

# THE HUMAN LIFE REVIEW



VOLUME XLVI No. 1 ♦ WINTER 2020

## ♦ FEATURED IN THIS ISSUE ♦

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Ellen Wilson Fielding on

**THE IMPORTANCE OF BEING SELF-GOVERNED**

Edward Short on

**THE PROPHETICAL ANTHONY TROLLOPE**

William Murchison on

**WILL *ROE* GO?**

Brian Caulfield on

**CHRIS & JOAN BELL: A COUPLE FOR LIFE**

Wesley J. Smith on

**THE MEDICAL CONSCIENCE CRISIS**

Jason Morgan on

**MANKIND IN THE AGE OF SURVEILLANCE CAPITALISM**

## ♦ ALSO IN THIS ISSUE ♦

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**THE 17TH ANNUAL GREAT DEFENDER OF LIFE DINNER**

**HELEN ALVARÉ • RICH LOWRY**

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*From the HLR Website:* B G Carter • Tara Jernigan • David Poecking • Diane Moriarty

*Book/Filmnotes:* Elizabeth Fitton reviews Stacie Taranto's *Kitchen Table Politics*

Mary Meehan reviews John Ensor's *Pregnancy Crisis Intervention*

William Doino, Jr. reviews *A Hidden Life*, a film directed by Terrence Malick

*Appendices:* Katie Yoder & Mairead McArdle • Donald J. Trump • Krystina Skurk

Maria McFadden Maffucci

Welcome to the first issue of our 46th year! For just the second time in our history, we welcome a new editor. She is Anne Conlon, who has been our stalwart managing editor since she arrived in our offices in 1995, an escapee from the mad world of Madison Avenue advertising. Mrs. Conlon brings her sharp eye and deft pen to her new position, as is evident in her fine Introduction, beginning on page 2.

Christina Angelopoulos is our new managing editor; in truth, she wears many hats and masterfully orchestrates our production as well. She is now joined by our new production assistant, Ida Paz.

As for your servant, my new position as editor in chief will allow me to broaden my reach and ensure the growth of the Human Life Foundation as a whole. As we strive to keep the *Review* consistently outstanding, we are also working to expand and enhance our dynamic website—[www.humanlifereview.com](http://www.humanlifereview.com); host live events, support pregnancy centers, and invite new readers and thinkers into our Foundation community.

The issue you hold is a prime example of the *Human Life Review*'s unique nature and purpose. As a “review,” its contents are richly varied, reflecting the many aspects of our vibrant movement. We have, for example, the lively and up-to-date political and cultural reporting of senior editor William Murchison, this time on the imminent Supreme Court case *June Medical Services LLC v Gee*; senior editor Ellen Wilson Fielding's brilliant foray into our modern psyche through the timeless literature of Laura Ingalls Wilder; and Wesley J. Smith's vital article on “one of the most important religious freedom/civil rights battles of the twenty-first century,” the right of each medical professional to follow his or her conscience.

What unites our various subjects is the conviction that human life is sacred and deserving of protection, in life and in law. Because the culture at large, which includes the mainstream medical and legal establishments as well as the media, refuses to state the truth about human life—when it begins, how it is valued, what happens to society when we devalue it—our *Review* is needed more than ever as the source of the finest scholarship, literature, and commentary on what is truly at stake in the battles for life.

Also featured here is a special section on our 2019 Great Defender of Life Dinner, honoring Helen Alvaré and Rich Lowry. The photos included prove a point Lowry made in his remarks, that people who defend life are joyful. We are, because we know that we have the truth. We also love laughter, and as always, we thank Nick Downes for his ingenious cartoons.

MARIA MCFADDEN MAFFUCCI  
EDITOR IN CHIEF

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**Y**et, there is still the marvel of life. None of us is the same. Our distinctiveness is set right at the beginning, from the very moment of conception, when we're all endowed with a genetic package of information unlike any that's ever been seen in the history of the world, or ever will be seen again. Every very young embryo on a scan might look the same, but that's only because we don't yet have the capacity to know him or her.

—Rich Lowry, 2019 Great Defender of Life Speech



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## INTRODUCTION

When Jim and Maria McFadden hired me nearly 25 years ago, the *Human Life Review* had long been considered essential reading for citizens wishing to engage in, and influence, the nation's on-going abortion debate. "Its purpose," Jim wrote at the launch of the journal in 1975, "is to inform those already interested in and concerned about the meaning of life, and death." Abortion, he saw early on, was "intimately linked to many other problems that confront Americans today, from such obviously-related life-and-death issues as euthanasia to much broader social questions." While the last two decades have seen a proliferation of pro-life writing and information—made easily accessible by the advent of the Internet and social media—the *Review* remains essential reading for those wrestling with the hard questions of life and death roiling our culture. As recently as last October, Helen Alvaré, one of our 2019 Great Defender of Life honorees, called the *Review* the "intellectual crown jewel" of the pro-life movement, especially suited, she said, for people who "lead with their heads."

Senior editor Ellen Wilson Fielding, dubbed "the Jane Austen of the Permissive Society" by Malcolm Muggeridge, one of the 20th century's great journalists, leads this issue with a probing essay that more than justifies Muggeridge's epithet. In "The Importance of Being Self-Governed," Fielding exposes, with Austen-like precision, our let-it-all-hang-out culture, which, having failed to instill in its young such age-old markers of adulthood as "a well-formed conscience, a well-trained mind, and a disciplined will," suffers from an overwhelming lack of self-control, or "self-governance, as the Founders would term it." For some perspective, Fielding looks to Laura Ingalls Wilder's *Little House on the Prairie* books, given out by American occupation forces in Japan at the end of the Second World War as "examples of the sturdy pioneer virtues that they associated with our nation's success as a democracy." Pioneering families like the Ingalls, Fielding writes, and "their plain-speaking respect for themselves and others, and their ability to debate and at times disagree with one another, and still band together against common enemies of all kinds, represented the mythic homespun democratic virtues [the Americans] identified as a seedbed of their moral cohesion and national success." Young Laura's apprehension of her world as one where "you have to keep the laws of God, for God's law is the only thing that gives you the right to be free," is a far cry from today's knee-jerk defense of sovereign individuality, where, Fielding writes, "most of us would check the box next to 'it depends' in response to most ethical questions."

Edward Short, whose earlier *Review* essays are collected in *Culture and Abortion* (Gracewing Publishing, 2013), follows Fielding with "The Prophetic Anthony Trollope," an argument for the importance of self-governance "to any culture reliant on the young for the perpetuation of civil society." A "riveting" scene from Trollope's satirical novel *The Way We Live Now*, in which a spirited young woman calls out a cad for not adhering to accepted social codes of behavior, spurs a lively discussion of male-female relationships in the Victorian era and our own: "Trollope shows sympathy for

an understanding of female dignity without which no civilization can flourish,” Short writes. “Indeed, if there is a kind of chivalry in Trollope’s sympathy, there is also a toughminded realism, a recognition that there are stakes attached to how we treat or mistreat women.”

*Roe v. Wade* is still trumpeted as a 20th-century advancement in the treatment of women, despite nearly five decades of deteriorating relations between men and women and escalating familial discord. As the Supreme Court gets ready to hear a case in March challenging a Louisiana abortion law, senior editor William Murchison, who has reported here on the clash of morality and politics since 1992, considers the likelihood of *Roe* being overturned by the present Court: “What goes on before the current set of justices,” he writes in “Will *Roe* Go?” is “the latest episode in a drama presently incapable of resolution, such are the moral stakes.” Murchison doubts the Court will take dramatic action in a nation where “even Catholics are divided” on the question of abortion. “Who from the pulpit is going to make the relevant spiritual arguments about unborn life and human responsibilities towards it?” His realistic assessment, however, resists pessimism: “We need to note,” he goes on, “the surprising, and hopeful, persistence of the human life cause in the face—in the very teeth—of all the causes that stem from modern progressives’ resistance to moral order in the universe.”

Chris and Joan Andrews Bell are models of pro-life persistence—Alvaré saluted them as “heroes” of hers—committed to restoring moral order on the national and local level. In “A Couple for Life,” longtime contributor Brian Caulfield profiles their separate paths: Joan’s dedication to anti-abortion civil disobedience, for which “she was arrested more than 100 times over the course of two decades and spent more than two years in prison,” and Chris’s mission of “providing shelter and loving care for women and their babies” who otherwise might be on the street. His Good Counsel Homes welcome “any pregnant woman regardless of her condition, including drug use and mental health issues.” Caulfield also observes how the couple’s commitment to life forged their remarkable family. After marrying late and having a daughter, the Bells adopted six children, each with special needs. “[S]pending time with them in their New Jersey home,” he reflects, “reinforces one’s awareness that life is a precious gift from God, filled with opportunities to choose and act—at this very moment—for the good.”

Alas, as Murchison reminds us, progressives’ resistance to moral claims continues to generate new causes for the *bad*, one of the latest being what Wesley J. Smith, another Great Defender of Life (2008), calls “The Medical Conscience Crisis.” It is, Smith warns, “one of the most important religious freedom/civil rights battles of the twenty-first century . . . a policy contest that will determine whether orthodox religious believers, proliferators, and Hippocratic-Oath-adhering doctors, nurses, pharmacists, midwives, and others will be driven out of healthcare.” And it is upon us now, a federal court having recently invalidated a comprehensive conscience protection rule issued by the Trump Administration last May. “Not that long ago,” Smith writes, “the idea that doctors could be coerced legally into taking human life or mutilating (in their view) patients would have been considered a futuristic fantasy.” Today, “increasingly strident opinion articles in medical journals,” antithetical to the Hippocratic Oath, fuel mainstream media organs like the *New York Times*, which “has repeatedly published



editorials and op/ed columns decrying medical conscience protections.”

While traditional media like the *Times* aim to influence the top policy-making stratum of society, the new scions of social media are using Big Data—the ocean of information culled from trillions of Google searches and other online transactions—to influence decision-making from the bottom up. In “The New Structure of Sin: Mankind in the Age of Surveillance Capitalism,” our far-flung contributor Jason Morgan—he teaches in Japan—writes about a not-so-futuristic reality: “a freak form of capitalism that is laser-focused on the destruction of the human person—free will, dignity, desires, dreams, loves, hopes, immortal soul—so that the resulting atomized behavior thereby can be transformed into cold, hard cash.” Born when tech companies like Google, Amazon, and Facebook discovered that selling users’ personal information to advertisers of all stripes—including political ones—could be wildly profitable, this “freak form” has been branded “surveillance capitalism” by Harvard Business School professor Shoshana Zuboff, whose recent book inspired Morgan’s essay. “*The Age of Surveillance Capitalism*,” Morgan writes, is “indispensable . . . for anyone who wants to think seriously about the world in which we live, where it came from, and where it might be going.” Or, as Alvaré might say, for those who lead with their heads.

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Our annual Great Defender of Life Dinner is an event where like-minded souls can rejoice in not having to contend with politically correct protocols and “woke” speech codes. Helen Alvaré and Rich Lowry, our other 2019 honoree, gave inspiring speeches, reprinted in this issue. We also include, as a tribute to Michael Uhlmann, a founding editor of the *Review* who died last October, remarks he made when the late Congressman Henry Hyde received the Human Life Foundation’s first ever Great Defender of Life Award in 2003. Following the dinner section is our regular feature “Book/Film-notes.” *Kitchen Table Politics: Conservative Women and Family Values in New York* had special appeal to reviewer Elizabeth Fitton: Her mother is one of several women profiled by historian Stacie Taranto, whose book looks at the post-war years when wives wanted to stay home and raise families—and could afford to do so, unlike many of their Depression-era mothers. Rev. John Ensor is a longtime pro-life leader, and his latest book *Pregnancy Crisis Intervention: What to Do and Say When It Matters Most*, writes senior editor Mary Meehan—whose work has appeared in the *Review* since 1981—“can help anyone who knows a woman or girl who is considering abortion.” William Doyno, reviewing Terrence Malick’s *A Hidden Life*, says “this may be the best movie about the Catholic conscience since Fred Zinnemann’s *A Man for All Seasons*.”

If you haven’t activated an online account—free to any subscriber—be sure to see “From the HLR Website” for insightful commentary by these regular bloggers: B G Carter, Tara Jernigan, Fr. David Poecking, and Diane Moriarty. We wrap up this issue with four *Appendices*, three on this year’s March for Life, including its surprise speaker. We end with one of our new editor-in-chief’s recent Newsmax columns. Congratulations, Maria, on your 21-year stewardship—and many thanks for the promotion.

ANNE CONLON  
EDITOR



# The Importance of Being Self-Governed

Ellen Wilson Fielding

At the close of World War II, Gen. Douglas MacArthur headed the American occupation forces in Japan. As part of the plan to eliminate Japanese militarism and Emperor-worship, and to encourage the democratization of the Japanese people, the occupation forces disseminated examples of the sturdy pioneer virtues that they associated with our nation's success as a democracy. Among the early offerings to make it across the Pacific were several of the *Little House on the Prairie* books by Laura Ingalls Wilder.

It is easy to see both why the Americans chose Wilder's books and why the Japanese liked them, especially the portrait of unsentimental endurance of hardship depicted in *The Long Winter*. For the Japanese, this account of deprivation, courage, and endurance, all suffered with John Wayne-like stoicism, must have resonated with their own wartime experiences of want and loss, and with the initial postwar scarcity. For the Americans, the sturdy independence of the Ingalls family and their fellow pioneers, as well as their plain-speaking respect for themselves and others, and their ability to debate and at times disagree with one another, and still band together against common enemies of all kinds, represented the mythic homespun democratic virtues they identified as the seedbed of their moral cohesion and national success.

There is a telling scene in *The Long Winter* that is based on the author's recollection of that desperate winter and a real event that her future husband took part in. Two young men in their teens volunteer to risk their lives by venturing out of town in the brief break in the long series of three-day blizzards that struck South Dakota the winter after their arrival. The small population of newly arrived homesteaders sheltering in the rudimentary town became cut off from food supplies: The trains were sidelined by the relentless snows, and as the winter months wore on, the homesteaders' stockpiles were being exhausted. Rumors spread of a homesteading farmer who had settled on his claim the year before and had harvested a crop of seed wheat to sow in the spring. Supplied by the local storekeeper with money to buy up the seed wheat, the two young men took off in search of the homesteader's cabin early one clear morning, knowing they could only count on one to two days before the next assault. Riding their horses across prairies covered with deep snow, they spent half the day fruitlessly looking for signs of an inhabited homestead. About to turn back empty-handed, they

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Ellen Wilson Fielding, a longtime senior editor of the *Human Life Review*, is the author of *An Even Dozen* (Human Life Press). The mother of four children, she lives in Maryland.

spot a wisp of chimney smoke in the distance and follow it to the homesteader, who does in fact have a harvest of seed wheat. But he doesn't want to sell it.

Now comes the part of the story of unusual interest to modern-day Americans who would expect to hear the boys use arguments based on the common good. The farmer doesn't want to part with his wheat, even for the substantial amount of money the storekeeper is willing to spend. After all, it is his seed wheat for the spring crop, and who knows when the trains will finally get back into operation once the long winter has passed. Perhaps the farmer wouldn't be able to buy wheat in time to plant it. These two young men—adolescents, really—holding the town's survival in their hands, patiently construct arguments to appeal to the farmer's own rational interests and address his personal concerns:

"How do I know they'll ship in seed wheat in time for sowing?" Mr. Anderson demanded.

Cap asked him reasonably, "Well, for that matter, how do you know you'll make a crop? Say you turn down this cash offer and sow your wheat. Hailstorm's liable to hit it, or grasshoppers."

"The one thing you're sure of is cash in your pocket," said Almanzo . . .

They finally persuade the farmer to sell, but almost lose their lives—and the precious bags of wheat their horses are hauling back by sled—as an approaching blizzard races them back across the miles of prairie to the tiny town.

The sequel to their journey is also instructive. The starving townspeople gather at the general store to purchase their share of the wheat to last their families the remainder of winter. The storekeeper first aims to make the killing of his career by pricing the wheat at a huge profit, essentially scooping up most of the money the townspeople have been saving to buy their own seed wheat in the spring. Mob sentiment builds, and some angry voices recommend taking the wheat from the storekeeper by force, when one of the settlers points out to the storekeeper the market-based argument against his pricing for top profit:

"If you've got a right to do as you please, we've got a right to do as we please. It works both ways. You've got us down now. That's your business, as you say. But your business depends on our good will. You maybe don't notice that now, but along next summer you'll likely notice it."

"That's so, Loftus," Gerald Fuller said. "You've got to treat folks right or you don't last long in business, not in this country."

At the microcosmic level, among this small new community of homesteaders, this episode demonstrates a great many building blocks of democracy and economic freedom, including initiative and risk-taking, freedom to bargain and enter into contracts, individual and collective action, market economics, rational debate and persuasion, property rights, and human respect.

But another scene occurring in the next book of Wilder's series offers even

more food for thought. *Little Town on the Prairie* opens the summer after the long winter. On the Fourth of July the homesteaders head to town for fireworks, horse races—and the traditional public reading of the Declaration of Independence. They conclude by singing “America” (“My Country, Tis of Thee”), culminating in the final lines “Protect us by Thy might,/Great God, our King!”

At that moment the 14-year-old Laura Ingalls is hit with an epiphany:

The Declaration and the song came together in her mind, and she thought: God is America’s king.

She thought: Americans won’t obey any king on earth. Americans are free. That means they have to obey their own consciences. No king bosses Pa; he has to boss himself. Why (she thought), when I am a little older, Pa and Ma will stop telling me what to do, and there isn’t anyone else who has a right to give me orders. I will have to make myself be good . . . . This is what it means to be free. It means you have to be good. “Our father’s God, author of liberty—,” The laws of Nature and of Nature’s God endow you with a right to life and liberty. Then you have to keep the laws of God, for God’s law is the only thing that gives you a right to be free.

“No king bosses Pa; he has to boss himself”; “This is what it means to be free. It means you have to be good”; “God’s law is the only thing that gives you a right to be free.” Nowadays, what on earth would a teacher, critic, or even a parent steeped in modernity make of those quotations?

Such statements, however, are consistent with—are necessary to—understanding the requirements of democracy. Founding Fathers such as John Adams (“Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other”) and James Madison (“We have staked our future on the ability of each of us to govern ourselves”) knew and openly stated that we needed to be able to govern ourselves, to make ourselves behave, if democracy was to work. This was not a newfangled view of the meaning and requirements of liberty; Laura’s musings fall into the common, centuries-old Christian perception of liberty as the freedom to do what is right. Free will is given us, after all, solely to allow us the privilege of *choosing* the good; our ability to instead reject the good and choose evil—or even to choose the lesser of two goods—is only a necessary byproduct of that privilege of free agency.

So when the adolescent Laura Ingalls perceives that adulthood is the time when you “have to make yourself be good,” she does not mean we are required by our human nature to do so: We all know that many people either do not try very hard or do not persist in trying to be good. And unlike the animals, we cannot rely upon instinct to direct our course of action. We desire things or fear things, and then it is up to reason and will to work out what to do about those desires and fears: which ones to heed, which to reject.

Take the storekeeper in *The Long Winter*. He is a man who first follows the tug of his desire to acquire lots of money; after persuasion from two townspeople, he reverses that decision, partly motivated by the desire not to be hated and partly perceiving that in the long run self-restraint will lead to customer loyalty and greater overall sales. Two of the townspeople present the wise arguments that sway the storekeeper: These arguments are true, though the speakers are partly motivated by the self-interested but legitimate desire to be able to buy enough wheat to last the winter out. The bulk of the townspeople, whose motivations include hunger, the wish to feed their families, the need for seed money for spring, envy of the storekeeper's relatively privileged position, and righteous anger at the injustice of price gouging, are on the verge of transforming into a mob that will take the wheat by force.

The Laura Ingalls who, four or five months after this episode, in the heat of a July day, meditates on the meaning of liberty and adulthood, could have looked back on the incident in the general store and easily identified which decisions and actions qualified as "good." After all, it was her beloved father whose reasonable words moved the storekeeper to price the wheat at cost. But she would also understand the temptation to take shortcuts and snatch at happiness, because, over the brief span of her 14 years, she could pinpoint many instances in which she had done what the townspeople contemplated doing, although the stakes and the harm were smaller. She could recognize in herself a propensity toward impatience, sharp speaking, and impulsive action. Up until now, her parents had helped check and correct her faults, guide her conscience, and encourage her self-control—her self-governance, as the Founders would term it. Soon, within a few years in that era when adult duties were early assumed (something that was true for most people of every era before the last century), she will have to rely on that formation—on a well-formed conscience, a well-trained mind, and a disciplined will—to do so. She will not always find these sufficient—no one in our fallen world does. And she will sometimes—often—find conscience and will divided. But by and large, she will end up exercising her human liberty with better than average success. She will demonstrate self-governance.

Now, that story line exemplifies a traditional Christian *and* American understanding of the meaning of human liberty and adulthood and the context in which we are called to make choices. As Attorney General William Barr emphasized in his recent Notre Dame speech on religious liberty, we are capable of self-governance on the national, political scale only if and to the extent that we are capable of self-governance in the private realm of our daily personal choices. But what does it mean nowadays, to most of the people we meet each day, to govern oneself? How do many or even most of our fellow citizens conceive of their self-governance, their personal liberty and the manner in which it is to be exercised?

To begin with, it is pretty clear that, even among those who believe in a personal God, relatively few conceive of him as “our King,” as the words of “My Country, ‘Tis of Thee” expressed this concept and as Laura Ingalls conceived of it. Even our Declaration of Independence, though it acknowledges the “laws of Nature and Nature’s God” as the foundation for Americans’ rights, steers clear of talk of kings except in the human and pejorative sense of George III’s transgressions. The unspoken assumption of the Declaration seems to be that, the physical and moral landscape having been laid down at the world’s creation, perhaps in good Deist fashion (and even the Episcopalians and Presbyterians and Congregationalists of that era were likely to have been influenced by Deist thinking, as we are by secular and materialist thinking), we were then left to work out the details on our own. And though periods of greater and lesser religiosity have waxed and waned in the intervening centuries, we today are far from the religious and theological level of even our late Eighteenth-century Founders.

In practical terms, and though almost all of us believe in some idea of right and wrong, and although we would agree at least in theory on a number of specifics, there are many others on which we would disagree. In addition (and perhaps most catastrophically for the kind of moral and religious self-governance on which our Founders pinned their hopes of the success of our American experiment), most of us would check the box next to “it depends” in response to most ethical questions. We also largely agree not only that moral laws have changed with time and have differed from one society to the next, but that time equals progress, in a fairly linear fashion, in the area of morality as it does in science, technology, and medicine.

However, many people today also sentimentally believe that primitive peoples in non-Western cultures (Indigenous tribes of the Americas, African tribes, Pacific Islanders, Tibetans and Indians, etc.) are purer, simpler, *better* than we are. These neo-Rousseauans imagine that primitive peoples are wiser, closer to Nature, less activated by greed or selfishness. How do these seemingly contradictory opinions of the value of human progress and human primitivism coexist in our minds? Partly by ascribing our bad Western traits to our particular European ancestral inheritance, and partly by not thinking too hard about such cognitive dissonance.

Back to our discussion of God as monarch. Earthly kings (that is, the old-time ones who ruled rather than the modern ones who preside over festive ceremonies and fuel the tabloids) have, since the Enlightenment, been despised by democrats and also socialists as arbitrary, despotic, elitist, and stodgily attached to tradition. But they are also despised simply because they are an old idea. They are relegated to fairy tales, like gnomes and talking animals (but not, oddly, like witches). But God’s position as transcendent ruler and lawgiver is

perhaps almost as tenuous and threatened as earthly kings' position. And the divine original in whose stead earthly kings once ruled?

Well, we understand by God a being possessing a great power and extraordinary creativity—he made all there is, after all (unless we are pantheists who believe that God *is* all there is). And of course he is immortal or else as old as the eons-old material universe(s). But we don't total up each attribute and arrive at God's having a limiting or disciplining authority over us. Like our own Deistically influenced Founders, we like to imagine God as permitting us to go our own way. Unlike them, we also would like to imagine him, genie-like, able and willing to grant us our wishes.

Consider what this means for the range of issues this journal has discussed for the past 45 years. A woman finds herself pregnant and for one or more of a range of reasons, deriving from circumstances often very challenging and sometimes horrific, decides that having or keeping the baby will cause her great unhappiness. She may be a selfish hedonist, but more likely is without the means to bring up a child, or even more likely is without the support of the father, parents, or stalwart friends. She fears abandonment, aloneness, and poverty. The people she loves or depends upon are vividly real to her. She knows how they look, feel, and sound under a variety of circumstances. The child she carries is anonymous to her: She cannot yet feel or touch her baby, or see it laugh or cry. She and her child have no habits or history together; they as yet share no memories. So she is tugged by her fears and her familiarities into the orbit of abortion. It is not a decision made by drawing up columns of pluses and minuses, although pluses and minuses may have gone through her mind. It is also not a decision made by consulting the Commandments or meditating upon the laws of Nature and Nature's God. It is made in the circumscribed locality of her loves, desires, attractions, dreams, nightmares, and fears.

