Heard

Ellen Wilson Fielding

A new film version of Dr. Seuss's *The Lorax* hit theaters in time to coincide with March 2, the birthday of Dr. Seuss (the pseudonym of Theodor Seuss Geisel), a date beloved of primary-school teachers and children's librarians. The massive pre-release marketing campaign raised esthetic qualms in some circles—our own family, purists all, boycotted it because of its cavalier treatment of the original text. Why, they even introduced a mild love interest between one character whose voice was provided by pop singer Taylor Swift and another by “High School Musical” graduate Zac Efron.

Although a dozen or so books followed it, *The Lorax* is pretty late Dr. Seuss, being published in 1971. Like many or most of its author's works, it is not shy about communicating a message (in this case an anti-consumerist and strongly environmentalist message). In most cases the morals or (as he preferred to call them) “messages” of the stories are humane and hard to quarrel with unless you are Stalin or Hitler. They include opposition to prejudice and invidious discrimination (see for example *The Sneetches*), the importance of dependability and fidelity to one's word (*Horton Hatches an Egg*), and a willingness to take risks and think outside the mainstream (*Green Eggs and Ham*—though I have major qualms about encouraging kids to eat discolored meat).

And then there is *Horton Hears a Who*, which holds a special place for pro-lifers and, contrariwise, causes continuing heartburn for pro-choicers, including the late Theodor Geisel and his widow. Many local and regional pro-life groups early on adopted Horton's famous motto as the ideal defense of the tiniest members of the human family: “A person's a person no matter how small.” Geisel, on the other hand, was a lifelong liberal Democrat whose early career included political cartoons lampooning McCarthyism and who later happily danced on Richard Nixon's political grave. Still alive as the Horton-message pro-life T-shirts began popping up in the first decade or so of the pro-life movement, he vigorously protested what he saw as a distortion of his authorial intention. According to biographer Philip Nel (author of *Dr. Seuss: An American Icon*), Geisel even threatened to sue pro-life groups who were using Horton's slogan on their stationery. Apparently, though he pursued graduate studies in English for a time following his graduation from

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Dartmouth, Geisel didn't subscribe to the mid-20th century New Criticism dictum that the meaning of a work of literature can and should be divined apart from an inquiry into the author's explicit intentions.

In Geisel's view, what he'd accomplished in creating the microscopically tiny town of Whoville was exactly what he'd set out to accomplish, no more and no less: He had imbedded a message about tolerance and the need to recognize the humanity of others unlike us, especially natives of other countries, especially natives of other countries that we were formerly at war with, especially the Japanese. In fact, Geisel dedicated the book to a Japanese friend and was said to have written it as an effort to help heal attitudes toward our former World War II foe in the years following the end of hostilities (the book was published in 1954).

It's not that this and other roughly congruent versions of what the book is about do not fit or are not worthy morals. On the other hand, interpretations both closer to home and more individual than national do tend to divert most of us from dwelling on the Japanese or contemporary substitutes when we read *Horton Hears a Who*. In fact, to deny *Horton's* natural message that we should look at the world in a way that reverences each human life seems cock-eyed and mulishly, well, shortsighted.

Consider (for those readers who have not recently reacquainted themselves with the story in the course of reading it to a child or grandchild) the storyline. Horton the Elephant hears an almost inaudible cry for help and traces it, improbably, to a speck of dust that is about to plummet into a pool of water. Although he can't actually see who or what is making the fuss, he deftly rescues the speck and deposits it on a clover for safekeeping, motivated by the belief that "A person's a person no matter how small."

A "sour kangaroo" who claims to hear nothing and to see only a valueless speck of dust appoints herself for the rest of the story as the frustrater of Horton's efforts to save his indiscernibly diminutive imperiled creature—or creatures, as it turns out that the dust-speck is home to a whole town of creatures called Whos (a significant name, seemingly nailing down their identity as persons not things, and perhaps vitiating the applicability of the parable to those animal-rights activists not so far gone as to ground their cause in the alleged personhood of other species).

Now, Geisel certainly never set out to construct allegories that would correspond detail by detail to real-world models, and maybe this is part of what he meant by stressing that his tales embody general messages rather than heavy-handed morals. But it seems that the only people who could ignore *Horton's* parallels with the unseen and (post-1973) endangered unborn would be those capable of ignoring a collision with a two-by-four. There is nothing

in the least subtle about the resemblances, however unintended (and we'll grant that they were completely unintended by someone who not only wrote two decades before *Roe* but in any event had no moral qualms about preferring McGovern in 1972).

After all, the unborn baby lies unseen within the walls of the womb—or did so until glimpses of his or her presence breached the barrier with the advent of sonograms. For moms, dads, and medical personnel, the moving image of the baby on the screen packs a much more powerful punch than those fuzzy sonogram photos displayed to the prospective mom or dad's friends and family. (It may be relevant that Geisel himself was unlikely ever to have met a sonogram machine up close and personal, since he never had children.)

In their earliest stages, unborn babies don't much resemble you or me or a third-trimester baby, and pro-abortionists have often emphasized this jarring dissimilarity to alienate our sympathies and distance us from the “blob of cells” or “clump of tissue.” But this, too, is a limited way of seeing that shouldn't have fooled Geisel into disregarding the personhood of that clump of cells, “no matter how small.” After all, not only do most of the Dr. Seuss stories feature weird-looking creatures like Grinches and Loraxes and Barbaloots and Things One and Two, but many of his books precisely challenge discrimination based on appearance. In *The Sneetches*, for instance, where one caste of Sneetches are distinguished by the stars on their belly, causing them to lord it over the Plain-Belly Sneetches, the moral or message is blazoned on the last page: “. . .they decided that Sneetches are Sneetches/ And no kind of Sneetch is the best on the beaches.”

Back to Horton, whose relentless and almost victorious opponent is, interestingly, a kangaroo mother with a young joey in her pouch. There is no doubt about her villainess status, not merely because she chooses to disbelieve in the existence of the diminutive Whos, but because she takes Horton's belief as a positive affront, and actively determines to stamp it out by eliminating the dusty homeland of the (in her view) mythical Whos. She makes off with the clover and its precious burden of Whos and has it planted in a whole field of identical clover to keep Horton from finding it. The sour kangaroo's ruthless and somewhat bewildering vendetta bears a likeness to the insistence of today's leftward-listing politicians that all employers cover insurance for contraceptives and sterilization or that everyone accept the homosexual lifestyle. Such a totalitarian streak, such an insistence that everyone must agree with the reigning world view, would render the sour kangaroo right at home at a health-care conference chaired by Kathleen Sebelius.

What, after all, would be the harm in allowing Horton to keep watch over

the clover and its dust particle, regardless of whether the kangaroo believed anything worth watching was there? Something about Horton's belief seems to threaten the sour kangaroo, but what? What makes her insist not only that the dust speck be boiled in oil, but that Horton be caged as well? (Really, this is a disturbingly violent children's book when you think of it, though the little ones being read to show a touching trust toward both the author and the adults who sit them down in front of it.)

In the end the Whos help save themselves, responding to Horton's frenzied injunction to amplify their small sound by working together and screaming at the top of their lungs. The combined vocal power of every Who in Whoville renders their cry audible to the kangaroo's skeptical ears (and illustrates the pro-democracy theme that Geisel also liked to convey). And here of course the parallel with the unborn child who is threatened with abortion does *not* hold, because there is no townful of embryos per womb to cry out a loud group warning. In any event, as the late Dr. Bernard Nathanson might put it, the only kind of scream that the watery uterine environment of the unborn would make possible would be a Silent Scream—the sort of “scream” he captured on camera during an actual abortion and then used to convince people that the unborn recoils from pain and impending death just as later-stage humans do; in fact, just like a person. So in the case of saving the unborn, not *almost* everything but *everything* depends upon the larger persons who have already made their passage to the outer world and whose lungs—and minds, and hearts—have developed enough to testify to the personhood of the whos inhabiting the womb.

Now, as I've explained, this rather natural and even hard-to-duck reading of *Horton Hears a Who* cut no ice with the book's creator, who remained hostile to the very idea that a person should take from his tale anything like an admonition to cherish the unborn.

And this stubborn but apparently genuine inability to see what is there is worth considering, because it is such a common reaction when we attempt to display the reality and moral worth of human beings in their less obviously human and worthy states. That the Whos resemble the unborn at least in their relative invisibility and in their peril is obvious—surely obvious even to pro-abortionists, including perhaps Geisel himself. The cliff they refuse to be dragged over, however, is the personhood of the unborn human being.

This is interesting, because it's not at all clear why Horton initially thinks the Whos are persons upon hearing their first faint shout. In the beginning, in fact, Horton doesn't yet realize that he is dealing with a little metropolis

rather than a single being. However, for whatever reason, Horton is open to the possibility that people can exist in forms initially strange to us (what were Geisel's views on extraterrestrials, I wonder?). Based at first only on that possibility, Horton intervenes to save the dust speck from obliteration by settling it on a handy clover. In other words, he first extends his protection to the Whos on a mere hypothesis that there are such things as Whos to protect.

I can't help being reminded of the approach that Ronald Reagan famously took to convince those who claimed to be agnostic about whether the unborn child was a human person. When in doubt, in his view, you err on the side of caution. If you are out hunting and hear rustling in a nearby bush, you don't let fly a bullet without further investigation, even if—especially if—you are “not sure” whether you might be shooting a fellow hunter rather than a sanctioned food source.

Seuss's morals or messages, like those of many creative people and also of ordinary folks struggling to articulate deep truths in daily life, work by analogy. That means they work by establishing a likeness between one thing and another. We are meant to be enlightened about something's nature and identity by its resemblance to something else we also understand, at least in part. Analogies are deeply, profoundly convincing to those who see the connection, who hear the click of the gears as one part fits into the other. The person who recognizes the pattern, the likeness, may be convinced on a level that, as far as personal satisfaction and freedom from subjective feelings of doubt or uncertainty are concerned, surpasses tight strings of deductive logic. It's the difference between hearing a list of cogent reasons why the person in front of you likely is your father and *recognizing* him as such.

The problem is, the argument by analogy either works or it doesn't. You either recognize that man as your father or you don't, and if you don't, then you have to move on to more convoluted and maybe less conclusively satisfying means of proving his identify to yourself—or to others.

Why do analogies satisfy some people and not others? In part the explanation may lie in hidden agendas and feelings or prejudices that erect a barrier against persuasion. If that man in front of you is a convicted murderer, you will probably be trying on some level *not* to recognize him as your father—you will seek reasons not to see.

Pro-lifers reading *Horton Hears a Who* long ago “recognized” it—they saw its analogy to the case of the unborn whose personhood was denied by the willfully blind, as the Whos' existence was denied by the complacent deafness of the sour kangaroo and her minions. A lot of other readers less consciously pro-life absorb a general recognition that the Whos resemble

any one of a number of categories of ignored, denied, or despised classes of persons. Maybe in many cases Horton's noble character and piercing insight can lay the groundwork for perceiving more such likenesses as time goes on. In other cases, possibly because of barriers similar to those of the person trying to recognize his father, the analogy will not transfer to the endangered unborn or other unfortunates; that is, the likeness will not be recognized.

Argument by analogy (or rather persuasion by analogy) therefore is meant to be a kind of instantaneous process, a reaction, a realization, like recognizing a face or a well-known landmark or something that belongs to us. Even if we stumble at assigning the right name to the person or object, we immediately award him or it the fitting emotional response of love or loathing, warmth or coolness, fear or awe or disdain. We know it, as we say, in our bones. Perhaps (though this is for the neurologists to say) that "knowing" involves a multifarious though almost instantaneous assembling and arranging of tiny disparate details of color, shape, size, texture. However, it does not really "feel" like that, to lapse into the kind of intuitive language that "feels" right to use. Maybe it feels closer to finding a precise fit between something and its Platonic form, its pattern—like the simple wooden children's puzzles where you drop the triangular puzzle piece into its proper triangular hole.

In the case of fables, parables, or allegories, however, our ability to perceive the real-life patterns that match the fictional tales can be more easily compromised. So many distracting details have already been exchanged for other distracting details, with only the outline remaining constant, like a connect-the-dots puzzle. In addition, morality tales by definition tell a moral, and the moral can be "convicting"—that is, it can goad us to confess our own complicity, to admit that we should alter our thinking and behavior in perhaps arduous or costly ways. So we may resist interpreting it correctly—as we can resist recognizing, in the distance, someone we don't like or don't want to see.

Finally, the symbolic value of a character's roles or actions in a story may not be picked up by the reader if the reader's experiences have somehow twisted his natural reaction to the emotional or moral meaning of the symbol. Think about a small child accustomed through children's stories and traditional training to view a policeman as a protective presence. Contrast that with the reaction of a refugee from a police state or a black child in Selma, Alabama in the 1950s. Again, think about the many people today who have grown up in broken homes where they experienced no fatherly presence, an abusive father, or an intermittent, unreliable one. It's commonplace nowadays for those handicapped by such a background to have problems relating to the idea of God as Father.

Naturally that would also skew the way such a person read or responded to a story where a steady, protective, fatherly presence is key to imbibing the meaning or moral.

Fortunately for the future of the human race, the appeal of a baby's small, soft appearance or helpless cry is deeply ingrained in our nature and reinforced by millennia of conditioning. If it were not for such helps, child abuse and neglect and even the more widespread choosing of childlessness would be more prevalent than they already are. But that's not to say we can overburden human nature with the whole defense of healthy families. In Aldous Huxley's *Brave New World*, where families no longer exist and children are conceived anonymously in labs, people are revolted by references in historical documents to mothers and fathers and such physical adjuncts as breastfeeding and childbirth. Exposed to ruthless reeducation about primal human roles and instincts, most of the novel's characters can no longer understand or enter into the great love stories, domestic tragedies, and family histories that have moved us for thousands of years of recorded history, from the ordeal of Abraham and Isaac to the tormented family histories of Greek tragedy to *King Lear*, the novels of Dickens, and *Anna Karenina*. Even *The Lord of the Rings* would be opaque to someone lacking sensitivity toward the elemental tug of communal ties and kinship bonds, local attachments, and the ideal of a king who is in some sense a father to his people.

And amid this thousands-of-years-long telling of the human story, Dr. Seuss's Horton takes his own rather diminutive place as a modest but steadfast protector of the weak—the little ones, the vulnerable, the young, those who must look to their larger, stronger, wiser elders for help in making their human journey. And among the weak and threatened (though they are not the only ones to qualify for that title in these perilous times) are the unborn—*pace* the late Theodor Geisel.

Why Abortion Is Bad for America

Marco Rubio

Thank you for having me. This is such an important issue for me, that I had written out a speech—some of the things I wanted to say to you tonight—and then I lost it. So I brought my—I re-wrote it in a note here, so you’ll forgive me, I’m a little disjointed. And the teleprompter was broken. We weren’t able to—we sent it to the teleprompter shop but someone else in Washington was apparently in the shop ahead of us [*laughter*]. So, anyway, we’re going to have to wait to get that one back. So I’ll just kind of go off my notes here.

Let me just start by saying how honored I am to be a part of this event tonight, I am really blown away to see so many of you who are involved, who give not just money but time to this extraordinarily important cause. I was really inspired to see the young women who stood on the stage moments ago. Because I understand that in the culture we live in today, it’s difficult to be pro-life. When I was running for office, throughout my career, I’ve been consistently pro-life—throughout my life—and I always laugh that some characterize that as “radical,” even though all the polls show that at least, at a minimum, half of the people in this country agree with me. Other polling indicates that in fact, when you dig deeper, between 70 and 75 percent of Americans really agree with us at the end of the day in terms of seeing significant restrictions on abortions. So that alone indicates the mindset that exists among those who cover politics and make commentary on politics, that somehow being pro-life is a radical position. Being a young person who’s pro-life makes those comments happen even more often, and being a young woman who is pro-life, is perhaps the most—you get perhaps more pressure there, and more scorn, than any other demographic in our country when it comes to that issue. So as we look at these young women who came here tonight, not just pro-life, but working on behalf of life as a fundamental tenet of our society, I’m inspired by that, and I really want to thank them, and everyone else who wasn’t recognized, but who is also part of that movement, and all of you for making it possible for them to do that.

Being in politics, being in the Senate, I give a lot of speeches about a lot of things. Tax policy, the national debt—these are all very important issues. These are important political issues, and policy decisions that confront our

Marco Rubio represents Florida in the United States Senate. This is adapted from an address he gave at the Susan B. Anthony List Campaign for Life Gala, February 1, 2012, in Washington, D.C.

country. The issue of life is not a political issue, nor is it a policy issue. It's a definitional issue. It is a basic, core issue that every society needs to answer, and the answer that it gives on this issue ends up defining what kind of society you have. That's how important the issue is. And what I wanted to do briefly tonight for a few moments is just encourage all of you who are involved in this cause, because I know that sometimes it's easy to get discouraged, especially for those who enter the public arena—you take a beating for being pro-life from those who cover politics too often. And I think sometimes it has a tendency to wear people down. Sometimes—listen, when I criticize people, I always include myself—sometimes you feel like, maybe let's just not touch that issue today, because it divides people, let's just focus on the 80 percent issues, and the stuff people want you to talk about. And I know I have, and many of you have as well, had people ask: "Why do you have to talk about that? It makes us uncomfortable. Why do you have to speak about this issue, it divides people. Just focus on the economic issues. Focus on the economy, focus on jobs, focus on the national debt. That's what people want to hear about." Well, we can't do that. Because the national debt is important, the economy is important, and it is the central political issue of our time. But this is not a political issue. In fact, this is an issue that, especially for those who enter the public arena and refuse to leave our faith behind, speaks to more than just our politics. It speaks to what we want to do with the opportunity we've been given in our life, to serve, and to glorify our Creator. And so that's what this issue is about, as well.

Let me just say at the outset that there are multiple reasons to be pro-life, not the least of which is that *Roe v. Wade* is bad Constitutional law, irrespective of how you feel about the issue. It is bad law. It is perhaps the most egregious and devastating example of a court deciding that because the political branch will not deal with an issue it believes is important, it will step in and make a policy decision. The Supreme Court literally created a Constitutional right out of nothing for the purpose of advocating a specific political position. So just on the legal grounds alone there is enough reason to be against *Roe v. Wade*.

There's one reason I won't go into in depth tonight because a) I don't have to, and b) it's not why you wanted me to speak. There's a spiritual aspect to this, which is very real. I think virtually every religion condemns the practice of abortion, recognizes that life is a gift from the Creator, and compels followers to believe that as well, as a basic tenet of faith. So, in the spiritual realm, there are multiple ways to defend this. But what I want to focus on tonight are the pure, logical, public-policy reasons why abortion is bad for America, bad for our society, and bad for our people, and why it — why *Roe v. Wade* should

be overturned.

Now, the argument is that there is a fundamental right to abortion in America. That is the argument that those in the pro-abortion, so-called pro-choice community would make, that there is a fundamental right to abortion. Women in this country have a right to have an abortion. So what's the source of this right? As you engage people in this conversation—by the way, I've never met anyone who's admitted to me that they're pro-abortion. They'll say they're pro-choice, but almost everyone I've ever met has told me they personally disagree with abortion, they just think it should be legal.

But, where does this fundamental right to abortion come from? You engage people that believe in what they call abortion rights, and sometimes here's what they'll do: They'll point to the circumstances of the pregnancy. They'll say, well it's an unwanted child. This is a child who's going to enter life and not be wanted, not be cared for. There are parents who don't want children, perhaps, but you know there are a lot of unwanted children in the world. There are a lot of unwanted children in the world who are born. We know that they exist in this country, but especially all over the world. That cannot be the justification for this. Because if it were, then that would justify by logic that somehow all those unwanted children as well should be dealt with in a similar manner, and that's a horrific conclusion. It's an indefensible position. And so that cannot be the source of this right. And quickly they move on from the argument because it's absurd and they don't want to think about it. When they say that to you, that this is an unwanted child, and you say to them, listen, there are a lot of unwanted children born all over this planet—they're orphaned, they're born disabled, they're born to families who can't afford them—you can't possibly be saying that those children should also be eliminated. And so they move quickly away from that argument because it makes no sense and it's indefensible.

The most common argument I hear next, what they quickly pivot to, is the argument of, well, it's a woman's body, and a woman has a right to do anything she wants with her body. And let's recognize right now, there is a fundamental right—there is a right to control your body, you do have a right to your body, there's no doubt about it. You do have a right to decide what to do with your body and what others can do to it, there's no doubt about it. But there is another right. And that's a right to live. And so, when you analyze this issue of pro-life vs. pro-choice in America, what we basically have are two rights which are in conflict with one another: a woman's right to choose—whatever they mean by that—is directly in conflict with an unborn child's right to live. And the question for our society is, how do you resolve a

conflict like that, when two fundamental rights that everyone recognizes exist, are in conflict with one another?

And so immediately the other side will say, well our right to choose is more important than the right to live. And they'll say the reason why—the first argument they almost always relate—is because it's not a person, an embryo is not a person, a fetus is not a person. It's not a person yet. Well, if it's not a person, then what is it? Because if you left it alone, that's the only thing it can become. It can't develop into a cat! [*laughter*] It has the DNA of a person and it was certainly created by people. And left to nature, it will become a person, naturally. So it is a person. Then they'll argue, well, okay, maybe it is a person, but it's not a *life*. What do you mean, it's not a life? Well, it's not a life, because the first argument—the one they love to talk about—is viability. It's not a life because it cannot sustain itself without the person who has a right to choose—it cannot live outside the womb. That argument first and foremost is already a slippery slope because viability's a moving target. Viability in 1973 meant something very different than what it means today, medically. Children who were not viable back then are very viable now, and we have no idea what other advances are going to occur over the next few years, so if you build it on that, you're already on slippery sand.

Then they go on and say, well, they're not viable without the support of the mother. But that also can't be a good argument. Because a newborn isn't viable without the mother either! A one-year-old child, a two-year-old child—leave a two-year-old child by himself. [*laughter*] Leave a six-month-old child by herself; she's not viable either! Even the day you were born, and for years thereafter—some of you are chuckling because, leave a 19-year-old by him or herself! [*laughter, applause*]. My point is, this viability thing's not a good argument. Because the truth is that a child who has been born isn't viable by herself either. Just because they're not receiving nutrition through an umbilical cord doesn't mean that they can sustain themselves. And by the way, the third reason the viability thing doesn't work is because you apply it to the other spectrum of life, and you start to get scary. It starts to get scary. If in fact what we are saying is that human beings are only worthy of protection if they are able to sustain themselves independently of other people, that covers a lot of people in our society. It covers people who are disabled, it covers people who are temporarily incapacitated—it covers a lot of people. And so, there is no compelling argument for why a woman's right to choose trumps a child's right to live. There isn't any.

