

LIFE MATTERS JOURNAL

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HELPLESS

AFTER ABORTION: THE HARD QUESTIONS

THOSE WHO WOULD OUTLAW ABORTION, ALTHOUGH THEIR POSITION IS MORALLY CORRECT, ARE REMISS IF THEY FAIL TO ACKNOWLEDGE THE REPERCUSSIONS OF THAT FOR WHICH THEY ADVOCATE.

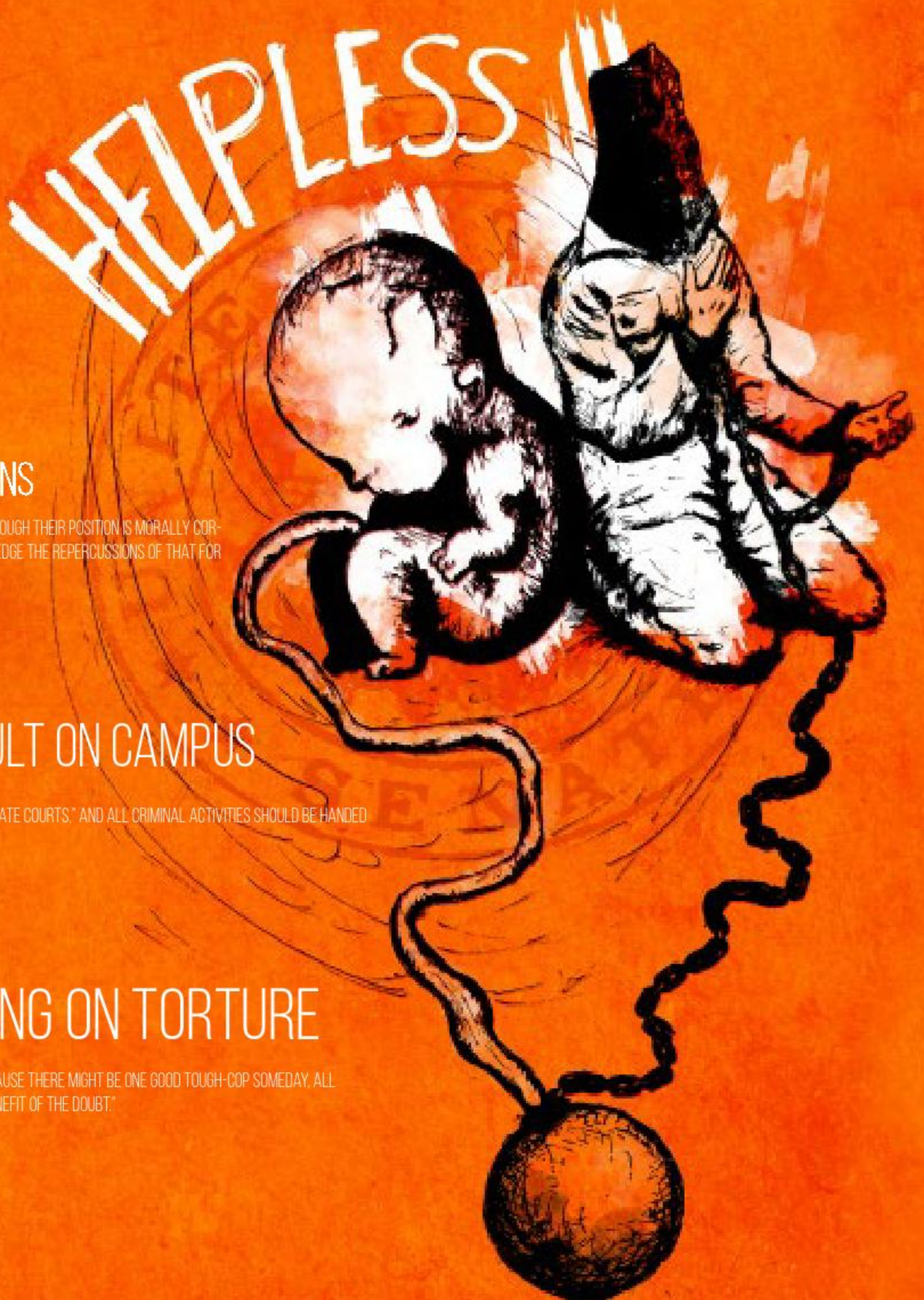
SEXUAL ASSAULT ON CAMPUS

"UNIVERSITIES HAVE NO DUTY TO ACT AS PRIVATE COURTS," AND ALL CRIMINAL ACTIVITIES SHOULD BE HANDED OVER TO THE POLICE.