After making the decision—which may go either way, for life or for death, depending upon the relative strength of those fears and attractions—she then reconciles that decision with the God she believes in. Either God will endorse her choice outright, because he wants her to be happy and figures she knows what will accomplish that, or God understands and forgives her erroneous choice, because she is a basically good person and was caught in a hard place, and how could he expect any more from her. Either way, God is in effect an afterthought to her decision rather than the lawgiver, judge, and king—or even collaborator. Laura Ingalls apprehended the need to make herself good, because she knew she was under the authority of God her king, whose laws were given to guide her decisions or, if she ignored them, to accuse her of disobedience. Laura's post-modern and largely post-Christian descendent, if her family line had persisted into our own era, would be consulting not a law inscribed in her conscience, but the law of her needs and desires, the laws of economics and



psychology, the laws of her loved ones and of her self-legislating mind. There is not much room for absolutes about the sanctity of human life or the wise workings of the natural law in the cramped space of a self-constructed consciousness or an internally directed will.

Abortion is hardly the only life issue confronting our self-made consciences and dealt with by the internal legislatures and legal chambers of individual hearts and minds. Something similar occurs in the decision-making of those grappling with euthanasia. Far from consulting divine revelations of religious tradition or even the long history of the Christian-formed West on these topics, the person formed by our current decadent culture (that is, a culture that has decayed from its previously vibrant and vital life to the status of carrion picked over by scavengers) commonly consults a range of practical, financial, emotional, and psychological considerations to arrive at the best possible outcome. Of course, someone else with a different set of considerations could arrive at a different best possible outcome. The result is not one Lord of Life, but millions—billions—of individual lords of life and death.

Circumstances, after all, loom large in the decisions of someone debating whether to end his or her own life (or the life of a declining family member), just as they do in abortion decisions. They loom so large that they crowd out the influence or authority of absolutes. For this kind of situation ethics depends not merely upon the situation a generic person finds himself in, but upon the idiosyncratic, unrepeatable individuality of that person's history, psychology, needs, wants, loves, and fears. Under such a magnifying-glass morality, there is no point in even engaging in the classic classroom life-raft debates about which factors to consider and how to weight them in arriving at an ethical course of action. Each member of the class would have his or her own right answer, but only for the individual case. And again, such a microscopic focus on the individual requirements of the case (as they seem to the actor) pushes God to the margins of the moral decision: He is the one we cajole afterwards into coming around to our opinion. He is the manipulable authority figure of whom we (confidently) ask forgiveness, not permission. By that time, we already have decided what we want and have probably gone ahead and grabbed it; if our decision differs from what God is reported to want, we will get him to see that we are an exception to the rule—an exception to any rule. But then, so is everyone else. Surely God is so wise, so accustomed to all the shapes and sizes we humans come in (for, after all, he made us all), that he can see what led us to this and every choice we have made!

But what if God is so wise that he knows that we are wrong? What if God is so wise that he knows what is right for us, and has made it possible for us to know this too, at least in the areas of moral decision-making that would, say, dissuade



us from sacrificing our unborn child to hopes, fears, dreams, and nightmares? What if he is so wise that he knows the good that can come out of situations we recoil from entering into or continuing to endure? What if he is our good and wise Creator and King? Then maybe we need to listen to what he has to say when ruminating on questions of life and death. Maybe we need to learn to govern ourselves according to the laws of Nature and of Nature's God.



*"He's gone rogue!"*

# The Prophetical Anthony Trollope

Edward Short

Nothing is more mischievous than the self-complacency of historians who treat the past as though it were an object lesson in why the present is more enlightened than the past. Yet precisely because these historians flatter the self-complacency of their readers, their misjudgments of the past often become axiomatic. This certainly occurred with regard to the view of the Victorians that still obtains in many quarters, thanks, in large part, to historians taking it into their heads to portray Victoria's subjects as little more than epitomes of benightedness. Indeed, if we consult the *Oxford English Dictionary*, we can see the figurative sense of the word *Victorian* defined there as *prudish, strict, old-fashioned*, and *outdated*, the clear implication being that the successors to the Victorians are, by contrast, broadminded, liberal, *au courant*, and forward-looking. As if to drive home this invidious comparison, the dictionary's editors turned to George Bernard Shaw, who wrote in 1950: *He was helping the movement against Victorian prudery in a very practical way as a nudist*. That says it all.

These distinctions occurred to me recently while reading Anthony Trollope's novel, *The Way We Live Now* (1875). While unnecessary to go into all of the twists and turns of the plot, it is necessary for our purposes to relate that the downfall of the book's hero, Augustus Melmotte, a thoroughly unscrupulous financier, affects a host of other characters intent on sharing in what they hope will be the dividends of his dishonest speculations. One of the subsidiary characters is a dissolute young baronet named Sir Felix Carbury, whose enterprising but impecunious mother tries to arrange for his marrying Melmotte's daughter, Marie. Spending most of his time drinking and gambling at his club, the baronet only pursues Marie half-heartedly, preferring as he does the company of an exuberant young country woman named Ruby Ruggles. Ruby has been put out of her home by her grandfather, whom she calls the "Squire," for refusing to marry an upright miller named John Crumb, who genuinely loves her. Consequently, as the story unfolds, Ruby is living with her Aunt Pipkin in Islington. Meanwhile, Felix has arranged to run away with Marie, convinced that her father will forgive her elopement and settle enough money on her to enable him to continue his life of dissipated extravagance. Before embarking for New York, however, he meets with Ruby one last time, even though her Aunt has

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told her that if she goes out again with Sir Felix the door will be locked when she returns home.

This is all the plot summary one needs in order to enter into the power of Trollope's treatment of the culminating scene between Sir Felix and Ruby, which nicely proves that, when it comes to *virginibus puerisque*, the Victorians were nothing as benighted as they have been made out to be. "I'm pretty nigh ashamed of myself. Yes, I am," Ruby admits at the beginning of the scene, with a moral clarity that does her credit.

And now Ruby burst out into tears. "Because I wouldn't have John Crumb, I didn't mean to be a bad girl. Nor yet I won't. But what'll I do, if everybody turns again me? Aunt won't go on for ever in this way. She said last night that—"

"Bother what she says!" Felix was not at all anxious to hear what aunt Pipkin might have to say upon such an occasion.

"She's right too. Of course she knows there's somebody. She ain't such a fool as to think that I'm out at these hours to sing psalms with a lot of young women. She says that whoever it is ought to speak out his mind. There;—that's what she says. And she's right. A girl has to mind herself, though she's ever so fond of a young man."

Sir Felix sucked his cigar and then took a long drink of brandy and water. Having emptied the beaker before him, he rapped for the waiter and called for another. He intended to avoid the necessity of making any direct reply to Ruby's importunities. He was going to New York very shortly, and looked on his journey thither as an horizon in his future beyond which it was unnecessary to speculate as to any farther distance. He had not troubled himself to think how it might be with Ruby when he was gone. He had not even considered whether he would or would not tell her that he was going, before he started. It was not his fault that she had come up to London. She was an "awfully jolly girl," and he liked the feeling of the intrigue better perhaps than the girl herself. But he assured himself that he wasn't going to give himself any "d——d trouble." The idea of John Crumb coming up to London in his wrath had never occurred to him,—or he would probably have hurried on his journey to New York instead of delaying it, as he was doing now. "Let's go in and have a dance," he said.

Ruby was very fond of dancing,—perhaps liked it better than anything in the world. It was heaven to her to be spinning round the big room with her lover's arm tight round her waist, with one hand in his and her other hanging over his back. She loved the music, and loved the motion. Her ear was good, and her strength was great, and she never lacked breath. She could spin along and dance a whole room down, and feel at the time that the world could have nothing to give better worth having than that;—and such moments were too precious to be lost. She went and danced, resolving as she did so that she would have some answer to her question before she left her lover on that night.

Is this *old-fashioned* or *outdated*? Do young women no longer demand respect from the young men they see? Are they no longer apprehensive lest their fondness for an irresponsible young man betray their dignity, their honor? Should young men no longer feel ashamed when they use young women as though

they were nothing more than kept concubines? These are matters of a perennial importance to the young, as they are to any culture reliant on the young for the perpetuation of civil society. In giving them such dramatic reality, Trollope can hardly be said to be “Victorian” in the sense in which the OED defines the word. On the contrary, his treatment of these deeply consequential matters could not be more *ad rem*. No one can read this riveting scene from *The Way We Live Now* without seeing that its moral preoccupations are our preoccupations. In showing such sympathy and admiration for his brave, incorruptible Ruby, Trollope shows sympathy for an understanding of female dignity without which no civilization can flourish. Indeed, if there is a kind of chivalry in Trollope’s sympathy, there is also a toughminded realism, a recognition that there are stakes attached to how we treat or mistreat women. But rather than gloss the scene, I should let my readers simply read it for themselves.

“And now I must go,” she said at last. “You’ll see me as far as the Angel, won’t you?” Of course he was ready to see her as far as the Angel. “What am I to say to the Squire?”

“Say nothing.”

“And what am I to say to aunt?”

“Say to her? Just say what you have said all along.”

“I’ve said nothing all along,—just to oblige you, Felix. I must say something. A girl has got herself to mind. What have you got to say to me, Felix?”

He was silent for about a minute, meditating his answer. “If you bother me I shall cut it, you know.”

“Cut it!”

“Yes;—cut it. Can’t you wait till I am ready to say something?”

“Waiting will be the ruin o’ me, if I wait much longer. Where am I to go, if Mrs. Pipkin won’t have me no more?”

“I’ll find a place for you.”

“You find a place! No; that won’t do. I’ve told you all that before. I’d sooner go into service, or—”

“Go back to John Crumb.”

“John Crumb has more respect for me nor you. He’d make me his wife to-morrow, and only be too happy.”

“I didn’t tell you to come away from him,” said Sir Felix.

“Yes, you did. You told me as I was to come up to London when I saw you at Sheepstone

Beeches;—didn't you? And you told me you loved me;—didn't you? And that if I wanted anything you'd get it done for me;—didn't you?"

"So I will. What do you want? I can give you a couple of sovereigns, if that's what it is."

"No it isn't;—and I won't have your money. I'd sooner work my fingers off. I want you to say whether you mean to marry me. There!"

As to the additional lie which Sir Felix might now have told, that would have been nothing to him. He was going to New York, and would be out of the way of any trouble; and he thought that lies of that kind to young women never went for anything. Young women, he thought, didn't believe them, but liked to be able to believe afterwards that they had been deceived. It wasn't the lie that stuck in his throat, but the fact that he was a baronet. It was in his estimation "confounded impudence" on the part of Ruby Ruggles to ask to be his wife. He did not care for the lie, but he did not like to seem to lower himself by telling such a lie as that at her dictation. "Marry, Ruby! No, I don't ever mean to marry. It's the greatest bore out. I know a trick worth two of that."

She stopped in the street and looked at him. This was a state of things of which she had never dreamed. She could imagine that a man should wish to put it off, but that he should have the face to declare to his young woman that he never meant to marry at all, was a thing that she could not understand. What business had such a man to go after any young woman? "And what do you mean that I'm to do, Sir Felix?" she said.

"Just go easy, and not make yourself a bother."

"Not make myself a bother! Oh, but I will; I will. I'm to be carrying on with you, and nothing to come of it; but for you to tell me that you don't mean to marry, never at all! Never?"

"Don't you see lots of old bachelors about, Ruby?"

"Of course I does. There's the Squire. But he don't come asking girls to keep him company."

"That's more than you know, Ruby."

"If he did he'd marry her out of hand,—because he's a gentleman. That's what he is, every inch of him. He never said a word to a girl,—not to do her any harm, I'm sure," and Ruby began to cry. "You mustn't come no further now, and I'll never see you again—never! I think you're the falsest young man, and the basest, and the lowest-minded that I ever heard tell of. I know there are them as don't keep their words. Things turn up, and they can't. Or they gets to like others better; or there ain't nothing to live on. But for a young man to come after a young woman, and then say, right out, as he never means to marry at all, is the lowest-spirited fellow that ever was. I never read of such a one in none of the books. No, I won't. You go your way, and I'll go mine." In her passion she was as good as her word, and escaped from him, running all the way to her aunt's door. There was in her mind a feeling of anger against the man, which she did not herself understand, in that he would incur no risk on her behalf. He would not even make a lover's easy promise, in order that the present hour might be made pleasant. Ruby let herself into her aunt's house, and cried herself to sleep with a child on each side of her.

Read in the light of the sexual revolution that has undermined our social order by undermining our commitment to all the virtues and blessings of marriage, this could only be thought *old-fashioned* and *outdated* by those who imagine our need for love, our need for self-respect, our need for civil order *old-fashioned* and *outdated*. “For a young man to come after a young woman, and then say, right out, as he never means to marry at all, is the lowest-spirited fellow that ever was”—if we could only instill this now nearly forgotten truth in our own young men, we could begin to revitalize our civilization.

This might sound a grandiose claim, but I believe it true, and I base this belief, to some lively extent, on some observations that Trollope himself made about his satirical novel in his *Autobiography* (1883). There he revealed that it was “the commercial profligacy of the age” that inspired him to write the book. Of course, many commentators infer from this that what Trollope found most objectionable about this “profligacy” was its plutocratic excess. But this is not actually the case. What troubled Trollope was something more fundamental than mere greed, as he points out in the last chapter of his *Autobiography*.

Whether the world does or does not become more wicked as years go on, is a question which probably has disturbed the minds of thinkers since the world began to think. That men have become less cruel, less violent, less selfish, less brutal, there can be no doubt;—but have they become less honest? If so, can a world, retrograding from day to day in honesty, be considered to be in a state of progress? We know the opinion on this subject of our philosopher Mr. Carlyle. If he be right, we are all going straight away to darkness and the dogs. . . . Nevertheless a certain class of dishonesty, dishonesty magnificent in its proportions, and climbing into high places, has become at the same time so rampant and so splendid that there seems to be reason for fearing that men and women will be taught to feel that dishonesty, if it can become splendid, will cease to be abominable.

Certainly, such moral dishonesty vitiates our own culture at every level, though, as Trollope appreciates, the fact that it permeates the very highest levels of society inures us to its turpitude. “If dishonesty can live in a gorgeous palace with pictures on all its walls, and gems in all its cupboards, with marble and ivory in all its corners, and can give Apician dinners, and get into Parliament, and deal in millions, then dishonesty is not disgraceful, and the man dishonest after such a fashion is not a low scoundrel.” This, as Trollope relates, “instigated” him to write *The Way We Live Now*, “to take,” as he says, “the whip of the satirist” into his hand, and go “beyond the iniquities of the great speculator” to tackle “other vices” as well; one of which, as we have seen, was “the luxury of young men who prefer to remain single”—young men, that is to say, who, out of concupiscence and solipsism, reject the honesty that is at the very heart of sacramental marriage.

In this, curiously enough, Trollope thought he might have overstepped the



bounds of warrantable satire. The very forbearance and generosity of the man led him to wonder whether he had been, after all, too harsh in his satirical zeal. “Who,” he asks, “when the lash of objurgation is in his hands, can so moderate his arm as never to strike harder than justice would require?” But certainly, we can see, confronted as we are by a culture of far more baleful dishonesty—a dishonesty which has robbed us not only of our respect for women but for our very humanity—that Trollope was more than merely just in his satire: He was prophetic.



*Ruby Ruggles and Roger Carbury: Original illustration by Lionel Grimston Fawkes from the first edition of Anthony Trollope's *The Way We Live Now*, published by Chapman and Hall (1875).*



# Will *Roe* Go?

William Murchison

**J**ust as a brash new decade elbowed aside the one we'd been living with for so long, three fourths of our political representatives in Washington, D.C., ventured advice to the U.S. Supreme Court concerning *Roe v. Wade*: what to think of it, what to do about it.

Most attention at the start of the year centered on an *amicus curiae*—friend of the court—brief filed by 207 senators and House members, all but two of them Republicans. The signers argue for reconsideration, in an upcoming Louisiana case, of the Supreme Court's handiwork in *Roe*: some rectification of its “Delphic confusion” brought on by “protean change.” (It helps to know your classical Greek when you're depicting an untidy legal situation.)

The Democrats? Hands off, says their own brief, filed some days earlier—a glowering defense of a mother's constitutional right to abortion, as proclaimed for the first time anywhere when the High Court handed down *Roe*. Thirty-six senators and 161 House members signed on. Pretty much everybody, you will infer, has strong convictions as to *Roe*'s meaning and applications.

You will sense that the project before the Court—determining the constitutionality of a Louisiana law affecting abortion clinics—must be large indeed. You will acknowledge at the same time that *Roe* has always been big—the biggest thing going in American law; bigger even, in a legal sense, than the cause of civil rights, whose North Star is the familiar topic of equality. You don't get much argument today about the need to level out legal differences between the treatment of whites and blacks.

Much of the complexity regarding *Roe* flows from the morally hopeless enterprise, on the High Court's part, of allowing the extinction of life—but only up to a point, that point being . . . well, what? There the tumult and the shouting commence, centered on the justices' insistence upon sorting out the states' varied claims to regulate the procedure itself: even, lately, to abolish it.

What goes on before the current set of justices—scheduled on March 4 to hear arguments in the case of *June Medical Services LLC v. Gee*—is the latest episode in a drama presently incapable of resolution, such are the moral stakes.

The point of disputation in the *June* case is not abortion as such—the

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constitutionally protected act of eliminating an unwanted “product of conception.” The brief does ask the Court to consider overturning *Roe*, but the main point of disputation is Louisiana’s asserted right to require doctors who perform abortions to have admitting privileges at nearby hospitals. Louisiana presents the requirement as necessary to protect the woman client should anything go wrong during the procedure (a tame word, be it noted, for actions aimed at the extraction of a living human from a living woman’s womb). States, under the grand sweep of *Roe v. Wade* and its grant of a protected right to abortion, do enjoy the right to hedge in the abortion experience with specific rules, so long as no rule or set of rules prevents carrying out the abortion. The right is exercised mostly in theory, in that the Supreme Court looks severely on laws passed in a pro-life spirit.

Not too much is said specifically in the evolving jurisprudence of abortion as to what’s OK and what’s not. Not too much *can* be said. A court has to judge, case by case. A state legislature, like Louisiana’s, says: Let us require this or that. Praises and protests follow. And it’s off to court. The effect of state regulations as a genre isn’t that of making abortion as simple as A,B,C; nor of course is that the intent. Both sides—pro-life and pro-abortion—know as much. Yet the jurisprudence of *Roe* allows testing, and that is what we get—constant testing and probing; and pushing, pushing, pushing. The Guttmacher Institute says states, between 2001 and the end of 2010, enacted 195 abortion restrictions, with the years since 2011 yielding another 483.

It is a mess, and seems likely to remain one for some time. We might have expected such, but the cheering section for *Roe* failed largely to acknowledge what was likely to result, due to the nixing of the moral law by a lofty, untouchable panel of government appointees.

To that pro-*Roe* cheering section in January 1973, nothing much mattered besides the expansion of human rights—the rights, that is, of particular humans, to the exclusion of other, smaller humans’ rights. There seemed little more to talk about, beyond the extension of what we have come, antiseptically, to call reproductive freedom. The lid to Pandora’s fabled box had nevertheless been pried off with exceptional force, and then mislaid.

Welcome to 2020, and *June Medical Centers LLC v. Gee*. What’s the deal?

The deal is, maybe—maybe, as the Republican *amicus* brief suggests—the Supreme Court is poised to take a new look at *Roe v. Wade*; to acknowledge the moral and cultural clutter lying about due to the 1973 Court’s overconfidence in its judgment and methods; and thus to begin back-peddling.

I don’t think so myself, for reasons I will outline; but the background requires that some stage-lighting be turned on.

The failure of the pro-life cause to vanish—poof!—after half a century, amid the contumely and ridicule of the mandarin class in politics, frustrates and

angers the *Roe* decision's cheering section. What's the matter with these people? Don't they know they've lost? Shouldn't the cultural tides have by now swept them out to sea?

The endurance, if not yet the triumph, of the pro-life cause is a story that belongs to the larger narrative of the ongoing sociological and political revolt against the elite: the same revolt that taught the elite a few tricks in November 2016 and could repeat the feat in November 2020. Where this thing goes from there isn't clear in the least, but the disorder of recent months and years has scrambled the relationships of recent decades. The commitments of the country's top social and academic brackets excite far more pushback than formerly. Thus Donald Trump is president of the United States. Thus—and here we get near the nub of the present matter—two conservatives named by Trump, Neil Gorsuch and Brett Kavanaugh, sit presently on the Supreme Court. Neither one is to be presumed friendly to the jurisprudence of *Roe*.

With their ascent, the Court theoretically enjoys a one-vote margin to narrow the effects of *Roe* or even reverse the whole shebang. Thus we put in the pipeline new cases that bring the issue once more before the Court. Abortion becomes a jump ball. You can't know who will grab it. At least it might be someone on your own team.

Alabama's legislature, hoping for a direct challenge to *Roe*, passed in May 2019 a bill banning abortion in all but a few cases, such as saving the mother's life. However, in November, a judge barred enforcement of the law, which he termed (predictably, from his standpoint) unconstitutional. An Ohio law passed with similar intent is similarly in judicial abeyance.

Like Texas several years earlier, Louisiana voted to require of doctors admitting privileges to hospitals within 30 miles of a particular clinic. Texas' venture came to naught. Down it went, under the Supreme Court's 5-3 reproach, in 2016. Yet at the time the late Antonin Scalia's seat was vacant; there was no Gorsuch on the Court, nor a Kavanaugh. What if . . . now?

So it goes—the defenders of the brooding legal fortress beating back the attackers, who, barely pausing for wind, retrieve their battering rams. Here they come again!

America's present divisions with respect to abortion play out almost precisely the way they play out with respect to the rifts over #MeToo matters, over "identity" and free speech issues, over climate change and reparations for slavery.

It would be inaccurate to say these various questions—abortion included—revolve around Donald Trump. The President was in his 20s when the *Roe* decision came down. Moreover, in the past he made statements friendly to abortion. No longer. The administration has filed its own amicus brief in the *June* case, arguing for disallowing third-party suits against abortion laws.

The High Court's willingness to disallow abortion itself is the point most in question. Progressive sensitivities on the issue must be rated as massive. A culture has settled in among us since the early 70s—the culture of I'll-do-what-I-want-and-you-can't-stop-me-so-there. The old abortion laws struck down in 1973 were the work of a different kind of culture—one of respect, especially for a religious outlook on life. Life as we understood it, generally speaking, was the gift of God. Few enough religious establishments today hold such a view. I cannot see the Presbyterians, say, or the Methodists, seeking to fob off the views of Calvin or Wesley upon their remaining adherents, walled in by modern sentiments of free, uninhibited choice. Even Catholics are divided. Who from the pulpit is going to make the relevant spiritual arguments about unborn life and human responsibilities toward it? I would not expect many volunteers to emerge, given today's cultural stimuli.

Consider the recent *Wall Street Journal* feature story headlined, “Apps Help Strangers Have a Baby Together: Services aim to match people who want kids, not necessarily romance.” It appears more and more of the younger set, failing to find fulfillment in the search for marital partners, but nevertheless wanting a baby, are scouring subscription-based websites, inquiring, if not in so many words, “Hey, want to have a kid?” Jenica Anderson, age 38, “first had considered men she knew personally,” the *Journal* reported, but none panned out. She explored two websites before settling on her platonic pick. Seventeen weeks into Ms. Anderson's pregnancy, the provisional pair had yet to figure out the contours of their present, far less future, relationship.

Not a few Americans share their uncertainty as to what you take on by accepting or rejecting the “gift of life,” as childbirth was once commonly known. A 2019 National Public Radio/PBS News Hour/Marist Poll purported to show three-quarters of the population resistant to Supreme Court reversal of *Roe v. Wade*. Of these, nevertheless, a quarter favor more restrictions, whereas just 21 percent want existing restrictions lifted. Says Barbara Carvalho, director of the Marist Poll: “People do see the issue as very complicated, very complex. Their positions don't fall along one side or the other . . . The debate is about the extremes, and that's not where the public is.”

Earlier in the year the Pew Research Center told a similar tale, wherein 61 percent said abortion “should be legal in all or most cases.” “Public support for legal abortion remains as high as it has been in two decades of polling,” said Pew, “and there is virtually no difference between the views of men and women.”

Well, is the Supreme Court likely, under such circumstances, to execute a judicial *volte-face* on *Roe v. Wade*, unfortunate and costly as the decision proved, and by the slimmest of margins—one vote? I myself cannot see it: the less so amid the national divisions that seem permanently on display; divisions

whose chief symptom, far more than their cause, it seems to me, is the incumbent president of the United States. The temper of the nation, despite a buoyant economy, is surly, distrustful. Pew points out, nor should it surprise us, that “There is a substantial—and growing—partisan divide on abortion, with Democrats and those who lean toward the Democratic Party much more likely than Republicans and GOP leaners to support legal abortion in all or most cases (82% vs. 36%).” That is how virtually all our divisions—including religious ones—break down.