The fact of the matter is that we as a society, as a nation, from a political realm, have always understood that my rights, as important as they may be,

my rights end where other people's rights begin. Yes, a woman should have a right to choose the kinds of things that happen to her body. But that right is not unlimited. It ends when it begins to interfere with the right of another human being to pursue life, to have a life. And that's at the core of this issue. That's really what this issue is about at its heart. And an increasing number of people are understanding that. I think the public polling shows it. And I hope that it will continue to be reflected in our political debate. Because this is an essential issue. Well, let's ask ourselves, then why, if that's the case, if this is such a clear-cut argument, if it's so simple the way I've laid it out, and it's not more complex than this, then why is the law of the land what it is? Why are 50 percent of the people in this country, maybe a little less now, pro-choice? Why do they disagree with the things I've just said?

And the answer is, because in this equation, in this battle between the right to choose and the right to live, the only ones who can vote are the ones with the right to choose. The only ones who can participate in the political process are the ones with the right to choose. Unborn children can't vote; unborn children can't speak. Actually, they can. You speak for them. That's what you are. In this competition between two competing sets of rights, you are the voice of children who cannot speak for themselves. Of lives that may never have a chance to contribute to our society and make a difference. Of the unknown names of millions of children whose contributions to our world will never happen because the right to life was not respected. You vote for them when you vote. You participate in the political process for them when you participate. This is who you work for. Real people, no longer with us, who never had the chance to do what you or I did. And just as importantly, you are the voice and the vote of countless other children who have yet to be created, but whose lives will soon be challenged as well.

The truth is, I believe in all my heart that future generations will look back at this era in American history and condemn us. They'll look at what's happened here since 1973, and they will characterize this nation as barbaric. At some point, hopefully in our lifetime, but certainly at some point, people will look back at this practice and say, how could that be possible? In the way that we look back at the atrocities of the past, at things that occurred 100, 200, 300 years ago, at institutions that we as a nation have banned and now look at and say, how could people have supported this stuff? How could people have turned a blind eye to these things? How could people have ignored that these things were happening? The way we look at those things in history and condemn them, this era will be condemned for this. I have no doubt about it. Our job is to accelerate the process of getting there, to ensure

that sooner rather than later, and God willing, in our lifetime, we can arrive at a consciousness in this nation that this is wrong. That the right to life is a fundamental one that trumps virtually any other right I can imagine. Because without it, none of the other rights matter. There can be no liberty without life. There can't be a Constitution without life. There can't be a nation without life. And there can't be other *lives* without life. I can't imagine any other right that we have more fundamental and more important than this one. And so the reason I'm so excited about the young people who are involved in this is because sometimes in contemporary life in America, we come to believe that all the great causes are something lost to history, that past generations fought all the great battles: abolition, the civil rights movement, women's suffrage. That all the great causes have already been fought and won. It's not true. In fact, maybe one of the most important battles that has ever been fought is the one you're engaged in now. And so I encourage you to remain involved. Because at the end of the day, our nation can never truly become what it fully was intended to be unless it deals with this issue squarely. America cannot truly fulfill its destiny unless this issue is resolved. It's that important.

And I know that it's tough, I know. Especially for young people, I know that it's tough. When you take this position in public office or public policy, people look at you as an intolerant person. Oh, he's intolerant. Oh, they're radicals. Oh, you're trying to impose your religion on us. I understand the challenges to taking a position on this. But this issue's so important that it's different from the others. And this is where my faith comes in, and I hope most of yours as well. You see, I think our life here is important and everything we do here matters. This is now at the personal level, I'm no longer even speaking as a Senator, nor trying to impose what I believe on anybody else, I'm just sharing with you why this issue's important to me. And I'll tell you why. Because I've felt the same pressures. I've had people tell me, gosh, we love your tax policy, we love your fiscal policy, just don't do the social stuff on us, I don't want to hear about it. Turns people off, I've heard that too. And it gets to you sometimes. And I think, from now and then—probably not the people in this room—people are guilty of saying, let's just tone that one down. This is not the time for that. And then you realize that, you know, the office that we have is important, but this stuff's all fleeting. Comes and goes, you're a Senator today, you won't be tomorrow; you're in office today, you lose your next election. But at least my faith teaches that this life will end. You live—you're lucky, you live 80 years ... you'll still be a Senator [*laughter*], and then you'll be held to account. Whatever your faith

teaches you, they almost all teach the same thing: You will be held to account. At least in my case, I'm going to be asked very squarely, I know this. Look at what I gave you, God will say. I brought your family out of extraordinarily bad circumstances, and gave them opportunities. I gave you the opportunity to do things that your family never had a chance to do. I blessed you with children, who are healthy and vibrant and make a lot of noise. I blessed you with parents who encouraged you to dream, and a wife who supported you in pursuit of those dreams. I opened doors for you that you never thought were possible. When you polled below the margin of error in the first polls they took in your Senate race. When the only people who thought you could win your election all lived in your house. And when most of them were under the age of ten! I gave you the ability to speak to people and influence people. What did you do with it? And what am I going to say? Oh I had really good poll numbers? I got re-elected three times? I raised more money than anybody ever had? I was popular, people loved me; they patted me on the back, they gave me nice introductions? That's what I'm going to say I did with that? The more you are given, the more that is expected of you.

And that's not just true for us as people, that's true for us as a nation. America's not great because we're smarter than other people or we work harder than anybody else. There are smart and hardworking people all over the world. America is great because God has blessed America, and America has always honored those blessings by being an example to the world. For 230-some-odd years, there has been nothing more powerful on this planet than the American example. And the way we live our lives, and the principles we have stood for. Others don't always agree with the things we do, they disagree with our foreign policy, they get frustrated at America. But they admire us. Because when we get involved around the world, almost always it's behind principles and ideals. And so we are a blessed nation. And we're not just blessed so we can have. We're also blessed so we can give. And there's nothing that America can give this world right now more important than to show that all life, irrespective of the circumstances of its creation, irrespective of the circumstances of its birth, irrespective of the conditions it finds itself in, all life, on a planet where life is increasingly not valued, on a planet where people are summarily discarded, all life is worthy of protection, and all life enjoys God's love.

We are called to different tasks, whatever they may be. If we stand for these things, if we honor God in these things, He'll honor us. He'll bless us. He won't always give us what we want, but He'll always give us what we need. And you will know that you lived your life with purpose, and that in

MARCO RUBIO

all the things you did, you honored the blessings that you had. And if we as a nation do this, well, God will continue to do what He has done for 230-some-odd years, bless us like no other people in all of human history. This is the great cause before us. And I encourage you to stay engaged and involved. If I falter at some point, remind me of the speech tonight. I hope not to. I don't expect to. And with your help, I won't. So thank you so much, I appreciate it. Thank you very much.



What's a Pro-Lifer to Do?

Christopher Bell

What do you do when an organization announces it will stop funding the largest abortionist in the country one day and retreats with apologies the next?

Parents of young children are accustomed to the situation where a child passionately promises, "I will never do that again!" and ten minutes later you turn around to see your darling once again doing that very thing. But that's not the proper analogy here.

No, the right analogy for this situation is the school bully. For this is a case of one mature non-profit being bullied by a major corporation and seemingly capitulating to pressure. Here are the details to fill out the picture.

Susan G. Komen for the Cure, noted global leader in funding research for breast cancer, has invested more than \$1.9 billion since its founding in 1982 and presides over the largest grassroots network of breast-cancer survivors and activities. It's known throughout the country for its highly publicized Race for the Cure and those ubiquitous pink ribbons. Less well-known has been Komen's funding of Planned Parenthood (PP) over many years, with grants to 19 Planned Parenthood affiliates totaling about \$680,000 during 2011 and \$580,000 during 2010. The tenuous tie-in to Komen's mission was breast-cancer screening and other breast-health services that PP was supposedly making possible.

Late last year, Komen officials quietly informed the more than 100 U.S. Komen affiliates that the organization had changed its grant criteria and would stop funding PP. Associated Press broke the news on January 31 in a story that reported PP's head, Cecile Richards, saying she was notified of their ineligibility in a phone call from Komen President Elizabeth Thompson in December. "It wasn't even a conversation," Richards complained, "It was an announcement."

But according to Karen Handel, who at the time was vice president for public affairs at Susan G. Komen for the Cure, in December Komen President Thompson met with Richards to discuss the decision in "an open and candid conversation about the controversy and the effect on Komen." Handel added, "There was a gentle ladies' agreement, if you will, that no one was going to go to the press about this." Part of the agreement was that Komen

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would continue funding current grants, but not future ones for Planned Parenthood.

One can conclude that Komen had embarked on a new policy but wasn't fully enforcing it until after grants already awarded were fully distributed.

PP's Richards said she wrote a letter to Komen founder and CEO Nancy Brinker and board chair Dr. LaSalle D. Leffall, Jr., asking for a meeting with the entire Komen Board. She argued that Komen misrepresented PP's funding eligibility status in some states. The response, according to PP, was a letter defending the new grant criteria and ignoring a request for a meeting. But that was not an unnatural response to such a request. A non-profit (as PP claims to be) receiving money from a foundation does not normally get to appeal a decision against funding. It's just not done.

Consider this: Komen gave out \$93 million in community grants last year and PP got less than 1 percent. PP is a billion-dollar entity and Komen's money represents six-tenths of one-one-thousandth of PP's operations.

Sadly from a pro-life point of view, yet perhaps shrewdly from a public relations standpoint, Komen's spokeswoman Leslie Aun responded that it was not accusing Planned Parenthood of wrongdoing. "We want to maintain a positive relationship with them," she said, adding, "We're not making any judgments."

Amazingly, Richards said PP hoped to quickly replace the lost Komen funds and already had a family foundation in Dallas, Lee Fikes and his wife, Amy, donating \$250,000 for this purpose. Soon to follow was New York City pro-abortion advocate Mayor Michael Bloomberg, with a \$250,000 matching grant. In total, Richards claimed, \$3 million in pledges was raised from 10,000 donors in response to Komen's defunding.

Komen obviously had never intended to make a public pro-life statement nor were they condemning the abortion industry for its hideous acts or even citing the breast-cancer-causing effects of abortion or hormonal contraceptives. In fact, Komen has not officially recognized a link between abortion and breast cancer, nor have they publicly cited evidence that some contraceptives are cancer causing. Komen's decision to defund Planned Parenthood appears to have been a first good step in the right direction: Let's call it "fund no evil." However, the organization wasn't prepared to celebrate its own good step and no doubt would have been quite happy if the decision had remained under the radar.

According to Handel, the desire for Komen to extricate itself from Planned Parenthood existed before she was hired, largely due to the inordinate amount of staff time spent dealing with the controversy over funding PP. For example, some two dozen bishops told Catholics in their dioceses not to

support Komen because it provided money to PP. When Komen started funding PP in 2005, they were placed on pro-life boycott lists. Grassroots proliferators spread the word not to run with Komen. Komen was feeling a lot of pressure.

A Komen employee, either high up in the ranks or with access to Komen officers' conversations at meetings and online, obviously wasn't happy with the defunding decision. This person provided internal emails and other information to pro-abortion outlets and most likely also informed PP directly about Komen's intent to find neutral ground. This information then ended up on pro-abortion websites.

PP thought to make lemonade for itself out of the reversal, seeing an opportunity not only to fight back for funds, but more importantly to counteract its recent public image problems. They planned an attack on Komen that painted the pink leader of breast-cancer research funding as a yellow-bellied panderer to anti-abortion pressure. Additionally, PP claimed that Komen's decision would harm poor women who could no longer receive desperately needed services from PP for early detection against breast cancer. Ratcheting up the decibel level of the attack, PP's marshaling of social media helped provoke an apparent broad-based outcry from the masses. And in-the-pocket PP politicians were quick to heap further coals on Komen's head. Finally, PP searched out sympathetic Komen affiliates in such blue states as New York, New Jersey, Connecticut, and California who threatened to defy the ban if Komen's mother organization would not relent.

Komen wasn't prepared for the rapid and thorough media assault. They struggled to keep to their "defunding narrative" based on the charity's newly adopted funding criteria, which excluded organizations under investigation. (The primary investigation of PP referred to is an inquiry launched by Rep. Cliff Stearns, R-Fla., who wants to determine if restricted public money was improperly spent on abortions.)

How often in life, when one tries to do the right thing, does a counterattack of unlooked-for ferocity threaten to send us reeling. In this case, however, Komen, rather than boldly proclaiming the truth, was trying to assuage the pro-abortion public (which is not necessarily the majority, but by frequency and volume the unchallenged authoritarian voice in this particular confrontation) with unconvincing rationale.

Pro-life activist Jill Stanek reported a detailed account of the PP offensive on her blog (at www.jillstanek.com), which is worth reading especially for pro-life tacticians who will further engage this issue as well as the upcoming election and continuing healthcare battles. There Stanek recounted how, over the course of six weeks, PP meticulously planned its sudden release of the

defunding news and how it would play the story. As soon as the AP story broke on January 31, PP used Twitter and its Facebook wall to propagate its view of the story, engaging more than 2,000 of its supporters in this “ALERT”: “Susan G. Komen caves under anti-choice pressure, ends funding for breast cancer screenings at PP health centers.” PP had more than 500 Twitter users repost this message and added 32,000 fans on Facebook. The believing PP followers were asked to sign a petition, spread the word further online and donate.

Media outlets drank the PP Kool Aid and began churning out “news” stories largely based on PP sources.

On Komen’s side, Handel claimed that Komen received significant support for its decision to cut funding. “Emails into Komen running 3 to 1 in support . . . within two days of the news, online donations were up 400 percent . . . it was just being drowned out by Planned Parenthood,” Handel said.

Nancy Brinker saw former friends going for the jugular by planning to dismantle Komen affiliates. Komen is a national organization, but each affiliate is separately incorporated. Therefore, each affiliate has autonomous decision-making ability. Komen might be able to take its name back from rebellious affiliates, but could lose support from entire cities or states.

Just three days after AP broke the PP story, Komen caved in with a public apology from its entire board and Founder CEO Brinker. “We want to apologize to the American public for recent decisions that cast doubt upon our commitment to our mission of saving women’s lives. The events of this week have been deeply unsettling for our supporters, partners and friends . . . We have been distressed at the presumption that the changes made to our funding criteria were done for political reasons or to specifically penalize Planned Parenthood. They were not.”

Komen further stated that their new funding criteria will disqualify organizations undergoing investigations that are criminal and conclusive in nature. Their goal continues to be to support women and families in the fight against breast cancer. Komen will continue funding existing grants, “including those of Planned Parenthood, and preserve their eligibility to apply for future grants, while maintaining the ability of our affiliates to make funding decisions that meet the needs of their communities.”

The next paragraph asks for all to “slow down and reflect on how grants can most effectively and directly be administered without controversies that hurt the cause of women. We urge everyone who has participated in this conversation across the country over the last few days to help us move past this issue. We do not want our mission marred or affected by politics—

anyone's politics.”

The last paragraph is worth mentioning as well: “We extend our deepest thanks for the outpouring of support we have received from so many in the past few days and we sincerely hope that these changes will be welcomed by those who have expressed their concern.”

The Komen statement is neither a papal document nor a Supreme Court decision, so one can't parse things too closely, and yet both the pro-life and pro-abortion sides can read into it an olive branch if they want. Is such a reading helpful to pro-lifers?

While all public statements should be read mindful of their high spin content, we can at least reasonably assume that they represent what the source wants the public to believe.

The fact is, PP does not perform mammograms and does very little in the way of breast exams. Planned Parenthood tries to argue that they may reach some women who otherwise wouldn't see a doctor for a breast exam and thus be able to refer these women for breast exams, but that is hardly showing much of an effect to earn Komen's dollars. And if PP stopped doing that minimal amount just because Komen no longer funded them, that would prove (if further proof were needed) how contemptuously greedy PP is. Regardless, what PP contributes towards breast health isn't worth supporting. And in the aftermath of the Komen defunding/funding story, Planned Parenthood is hardly hurting for cash. In fact, they claim to have raised more than enough funds to make up for Komen's lack of funding for five years. The bottom line is, PP just doesn't need Komen.

Let's take a look at the issue of criminal investigations, which Komen's final backtrack statement still states would disqualify an organization from receiving a Komen grant. It happens that many Planned Parenthood affiliates are undergoing investigations. The Alliance Defense Fund, a pro-life religious liberty legal organization, reports that one in five PP affiliates in the U.S. have been cited for financial irregularities based on data from state and federal audits. That certainly appears to fit Komen's definition of a criminal investigation. What more would Komen need to make that conclusive?

What ultimately matters is that pro-lifers not support and indeed actively boycott anyone or any entity that supports Planned Parenthood.

Austin Ruse, head of Catholic Family & Human Rights Institute (C-FAM) has suggested that since Komen is an organization with many different independent parts often taking different positions, why not “Support those affiliates who are not funding the abortion giant of Planned Parenthood and protest, withhold funding and decry those affiliates who do? How do we know,

for instance, that the head of the Cincinnati affiliate is not a pro-lifer who has successfully but quietly fought off Planned Parenthood?”

He explains that, “Komen’s national leadership was trying to do the right thing. What happened to Komen was nothing short of a Mafia shakedown campaign by Planned Parenthood. The Komen Foundation was told, ‘Either give us money or we’ll destroy you.’ They were aided and abetted in this hostage situation by the mainstream media.”

Pro-life activist blogger Jill Stanek agrees. “No justice, no peace,” she quipped. She certainly would withhold support on a case-by-case basis.

However, Life Decisions International (LDI), preeminent publisher of the Boycott Planned Parenthood list, is taking the no-prisoners approach: “As long as the Komen headquarters allows support of ANY kind to a single Planned Parenthood office—even one that does NOT do abortions—the entire Komen organization will remain on our Boycott List, in the ‘Dishonorable Mention’ (non-profit) section,” says Bonnie Taylor.

Ruse counters that the “national Komen office has little to no control over the affiliates. If you look at GuideStar, for instance, you will see a few dozen Komen groups each separately incorporated with an independent board. That was what the national office was up against. They could not simply order the affiliates to do what they wanted. Nancy Brinker has less control over the affiliates than the Pope has over bad Bishops.”

Komen reports having affiliates in 120 cities around the world and 100 U.S. cities doing their fundraiser Race for the Cure.

Some public information about the affiliates relating to PP can easily be found. During 2011, Komen affiliates in Dallas County, Texas; Denver, Colorado; North Carolina Triad; North Carolina Triangle; and Puget Sound, Washington began new funding relationships with Planned Parenthood. In addition, a Komen affiliate in Orange County, California was the last to give an approved grant to PP before the funding changes were announced.

In contrast, affiliates in Austin, El Paso, and Greater Amarillo, Texas; Central New Mexico; Milwaukee, Wisconsin; Salt Lake City, Utah; and even Los Angeles County didn’t give grants recently to the abortion business.

Patrick Hurd, CEO of Planned Parenthood of Southeastern Virginia, received a 2010 Komen grant and was quick to criticize the defunding.

After PP announced that Komen was stopping its funding, all seven California Komen affiliates opposed the national policy that PP would no longer be considered for funding. A Komen chapter for central and southern New Jersey and Komen Connecticut also both loudly complained about not being able to fund PP. Anne Morris, executive director at the Connecticut affiliate, claimed she was not going to refuse funding to PP.

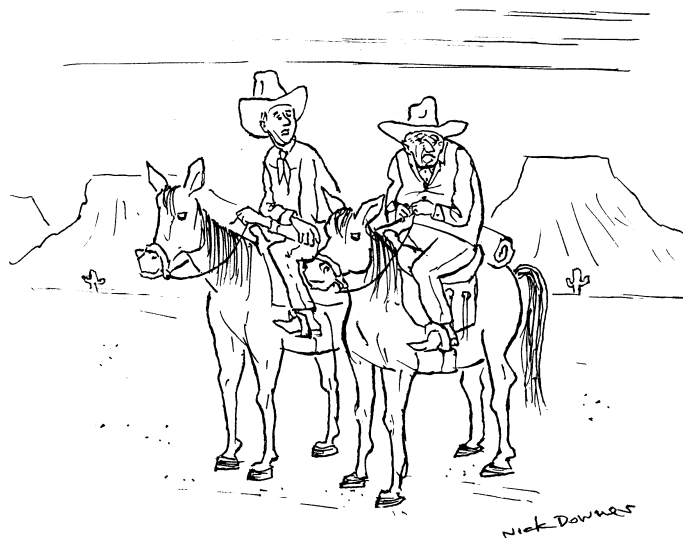
What's a pro-lifer to do? What we always do. Ask and verify. It might become a louder statement if each affiliate had its own group of pro-lifers supporting or condemning their efforts, all the while educating more people about Planned Parenthood's agenda of sex-ed, birth-control for all teens, and abortion-on-demand until the moment of birth.

What else can we learn from this? Planned Parenthood may believe that it has not only scored a quick victory, but now has a paradigm and process to push the President and their mutually agreed-upon health-care control into the next phase. PP is already using social media for this purpose. But a deceptive three-day public relations blitzkrieg is quite a different matter from a sustained, long-drawn-out battle with Truth.

Do pro-lifers have the significant numbers and strategy in place to outdo PP in a protracted social-media battle? Can pro-lifers speak the Truth to power effectively enough to move the voting public?

As Jesus said, "With God all things are possible."

Here's an interesting reflection to conclude with. This year's National Prayer Breakfast featured a compelling speaker named Eric Metaxas. Intriguing and self-deprecating, Metaxas called the President and our nation with humor and conviction to prayer, defense of those labeled not-human, and conversion on the order of British abolitionist William Wilberforce and martyred Nazi opponent Dietrich Bonhoeffer. (Search for Metaxas Obama on YouTube to view his talk.) Maybe the Lord will lead us to a pro-life victory through much prayer, fasting—and good humor.



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Arguing for Human Dignity in Bioethics & Public Policy: **A Reply to Wesley J. Smith**

W. Ross Blackburn

A man who has no assured and ever present belief in the existence of a personal God or of a future existence with retribution and reward, can have for his rule of life, as far as I can see, only to follow those impulses and instincts which are the strongest or which seem to him the best ones.

—Charles Darwin

In “The Bioethics Threat to Universal Human Rights” (*Human Life Review*, Winter/Spring 2011) Wesley Smith paints a sobering picture of where our modern world appears to be headed, as human beings increasingly are legally exploited for the “benefit” of others.¹ Unwanted infants are killed. Death is redefined so that the organs of the living can be legally removed, to be given to others. Children are conceived to be aborted, providing organs for adults in need of transplants. There is nothing fanciful about this picture, for behind each “vision” are bioethicists crafting arguments for these very practices—arguments that Smith contends will, if unchecked, undermine the basic principle of universal human rights. *How* we argue against them is therefore of paramount importance.

How do we argue that human beings are exceptional, and that all human life is worth protecting? For Smith, the argument is best engaged in secular terms, for two related reasons: “human exceptionalism does not require belief in a transcendent God” and to argue on religious terms “surrenders the field to human unexceptionalists.” The chief burden of Smith’s essay is that human exceptionalism not only can be, but ought to be, demonstrated from a secular perspective.