SCALIA WRONG ON TORTURE

"SCALIA IS DEAD WRONG IN SAYING THAT BECAUSE THERE MIGHT BE ONE GOOD TOUGH-COP SOMEDAY, ALL BAD TOUGH-COPS OUGHT TO BE GIVEN THE BENEFIT OF THE DOUBT."

WORKING TO MAKE AGGRESSIVE VIOLENCE A THING OF THE PAST THROUGH EDUCATION AND DISCOURSE.



INDEX

NEWS | OPINION

Scalia Wrong on Torture	4
A Migrant's Right to Life and the War Against the Weak	6
Preventing a New Cold War: A Proposal for Solving the Ukraine Crisis ...	10
The States Misguided Attempts to Preserve the Death Penalty	20

ESSAYS

Argument from Bodily Rights	24
After Abortion: The Hard Questions	27
The Imago Dei: Why Should Secularists Care About Human Life.....	31
Sexual Assault on Campus, and Why The Accused Should Still Have Justice.....	34

REVIEWS

Five Great Anti-War Movies	36
Dystopian Utopia: The Giver and the Sanctity of Human Life.....	40

CREDITS

OUR VISION:

To make aggressive violence a thing of the past -- to ensure that each and every human being's life is respected, valued, and protected -- through education and discourse.

These life issues include, but are not limited to:

Abortion
Unjust War
Euthanasia
Torture
Embryonic Stem-Cell Research
Capital Punishment
Human Trafficking
Abuse
Suicide

OUR MISSION:

To help promote education on life issues, through: quarterly publication of an online free-to-access magazine, distribution of literature, and having a conference with educational speakers to empower our audience to engaged in discourse.

To help promote discourse on life issues, through: being a non-partisan organization, being a non-sectarian organization, reaching out to a myriad of various organizations with missions different from ours in these areas, but promoting collaboration, and having an accessible forum for discussion both online and at our conference.

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PHOTO BY ANGELA WRIGHT



Federal Supreme Court Justice Antonin Scalia, when interviewed by Radio Television Suisse on December 10, reportedly invoked the ticking time bomb scenario to justify the use of torture, and noted that the Constitution does not specifically prohibit the government from torturing.

“I don’t know what article of the Constitution that would contravene,” Scalia said when speaking about torture. This is highly troubling, as the Constitution does bar cruel and unusual punishments. The Senate Intelligence Committee’s report, released on December 9, on the CIA’s detention and interrogation program acquainted us with the terms “rectal hydration” and medically unnecessary “rectal feeding,” along with torture by insects, exposure to cold, and being made to stand for days on end. All of these tortures were most cruel and certainly unusual, so they would seemingly easily meet the criteria laid out in the Constitution barring such punishments.

But let us assume that Scalia does not believe that cruel and unnecessary applies here, because he believes that torturing someone in an interrogation to find a ticking time bomb is not “pun-

ishment” but rather the best means at that moment for extracting information. Scalia may view “punishment” as something which can only happen after one is convicted of a crime. In this way, Scalia would find the above punishments cruel and unusual for prisoners, but not cruel and unusual in an interrogation setting that meets a certain danger threshold.

Obviously, there would be many ways to attack Scalia’s theory here. One could ask Scalia why it is not permissible to torture a drug cartel member with possible information on future planned murders, but is permissible to torture a Pakistani goat herder who the government believes may know the whereabouts of a wanted terrorist-criminal with a bomb. We could also ask why it is not permissible to torture a serial killer who has admitted to scores of murders, but permissible to torture someone like the Boston Bombers (who killed 3 people while injuring many others). Where exactly is the line? How many lives at risk can determine whether something is truly terrorism? After all, the Sandy Hook shootings were an act of “terror” for the victims there — could we have tortured the shooter (had he lived) to determine