Picture if you like Chief Justice John Roberts working to assemble a slim majority for reversal of *Roe*—a nose-thumb in the direction of “progressive” political figures deeply frustrated over impeachment, climate change, “inequality,” and the prospect of a national vote to keep Donald Trump as president. Picture assorted panjandruns at the *New York Times*, the *Washington Post*, CNN, and MSNBC digesting news of traditionalist resurgence at the High Court. We would never hear the end of it.

So we can look for no overthrow of *Roe*? Not in 2020, I suggest; possibly not for—we must say “awhile” and leave it at that. Which is not to say the cause of human life, after half a century, has finally shivered its spear on the legal resources of “reproductive freedom.”

We need to note the surprising, and hopeful, persistence of the human life cause in the face—in the very teeth—of all the causes that stem from modern progressives’ resistance to moral order in the universe. The barrage of state laws seeking to narrow the permissive terms under which the abortion industry operates is evidence, I would think, of three realities: first, pro-life groups’ capacity for hard, often thankless work; second, the willingness of many lawmakers and judges to weigh and consider seriously the unfashionable arguments these unfashionable organizations adduce; third, the mental nimbleness of the unfashionable as they point out wear, flaking, and plain careless painting—a lot of it—on the vast canvas celebrating “reproductive freedom.”

Advocates keep discovering avenues of access to the minds of those troubled by all that *Roe* has brought upon us—whether the planned disappearance of millions since 1973 or just the intensity and durability of the conflict; the repetitiousness of the arguments; the necessity always to view “Abortion” on our political plates. And the technicality of the discussions. A woman seeking an abortion should not face “undue” obstacles to the exercise of that choice, federal precedents say. Yeah, well, what is “undue”? And who says so? Is not one person’s undue-ness another person’s tolerability?

To keep the discussion going, nonetheless, is the pro-life mission—to remind the numerical majority that considerations apart from personal preference bear on the suitability of handing ultimate responsibility in the matter to . . . *judges*?

Experts in writs and torts and replevins? Hardly more qualified, perhaps, than barbers—or journalists—to probe the mysteries of life? Definitional complexities put in mind the general, non-democratic arrogance inherent in *Roe*: the notion that a handful of lawyers could and ought to settle a moral question of the utmost gravity, in the process challenging the world's largest free nation to get with the prescribed program or face . . . goodness knows what. I put that thought aside for the moment.

Will the mighty Supreme Court accept Louisiana's challenged abortion statute? Who knows? That the statute would seem to have a fighting chance is the salient point—a chance far greater, by my reckoning, than any chance of *Roe*'s being picked up judicially by the scruff of the neck and dropped into the nearest trash receptacle.

Suppose just to be supposing, and in spite of the hopes its backers have bestowed upon it, that the Louisiana statute falls. Is that the end of the legal/moral assault on our present abortion regime? Why should it be? Will the principle have changed—the principle of unborn life as a moral charge on the community, its time and resources? The advocates for unborn human life, having brought the country to this juncture through faith and persistence, aren't going away, whatever happens before our highest, most solemn, court of law.



*"He turned out to be a sugar-free daddy."*



# A Couple for Life

Brian Caulfield

**L**ove lived out in truth is not easy and rarely pretty. It can mean spending more than two years in prison for peaceful protests against abortion or taking midnight calls from battered pregnant women seeking a place to stay. It requires choosing conscience over convenience, even if your loved ones suffer as a result, and acting on the conviction that one immortal human soul is of greater value than the entire material universe.

Such love has been the motivation for Chris and Joan Andrews Bell. Over the past 40 years, before and after marriage, they have sought to live out this simple conviction: Abortion is the taking of an innocent human life that hurts both mother and child, and we are obliged to do our best to stop the killing and help the victims. The Bells have done their share and more on the front lines of the pro-life movement.

Chris Bell, president and co-founder of Good Counsel Homes, which has five live-in facilities in the New York tri-state area for pregnant women in crisis, has spent more than half his life fulfilling his mission of providing shelter and loving care for women and their babies. Committed to helping any pregnant woman regardless of her condition, including drug use and mental health issues, he has taken calls on the Good Counsel hotline from women who asked to be picked up on a dark roadside and taken to safety.

Joan Andrews Bell is also a pro-life pioneer. An early participant in Operation Rescue, she was arrested more than 100 times over the course of two decades and spent more than two years in prison for blocking the entrances of abortion clinics or entering clinics to disable the plugs of suction machines. The legitimate subject of pro-life lore, she has been the occasion of two books: *You Reject Them, You Reject Me: The Prison Letters of Joan Andrews*, a compilation of writings during her 31 months in a Pensacola prison, and *I Will Never Forget You: The Rescue Movement in the Life of Joan Andrews*, which carries a Foreword by fellow legend Joseph Scheidler.

Their stature within the movement notwithstanding, the Bells are “a family like any family, with problems and struggles and weaknesses,” Chris says. “I hope no one will look at us and think that we’re the perfect parents or the perfect family, because it’s not the case.”

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**Brian Caulfield** works at the Knights of Columbus headquarters in New Haven, Conn., where he is editor of the website [fathersforgood.org](http://fathersforgood.org) and vice postulator for the cause of Venerable Father Michael McGivney. Some of the quotes in the article are taken from the author’s coverage of the Bells for *Catholic New York*, the newspaper of the Archdiocese of New York, and other outlets.



Perfect or not, the very composition of their family shows an admirable commitment to life. Married in 1991, after knowing each other for years through pro-life activities, Chris and Joan have one child born of their union and six adopted children who are now adults. Their first adopted child, Emiliano, was born in Mexico with multiple disabilities. Five other children have special needs, and one was adopted from a mother who changed her mind about abortion after hearing that there was a loving couple waiting to adopt.

Talking with the Bells about pro-life issues or simply spending time with them in their New Jersey home reinforces one's awareness that life is a precious gift from God, filled with opportunities to choose and act—at this very moment—for the good. A call may come on the pregnancy hotline and off Chris will go, or Joan may suddenly grab her rosary beads to attend a pro-life rally. Amid the flow of their married and family life, there is always the sense that more should be done to counter the culture of death in whatever form it confronts them.

Living on the front lines in this way may sound like a heavy burden for any couple to bear, but their reliance on God and their deep Catholic faith allow Chris and Joan to go forth as happy warriors to a battle that they know has already been won by Jesus and his Blessed Mother. They pray throughout the day, especially before and after every important decision, and leave the outcome in the hands of God. Such faith also allows them to accept their weaknesses and suffering, laugh at their foibles, and endure the inevitable shocks and setbacks of life. When a daughter became pregnant out of wedlock, they were disappointed yet received the child as a gift from God and made sure that their daughter and granddaughter would experience the depth of their love and acceptance. Joan now spends most of her days in upstate New York, helping her daughter care for the child.

Chris often quotes a favorite saying of his mentor and friend, Father Benedict Groeschel, the Franciscan Friar of the Renewal who was co-founder with Bell of Good Counsel Homes in 1985. "Want to make God laugh?" Chris says, clearly remembering the well-known priest who passed away in 2014. "Tell him your plans!" A prolific spiritual author and longtime EWTN host, Father Groeschel also would remind people that following God's will does not always lead to peace and prosperity in this life. Often it leads to hardship and persecution, as the Bells can attest.

One of the most challenging choices they ever made—one that apparently pitted their pro-life convictions against their family values—took place over 20 years ago, when Joan was still subject to parole conditions for her Operation Rescue arrests. After the birth of their baby when Joan was 44, the couple decided to adopt a handicapped child. During a visit to an orphanage in Mexico, they fell in love with Emiliano, then an 8-year-old boy with a number of disabilities. They arranged to take custody of him while going through the international

adoption process, fully aware that the routine background check might uncover an outstanding warrant. Sure enough, one morning in September 1997, New Jersey police arrested Joan at home and a date was set for her to appear before a Pennsylvania judge.

The case had originated with her arrest at a Pittsburgh abortion clinic in 1985; she could not report for sentencing a few months later because she was in jail for a rescue in Pensacola. That five-year sentence gained national headlines when Joan was placed in solitary confinement for refusing to promise to stop rescuing and failing to cooperate in any way with the prison schedule. She even declined a mattress for her cot and slept on the concrete floor. The only person she was allowed to see was a priest, who brought her Holy Communion and heard her confession. In 1988, her sentence was commuted by Florida's governor, and Joan then appeared before Pittsburgh Judge Raymond Novak, whose sentence of three years' probation took effect in 1990 after Joan had exhausted her appeals. When the conviction was confirmed, Judge Novak issued a warrant for her to register, but Joan refused to comply with the terms of probation. The case lay dormant until the warrant came up in the adoption process and law enforcement took action. After her arrest at home, a New Jersey judge ordered her to report to Judge Novak, which she did to receive a court date.

At this time, some fellow proliferers appealed to Joan to follow the judge's instructions and promise not to rescue again. After all, she had children to care for and had suffered enough for the cause. But Joan remained steadfast. It was a matter of conscience and public witness, she said, citing the teaching of Pope John Paul II, who wrote in *Evangelium Vitae* that unjust laws should be resisted peacefully. She would not comply with any order that would imply she was wrong to trespass to save babies, she said, and God would provide for her family as long as she was faithful to his commandments.

Finally, on Jan. 15, 1998, Joan once again stood in Judge Novak's court as he held the letter she wrote eloquently explaining the basis of her civil disobedience. Her lawyer noted that they were convening on the birthday of another one-time prisoner of conscience, the Rev. Martin Luther King Jr.

Joan wrote: "It is my humble privilege to follow my conscience and my Catholic faith in defense of the innocent and the just. I will not cooperate with immoral, unjust laws corruptly and cowardly imposed on the American people for the sake of pretending to solve social and economic problems by murdering innocent children. . . . To accept probation would be to accept the lie that I harmed society by trying peacefully, prayerfully and nonviolently to save children from the brutal death by abortion."

Calling her a woman "of deep conviction and sincere belief," Judge Novak, a former Catholic priest, said that his hands were tied as he sentenced her to 3

to 23 months in jail. “My obligation is not to decide the abortion issue, which has torn our country apart,” he said. “You are following what you believe to be the law of God. I am sworn to uphold the laws of men. If you are right, I have a higher court to answer to. That is not lost on me as well.” At the sound of the gavel, Joan collapsed to the floor, as part of her noncompliance, and was carried from the courtroom by four officers.

In a statement, her husband called her a political prisoner. “It’s a political issue she’s being sentenced on. They are trying to gain compliance to a particular view against her conscience,” Chris said.

In a surprise move, Joan was released after 10 weeks when prison officials apparently petitioned the judge for an early release. The next day, true to her convictions, Joan was in court again with her lawyer, this time to testify in behalf of a pregnant inmate who was seeking a medical furlough to enter a hospital until delivery. While serving time, she was serving others, befriending fellow inmates and convincing one against going through with an abortion. “If for no other reason,” she said, “being in jail was worth it just to save that one baby.”

Although Joan mostly has kept a lower profile in recent years, while bringing up seven children, since 2017 she has been participating in the new Red Rose Rescues, in which proliferates peacefully enter abortion clinics and hand out roses to the women in the waiting room, risking arrest for trespassing.

Joan still has a dream of forming a community of laypeople who devote themselves totally to protecting life. One group in the community would go out to pray and counsel at abortion clinics, and another would be a rescue group that would divest themselves of all property so they could risk arrest and jail time for blocking clinic entrances. “I know everyone cannot rescue,” she says, “but we can all pray in front of the killing centers.”

Although his daily work does not often grab headlines, Chris Bell is as committed as his wife to ending abortion and healing the wounds that come with it. In addition to overseeing the five Good Counsel Homes, he spearheaded the formation of a national coalition of pro-life maternity homes. They share best practices, referrals, and other information. The move is part of Chris’s firm belief that pro-life groups need to work more closely together to be more effective and save more lives. At the very least, he says, one pro-life organization should not criticize the methods or success of another.

“After decades of hard work, we still have not stopped abortion in this country,” he says. “The killing goes on as we speak. One reason, I think, is that we are not united, we are too critical of one another, and are quick to point out flaws in the other. I take the classical view of working together: In essentials unity, in non-essentials liberty, in all things charity.”

He also laments that the pro-life movement began in the 70s with a division on the issue of contraception. Many, including Catholic priests, advised against

mentioning contraception as a root cause of abortion in order not to alienate Protestants and those in government who would work against abortion but not contraception. Whatever wisdom there was in the tactic initially, Chris says, it is clear now that the proliferers need to speak up against contraception and its tragic connection to abortion.

Chris warns that the movement must not become overly reliant on political power, even with an administration that is friendly to life. Success ultimately will come through grassroots work and witness, which means more people must be motivated to get involved in protecting life.

“No matter the administration or the politics, when innocent life is threatened, we need to be active on the front lines, participating in the effort to save lives and help women, whether that’s rescue or praying at the killing centers or praying at home or counseling someone in our family or office or neighborhood against abortion.”

Chris describes the front-line work he has been doing for 35 years in this way: “Good Counsel is a family for abandoned single mothers before, during and after the birth of their baby. We help a mom take the next good step educationally, put her on a vocational track, and move her toward self-sufficiency. Over the years, Good Counsel has taken in more than 7,000 mothers and babies in our homes, offering nearly 800,000 nights of shelter and days of loving support. We’ve seen about 1,202 babies born to our moms. Good Counsel has helped expand the services a maternity home could offer, taking in women who are pregnant and have other children; women who recently gave birth; older women; teens fleeing from abortion-demanding parents; those with drug and emotional problems. We encourage all pro-life maternity homes to expand their services in this way, but we still are one of the few.”

Regarding the adoption of disabled or high-needs children, Chris explained, “My wife and I discussed the possibility of adoption before we were married. We were an older couple and certainly there was no guarantee that we could have children. In fact, every couple of any age should discuss adoption because children are not a given just because one is young and appears healthy. We discussed that we were open to adoption and we’d specifically consider special needs children, although we didn’t have a specific description in mind. We also spread the word to any proliferer we spoke with that they should tell the women going into the doors of an abortion clinic that we would adopt their baby. We need to see the face of Jesus in every child, in every adult, in every person we meet. Each of us is a gift of God to the other.”

His view is summed up well in a recent fundraising email that has the ring of authenticity if you know that the couple behind the organization live as they speak.

### **Every Child is a Christmas Miracle**

*Kathy [not her real name] was afraid. Terrified. Eight months pregnant, alone, nowhere to turn. A kind stranger told her about a place that could help her.*

Your love welcomed Kathy when she arrived at Good Counsel. Here she found a warm, comfortable bed, meals, and everything she would need for her baby. As she settled in, Kathy's fears gave way . . . to hope.

Each time I tell Kathy's story, I think about how worried the Virgin Mary must have been when the angel told her she would bear a Son. "How can this be?" she asked. The angel's answer was reassuring: "Nothing will be impossible for God" (Luke 1:34-38).

That is a fitting description for the life and work of Chris and Joan Bell. Amid the hardships and obstacles that have come their way, they have clung to one truth: "Nothing will be impossible with God."

*The Good Counsel Homes 24-hour pregnancy hotline is 1-800-723-8331.*



*Joan and Chris Bell*



# The Medical Conscience Crisis

*Wesley J. Smith*

**T**he Catholic News Agency headline said it all: “Third Judge Finds Against Conscience Protection Rule for Medical Workers.”<sup>1</sup> The article described how, in quick succession, three liberal federal judges invalidated “medical conscience” rules promulgated by the Department of Health and Human Services to protect medical professionals’ right to refuse participation in legal medical interventions that violate their religious and/or moral beliefs. And with that, one of the most important religious freedom/civil rights battles of the twenty-first century was fully engaged, a policy contest that will determine whether orthodox religious believers, proliferers, and Hippocratic Oath-adhering doctors, nurses, pharmacists, midwives, and others will be driven out of healthcare—or, in the alternative, required to violate their own beliefs as the price of professional licensure.

Those are strong words. But they are abundantly warranted, perhaps even understated. We are entering a time of crisis that threatens religious professionals with what I call “medical martyrdom,” in which medical professionals will be coerced to violate their religious faith through ostracism and even job termination. In fact, they could even be stripped of their professional licenses for daring to practice their professions in a way consistent with the free exercise of their religious faith. Indeed, whether we look at medical and bioethics journal articles, media editorials and opinion columns, official ethics positions of medical associations, or multiple lawsuits, we see the same authoritarian message: If your profession as it is interpreted by its licensing boards and official organizations entails your being complicit in procedures that force you to commit what your faith deems to be an egregious sin risking your eternal soul, that’s your problem. Patients’ desires for an abortion, transgender interventions, even assisted suicide, where it is legal, trump your personal faith and/or moral conscience. If you don’t like it, become a shoe salesperson or stockbroker. But get the hell out of medicine.

## **Ubiquitous Attacks on Doctors’ Medical Conscience**

Not too long ago, the idea that doctors could be coerced legally into taking human life or mutilating (in their view) patients would have been considered

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a futuristic fantasy. After all, the medical profession specifically—and society generally—supported the patient-protecting professional maxims set forth in the Hippocratic Oath that forbid doctors from participating in abortion and assisted suicide; in addition, these maxims positively require physicians to act in accord with the beneficent principle often summarized under the famous term, “do no harm.”<sup>2</sup> But times have changed. Societal moral values have splintered. Physicians no longer take the Hippocratic Oath.<sup>3</sup>

The new watchwords in medicine are “patient-centered care.” That sounds benign, but when the wool is sheared off the lamb, it actually means doing whatever a patient wants, so long as the procedure is legal and can attain the supposed benefit sought; the doctor is qualified to provide the service; and the procedure will be paid for by government benefits, private health insurance, or personal checkbook. Under this innocuous-sounding doctrine, saying “no” to patient requests is a form of invidious discrimination that cannot be tolerated.

As a consequence, attacks on freedom of religion in the medical context have proliferated in recent years across the medical establishment and among purveyors of progressive political ideology. The following represent just a sampling:

*Bioethics Advocacy:* Bioethics is not a synonym for medical ethics, and the movement does not restrict its scope to the professional behavior of doctors vis-à-vis their patients. It is “both a discipline and a public discourse, about the uses of science and technology” and the “values about human life . . . with a view toward the formation of public policy and a teachable curriculum.”<sup>4</sup> Put more simply, the bioethics movement immodestly seeks to create the morality of medicine, define the meaning of health, establish the mores of society, and forge the public policies that will promote these all-encompassing ends.<sup>5</sup>

Why is this important? Mainstream bioethicists are among society’s most influential “experts” in our increasingly technocratic society. They serve on federal and state government commissions, where they propel the evolution of public policy. They are significant influencers of popular views. They write health policy legislation. They consult in medical controversies at the clinical level, often tilting a life-and-death decision toward death. They testify as expert witnesses in court cases and submit “friend of the court” briefs in legal cases of major significance. Perhaps most important, they teach the next generation of doctors, lawyers, business executives, government policy makers, and others in our universities and colleges.

Bioethical advocacy in professional journals often is the first step toward the adoption of official public policy.<sup>6</sup> Thus, faithful doctors and other medical professionals have every reason to be concerned that bioethicists have written ubiquitously to oppose medical conscience in the world’s most prominent medical and bioethics journals. For example, Ezekiel Emanuel—one of the world’s best-known bioethicists and a prime architect of President Obama’s Affordable



Care Act—argued (along with Ronit Y. Stahl) in the *New England Journal of Medicine* that every physician is ethically required to comply with a patient’s legal medical request—so long as the service is not controversial among the professional establishment (my emphasis):

Making the patient paramount means offering and providing accepted medical interventions in *accordance with patients’ reasoned decisions*. Thus, a health care professional cannot deny patients access to medications for mental health conditions, sexual dysfunction, or contraception on the basis of their conscience, since these drugs *are professionally accepted as appropriate medical interventions* . . .

This includes human life-taking actions such as abortion:

[A]bortion is politically and culturally contested, *it is not medically controversial. It is a standard obstetrical practice*. Health care professionals who conscientiously object to professionally contested interventions may avoid participating in them directly . . . . Conscientious objection still requires conveying accurate information and *providing timely referrals* to ensure patients receive care.

This would mean that a Catholic doctor who opposes contraception would have to prescribe it—even if she informed her patients before being retained that she practices medicine in accord with her church’s moral teachings—or find a doctor she knows to be willing to write out the prescription. It would also require a pro-life ob/gyn who refuses to terminate a pregnancy to find an abortionist, making the objecting doctor complicit in the act.

And if doctors refuse to violate their faith? Emanuel and Stahl are quite clear in their intent (again, my emphasis):

Health care professionals who are unwilling to accept these limits have two choices: select an area of medicine, such as radiology, that will not put them in situations that conflict with their personal morality or, if there is no such area, *leave the profession*.<sup>7</sup>

Stahl and Emanuel’s position is, if anything, subdued. Bioethics advocacy, at least among those practitioners who don’t have a modifier like “Catholic” in front of “bioethicist,” are determined to drown religious freedom in the clinical setting. Thus, the prominent Canadian bioethicist Udo Schuklenk argued on his blog:

The very idea that we ought to countenance conscientious objection in any profession is objectionable. Nobody forces anyone to become a professional. It is a voluntary choice. A conscientious objector in medicine is not dissimilar to a taxi driver who joins a taxi company that runs a fleet of mostly combustion engine cars and who objects on grounds of conscience to drive those cars due to environmental concerns.<sup>8</sup>

The very idea that Schuklenk compares driving a taxi to practicing a medical profession and worrying about pollution *to the active and intentional taking of human life* tells you so much about what has gone wrong in the campaign against medical conscience.

In 2016, fifteen prominent academic bioethicists from various countries attended a conference on medical conscience at Oxford University. They subsequently published a “Consensus Statement on Conscientious Objection in Healthcare” in the University’s publication *Practical Ethics*. The statement argues that existing legal protections shielding medical doctors from forced participation in abortion and assisted suicide (where legal) are “indefensible.” Demonstrating an authoritarian streak that fuels anti-conscience advocacy, the bioethicists *advocated the creation of “tribunals”* before which objecting doctors would be forced to appear to demonstrate the sincerity and depth of their objections.<sup>9</sup>

These few examples are not on the fringe or outliers. Indeed, the intention to squelch the religious freedom of medical practitioners proliferates across the field of bioethics advocacy.

*Prominent Medical Associations:* It is bitterly ironic, but true, that the leadership of establishment medicine wants to force faithful colleagues into performing procedures to which they are religiously or morally opposed. Thus, when the Trump Administration announced the plan to create a special office in the Department of Health and Human Services Office of Civil Rights to emphasize enforcement of medical conscience rights, described at the beginning of this essay, the leaders of establishment medicine blew their collective gaskets. The American Medical Association called for the rule to be revoked.<sup>10</sup> The American College of Obstetricians and Gynecologists joined the Physicians for Reproductive Health in warning darkly that the proposal “could embolden some providers and institutions to discriminate against patients based on the patient’s health care decisions.”<sup>11</sup> The Massachusetts Medical Society sniffed in opposition:

As physicians, we have an obligation to ensure patients are treated with dignity while accessing and receiving the best possible care to meet their clinical needs. We will not and cannot, in good conscience, compromise our responsibility to heal the sick based upon a patient’s racial identification, national or ethnic origin, sexual orientation, gender identity, religious affiliation, disability, immigration status, or economic status.<sup>12</sup>

Such opposition isn’t new. Long before President Trump was elected, medical associations adopted ethical policy positions opposing medical conscience, or at least imposing a duty of referral on the dissenting doctors, including the American College of Family Physicians, the American Association of Medical Colleges, the American College of Obstetricians and Gynecologists, and, somewhat less absolutely, the American Medical Association.<sup>13</sup>

*Progressive Political Opinion:* Medical conscience has become another battlefield in our bitter partisan political divide. Nineteen Democratic state attorneys general—joined by zero Republicans—filed the lawsuits that resulted in the first trial court rulings against the proposed Trump rule protecting conscience.<sup>14</sup> Meanwhile, prominent Democrat politicians have authored legislation that would outlaw conscience in the context of establishing a single-payer system of

socialized medicine throughout the country, known as “Medicare for All.”

Here is how one of those bills attacks medical conscience: To receive fees from the government, a doctor must be a “participating provider,” a status that requires the signing of a “participation agreement.” To remain in good standing, participating providers must not “discriminate.” That sounds fine—until one understands that the definition of discrimination goes well beyond engaging in invidious behaviors such as racism, to areas of practice that could force doctors to violate their own religious or moral beliefs. From the bill (my emphasis):

IN GENERAL.—No person shall, on the basis of race, color, national origin, age, disability, *marital status*, citizenship status, primary language use, genetic conditions, previous or existing medical conditions, religion, or sex, including *sex stereotyping, gender identity, sexual orientation, and pregnancy and related medical conditions (including termination of pregnancy)*, be subject to . . . discrimination by any participating provider . . .