The following is a response, written principally for Christians, to Smith’s contention that effective public argument should be secular. I write as one who has a deep appreciation for Smith’s serious, persistent, and tough-minded work for many years in defense of the 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.

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Human Exceptionalism, Morality, and Secular Thought

Smith's central concern in his article is to ground human exceptionalism in secular terms. He justifies human exceptionalism chiefly in moral terms, giving examples of what makes us moral, mentioning rationality, creativity, abstract thinking, moral agency, and accountability. These characteristics, he argues, "*arise from our natures and are possessed by all of us unless interfered with by immaturity, illness, or disability*"² (emphasis original). He goes on to argue that "because our essential human natures do not change if we are injured or too young to fully express them, none of us should be denied equality."

While Smith is surely right to plead for human equality, notice how he couches his argument. Having defined human exceptionalism by a list of characteristics, he then argues for human exceptionalism even when those characteristics are (for reasons of "immaturity, illness, or disability") absent. Here Smith comes close to arguing in terms that he rightly rejects in others. Condemning "a distorted concept of personhood, in which that status is not viewed as intrinsic, but rather, must be earned by possessing minimal capacities, such as being self aware or able to value one's own life," Smith goes on to distinguish human beings from others based on the moral characteristics mentioned above. As Smith well knows, it is precisely when these characteristics are "interfered with by immaturity, illness, or disability" that many contemporary bioethicists deny human exceptionalism. But if Smith locates human dignity in moral capacity and character, how does he argue that humans are exceptional in the absence of those capacities that make us moral?

Smith answers this question in two ways: He asserts that our moral nature is intrinsic and also that we are members of the human moral community. Smith argues that a moral nature underlies its various expressions and sets humans apart. There is no reason to take issue in principle with either Smith's assertion that our human nature is intrinsic or his logic that this nature remains even if some of its expressions are absent. It is difficult, however, to see why this should ultimately matter. A squirrel, a flower, and a chimpanzee all have natures that are intrinsic to them, even under circumstances that do not allow the characteristics of each to come forth fully. This raises the question of why human exceptionalism is more important than floral exceptionalism, or the exceptionalism of a squirrel, a question to which we will return later.

Smith further seeks to ground individual human exceptionalism by arguing that our moral natures are rooted in human community. Here Smith quotes philosopher Carl Cohen:

It is not individual persons who qualify (or are disqualified) from the possession of rights because of the presence or absence in them of some special capacity, thus resulting in the award of rights to some, but not to others. Rights are universally human; they arise in the *human moral world*, in a moral *sphere*. In the human world moral judgments are pervasive; it is the fact that all humans including infants and the senile are members of that moral community—not the fact that as individuals they have or do not have certain special capacities, or merits—that makes humans bearers of rights.³

Yes, but *why*? To be sure, I agree with Cohen's point that we are members of a moral community, but fail to understand how it would compel a secular bioethicist who did not already agree with him. The crucial question goes unanswered: *Why* should specific individuals be considered members of the moral human community if they lack capacities that define that community? It is not enough simply to assert that all are part of the human community if they don't have certain characteristics that make them human. As we will see below, history is rife with people who made the opposite argument—that some were sub-human due to a lack of certain characteristics—and who would not be convinced by a simple assertion that they are wrong.

Furthermore, why must Smith's criteria for morality—including rationality, creativity, abstract thinking, moral agency, and accountability—be moral? What makes a creative being more important than one who is not? Is a being that thinks abstractly more valuable than a being that thinks concretely? On what grounds? Why would abstract thinking be intrinsically any more moral or important than the ability to fly? Arctic penguins go to astonishing lengths (literally) in treacherous conditions, some even giving their own lives, to ensure that their young survive—why are they not accorded moral status? Unless we can answer such questions, we are left with our own preferences. In secular discourse, the concept of morality can be no more fixed than a wax nose that can be manipulated and shaped by the one defining it. While one might not like the answer “thus saith the Lord,” it is hard to think that it is any less compelling than “because I say so.”

This raises an all-important point. How is Smith's secular argument different from a religious argument? In the end, Smith argues that all human beings are exceptional. Why? Well, because we are. To simply say that our natures are intrinsic does not answer *why* we are special. To say that we are moral does not answer why we are particularly important. 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.

Morality is always rooted in a vision of the greater good. If a certain act serves that greater good well, it is moral. If it does not, that act is immoral. The difficulty in our culture is that there is no consensus on what that greater good is, and therefore no consensus on the specific content and contours of morality. Whether one’s vision of that good is labeled religious or secular, in either case the true believer takes his vision of the good and seeks, to use a modern term, to impose it on others.

Evolution and Morality

This leads to a second difficulty in Smith’s line of thinking. Not only is a secular perspective as faith-based as a religious perspective, but a secular perspective cannot account for the morality that Smith argues makes human beings exceptional. For Smith, it matters not how we arrived at our moral status, only that we did arrive: “We, and only we, in the known physical universe, are hard-wired—whether through creation, intelligent design, or random evolution—to be moral beings.”

Smith gives three options that account for how we became moral beings: creation, intelligent design, or random evolution. How the moral nature of humanity derives from creation is clear—God, as a moral being, created mankind in his image. Intelligent design, as a scientific enterprise that does not claim to be able to identify the designer, nevertheless implicitly accounts for the moral nature of humanity in that man’s moral nature is part of the design, and therefore part of the designer’s purpose. Whatever differences may exist between one’s understanding of creation and intelligent design, neither has difficulty accounting for morality. How the moral nature of mankind can come from a random evolutionary process is another matter.

Scientific Difficulties of Moral Evolution

The difficulties random evolution has in accounting for morality are scientific, philosophical, and historical. To begin with, it has been notoriously difficult for evolutionary theory, as a scientific enterprise, to account for the moral character of humanity. Darwin, of course, sought to do so, citing our moral impulses as evidence of the benefit to a species of working together and looking out for one another. Yet, Darwin seems to have puzzled over how this worked, since the moral impulse to preserve the life of the weak actually worked to weaken the human race:

We civilized men, on the other hand, do our utmost to check the process of elimination; we build asylums for the imbecile, the maimed, and the sick; we institute poor-laws; and our medical men exert their utmost skill to save the life of every one to the last moment. There is reason to believe that vaccination has preserved thousands, who from a weak constitution would formerly have succumbed to smallpox. Thus the weak members of civilised societies propagate their kind. No one who has attended to the breeding of domestic animals will doubt that this must be highly injurious to the race of man. It is surprising how soon a want of care, or care wrongly directed, leads to the degeneration of a domestic race; but excepting in the case of man itself, hardly any one is so ignorant as to allow his worst animals to breed.⁴

Yet, in the very next paragraph, Darwin asserts that “if we were intentionally to neglect the weak and helpless, it could only be for a contingent benefit, with an overwhelming present evil.”⁵ The conflict is apparent, for Darwin concedes that the moral impulse which allowed humanity to survive, and thereby to evolve to our present state, is the same impulse that will lead to our degeneration. The conflict inherent in accounting for morality from an evolutionary perspective is apparent.

A good example of the scientific difficulty can be seen in the work of Harvard scientist and professor Steven Pinker.⁶ In a piece explicitly addressing how natural selection can account for altruism, Pinker writes,

The body is the ultimate barrier to empathy. Your toothache simply does not hurt me the way it hurts you. But genes are not imprisoned in bodies; the same gene lives in the bodies of many family members at once. The dispersed copies of a gene call to one another by endowing bodies with emotions. Love, compassion, and empathy are invisible fibers that connect genes in different bodies. They are the closest we will ever come to feeling someone else’s toothache. When a parent wishes she could take the place of a child about to undergo surgery, it is not the species or the group or her body that wants her to have that most unselfish emotion; it is her selfish genes.⁷

Perhaps the inability to see in these words (or in his larger article) a crisp, understandable, and scientifically compelling description of moral evolution is my problem alone. Nevertheless, several questions arise. How would a particular gene “know” to safeguard the wellbeing of that same gene elsewhere? Would not a man endowed with an altruistic gene seek the welfare of all, rather than particularly those who carry that same gene? If so, how does that help the survival of that *specific* altruistic gene? While it is readily granted that a particular gene is passed to others, genes *are* imprisoned in bodies, and can only survive if the organism itself, with its myriad of genes within and environmental challenges without, survives long enough to reproduce.⁸ That Pinker is compelled to describe the necessarily unintentional (evolutionary moral development) in language that is explicitly intentional (genes “calling” out to one another) is not only curious, but telling.⁹ Furthermore,

Pinker later credits evolution with the improvement of morality in our modern era. Never mind that the twentieth century was arguably the most brutal century in history, the fact that Pinker credits evolution with quite significant and noticeable improvement over a few short centuries is indeed strange to evolutionary thought, which normally insists upon millions of years for large-scale evolutionary change, not a number of generations that can be counted on two hands.

What *would* be scientifically compelling would be the discovery of a gene that makes us moral. Science has discovered much about genes, including genes that have very specific functions in any given organism. In fact, we know so much about genes and their specific functions that we can genetically modify plant, animal, and human genes, and reengineer them for specific, precise purposes. Despite the vast amount scientists have learned about genes, to my knowledge a gene that makes one moral, if it exists, is still unidentified. In the absence of this kind of hard, direct scientific evidence, Pinker's defense of the evolutionary basis for morality sounds more like an article of faith than the sober assessment of evidence that demonstrates that evolution accounts for our moral nature.

Theoretical Difficulties of Moral Evolution

Another problem with asserting that our moral character can be explained in evolutionary terms is theoretical, for evolution can account for neither human exceptionalism nor morality. How can human beings be exceptional according to evolutionary theory that insists that humans are *not* exceptional, but rather one stage in a process that does not have us in mind? All manner of questions arise. When did humans become exceptional? At what point did the moral nature of human beings become recognizably moral? Will the beings that humans evolve into at some distant point be exceptional as well? On what basis? What if their "morality" looks different than ours? Might we deem it immoral? If the process by which morality evolved was a process that is, by definition, amoral, then why do we attach such importance to morality anyway?

The problem, however, gets worse. How does one define morality? According to the story of Darwinian evolution, the process by which we evolved was a process where the strong survive and the weaker pass away. The very process by which we came into our moral nature is a deeply immoral process, at least by many standards of morality. If we arrived at our moral nature precisely because the strong survived (again, through an undirected, unintended process which must by definition be amoral), how can "morality" be anything else than the ability and/or will to survive? Smith decries

bioethicist Jacob Appel's hope to create a market where women could be paid to conceive children who would subsequently be aborted to supply organs for transplant patients as a chilling example of where bioethics is leading us. Yet, from an evolutionary perspective, how is this immoral? Are we not who we are precisely because some have found a way to survive, even at the expense of others? Even if altruism could be established as a product of human evolution, morality moves in the realm of *ought*. It is one thing for evolution to describe human beings as they are, it is quite another to suggest that evolution prescribes how humans should be.

Historical Difficulties of Moral Evolution

The final problem of an evolutionary account for morality is historical. Enough time has passed for us to be able to assess, at least in part, the impact of evolutionary thought on morality from a historical perspective. Perhaps the most notable example in recent American history is the debt that the eugenics movement owed to Darwinian thought. As John West has recently demonstrated, the eugenics movement, which led to the widespread practices of forced sterilization and abortion on demand, was largely promoted by scientists influenced by Darwinian evolution, who supported programs designed to discourage the reproduction of the unfit so that the human race would grow increasingly strong and able. West quotes Harvard biologist Edward East:

Nature eliminates the unfit and preserves the fit . . . Her fool-killing devices were highly efficient in the olden days before civilization came to thwart her. It is man, not Nature, who has caused all the trouble. He has put his whole soul to saving the unfit, and has timidly failed to do the other half of his duty by preventing them from perpetuating their traits.¹⁰

Notice how East's line of thinking conforms to the process of natural selection. Further, and more important, notice how his understanding of natural selection informs his moral vision, as natural selection lays upon man the moral duty to prevent the unfit from having children. Traditional morality is turned upside down: A society seeking to protect the vulnerable causes trouble if it fails to carry out its corresponding duty to deprive those very people of the ability to bear children. This kind of thinking led to over 60,000 forced sterilizations in the United States in the 20th century.

Further along this road is Nazi Germany. While Smith is wise to insist elsewhere that we be careful about how we link some contemporary bioethical thought to Hitler, it is nonetheless well established that Hitler was deeply influenced by Darwinian thought. For example, consider Hitler's words from *Mein Kampf*. Disparaging "the sheer craze to 'save' feeble and

even diseased creatures at any cost,” Hitler writes that “vengeance will follow sooner or later” and the will of Nature will prevail:

A stronger race will oust that which has grown weak; for the vital urge, in its ultimate form, will burst asunder all the absurd chains of this so-called humane consideration for the individual and will replace it with the humanity of Nature, which wipes out what is weak in order to give place to the strong.¹¹

For Hitler, several factors converged: an understanding of human struggle that saw the conflict between species as conflict between races, a belief in the superiority of the so-called Aryan race and the attendant commitment to its preservation and promotion, and a thoroughgoing anti-Semitism. But notice the similarities between Hitler’s words and Darwin’s own. Describing how he believed evolutionary “gaps” widened over time, Darwin predicted that:

At some future period, not very distant as measured by centuries, the civilised races of man will almost certainly exterminate, and replace, the savage races throughout the world. At the same time the anthropomorphous apes, as Professor Schaaffhausen has remarked, will no doubt be exterminated. The break between man and his nearest allies will then be wider, for it will intervene between man in a more civilised state, as we may hope, even than the Caucasian, and some ape as low as a baboon, instead of as now between the negro or Australian and the gorilla.¹²

For Darwin, one race exterminating another was part of the evolutionary process. The inherent racism apparent in such a position (Darwin here asserts the racial inferiority of the “negro” and the aboriginal Australian) clears the way for an evolutionary justification of the extermination of one race by another. To be clear, this does not mean that Darwinism inevitably leads to death camps, or that Darwin personally encouraged any such oppression of one race by another. Nevertheless, Darwin describes this process as inevitable, even natural. It is therefore very appropriate and historically responsible to acknowledge the influence of Darwinian ideas upon a Nazi ideology that led to the mass extermination of a people.

We can look at the historical impact of evolutionary thought from another direction. If, for the sake of argument, we dismiss any connections between eugenics, Hitler, and Darwinian social thought, we can still ask the following: Has any humanitarian movement been explicitly grounded in evolution? Here it is instructive to return to Pinker. In making his case for the evolution of human morality, Pinker lays down the following challenge:

Any understanding of human morality has to explain the moral progress that has taken place over the millennia. Customs that were common throughout history and prehistory—slavery, punishment by mutilation, execution by torture, genocide for convenience, endless blood feuds, the summary killing of strangers, rape as the spoils

of war, infanticide as a form of birth control, and the legal ownership of women—have vanished from large parts of the world.¹³

There are two problems with Pinker's assertion. First, it is far from clear that mankind has made any moral progress whatsoever. Pinker's claimed indications of moral evolution in fact suggest that he is unaware of the devastating moral tragedy of the 20th century (which includes every crime he mentions above). In any event they do little to convince anyone with even a cursory knowledge of what is happening in the world that things are much better. Second, Pinker fails to give evidence for his assertion that evolution accounts for moral progress in specific instances. For instance, Pinker says slavery has been eradicated in large parts of the world. True enough, and we indeed should be profoundly thankful that African slavery in America no longer exists as it once did. However, I know no historian who argues that abolition is a sign of evolutionary progress. Most historians point not to natural selection, but to people like William Wilberforce, the English Member of Parliament who relentlessly fought for the abolition of the African slave trade, or Harriet Tubman, the former slave who helped hundreds of fellow American slaves to escape. Both of these, laboring at great personal cost, were explicitly and powerfully motivated by their Christian faith. In the end, Pinker's assertion that evolution accounts for moral progress is simply that, an assertion. And his challenge of accounting for moral progress in specific instances (e.g., the African slave trade) is easily met.

Along these lines, Smith's insistence that we must argue from a secular standpoint in matters of public policy fails to appreciate how public policy has been radically impacted by those with sturdy religious (usually Christian) commitments. Smith of course is aware of this, for he credits the beginnings of the modern bioethics movement to Christians: "The most prominent leaders of these efforts were inspired by a robust Christian faith and a strong adherence to the sanctity/equality of human life." This has also been true in other areas that deal with human exceptionalism. To return to slavery and its denial of human exceptionalism, the abolitionists had no difficulty whatsoever in appealing to God as the creator of all men, who were made in his image. The civil rights movement was likewise largely animated by Christian thought.

Arguing for Human Dignity in Public Discourse

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. We are indeed far more secular as a country than we were during the Civil War or the Civil Rights Movement. As Smith suggests, to fail to recognize

this shift in public thinking would be foolish. 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. How then can Christians defend human dignity in the public arena without tying one hand behind their back? What might public argument look like in an increasingly secular culture? I want to make two suggestions.

First, we can ask questions. We might begin by asking questions *of ourselves*. For too many of us, our cultural instincts suggest that we must defend our Christian position (hence the popular term “defend the faith”). The underlying idea, real if often unarticulated, is that we live in a world of reasonable secular discourse, and therefore we hope that Christian thought can be viewed as reasonable as well. Yet on what grounds do we assume that secular reasoning is any more reasonable than Christian thought? Is an understanding of the world based on God less reasonable than an understanding of the world based upon not-God, or atheism? The assumption that Christian presuppositions must be defended has the unfortunate effect of placing the burden of proof on the Christian, a burden that Christians often too readily accept. And, as we all know, it is difficult to fight from one’s heels. Instead of acquiescing to the implicitly held notion that Christian ideas are based on faith, while secular ideas are based on rationality, we should make it clear that *everyone* reasons from faith, from presuppositions which cannot be proven but are held nonetheless. Such questions counter the defensive posture that many Christians reflexively take when confronted by rules of secular argument, and free us to think more clearly, creatively, and boldly.

We might also ask questions of those who deny human dignity, questions that we likewise should be prepared to answer ourselves: “What is your view of the good to which we should direct ourselves? From where do you get this vision of the good? Should public policy seek to realize this vision? In so arguing, aren’t you seeking to impose your system of beliefs upon others? On what grounds?” Such questions can push a secularist to acknowledge and articulate the presuppositions that inform his vision of the good, moving the argument into a realm where ideas can be exchanged and debated and fought for without being pigeonholed and then dismissed as “religious.” After all, we should not privilege an idea because it is secular, but rather because it is compelling.

For instance, we might ask Peter Singer, who has advocated for infanticide in certain circumstances because infants lack certain capacities, these questions: “If we allow a mother to kill her child at 3 months, can we kill him at 3 years? How about at 13 years? What problems will be solved and what positive good will be promoted if we embrace such killing?” We might

ask Jacob Appel, whose vision of the future includes exploiting the organs of the vulnerable for the sake of the healthy, “What is your vision of a just society? Can this vision be realized in a world where some human beings are used for the benefit of others? In the end, how will it be decided who is used, and who benefits? The desires of the powerful? Majority vote? Those who can afford it?” Bioethicists should have answers to these questions, and the answers will be telling. And even if answers are not forthcoming, well-placed questions go a long way toward exposing such positions for what they really are. When we don’t ask pointed and specific questions, proposals like Appel’s can actually be spun to sound generous. After all, how can any caring person object to doing whatever we can to save sick people in need of liver transplants?

Second, and most important, we speak truth. I realize that such a statement violates both the canon of post-modern thought that sees truth claims as a power grab and the secular mindset that acknowledges truth only in the material. And of course not everyone will accept the truth. Truth is polarizing. People fall to one side or the other. But that may not be a bad thing. One of the problems with the pro-life movement today is that too many of us are caught in the middle. How else can we explain that roughly 50 percent of Americans in recent polls declare themselves to be pro-life, and yet we don’t see 50 percent of our country in a principled and intentional effort to ensure that life is legally protected? Could it be because Christians have not been sufficiently clear that mankind is made in the image of God, that loving God means loving His image (our neighbor—particularly the vulnerable). Would some of these be moved by the reflection that God will not forever tolerate the shedding of innocent blood, or the Christian community’s silence/luke-warm disapproval that is complicit in such bloodshed?

St. Paul provides a good example of presenting truth while engaging a non-Christian culture in Acts 17:15-34. Finding himself in Athens, a city full of philosophers and ideas, Paul went to both the synagogue and the marketplace to reason with the Athenian people—both Jewish and non-Jewish. The manner in which Paul argued is instructive, particularly as he engaged the Athenian philosophers. He referred to their own cultural and religious forms, citing their altar to an unknown god, and quoting their own poetry to make his case that God desires them to know Him. Paul did not reject everything in the thought of the Athenian philosophers. Actually, he showed a great deal of respect as he engaged their philosophy. But he engaged it critically, proclaiming what they did not know—that God created the heavens and the earth, and was calling for repentance; that God had appointed a man who will judge the world, a man whom God raised from the

dead. As we might expect, Paul was mocked by some when he proclaimed Jesus' resurrection. But look at the wider response: Although some mocked him, some wanted to hear more, and some believed (17:32-34). Paul accomplished this by perceptively engaging the culture to which he spoke, while not surrendering to their way of thinking. He offered something better.

A final argument: If Christians argue in a manner that suggests that God is irrelevant or optional, we tacitly participate in and contribute to the very atmosphere that has led to the increasing denial of human exceptionalism in our world. Coming from the Soviet Union's massive denial of human exceptionalism, Alexander Solzhenitsyn warned that the denial of God and the attendant rise of materialism would lead to the destruction of freedom in the West.¹⁴ Solzhenitsyn had experienced firsthand the fulfillment of Dostoevsky's prophetic warning that, in the absence of God and any future life, "nothing would be immoral any longer, everything would be permitted." This is exactly where we are now. And we will not reverse the drift of our culture by continuing to travel the road that has led us here.

Thankfully, truth has a rich history of overcoming. But the truth that overcomes is not simply presented in argument. It is spoken in grace, and embodied in love. In the end, if we love God, we will love His image, and that includes our neighbor, even the neighbor who denies human dignity. This is what made the public argument of Martin Luther King so powerful. Insisting that the civil rights movement not return like for like, but that the oppressed love their oppressors, King explicitly sought to ground the movement in the vision of the Bible. Echoing John the Baptist, King called America to a vision of the greater good, a greater hope:

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plains, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. This is our hope.