PHOTO RYAN TAUSS

SCALIA WRONG ON TORTURE

BY
BR. MAXIME
VILLENEUVE, OSA



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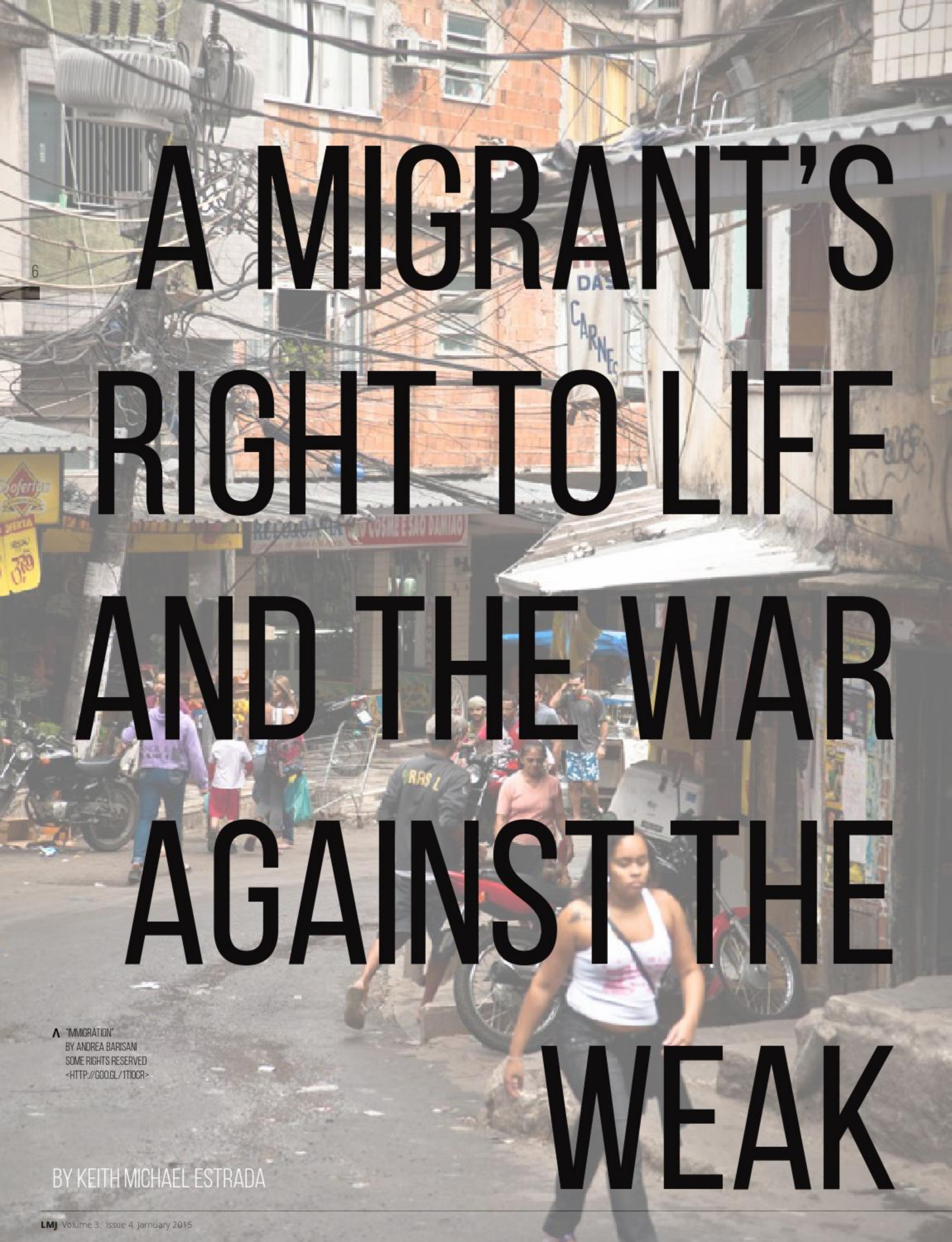
if other plots or shooters were active? And to Scalia, why not — what makes Sandy Hook not terrorism, but a backpack bomb terrorism?

This all brings us to Scalia's favorite "Ticking Time Bomb" plot, which he believes gives The government carte blanche to torture. Scalia may fantasize about Jack Bauer, but the true fantasy in the scenario is the ticking time bomb scenario itself. Has a terrorist ever successfully threatened an American city with a nuclear device, dirty bomb, or chemical agent? No. How can we then allow a torture program backed with the rationale that it might protect us from a ticking time bomb, when no such time bomb has ever been actively set since 9/11?

Scalia then asks, "Is any jury going to convict Jack Bauer?" And here, Scalia is completely missing the point. The point isn't whether or not a jury will convict Jack Bauer; that isn't Scalia's business! The point is that in keeping laws against torture on the books, a jury would be able to acquit Jack Bauer if his actions truly did save an American city from atomic destruction. Scalia needs to trust that the juries he thinks so highly of will actually do what he wishes them to do, which is to nullify the law in certain radical instances where tough-cop tactics saved the day. Scalia is dead wrong in saying that because there might be one good tough-cop someday, all bad tough-cops ought to be given the benefit of the doubt.