Now, let’s look at how this provision would be integrated into the participation agreement:

A participation agreement described in this subsection between the Secretary and a provider shall provide at least for the following: (A) Items and services to eligible persons shall be *furnished by the provider without discrimination* . . .<sup>15</sup>

What would this mean? As we have seen, in bioethics literature—and as set forth in the general definition quoted above—refusing to provide reproductive services to single patients or gay couples would be deemed unacceptable discrimination, regardless of the doctor’s faith beliefs about this issue. The same would be true if a participating provider rejected providing controversial interventions for gender dysphoria such as inhibiting puberty in children or performing sex-change surgeries. These two sections would also prohibit obstetrician/gynecologists from refusing to perform an abortion, because such a refusal would be deemed discrimination “based on medical conditions (including termination of pregnancy).” The consequences would be dire, amounting to *an effective blacklisting*, since hospitals, group practices, and other medical institutions would be prohibited, under the bill’s other provisions, from hiring any doctor whose own participation agreement was revoked “for cause.”

*The Mainstream Media:* Where increasingly strident opinion articles in medical journals are aimed at molding views on medical conscience among the professionals and policy makers, the most prominent outlets of the mainstream media preach against freedom of religion in the practice of medicine to the general public. The *New York Times*, as just one example, has repeatedly published editorials and op/ed columns decrying medical conscience protections. A typical example is the one written by cardiologist Sandeep Jauhar that criticized the Trump administration’s plans—now put on hold by courts—to increase enforcement of existing legal conscience protections in federal law.

Ironically, Jauhar promoted a one-way conscience right that favors protecting the preponderate ideological views of the medical intelligentsia on one predominate conscience question by endorsing “futile care”—a bioethics authoritarianism that allows doctors to refuse *wanted* life-sustaining treatment *based on the doctor’s values* about the quality of a patient’s life:

Doctors may also refuse to provide treatment if it conflicts with good medical practice. Physicians in intensive-care units, for example, routinely limit treatment they believe will provide no benefit, especially in cases of terminal illness.

Did you see the sleight of hand there? The doctor may think that living longer provides “no benefit” and therefore limit treatment, even though the patient/surrogate/family *disagrees*. That’s not a medical decision, *it is a value judgment*.<sup>16</sup>

But when it comes to *elective treatments* identified by the Trump rule—such as abortion, assisted suicide, and transgender interventions—Jauhar flips completely and is all for “patient rights!”:

Doctors have an obligation to adhere to the norms of their profession. In my view, as long as treatments are safe and approved by medical organizations, doctors should have limited leeway in refusing to provide them. Patients’ needs should come first. At the very least, patients whose medical needs violate a doctor’s deeply considered beliefs should receive a timely referral to an alternative provider.<sup>17</sup>

This would force a doctor who believes it is wrong—and indeed, *harmful*—to inhibit the normal onset of puberty in a child diagnosed with gender dysphoria, to do it, procure a willing doctor, or face litigation or professional discipline. After all, puberty blockers are now considered a norm for treating transgender pre-adolescents by the American Academy of Pediatrics.<sup>18</sup>

Not content to allow op/ed writers to make the paper’s case, the *Times* also editorialized against Trump’s strengthened medical conscience rules, arguing angrily that the administration was “putting the Bible before the Hippocratic Oath”—ironically missing the point that the great Oath explicitly prohibits doctor participation in abortion. The editorialists warned hyperbolically:

The decisions may make it more difficult for teenagers wanting to get tested for sexually transmitted diseases, for gay men looking to prevent HIV and even for women seeking breast exams or pap smears.

Please. No one who supports a robust protection of medical conscience advocates compromising the physician’s responsibility to “heal the sick.” No one wants to prevent women from obtaining cancer screenings. Nor do supporters of medical conscience seek to authorize doctors and nurses to discriminate against individuals. Rather, medical conscience prevents doctors and nurses from being forced to act in opposition either to their religious beliefs—e.g., commit a grievous sin—or to their moral consciences by being forced to

participate in *morally objectionable procedures*, such as taking innocent human life in abortion, assisted suicide, or lethal injection euthanasia.

This is a distinction that the *Times*' editorialists missed:

Freedom of religion is essential—and so is access to health care. Current law tries to accommodate both, but the far right has stirred unfounded fears that religion (and Christianity in particular) is under assault, and that people of faith are in danger of being forced to do things they find morally objectionable.<sup>19</sup>

In the real world outside of liberal ideology, as we will see below, that danger is *precisely* what doctors and medical institutions face when they resist participation in legal procedures that are both morally contentious and against the dogmas of religion and faith.

### Courts Rule Against Conscience

The ubiquitous attacks on medical conscience are beginning to find support in the courts. A court of appeals ruling in Ontario, Canada, is probably the most egregious example to date. In 2015, the Canadian Supreme Court conjured a broadly defined right to be killed by doctors when diagnosed with a serious medical condition—not necessarily terminal—that causes “irremediable suffering,” which, the court ruled, explicitly includes “psychological” anguish.<sup>20</sup> Parliament soon passed a national law legalizing this form of homicide, subject to weak limitations, such as that the patient’s death be “reasonably foreseeable.” Since the practice of medicine is administered at the provincial level, each of Canada’s provinces also passed euthanasia-enabling statutes.

Not surprisingly, conscientious objectors to euthanasia demanded the right not to kill patients and to be free from any requirement to make what is known in Canada as an “effective referral.”<sup>21</sup> Most provinces accommodated dissenting doctors by creating public lists of practitioners willing to participate in what is euphemistically termed MAID (medical assistance in dying).

But Ontario refused that simple accommodation. Instead, its euthanasia law requires physicians to comply with the ethics rules established by the Ontario College of Physicians and Surgeons that require doctors who refuse to commit homicide to refer their legally qualified suicidal patients to a “non-objecting available and accessible physician, nurse practitioner, or agency.”

A group of physicians sued to be exempted from the requirement, arguing rightly that its euthanize-or-refer terms are a violation of physicians’ Charter-protected right (akin to a constitutional right) to “freedom of conscience and religion.” Unfortunately, a court of appeals upheld the draconian rule, stating that doctors must not only euthanize or refer, but also abort or refer, and provide any other controversial legal service that a patient might want or refer—with no provision for the doctors’ religious freedoms or moral consciences.<sup>22</sup>

Courts have also attacked medical conscience in the United States. Washington State requires all pharmacies to dispense all legal medications and drugs. While exceptions are made for business reasons, such as lack of demand, no conscience exemptions are permitted.

For example, Stormans Inc., a small pharmacy company, sued to be exempted from the regulation and from dispensing the “morning after pill” based on the religious beliefs against abortion of its owners. The company won in the trial court, but that decision was overturned by a federal court of appeals, which ruled that since the regulation applied throughout the pharmacy industry without regard to faith, the First Amendment rights of the owners were not violated<sup>23</sup>—a case that Justices Alito and Thomas labeled “an ominous sign” for religious freedom in a dissent to the Supreme Court’s refusal to hear an appeal.<sup>24</sup>

Perhaps the most alarming anti-medical conscience ruling in the United States came, not surprisingly, out of California. Here are the facts: Dignity Health, a Catholic hospital, refused to allow a hysterectomy to be performed as part of a gender transition because the procedure would violate Catholic moral teaching. Dignity’s administrators relied on two previously published “Directives”—rules not aimed invidiously at any particular group, but applied universally regardless of a patient’s personal characteristics:

- Directive 29: “All persons served by Catholic health care have the right and duty to protect and preserve their bodily and functional integrity. The functional integrity of the person may be sacrificed to maintain the health or life of the person when no other morally permissible means is available.”
- Directive 53: “Direct sterilization of either men or women, whether permanent or temporary, is not permitted in a Catholic health care institution. Procedures that induce sterility are permitted when their direct effect is the cure or alleviation of a present and serious pathology and a simpler treatment is not available.”

Again, note that these directives are *wholly neutral* and apply in *any fact situation*.

Predictably, the refused patient sued for discrimination—even though hospital personnel helped find a willing hospital within three days. But the case was dismissed on the basis that the hospital was legally following its faith principles. Alas, a court of appeals reinstated the case to the active docket on the basis that Dignity Health’s neutral Directives constituted discrimination based on sexual identity under California law. From the decision:

The pleading alleges that Mercy allows doctors to perform hysterectomies as treatment for other conditions but refused to allow Dr. Dawson to perform the same procedure as treatment for Minton’s gender dysphoria, a condition that is unique to transgender individuals. Denying a procedure as treatment for a condition that affects only transgender persons supports an inference that Dignity Health discriminated against Minton based on his gender identity. This is true even if the denial was pursuant to a facially neutral policy.<sup>25</sup>



Never mind that any woman presenting for the removal of a healthy uterus would be refused. Under this ruling, a Catholic hospital *can be liable to pay damages for refusing to violate Catholic dogma by removing a biologically healthy organ—thereby sterilizing the patient—as a “treatment” for a biologically non-pathological condition*. Unless the case is reversed by the California Supreme Court—highly unlikely, given its ideological makeup—or a federal court, it seems likely that a Catholic hospital will be forced to pay damages for following Catholic moral teaching. If that doesn’t send chills up the spines of those who believe in the U.S. Constitution’s guarantee of “free exercise of religion,” it is unlikely that anything will.

### Conclusion

As the battle over religious freedom in the medical context is joined, we shouldn’t allow ourselves to despair. While I have highlighted the growing threats, there have also been a few victories. The World Medical Association supports medical conscience in the euthanasia context.<sup>26</sup> A Norwegian court ruled in favor of a midwife who refused to participate in abortion.<sup>27</sup> A U.S. court ruled that opposing doctors are not legally required to perform sex change surgeries.<sup>28</sup>

Still, the overwhelming sentiment emanating from what might be called the upper strata of society—the decision makers, academics, progressive political activists/officials, courts, and molders of public opinion in the media—advocates crushing the rights of medical professionals to the free exercise of religion in the clinical setting, toward the end of driving pro-life, orthodox religious, and traditional Hippocratic Oath-believing professionals out of healthcare.

And here’s one last concern that is worth pondering. Medicine isn’t static. The conscience issue should also be considered in the context of events looming on the horizon that could bring even more radical interventions into the clinical setting:

- Some of the world’s most influential bioethicists advocate changing the law to permit organ harvesting from people diagnosed as persistently unconscious. Some even want *euthanasia by organ harvesting*, where doctor-caused death is legal.<sup>29</sup>
- New CRISPR gene-editing technologies could allow the engineering of human gametes and human embryos to enable germline genetic modifications of progeny that would flow down the generations.<sup>30</sup>
- Some bioethicists argue that sufferers of a terrible mental illness known as “body identity integrity disorder”—in which able-bodied people identify as disabled—should be “treated” by amputating healthy limbs or severing spinal cords to allow these anguished people to have an altered physicality that comports with their “true selves.”<sup>31</sup>

If these and other procedures are legal, will doctors with requisite expertise be forced to participate or lose their professional licensure? Will nurses face

termination if they refuse to assist? Based upon current anti-conscience advocacy, I can't think of a logical reason why not.

The current medical conscience crisis could not be more important. Legally protecting professionals' religious freedom in law, regulations, and court is a cause urgently to be supported. Conscience rights promote freedom. They protect patients. They allow conscientious medical professionals to uphold the venerable ethics of medicine that have guided the field for thousands of years. They maintain the "do no harm" ethic so essential to conserving morality in medicine. On a practical plane, they protect against a potential "brain drain" that could see some of our best doctors leaving the practice of medicine rather than be forced to violate their faith.

The accelerating anti-medical conscience campaign in bioethics threatens to destroy the life-affirming values enunciated in the Hippocratic Oath, which has undergirded medical ethics for millennia. The ultimate goal is to force pro-life, orthodox Catholics and others to either willingly kill and engage in other morally contentious procedures or get out of medicine. There's a word for that: Tyranny.

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## The New Structure of Sin:

# Mankind in the Age of Surveillance Capitalism

Jason Morgan

I have always been skeptical of talk about “structures of sin.” The term was first used in the 1960s by Marxist-influenced “liberation theologians” in Latin America to replace individual responsibility for sinful behavior with a Marxian emphasis on class and social culpability for bad actions. If a woman became a prostitute or a man sold drugs, it was at least in part because society itself was unjust, as a whole, and in need of radical, Marxian change. Even now—despite John Paul II’s fruitful unfolding of the ramifications of the term in *Sollicitudo Rei Socialis* in 1987—it evokes a dehumanizing collectivism antithetical to the personal responsibility sin connotes. “Structures of sin” talk also seems ripe for misuse by those seeking a copout for their own shortcomings. “It was not the devil that made me do it, it was the structure.”

But I have recently begun to rethink my opposition to talk about structures of sin. The catalyst was Harvard Business School professor Shoshana Zuboff’s *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. Her exhaustive analysis of the business practices of the tech giants of our day—in particular Google, the colossus that towers over, and overshadows, our nearly every waking moment—is, although entirely secular, also resoundingly biblical in tone and scope. Zuboff’s sweeping vision of the wrongs the tech companies have done to society—to all of us—reaffirms the point that Pope John Paul II made in his 1987 encyclical: “Structures of sin” are ultimately structures built by individual men for the purpose of sinning.

This particular structure is now everywhere. Our lives have been colonized by Big Data—Google, of course, but also Facebook and Amazon and the myriad of apps, devices, and utilities that they propagate. But despite, or because of, the ubiquity of tech, we have almost no idea of how much this stealthy colonization has rewired our psyches. How many of us really understand the machinery, and the logic, of the deliberate transformation of our very selves into ones and zeroes, digitized and retailed to the highest bidder? Zuboff cuts through the veneer of marketing, legalese, and corporate boilerplate—the cover under which the tech companies operate—to reveal the sophisticated bait-and-switch at the heart of the Google-led hostile takeover of the human person.

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Defining “surveillance capitalism” as, in part, “A new economic order that claims human experience as free raw material for hidden commercial practices of extraction, prediction, and sales,” Zuboff explains the process by which humanity is silently engineered into a new kind of creature, *homo digitalis*, that inhabits a simulation created by and for any corporation with an advertising budget.

The twenty-first-century’s most salient type of corporate raiding is thus the capture not of tangible commodities or factories or liquid assets but of “behavioral surplus,” the residue of our online activities that, reassembled, produces a kind of phantom of ourselves which advertisers can track, and even manipulate, to get us to do and buy what they want us to. This is nothing short of a twisting of identity in the service of overweening greed. As we have been repackaged into endless avatars pinned down in the servers of Facebook, Amazon, and Google, the owners of the processes by which we are dehumanized have grown almost unbelievably rich. We can see in the exploitation of behavioral surplus the deliberate construction of a “structure of sin,” an elaborate ruse designed to hide scruples from the conscience’s view and provide systemic cover for a practice that is inherently offensive to human dignity.

It all started innocently enough. As people began turning to the Web for information, shopping, entertainment, and socializing, it soon became clear that one of the difficulties to be overcome was in organizing the proliferating reams of data and web pages so that people could find what they were looking for online. Stanford wunderkinder Larry Page and Sergey Brin intuited this need when they designed PageRank in 1996. PageRank is an algorithm that ranks web pages based in part upon how many other web pages link to them. However, what Page and Brin came up with was not what they believed it to be. There was a hidden flaw in PageRank which, properly exploited, allowed the algorithm to turn around, as it were, and rank the user. The “search engine” is misnamed, because it is not merely an interface by which humans confront and manage data. Instead, it is a means by which humans are themselves converted into data for the benefit of those few other humans who control the World Wide Web. In other words, nowadays a search engine is not primarily how we use the Internet, it is how the captains of the Internet use us.

Behavioral surplus was originally seen as a useless by-product of the nascent numerification of humanity through increased interaction with the fledgling World Wide Web. Whenever someone “Googles” something, a trove of seemingly superfluous data is generated—when the person conducted the search, what pages he or she visited later, how long he or she spent viewing each page, and so forth. These data are Google’s bread and butter today, the secret of their multi-billion-dollar success. But none of this was readily apparent in 1998, the year of Google’s founding by Page and Brin. While PageRank was, indeed,

useful for finding information online, it is often forgotten today that Google struggled in its early years with monetizing the founders' invention.

The problem was that PageRank was good for users, but apparently bad for business. Users flocked to Google in a testimony to PageRank's adroitness in tracking down the websites that people wanted to find, but (as many other Internet entrepreneurs were discovering) web traffic does not magically convert into dollar signs. Someone would have to pay for Google's overhead, but who? Users were more than willing to navigate the sprawling Web using PageRank, but resisted when asked to chip in for the service that Google provided. Likewise, advertisers wanted to harvest the growing crop of Internet users in order to boost sales, but it was difficult to capitalize on use, not least because most users were alienated by the annoying style of early Internet ads: epilepsy-inducing flashing yellow-and-red banners and blinking marquee-like copy were de rigueur in the days when Hotmail was king. In this hokey Wild West setting, Google was struggling to turn a good idea into a sound investment.

**H**emorrhaging cash and verging on bankruptcy, Google was floundering until another Stanford whiz kid, Amit Patel, had a sudden insight. Instead of focusing on how to get people to pay to use Google, the user could be seen as the product and the advertiser could be the buyer. Behavioral surplus would be the immediate currency of the transaction.

This was the razor-thin edge of the dehumanizing wedge. Although no one could have predicted the wild success of Patel's idea, the process of transforming Google users into Google prey (Zuboff uses the word "carriage" to describe how Google treats its "customers") was subtly set in motion. Patel, Zuboff writes,

is frequently credited with the groundbreaking insight into the significance of Google's accidental data caches. His work with these data logs persuaded him that detailed stories about each user—thoughts, feelings, interests—could be constructed from the wake of unstructured signals that trailed every online action. These data, he concluded, actually provided a "broad sensor of human behavior" and could be put to immediate use in realizing cofounder Larry Page's dream of Search as a comprehensive artificial intelligence. Google's engineers soon grasped that the continuous flow of collateral behavioral data could turn the search engine into a recursive learning system that constantly improved search results and spurred product innovations. [. . .] What had been regarded as waste material—"data exhaust" spewed into Google's servers during the combusive action of Search—was quickly reimagined as a critical element in the transformation of Google's search engine into a reflexive process of continuous learning and improvement.

In the beginning, the logic of "search" provided the justification for what would eventually become a structure of sin. After Patel's original insight, Google engineers could, and probably did, still tell themselves that they were appropriating user data in order to improve Google for the user him- or herself.



The algorithm purred for a season before it roared.

True to “creative destruction” form, it was the dotcom bust of the early 2000s that cleared the way for Google’s domination of the field. The early Internet was awash with outlandish schemes and dream-only companies, legions of hare-brained ideas that were hitched to the euphoria of the “information superhighway” but had no concrete means of outlasting the initial phase of unsustainable optimism. Once the NASDAQ dropped through the floor in March of 2000 (and kept dropping, losing three-fourths of its value over the next eighteen months), Google’s senses were sharpened. It became clear that in order to survive as a company, it would have to monetize its strengths. Google leaders turned to behavioral surplus, but with an important twist. Behavioral surplus would no longer be used solely for enhancing user experience. Instead, users would be lured by improved performance into a trap set by Google on behalf of advertisers. If Google users could be, more than persuaded, *made* to buy a given product or service through the skillful manipulation of desire and activity in real time, then Silicon Valley, Madison Avenue, and Wall Street would all lay at Google’s feet.

In fact, this is exactly what happened. “Google would no longer mine behavioral data strictly to improve service for users,” Zuboff relates,

but rather to read users’ minds for the purposes of matching ads to their interests, as those interests are deduced from the collateral traces of online behavior. With Google’s unique access to behavioral data, it would now be possible to know what a *particular* individual in a particular time and place was thinking, feeling, and doing. [. . .] Each time a user queries Google’s search engine, the system simultaneously presents a specific configuration of a particular ad, all in the fraction of a moment that it takes to fulfill the search query. The data used to perform this instant translation from query to ad, a predictive analysis that was dubbed “matching,” went far beyond the mere denotation of search terms. New data sets were compiled that would dramatically enhance the accuracy of these predictions. [. . .] These new data sets meant that there would be no more guesswork and far less waste in the advertising budget. Mathematical certainty would replace all of that.

“Mathematical certainty.” This is the chilled heart of Google, behavioral surplus, and our modern age.

But the view of people as parts of a giant machine did not originate in Silicon Valley. It had been building for over a century. Google was preceded by Henry Ford’s assembly line-reengineering of the human day, and also by General Motors’ “managerial capitalism,” which reorganized Americans as elements in an overall economy of state-managed consumer finance. The Taylorism that denatured man into a series of movements taking place in fractions of time laid the groundwork for the neoliberalism—one of the biggest sub-targets of Zuboff’s book—that eventually tried to see the human person solely through the lens of free-market capital in pursuit of Big Data. Just as Frederick W. Taylor—the 20th-century mechanical engineer and author considered the father of scientific

management—insisted on seeing people on a factory floor, not as human beings with goals and families and needs, but as implementers of “manhours” and robotic slices of movement all aimed at producing things with maximum mechanical efficiency, so neoliberalism and Big Data instrumentalize the human person toward non-human ends: the accumulation of money, the mindless aggrandizement of military power, the better working of a global market that serves itself, and not real people. Our humanity has been under sustained assault since long before Google and Facebook turned us into worker bees for Wall Street.

All of this, Zuboff reminds us, is a human-led dehumanization. “Surveillance capitalism,” she writes, “was invented by a specific group of human beings in a specific time and place.” The structure of sin that is surveillance capitalism is not an impersonal method of depersonalization. It is, quite to the contrary, a deeply personal apparatus for practicing the same kinds of anti-human crimes practiced by our earliest forebears. Cain slew Abel; men see their fellow men as obstacles to their own untrammelled might, riches, and glory. In this same vein of fallen humanity, Google executives converted our private lives and free will into lucrative stock options. There is no real mystery here. The structures of sin thrown up by surveillance capitalists emerge from the darkened intellect of sinful mankind, and they work to flatten out humanity in ever-widening concatenations of dishonesty and deceit.

The result was a level of market capitalization unprecedented in human history. Once Google engineers realized that they could use behavioral surplus to turn a profit, they ran with the idea, and Google’s bottom line improved astronomically. “As had occurred to [Henry] Ford a century earlier,” Zuboff remarks,

[Google’s] engineers and scientists were the first to conduct the entire commercial surveillance symphony, integrating a wide range of mechanisms from cookies to proprietary analytics and algorithmic software capabilities in a sweeping new logic that enshrined surveillance and the unilateral expropriation of behavioral data as the basis for a new market form. The impact of this invention was just as dramatic as Ford’s. In 2001, as Google’s new systems to exploit its discovery of behavioral surplus were being tested, net revenues jumped to \$86 million (more than a 400 percent increase over 2000), and the company turned its first profit. By 2002, the cash began to flow and has never stopped, definitive evidence that behavioral surplus combined with Google’s proprietary analytics [secured largely through a series of patents] were sending arrows to their marks. Revenues leapt to \$347 million in 2002, then \$1.5 billion in 2003, and \$3.5 billion in 2004, the year the company went public. The discovery of behavioral surplus had produced a stunning 3,590 percent increase in revenue in less than four years.

The tradeoff for all of this is only just now coming into view. What Zuboff shows in her book is that Google’s enormous profits were gained by a shadowy set of transactions—“surveillance capitalism”—that turned the rest of us into objects to be manipulated by Google for the sake of its funders in the advertising world.

Zuboff illustrates our captivity to Google with a disturbing metaphor. What Google has essentially done, Zuboff asserts, is to outfit each of us with radio collars and turn us all into animal-like drones of the Google business model. In many ways, however, we are even lower than animals. Zuboff's metaphor does not go quite far enough. Animals wearing radio collars are still wild, even if under constant surveillance. Google users, by contrast, are constantly being brainwashed and reprogrammed. Imagine an eagle wheeling around in the sky, but then, on remote command, made to swoop down and consume a particular kind of prey—whether it really wanted to or not. That is how Google treats its customers, as puppets, not as people.

The groundwork for this was laid by Harvard psychologist B.F. Skinner, whom Zuboff encountered in her student days. Skinner is perhaps most famous for his 1948 book *Walden Two*, in which he explains that his new science of behaviorism is meant, not just to study how people act, but to change it. The “radical behaviorist” B.F. Skinner was fond of echoing the teachings of German psychologist Max Meyer and German physicist Max Planck that “freedom is merely ignorance waiting to be conquered.” Indeed, in *Beyond Freedom and Dignity*, the work that preceded *Walden Two*, Skinner called for a “technology of behavior,” which he believed would lead to a new utopia by shaping our interior lives into one massive, pre-fabricated social order. This “utopia of certainty” is what Google, and its many imitators such as Facebook and Amazon, have commodified and marketed to advertisers as the most potent form of consumer mesmerization ever devised.