Much of what Smith writes is right, and we do well to heed his warning. Bioethics is not a hermetically sealed discipline. Universal human rights really are at stake. Knowing that ideas have consequences, Smith rightly calls for believers in human exceptionalism to argue as effectively as possible. But we cannot be effective by sidelining truth. God need not always be on our lips. The church argues well when she proclaims that man is exceptional because we are made in the image of God, and therefore to be protected. She also argues well when she proclaims that in Christ Jesus there is forgiveness for the sinner, for there are many who deny human exceptionalism, not because they have a well thought-out worldview, but because they feel guilty about their involvement in taking the life of another,

and seek to conceal from themselves the seriousness of what they've done. The word of grace that the secular world can never speak may well open minds that would otherwise remain closed. The church's effectiveness—her power—lies in her faithfulness to the truth. And this battle needs power. Is it an overstatement to believe, with Solzhenitsyn, that “one word of truth shall outweigh the whole world”? The impulse to argue in a secular fashion is understandable. Effectiveness is important. But for Christians to argue on secular terms as if God is irrelevant drains the church of her authority, and will ultimately render her ineffective. In the end, universal human rights proceed from God, and therefore are God's concern. Protecting the vulnerable cannot be done effectively without reference to Him.

NOTES

1. Wesley J. Smith, “The Bioethics Threat to Universal Human Rights,” *The Human Life Review* 37:1, 2 (Winter/Spring 2011): 63-72.
2. *Ibid.*, 68, emphasis original.
3. *Ibid.*
4. Charles Darwin, *The Descent of Man* (London: J. Murray, 1871), 168.
5. *Ibid.*
6. Thanks to Justin Arnold, friend and graduate student in Biology at Appalachian State University, for his insightful comments concerning Pinker's thought.
7. Steven Pinker, “Evolution and Ethics” in *Intelligent Thought: Science Versus the Intelligent Design Movement*, ed. John Brockman (New York: Vintage Books, 2006): 146.
8. The priority of the gene in natural selection is challenged among evolutionary biologists. See, e.g., Stephen Jay Gould, *The Panda's Thumb* (New York: W. W. Norton, 1980), 89-92, where Gould critiques Richard Dawkins' contention (to which Pinker is indebted) that the unit for selection is not the individual, but the gene.
9. Gould, *The Panda's Thumb*, 90, defends the language of intent as metaphorical shorthand.
10. Edward M. East, *Heredity and Human Affairs* (New York, Charles Scribner's Sons, 1927), 311, quoted in John West, *Darwin Day in America* (Wilmington, Delaware: ISI Books, 2007), 129.
11. Adolf Hitler, *Mein Kampf*, Chapter IV (Gutenberg.net.au/ebooks02/0200601.txt).
12. Charles Darwin, *The Descent of Man* (1871 edition, J. Murray, London), Part I, Chapter VI, p. 201. Schaaffhausen citation omitted.
13. Pinker, “Evolution and Ethics,” 148.
14. See Solzhenitsyn's 1978 Harvard commencement address.

Of Kangaroos and Kings

Donald DeMarco

Antiques Roadshow is a popular TV program that features nothing but happy endings. People bring various artifacts of unknown value for expert appraisal. Invariably, these experts, who have astonishing knowledge in their respective fields, appraise these objects—that were gathering dust in someone’s attic or basement—at very high prices. The owners, who always underestimate the value of their wares, are predictably delighted when apprised of the lofty market value of their items. In fact, there appears to be a direct proportion between the value of the artifact and the delight of the owner.

Now, I have a fantasy in which I appear on *Antiques Roadshow* under the pretense of being an expert appraiser. But the guests are my ethics students of long ago who had been unduly influenced by secular trends. I try to explain to them, one by one, that who they are as human beings is far more valuable than what they have, enunciating the moral principle that “being” is more important than “having.”

And so, instead of appraising their possessions, I appraise them. I inform my erstwhile students that they are more precious than diamonds, that they were created by the greatest Artist of them all, and that they possess an immortal soul. Alas, my exalted appraisal does not delight them. As a matter of fact, it actually saddens them.

They explain, in turn, that they are really products of chance, descendents of apes, and destined to peaceful oblivion. They reject my high appraisal of them, preferring to believe that they evolved from slime, have little intrinsic value, and are heading for nowheresville.

The philosophies of Charles Darwin, Karl Marx, Jean-Paul Sartre and other low evaluators of the human being danced through my mind. My poor misguided students, I thought to myself. They never acted this way when they received high grades. An A paper was always regarded as higher and more happiness-inducing than an F. Curiously, however, they preferred an F grade for themselves as individual human beings rather than an A. Perhaps their low self-evaluation helped to explain their exaggerated enthusiasm for good grades. They had seemingly emptied themselves into their possessions.

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“What is man that God is mindful of him?” asked the Psalmist (Psalm 8:4). Man must be rather special in order to be a genuine concern of God. Doesn’t God have better things to think about? Christianity goes further. By becoming human, Christ greatly ennobles all of humanity. His Passion proves that man is worth suffering and dying for. Man’s inherent value is beyond reckoning.

Yet, my students rejected this Biblical view of man. “That’s all based on faith,” they said. “We are into science now and listen to what scientists tell us.” It does not seem to bother them that they are either listening to the wrong scientists or capitulating to pseudo-scientists. The fact that faith and reason are harmonious does not interest them.

I turned to the master of all literary humanists, William Shakespeare, and cited his glorious description of man from Act II, Scene 2 of *Hamlet*:

What a piece of work is man! how noble in reason! how infinite in faculty! in form and moving how express and admirable! in action how like an angel! in apprehension how like a god! the beauty of the world! the paragon of animals! . . . the quintessence of dust.

But it was to no avail. “Shakespeare has to be deconstructed,” my students, now turned teachers, glibly informed me. Western tradition had passed and my ethics students were now card-carrying members of a brave new world. Besides, they had read and absorbed behaviorist B.F. Skinner:

To man *qua* man we readily say good riddance. “How like a god!” said Hamlet. Pavlov, the behavioral scientist, emphasized, “How like a dog!” That was a step forward.

Evolution, Materialism, Deconstructionism, and Behaviorism are the new “Four Horsemen,” but heading the world, nonetheless, like the Four Horsemen of the Apocalypse, to the same perdition. We could add other “isms” that conspire to downplay the dignity of man. The modern age communicates a gloomy message: Man is a statistic carried by time’s swift arrow from womb to tomb. “Man has very few friends in the world,” mourns Abraham J. Heschel in his book, *Who Is Man?*, “certainly very few in the contemporary literature about him. The Lord in heaven may prove to be his last friend on earth.”

My fantasy show ended. I pondered the conundrum that recurred so many times during my teaching career. Why do students (or anyone else for that matter) praise their possessions so highly and themselves so lowly? And then, the answer occurred to me. We expect much from those to whom much has been given: the loftier the being, the greater the responsibility. Are we up to the great responsibilities that come with our lofty nature? Perhaps the

weight of our glory seems too heavy for us to bear. Then, we shed our awesome responsibilities by devaluing our nature and placing our hopes in our possessions.

Man has long suffered from his persistent ambiguity about himself. “Am I a monster more complicated and more furious than the serpent of Tryphon,” asked Socrates, “or a creature of a gentler and simpler sort, to whom Nature has given a divisive and quiet lot?” (*Phaedrus* 230). The following assessment of man appeared in pre-Nazi Germany and was frequently quoted: “The human body contains a sufficient amount of fat to make seven cakes of soap, enough iron to make a medium-sized nail, a sufficient amount of phosphorous to equip two thousand match-heads, enough sulphur to rid one’s self of one’s fleas.” We note, once more, a declaration of the Psalmist: “I am fearfully and wonderfully made!” (Psalm 139:14). Is man mystery or chemistry?

The essence of this ambiguity turns on the difference between “a human being” and “being human.” The former is open to a broad spectrum of interpretations. Whatever the particular interpretation, however, the human being comes to an end in death. Being human, on the other hand, comes to an end through a process of dehumanization. The adjective “humane” is most instructive. It specifies a certain moral conduct that is consonant with being human in the proper, moral sense. Our actions are “humane” when they express kindness, mercy, and compassion. When a human being behaves humanely, we mean that he is being human. It is possible, then, to lose one’s sense of being human through dehumanization, and still be a human being. Nonetheless, though still a human being, one may be said to be an “inhuman” human being whose actions are “inhumane.”

The negative prefix that appears in both “*inhuman*” and “*inhumane*” attests to man’s divided nature. But it also suggests that man exists on the horizon of temporality. A human being may become more humane or more inhumane over time, depending on his actions. “Human being” is a static notion. In the realm of the living and acting person, one is confronted with either a process of humanization or dehumanization. As humanized, people create a humanitarian spirit or a shared humanity, as essayist Joseph Addison noted long ago: “Half the misery of human life might be extinguishable if men would alleviate the general curse they lie under by mutual offices of compassion, benevolence, and humanity.”

A vase from the Ming Dynasty will always be exactly what it is (as long as it is intact). It is a static entity and contains no inherent potentiality to be other than it is. It cannot become “invase” any more than a fish can become “infish.” Human beings are routinely valued in relation to their failures:

“Well, he’s only human”; “To err is human”; “That’s human nature for you.”

Thus, we are faced with the conundrum of how to evaluate man. Should he be evaluated in terms of his inherent dignity that gives him the potential for achieving great things? Or should he be evaluated according to his abysmal track record? Nonetheless, we should not ignore the fact that of all things in this world, only human life is called sacred.

The unborn human has a future and a destiny. We should all know this. But we need to be whole or humane to know this clearly. When a woman is “expecting,” the expectation refers to the time of delivery. When will the baby arrive? Though she is uncertain of the time of delivery, she is not uncertain about the kind of being that will be delivered. She knows it is a human being and treats it as such. Her expectation is more certain than her hope. She may hope for a healthy child, or a boy or a girl, but she expects to hold a human being in her arms.

In this regard, philosopher Robert Spaemann has made a most insightful observation: “The very way in which the baby becomes a man implies that one *must* consider him from the beginning as a human being, and not as a thing. If an educator were to treat him as a thing until the first sign of rationality appeared, these first signs would never manifest themselves. Man has the right to enjoy in anticipation the *credit* of humanity.”

We view each other properly and justly only when we see each other in the context of the space-time continuum. We are, all of us, going someplace or becoming something. What we are in the moment is a mere paragraph in our life’s long biography. Premature extinction is not good for anyone’s future. The use of mere intelligence can be greatly circumscribed. Intelligence tells us that the unborn child does not act or look like a mature adult. But intelligence does not always possess a vision of the whole. As Antoine de Saint-Exupéry has famously stated in his charming morality tale, *The Little Prince*, “It is only with the heart that one can see rightly, what is essential is invisible to the eye.” Analytic intelligence is to the intuition of the heart what a laser beam is to a floodlight.

My thoughts returned to my *Antiques Roadshow* fantasy. If the high evaluation I gave to my students could be so easily rejected, how could I ever proceed to a positive evaluation of the unborn child that one of my female students might be carrying? If pro-abortion obstetricians could only be as generous in their appraisal of an unborn child as a *Roadshow* expert is in his appraisal of an antique artifact! It seems to me that the low evaluation of the unborn today is a direct result of contemporary man’s low evaluation of himself. If modern man is not much, his progeny will not be much either. Like begets like; lowliness begets lowliness.

But man is capable of dispossession, the ability to turn away from his own nature and the destiny that nature implies. Søren Kierkegaard referred to this phenomenon as “despair of defiance.” This type of self-estrangement is not found among beasts. Consider the kangaroo. This species is not regarded as particularly intelligent. Yet, the mother knows the value of her offspring. In the unhappy instance when she is being pursued by a dingo, she knows that she will not escape her ferocious predator. Before she becomes a meal for her pursuer, she will take her offspring from its pouch and fling it away to safety. She believes, somehow, as only kangaroo mothers can believe, that her baby has a future. Her belief is fully validated by the fact that it often happens that Aussies traipsing through the woods find the abandoned joeys and adopt them as pets. The mother kangaroo is never alienated from her nature as a kangaroo.

It is true, of course, that maternal kangaroos are not subject to being bamboozled by the media into thinking that they are not mothers or that they can outrun the dingo or that their offspring are neither valuable nor kangaroos. They simply hold fast to who they are. Self-estrangement is unknown to the kangaroo. They are comfortably out of the reach of the mass media, which, as George Ainslie states in his book, *Picoeconomics*, “impoverish a society in the same way as drugs and other addictions, by draining away more attention than they return.” The media have the curious power of convincing us that we are what we are not.

When the Belgian Parliament approved a more liberal abortion bill, King Baudouin abdicated his kingship, though just for a few days, rather than add his signature to the bill. His selfless act, however, was not merely symbolic. Many citizens of Belgium wrote letters to their king commending him for his courageous support of unborn human life. The King’s secretary, who was assigned the task of dispatching letters of thanks to his supporters, was, at that time, planning to abort her own child. Reading the many glowing tributes to her King and to the dignity of unborn human life, however, led her to change her mind (or should we say “heart”?). One might say that she was restored to her human nature.

A king and a mother kangaroo, we dare say, have two important things in common. They *oversee* life while at the same time they *underlie* it. In his treatise on *The Governance of Rulers*, St. Thomas Aquinas states the following: “The idea of king implies that he be one man who is chief and that he be a shepherd who seeks the common good of the multitude and not his own advantage.” Aquinas, needless to say, is referring to a king in his proper calling, that is, one who is a servant as well as a sovereign.

Nicholas Charles Edward Jonathan Windsor, the youngest child of the Duke and Duchess of Kent, and the great-grandson of King George V, cannot become King of England. He forfeited that right when he was received into the Catholic Church in a private ceremony in August 2001. Yet, his attitude toward the unborn is kingly in the sense that Aquinas has outlined. In an article entitled “Caesar’s Thumb” that appeared in *First Things* (December 2010), he had this to say about the present abortion situation: “This is a historically unprecedented cascade of destruction wrought on individuals: on sons, daughters, sisters, brothers, future spouses and friends, mothers and fathers—destroyed in the form of those to whom we owe, quite simply and certainly, the greatest solidarity and duty of care because they are the weakest and most dependent of our fellow humans.”

The two great challenges for every human being are these: How do I discover my humanity, and how do I maintain it? We must not undervalue who we are. We are, indeed, noble creatures who have an important and inviolable destiny. Culture, however, abounds with voices that lead us astray. Only in knowing who we are will we be in a position to know what we should do. The temptation toward an easy life is strong and ever-present. The Eleventh Edition of no less an authoritative voice than the *Encyclopedia Britannica* states that “Man is a seeker after the greatest degree of comfort for the least necessary expenditure of energy.”

These two fundamental challenges—finding and preserving one’s humanity—have great bearing on the issue of abortion. It becomes less and less likely that someone can value the unborn if he does not value himself. We can be just to others only by first being just to ourselves. We are, indeed, creatures made in the image and likeness of God. We should not buckle under that weight of glory.

From the Archives:

The Aborting Community (1982)

Susan Austin

“The lady’s daughter died drinking milk.”

-OLD INDIAN PROVERB

Today a woman has not conceived a child until she has decided not to abort it. True, she may carry within her a mass of protoplasm with a unique chromosomal structure, exhibiting independent sensations, reactions, movement, and will; but there can be no question of this being a human being until, with godly power, she makes it so by her solitary word. To the relief, no doubt, of Justice Blackmun, who wrestled so vexingly with the question of when life begins, the answer has proved amazingly simple: When, like Darius lifting his golden sceptre to Esther, the gravid woman has signified her royal pleasure that the worthless intruder be not destroyed, at that very moment the mole, the tumor, the sticky mass of tissue becomes a radiant soul worthy of honor, medical care, and protection from nuclear power plants. But if she fails to lift the sceptre . . . her word of yea or nay is certainly hers alone, and if not divine, at least divinely powerful. And because it is exactly her right to privacy that is deemed so deep, so all-conquering, so crucial to her humanity that it surrenders into her hand the power of life and death over her most helpless dependents, it is correct in a certain sense to call her *fiat* a private choice. Nevertheless it is absurd to say that she chooses privately. Behind her solitary will stands a community, the great Leviathan of which she is a member; and just as the result of her choice will filter through and influence the whole body, so the moods and reflections of the whole body will reach down and affect her choice. It is impossible that it should be otherwise: That she is in the position to make the choice at all is an affair of the whole community, including the Supreme Court. Furthermore, she has been reared by the community, has read its books and listened to its gossip; she knows what her friends think and what the woman’s movement thinks; she has heard of doctors and seen children in the grocery store. We can be certain that she is not a Carthusian hermit, since unaided parthenogenesis is not characteristic of our species.

The advice, hints, and reflections of her community, then, make up the fabric of her choice. This is so in almost everything she does—the community is always ready to have its say—but never so quickly as in this gravest

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of all matters, the question of which of its members should live and which should die. No community is willing to allow murderers to stalk freely through it, but, curiously enough, every community seems to have certain killings on which it turns a blind eye. The one slayer puts himself outside the gates of the city; the other remains a respectable citizen. Our aborter belongs to this latter class; the choice to kill is less privately hers than the choice that motivated Cain. Of course it is hers in the end: We are equally children of Eve together, and the community does not require her to kill her offspring. But merely telling her that she may do so with impunity has an enormous and incalculable influence on her.

Consider this: Medea, to kill her children, needed a huge and passionate spirit, capable of deadly hatred for their father; she needed a wild and determined soul; she needed a great capacity for jealousy; she needed madness to spur her on. “One indeed, one of the women of old time I hear laid her hand upon her children, and the miserable woman flung herself into the sea because of the impious murder of her babes. What, then, what could be dreadful after this?”¹

But to expose a weakly child on the hills of neighboring Sparta took no Medea, no great and mad soul. Every woman was capable of this act because it was a matter of public policy.² In Carthage the sacrifice of perfect male babies was considered a worthy and acceptable appeasement of their god.³ In India the suffocation of girl-babies was deemed by certain Rajputs an economic necessity because of the crushing expense of the weddings given by custom for high-caste women. Though the Vedas condemned it, public opinion sanctioned it, not as right in principle but as expedient and necessary.⁴

These deeds were not done by Medeas—they were done by ordinary fathers and mothers given heart for the killing by the approval of the collective spirit around them. So with our prolicides⁵ today. They are not spectacularly wicked souls, filled with divine madness. On the whole, as we all admit, they are perfectly ordinary and trying to be if not good, at least acceptable. They kill because no one they know calls it killing. Hence the great souls in our community are the ones who confront their Down’s Syndrome babies and hang on. The ones who give up and kill them without ever facing them are neither great nor rare.

The community has explained abortion to its members as a form of *triage*. Triage is a grading of evils, a choice between damnable things. Even Good Samaritans must exercise triage at an accident scene where, for example, a schoolbus has gone over a cliff. If there are twenty injured and dying children it is manifestly impossible for one person to help them all. Some

may be safely left without help; some must be abandoned to die. Triage is the choice of whom to help, whom to leave, whom to abandon.

This is how abortion appears to its friends in our community. In an ideal world we wouldn't *need* abortion (when will they invent the perfect birth control?), but since nothing is perfect abortion is an indispensable back-up tool. Without it we are cursed with a Bridge of Sighs from which suffering pregnant women leap to their deaths. We have grinding poverty, with too many mouths to feed; we have horribly deformed children with unbearable needs and no compensations; we have the mental insanity of rape victims carrying around the burden of unspeakable crimes against their bodies; we have children barely pubescent, incapable of motherhood but about to become mothers anyway. Against the weight of these horrors we have only the value of a few cells, hardly anything at all. No one claims that abortion is wonderful, but isn't it better than the alternative?

Experience confirms that the reasons are often more trivial. "I don't feel ready for a child." "I don't want to fall behind in my career." "I already have two children." "I don't want this child." (Imagine complacently suffocating a newborn child for such a reason.) Yet even here the community treads gently. It is deemed a rudeness to question the intensity of someone's suffering. Truly indeed, as we ought to remember with humility, principles are easiest when they are not put to the test (and every day we pray not to be tried too hard). "O the mind, mind has mountains; cliffs of fall / Frightful, sheer, no-man-fathomed. Hold them cheap / May who ne'er hung there."⁶ Only the stony-hearted or self-righteous, with their feet solidly on the ground, will question the sincere sense of trial and necessity that impels someone to do something which, after all, costs money, hurts, and is fraught with the danger of nagging doubts and regrets.

Nonetheless we may question the collective spirit of the community which sets the threshold of unendurable suffering so low while offering no support to those who really suffer and want to hang on. Just as the Rajputs truly suffered economic hardship from rearing their girl babies, and could not see any way out but by killing them, so members of our community suffer mental hardship from carrying their babies to term and are truly blind to any other choice but killing. All but the large and eccentric souls are willingly enslaved to custom and community opinion.

In our collective body, to bear and rear children is now often considered trivial and even degrading work; it has become our custom to find our satisfactions outside the home, and we talk of being "trapped" by our children. How incomprehensible this would be to communities which consider their children to be that for the sake of which all else is done! How incredible to

the Hebrew who sang that children are like arrows in the hand of a warrior: "O the happiness of the man who has filled his quiver with these arrows!"⁷ To Hannah, to Mary, being a childless woman would be like a dry river or a cold sun. But *we* have turned their songs into empty babble.

Nowadays there is even a sense of shame about being pregnant, especially among women with more than one or two children. Young parents announce the good tidings of great joy with some bravado as if they are outfacing the world's tacit disapproval. There is a general feeling in the air that having babies is irresponsible, like pet owners refusing to have their dogs and cats neutered.

In this atmosphere abortion has become more than the acceptable, if hard, choice. It tends to become a positive duty with a good countenance. There is no shame in admitting to an abortion (imagine, however, saying at your next party: "I saw that my newborn baby was going to take up too much of my time, so I sliced her in pieces and swept her up with a vacuum cleaner"). Abortion bears a certain glow of strength, liberation, bravery about it. We speak about it as if it is best even for the children who die. It is a social necessity as well; otherwise the greater need for welfare payments, school lunch payments, medicare payments, and all those other payments would certainly crush the collective body. In fact we have gone the limit of piety and discovered that abortion is the most loving thing we can do for our children: better not to see the sun at all than see it through a curtain of tears, poor toads. Like the Indian mothers who wept as they smeared poison on their breasts for the child to suckle, we bravely grit our teeth as we offer up our own children to the knife or the bath of acid, convinced that we can do nothing else.

Can we do nothing else?

When anyone talks about changing the spirit of the community that makes abortion so feasible and so glorious, the first thing he usually means is to change the laws. And of course the first rebuttal eagerly advanced is a vivid picture of a nightmare of illegal abortions. To make this mode of killing against the law will not suppress it but only make it unsanitary, and the blood of thousands of hemorrhaging and infected women will be held to our account.

This rebuttal is partly true and partly not true. Not true because to make a thing illegal is always a step towards suppressing it. Even a law imposed from without can help to end an evil, just as, for instance, the law imposed by Britain on the Rajputs preserved the life of many girl babies in the north of India.⁸ And a law can also be a clear announcement of what is acceptable

behavior and will have a significant influence over those who are more led by, than leaders of, the community.

But of course it is also true that abortions will not stop just because they are illegal, since lawbreakers are always with us. Just as people continue to beat their born children, they will continue to kill their unborn. By the nature of things an unborn child is the most dependent of all creatures: He needs someone else to supply him with not only food and warmth, but breath itself—“My more than meat and drink, / My meal at every wink”⁹—the oxygen without which he is within minutes the mere mass of cells that his killers have named him. By the nature of things he is dead without his mother and if she repudiates him, what is he to do? And what law can restrain a mother who is bent on repudiating her child? Only the most severe laws, the most vigilant eavesdropping and strict restraints could keep alive beings so frail and so unloved.

Thus a change in the law is not enough but must go along with a change in the spirit of the community, so that the members come to see that killing is not the best way of coping with infants, and so that they look back to the barbarian time of abortions with the same shudder with which we look back to the time of the burning babes in Carthage.

There was a concept in Roman Law called *boni mores*, which is defined as the restraint by public condemnation of the ruthless and unnecessary exercise of a legal right. Thus, for instance, the paterfamilias could legally kill any of his dependents who annoyed him but *boni mores* kept him from doing so.¹⁰ The same weapon can be used against abortion while laws are slowly being changed, declared unconstitutional, and changed again.

Thus the attitude of the community can be a buttress against sufferings caused trivially, and even against those caused by graver problems. We can usually bear what our collective body thinks we can bear. One example is the sufferings of women during labor and childbirth. Scarcely a generation ago our doctors worked so hard to relieve that suffering that they produced the Twilight Sleep; nowadays, a woman who has to be anesthetized for a forceps delivery feels that she has been cheated out of a tremendous experience. What has changed? Not the fierce sensation of uterine muscles tightening: only now we call them contractions and then they called them pains. In fact, with the whole support and approval of the community backing her up a woman in labor can sometimes not only endure but transcend pain, even to the stage of ecstasy.¹¹

If public opinion would no longer call children “the products of conception” but regard them as “living flames,” how many would fall before the blade of a curette?

Even now, in fact, there are arbiters of *boni mores* at work restraining people from this ruthless and bloody legal right. The nation has a conscience; there are bystanders who are appalled and ashamed, and they leaven the whole lump. The proof is that women who have abortions weep, suffer depression in cycles, form groups to suppress their guilt feelings, have emotional traumas during subsequent childbirths, get angry with “society” for making abortion a harder experience than it need be, and write manifestos announcing that in a “society we can all live with” they (1) would not have to make hard decisions and (2) would feel no worse about abortion than about an operation to remove a mole.¹² These women suffer from the condemnation of those who find abortion wrong; there are also women who are helped by the encouragement of those who find childbirth right: who speak up, volunteering to adopt; who help buttress the building, making suffering not only bearable, but transcendent. Two groups come to mind: “The Farm” in Tennessee, which not only offers to raise unwanted babies but also promises to give them back when the mother finds her circumstances improved;¹³ and one of the most heart-stopping anti-abortion groups in America, a group of parents of spina bifida babies who implore the parents of unborn spina bifida babies not to kill them and promise if necessary to adopt the new children themselves.¹⁴

Amid this great cloud of witnesses is also the silent testimony of every person who finds it a good thing to be merciful to those in her power. Such private witness complements public action. To keep our conscience keen, to publicly condemn (and thereby restrain) this legal right, to turn the spirit of the community, Congress could enact and the President proclaim a national day of mourning for ten million children slain. On one day a year let us wear black armbands and announce for all to hear that killing babies does not advance the public good.

NOTES

1. M.A. Bayfield, ed., *The Medea of Euripides*, re-issue (London: Macmillan, 1902), p. 99, note to 11. 1282-1290.
2. “A Spartan’s discipline began at birth: male babies were submitted to inspection by the authorities and, if fit to live, they were allowed to do so. If unfit, they were exposed to die on the wild slopes of Mt. Taygetus.” Aubrey de Selincourt, *The World of Herodotus* (Boston: Little, Brown, 1962), p. 119.
3. “A striking discovery in Carthaginian archaeology has been that of a sacred enclosure . . . In it were found thousands of urns containing the burnt bones of children.” B.H. Warmington, *Carthage* (Baltimore: Penguin Books, 1964), p. 158. “The efficacy of the sacrifice is proportional to the value of the victim . . . The *mol’k*, a holocaust of children, was thus the perfect form of Punic sacrifice.” Gilbert and Colette Charles-Picard, *Daily Life in Carthage*, tr. by A. E. Foster (New York: Macmillan, 1961), p. 66.
4. “A man must marry his daughter or incur an earthly and eternal penalty that few will face. He can rarely marry her without paying a dowry so large that it strains his resources; to which must be

- added the costs of the wedding—costs so excessive that, as a rule, they plunge him deep into debt . . . A girl child in the Hindu scheme, is usually a heavy and unwelcome cash liability. Her birth elicits the formal condolences of family friends. But not always would one find so ingenuous a witness as that prosperous old Hindu landowner who said to me: ‘I have had twelve children. Ten girls, which, naturally, did not live. Who, indeed, could have borne that burden! The two boys, of course, I preserved.’” Katherine Mayo, *Mother India* (New York: Harcourt, Brace, & Co., 1927), pp. 131, 69.
5. The act of prolicide is defined by the Oxford English Dictionary as the killing of the offspring either before or soon after birth.
 6. Gerard Manley Hopkins, sonnet (“No worst, there is none . . .”), *The Poems of Gerard Manley Hopkins* (London: Oxford University Press, 1967), p. 100, II. 9-11.
 7. Psalm 126:5, as translated in *The Psalms: A New Translation from the Hebrew* (New York: Paulist Press, 1968).
 8. “In India, measures against the practise [of female infanticide by the Rajputs] were begun towards the end of the 18th century . . . The chiefs residing in the Punjab and the trans-Sutlej states signed an agreement engaging to expel from caste everyone who committed infanticide, to adopt fixed and moderate rates of marriage expenses, and to exclude from these ceremonies the minstrels and beggars who had so greatly swollen the expense. According to the present [1910] law, if the female children fall below a certain percentage in any tract or among any tribe in northern India where infanticide formerly prevailed, the suspected village is placed under police supervision, the cost being charged to the locality. By these measures, together with a strictly enforced system of reporting births and deaths, infanticide has been almost trampled out; although some of the Rajput clans keep their female offspring suspiciously close to the lowest average which secures them from surveillance.” *Encyclopedia Britannica*, 11th ed., s.v. “Infanticide.”
 9. Hopkins, “The Blessed Virgin compared to the Air we Breathe,” *Poems*, p. 94, II. 11-12.
 10. For an excellent description of the power of custom and public opinion to restrain the legal right of the *paterfamilias*, see W.G. deBurgh, *The Legacy of the Ancient World*, rev. ed. (Baltimore: Penguin Books, 1947), especially ch. 7.
 11. See the accounts of childbirth in Ina May Gaskin, *Spiritual Midwifery*, rev. ed. (Summertown, Tenn.: The Book Publishing Co., 1977).
 12. These are reactions to abortion which have come to my own notice. Similar reactions are described in The Boston Women’s Health Book Collective, *Our Bodies, Ourselves*, rev. ed. (New York: Simon and Schuster, 1976), especially in the personal accounts of ch. 11, “Abortion.”
 13. “The Farm” is a large commune outside Summertown, Tennessee. Its chief midwife (who is also the wife of the Farm’s founder and spiritual leader) is Ina May Gaskin, whose book *Spiritual Midwifery* ends with this message: “Don’t have an abortion. You can come to the Farm and we’ll deliver your baby and take care of him, and if you ever decide you want him back, you can have him.” (Gaskin, *Midwifery*, p. 448.) They send this statement to women’s health clinics where it briefly competes with the pro-abortion propaganda posted on the walls.
 14. For a description of the development of tests to detect spina bifida, the implications for an increase in abortions, and the efforts of the Spina Bifida Association to counteract this, see Gina Bari Kolata, “Prenatal Diagnosis of Neural Tube Defects,” *Science* 209 (12 September 1980): 1218.

Geron & the Demise of Embryonic Stem-Cell Science

David van Gend

It was to be the “new dawn” of stem-cell science, but it turned out to be a false dawn. Every year for a decade the press releases of Geron Corporation, a stem-cell company in the U.S., reassured investors that their first-in-the-world treatment using embryonic stem cells (ESCs) in cases of spinal injury was going to be approved “next year.”¹ And every year the regulating authority in the U.S., the Food and Drug Administration (FDA), failed to grant approval, asking instead for further reassurance about the safety of the trial. Finally, coinciding with the election of President Obama and the prospect of a new, liberated era of embryonic research, the FDA overcame its qualms and gave the go-ahead.

And so, in October 2010, Geron injected the first of several patients with cells derived from IVF embryos. Only a year later, the long-awaited trial was abandoned. On November 14, 2011, Geron announced: “Effective immediately, the Company will discontinue further development of its stem cell programs.”

The Geron trial was the flagship of embryo research internationally, and despite years of hype and a \$25 million loan in 2010 from the California Institute for Regenerative Medicine (whose director is Australia’s Alan Trounson) to keep it afloat, the trial has been scuppered.

“I’m disgusted. It makes me sick,” was the reported reaction of Daniel Heumann, a board member of the spinal research foundation established by the late “Superman” actor Christopher Reeve. “To get people’s hopes up and then do this for financial reasons is despicable. They are treating us like lab rats.”

It also made the progressive media sick; the Los Angeles *Times*, which had heralded the Geron trial as “ushering in a new era for medicine,” could not find print-space to share this nauseating news with its readers.

To understand the rolling out of this “world first treatment” with embryonic stem cells and why it was doomed to futility, we must look back to an event on November 21, 2007, that was described as “an earthquake for both the science and politics of stem cell research.” It was a seismic shift in stem-cell science that fractured the foundations of embryo research in general and

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SCNT/cloning in particular.

On that day the Japanese scientist Shinya Yamanaka announced his breakthrough of “direct reprogramming,” creating the equivalent of embryonic stem cells directly from the skin of a middle-aged woman, bypassing any need for eggs or embryos.² On the same day Professor James Thomson, the scientist who first discovered human embryonic stem cells (ESCs) in 1998, published a study confirming that these new “induced pluripotent stem cells” (iPSCs) derived from human skin had every property of stem cells derived from embryos—but none of the ethical and political baggage.³ He told the *New York Times* it would not be long “before the stem cell wars are a distant memory.”⁴

This sense that one era had ended and another commenced in stem-cell science was reinforced in a review of the Yamanaka revolution by Professor Martin Pera. He was formerly director of ESC research at the Australian National Stem Cell Centre, and his article, “Stem cells: a new year and a new era,” was published in *Nature* in January 2008:

Manipulating cells from adult human tissue, scientists have generated cells with the same developmental potential as embryonic stem cells. The research opportunities these exciting observations offer are limitless. The generation of induced pluripotent stem cells through direct reprogramming avoids the difficult ethical controversies surrounding the use of embryos for deriving stem cells.⁵

The response was everywhere the same: This is marvellous science, and it gets rid of the social and ethical stress of obtaining eggs and exploiting embryos. The potential for this development to bypass the central ethical objection to cloning was recognized by Professor Loane Skene, former Chair of the Lockhart Review, which advised the Australian government in 2005 to permit cloning. On the day Yamanaka’s iPSC research was published she stated:

What this does is take away the step of using the egg and creating the embryo which is particularly ethically contentious, and it offers the opportunity to get stem cells that are matched to a particular person.⁶

In that succinct statement, one of our chief advocates for embryo research and cloning reminds us of the goal that cloning failed to reach—getting stem cells that exactly match the patient—and acknowledges that this new method not only attains that goal, but is free from ethical concerns.

At that point, stem-cell investors should have asked the obvious question: What possible justification is there now for human embryonic stem-cell research and cloning, given the success of the iPSC alternative? Who would take seriously the proposal that I obtain hundreds of eggs from women (at

significant risk to their health) and spend vast amounts of research money in order to clone you into your identical twin embryo, in order to obtain pluripotent stem cells that match you genetically (something nobody has yet managed to achieve), when I could simply take a skin cell from your arm and obtain the equivalent stem cells easily and ethically using Yamanaka's direct reprogramming?

Not even embryo researchers seem to take the cloning proposal seriously since the triumph of direct reprogramming. Rudolf Jaenisch was the first scientist to demonstrate "therapeutic cloning" in a mouse in 2002 (note: "cloning" is used interchangeably with its technical term "somatic cell nuclear transfer" or SCNT), but in March 2011 Jaenisch told *The Scientist*: "Ten years ago, we talked about the potential of nuclear transfer for therapy. But it turns out the technique was of no practical relevance."⁷

In Australia, only one laboratory—Sydney IVF—has even attempted SCNT/cloning since 2006. So much for the emotional arm-twisting by political scientists, warning that failure to pass urgent cloning laws would drain away our keenest brains overseas and delay cures for Australian kids. Leading immunologist Professor Ian Frazer (pioneer of the Gardasil vaccine for cervical cancer) surely cringes now at his letter to Australian senators on the eve of the vote, urging them to support the cloning Bill "in its entirety" or be an impediment to sick children:

Will our children look back in 25 years and say "Our parliamentarians made the right decision, that gave us access to cures for diabetes, heart disease, and neurological disorders, or will they be forced to travel to the US, Europe and Asia to seek treatments?"⁸

Instead we look back after 5 years and see that cloning is withering on the vine; even a world leader in embryo manipulation like Sydney IVF, having used 352 precious eggs, was not able to make any of the 27 resultant cloned embryos live long enough to yield a single stem cell.⁹ And why, post-Yamanaka, would anyone waste any more eggs? The Director of Sydney IVF, Robert Jansen, conceded that point in a recent interview with the Sydney *Morning Herald*: "Because there are newer ways of producing cloned [sic] stem cells without using eggs, Jansen concedes that therapeutic cloning may not turn out to have a big role in medicine after all."¹⁰

It is the same story the world over: Cloning is a blighted science, ethically and technically.

Time magazine asks whether there is anything left to argue over since Yamanaka's breakthrough:

No embryos, no eggs, no hand-wringing over where the cells came from and whether

it was ethical to make them in the first place. Yamanaka's and Thomson's work sidestepped that altogether, raising the tantalizing question: Is the long-raging stem-cell debate at last over? Yamanaka thinks it might be. Other giants of the field seem to agree.¹¹

What Future for Embryo Experimentation?

For all practical purposes embryo experimentation has been rendered redundant, since anything an ESC can do an iPSC can do better—because only the iPSC is a perfect match to you, the patient. Therefore, the first question any investor in Geron should have asked is: Why source your cells from embryos at all? Why not just use iPSCs, since they are functionally identical to ESCs, and have the great advantage of being a genetic match?

The second question any investor should have asked concerns the risk of tumor formation. ESCs and iPSCs are plagued with “pluripotency,” the explosive potential to become all cell types in the body and to form teratoma tumors. By contrast, adult stem cells (ASCs) are only “multipotent,” meaning they can turn into many cell types, but not all, and do so in a controllable manner. This is a great advantage for therapy, and has allowed ASCs to be used directly in many thousands of patients without causing teratomas. Why, then, play Geron roulette with ESCs if you can just use your own ASCs and get both advantages—the lack of teratomas and a perfect genetic match?

As the website of the International Society for Stem-Cell Research admits: “Embryonic stem cells themselves cannot directly be used for therapies as they would likely cause tumors.”¹² The only way, then, that ESCs or iPSCs can be used in human treatment is first to mature them into more stable cells that are less likely to turn into tumors and injure the patient. This has been the method used in the two ESC-based trials in the United States.

Geron Corp's trial in spinal-injury cases used stem cells from IVF embryos as a source to cultivate more mature nerve cells for transplant, but there is still a concern that the “matured” cells may revert to ESC status and cause a teratoma. Further, because the IVF embryos are genetically foreign, the Geron patients required immune-suppressing drugs to prevent rejection. The exact same problems apply to the other trial by U.S. firm Advanced Cell Technology (ACT), using ESCs to generate mature retinal cells to treat macular degeneration.

Both ventures founder on the same two unforgiving questions. First, why use embryos in the first place when you can simply use iPSCs? Sure enough, in macular degeneration, the University of Wisconsin has successfully used iPSCs to grow human retinal cells; and a team at University College London has repaired retinal damage in rats using iPSCs. Second question: Why use

these risky pluripotent stem cells at all when our safe ASCs are an option? The University of Nebraska has already used ASCs to generate retinal cells and several teams of scientists have published trials using a patient's own ASCs in spinal injury, with no need for immune drugs and no tumors formed.

On January 23, 2012, *The Lancet* seemed to be jotting notes for the obituary of ACT's embryo research when it observed that, since the demise of Geron, ACT is "the only entity using human embryo-derived cells to treat patients" and that "the work they describe is paving the way for clinical use of . . . induced pluripotent stem cells." There is an additional comic twist in the ACT trial; *The Lancet* reported that "the results are impressive," even though there was only one patient with age-related macular degeneration to report on, and "the results" were only a very dubious improvement in visual acuity with no independent confirmation of the result free of observer bias. Best of all, *The Lancet* commentary admitted that "it is still unclear whether any of the visual improvements recorded were due to the transplanted cells or to other factors, such as the immunosuppressive drugs." So the toxic drugs required for any ESC therapy may turn out to be the actual cause of improvement in the ACT trial! Still let's be positive, people, and congratulate each other that "the results are impressive."

The results, of course, are largely irrelevant, because any embryonic stem-cell trial is now largely irrelevant. With the blighting of the iconic Geron trial, the spectacular achievements of iPSCs creating pluripotent stem-cell lines for many diseases, and the burgeoning human therapies from adult stem cells, what private investor or public budget would put any more eggs into the ESC basket-case?

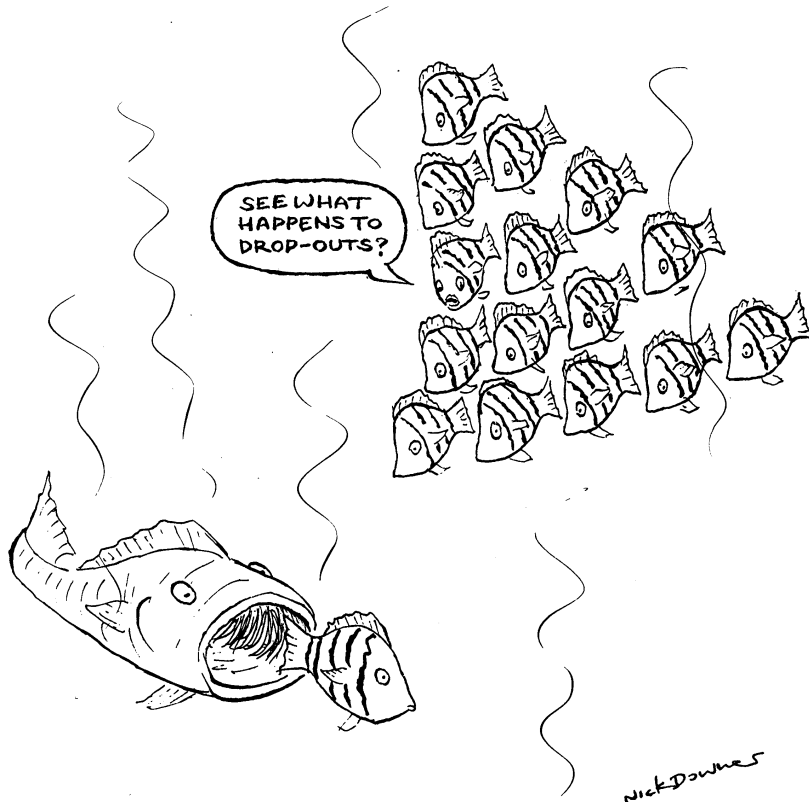
And how symbolic it was that, only the day after Geron's ESC funeral notice, further impressive trials were reported using a patient's own stem cells to treat heart failure, where there is no danger of tumors or rejection, and where the damaged heart was boosted by up to 20 percent. The total number of cardiac patients treated in this way is now over two thousand; the number of conditions treated with ASCs also continues to rise, with Australia leading the way in therapies such as regenerating damaged corneas.

The future of stem-cell research lies with Yamanaka's iPSCs and our own ASCs, which are both effective and ethically uncontentious; the inhuman science of embryo experimentation is dying a lingering and unlamented death.

NOTES

1. The Geron prophesies at <http://ethicalstemcellresearch.blogspot.com/2009/11/geron-and-on-and-on.html>
2. Yamanaka article at <http://www.cell.com/retrieve/pii/S0092867407014717> ; breaking story at <http://www.nytimes.com/2007/11/21/science/>

- 21stem.html?_r=2&ref=science&oref=slogin&oref=slogin
3. Thomson article at <http://www.sciencemag.org/cgi/content/abstract/318/5858/1917>
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 5. Pera, M.F., "Stem cells. A new year and a new era." *Nature*. 2008 Jan 10; 451(7175):135-6.
 6. Prof. Loane Skene comments re Yamanaka at <http://www.radioaustralia.net.au/news/stories/s2096987.htm>
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 8. Prof. Ian Frazer letter to Senators, <http://preview.tinyurl.com/7k293x9>
 9. Cloning in Australia, see Report Feb. 2010 of the *NHMRC Embryo Research Licensing Committee*.
 10. Jansen, Robert, *Sydney Morning Herald*, April 16, 2011 <http://www.smh.com.au/national/modern-miracle-of-conception-20110415-1dhj9.html>
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“Coffee Shop Babies” & the Sanctity of Life

John M. Grondelski

Does a child have a right to parents? Does a child have a right to be reared by those parents? Should a parent ordinarily give life to a child and then get out of the child’s life? Even if the parent wishes to do so, should society allow it?

Most people would likely answer the first two questions “yes” and the last two “no.” We instinctively recognize that children should ordinarily have a right to the parents who gave them life and who should raise them. We instinctively recognize that a parent should ordinarily be responsible for his or her child and, if he or she is derelict in that duty, that society should hold the parent accountable.

I say “ordinarily” because there are cases in which parent and child cannot remain together: a parent may die or be abusive; an unwed teenage mother may have no other option than to give up her baby. But, the word “ordinarily” denotes that we consider such situations tragic exceptions to the rule. They are not and should not become normal, either sociologically (in terms of their frequency) or ethically (in terms of being deemed acceptable).