In fact, as Zuboff points out, the “utopia of certainty” goes far beyond the mere ability of companies to manipulate us into buying their wares. As is now becoming frighteningly apparent, Facebook has been running experiments on all of its users for nearly a decade, corralling unsuspecting “online communarians” into voting, thinking, and believing in a certain way. Facebook even took advantage of its non-academic status to run these kinds of experiments on human subjects without the troublesome oversight boards set up to maintain ethical standards among other institutional researchers. “Facebook,” Zuboff warns us:

is the crucible of [a] new dark science. It aims to perfect the relentless simulation of social comparison in which natural empathy is manipulated and instrumentalized to modify behavior toward others' ends.

B.F. Skinner's dystopian utopia became reality quite some time ago. As it turns out, many of us spend our free hours “liking” our own subtle enslavement.

What all of this produces is a freak form of capitalism that is laser-focused on the destruction of the human person—free will, dignity, desires, dreams, loves, hopes, immortal soul—so that the resulting atomized behavior thereby can be transformed

into cold, hard cash. The “new economy” is like a particle accelerator that smashes us into metaphysical smithereens and sells the isotopes of our humanity to the highest bidder. It is, in short, the most pernicious structure of sin ever devised.

It is also a force of oppression without parallel in history. Zuboff says that this new surveillance capitalism is not the “invisible hand” type of Adam Smith, or the “spontaneous order” type of Friedrich Hayek. Whenever we do a Google search or use one of Google’s countless bait-products—maps with street photographs taken without residents’ permission, for example, or digitized books put up online with stunning disregard for copyright laws—we are letting surveillance capitalists take a crowbar to our human integrity. We think we are using Google, in other words, but Google is using us. As Zuboff puts it, “surveillance capitalists claim the freedom to order knowledge, and then they leverage that knowledge advantage in order to protect and expand their freedom.” This “new collectivism” erodes our institutions and is inherently hostile to who we intrinsically are as human beings.

But all is not lost. Structures of sin are fraught with sin’s unstable logic, parasitic on the good and therefore doomed to fail. Zuboff invokes Hannah Arendt’s paean to freedom in this regard:

What usually remains intact in the epochs of petrification and foreordained doom is the faculty of freedom itself, the sheer capacity to begin, which animates and inspires all human activities and is the hidden source . . . of all great and beautiful things.

Under this freedom is an even deeper truth: namely, that we are made in the image and likeness of God. Google’s business model is to try to overwrite the *imago Dei*. We have let Google do this, partly out of ignorance and partly due to our own willingness to blind ourselves for the sake of the convenience that captivity has conferred. Zuboff’s prescriptions for the recovery of human agency through the more skillful, enlightened application of democratic action and government intervention are a tacit acknowledgement of the brute fact that we are free, and are perennially unable to contain those who would use their freedom for evil instead of good. Now that we know of our captivity, we are confronted with the question of what we will do: Will we stay in the structure of sin, or break out, into consequences as yet unforeseen?

Zuboff’s insights into the nature of the human person and the threats posed to us by our obsession with technology make *The Age of Surveillance Capitalism* among the most important works of applied economic philosophy that I have ever read. Zuboff is fluent in the language of social and economic theory—Karl Marx appears to be a particularly strong influence—but she does not couch her own ideas in the full-dress versions of the works of her intellectual forebears. Hers is powerful, original analysis that is sure to set the tone for debates over surveillance capitalism for the next generation and more. To be sure, I do not

share Zuboff's faith in democracy as a remedy for the havoc that surveillance capitalism wreaks, as I believe democracy is essentially a forerunner of the very structure of surveillance-capitalist wrongdoing that Zuboff rightly condemns. But this does not reduce the importance of her book. In fact, the points of disagreement are raised so eloquently and openly that it is especially those who may be skeptical of Zuboff's arguments who stand most to benefit from them. In all, *The Age of Surveillance Capitalism* is an indispensable book for anyone who wants to think seriously about the world in which we live, where it came from, and where it might be going.



"It's been taken care of."

# 2019 GREAT DEFENDER of LIFE DINNER



photos by Michael Fusco

## ***Jack Fowler (Master of Ceremonies)***

“Ladies and gentlemen . . . ladies and gentlemen, please stop having fun and sit down . . . ladies and gentlemen, please take your seats. Before things get violent, I want you to know that for seven years I ran bingo at a Catholic parish. I know how to deal with loud, angry crowds—and I’m still alive!”



## ***Maria McFadden Maffucci (President, Human Life Foundation)***



“Welcome to our 17th annual Great Defender of Life Dinner. Isn’t there something exhilarating about a large, joyful celebration of life in the heart of New York City? We are part of the resistance. We stand against the deadly policies of Gov. Andrew Cuomo, who’s been dubbed Gov. Death by Ed Mechmann. *But this is an evening to honor heroes, and there are so many of you here.*”



***Rev. Dr. W. Ross Blackburn (Invocation)***



“We invoke God because pro-life work is God’s work. Because at bottom the pro-life movement is about the image of God. There really is no other reason why human beings are valuable. DNA might tell us why we are different from animals, but it can’t tell us why we are special. Cognitive ability, creative ability, self-awareness—they may make us exceptional, but they can’t make us valuable.”

***Sister Bethany Madonna, SV (Helen Alvaré Introduction)***

“You are well-named. Helen means torch. You are a lamp on a lampstand, a trail-blazer for the next generation of women. Women, myself included, who are looking for a model and mentor. Women who also feel impassioned and impelled to make a response of their life and love by upholding, cherishing, and safeguarding those sacred truths that are no longer held as self-evident.”



***Kathryn Jean Lopez (Rich Lowry Introduction)***



“Thank you, Rich, for being such a good father, not only to your beloved Julia and Daniel, but to Bill Buckley’s *National Review*, which he wisely entrusted to you. And thank you *Human Life Review* for recognizing this masculine genius tonight—his commitment to human life as a priority in his own writing, and as the oxygen in the air at *National Review*.”

*Helen Alvaré*

Thank you. You know, I wanted to tell Sr. Bethany that she had me at “hello.” I mean I would already do anything for the Sisters of Life; there is no need to put frosting on the cake. But I am beyond honored. The Sisters of Life, and others I see here tonight—oh, my goodness! Chris Bell and Joan—they’re such heroes to me. It’s fabulous just to be in the same room with you and with them. Thank you so much.

I also want to thank *Human Life Review*. Maria, Anne—who I know so well over the years—and my husband Brian, who has put up with a lot of chaos, intensity, and just plain hard work of service in my being able to flit around the country and the world. As is well known in my house, all really fun stories from the kids start with, “When Mom was away giving her pro-life talk . . .” I am not kidding, I think it’s the start of every story. And everybody knows that my husband is my conscience. He may be outside of my brain but he has earned a way into my brain. The story that we love to repeat, but one that is very true, is from when I was working for Cardinal O’Connor at the Bishops conference. It was a long exhausting day. Someone had hatcheted through our front door—but that’s another story. Anyway, we were going to buy a new front door, and we go to Home Depot and they try to sell me a metal door. And I said something to the guy the equivalent of: “What don’t you get about I’m not getting a door for a prison here. This is my house, I want a wood door.” And my husband leans in ever so gently and says something to the effect of: “After a hard day of shutting down abortion clinics, Helen Alvaré likes to beat up on the working poor.” And



that is only one of his many witticisms. He’s got like three of them a day. He’s amazing. So, I thank him in particular.

I am honored to be here for many reasons. But among them, two are at the top. One is that I am convinced, because I’ve now lived through it, that the pro-life movement is one of the great and per-

sistent human-rights movements in history. And second is that the *Human Life Review* is its intellectual crown jewel, especially for people like me who lead with our heads. It’s not that I’m heartless. I just don’t lead with my heart. I just want to make that clear. And to have the kind of intellectual firepower that the

pro-life movement has always had, we need the *HLR*. We are always in the midst of environments where we are made to feel stupid, anti-intellectual, that our position is absolutely an impossibility for people with our background or education or in the milieu where we are traveling. But the *Human Life Review* lets us all know that we're in the company of friends, even when we don't have the privilege of being together like we are tonight. And we are so grateful for it. Despite the fact that I'm out there all the time—my friends and I refer to it as a high-wire act with a flaming trapeze—despite the fact that I'm regularly out in media and academic circles, I find myself in desperate need of being reminded constantly that our cause is smart—because I'm being told constantly that our position is anti-intellectual, it's anti-feminine, etc.—I'm in constant need of the kind of arguments and people and language and logic and genius that are printed in the *Human Life Review*.

So, I just thought tonight I would offer two comments about what I'm seeing out there right now in the context of a debate that we're trying to have as a rational and intelligent one, but are having a little trouble stirring up that level of conversation. I have been working in the pro-life arena, if you will, really since the late 80s. I assisted the general counsel to the pro-life committee of bishops, and then they asked me to come in and do the sort of “national spokesperson” thing. So I've observed how it's changed over time, and what I've noticed most of all now—and maybe, you know, a lot of you have been in the thick of this every day, as well—is just an absolute lack of rationality at all and an unwillingness to enter onto that plane.

I just want to share an example with you. I was in Vermont giving a talk at—I think it was called Saint Michael's College. Where I was last week, or the week before, is always a question, which means, Where was I? I think it was at Saint Michael's, and I'm going to say it was in Burlington. And there were some pro-life folks from Vermont Right to Life who came up to me and one said, “We cannot find a lawyer in Vermont who will testify on our behalf.” And I said, “Well, I'm leaving tomorrow and I'm sorry I don't really have time.” And she said, “Please, please.” And you know how proliferators are, they're great. They're like, you're trying to roll up the car window and they're sticking things in going, “This will help, you need to read this.” I mean, don't we all know that it's our persistence—that kind of annoying thing that makes us live for all these decades. And she just slips in a folder and says, “Read, read what the other side is testifying.”

And so I read it, and sure enough she had me. What they were arguing was that—they were arguing in these broad conclusory statements that any restrictions on abortion were life threatening to women; that women's health absolutely required abortion as a treatment in order to promote women's health. For their footnotes, they were citing blog summaries of newspaper articles about

studies done by the Bixby Center on Population and Reproductive Health at the University of Southern California, San Francisco. That was their empirical data, okay? And I had a feeling when I saw these studies—they were called the “turn-away studies,” and they were claims about what happened to women who were turned away from abortions because they went to a clinic after the weeks at which the abortion clinic was willing to perform an abortion. And I looked at the studies, and right away—you know, having read this stuff for decades—my antenna went up. I went and looked at, not the blog posts, not the newspaper articles, but I read the actual studies.

It was a stunning display of their abusing primary sources, because what you find is the following: 82 percent of the women they followed dropped out of the study. And we know that women who are more troubled by abortion drop out of studies, number one. Number two, they had no idea if any of the women who were denied abortions had abortions elsewhere or later. So, the categories of women they were studying who “didn’t have abortions,” might very well have had abortions. Number three, you can see that the studies said we actually don’t claim any causation here; it’s far more likely that women who have chaotic lifestyles or some other difficulties in their life both miss the deadline even at late-term abortion clinics and also suffer other difficulties later in their life, which may or may not be related to actually having the children they did not abort. Number four, when the researchers were asked to share their data, they refused. They refused to share their questions, their crosstabs, the results, or anything, with independent researchers who wanted to verify it. Then they made all these broad claims about women’s place in the educational system, in employment, in the labor market as, apparently, being caused by legal abortion. So, our ability to access legal abortion is, apparently, in case you weren’t aware, responsible for all of our achievements in the last 46 years.

The problem, of course, is that when you go and look at primary data from the Bureau of Labor Statistics or the Department of Education or the Census on poverty, and you look at the rise and fall of abortion rates and ratios—mostly the fall since the early 1990s—you see absolutely not only no causation, but no correlation even with women’s participation in education or the labor market or women’s poverty statistics. Furthermore, they insisted, *insisted*, at least a hundred times across this testimony—and I not only looked at Vermont but I decided to have some fun and also punish myself by looking at every line of legislative hearings in New York, Illinois, Virginia, and all the interest group stuff that was put in there, and then categorize all their arguments into boxes, to see if I could find any empirical data. The turn-away studies—again, the summaries of the blogs of the newspaper articles—for one. There was some legislator in New York who said that the Guttmacher Institute—you know, Planned Parenthood’s former affiliate, now a pro-choice think tank and researcher—assured

her that women feel great after their abortions; they really don't suffer. And then they made claims that all late-term abortions, which they knew were controversial, are *always* because the woman's health or the child's health is in dire circumstances. Except the problem is that when the Annenberg Public Policy Center at the University of Pennsylvania, in [factcheck.org](http://factcheck.org), which publishes in the *Washington Post*, went out and asked the Guttmacher Institute why women have late-term abortions, they said there's really no good data on this. We think it's probably for the same reasons they have abortions at any time. I mean nothing. Nothing. So I looked at the data on health. I looked at life. I looked at labor and looked at jobs. I looked at educational attainment. There simply is nothing to indicate that women's progress is achieved or women's health is achieved because of abortion.

I remember I was asked to testify before the House of Representatives in Washington on a conscience-protection bill across all health care laws that had abortion as part of it. And I decided to look and see what the feds were saying about "abortion is healthcare" in the first place. I reviewed somewhere between five and six thousand pages of White House Office of Women and Girls, the Department of Health and Human Services, the CDC, the National Institute of Child Health and Human Development and NIH generally. And it turns out in no place across the entire panoply of federal documents on women's health is there even one statement that abortion promotes a woman's health and in fact when you go look at the literature, and even if you restrict yourself to scientifically done literature written by people who perform abortion or people who self-declare as pro-choice, they say things like there's no evidence that abortion improves mental health of women. There's some evidence that it seems to have a harmful effect on women's mental health. I mean I could go on. The bottom line is that 46 years into legal abortion, they're attempting to make the claim with these wild general conclusory statements that women's health and life are absolutely dependent on abortion. And they have no reasonable argument, no data. Forty-six years of an experiment with legal abortion, and nothing really to say about it that is factual. Nothing whatsoever.

Today, I had a thought about what that means about where we are. And then, today I had a debate at Fordham Law School. It's kind of ironic. I teach at a public university. I was there to present the pro-life case. Fordham, which I think still identifies as a Catholic university, their Family Law professor was there to present the pro-legal-abortion side. And I thought, wow, this is an interesting, I mean *interesting*, thing that's happening right here. And when I talked about what I had *not* seen in the empirical data, her response was, the empirical data doesn't matter. It's irrelevant to the debate about abortion. So whether or not it improves women's health or harms it, it is irrelevant to the debate about abortion. All that matters is the woman gets to choose. To which, of course I



responded, “But doesn’t it matter if the choice is good for her or bad for her?” She says, “Well, they can tell her it’s bad for her in informed consent, and she can accept that bad choice. But it is crucial that she gets to make a choice.”

And, again, this reminds me of a famous Justice Scalia footnote, when he was contending with some of the other members of the Court about how you find a non-textual substantive due process constitutional right in the Constitution. How five justices say there is one when it’s not in the text. And he said you can’t ever declare that a constitutional right to do such and such exists without asking who is impacted and how. He said it’s like saying there’s a constitutional right to fire a gun but not asking if anyone is in front of it. I mean, vintage Scalia. And I asked the question today, “Doesn’t it matter if the health is harmed, or if on the one side you have the value of human life and on the other side you have no value for the woman at all or maybe a disvalue?” And the answer was, “No, that doesn’t matter.”

So what I’m saying to you is this is—what’s the word for it?—will-ism. You know, autonomy as itself a good, and you not only see this in the abortion debate but increasingly you’re seeing it in the transgender debate, which is that it’s not a question of whether the surgery helps or hurts, it’s whether the person wants it. And you see it in the contraception debate as well—it’s not a question as to whether there are long-term effects, whether it causes depression, whether it has social effects that have changed the sex, mating, and marriage marketplace, especially to the disadvantage of women, poor women most particularly. That doesn’t matter. It’s a question of a person being able to choose it. And that’s really where we are now. And so, what we, what we’ve always been contending with, but it is quite explicit now, is our discussion of whether that really is enough for freedom. Or don’t people actually vote with their feet that freedom means relationship, freedom means sacrifice, freedom means love, freedom means generosity, freedom means all of those things? That it isn’t simply about making a choice no matter whether it’s good for you or destroys another life. I mean we really have to present it in those kinds of terms because that’s where we are right now.

The final thing I want to say, I think, is a much more hopeful thing. And Sister Bethany spoke about, you know, the trajectory of the pro-life debate and having women speak up about this in ways that give heart to other women, *and* men, but the next generation whoever they are. I mean we really are in a position now where even to have the opinions we have is considered hateful and unacceptable. I was giving the Constitution Day Talk at Louisiana State University, and a random student called in, claimed he was an LGBT student, claimed to the administration of the law school that I had said X,Y and Z in such and such a book. And like five minutes before the program, the law school pulled its sponsorship because I was unsafe. Now another institute was sponsoring it so I still went on.



But then a young woman, who by the way was getting her PhD like a week from then, and had no reason in her, got up and started spewing that I had said this and I made her feel unsafe this, and I had written that . . . and I said, I'm sorry, I just want to step back. I've never written any of those sentences. I don't even know what book you're talking about, I said. That's not my book. And these are the grounds on which the school pulls its sponsorship. This is where we are: It's not about facts, it's not about reason. And this we have to narrate in advance in order that people understand that *we* are about facts and reason, and that we understand that that's what will be beneficial to them, too.

The final thought is a happy one. I was at Notre Dame, at their right-to-life group, last week—two weeks, three weeks, whatever. And I have to say—and maybe you've had the same feeling—this right-to-life group, I had dinner with them. We had tremendous conversations. Between their degrees in neurobiology, psychology, physics, theology, philosophy, and their many languages, races, countries, they were amazing. And they're just this year's board. I didn't even have dinner with the whole like 40 or 50 of them. The intelligence, the training, and the willingness to stand up at an academy—Notre Dame's a little easier than some places to do this—but the willingness to be who they were is out there, and we can take great hope from it. But I can tell you, and I say this to each of you individually, things are so dicey out there in the sense that having this opinion makes you a bad person, that it is necessary for each and every one of us, wherever we are, to be both a beautiful person—you know, bring Christ to that area for those who are into that—and also to articulate our pro-life belief, because we have to upend this idea that it is simply unacceptable that we exist and speak out. So thank you very much for this great honor, thanks to *Human Life Review* and to all of you.

### ***Rich Lowry***

It is such an honor to be here with you, and to be honored together with Helen. I just want to salute the *Human Life Review* and everyone who makes it happen, and especially the McFadden family.

When I became editor of the *National Review* way back in 1998, I was 29 years old, and very often when I



would show up at the office there would be a typewritten letter or memo left on my desk from Jim McFadden. He was suffering from a very grave illness at the time. One of the great things about being young is that you're young; one of the downsides is that you're clueless. So I didn't think very much about his references to not being able to sleep, and that this was why he had the time to write these letters. Also, I didn't really think very much about why he, suffering at three in the morning, would write a 29-year-old he didn't know these long memos about conservatism, about principles, about *National Review*—about its history and about how to deal with Bill Buckley. It just spoke to a deep commitment to mentorship and to the cause that Jim represented. One that you, Maria, and your whole family and your whole team continue to represent. Thank you.

It's not with false, but with genuine modesty that I say I really don't deserve this award as much as so many colleagues who are more prolific and consequential defenders of life than I am. Beginning with Kathryn Lopez, who, at a time when our debate is so poisonous, is consistently uplifting and inspiring in everything she does. There's Jack Fowler, who has done so much and will do anything for this cause, and is a dear friend of mine. There's Ramesh Ponuru, an incredibly incisive pro-life writer. There's Alexandra DeSanctis, who, if you don't know her yet, you will. She is one of the fiercest defenders of life in journalism.

Usually when I'm writing something about the pro-life cause I'm just cribbing from the work of these colleagues at the *National Review*. But there's one moment when, perhaps, I really did rise to the level of deserving this award. Several years ago, I was at the Aspen Ideas Festival, speaking about a book I'd written about Abraham Lincoln. It was going great. You know how everyone loves Lincoln, everyone hates slavery. And they thought I was that most dreaded phenomenon—a "reasonable conservative." Then, we were going through the Q&A portion of the evening and this woman stands up. I still remember it very starkly. She says, "I'm just curious, what do you think is the great scourge of our time, that, like slavery, is accepted, but, decades from now, no one will understand possibly how it was allowed to stand?"

If you're like me, and you like to please any audience, this is a moment of panic. My mind started racing. How do I get out of this one? Maybe: "Plastic straws! They're really bad." But there wasn't any way out of it. "It's abortion. It's not even close, it's abortion on demand!" Boom! There's not another mention of Lincoln at this event for the rest of the time. We had a long and contentious seminar on abortion and abortion policy. And I did not go back to the Aspen Ideas festival for years.

But the heroes of this cause are not us writers or advocates. They are the practitioners. People like Susanne Metaxas and her colleagues at Avail. People like our radiant Sisters here tonight, who exemplify that great statement we all

know from Mother Teresa: “You don’t want your babies, give me your babies. I’ll take care of your babies, all of your babies.”

Our friend Fr. George Rutler tells a story. I don’t know if I’m messing it up, or if it’s apocryphal, but apparently he was charged once with meeting Mother Teresa at the airport when she flew here from Calcutta. He met her and took her to the baggage claim area, and they stood there and watched the carousel go round and round and round till all the bags were gone. Then, finally, Fr. Rutler says, “You don’t have a bag?” And she says, “No, I just thought you liked standing here.”

I’ve been thinking about this: What does the other side, what do those folks at the Aspen Ideas Festival, not understand about us as prolife? Well, they think we’re moralistic, and to be honest, our cause is so righteous, we probably are a little moralistic. They think we’re judgmental. Well, they think there is such a thing as a legitimately unwanted life. It’s hard not to judge that. But what they’ll never understand about us is that we are joyful, and, as Christians, we believe that joy is built into the universe.

The Church is the bride, Christ is the bridegroom, which, if I’m not mistaken, implies a wedding, a celebration. In fact, the first miracle by Jesus is at a wedding at Cana, where he transforms the water into wine—not just into any old swill, by the way, but apparently an awesome, super-Tuscan. And he does this after everyone at this celebration has drunk every last drop of the wine that they already had.

If celebration is built into the universe, so is crushing tragedy and grief. The fact is, and this is a very basic insight, but it had never struck me, at least not with starkness, until I heard a pastor say several years ago: “Every human relationship, no matter how true, no matter how long lasting, no matter how loving, ends in separation and heartache, just necessarily, inevitably.”

Yet, there’s still the marvel of life. None of us is the same. Our distinctiveness is set right at the beginning, from the very moment of conception, when we’re all endowed with a genetic package of information unlike any that’s ever been seen in the history of the world, or ever will be seen again. Every very young embryo on a scan might look the same, but that’s only because we don’t yet have the capacity to know him or her.

One of my favorite Psalms is 139, which, if you haven’t read it recently, look it up. It will stun you. It goes to the fact that we might not know this young embryo yet, but God does: “My substance was not hid from thee, when I was made in secret, and curiously wrought in the lowest parts of the earth.”

As soon as the baby is delivered to us, though, we know we have something completely new, something completely different from his or her siblings, and he or she will stay that way pretty much no matter what we do.

A decisive influence in my thinking and attitudes about life issues is my older brother, Robert. He’s autistic. Not severely. He talks, but he doesn’t drive, can’t

hold a job, can't live alone, can't have a girlfriend, although he thinks he has girlfriends—lots of girlfriends. But he laughs more than anyone I know. He reads books. He has hobbies and go-to places in the community. He enjoys movies. He loves eating. He watches TV.

There was a funny moment in 2016 that was one of many signs, which I ignored, about how things were going. For some reason, Robert is a Trump fan. He usually doesn't care about politics at all. I was talking to him one night before one of the presidential debates and I asked, "Robert, what are you doing tonight?" He said, "I'm watching the presidential debate." I thought, "Okay, I never heard you say that before." I was curious. I called him up afterwards and asked, "Robert, what was your impression from that debate?" "Hillary is a liar." Trump is such an effective communicator, he got this very important and true message through to my brother.

Anyway, we all know someone like this from our own families, from our friends, from our neighbors, and it doesn't take much discernment really, basically no discernment at all, to know that any scale of human worth that says a person like this, a person like my brother, is less valuable than me, than you, than anyone else, is an odious and twisted lie, with a strong whiff of sulfur about it. Once we go down this road, once we say that the standard of human value is intelligence, looks, earning power, desirability—if we want to take this all the way to its endpoint, all of us would deserve to die and the only person on the planet deemed worthy of life would be Tom Brady.

So, we're not going to go down this route. The only scale of human life that accords with truth is an absolute one—that every life, every person, at every moment is a treasure. And if you have any doubt about this, we are left a breadcrumb trail of grace about the importance of human relationships and love, even in the most trying and worst circumstances. It's the man with Down syndrome being friendlier and more considerate in the back of the plane when it's taxiing at La Guardia than anyone around him, leaping up to help the ladies with all their luggage. It's the victim of a stroke playing piano at an assisted living facility for people who are desperately failing or demented, and standing up at the end and applauding himself and his listeners in a small moment of triumph. It's the shockingly unexpected tenderness and incredible intimacy of spoon-feeding a loved one at the very end.

Moments like these are definitive proof of C.S. Lewis's statement that the universe rings true whenever you fairly test it. Or, as John Adams, our Founding Father, said in a letter to a friend: "Griefs upon griefs, disappointments upon disappointments, what then? This is a gay, merry world notwithstanding."

In sum, we know that, and the other side doesn't. And that's what separates the desiccated calculus of willful destruction from the adamant insistence on life as a source of relationship, of love—and of joy.

***Maria McFadden Maffucci***

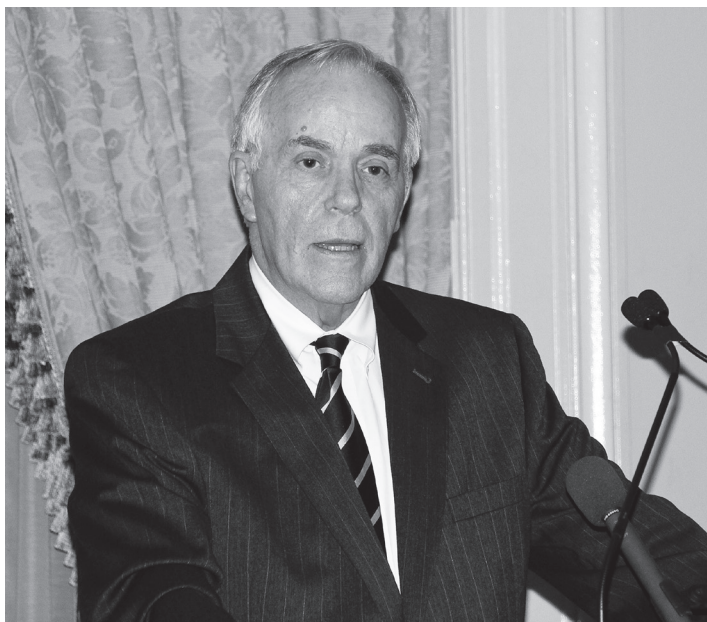
Amidst our joy of being together, we also share grief this evening. Our good friend and one of our founding editors, Michael Uhlmann, a great lawyer, author, and statesman, died two days ago of pancreatic cancer. To talk about his accomplishments, character, and his great heart, would be a whole other dinner. And, as a matter of fact, we tried to honor him, and he refused. He did however speak at our first Great Defender of Life Dinner in 2003, when we honored Henry Hyde, and again in 2012, when we honored the great Judge James Buckley. Our hearts go out to his family and friends, many of whom are here tonight.

***(Michael Uhlmann's 2003 Great Defender of Life Dinner Remarks)***

Well, having heard Father Rutler earlier, I now know what the *New York Times* headline will be in the morning: "Father Rutler comes out, admits to being bi-locational." Well, it's great fun to be here among friends. Any gathering that celebrates the name of McFadden has to be a family reunion. And indeed it is. I've seen people tonight I haven't seen in ten years, not including bill collectors.

But it's a trifecta; it's the only trifecta I've enjoyed the winnings of. We celebrate the *Human Life Review*, which in two years, I think, will enter upon its third decade of publication—no one would have believed it at the beginning—to celebrate the life of Jim McFadden, and we present an award to Henry Hyde. That's a genuine trifecta. Lovely evening.

Ed noted that I had been, at some point in my checkered career, a founding editor of the *Human Life Review*. This requires some literary license. Truth be told, I was volunteered for the job. I use the military passive on purpose. I forget the year; it was late '73, perhaps early '74, and the phone rang. And I knew it was McFadden because I could smell the smoke through the phone, and the conversation went something like this:





“Mike, old man,” he says, “remember the magazine we talked about? I think I’ve got the money for it—we’re going to call it the *Human Life Review*—the first issue will be in January—I think you should be in it and here’s what I think you should write about.”

Those of you who knew Jim would know that was not an atypical kind of conversation. You’d have three of those before lunch; you’d have two lighter versions of it in the afternoon; a couple of corrections before dinner and just before you went home, you’d have the final call with a couple of lousy puns. He directed from New York in the early days of the pro-life movement.

It’s hard to describe for those of you who weren’t around at the time—there’s enough of you from the old days I know who were—what it was like in those days. The ranks were thin, demoralized, discouraged, and generally confused. And when *Roe v. Wade* landed like a thunderbolt, there was much concern. I was then working as counsel for Jim Buckley, or as we will eternally refer to him, “the sainted Junior Senator from New York.” Unlike his notorious younger brother, Jim never demanded a recount, which is how he became Senator from New York.

But in those days, Jim Buckley was the lifeline of the pro-life movement in the Senate. And while that activity was going on in Washington, the real center of the activity was here in New York, courtesy of Jim McFadden, who woke up in the morning with five good ideas, and managed to implement all—or certainly four of them—by the end of the day. The fifth one he’d do on the next day, and chastise you if you didn’t do it.

Jim perceived the salience immediately of *Roe v. Wade*, and set out to energize a pro-life movement when none, in fact, existed. And he did so by a very simple device: and that was to tell the truth as often as possible, as well as possible. And it took two forms. One was overtly political, and that was institutionalized in the wonderful instrument, now moribund and no longer necessary, called *LifeLetter*, this wonderful monthly jeremiad that would emanate from Jim’s office. It was a combination of gossip, rumor, and intelligence—of a sort. This is pre-Internet days, you see: No one had information of this sort.

And a typical entry would arise under the following circumstances: A very nice lady from Dubuque would call and introduce herself to Mr. McFadden and alert him to the fact that state senator Blowhard, a purported prolifer, was opposing pro-life legislation now rumbling through the Iowa legislature, and didn’t he, Jim, think something should be done about it. Jim would, indeed, think about it. And about two weeks later a special issue of *LifeLetter* would go out, calling attention to the fact that proliferers in Iowa “are gravely concerned that Senator Blowhard has left the reservation, and deeply concerned there may be some deep mental or moral troubling there; maybe owing to his second divorce.” And just to bring the point home, Jim would ensure that a couple of



thousand extra copies of *LifeLetter* were distributed in the Dubuque precincts.

That's how the pro-life movement was put together in the early days. That was one side of Jim. The other side was the fellow you could sit up with until three in the morning talking about Cardinal Newman's discussion of the development of doctrine, and do so with great seriousness and gravity—and a good cigar, might I add.

That side of Jim's nature was expressed in the *Human Life Review*. He said to me, at the same thinking-post that Ed Capano referred to earlier, he said: "There has to be a record." We won't be, he says, like Nazi Germany. No one should be able to say, whatever happens, that they didn't know. That's the first thing we have to do . . . is to make sure that everybody knows what's actually going on here.

The second thing is, he says, we can have some fun. And the third thing, he says, is that we can produce a helluva good journal. And that led to the conversation a year or so later, in which he said: "I've come up with the money. We're going to do the journal, and here it is." And there, by the grace of God, it was. And now rising thirty years later, it still is. And that's why all of you are here tonight.

But you have no idea—perhaps you *do*—I certainly do, what a wing and a prayer put this thing together at the outset. It was, in the early stages, issue to issue: Thanks to your generosity, it isn't. But what justifies the *Human Life Review*—well, let me put it this way: Other than those days when John Paul the Second is not teaching us about the defense of human life, the one place you would soonest go to learn about it would be the *Human Life Review*. For three decades, nearly, it has been the consistently most intelligent, sophisticated journal in defense of the dignity of the human person that I know, not only in the English-speaking world but in the world at large. And for that we should be grateful then, to Jim McFadden, and to Faith and Maria we owe our eternal gratitude. It is a good thing that it is here, and long may it wave. The practical side of Jim focused, of course, on Washington so long as the sainted Junior Senator from New York was present, which he was through 1976, when the voters of New York, having had something funny put in their water supply, decided otherwise—but by the grace of God and the consent of the voters of the Sixth Congressional District of Illinois, just about the time when Jim Buckley was leaving Washington, there was presented to us the great man of the House of Representatives, Henry Hyde, whom we honor tonight.

I've known Henry, and worked with him, on all sorts of things, over many years. But it was Jim McFadden who introduced us. What year it was I don't know. Henry came in in '74, I think it was. A year or so later Jim called me and says, have you seen this fellow Hyde? And I said no, but I've heard of him. He says, "You should." So I walked over one day to the House gallery, and there

was a debate going on. What it was, I don't know. But I saw this remarkable fellow from Illinois actually arguing; he had an argument that had a beginning, and a middle and an end, and—even stranger to say—his colleagues were listening to him. That's a strange thing in the House of Representatives, for the most part.

But it's true to this day. Henry Hyde is one of the few men in the House who can rise, and simply by rising, silence his colleagues, who listen to him because they know he has something to say. He is a teacher in the House of Representatives. Henry's humility will deny all this, but he is, in the end, a teacher. He is also a very good politician. He would lie down in front of a train, and has done so frequently, in defense of the unborn. But he has also been Chairman of the House Judiciary Committee, and now Chairman of the House Committee on International Relations. In addition to his other plaudits, I would credit Henry with having stopped the nuclear freeze legislation in the House of Representatives in the 1980s by virtue of simply making very good speeches that turned the souls of his colleagues.

There aren't three men in the House today, or in recent memory, who could do that. This man is a man who has done that, can still do it, and does it with great eloquence and great humility.

Jim McFadden had it right years ago. He referred to Henry simply as the Generalissimo, and that he is—and Henry: I salute you, sir.



*Henry J. Hyde, our first Great Defender of Life, 2003*



*Maria with Rosemarie De  
Phillips and Mary and William  
McGurn*



*Susannah Black with  
David and Anna Talcott*



*Most Reverend John  
Oliver Barres, Bishop  
of Rockville Centre,  
New York, and Justine  
Fernandez*



*HLR staff: Ida, Rose,  
Christina, Maria, Anne*

*photo: Jacqueline Mora*

GREAT DEFENDER OF LIFE DINNER



*Pat O'Brien with Robert and Astrid Lehmann*



*Rich Lowry, Brian Duggan, and Helen Alvaré with Anne Conlon*



*Katie Yoder of National  
Review*



*HLF Board Chairman  
James McLaughlin*

## BOOK/FILMNOTES

### **KITCHEN TABLE POLITICS: CONSERVATIVE WOMEN AND FAMILY VALUES IN NEW YORK**

Stacie Taranto

(University of Pennsylvania Press, 2017, 296 pages, \$55)

*Reviewed by Elizabeth Fitton*

In January 2019, 46 years after *Roe v. Wade*, New York passed one of the most sweeping abortion laws in the country's history. The state's so-called Reproductive Health Act legalizes abortion through the third trimester, eliminates the requirement that a licensed physician perform the procedure, and repeals any criminal prohibition for harming children *in utero*. A perennial desire of New York Democrats, the bill had been long blocked by Republicans who controlled the state senate. But when Democrats finally gained control in November 2018, they jumped at the opportunity to pass their legislation. Governor Andrew Cuomo enthusiastically signed the bill, and celebrated by lighting up the Empire State Building and One World Trade Center in pink, to "shine a bright light forward for the rest of the nation to follow."

New York's push for permissive abortion laws is hardly new. Fifty years ago, it became the first state to actually legalize the procedure. But not without a fight. The push to expand abortion rights faced a legion of unlikely activists who were compelled by conscience to resist it. These women—suburban, middle-class, predominantly Catholic housewives—are the subject of historian Stacie Taranto's *Kitchen Table Politics: Conservative Women and Family Values in New York*.

Many Americans know about the feminist activists of the 1960s and 70s who pushed for abortion on demand and the Equal Rights Amendment. In her book, however, Taranto highlights "how everyday Catholic priests and parishioners responded to legal abortion and modern feminism." She looks at several homemakers in Long Island, Westchester, and Rockland counties, and traces their journeys from children of immigrant, urban, New Deal Democrats to suburban, middle-class, conservative mothers seeking to stem a tide of social change that threatened all they held dear. (Full disclosure: One of the women profiled is my mother, Margaret Fitton.)

According to Taranto, these Catholic women were impacted initially by changes in their Church. The Second Vatican Council (1962-1965) produced not only a new liturgy but also a new role for the laity. As men and women left



religious orders in great numbers, it fell to lay Catholics to pick up the slack. And just as lay women were starting to become more active in their parishes, their political lives became more active as well. While many of them were not looking to jump into the political arena, the issues of the day propelled them there. But more than any other, it was the issue of abortion that unleashed this suburban female force.

In talking with women such as my mother, Taranto heard a similar story: In the late 60s, they began reading about a strong push to legalize abortion in the state. Alarmed at the moral depredation of this growing threat to human life, they were spurred to attend a local meeting or “candidate night.” Reticent at first, but often assisted by parish priests, they started to form small platoons that soon became bigger multi-parish groups. They organized marches and trips to Albany. They sought out local and state politicians to voice their opposition. Right-to-life committees sprang up everywhere.

But despite their energy, these housewives were outmatched politically, and in 1970 New York legalized abortion. Their horror now fully realized, many of these women jumped fully into what they considered a mortal battle between good and evil. They got far enough to convince lawmakers to overturn the legalization law in 1972, only to have Governor Nelson Rockefeller block the repeal with his veto.

If these “church ladies” couldn’t repeal abortion, they would try to limit it. They pressured politicians to take a clear position on the issue, scaring many lawmakers into proclaiming themselves “pro-life” to avoid losing Catholic voters downstate. When the 1973 Supreme Court rulings in *Roe v. Wade* and *Doe v. Bolton* caused the abortion issue to go national, the New York pro-life groups followed suit. They joined others around the country to fight for the principle that their tax money should not fund a practice they found abhorrent, leading to passage of the Hyde Amendment in 1976.

Taranto repeatedly emphasizes how these women came to see not only abortion rights but also ERA feminism as a threat. Before getting involved in abortion politics, they had been content in their lives, enjoying the benefits of post-war peace and prosperity. They had married men who took advantage of the GI bills for education and affordable mortgages in New York City’s suburbs and, unlike many of their mothers, who had been forced to work during the Depression to make ends meet, they could stay home with their ever-growing families of four and more children. They viewed this as a blessing, part of the post-Depression bounty their parents could only dream of. Many of them were happy to support equal pay for equal work, as they knew how important pay had been to their working mothers. But the ERA also threatened a host of other consequences that could devalue what they had worked so hard to build. Instead of emphasizing new opportunities, many of the ERA’s advocates displayed a



sneering disrespect for women who chose to stay at home full time and tend to their husbands, children, and households.

As Taranto acknowledges, pro-ERA feminist groups such as the New York Coalition for Equal Rights did not take seriously the views of the “anti-feminists,” who worried that their very existence was being devalued and undermined by the feminist cause. Feminists spoke glowingly of subsidized childcare and abortion as ways of avoiding the “oppressive” strictures of motherhood. But for many mothers, family ties were a cherished source of meaning rather than constraint. Cutting these bonds would not give them freedom; it would leave them unmoored from the things that mattered most.

Taranto describes how the same organizational skills these women had honed during the abortion fights carried over to opposing the ERA. She focuses on Operation Wakeup, a group that was dedicated to stopping passage of the ERA in New York. (With perhaps some grudging respect, she credits Wakeup with “exploiting” class differences by labeling the ERA movement as elitist.) ERA opponents, such as Annette Stern of Westchester, used many of the same organizations and mailing lists that the pro-life movement used. Despite what seemed like positive momentum for the ERA, generated by activists and the press, the amendment was defeated in New York by a margin of 57 to 43 percent. Catholic suburban women were a large part of this surprise failure. In New York City, the ERA won 59 to 41 percent, but in the rest of the state it lost 38 to 62.

From the battles over abortion and the ERA, Taranto notes two important and related trends: First, family life became increasingly intertwined with political life. And second, as the new Democratic Party began turning to the social and cultural left, former New Deal Democratic women moved inexorably to a more conservative Republican Party. Some practicing Catholic Democrats such as Daniel Patrick Moynihan and, famously, Mario Cuomo and Geraldine Ferraro, resisted this trend for a time. They sought to keep abortion in the “personal” zone of a woman’s life, opposing it themselves while advocating government programs they hoped would make family life easier and abortion less attractive. But as Taranto notes, that middle ground gradually eroded as the ideological battle lines hardened. The personal became political.

These political changes had lasting effects. Taranto portrays many pro-life women as retreating to their domestic lives after the abortion battles of the 1970s, but that was not always the case. Many—including my mother, who went on to become a nurse and even ran for local office in the 1990s—continued their pro-life activism well into their later years. Some continued to protest and campaign against abortion, while others served in charitable organizations like Birthright. Despite increasingly secular, often hostile, cultural forces working against them, they persisted.

Overall, Taranto treats conservative women with a respect not frequently

found in modern academic work. For example, she gives considerable space to Ellen McCormack, a strongly pro-life Democrat who might otherwise be a feminist icon, having been the first woman presidential candidate to receive delegates. But Taranto does succumb occasionally to academic jargon: In describing Jimmy Carter's White House Conference on Families, she cannot resist referring to the "heteronormative" nuclear family that Phyllis Schlafly and others promoted as an antidote to the rising tide of out-of-wedlock births, juvenile crime, and divorce rates. She also indulges in an obligatory discussion of race—it turns out that most Catholic suburban women were white. But on the whole, these are minor sins.

Taranto notes how the feminists and anti-feminists often failed to comprehend that each side could be operating in good faith. While many feminists dismissed the legitimate concerns of their opponents, some "anti-feminists" failed to appreciate how their adversaries' attacks on gender inequality also benefitted them in some ways. Taranto is not out to demean or diminish anyone's viewpoint, which is refreshing to someone raised around one of the very large and legendary kitchen tables she cites. But her book is tinged with unintended sadness, as the fears of her subjects have been realized, and as phrases like "shout your abortion" have replaced "safe, legal, and rare."

—Elizabeth Fitton, the former Executive Director of National Review Institute, is working on a PhD in history. She lives in Alexandria, Virginia, with her husband and four young sons.

## **PREGNANCY CRISIS INTERVENTION: WHAT TO DO AND SAY WHEN IT MATTERS MOST**

John Ensor

(Hendrickson Publishers Marketing, LLC, 2019, 134 pages, paperback, \$14.95)

*Reviewed by Mary Meehan*

Rev. John Ensor, an Evangelical pastor based in Georgia, has been a pro-life leader for many years. *Pregnancy Crisis Intervention*, his most recent book, is a helpful guide for staff and volunteers of pregnancy care centers. Indeed, it can help *anyone* who knows a woman or girl who is considering abortion. As Ensor says, "If you can love, then you can do pregnancy crisis intervention." He quotes a veteran pregnancy-center director, Vikki Parker, who summed up her counseling of women this way: "I started out as a calm listener who was there to ask questions, and with each answer, to help them to find their way out of the woods. . . . So let me assure you, if you listen to their hearts, they will hear

yours. That's a good start."

Pastor Ensor stresses the fear that may afflict a girl or woman who is pregnant outside of marriage. "The fear is unrelenting," he says. "She thinks of the significant people in her life and pictures their response to her pregnancy. She considers how having a baby will shatter her current plans for school or her career. As she thinks of her options, *each one* adds to her fear." Ensor shows, though, through many examples, how a counselor can help her.

He says that "a surprising percentage of women and couples considering abortion will say, 'I know abortion is wrong, but I need to do it anyway.'" He suggests asking a woman *why* she believes it to be wrong. He also quotes Melinda Gardner, a longtime pregnancy-care worker in Wisconsin, who said that when a man tells his pregnant girlfriend that "I'll support your decision either way," the woman thinks "that he won't even be there to help her make a decision. It makes her feel abandoned and more alone." Gardner said that what the girlfriend needs to hear instead is: "I want our baby to live. You are not alone. We can do this together." And Pastor Ensor stresses that a counselor must be very reassuring. "A ship in a storm is looking for a calm, strong harbor," he says, and then adds: "You are that harbor."

A woman he once counseled had a list of reasons why she thought she needed an abortion. He told her it seemed that she really wanted him to agree that abortion was "the right thing to do." She said she wanted him to know she was "really a very caring and compassionate person." She mentioned she "once had a dog" that she couldn't take with her when she moved, so she found another home for it. Ensor suggested that she should also find a home for her unborn child. She paused for thought, then said, "I can do that."

Ensor says that people "in crisis are usually praying people," and he advises asking a woman what her faith says about abortion. He also suggests asking whether she would like the helper "to share one or two promises in the Bible" with her. He does not, though, minimize the pressures, worries, and fears that the woman faces. Often there is *unrelenting* pressure for abortion from a boyfriend, husband, or parent. Sometimes, though, when a woman resists that pressure, family members and boyfriend later come around. Meanwhile, support from a pregnancy counselor can make all the difference. As Ensor says, "You can be that one person" who shows her that "she is not alone," and can tell her: "*Together*, we will find a life-affirming pathway out of this crisis."

Pastor Ensor deals with many specific problems, such as the best way to talk with a boyfriend. A counselor might ask the woman, for example: "Should we bring him in to see the ultrasound and go through the reasons why you now want to have your baby?" He discusses the problem of dealing with a young woman's parents who are pressing for abortion: "... if she expects to be kicked out of her home as a way of compelling her to have an abortion, then you need

to discuss with her where she can go that is safe and supportive. Often such a place is needed only for a week or two, until emotions calm down. . .”

The book includes “Voices from the Field,” short pieces written by veteran pregnancy counselors. One of them, Jeanne Pernia, describes a chaotic scene after thieves had broken into her pregnancy-care center and stolen its ultrasound machine. Police and reporters were milling around, “dusting for prints and asking questions. Our staff was crying. Then this couple walks in. ‘We need a pregnancy test and maybe an abortion,’ they said.” Instead of panicking, Pernia took them to a side room, where she sat and talked calmly with them. Their baby lived.

There is much to praise, and little to criticize, in this book. An index would be helpful, though, and so would more suggestions about dealing with husbands and boyfriends. It would also be good to have more emphasis on the joys of life and parenthood—from seeing a baby take his or her first steps, to first day in kindergarten, to high-school graduation and beyond. Indeed, the pro-life movement in general should place more emphasis on the joys of life. It should present life and parenthood as grand adventures.

The problem of abortion pressure from boyfriends, and sometimes from husbands, is so great that I hope Pastor Ensor will consider writing a book addressed to boys and men. Perhaps it could be called *Time to Grow Up, Guys!* or (more positively) *Welcome the Little Ones!*

—Mary Meehan is a senior editor of the Human Life Review.

## A HIDDEN LIFE

Directed by Terrence Malick

*Reviewed by William Doyno, Jr.*

*“Indeed, all who desire to live a godly life in Christ Jesus will be persecuted, while evil men and imposters will go on from bad to worse, deceivers and deceived.”*

That passage from 2 Timothy 3 has proven prophetic down the ages as countless Christians have lost their lives to madmen and tyrants. Among them was the Austrian Catholic Franz Jägerstätter, a conscientious objector to Nazism, and the subject of Terrence Malick’s extraordinary new film *A Hidden Life*.

This may be the best movie about the Catholic conscience since Fred Zinnemann’s *A Man for all Seasons*—and possibly better, because of its searing realism and Malick’s refusal to romanticize any aspect of Jägerstätter’s suffering and death.

Malick's greatest films—*Days of Heaven*, *The Thin Red Line*, and especially *The Tree of Life*—resonate with Christian overtones. But never has he made a film as resoundingly Christian—and specifically *Catholic*—as this one.

At nearly three hours, *A Hidden Life* easily could have tested the audience's patience, but Malick, who spent several years editing it, packs every frame with moral and spiritual import. The result is an utterly absorbing film, which steadily builds momentum until it reaches its tragic, shattering climax.

*A Hidden Life* opens in 1939 on the eve of World War II in the village of St. Radegund—a small farming community in the upper mountains of Austria known for its hard-working, good-natured people—and above all, their Catholic piety. Though Hitler has already annexed Austria through the *Anschluss*, and is threatening to expand the Reich's tentacles, St. Radegund, perhaps because of its relative isolation, has not yet been infected with the deadly Nazi virus.

Evidence of this are Franz and Franziska Jägerstätter, who are first seen scything wheat on their farm. Franz and “Fani,” as she is known, are happily married, and well-liked members of the village. They are also grateful parents of three young daughters, whom they play with often, when not expressing affection toward each other.

The natural rhythm of the Jägerstätters' life is disrupted when Franz is called up for basic military training in June 1940. His country needs farmers as much as soldiers, however, and he is soon permitted to return home to manage his farm. In October Franz is called back, and this time trains for six months before receiving a military deferment, allowing him to return home again. But when he does, he notices that the village he loves has radically changed, with people Franz once respected suddenly hailing Hitler and voicing unhinged and frightening rhetoric. Several years before, Franz had had a highly disturbing dream about his countrymen boarding a train to hell. Now that nightmare has come true.