And this is something that most people in their hearts know: Parents should not only give their children life but rear them; deviations from this pattern are not good for children, parents, or society, and society needs to uphold these norms when they begin to break down.¹

I first wrote the preceding paragraphs in response to a feature cover story about “coffee shop babies” that *Newsweek* carried in its October 10-17, 2011 issue.² Once upon a time, news magazines sought to inform. But in the quest to sell copies, more and more previously responsible news magazines have succumbed to packaging stories on the lines of “starlet bears baby from Martian father.” *Newsweek* joined their company in an article that seems part *Brave New World*, part tabloid, where author Tony Dokoupil invited his readers to “meet a ‘donorsexual’ on the web—and he’ll service you anywhere.”³

What is a “coffee shop baby?” Dokoupil offers the example of a child conceived by a lesbian in an ersatz “marriage.” “Beth Gardner and her wife”

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(the opening line of the article, rendered without raised eyebrow or even self-conscious political correctness) cannot of course conceive a baby together, so they need outside help. They do not like sperm banks: Semen comes at a price (“at least \$2,000”) and donors are anonymous. So they do what good postmodern Americans do: They shop online for free sperm donations, a new market niche. Google provided plenty of hits.

Their first rendezvous with a free donor took place at a Starbucks (hence, the “coffee shop baby” of the title). As Dokoupil describes the transaction, the donor arrived, “ejaculated in the bathroom in private, exited, and handed the sperm-filled latex cup to Nicole, who in turn entered the bathroom and attached the cup to her cervix.” Then, he continues, “as nature took its course, the three sat down for coffee together.”⁴

This bizarrely unnatural scenario for bringing a child into the world appeared in an ostensibly serious news magazine meant to foster informed public discussion. However, none of the questions I raised at the beginning of this essay—basic, elementary questions that should naturally occur to journalist and reader alike—appeared in the *Newsweek* article. Its tone conveyed the message that “this is a little off the beaten path, but gee whiz, look at what folks are now able to do!”

Dokoupil moves from Beth and her partner to an interview with one sperm donor who claims to have “sired a least ten children” and was the object of an FDA investigation that culminated in a late 2010 order to “‘cease manufacture’ of sperm.”⁵ Beth later reappears as a successful entrepreneur managing her own “Free Sperm Donor Registry.” Drawing on the weight of her professional status, she says it’s “preposterous” to attempt to limit private sperm donations. “If it’s legal to go to a bar, get drunk, and sleep with a random stranger,” she contends, “then it can’t possibly be illegal to provide clean, healthy sperm in a cup.”⁶

Indeed, *Newsweek* cannot seem to decide what postmodern button to push: the anti-prejudice button (enabling lesbians—against whom nature apparently discriminates by rendering their “unions” sterile—to bear children); the maternal instinct button (how can it ever be wrong to say that somebody who wants a child can’t have one?); the dictatorship of relativism button (who are you to say that our “family” is not good?); or the gee-whiz-it-really-isn’t-THAT-weird button (after surfing some on-line free sperm banks, the author piously intones that “far from being overrun by sex-crazed ‘sperminators’ and ‘desperate girls’ . . . most of what I found was mundanely human.”).

That last button may, in fact, be the most dangerous of all. Few social revolutionaries today deliberately want to appear to push the envelope of radical social change. Woodstock after all was over 40 years ago. Rather,

contemporary social revolutionaries are content to leave the impression that their latest “development” isn’t so much a break with the past as a refinement, an improvement, another step in the ineluctable advance of “progress” that “thinking people” should recognize for the fine tuning that it is. From there, it’s usually only a small step to arguing that opponents threaten to undermine *stare decisis* and our Constitutional order; in fact, they are rigid ideologues who “will tip the scales of justice against the kind of country America is and ought to be.”⁷ Just consider all those subversive radicals who, every January 22, imperil (non)motherhood, apple pie, and respect for law and order by marching for the overthrow of *Roe v. Wade*.

But rhetoric aside, an honest observer must admit that there is nothing “mundanely human” about conceiving children artificially with a man one does not know after a casual exchange (the handoff hardly merits the word “encounter”) of gametes over a Skinny Blonde Mocha. There is nothing “human”—mundane or otherwise—about “siring” children with whom one will either never have a personal relationship or at least never need have one.

But none of those issues are ever raised in the world of child manufacture. Late last year, another magazine featured a story about sperm donors, opening with the presumed pedigree of the anonymous progenitors: “Being admitted to California Cryobank as a sperm donor is a bit like getting into Harvard. The bank accepts fewer than 1 per cent of its 26,000 annual applicants.”⁸

None of that is particularly novel. Artificial insemination and eugenics have long gone hand in hand as technocratically-enamored thinkers mulled the superiority of such “planned parenthood” over the messy, arbitrary, and happenstance nature of typical human procreation. While such elitism fell into temporary desuetude through guilt by association with Nazism, it acquired a new lease on life through the rhetoric of reproductive “choice” unleashed by *Roe*. No one should think that the rhetoric of “choice” has driven the elitist elements away: As Associate Justice Ruth Bader Ginsburg reminded us in extolling *Roe*, the decision came at a time when elites were concerned about overpopulation, “particularly growth in populations we don’t want to have too many of.”⁹

The rhetoric may pay lip service to the quirks of individual choice, but in the end the qualities sought in baby manufacture are typically quite bourgeois. Consider this description of what two homosexuals shopping for an egg donor sought:

Doug and Eric wanted looks, but they wanted other qualities as well. They wanted brains and a top-notch family history. They wanted height . . . They . . . went for the

Lexus of the egg-donation world, . . . [an agency that] specializes in good-looking, high-SAT-type blue-chip Ivy-League-or-the-equivalent egg donors, whose oocytes run \$10,000 and considerably higher . . . [T]hey did not want to embody their love for each other. “Our two criteria were that she could not be like either of us . . . I’m Waspy Scandinavian British and Doug is Russian-German-Jewish” . . . [So, in the name of avoiding ethnically affiliated genetic risks the] two men wanted . . . someone who was Caucasian, but with family roots in central Europe or Spain or Italy or the Mediterranean. “That Levant sort of thing,” Eric says, joking that “if you can’t be Italian yourself, maybe your kids can be.”¹⁰

Contemporary society may seek to sanitize statements like the above through the prism of “choice,” but the mentality they represent treats children like products to be manufactured. Setting out criteria a child should meet makes bearing a child like buying a car. One picks the model, style of seats, upholstery, etc. But perhaps slavery is the more apt term, for three reasons. First, slaves were people who were treated as things. Second, they were also “chosen” according to criteria: there is ample evidence that, at slave auctions, the “wares” were poked and prodded, evaluated according to the master’s needs and whims. Third, slavery is ostensibly forbidden in the United States under the Fourteenth Amendment.

What was particularly vicious about slavery was its depersonalization. More than half a century ago, an Irish theologian presciently noted the connection with slavery that modern child-manufacture-by-artificial-reproduction has revived:

The language of buying and selling semen is at home only in a culture which accepts the buying and selling of men. The Romans, who had no cult of verbal cosiness [sic], show us the logic of this language. Slaves, for example, were beings *in quos stuprum non committitur* [upon whom rape cannot be committed—JMG] because they were *things*, not persons. A prostitute was a *prostibulum*, a *thing* displayed for sale. It is perhaps the cruelest word in history. In a sense, all immorality is the treating of persons as *things*. In that sense, treating semen as a *thing* is an incarnation of immorality and a prelude to an inhuman society.¹¹

The most telling confirmation of Daly’s observation can be found in *The Atlantic* piece itself. After mentioning how California Cryobank specializes in high-end sperm, the article takes a personal turn: How does one of these top-quality studs react to learning he is a father . . . 22 times over? “‘It released a lot of brain chemicals. It was not a benign feeling.’ I asked . . . if he’d donate again, knowing how he feels now. He shrugged. ‘I probably would,’ he said. ‘But then, I’m open to chaos.’”¹²

Nowhere in the story does Raul (the donor) ever publicly wrestle with the fact that 22 human beings exist in this world because of him. Nowhere does he question what his responsibility towards his own flesh and blood is.

Nowhere does he seem troubled by the injustice of fathering “fatherless” children. No, it’s all reduced to a release of “chemicals”—brain chemicals and seminal fluid—all occurring through an overgrown teenager’s desire to cause some “chaos.”

Likewise, nowhere are the social dimensions of such manufacture of children explored. Is it good for society that children not even know (much less be raised by) their fathers? What about paternal support—understood not in the narrow sense of financial responsibility, but in the broader sense of bringing to life and maturity a human being in all his or her full physical, social, cultural, mental, and spiritual dimensions? And even in the narrower financial sense, if Supermom’s 401(k) tanks, shouldn’t a father be responsible for his offspring? None of these questions are even considered. The closest we come is a one-liner about “the implications of scores of biologically related children, especially in an age when they will be able to find one another online so easily—and when their anonymous fathers will be able to find them as well.”¹³

On the other hand, one shudders at how contemporary American society, if it chose to get involved in these issues, might do so. Consider the sperm donor in the “coffee shop case.” The FDA ordered him to stop “manufacturing sperm.” Literal compliance with that order would have required him to castrate himself, something nobody appears to have suggested. And why was it the FDA that stepped in? Are human gametes “food” or “drugs?” Is the whole question here just one of regulatory quality assurance? Suggesting that there is anything “mundanely human” about a situation where the U.S. Government enjoins a man to cease and desist from “manufacturing sperm” makes about as much sense as the Supreme Court’s logic that a father cannot have an effective voice in determining whether his child will be aborted because the State “cannot *delegate* [as if a father is but an agent of the State—JMG] authority to any particular person, even the spouse, to prevent abortion.”¹⁴

How have we arrived at this “chaos?” Its roots can be traced to the ongoing pernicious influence of *Roe v. Wade* on American family policy. *Roe* extended the ersatz “right to privacy” to childbearing, pretending that a process which is inherently social can be reduced to a “private choice” of a woman. In 1973, *Roe* established a contraceptive backup: if one did not want a baby and contraception failed, abortion ensured that there would be no baby.

But by the end of the 1970s, the question had flipped: if there could be sex without babies, could there be babies without sex? While the initial impetus for the latter may have been the desire to help infertile couples overcome

barrenness, reducing the problem to a technological solution uncoupled the human from the technically possible. Once infertility became primarily a technical obstacle, then there was no inherent reason why infertile heterosexual couples should not become “fertile.” The same “solutions” that overcome blocked fallopian tubes could also overcome their absence: get a healthy surrogate. The same “solutions” that bypassed male infertility could enable single-parent-by-choice-parenthood, regardless of the sexual orientation of the single parent.

The votaries of *Roe* early on recognized that social involvement in the realm of artificial reproduction could challenge the abortion decisions. The most obvious objection to artificial reproduction lies precisely in its impact on children: is this how children and the process by which they come into existence should be treated? But answering that question would necessarily also raise the question of whether the unrestricted abortion license represented humane treatment of children. And answering that question would involve revisiting *Roe* itself, calling into question the Court’s feigned ignorance about when life begins.¹⁵ And the proponents of *Roe* will fight to their last breath to maintain *that* article of faith.

So why should pro-lifers challenge artificial reproduction? I have not even touched on the threat that artificial reproduction in its various forms generally poses directly to human life: discarded fertilized ova, fertilized ova consigned to deep freezing or potentially available for experimentation. Instead, I suggest that here we simply focus on whether the whole philosophy of manufacturing children is consistent with the dignity and love owed to children. The decision to manufacture a child frequently also entails quality control considerations, which contribute to the erosion of a “sanctity of life” ethic and its replacement by “quality of life” criteria. The widespread infusion of the latter into the general culture has been a hallmark of the post-*Roe* era. For example, a recent news report predicts that trends in the use of prenatal diagnosis-cum-abortion, coupled with congruent social and cultural messages, may result in no more Down Syndrome babies being born in Denmark after 2030.¹⁶ While no one wishes a child to be handicapped, it is a leap to say that the way to eliminate a disease is to eliminate those suffering from it. And the world of artificial reproduction in principle decides who shall live and who shall die, who shall be implanted and who shall be destroyed, on the basis of far more pedestrian criteria.

The culture of child manufacture also opens the door to the next radical aspect of the “choice” agenda—the uncoupling of parenthood from its natural, biological moorings. If parenthood can be achieved by technical means, if a lab procedure is the functional equivalent of sexual intercourse, then we

are on the verge of a likely legal dismantlement of natural parenthood. The current quest to extend homosexual marriage has advocates insisting that mere biology not frustrate the “civil right” to children. On this point, the Commission on Parenthood’s Future already has provided us with ample food for thought.¹⁷ It’s time we started thinking, talking, and protesting—before it’s too late.

NOTES

1. John M. Grondelski, “‘Coffee-Shop Babies’ and Humane Procreation,” *National Catholic Register*, available at http://www.ncregister.com/site/print_article/31152/
2. Tony Dokoupil, “The Coffee Shop Baby.” *Newsweek*, October 10-17, 2011, pp. 44-48.
3. *Ibid.*, p. 44.
4. *Ibid.*, p. 46.
5. *Ibid.*, p. 48.
6. *Ibid.*
7. Senator Edward Kennedy on the Robert Bork nomination, in James Reston, “Washington: Kennedy and Bork,” *The New York Times*, July 5, 1987, accessed at <http://www.nytimes.com/1987/07/05/opinion/washington-kennedy-and-bork.html> (accessed February 4, 2012, 23:26).
8. Robin Romm, “All His Children,” *The Atlantic*, 308 (December 2011), no. 5: 22, 24 at 22.
9. Emily Bazelon, “The Place of Women on the Court,” *New York Times Magazine*, July 9, 2009, available at <http://www.nytimes.com/2009/07/12/magazine/12ginsburg-t.html?pagewanted=all>
10. Liza Mundy, *Everything Conceivable: How Assisted Reproduction Is Changing Men, Women, and the World* (New York: Knopf, 2007), p. 138.
11. Cahal B. Daly, *Morals, Law, and Life* (Chicago: Scepter, 1966), p. 162.
12. Romm, p. 24.
13. *Ibid.*
14. *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976) at 69.
15. *Roe v. Wade*, 410 U.S. 113 (1973) at 159-60.
16. See “Downs syndrome er snart fortid i Danmark” [Downs Syndrome Will Soon Be Gone in Denmark], *Berlingske*, July 17, 2011, available at <http://www.b.dk/nationalt/downs-syndrom-er-snaprt-fortid-i-danmark>. See also Margaret Somerville, “‘Deselecting’ Our Children,” *National Right to Life News*, December 13, 2011, available at <http://www.nationalrighttolifenews.org/news/2011/12/%e2%80%98deselecting%e2%80%99-our-children/>
17. “The Revolution in Parenthood: The Emerging Global Clash Between Adult Rights and Children’s Needs,” available at <http://www.americanvalues.org/pdfs/parenthood.pdf>. Even advocates of such a revolution admit it, though, again, they would rather write it off to a clash of views that ultimately is resolved by the magic wand of “choice”: “. . . it’s certainly true that parenthood is being redefined, and how you feel about that probably does depend, in part, on your cultural politics. Sitting at lunch after Stacey’s talk, Will Halm and Kim Bergman both urged me to accept the idea that it’s meaningless—even politically incorrect—to even talk, anymore, about biological relationship. They want to get away entirely from the concept of ‘biological mother’ or ‘biological father,’ because in gay and lesbian couples, such terms imply that the biologically related partner is the one with greater moral claim to the child. When I asked why, then, do so many lesbian couples choose a sperm donor who looks like the unrelated partner—why create the appearance of biological connection, if biological connection doesn’t matter?—Bergman said that it’s just something you do. If it were possible to have a child together, she allowed, of course a couple would want to do that. Because, in truth, biology cannot always be managed into irrelevance.” Mundy, *Everything Conceivable*, p. 125.

APPENDIX A

[*Timothy Dolan is Archbishop of New York and President of the United States Conference of Catholic Bishops. The following is the text of an address Archbishop (now Cardinal) Dolan delivered at an event sponsored by Fordham Law School's Institute on Religion, Law & Lawyer's Work on January 24, 2012. Reprinted with permission.*]

Law & the Gospel of Life

Archbishop Timothy Dolan

Renata, thank you! Father McShane and brother priests; faculty and students of this distinguished university and School of Law; members of the *Institute on Religion, Law, and Lawyer's Work*; friends one and all:

I sure appreciate the invitation and welcome. Any opportunity to visit Fordham is an occasion I relish; to do so and address this impressive group on such a noble topic as *Law and the Gospel of Life* is an honor indeed.

Know, please, that I do so hardly as a scholar, professor, or jurist, but as a *pastor*. Thus will my remarks be somewhat succinct and simple. Thanks for your patience.

The title assigned me—*Law and the Gospel of Life*—obviously has in mind the masterful encyclical of Blessed John Paul II, *Evangelium Vitae*, the *Gospel of Life*, written seventeen years ago.

Blessed John Paul II directs his teaching, not just to Catholics; not just to Christians or people of faith; but “to all people of good will.” This is rather important. True enough, his teaching is expressed in terms of religious belief and teaching, but his fundamental thesis—that human life is sacred, and thus merits dignity, respect, and protection by law—is rooted in *natural law*, a source of ingrained principles accessible to all, not just religious folks.

Natural Law is a concept of objective truth, known by anyone with the power of reason—a truth not relativized by the special interest of religious preference, class, gender or individual bias. “We hold these truths to be self-evident.” It is a question of endowments that are intrinsic to us by the very fact of being human. And thus the rights appropriate to us are “inalienable.” They cannot be taken away by any state or power or law or choice of individuals.

And what specifically cannot be taken away? Our life, our liberty. No human institution or individual has given us these rights. They have been given to us by God. This is what Frederick Douglass knew. This is what Gandhi knew. This is what Martin Luther King knew.

As King wrote in his famous *Letter from a Birmingham Jail*, “How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law.” And then he refers to a famous philosopher, from whom he learned that “an unjust law is a human law that is not rooted in eternal law and natural law. Any law that degrades human personality is unjust.” The philosopher cited by Dr. King was St. Thomas Aquinas.

Since good law is classically seen as a protector of culture's most noble values

from culture's basest urges, it will not surprise this audience that John Paul spends a chunk of time looking at contemporary culture. While no one could accuse this Polish Pope of being a pessimist, he does still realistically note a variety of threats to the sacredness of human life in today's culture: for instance, abortion, infanticide, eugenics, misuse of artificial reproductive technologies, contraception, euthanasia . . . and an even broader range of dangers to human life in poverty, an unjust distribution of economic resources, war, the arms trade, drugs, and human trafficking. No "single issue" politician is Karol Wojtyla! For John Paul II, "ideas have consequences." The litany of threats to the *Gospel of Life* just mentioned are but consequences of faulty and toxic cultural ideas, a web he calls famously the *Culture of Death*. This he defines as a culture that denies the basic *solidarity* inherent in the human person, obsessed instead with efficiency and convenience. In rather stinging language, the Pope speaks of "a war of the powerful against the weak." Listen: "A person who, because of illness, handicap, or, just by existing, threatens the wellbeing or lifestyle of . . . the more favoured tends to be looked upon as an enemy to be resisted or eliminated. In this way a kind of 'conspiracy against life' is unleashed."

Such a *Culture of Death* can only thrive, of course, in a world in which God has been excluded, and in which everyone can evade the responsibility of solidarity by claiming to define his or her own morality. Freedom is seen as the only absolute value. Can sustained human rights, girded by law, survive in such a culture? The pragmatic, utilitarian world view depends upon sand to construct a system of laws protecting human rights, particularly that of life itself, since everything is constantly being re-negotiated, based on drifting dunes of utility, convenience, privacy, and self-interest.

Scholars and students of the law will not be surprised that the Holy Father would see things in this way. It is a bedrock feature of modern political and legal theory that only neutral, utilitarian principles can provide a basis for public policy discussions and law, and that appeals to transcendent values—such as religion—cannot legitimately be presented. Participants in public discourse are expected to set aside their religious convictions and other "non-public reasons," and instead seek only to persuade their fellow citizens by secular arguments. Some legal theorists go so far as to say that issues pertaining to the ultimate value and importance of human life should not even be discussed, that the state has no business proposing answers to such questions, and that citizens should not attempt to impose a particular view of justice unless it is based on "shared forms of reasoning."

Of course, as the Holy Father points out clearly in the *Gospel of Life*, when arguments that appeal to objective truth are excluded from the debate over the laws that will govern us, we are caught in a trap of ethical relativism, and the dignity of persons and their right to life is subjected to majority vote. The danger inherent in this situation is that "democracy, contradicting its own principles, effectively moves towards a form of totalitarianism," and risks being transformed into a "tyrant state." Blessed John Paul is much more interested in proposing a positive, hopeful *Culture of Life* than wringing his hands over the *Culture of Death*.

The *Gospel of Life* proposes an alternative vision of law and culture, one that provides an antidote to the pragmatic nihilism that produces a *Culture of Death*. It seeks to recapture the essential relationship between the civil law and the moral law, and to foster a culture in which all human life is valued and authentic human development is possible. The fundamental premise is that the human person must be at the center of all legal systems and culture, and that human life is inviolable, an end in itself, not a means to an end. There is an old Latin saying, “Law is established for the benefit of mankind.” This insight is at the heart of Pope John Paul’s call for “a general mobilization of consciences and a united ethical effort to activate a great campaign in support of life.” It is also necessary to reestablish the relationship between the civil law and the moral law. Despite the view that we should leave our religious arguments aside when we enter into these kinds of discussions, the *Gospel of Life* calls us specifically to offer a clear, faith-based view of humanity as a basis for human law. As Christians, we propose that truth can only be known and freedom truly exercised by recognizing that they are a gift from God. By bringing God back into the discussion, the *Gospel of Life* offers a way to establish human law and human rights on a firm foundation. It offers a way to exercise true freedom, not based on a utilitarian calculus of self-interest, but on the innate dignity of every human person from the moment of conception as a gift from God.

But it is an important proposition of the *Gospel of Life* that the dignity of the human person and respect for inviolable human rights are not just based on divine revelation, but on “an objective moral law which, as the ‘natural law’ written in the human heart, is the obligatory point of reference for civil law itself.” These truths flow from an understanding of the human person. They are norms that “no individual, no majority and no State can ever create, modify or destroy, but must only acknowledge, respect and promote.” An understanding of this natural law allows us to engage “all people of good will” in a “shared form of reasoning” that is the patrimony of Western civilization dating back to the Greeks and Romans.

A reliance on the *natural law*, and human rights, will enable us to move the culture, and thus our laws, in the direction of authentic respect for human life. It will be a gradual, incremental process, as the ongoing conversion of culture leads to a transformation of law, and vice versa. It will require compromise, and acceptance of intermediary steps. In this respect, Pope John Paul’s discussion of imperfect laws that seek to limit or minimize threats to life, and the moral responsibility of legislators to oppose all unjust laws, is pertinent and very challenging. The proper respect for individual and institutional conscience is also an important part of this process—it is a natural human right to decline to participate in matters that are morally objectionable, and society has an obligation to protect that right.

The *Gospel of Life* flows from *natural law*, yes, but, for us as believers, it flows as well from Revelation, from the Bible, from the wisdom of the Church, and goes something like this: God made me in His own image; I am God’s work of art; He calls me by name; He knows me better than I know myself; He loves me so

powerfully, personally, and passionately that He wants me to spend eternity with Him; I am worth the precious blood of His only-begotten Son; I come from Him and am destined to return to Him for all eternity; His intention is that human life be protected from conception to natural death; every human life demands respect; and a culture can only survive that has as its law the stewardship of human life. There's the positive expression of this *Gospel of Life*.