After Germany's war takes a turn for the worse, Franz is summoned by the military yet again (in 1943), this time for active service—where he knows he will be asked to swear an oath of allegiance to Hitler. By then, however, Franz has become strongly Catholic (thanks largely to his devout wife), and fiercely anti-Nazi—having taken to heart the anti-fascist, anti-racist teachings of his Church.

Reflecting upon what Christianity stands for, in contrast to the unspeakable crimes of Nazism, Franz can no more swear his allegiance to Hitler than he can to Satan. After announcing his decision to family and friends, everyone from his mother to the local bishop—fearing for Franz's life—desperately tries to change his mind. The only one who stands by him is his equally principled wife. The film makes clear that Franz is not a pacifist, but will only support a morally just, defensive war.

After reporting for military duty in early 1943, Franz refuses to take the Hitler

oath, and, as expected, is immediately arrested, jailed, beaten, and sentenced to death. As he awaits the fateful day of his execution, the only solace Franz receives are the letters he exchanges with Fani, which are deeply moving and give him the spiritual strength to endure.

For Franz, rejecting the overt barbarism of Nazism comes naturally. Far more difficult is the decision to uphold his moral and religious principles—even to the point where it will leave Fani a widow, and his three daughters fatherless. It is an excruciating decision, but, Franz believes, the right one. “I have prayed and put myself and my family in God’s hands,” he reflects. “I know that if I do what I think God wants me to do, he will take care of my family.” For her part, Fani affirms, “Whatever you do I am with you . . . *always*.” They both believe, passionately, in a joyful reunion in Heaven.

The brilliance of the film lies in its step-by-step revelation of how Franz makes his ultimate decision to accept death rather than betray God. It is a model of conscientious decision-making, as is his refusal to fight in Hitler’s unjust war.

What is astonishing about these scenes is how much *A Hidden Life* reflects the actual teachings of the Catholic Church—from Saint John Henry Newman to Vatican II—on the proper formation of conscience, the legitimacy of conscientious objection, and the validity of the Church’s just-war tradition. Whoever would have thought that one would find orthodox Catholic catechetics at the heart of a major Hollywood motion picture?

But Terrence Malick is a special director who creates exceptional films, and in making this one he is helped immeasurably by a talented cast and crew. Playing the lead roles of Franz and Fani, August Diehl and Valerie Pachner are simply magnificent. Their ability to convey a range of human emotions—love, fear, hope, anguish—with just a look or gesture allows Malick to anchor his film in visuals as much as dialogue. The couple’s chemistry on screen is mesmerizing, and, after watching *A Hidden Life*, it’s hard to imagine any other actors portraying Franz and Fani so well. Similarly, Jörg Widmer’s cinematography is stunning, and is matched by James Newton Howard’s powerful score.

The title of Malick’s film is taken from the last lines of *Middlemarch*, in which George Eliot muses: “. . . the growing good of the world is partly dependent on unhistoric acts; and that things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life, and rest in unvisited tombs.”

Even after the Church beatified him in 2007, Jägerstätter remained largely unknown. Now, thanks to Terrence Malick’s epic and unforgettable film, Blessed Franz’s heroism will no longer remain so hidden.

—*William Doyno Jr., a contributor to Inside the Vatican and First Things, among many other publications, writes about religion, history, and politics.*



## FROM THE HLR WEBSITE

### **RX for Limitless, International Emergency Support**

*B G Carter*

To compound a prescription for limitless, international emergency support, we need only extrapolate from an American anthropologist's recent study of Haiti's January 2010 earthquake.

There can be no doubt that more natural disasters await us—whether earthquake or tsunami, avalanche or hurricane, flood or drought. Nor can there be doubt that the resources of international humanitarian aid will respond. Now the 8th largest global economy, international aid organizations employ 18 million workers with a \$1.1 trillion budget and an annual growth rate of 6 percent.

Though holding his Ph.D. in anthropology from the University of Florida, Dr. Timothy Schwartz's study of this great earthquake rests upon other sturdy and unique credentials of personal experience. Arriving in Haiti in 1992 as a graduate student, Dr. Schwartz has done numerous surveys for dozens of NGOs; has lived effectively in Haiti for nearly 25 years; has fathered or adopted six island children; and is fluent in Creole, English, and French. To his study of Haiti's earthquake, *The Great Haiti Humanitarian Aid Swindle*, I am indebted for most of the facts and figures cited here.

If compared to the State of Maryland's area, population, and income, Haiti's area is about 10 percent smaller; its population twice as great; and a Haitian's personal per capita income of about \$897 is roughly 1.4 percent of the Marylander's \$63,932.

The first component of our prescription for limitless international, emergency support requires us to exaggerate the extent of death and damage. One day after the earthquake, Haiti's president estimated a death toll of 30,000 to 50,000. Three weeks later, it was raised to 270,000 deaths. Dr. Schwartz's estimate was from 46,000 to 84,000. Thus, at the highest range, his was less than 1/3 of the official estimate. Similar contrasts came in estimates of rubble. The Haitian government reported that 70 to 80 percent of the capital of Port-au-Prince had been destroyed. That estimate, as well as the one from the U.S. Army Corps of Engineers, proved to have overstated by nine times the debris.

A second component is to encourage all media to increase viewership/readership by sensationalizing disorder and mayhem. On January 12, 2010, the *London Evening Standard* claimed that two million children were feared orphaned. The actual number: fewer than 1,000 and perhaps not even 100. Yet the proliferation of rumors masked as reports had the desired effect of raising news-viewing among Americans by 300 percent at the height of the crisis.

Such exaggeration, however wild, complemented repeated and ever higher appeals. The International Red Cross's call for \$10 million was raised to \$103 million in January and ultimately yielded \$1.2 billion. Save the Children asked for \$9.8 million and finished the year with \$87 million. World Vision sought \$3.8 million and got \$191 million. For Haiti, the receipts for that year were stupefying. Of the \$19 billion of global emergency aid for all of 2010, Haiti itself received 69 percent (\$13.1 billion).

The third essential component is to excuse or ignore all contravening, embarrassing facts. Thus, there was no mention that the Hotel Christopher, which housed U.N. staff, was located over an active seismic fault or that its owner/landlord had been convicted in the U.S. for bilking insurance companies through fake medical claims. Similarly, the shabby construction that led to the collapse of the Hotel Montana was never examined. Nor did any international team explain why private, expensive homes nearby neither collapsed nor revealed any significant damage. Owners of those homes—the elite of Haiti and their friends—were aware that Haiti had no building codes. Therefore, they hired competent engineers and contractors and used only materials and methods that could withstand an earthquake's tremors.

The predictable fourth component is to exaggerate reports of violence and disorder as a deterrent to effective investigation and factual reporting. On January 14, 2010, CBS headlined that gangs ruled Haiti's streets and London's *Telegraph* reported gunshots across the capital. In *Time* magazine Shaul Schwarz's report of bodies being stacked as sandbags, as if preparing barriers against attacks, ignored the reality that ordinary Haitians were displaying the bodies in the hope that rescue forces would come and haul them away before they rotted.

The fifth and final component to assure limitless international support is to keep up deception. If accountability ever were introduced, neither NGOs nor the media could evade or hide; neither governors nor governments could confuse citizens, misuse funds, and betray trust with impunity, and those truly in need would receive help from the funds and materials that were sent and meant for them.

Long ago the British historian John Dalberg-Acton remarked, "power tends to corrupt and absolute power corrupts absolutely."

From *The Great Haiti Humanitarian Aid Swindle*, I conclude that international aid tends to corrupt but non-accountable, limitless international emergency support (LIES) corrupts absolutely. Accountability alone will stop these LIES and reveal the corruption, cabals, and collusion that divert international aid from faithful delivery to those in need.

—*B G Carter, a graduate of Mercer University, has an MA and PhD from the University of Maryland. For many years he operated small businesses in the French West Indies and Florida Keys. He is currently working on a novel.*

## **Spina Bifida: Where Some Have Led the Way**

*Tara Jernigan*

“The baby won’t live to be fourteen.”

Our grandmother would announce her skepticism about my cousin’s life expectancy as easily as she would announce that the weatherman had predicted rain. Of course, there was nothing magic about the age of fourteen—every anticipated milestone age was one my grandmother was sure my cousin wouldn’t live to see. I probably remember fourteen because I was fourteen when my grandmother passed away.

Still, that “the baby,” my cousin, wouldn’t live into adulthood was a simple fact to her. Her saying so didn’t really traumatize our childhood; my cousin was born with severe spina bifida and at that time the prognosis wasn’t exactly great. He was so fragile at birth that the ambulance refused to transport him. On the day he was born, my mother held him on a pillow while my father drove them to a hospital that could better treat him. Our grandmother’s prognosis did not come out of left field.

Nonetheless, growing up, I didn’t exactly believe that my cousin could die. He seemed healthy enough, though he couldn’t walk and had a host of other medical problems that come with spina bifida. He was at least able to withstand regular older-cousin teasing, as he didn’t have any siblings of his own to make his life miserable. Grandma’s pronouncements don’t stand out in my memory as having been traumatic.

What her prognosis did, however, was normalize my cousin’s medical complexities. It was all out in the open. Somehow, I grew to expect that everyone must have a family member with a disability, a difficult prognosis, and maybe an outspoken grandmother. Likewise, without realizing it, I understood that it is impossible to push a wheelchair and open a door at the same time. That countertops are not reasonable workstations from a wheelchair. That some people can break a leg in their sleep, and that the inability to walk has no bearing on the ability to think, speak, and argue. Where my grandmother saw my cousin as weak, I saw him as capable. He learned to tie his shoes the day I sat repeatedly untying them to get on his nerves. He learned to use a microwave when, just to see if he could figure it out himself, I refused to make his popcorn. Whether or not “the baby” lived to be the age I already was, he sure was going to learn to make his own popcorn.

In the 1970s, when my cousin was born, the normal treatment was to allow babies born with spina bifida to die, and perhaps this would have been the sum of my cousin’s life had he not been carried from one hospital to another on my mother’s lap immediately after his birth. Today, testing for spina bifida is a routine part of prenatal care, and 95 percent of babies diagnosed with the

defect in their spinal cord are aborted. Ninety-five percent of babies diagnosed with spina bifida, therefore, never learn to tie their shoes or make popcorn, never have to tolerate an annoying older cousin, and never live to normalize the care and lifestyle of being in need (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2092440/>).

The primary argument for aborting these children is that they would never attain a reasonable quality of life. If that quality is defined by the able-bodied, it includes many things that indeed were out of reach for my cousin. He could never walk, live independently, play in a sports league, or drive a car. Nonetheless, a Centers for Disease Control (CDC) study paints a different picture, allowing the patients themselves and their families to define the term “quality of life.” They report that while “children and young people with spina bifida reported lower health-related quality of life than youth with other chronic health conditions . . . Children and young people with spina bifida reported improvements in their social well-being over time. Their physical and psychological health remained stable. Youth with spina bifida may adapt to their health condition” (<https://www.cdc.gov/ncbddd/spinabifida/data.html>). In other words, given the opportunity and appropriate support, these children can live productive and, more importantly, happy lives.

Recently, a friend with a terminally ill son noted how easily other friends have since slipped away. Mutual friends have commented on how helpless they feel in the face of the child’s suffering. Even my husband has remarked that it is painful for him to see our friend’s son struggle. Because, however, childhood pain and disability were so normalized in my own experience, I have no urge to step away. While I may be terrible at all things medical and biological, I can be present in the moment, not feeling a need to turn away from childhood suffering. In the same way, my eyes do not stop seeing a person when I see a wheelchair or an oxygen tank; I am able to see people, not just the medical accessories of disability.

Without a childhood that normalized the atypical developmental model, I could not imagine an adulthood that would accept the needs of those who suffer, anticipate the struggles of those who have needs, and adapt the world around to encompass those who are not like ourselves in our physical development. Every “disabled” person’s struggle for acceptance makes the way a little smoother for the next person. Everyone who encounters that struggle learns a little more about how to see the world from another perspective.

As it turns out, my cousin did live past fourteen. He still views the world from a seated perspective and reaches up to embrace his friends. He is incredibly active in his local church. As I write this, he just celebrated his forty-third birthday. Because my cousin and others like him were able to survive, medical care for those with spina bifida has progressed tremendously. No longer do

grandmothers need to murmur that these babies won't live or thrive, because some, like her grandson, have led the way.

*—Tara Jernigan is a vocational deacon in the Anglican Diocese of Pittsburgh (ACNA). She teaches Biblical Greek to high school students at Veritas Scholars' Academy and serves as an adjunct instructor for Trinity School for Ministry. Tara and her husband have two teenagers and one adult son.*

## **“Nobody loves me, everybody hates me”**

*David Poecking*

One way to understand adolescence is as a crisis of the value of life. I may take my mother's love for granted, but it no longer seems to suffice. Father's love seems remote and conditional on my (unreliable!) performance. My sense of self-worth is displaced by fickle fads among peers of my own sex, and my hopes for the future now seem to hang on my success with the opposite sex.

Many loving parents have labored long to console anxious or despairing teens who have convinced themselves that they have no social value or future. And one way to understand the pro-life movement—trying to persuade a moody civilization of the value of human life—is as those beleaguered parents.

During the Enlightenment, the United States and much of Western civilization renounced Christianity as the explicit foundation for the state. In the U.S., we anchored the state in a doctrinaire humanism: “All men . . . are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.” Within that humanist architecture we made occasional progress, notably in ending slavery and launching of the civil rights movement. Still, these and other achievements were fueled largely by Christian doctrines about the value of human life, as with Christian abolitionism or the ministry of Dr. Martin Luther King, Jr.

But over the past hundred years we've gone through a metaphorical puberty. Affiliation with a “mother” Church or denomination no longer suffices to delineate our beliefs or practices. Doctrines about God's love made known in Jesus Christ seem as remote and unreliable as the worst father. All the cool kids are now “nones,” unaffiliated with a religious tradition, defined instead by their lifestyle “branding”: Starbucks, LaCroix, hipster, “Okay, boomer,” Instagram, Twitter, and so on. Paralleling the exquisite sexual anxiety of adolescence, our stance on “gender” is now the shibboleth of our political orthodoxy, sometimes ironically making the Left and Right mirror-images of each other.

The consequences have been devastating. Tens of millions of babies, whose

human value is reduced in law to a mother's choice, have been discarded. Mothers themselves face ever-greater pressure to choose against their children, and so allow the judgments of others to "cancel" their motherhood. Like motherhood, fatherhood is reduced from a dignified calling to a lifestyle choice or a resented legal obligation. Sexual minorities are pressed toward immediate gratification and offered no alternative foundation for their human value. The human ecosystem, broken by these anti-humanist practices, affords ever-diminishing opportunity for men and women to mature in love and happiness.

The elderly, too, less flexible in fashion, are readily discounted and mocked for any retrograde opinions they might voice. We honor those who can sustain their independence, but we celebrate as heroes those among the elderly who have the nobility and wisdom to kill themselves or have themselves euthanized, sparing them some pain and sparing everyone else the enormous inconvenience and expense of caring for them. As a civilization, we seem to have lost awareness of our elderly as repositories of our lasting identity and harbingers of our destiny and that of subsequent generations.

Prolifers reading this blog know the story all too well. We know we're called to affirm the value of unborn human life. Most of us are aware of how this affirmation raises the value of every other human life—the whole dignity of a society oriented toward the good of all.

I invite proliferers also to think of ourselves as mothers and fathers to a troubled generation. Our children are sometimes sad, sometimes afraid, sometimes angry, always confused about human dignity. Our calling is to be loving parents, however exasperated we may feel. If we allow the intemperate misconduct or recriminations of the children to provoke us to contempt or scolding, we go "off message," not unlike parents yelling at their teens, "Stop moping about how nobody loves you, or nobody will love you!"

Let us instead sustain our message: "You have value, you are lovable and loved, and you have the dignity of a great calling—to respond to that love, by loving in turn." I welcome the authentic humanists who persist in that message simply for the sake of its humanity. But in this Christmas season, I enjoin my brothers and sisters in Jesus Christ with the stronger message: "In this the love of God was made manifest among us, that God sent his only Son into the world, so that we might live through him. In this is love, not that we loved God but that he loved us and sent his Son to be the expiation for our sins" (1 John 4).

*—Fr. David Poecking is the pastor of Archangel Gabriel Parish in the Catholic Diocese of Pittsburgh.*



## **Abortion as We Know It: Call Me Cynical**

*Diane Moriarty*

Call me cynical, but when I see a young man marching with an “I Support a Woman’s Right to Choose” sign, there’s little doubt in my mind that he probably only supports a woman’s right to choose as long as she’s choosing abortion. What if this earnest lad came home from the demonstration and his girlfriend said: “You support my right to choose, right?” Sure! “Well, I’m pregnant and I’m choosing to have it. Get a job”? He might want to beat her to death with his picket sign and be done with the both of them. Okay, I exaggerate. But pro-abortion women aren’t concerned with male motives. A high turnout of marchers is always welcome—that men want abortion not because of a fervent desire for female empowerment but because it safeguards their own freedom, is a given. And who cares? Most women know that the guys with “The Future Is Female” t-shirts only wear that stuff in order to get lucky; when alone with their friends it’s another story. Does anyone seriously believe average dudes sit on the couch having passionate discussions about reproductive rights during the half-time break? What men think about abortion is only important in so far as it supports the narrative of abortion rights *uber alles*.

Call me cynical, but when the Democratic Attorneys General Association announces it won’t support any candidate that does not support abortion (because the party’s viewpoint is abortion is a social good and should be free of stigma)—or when New York City mayor Bill de Blasio says “Abortion is Sacred” during a television interview—it’s nothing but a cringeworthy vote-procuring scheme. Votes *uber alles*. Planned Parenthood fired their director last July because she repeated the Clinton era saw: Abortion should be “safe, legal and rare.” The reasoning was that to say it should be “rare” might make women feel there’s something wrong with it. Horrors! Apparently, the motto has now evolved into: Abortion should be safe, legal, and illustrious. Well, call me cynical, but the fact is abortion is big business. Planned Parenthood recently chose to give up federal funding rather than submit to what they saw as any encroachment. Obviously they feel confident that the profitable business of abortion will more than make up for any shortfall in government money.

I have an e-mail list. I use it to send these blogs to friends, family, and associates for feedback, much of which is positive. Even if their stance is essentially pro-abortion, they’ll note that I brought up points not considered before. But there is negative commentary as well. The common lament is that I don’t appreciate how difficult a decision abortion is, or how badly women feel about it. Some have said they’ve volunteered at abortion clinics, and can testify to just how bad the women feel. And then what? If someone feels horrible about what they’re doing—but because of lack of money or lack of support feel they

have no other option—wouldn't examining what in her life brought her to this regrettable moment, and discussing ways to avoid those pitfalls in the future, be a kindness? Or is their "counseling" limited to unconditional pacifying? Indeed, would anything other than pacifying be allowed in an abortion clinic? Would a different mindset even be permitted on the premises? Not likely, but the flip side of this coin has recently been signed into law in New York State. The so-called Boss Bill, or Senate Bill 660, tells employers they must be willing to hire people who are abortion advocates, even if the place of business is a pregnancy care center. Anyone who thinks it serves justice to force someone to hire the fox to guard the henhouse doesn't have the common sense that God gave geese. Thank Governor Cuomo and the Albany legislature for this latest foray into overreaching identity-politics "discrimination" jurisdiction.

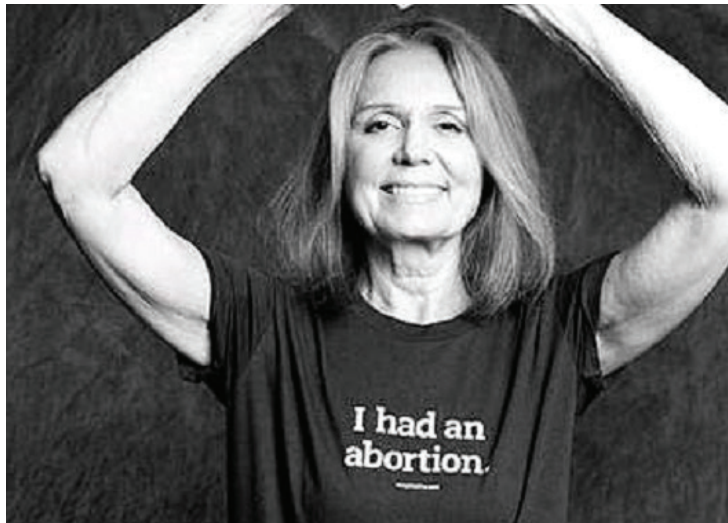
Another mistaken notion is that women who wear "I Had an Abortion" t-shirts and join online "Shout Your Abortion" campaigns must be part of some extreme fringe. Gloria Steinem is a household-name feminist icon, not fringe, and she did a publicity shot sporting that t-shirt and gave her full-throated support to the "Shout Your Abortion" campaign. When she speaks, women listen. Whether they fully digest what she's saying, or because of her fame just go along with it, I don't know. Women who feel conflicted are susceptible to the warm hug of blanket affirmation, and so are very grateful when an icon arrives to be "on their side," no matter what she's peddling. Call me cynical, but Steinem has made a lucrative career out of "empowering women," and the one who's most empowered is Gloria Steinem. What has she done with that power?

I do agree with my feedback friends that many women find the decision to abort difficult and stressful. My argument is with self-serving politicians and cavalier crusaders whose aim is to dull the senses and evade moral consequences, pied pipers luring thoughtful women away from their "regrettable moment" and into the land of "Abortion Is a Girl's Best Friend"—the idea that *Roe v. Wade*, and only *Roe v. Wade*, can give women control over their lives.

It is still very much a man's world we live in. I was very affected by one woman's description of an encounter with Harvey Weinstein. It happened during a business trip when they took the same elevator to the floor in the hotel where they had separate rooms. When they got off he took her by the arm and authoritatively said, "We're going this way," and led her to his door. Her mind froze, and she found herself in a zombie walk, completely under his control. She managed to snap out of it, pull her arm away from him, and extricate herself, but for those first few moments she experienced a terrifying paralysis. I have had similar experiences, and others have told me of theirs. When a man employs an authoritative voice and presumes a commanding presence we are conditioned to automatically obey him, no matter how feminist we think we are. I believe this conditioning is present to a certain extent in all our interactions with men,

and the ability to resist it depends on a number of factors, primarily our relationship with the man, and our own self-awareness. In marriage a woman has negotiating power, assuming of course it is a healthy relationship, because there are legalities and property concerns. It's more complicated to walk away from a marriage than a more casual setup, especially if there are children, and more expensive. An unmarried woman, unless she's paying all the bills, is less secure. And even if she is the bread winner, the conditioned reflex to obey a man can still be present. But whether unmarried or married, how many unwanted pregnancies occur either because the guy holds all the cards or the woman finds it easier to just go along with his demands, to cave to the obey instinct rather than to assert herself? And if pregnancy is the result, the default mode of abortion is always there. If that's the key to her having "control," she's kidding herself. It's not control, and it's not feminist. It's a dodge. Call me cynical.

—*Diane Moriarty is a free-lance writer living in Manhattan.*



*Gloria Steinem enthusiastically participated in the "I had an abortion" t-shirt campaign. Married at the age of 66, Steinem is the step-mother of the actor Christian Bale. Her husband, David Bale, died in 2003.*

## APPENDIX A

[Katie Yoder is a content manager at *National Review Online*; Mairead McArdle is a news writer for the same website. The following report was published on NRO on January 29, 2020. Copyright 2020 by National Review. Reprinted by permission.]

### **Women at the March for Life Reject the Pro-Choice Feminist Narrative**

*Katie Yoder & Mairead McArdle*

Despite the feminist narrative peddled to them by the abortion industry and pro-choice advocates, the tens of thousands of women who traveled to Washington, D.C., for the March for Life believe that to be pro-life is to be pro-woman.

From mothers to teenagers to U.S. Senate candidates, women at the 47th annual march told *National Review* that they stood behind the rally's theme: "Life Empowers: Pro-Life Is Pro-Woman."

Every year, marchers endure often bitter cold weather to march from the National Mall to the Supreme Court on the anniversary of *Roe v. Wade*, the seminal 1973 Supreme Court decision that legalized abortion nationwide.

"Pro-life is pro-women because we're marching to advocate for women in crisis pregnancies," Annie Schoen, a mother from Columbus, Ohio, told *National Review* as she cuddled her smiling, bundled up baby in the chilly January air.

She added that it is a "big misconception" that the pro-life movement only cares about the unborn child.

"Our resources centers are meant to help women through their pregnancies and after," she stressed. "Because we're meant to live our lives with our children, we're not meant to be without them."

Mother Olga of the Sacred Heart, from the Archdiocese of Boston, helps provide such resources for mothers and their babies. Her religious community helps run a shelter for pregnant women, she told *National Review*.

"I even go to labor with all of them," she said. "And then we accompany them until the baby's one year old and then we provide them resources after that."

She added, "I've seen really most of these women. If they know that they are loved and they are supported and they are provided for, I do believe that every woman will choose life."

Mother Olga has also served post-abortive women through her ministry and said she has witnessed their pain.

"It's a scar that they carry, always in their hearts," she said. "In honor and support of all those women who have suffered because of abortion, I am here for them."

For her part, she said, "I am pro-life because I am pro-woman, because I don't want women to get hurt."

Grace Mayo from Charlotte, N.C., shared a similar sentiment, saying that her faith has informed her belief that all life has value.

“When the Bible says that life is all sacred, I believe that all life is precious, so I believe women’s lives are precious, and I believe babies’ lives are precious, even the unborn,” she said.

One student about to graduate from high school almost lost her life to abortion. Anna from North Carolina told *National Review* that her birth mother became pregnant at just 15 years old after she was sexually assaulted.

“She was very confused and sad and didn’t know what to do, so she went to what she thought was an abortion clinic and it was a crisis pregnancy center,” Anna said.

Her birth mother sought an abortion from the center until she saw Anna’s sonogram.

“She saw me and was like, ‘I can’t kill that, that’s a human life,’” Anna said. “And here I am today marching [against] what almost killed me.”

Susan Holmes and her husband adopted Anna as a baby after they were unable to have a child of their own.

“She’s our miracle,” Susan said of her daughter.

Because she couldn’t have children of her own, the march theme took on a special meaning for her.

“What an honor that a woman has been chosen to bring life into the world,” she urged. “And here we are, and me being infertile and never able to have children, that speaks even more volumes because those women that are able to have children are bringing in miracles that I couldn’t myself.”

Rebecca Kiessling of the organization Save the 1 also had a close call with abortion. Kiessling, a pro-life speaker, was conceived in rape.

“I’m only alive because the law protected me pre-*Roe vs. Wade*,” she told *National Review*. “Four years before *Roe*, my birth mother was abducted at knifepoint by a serial rapist.”

Although her mother attempted to procure illegal abortions twice, she backed out “out of fear for her own safety.”

Abortion, Kiessling said, is not pro-woman but a tool wielded by those who commit violence against women: sex traffickers, child molesters, and rapists. It allows them to “continue perpetrating.”

“More violence does not bring healing, but a baby does have a way of bringing healing and exposing the rape and protecting her, delivering her out of an abusive situation,” she stressed.

“What good is my right to anything as a woman without my right to life?” Kiessling concluded.

McKenzie Blair knows this firsthand after choosing life for her now 9-year-old son after a date rape.

“I’m huge on the no exceptions part of [abortion]” she said. “Women are strong. Women don’t realize how strong they are, and so it’s, I feel like, giving that power back to a woman, saying you can do this, you can carry the baby, you can give the baby up for adoption, you can keep the baby, there’s thousands of resources out there.”

“For women,” she said, “it’s just finding your strength.”

She told *National Review* that this was the first time she had publicly shared her story. She did it for her son, she said.

"I want him to realize how God had a purpose for his life. He is here for a reason," she added. "So I feel like it's important that I show that, 'You're here son. You're here for a reason.' And why not do it and say, do it like this. This is huge."

Her mother Brenda added that out of an awful situation came "this beautiful grandson, our first grandson" who is "perfect in so many ways."

He's even "got grandma's red hair," McKenzie inserted.

Brenda added that each of her grandchildren, three of whom are adopted, are "God's gifts."

"Women have to dig deep, I know it's not easy. We walked this journey together," she said. "But it can be done, and maybe if it's not meant that you're supposed to raise them then put them up for adoption. But their life is valuable."

Abby Johnson, former Planned Parenthood director turned pro-life advocate, also spoke about the power women have.

"I think that, for a long time, secular feminism has told women that in order to be successful, in order to be able to finish your education, that you have to choose between having a child and finishing your education or having a career," she said.

That thought, she said, is anti-woman.

"Because that's basically saying that women are too weak to do the things that—to reach the goals that we have set for ourselves. And that's ridiculous. Women are way stronger than that."

"I think that it's, it's just, it's really a lie to say that in order to be pro-woman you must be willing to tell a woman that she can't reach her goals by being a mom," she said. "We are really the movement that is empowering women to reach their goals, to set goals, to refuse to choose."

Ashley McGuire of the Catholic Association agreed, saying that "women have been sold a lot of lies about what empowerment is."

"I think the ability of women to bring new life into the world is one of our most unique and empowering qualities," she said. "And I think abortion has served to sort of train women to deny that about themselves, to think that they're not capable of both succeeding in other ways and being a mom."

She criticized second-wave feminists for setting up "this standard that the way women achieve equality with men is to be like men." Abortion, she said, was "the ultimate masculinization of women, but in a violent and hideous way."

While she recognized that the "feminist movement has tethered itself to the pro-choice movement," she had hope for the future.

"I actually think it'll be this generation's group of feminists that will drive forward sort of a new, a pro-life feminism," she concluded.

Frances Floresca, who recently moved to Washington, D.C., from Salt Lake City, Utah, pointed to the pro-life movement's connection with the original feminists, the suffragettes.

"I look back at the suffragists from the very beginning who have gotten women's voting rights," she said. "A lot of them were very much pro-life."

"The abortion industry has lied to women over time, saying, 'Oh you should be getting an abortion so you can further your future and your life,'" she said.



Elisa Martinez, a Latina and Native American Republican Senate candidate for New Mexico, and founder of New Mexico Alliance for Life, cited statistics in explaining why to be pro-life is to be pro-woman.

“I think the number one reason is that in 64 percent of abortions, women are being forced or pressured to abort,” she told *National Review*. “So first of all, let’s establish that the majority of abortions aren’t even the woman’s choice.”

That staggering figure appears to come from a report from the Elliot Institute, “Forced Abortion in America,” which found that 64 percent of women who obtain abortions feel pressure to abort.

Secondly, Martinez stressed, “the majority of women now . . . according to Gallup polls . . . are pro-life.” Indeed, 51 percent of women identified themselves as pro-life compared to 43 percent who said they were pro-choice, according to a Gallup poll last year.

“Lastly, abortion is not health care because it doesn’t address an underlying medical problem. It’s actually destructing a natural biological state of the body,” Martinez said. “So especially as it pertains to abortions after 18 weeks, they are more dangerous than natural pregnancy, according to some studies.”

When asked about feminism, she concluded, “I think that more and more women are speaking up—and standing up—that they’ve been harmed by the abortion industry. And a true feminist would listen to their voices and not seek to stifle or suppress them.”



photo: Katie Yoder

## APPENDIX B

*[Donald J. Trump was the first American president to attend the March for Life, held annually in Washington, D.C. since 1974. Following is the White House-issued text of the speech he gave at the rally preceding the March. Also in this appendix we include President Trump's "Proclamation on National Sanctity of Human Life Day, 2020," issued on January 21, 2020.]*

### **Remarks at the 47th Annual March for Life**

*President Donald Trump*

*Issued on: January 24, 2020*

The National Mall Washington, D.C.

12:28 P.M. EST

THE PRESIDENT: Well, thank you very much and thank you, Jeanne. It is my profound honor to be the first President in history to attend the March for Life. (Applause.) We're here for a very simple reason: to defend the right of every child, born and unborn, to fulfill their God-given potential. (Applause.)

For 47 years, Americans of all backgrounds have traveled from across the country to stand for life. And today, as President of the United States, I am truly proud to stand with you. (Applause.)

I want to welcome tens of thousands—this is a tremendous turnout—tens of thousands of high school and college students who took long bus rides—(applause)—to be here in our nation's capital. And to make you feel even better, there are tens of thousands of people outside that we passed on the way in. If anyone would like to give up their spot, we can work that out. (Laughter.) You have a tremendous group of people outside. Thousands and thousands wanted to get in. This is some great success. (Applause.) Young people are the heart of the March for Life, and it's your generation that is making America the pro-family, pro-life nation. (Applause.)

The life movement is led by strong women, amazing faith leaders, and brave students who carry on the legacy of pioneers before us who fought to raise the conscience of our nation and uphold the rights of our citizens. You embrace mothers with care and compassion. You are powered by prayer, and motivated by pure, unselfish love.

You're grateful—and we are so grateful—these are incredible people—to be joined by Secretary Alex Azar and Kellyanne Conway. (Applause.) Thank you.

And thanks also to Senators Mike Lee and James Lankford, who are here. James, Mike—thank you, fellas. And Representatives Steve Scalise—(applause); Chris Smith—(applause); Ralph Abraham—(applause); Warren Davidson—(applause); Bob Latta—(applause); John Joyce—(applause); Lloyd Smucker—(applause); Brian Fitzpatrick—(applause); and Brad Wenstrup. (Applause.) Thank you, all. (Applause.)

And I have to say—and I look at it—I see it exactly—we have many, many more politicians in the audience. But, if you don't mind, I won't introduce them all. (Laughter.)

All of us here today understand an eternal truth: Every child is a precious and sacred gift from God. (Applause.) Together, we must protect, cherish, and defend the dignity

and sanctity of every human life. (Applause.)

When we see the image of a baby in the womb, we glimpse the majesty of God's creation. (Applause.) When we hold a newborn in our arms, we know the endless love that each child brings to a family. When we watch a child grow, we see the splendor that radiates from each human soul. One life changes the world. From my family—and I can tell you, I send love and I send great, great love.

And from the first day in office, I've taken a historic action to support America's families and to protect the unborn. (Applause.) And during my first week in office, I reinstated and expanded the Mexico City Policy, and we issued a landmark pro-life rule to govern the use of Title X taxpayer funding. (Applause.)

I notified Congress that I would veto any legislation that weakens pro-life policies or that encourages the destruction of human life. (Applause.)

At the United Nations, I made clear that global bureaucrats have no business attacking the sovereignty of nations that protect innocent life. (Applause.)

Unborn children have never had a stronger defender in the White House. (Applause.) And as the Bible tells us, each person is "wonderfully made." (Applause.)

We have taken decisive action to protect the religious liberty—so important. Religious liberty has been under attack all over the world, and, frankly, very strongly attacked in our nation. You see it better than anyone. But we are stopping it, and we're taking care of doctors, nurses, teachers, and groups like the Little Sisters of the Poor. (Applause.) We are preserving faith-based adoption. (Applause.)

And to uphold our founding documents, we have confirmed 187 federal judges—(applause)—who apply the Constitution as written, including two phenomenal Supreme Court Justices: Neil Gorsuch and Brett Kavanaugh. (Applause.)

We are protecting pro-life students' right to free speech on college campuses. (Applause.) And if universities want federal taxpayer dollars, then they must uphold your First Amendment right to speak your mind. And if they don't, they pay a very big financial penalty, which they will not be willing to pay. (Applause.)

Sadly, the far-left is actively working to erase our God-given rights, shut down faith-based charities, ban religious believers from the public square, and silence Americans who believe in the sanctity of life. They are coming after me because I am fighting for you and we are fighting for those who have no voice. And we will win because we know how to win. (Applause.) We all know how to win. We all know how to win. You've been winning for a long time. You've been winning for a long time. (Applause.)

AUDIENCE: Four more years! Four more years! Four more years!

THE PRESIDENT: Together, we are the voice for the voiceless. When it comes to abortion, Democrats is a—and you know this, you've seen what's happened—Democrats have embraced the most radical and extreme positions taken and seen in this country for years, and decades—and you can even say "for centuries."

AUDIENCE: Booo—

THE PRESIDENT: Nearly every top Democrat in Congress now supports taxpayer-funded abortion, all the way up until the moment of birth.

AUDIENCE: Booo—

THE PRESIDENT: Last year, lawmakers in New York cheered with delight upon the

passage of legislation that would allow a baby to be ripped from the mother's womb right up until delivery.

AUDIENCE: Booo —

THE PRESIDENT: Then, we had the case of the Democrat governor in the state of Virginia—the Commonwealth of Virginia.

AUDIENCE: Booo —

THE PRESIDENT: And we love the Commonwealth of Virginia, but what is going on in Virginia? What is going on? The Governor stated that he would execute a baby after birth. You remember that.

Senate Democrats even blocked legislation that would give medical care to babies who survive attempted abortions. That's why I've called on Congress—two of our great senators here, so many of our congressmen here—and called upon them to defend the dignity of life and to pass legislation prohibiting late-term abortion of children who can feel pain in their mother's womb. (Applause.)

This year, the March for Life is celebrating the 100th anniversary of the 19th Amendment, which forever enshrined women's rights to vote in the United States—(applause)—and given by the United States Constitution. Such a big event. (Applause.)

Today, millions of extraordinary women across America are using the power of their votes to fight for the right, and all of their rights, as given in the Declaration of Independence—it's the right to life. To all the women here today: Your devotion and your leadership uplifts our entire nation, and we thank you for that.

The tens of thousands of Americans gathered today not only stand for life—it's really that they stand for it so proudly together, and I want to thank everybody for that.

You stand for life each and every day. You provide housing, education, jobs, and medical care to the women that you serve. You find loving families for children in need of a forever home. You host baby showers for expecting moms. You make—you just make it your life's mission to help spread God's grace.

And to all of the moms here today: We celebrate you, and we declare that mothers are heroes. (Applause.) That's true. Your strength, devotion, and drive is what powers our nation. And, because of you, our country has been blessed with amazing souls who have changed the course of human history.

We cannot know what our citizens yet unborn will achieve, the dreams they will imagine, the masterpieces they will create, the discoveries they will make. But we know this: Every life brings love into this world. Every child brings joy to a family. Every person is worth protecting. (Applause.) And above all, we know that every human soul is divine, and every human life—born and unborn—is made in the holy image of Almighty God. (Applause.)

Together, we will defend this truth all across our magnificent land. We will set free the dreams of our people. And with determined hope, we look forward to all of the blessings that will come from the beauty, talent, purpose, nobility, and grace of every American child.

I want to thank you. This is a very special moment. It's so great to represent you. I love you all and—(applause)—and I say with true passion: Thank you. God bless you. And God bless America. Thank you all. Thank you. (Applause.)

## **Proclamation on National Sanctity of Human Life Day, 2020**

*Issued on: January 21, 2020*

Every person—the born and unborn, the poor, the downcast, the disabled, the infirm, and the elderly—has inherent value. Although each journey is different, no life is without worth or is inconsequential; the rights of all people must be defended. On National Sanctity of Human Life Day, our Nation proudly and strongly reaffirms our commitment to protect the precious gift of life at every stage, from conception to natural death.

Recently, we have seen decreases in the total number and rate of abortions in our country. From 2007-2016, the most recent period of analysis, the number and rate of abortions decreased by 24 percent and 26 percent, respectively. The rate of teen pregnancies—the vast majority of which are unplanned—has almost continuously decreased over the last quarter century, contributing to the lowest rate of abortions among adolescents since the legalization of abortion in 1973. All Americans should celebrate this decline in the number and rate of abortions, which represents lives saved. Still, there is more to be done, and, as President, I will continue to fight to protect the lives of the unborn. I signed into law legislation under the Congressional Review Act that allows States and other grantees to exclude organizations that perform abortions from their Title X projects. My Administration has also issued regulations to ensure Title X family planning projects are clearly separated from those that perform, promote, or refer for abortion as a method of family planning; to protect the conscience rights of healthcare workers and organizations, including with respect to abortion; and to ensure the Federal Government does not force employers that object, based on religious belief or moral conviction, to provide insurance for contraceptives, including those they believe cause early abortions. Additionally, I have called on the Congress to act to prohibit abortions of later-term babies who can feel pain.

My Administration is also building an international coalition to dispel the concept of abortion as a fundamental human right. So far, 24 nations representing more than a billion people have joined this important cause. We oppose any projects that attempt to assert a global right to taxpayer-funded abortion on demand, up to the moment of delivery. And we will never tire of defending innocent life—at home or abroad.

As a Nation, we must remain steadfastly dedicated to the profound truth that all life is a gift from God, who endows every person with immeasurable worth and potential. Countless Americans are tireless defenders of life and champions for the vulnerable among us. We are grateful for those who support women experiencing unexpected pregnancies, those who provide healing to women who have had abortions, and those who welcome children into their homes through foster care and adoption. On National Sanctity of Human Life Day, we celebrate the wonderful gift of life and renew our resolve to build a culture where life is always revered.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 22, 2020, as National Sanctity of Human Life Day. Today, I call on the Congress to join me in protecting and defending the dignity of every human life, including those not yet born. I call on the American people



## APPENDIX B

to continue to care for women in unexpected pregnancies and to support adoption and foster care in a more meaningful way, so every child can have a loving home. And finally, I ask every citizen of this great Nation to listen to the sound of silence caused by a generation lost to us, and then to raise their voices for all affected by abortion, both seen and unseen.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP



*Evan Vucci, AP*



## APPENDIX C

*[Krystina Skurk is a research assistant at Hillsdale College in D.C. This column was published on January 27, 2020, by The Federalist (thefederalist.com), and is reprinted with permission.]*

### **The Reason Abortion Will Continue To Divide America**

*Krystina Skurk*

While tens of thousands came to D.C. on Friday to protest abortion in the 47th March for Life, several hundred showed up to support the practice. Counterprotestors at the March for Life are comparatively so few that using flashy methods to get attention is understandable. These young men and women should be given some credit for their courage in coming to an event where they know they are bound to be outnumbered. Yet the obscene crudity they resorted to this year is merely a symptom of a much more malicious disease.

Before the march, one group of pro-life advocates, CEC for Life, gathered in front of the Supreme Court for an annual vigil. The group was made up of about 20 young people, who laid on the ground in a fetal position with a long red ribbon draped over them. Sarah Howell, one of the group's leaders, said the demonstration shows how these young people are standing in solidarity with the unborn while the ribbon represents the bloodshed of abortion.

As the young people laid still with their eyes closed, one of their leaders prayed for the ending of abortion. The mood was solemn amongst the group, yet just six feet away the atmosphere was one of Bacchic revelry as counterprotestors sneered at the demonstration.

The contrast between the two groups could not be more stark. While one group mourned the 60 million babies who have been aborted, the other sang and danced. One young woman holding a sign that called pro-life advocates hypocrites, bounced up and down, spun in a circle, and wore an enthusiastic smile while chanting, "Without this basic right, women can't be free." An older woman handed out red-stained white pants to her fellow protestors, while another walked around with a Trojan box strapped to her head, urging young men to take condoms—because, after all, abortions are their fault, she claimed.

Later in the march, the group's lead protestor (handler of the megaphone) berated the protestors as they walked past. He said the same mantra over and over, "Pro-life, it's a lie—you don't care if women die." He also chanted, "A baby's not a baby 'til it comes out, that's what a birthday's all about." When he wasn't chanting, he was cursing at the crowd and claiming that this was actually a march for female enslavement.

More disturbing than the pro-choice protestors' words and actions is their defense of abortion as a good. In the 1990s President Clinton said he hoped abortion would be "safe, legal, and rare." Abortion used to be seen as a necessary evil, much as slavery was seen during the time of the American Founding.

Many of the Founding Fathers realized that practically they could not end slavery immediately, but they laid the foundation for its eventual abolishment where they

could. Yet in 1861 views on slavery shifted. In his famous “Cornerstone Speech,” Alexander Stephens declared that slavery was a positive good. It was Stephens’ new ideology of innate inequality among the races that gave the South the ability to claim the moral high-ground. Today the same thing is happening in regards to abortion.

As Dr. Matthew Spalding, dean of Hillsdale College’s Van Andel Graduate School of Government, said in a recent article on abortion, “We have now come to the point where both positions in this debate, anti-abortion and pro-abortion, claim the moral high ground of America’s first principles as the standard of their cause.”

Abortion advocates no longer see abortion as a “necessary evil” because they don’t see it as evil at all. Destiny Lopez, co-director of a nonprofit that works to expand abortion access, told Vox that claiming abortion should be rare “completely negates all the work that we’ve done.” In Hillary Clinton’s 2008 campaign she was still saying abortion should be “safe, legal, and rare,” but by 2016 she said abortion should only be “safe and legal.” The most common pro-abortion sign at the march read, “Abortion on demand and without apology,” while a trove of young women in pink held signs that read, “Keep abortion safe and legal.”

This shift in thinking has created a culture war nastier than we’ve seen in a generation, and things are only going to get worse. When abortion was seen by the left as an unfortunate circumstance instead of something to be celebrated, there was room for compromise and negotiation. However, once abortion moved from being a question about public policy to being a question about fundamental rights, both sides left the negotiating table.

Recently the pro-life movement has been emboldened by support from President Trump and the pro-abortion movement has been emboldened by new abortion laws in states like New York and Virginia. Neither side is backing down.

If President Trump gets another Supreme Court pick, the question of abortion’s legality could go back to the states. This will not settle the matter. Although the geographical divides are not as clear as they were in the Civil War—there will be no North and South—the moral divide is just as bitter. Abraham Lincoln once said the South would not be content until the North admitted that slavery was a positive good. Today, neither side will rest until the other concedes the morality of their cause.

The pro-lifers will continue to argue for the “sanctity of human life,” while the pro-choicers will argue for a woman’s ultimate autonomy over her own body. The two sides cannot be reconciled. There isn’t a heartbeat, a fingerprint, proof of an unborn baby’s pain or cognitive awareness that will convince the most hardened leftists that abortion is evil, nor are there any feminist philosophic suppositions about womb slavery that will convince a pro-lifer that abortion is a right instead of a crime.

This all means the question of abortion’s morality cannot be settled by talking about abortion. If common ground is to be had, the conversation will need to go deeper. Unless there is agreement on the fundamentals, there won’t be agreement on anything that follows. The country must once again come to an agreement on the definition of justice. This must be our starting place.

## APPENDIX D

*[Maria McFadden Maffucci is editor in chief of the Human Life Review and president of the Human Life Foundation. She is also a regular columnist for Newsmax, where the following reflection was published on December 19, 2019 (<https://www.newsmax.com/insiders/mariamc-faddenmaffucci/id-592/>). Reprinted with permission.]*

### **“Cruelty-free” Should Also Apply to Humans**

*Maria McFadden Maffucci*

It’s gift-giving season, and cosmetics and beauty products are in great demand. Many top brands are advertising that they are “cruelty-free.”

What does this mean?

Cruelty-free means that these products do not involve testing on or harming animals.

However, there is no such commitment when it comes to human beings. Many of the brands that are cruelty-free—including, for example, The Body Shop, which brought “no animal testing” into vogue in the 1980s—actively support abortion access. Several companies have devoted proceeds from a particular item to Planned Parenthood (like M.A.C. and Benefit) which means the cash you spend on the item goes directly to an organization that collects human fetal parts and ships them off to labs for experimentation, as was revealed by the undercover videos released by the Center for Medical Progress in 2015.

Not only that, but at least one company, Neocutis, actually boasts about the use of fetal cells to develop its anti-aging skin products.

The fact is, in the scientific culture, experiments on animals are seen as ethically problematic but using embryonic stem cells is seen as an ethical alternative. When the Planned Parenthood videos came out, the scientific community rallied around the necessity of experimenting on fetal tissue.

The state of New York is a great example of this jarring concern for animals over humans. In 2019, Gov. Andrew Cuomo and the state legislature passed the most radical abortion law ever, the Reproductive Health Act, allowing abortion up to 9 months. Procedures for late-term abortions are gruesome surgical techniques which include dismemberment and “partial-birth abortion”: cutting into the skull when the child is partially out of the womb. It is a matter of debate about when a fetus can feel pain, but some studies say as early as 20 weeks—wouldn’t you want to err on the side of compassion in case they do?

Also in 2019, New York became the first state to outlaw the declawing of cats. Gov. Cuomo proclaimed: “Declawing is a cruel and painful procedure that can create physical and behavioral problems for helpless animals, and today it stops,” . . . . “By banning this archaic practice, we will ensure that animals are no longer subjected to these inhumane and unnecessary procedures.”

Similarly, the city of New York will offer women free abortions, and is a center of

research on embryonic stem cells and fetal tissue, and it has also outlawed the force-feeding of geese for foie gras, which a spokesman for Council member Carlina Rivera, who introduced the bill, called a “really cruel and inhumane practice.”

Notice the language: “inhumane” to harm geese or cats, but not to kill and dismember humans.

There have been other times in history where the powerful valued animals over humans. In 1933, Adolf Hitler signed a bill promoting animal welfare (including outlawing force-feeding of fowl). Indeed, as Arnold Arkule and Boria Sax explore in their interesting article, *Understanding Nazi Animal Protection and the Holocaust*, “It is well known that the Nazis treated human beings with extreme cruelty but it is less widely recognized that the Nazis also took some pains to develop and pass extensive animal protection laws.”

The reasons the authors offer for this are varied, and include anti-Semitism—outlawing kosher butchering for example. I am *not* saying that our current rationale is the same as Hitler and Goebbels—*except* for this: The Nazis despised the Judeo-Christian understanding that man was the steward of God’s creation, that we are to treat all God’s creatures with justice and compassion (which means, yes! be good to animals) but that man, being made in the image and likeness of God, *was exceptional and his life sacred*.

I fear that our culture has started to despise this understanding as well. When politicians decry “inhumane” treatment of geese and celebrate the dismembering of tiny humans, we are not “cruelty-free.”

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