Can we now spend a moment looking more closely at the ideologies that chisel away at the *Culture of Life*, forces that seem to be ascendant in culture and normative in making laws?

The trinity of culprits is usually enumerated as pragmatism, utilitarianism, and consumerism, all really first cousins.

Pragmatism of course means that the only value is whether something works or not, if it is efficient and helps us achieve a goal.

Utilitarianism means that the only value is whether or not something or someone is useful to me, serves my purposes.

Consumerism posits value only in something's ability to satisfy, fill a need, or satisfy an urge.

This utilitarian and consumerist *culture of death* is the product of deeply-rooted social, philosophical and ethical tendencies that find their expression in our laws, and in our attitudes towards others. There is a loss of a sense of truth, and objective moral norms—rules of conduct that apply always, to everyone, everywhere—and an “eclipse of a sense of God and of man.” But in the utilitarian view that dominates our age, the principle that human life is an end in itself, not a means to an end, is always subject to a calculation that would justify harm to another, if we deem it to produce enough of a benefit to ourselves. Every human life is thus vulnerable to being on the losing side of the utilitarian's cost/benefit analysis. In the pragmatist's world, inter-personal and international relations inevitably become a question of power and domination, instead of dignity and justice, and we risk going back to Thomas Hobbes' state of nature, the “war of all against all.” It is John Paul II's hunch that culture's most glaring shortcoming is the preference for “having” and “doing” rather than “being.”

Pragmatism, utilitarianism, and consumerism are fancy vocabulary words for the passionate drive for “having” and “doing.” Life is basically about “being,” and law's most noble purpose is to safeguard the “being” of life from the rawest preferences for “having” and “doing.” Take, for example, the fact of the “being” of the baby in the womb. That “being,” that life, trumps the values of usefulness, efficiency, convenience, privacy, or satisfaction of one's needs. A *culture of life* with supportive laws guarantees this.

A baby is useless and impractical from a raw, pragmatic, utilitarian, or consumerist view. So, “baby” is becoming a nasty word. Moms and dads with more than two children below the age of five report regular stares of disdain and “tsk-tsks” from enlightened folks who look as if they're about ready to produce a flyer for

vasectomies, tubal ligation, abortion, or chemical contraceptives.

What is prohibited by law and grave punishment in China—only one *baby*, reluctantly, per couple who insist on this quaint practice—is being enforced by a culture and society in Western Europe—where the most popular name for male babies is now Mohammed, since nominally Christian couples have maybe one child—and in our own beloved country, cultures which can at times view *babies* as a commodity, an accessory, at best, or an inconvenience and burden at worst.

Babies are now postponed by chemicals and latex, until the couple might decide they'd enjoy one, and then are irritated when they can't, driving them to laboratories where perhaps technology can make up for what only nature does perfectly.

Couples now, we're told, prefer pets. If a *baby*, maybe one from a catalogue. If pregnancy occurs, and the "baby" is not to their liking, especially if sick or less than perfect, we must stop it and maybe try again.

Because, basically, some in the *culture of death* view babies now as a commodity, an accessory. We have *babies*, if at all, to satisfy our desires, not to sacrifice for theirs; to fulfill our needs, not to invite us to spend the rest of our lives fulfilling their needs; to reward us, not because we want to give to them.

To this *culture of death* the Church boldly and joyfully promotes the *culture of life*.

We recognize that we humans are at our best when we give ourselves away in selfless love, and live no longer for ourselves, but for another. This is what Pope John Paul the Great calls the *law of the gift*. And nothing obeys the *law of the gift* more than a *baby*; nothing changes a life more than a *baby*; nothing transforms from selfishness to selflessness more than a *baby*; nothing calls us from narcissistic self-absorption in a universe of one to a world of solidarity more than a *baby*.

And nothing threatens a culture of civility, a civilization of love, a society of virtue and justice, nothing trespasses the *law of the gift* more, than a *culture of death* bolstered by laws which threaten rather than protect the unborn baby.

"Being" vs. "having and doing;"

"Solidarity" vs. "consumerism" and excessive privacy;

The *law of the gift* vs. "the law of survival," the capitulation to selfishness.

This is the choice, the dialectic, the tension presented by Pope John Paul II.

His successor, the current successor of St. Peter, Pope Benedict XVI, has added some wattage to the radiance of the *Gospel of Life*.

Pope Benedict, has repeatedly warned about the threat of a "dictatorship of relativism." He has also viewed the developments in the law very carefully, and has warned of the same tendencies that Pope John Paul has seen. In an important speech to the German Parliament just last fall, Pope Benedict warned of a purely positivist system of law that gives expression exclusively to the will of the law-maker—the human law-maker, not the divine one. Such a system views the world in functional terms, and thus fails to recognize that one cannot derive ethical norms from a purely pragmatic scientific approach. This system denies that mere observation of how things are cannot tell us how things should be, and how people

should behave from a moral perspective—in other words, it denies that one can derive an “ought” from an “is.”

The positivist attempt to create law without any recourse to the transcendent fails to recognize the full breadth of human nature, and in fact both “diminishes man” and “threatens his humanity.” To emphasize his point, Pope Benedict used an image that must have been chilling to an audience sitting in power in a Berlin that has been re-built in the aftermath of a devastating and dehumanizing war:

The positivist reason which recognizes nothing beyond mere functionality resembles a concrete bunker with no windows, in which we ourselves provide lighting and atmospheric conditions, being no longer willing to obtain either from God’s wide world.

These are strong words, indeed, but as Blaise Pascal once noted, “The first moral obligation is to think clearly.” In a culture where the lives of unborn children and the vulnerable elderly are constantly at risk due to majority votes of judicial tribunals or legislatures, it is difficult to come to any other conclusion.

As Pope Benedict XVI recently remarked during his apostolic visit to his homeland, this is the transition from the “is” to the “ought” upon which our moral decisions and actions are grounded, or, as he remarks, from the “indicative to the imperative.” If we are “divinized,” reflections of God, created in His image and likeness—there’s the *is*—then we *ought* to treat ourselves and others only with respect, love, honor, and care. If the pre-born baby in the womb, from the earliest moments of his or her conception, is a human person—an *is* that comes, not from the *Catechism* but from the biology textbook used by any sophomore in high school—then that baby’s life *ought* to be cherished and protected by law.

If an immigrant from Mexico *is* a child of God, worth the price of the life of God’s only-begotten son, then we *ought* to render him or her honor, a welcome and protection from law, not a roar of hate, clenched fists and gritted teeth in response to the latest campaign slogan from a candidate appealing to the nativistic side of our nature.

If even a man on death row has a soul, *is* a human person, an *is* that cannot be erased even by beastly crimes he may have committed, then we *ought* not to strap him to a gurney and inject him with poison.

From the *is* to the *ought*. . . . The moral journey. From the indicative to the imperative.

As he is wont to do, Pope Benedict recently gave another fresh twist to this approach to morality. Again in Germany, before the Parliament, the Holy Father spoke about the need to reverence both the external environment of *creation*, and the internal ecology of the *creature*.

Thank God, the pontiff remarked, we creatures have learned, albeit the hard way, that the environment of our earth has a built-in balance, a fragile structure and equilibrium. Creation has an order about it, a delicate stasis that should never be tampered with or polluted by creatures.

The “Green Pope”—as Benedict has been called—went on to remind us as well that, just as there is an integrity in *creation* that must be safeguarded, and a “law of nature” that is evident to us who are tempted to abuse it, so is there an order, a balance, a coherence innate in *creatures*, in the human person, that is protected by a *natural* law which must be heeded.

Listen to his words:

The importance of ecology is no longer disputed. We must listen to the language of nature and must answer accordingly. Yet, I would like to underline a point that seems to me to be neglected . . . There is also an ecology in man! Man, too, has a nature that he must respect and that he cannot manipulate at will. Man is not merely self-creating freedom. Man does not create himself . . . His will is rightly ordered if he respects his nature, listens to it, and accepts himself for who he is . . .

By the way, talk about news. This kind of talk from Pope Benedict is attracting nods of agreement from people usually at odds with him. As renowned journalist John Allen comments:

In effect, the pope’s speech was a lesson in what Jeremy Rifkin has called “the new biopolitics,” in which erstwhile enemies are suddenly on the same side.

In a growing number of biotech debates, including embryo patenting, genetic engineering and animal/human hybrids, the Catholic Church and the pro-life movement find themselves allied with elements of the secular left, including environmentalists, feminists and anti-corporate activists. Their points of departure are obviously different, but they arrive at the same place. On the other side is a constellation of pro-business conservatives, the medical and scientific establishment, and libertarians opposed to any form of government regulation.

To some extent, those shifting sands remain hard to see because older bio-debates such as abortion and gay marriage still loom large. As the 21st century rolls on, however, the battle lines of the culture wars may be increasingly redefined, and the pope’s speech offered proof of the point.

How law serves the *Culture of Life* prompts, I now conclude, an examination of conscience: Will law protect the “being” of human life from the hegemony of raw insistence on “having” and “doing”? Does positive law presuppose and flow from, or contradict, the ingrained natural law? Is law tethered to objective truth, or is it ruled by a “dictatorship of relativism”? Is genuine freedom the ability to do what we ought, or the license to do whatever we want? Does solidarity trump privacy? Are basic human rights preserved or hindered when law says “no” to certain demands of pragmatism, utilitarianism, and consumerism that compromise the value of human life? Is the “right to life” above, or subordinate to, the rights of privacy, convenience, and personal satisfaction? Should laws be tailored to suit changing wants, demands, or recently discovered “rights,” or should wants, demands, and novel rights be tempered by law to uphold the sacredness of life, the common good, and the objective moral law?

As Pope Benedict reminded the German Parliament:

The conviction that there is a Creator God is what gave rise to the idea of human

rights, the idea of the equality of all people before the law, the recognition of the inviolability of human dignity in every single person and the awareness of people's responsibility for their actions.

By appealing to the necessary link between freedom and truth and by stressing our relationship with the God who has endowed us with both, the *Gospel of Life* offers us a pathway to building not just good laws, but a free and virtuous culture as well.

I sure appreciate your interest and patient attention.



"Honestly—the things you say about your dear old mum."

APPENDIX B

[*Jacqueline Nolan-Haley is a professor at Fordham Law School. The following is her response to an address given by Archbishop (now Cardinal) Timothy Dolan, sponsored by Fordham's Institute on Religion, Law & Lawyer's Work, January 24, 2012 (Appendix A).*]

Law and the Gospel of Life

Jacqueline Nolan-Haley

Reflecting on Archbishop Dolan's powerful message tonight, I would like to make three points. First, Archbishop Dolan is telling a story about two visions of law with completely different perspectives on human dignity. On the one hand, the law of the *Gospel of Life* offers a robust, generous view of human life that recovers the value of human dignity and honors the exercise of conscience. It is a powerful pedagogical document that gives us a blueprint for authentic human existence, condemning genocide, euthanasia, suicide and abortion as acts which violate human dignity. It is grounded in principles of Catholic social teaching on solidarity and the common good. And, as Archbishop Dolan has observed, at its core, it presents human life as a life of relationship and as a gift of God.

On the other hand, there is an "alternative" vision of human life which is found in civil laws. On the surface, the language looks the same as that in the *Gospel of Life*. Most international human rights documents explicitly recognize the right to life and the idea of human dignity. In fact, it was the Catholic philosopher Jacques Maritain who helped to frame the insistence on human rights and human dignity in the Universal Declaration of Human Rights. Article 3 of the Universal Declaration guarantees "that everyone's right to life shall be protected by law." Article 6 of the International Covenant on Civil and Political Rights states: "Every human being has the inherent right to life." Its Preamble states that this right derives from "the inherent dignity of the human person." Despite the clear language in civil laws that honors human dignity, in many countries, including the United States, we know that the "alternative" vision of law offers an impoverished view of human dignity. Instead of affirming human rights for all human beings, certain categories of human beings are excluded from coverage, especially at the most significant moments of existence—the moment of birth and the moment of death. As Archbishop Dolan has pointed out, instead of the Gospel values of solidarity and the common good, it preferences privacy and individualism. Instead of a focus on the intrinsic value of every human life, its focus is on the quality of a life. I think it is clear then that the human dignity norms in the *Gospel of Life* can do much to inform civil law.

The second area where the *Gospel of Life* can inform civil law has to do with the relationship between freedom and truth. As Archbishop Dolan has observed, the *Gospel of Life* calls for re-establishing the essential connections between life and freedom, and freedom and truth. This is a timely call because the shift from a value-of-life to a quality-of-life ethic has been accomplished by linguistic

strategies that often distort the truth.

The third area where the *Gospel of Life* can inform and inspire civil law connects with the Church's teaching on peace and justice. This Encyclical reminds us that: "The value of democracy stands or falls with the values which it embodies and promotes." Consider the competing values at stake in the two visions of law that Archbishop Dolan has highlighted tonight. On the one hand, the *Gospel of Life* promotes: (1) Respect for inalienable human rights including the right to follow one's conscience and not to cooperate with evil; (2) Adopting the "common good" as the end of political life; (3) The dignity of every human person. It reminds us from Genesis that this dignity comes from our being made in the image and likeness of God. So human dignity is not a "take-it-or-leave-it" kind of value in the *Gospel of Life*. Compare this to the "alternative" view found in civil laws where human dignity is simply a *contingent* value.

Reflecting on Archbishop Dolan's talk tonight, I would like to suggest some of the challenges we face as well as some signs of hope. The philosophy of Fordham Law School is rooted in the Jesuit tradition that focuses on training women and men in the service of others. It is worth considering tonight who those "others" might be. Here the *Gospel of Life* enlightens: "We are called to become neighbors to everyone and to show special favor to those who are poorest, most alone and most in need." Who could be more vulnerable than those living in the womb, or those living on the fringes, at the end of life?

As Archbishop Dolan has discussed tonight, the prophetic voice of the *Gospel of Life* urges us to "recover a vision of the relationship between the civil law and the moral law." It recognizes that human life and human dignity need "muscle" to secure them. So it is pulling us to bring greater morality and justice to civil law. In my view, there is *hope* in this regard. Our country has done this before. Archbishop Dolan has already referred to a prophetic voice in this country who wrote from a Birmingham jail—that *injustice* anywhere is a threat to *justice* everywhere. That voice brought morality to American law. It pulled us towards ending unjust laws that treated certain categories of human beings without any dignity.

There are other signs of hope as well. In October of last year, the European Court of Justice issued a ruling that prohibits the granting of a patent for research that involves the destruction of a human embryo.¹ The court observed that respect for human dignity is involved, and, that harvesting embryos does not respect human life.

So these are small signs of hope amidst the current darkness. And the clear message of Blessed John Paul II in the *Gospel of Life* is yet another reason for hope. And so, in conclusion I commend Archbishop Dolan for his courageous leadership in honoring the *Gospel of Life* at a time when it is most needed.

NOTES

1. *Oliver Brustle v. Greenpeace e.V.*, Judgment in Case C-34/10 (October 18, 2011).

APPENDIX C

[Kathryn Jean Lopez is editor-at-large of *National Review Online*. Her following interview with Anne Conlon, managing editor of the *Human Life Review* and editor of *The Debate Since Roe*, was posted on NRO (www.nationalreview.com) on January 20, 2012.]

Combating *Roe*: one word at a time

Kathryn Jean Lopez & Anne Conlon

On January 23, opponents of the Supreme Court's *Roe v. Wade* ruling will gather as they have for almost 40 years now, to protest the decision. To keep a record of these dark years for human life, the *Human Life Review* was established. They have a volume, *The Debate Since Roe*, that serves as a reference and primer for any student of this issue—a must-read for the voter, the activist, the undecided. In an interview about the volume, the *Review*'s managing editor, Anne Conlon, talks openly about real life.

KATHRYN JEAN LOPEZ: Didn't the concept of "The Debate Since *Roe*" sound like it could be an utterly depressing project?

ANNE CONLON: Jim McFadden, the late founding editor of *The Human Life Review* (he died in 1998), believed there had to be a record of the abortion debate so no one could claim, as some Germans did about the Nazis, that they didn't know what was really going on. Distilling a 37-year record into a single volume, a pro-life reader of sorts, was a challenge. What was somewhat—not *utterly* but somewhat—depressing, during my long trek through the archive, was the growing realization that all the important arguments against abortion were being made, and eloquently so, from the very beginning of the debate. It makes me nuts, for example, that anyone could have ever entertained the feminist claim that unborn children were simply "blobs of tissue." I chose to include in the book Sen. James Buckley's 1973 Senate address introducing his Human Life Amendment (a few months after the *Roe* decision), not simply because of its historical significance, but because in it he quotes an extended passage from the work of a researcher in fetal physiology whose description of the physical and biological characteristics of the unborn child is as illuminating as any sonogram.

LOPEZ: Why did you start with eugenics?

CONLON: The book is largely, though not completely, chronological. I thought Mary Meehan's "The Road to Abortion," written several years after *Roe v. Wade*, was the right place to begin because it supplies important context for how such a culture-rupturing decision could have happened in the first place. Meehan, who's one of the most formidable researchers about the eugenics movement—she spends a great deal of time in public libraries and private archives, excavating important facts and details from dusty old boxes of personal papers and correspondence—shows in that essay how the abortion movement of the Sixties was both peopled and paid for by supporters of an earlier eugenics movement, one very much committed to breeding a "better" human race. This included not only people like

Margaret Sanger and Alan Guttmacher of Planned Parenthood fame, but also establishmentarians like John D. Rockefeller Jr. and George Eastman (of Eastman Kodak).

LOPEZ: You contend that in the years since *Roe*, the “bitterness” has “intensified.” What accounts for that? Pain?

CONLON: That’s a hard question. And I’m not sure I have a good answer. But here’s a roundabout way of telling you what I think. I’m 60 years old. When I was a freshman in college, in 1970, a dorm mate who suspected she might be pregnant breezily assured me that if she were she’d just go to New York and get an abortion. It wasn’t legal yet (it became so in New York in 1971), but loopholes in state law made getting an abortion there pretty easy, or at least that’s what she thought. I was shocked that she would even consider having an abortion, but it didn’t occur to me to think of her as a bad person.

Ten years later, when I was working as a copywriter at an ad agency, a colleague confided that while she would never have an abortion herself, she didn’t think she had the right to tell someone else she couldn’t have one. I didn’t realize it at the time, but that was my introduction to the “personally opposed, but” abortion credo. And for a while, “personally opposed, but” pretty much described my attitude, too—though I would never let anyone get away with assuming I was pro-abortion, an assumption most people at my agency would make whenever the subject came up (there aren’t many pro-lifers on Madison Avenue). One day when I was about six months pregnant, my boss, the creative director of the agency, matter-of-factly asked if I’d had an amniocentesis yet, as I’d want to make sure everything was “okay.” No, I told him, I would take what I got.

That was in 1986. My obstetrician, of course, also expected I’d have an amnio and insisted I sign a note saying I had refused the test—why have it, I said, if I wouldn’t have an abortion. I didn’t know then that this doctor, who subsequently got my son safely through a tough delivery, was also dismembering the unborn children of her patients who didn’t want to give birth. I found that out after I started working for the *Review* in 1995, when on hearing about my new job, she replied, “Well, of course you must know that *I* do abortions. But only up to eight weeks.” She even assured me she had counseled patients carrying children with dwarfism not to abort them for that reason. Well, I *hadn’t* known about her abortion practice and I was shocked. But, because of our personal history I suppose, I couldn’t bring myself to think that even she—an abortionist, for heaven’s sake—was a bad person.

I saw her a few weeks ago. It happened to be my son’s 25th birthday and we recalled how what had begun as a routine induction ended 20 hours later in a 4 a.m. emergency Caesarian for a baby in acute distress. “The umbilical cord is wrapped around his neck and arm,” I heard her say as she went about rescuing him from what had become a lethal lifeline. She’s no longer delivering babies, and I’m not sure she’s still doing abortions, though something she said about “the Pope who wants to put us out of business” made me think that she is. She said it with a smile,

but it was a bitter remark—and one which evoked a bitter feeling in me. Like me, she doesn't think I'm a bad person because I disagree with her about abortion, but my disagreement, I realized at that moment, causes her pain, just as hers causes me pain. There is no way to compromise on the matter of killing human beings. But today, in navigating a culture permeated by abortion, most of us have at least some people in our lives with whom, on this contentious subject, we have in essence agreed to disagree. But there is a cost for this uneasy agreement, and that cost is a massive suppression of pain—on both sides of the debate. So getting back to your question: I don't think pain by itself causes people to become bitter. I think the suppression of it does.

LOPEZ: Why are people “more confused than committed”?

CONLON: It's not just pain we've been suppressing for going on four decades, but common sense, and, for those old enough to remember it, logic. Most people tell pollsters they are against most abortions. Yet they still want it to be legal. This includes, in some polls, people who also say abortion is murder. This makes no sense—what other kind of “murder” would people be so blasé about? Then there are those who are against abortion but don't have a problem with physician-assisted suicide and euthanasia. Or maybe they reject both abortion and euthanasia but support embryonic-stem-cell research and cloning. A lot of people, I think, are feeling their way to a position on these issues rather than thinking them through. And it doesn't help that our culture has substituted entertainment for imagination. It takes imagination—moral imagination—to see that so-called spare embryos created in petri dishes are our brothers and sisters. That they, too, being part of the human community, deserve our respect—and protection. The good news from recent polls is that young people are trending in a pro-life direction. But I don't think logic has as much to do with it as perhaps a growing awareness on their part of the missing—siblings, cousins, aunts, uncles who may have been aborted—and an inchoate sense that “there but for the grace of my mother, go I.” They have also been taught that virtually any sort of discrimination is evil, and the unborn are indeed the tiniest and most helpless victims of discrimination.

But even if you think you're keeping your logical head while all around you are losing theirs, you can still feel confused by the affection you feel for people—like my obstetrician—who either think abortion's okay or don't bother to think much about it at all. I'm a committed pro-lifer. But the last thing I want to do is hurt someone during a conversation about abortion. I think the statistic now is that one in three women will have an abortion in her lifetime. When you add in all the people who may be complicit in that abortion—expectant fathers, parents, siblings, grandparents, friends—I suspect we could be talking about a majority of people in the country. I sometimes feel like Hamlet: “Should I say something or not?”

But then there are the times when I don't have much of a choice about saying something because someone who knows I'm against abortion is verbally accosting (or maybe just needling) me about it. After 16 years of working for the *Review*, I

can articulate and defend the pro-life position pretty well. *The Debate Since Roe* is for anyone who wants to be able to do the same—it will give them greater command of the facts and arguments about abortion. But then we must remember, too, that it's possible for even wise men to rush in where angels fear to tread. *How* we make our case is so important. And this is especially so for people who are representing the pro-life movement. I've been asked on a few occasions to do a talk-radio or TV interview on some abortion subject and I've always declined—I can be too much of a hothead when provoked.

LOPEZ: What does Tom Thumb have to do with anything?

CONLON: Earlier I talked about a researcher whose illuminating description of fetal development, quoted by Senator Buckley in a Senate address, is part of the Congressional Record. Tom Thumb—the fairy-tale character smaller than a thumb—is in the Congressional Record, too. He was put there by the French pediatrician and geneticist, Jérôme Lejeune, when, back in the Seventies and Eighties, he testified in the Senate, first in support of a Human Life Amendment, and later a Human Life Bill (the latter testimony is in the book). Doctor Lejeune was well known for having identified the chromosomal abnormality that causes Down syndrome—he received the Kennedy Prize for it in 1962 from the president himself. He used Tom Thumb to make the point that each individual's unique physical character is contained in the chromosomal marriage that takes place at conception. At two months of development, he said, we were all Tom Thumbs in our mothers' wombs, two inches long but complete with hands, feet, head, organs, and brain. As far as I know, no reputable scientist ever publicly defended the “blob of tissue” canard, but it's also true that the science establishment as a whole wasn't interested in taking on noisy feminists—and the influential politicians (like Ted Kennedy and Al Gore and Bill Clinton) they converted to the pro-abortion side—so there weren't legions of scientists publicly denouncing it either. Just as there aren't legions of scientists publicly denouncing Harry Blackmun's “We don't know when human life begins” canard—actually what he wrote in his majority opinion for *Roe* was “We need not resolve the difficult question of when life begins.” Thanks to the silence of scientists and doctors and, of course, the press, that very-easy-to-answer question—just consult an embryology textbook—is still very much with us. Especially at election time, when it provides convenient cover for self-proclaimed Catholics like Nancy Pelosi and Joe Biden.

LOPEZ: What did you learn from Sandi Merle?

CONLON: Sandi Merle was one of those people who walk into your life one day and make such an impression that now, six years after she died, I can conjure up our first meeting as if it had happened yesterday. Cardinal O'Connor—he and Sandi were great friends—sent her to us sometime back in 1999. Sandi, who was a novelist and Broadway lyricist, had started a group for Jewish women in the arts who were against partial-birth abortion. She had produced, along with Dr. Mary Nicholas, what they called a Jewish/Catholic Dialogue about partial-birth abortion, and the

Cardinal thought we might be able to help them get it published. It was much too long for the *Review*, but a sister organization, the Ad Hoc Committee in Defense of Life, did publish a lengthy excerpt as a pamphlet later that year. Sandi, bless her, made sure that pamphlet got into the hands of every member of Congress. This was the era of the partial-birth-abortion legislative battles, which Sandi vividly recounts—along with her friendship with Cardinal O’Connor—in the essay of hers in the book. I remember attending an event here in New York with Sandi years ago. Carlos Menem, a former president of Argentina and a great pro-lifer, was being honored by the Vatican. It was held in an auditorium, I can’t remember where, but Sandi was sitting on the aisle. I’ll never forget how, as Rep. Chris Smith, another great pro-lifer, walked up to take his seat, Sandi, in one smooth thrust, landed a copy of the pamphlet smack in his belly.

You asked what I learned from Sandi Merle? How to get stuff done. But on a more serious note, I learned how important it is for the pro-life movement to have a big tent. Unlike Sandi, not all the women in her group were against abortion per se; they just couldn’t believe that six-, seven-, eight-, and even nine-month-old unborn babies were being butchered in America. It was a start. Most people don’t know, as Sandi did, that Jewish law proscribes most abortions. In 2001, Sandi helped put together a conference at Fordham, titled “Exploring How Jews and Christians Can Work Together to Sanctify Human Life.” One of the speakers was Fr. Richard John Neuhaus. The text of the address he gave there, which has never appeared anywhere except in the *Review*, is also in *The Debate Since Roe*.

LOPEZ: What was the easiest essay to decide on including? The hardest?

CONLON: The easiest was Ronald Reagan’s “Abortion and the Conscience of the Nation.” When a sitting president writes an essay for your journal, as he did in 1983, you not only run it, you reprint it from time to time, and, if you’re doing a collection, it’s the first thing you think of including. What was hard was having to leave so many excellent essays out. My aim wasn’t to produce a “Best of the *Human Life Review*,” but rather a reader that would not only help pro-lifers become better articulators of their argument, but also give them some history, some understanding of the anti-abortion movement’s decades-long struggle. Along with Senator Buckley and Doctor Lejeune, I included such other legislative landmarks as Henry Hyde’s House speech introducing a Human Life Bill in 1982, and Hadley Arkes’s House testimony on the Born-Alive Infants Protection Act—Professor Arkes’s brainchild, which George W. Bush signed into law in 2002. All of these, by the way, are beautifully written, compelling pieces. Jim McFadden always said that our side would get the best “vendors of words,” because what writer who was proud of his gift would want to “befoul” his reputation by defending the killing of unborn babies? He sure was right about that.

LOPEZ: How does one find herself managing editor of the *Human Life Review*?

CONLON: Actually, I have NR publisher Jack Fowler to thank for that. The ad agency where I worked for twelve years went out of business in 1991. After four

years of working freelance, I decided I wanted a career change and sent NR a letter saying I'd be happy to start at the bottom again and would even make the coffee if they had a spot for me. They didn't, but Jack dutifully filed the letter and résumé away. Not long after that, when the *Review's* then-managing editor announced she was leaving in three weeks, Jack, who had worked for the *Review* before joining NR, pulled my letter out and gave it to Maria [McFadden, then executive editor, now editor], who gave it to her father, Jim. I came in for an interview, hauling my ad portfolio, which he didn't look at, and a few letters to the editor I'd written about abortion, which he did. He hired me on the spot—that is, after I practically got down on my knees and begged him for the job. And, by the way, it was Jim who always got into the office first and made the coffee.

LOPEZ: Why would anyone want to subscribe to a journal that is all about abortion?

CONLON: Well, it's not all about abortion. From the very beginning, and for obvious reasons, the *Review* was also focusing on euthanasia and other assaults on the sanctity-of-human-life ethic. Over the years, we've responded to what *Roe* has wrought with articles on physician-assisted suicide, fetal genetic testing and experimentation, designer babies, cloning, embryonic-stem-cell research, et al. "What *Roe* Has Wrought" is the working title of another volume I'm putting together, of essays from our archive on these subjects. I had started off including them in *The Debate Since Roe*, but the project just got too unwieldy. That's why some of our longtime contributors, anti-euthanasia advocates like Wesley J. Smith and Rita Marker, for instance, aren't included here but will be in the second volume.

LOPEZ: What's the single most effective piece *HLR* has run?

CONLON: Literally effective, as in having an effect? Probably President Reagan's essay. It sure got us notice. But here's what else I'd say: We aim to be effective in different ways. You never know what kind of argument will persuade an individual to change sides—political, philosophical, religious, psychological, legal, medical, or maybe some piece of personal testimony. We feature articles by doctors and lawyers, politicians and political scientists, philosophers and clerics, journalists and, as Jim once called them, "those who bring a layman's view to the meaning of it all." Most of the articles we run are written, as Reagan's was, especially for the *Review*. But we're keeping a record of the abortion debate, so along with original pieces we also reprint, as I've already mentioned, the texts of political speeches—and Supreme Court decisions—as well as essays and columns published elsewhere. For example, back in the mid-Nineties, the feminist Naomi Wolf created quite a stir with an essay she wrote for *The New Republic*, titled "Our Bodies, Our Souls," in which she argued that abortion was a "necessary evil." We not only reprinted it but ran a symposium addressing—and I don't need to say, refuting, respectfully refuting—her argument. Her essay isn't in the book but another one from that time is: George McKenna's "On Abortion: A Lincolnian Position," a masterful analysis of the abortion debate that originally appeared in *The Atlantic*. McKenna, a political scientist who has since written several original essays for the *Review*, told me back

then that *The Atlantic* had never received as many letters to the editor as it had for that one.

LOPEZ: A few months ago, you honored Paul Greenberg at your annual Great Defender of Life fundraising dinner. How did you come to that decision?

CONLON: We wanted to honor him because he deserved to be honored—he is the epitome of what it means to be a Great Defender of Life. A fearless pundit—also a Pulitzer Prize-winning one—his writing is powerful and eloquent. The longtime editorial-page editor of the *Arkansas Democrat Gazette*, Greenberg writes three (long) columns a week, mostly on subjects that have nothing to do with the pro-life struggle, by the way. Bill Murchison, another syndicated columnist, and one of our senior editors, in his introduction to a collection of Greenberg’s pro-life columns we just put together, wrote that Greenberg “may be America’s most brilliant living newspaperman.” He wasn’t always pro-life; in fact, in the Eighties, while he was at the *Pine Bluff Commercial*, he sparred over the legality of abortion in that paper’s pages with a local pastor named Mike Huckabee. The first time Jim reprinted one of [Greenberg’s] columns, he wrote that Greenberg had been on “a slow road to Damascus.” But his conversion proved Jim’s point about “vendors of words”—Greenberg’s one of the best of them. He gave a wonderful address at the dinner, ruthlessly honest about the self-delusion he engaged in for years in order to defend abortion but was finally able to throw over. There’s comfort in that, he said. If he could change his mind, others could as well. Maria McFadden and I and the rest of the people at the *Human Life Review* believe that, too. That’s why we do what we do.



“Not another happy ending.”

APPENDIX D

[The Very Reverend Dr. Chad Hatfield is Chancellor of St. Vladimir's Orthodox Theological Seminary in Yonkers, NY, where he is also an adjunct professor of Missiology. He wrote the following reflection after returning from this year's March for Life in Washington DC.]

On My Mind

Rev. Chad Hatfield

For the last several years members of the St. Vladimir's Orthodox Theological Seminary (SVOTS) Community have joined other Orthodox Christians in Washington D.C. for the March for Life. Two things caught my attention this year that are worth some reflection. The first is the youthfulness of the participants. The second is the large number of clergy.

The presence of so many young people is testimony to the fact that the pro-life message is not passing with time. Young people, with much thanks to modern technology, understand more than ever that human life is precious and that it begins at conception. Many European Christians will remark that the battle is lost on that continent. Not so in America, where a vocal pro-life youth movement carries the message that *Roe v. Wade* is a national disgrace. This issue will not simply fade away.

One of our seminarians noted in his homily today that two businessmen were overheard wondering why the people come every year to the March for Life. They were amazed to think that "these people" believe legalized abortion can be reversed. I am sure that William Wilberforce heard similar comments as he continued his efforts to abolish the slave trade after so many defeats in the British Parliament. In the end, however, truth and righteousness prevailed.

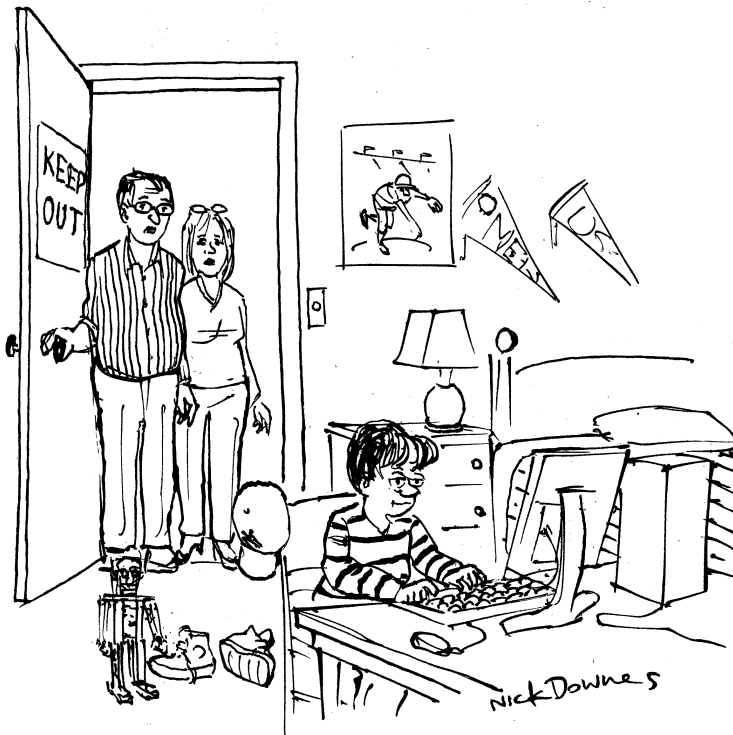
Clergy have always been at the forefront of the resistance to immoral practices that are both legal and culturally accepted norms. A perfect example is the U.S. Civil Rights Movement. We Orthodox are very proud of the 1965 issue of *LIFE* magazine that featured Archbishop Iakovos on the cover with Dr. King. So much for those who say that: "our people don't go in for such things"!

It is true that we Orthodox have a tendency to avoid putting our own voice into the debates found in the public square. Sometimes it takes immigrant populations time to recognize that in America this is how we do our business. If we need an example from our own history to give us the courage to speak up, then I would cite the Alaskan Orthodox Clergy who have, from the beginning of the Mission to America in 1794, been defenders of Native Alaskans who suffered terrible abuses and were without a voice in many situations that no Christian could accept.

The March for Life is one way to find an ecumenical Christian witness that is large enough to get the attention needed to highlight this most repugnant moral issue of our day. We also need to financially support Orthodox Christians for Life, ZOE (founded by Orthodox women to help women in crisis pregnancies, foster abstinence programs for young people, and assist Orthodox Christian couples

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seeking to adopt), and ministries such as the Treehouse in Wichita, Kansas. We should do our part to bring healing to all victims of abortion, including parents of aborted pre-born children. What we must NOT do is remain safely out of the picture in silence and inaction. In short, let us do something for the pro-life movement as our faith demands of us.



"Is he really studying, or just plotting against us?"

APPENDIX E

[Adriana Lee, MD, is a board-certified pediatrician, who did her residency training in the Mayo Clinic. She is currently staying at home with her four children and is a resident of the San Francisco Bay Area. She can be reached at adrianaleepeds@gmail.com.]

The Impact of Abortion on Future Pregnancies

Adriana Lee

Infant mortality rate is an important indicator of the health and well-being of a nation. Currently, America ranks 46th in the world among nations with the highest infant mortality rate. Premature birth is one of the leading causes of infant deaths, and since 1981, there has been an exponential increase in the rate of premature births in this country. This is due in large part to advances in assisted reproductive technologies such as in vitro fertilization. But there is also another important cause, one that has thus far escaped the radar—abortion.

For the last three decades, hundreds of studies have examined the impact of past abortions on later birth complications. Some studies have found an association, while others have not. In 2009, however, three important systematic review papers were published, summarizing the results of only those studies considered to be well conducted, and the results became clearer.

Currently, the odds of having a premature birth are 1 in 8. The systematic reviews found that having one abortion increases the odds of a future premature birth by 27 percent. Two or more abortions increased the odds by 62 percent. Thus, previous abortion, especially repeated abortions, can increase a woman's odds of a future premature birth to as much as approximately 1 in 5. This link was found to be particularly strong in those who had multiple abortions and subsequently experienced extremely premature birth (where the pregnancy lasted less than 32 weeks).

The cause for this increased risk is not entirely clear, but surgical abortion has been associated with subsequent increased infections, late pregnancy bleeding, adhesions, scarring of the womb (increasing the risk of abnormal placental implantation), and cervical damage and hence cervical incompetence. Other factors such as smoking, alcohol use, maternal age, marital status, income level and education, etc., have also been found to show an association. These systematic review papers further found that even after taking these confounding factors into consideration, odds of premature birth independently increase when there are previous abortions.

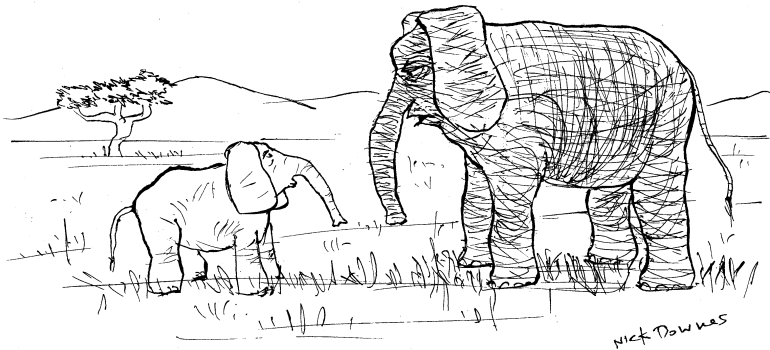
Further support for this association appeared in a 2010 study showing a link between previous abortions and cervical incompetence, which is one of the risk factors of premature birth. This study's size and scope were impressive, as it used data from the Centers for Disease Control and Prevention's (CDC's) nationwide record of more than one million pregnancy, abortion history, and birth outcomes in the United States and found a strong association between previous abortions and cervical incompetence. The results showed that women with one, two, three and four or more abortions were respectively 2.5, 4, 8, and 12 times more likely

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to have cervical incompetence.

It is noteworthy that African-American women were found to be at greater risk of both premature births and cervical incompetence than their Caucasian counterparts. The rate of premature birth in African Americans is 17 percent, compared to the general population's 12 percent rate. The risk of cervical incompetence in African Americans is more than twice that in Caucasians. In addition, 37 percent of African-American pregnancies end in abortion compared to 12 percent of Caucasian pregnancies. So, for African-American women, having an abortion—especially repeated abortions—puts this group at an even higher risk for future premature birth with its accompanying complications. These complications, such as cerebral palsy and mental retardation, can be devastating both emotionally and financially for families and tax the resources of society.

That's why it is critically important for all those considering an abortion and those working in healthcare to halt the "epidemic" of premature birth by educating themselves about the evidence linking abortion with cervical incompetence and future premature birth. All who may be affected can now make informed decisions about the impact of abortion on ourselves and on the health of the women and children we care for.



"I've earned these wrinkles."

APPENDIX F

[Colleen Boland Toder was at one time the managing editor of this journal. She and her husband, Dave, live in New Paltz, NY, with their six children, ages 3-15. She writes and speaks on issues concerning human dignity and, with her husband, she also teaches natural family planning through the Couple to Couple League. This originally appeared in the Poughkeepsie Journal and is reprinted with her permission.]

It's About the Constitution, Not Contraception

Colleen Boland Toder

No one is seeking to outlaw contraception. Contraception is readily available across the country at a low cost. Many insurance plans already cover it, and for those whose plans do not, low-cost riders are often available. Access to contraception is not threatened. The question Americans face is whether or not the federal government has the power to force people to purchase a product which violates their consciences and the free exercise of their religion, contravening the First Amendment of the United States Constitution.

At our nation's founding, Catholics were a small minority and unwelcome in many parts of the country. However, because of the guarantee of freedom of religion, millions of Catholics emigrated to the United States to help build our nation. Today Catholics are about 22% of the population of the country as a whole.

Catholic organizations serve the poorest and most vulnerable without regard to age, creed, sex, or income level. They run hundreds of hospitals, comprising the nation's largest group of non-profit systems, serving millions of patients with dignity. Catholic schools educate nearly 2.5 million students. Throughout New York State, Fidelis Care insures health-care for 725,000 people. Catholic Charities in New York coordinates a network of nearly one hundred agencies that served 356,000 of the most vulnerable and needy last year, including women in crisis pregnancies and victims of domestic violence.

These Catholic organizations exist entirely because of the desire of individual Catholics to follow their consciences and religion. The command of our founder to love one another as He loved us is obeyed by those who support these organizations with their time, money, and love.

Many of these organizations are not run directly by the Church, but by religious orders and affiliated institutions that follow distinctly Catholic directives to uphold and protect the dignity of each person. Serving millions of Americans, Catholic and non-Catholic alike, they flourish in a land in which the fundamental right of people to exercise their religion freely without state interference is guaranteed in our Constitution.

Today, the federal government threatens the existence of these institutions through the provisions of ObamaCare that require employers to pay for abortion-inducing drugs, sterilizations, and contraception coverage or face fines of \$100 per day per employee. The Catholic Church has consistently taught that these practices are

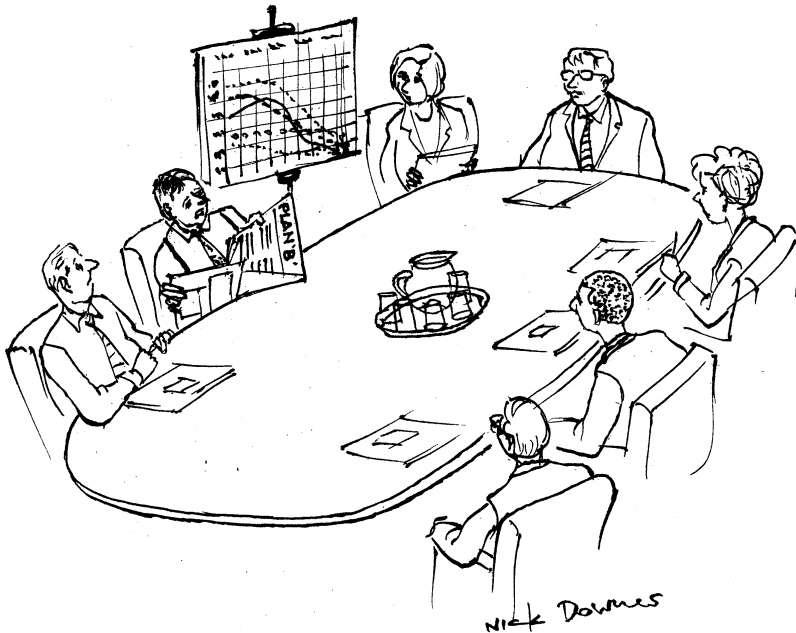
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incompatible with the Catholic religion. The Obama Administration offered what it called a compromise, to pass on the costs of contraception to the insurers so that employers do not pay for it directly. This is farcical. Insurance companies cannot provide any service for free. The costs will be passed on to the employers paying for insurance coverage.

Our nation is drowning in debt, which the Congressional Budget Office estimates will be 190% of gross domestic product by 2035. The current debt is more than \$49,000 per American, or over \$136,000 per taxpayer. Mandatory entitlement spending amounts to about 60% of all government spending. Instead of dealing with these problems, the Administration and its allies falsely raise the specter of theocratic forces set to punish women and interfere with their personal choices.

Even people who support contraception access can recognize that it is dangerous for Americans to yield to the government the power to supersede our Constitutionally guaranteed rights. If these universal human rights can be abrogated by politicians, what will happen when a different party is in power?

The matter at hand is not a threat to women's access to contraception. The matter at hand is the unconstitutional and unprecedented seizure of power by the Obama Administration.



“Plan ‘B’? Plan ‘B’ involves a lot of wailing and gnashing of teeth.”

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