I think there is something telling when torture apologists cite Jack Bauer and doomsday bomb scenarios to justify their torture regimes. It means that they have ceded all the ground of human decency and difficulty, and fight to hold only the most extreme positions left to them. Their defense of the extreme exposes them as the real ones not living in reality. This is why they fight tooth and nail to keep their programs secret and unquestioned. We must therefore be ever vigilant and unafraid to ask the difficult questions to poke away at the shifting sands on which the torture apologists build their foundation. In doing so, let us trust that human dignity will lead society to once again find that cruel and unusual means cruel and unusual; and that truth and courage will aid society in defusing the ticking time bombs of lies and fear.





A MIGRANT'S RIGHT TO LIFE AND THE WAR AGAINST THE WEAK

^ "IMMIGRATION"
BY ANDREA BARISAN
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BY KEITH MICHAEL ESTRADA



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Unaccompanied children from Central and South America have entered the United States by the tens of thousands, and more are on their way. Many of these young people flee extreme poverty and violence in their home countries and suffer through a horrific experience of trafficking and abuse; and upon reaching the United States, they encounter self-described pro-life policymakers scrambling to produce legislation that would expedite their deportation process and promptly repatriate them in their homelands plagued by corporeal and economic insecurity. We must ask these members of Congress, how can one be pro-life yet fail to protect the lives of these young, unaccompanied, vulnerable foreigners?

As these unaccompanied children are from countries not contiguous with the United States, legislation demands that specific actions take place to address their particular plight. To prevent exploitation by human traffickers and protect children who fear returning to their country of nationality, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008¹ (TVPRA) requires Customs and Border Enforcement to process and transfer these children to the Secretary of Health and Human Services (HHS) within 48 or 72 hours, depending on the case. With HHS, further processing takes place, ongoing assistance through social welfare agencies is provided, and housing

accommodations are made as legal proceedings are prepared for and, eventually, take place. Instead of championing a law designed to protect the lives of children, dozens of Republican House members are trying to pass an amendment to the TVPRA in order to more quickly deport, or, as they say, repatriate, these young people. (See H.R. 5053 and 5079.) These Republicans discredit the fear and insecurity of these youth and, via prompt deportations, want to send a strong message to Central and South American families discouraging them from wasting their resources on coyotes (smugglers) and from risking the lives of their children in sending them to the United States.

Signed into law by George W. Bush.

¹





Upon arrival, they are to be turned away.

In order to see the deportation process as contra-life, Republicans would first have to see that the circumstances in, for example, Honduras, Guatemala, and El Salvador as threatening to life. The faintest of memories would help Americans recall that Americans' military and economic intervention has played quite the role in aiding the development of such dire situations. Truly, as America has done in Mexico with the North American Free Trade Agreement, the Central American Free Trade Agreement² fails to protect the interests of the poor and vulnerable domestically and abroad.

Our inconsiderate policies further diminish the hope of many Latin Americans and support a system in which the poor, refusing to

² Passed in 2005 by Republicans with the help of several Democrats.

bend to the might of U.S. transnational corporations, often see as their last opportunities for a decent life, a) participation in drug and violence centered criminal activity, or b) the acceptance of all risks present in fleeing to the United States. As Bishop Richard E. Pates of Des Moines, Iowa, recently wrote in a July 24 letter to Secretary of State John Kerry, "We must recognize that there are correlations between these harmful trade practices and the deplorable conditions that lead to poverty, increased unemployment (especially among the young), violence, trafficking and the resultant push for migration."³

With our economic policies and military might, we have condemned the poor of Latin America to an inhumane life of extreme poverty and insecurity, and continue to reinforce a border, stronger than the gates of hell, so that no

³ <http://goo.gl/AqywUY>

thing, with the exception of knowledge, merchandise, and the rich, can escape. We can call this action the passive economic genocide of the poor.

The war against the weak, where the poor, especially, are subject to commodification and discarding, must end. It is inexcusable for lawmakers and the citizens of a country of abundant resources, such as the United States, to fail to receive the poor and vulnerable foreigners seeking refuge in this country. It is foolish and immoral for us to neglect admitting our responsibility in helping to breed death-favoring circumstances in southern countries alongside refusing to make just corrections to our trade agreements and foreign policies in order to protect the life-robbing interest of corporations.

Pope Francis wrote concerning the tens of

thousands of children "who migrate alone, unaccompanied, to escape poverty and violence":

This is a category of migrants from Central America and Mexico itself who cross the border with the United States under extreme conditions and in pursuit of a hope that in most cases turns out to be vain. They are increasing day by day. This humanitarian emergency requires, as a first urgent measure, these children be welcomed and protected. These measures, however, will not be sufficient, unless they are accompanied by policies that inform people about the dangers of such a journey and, above all, that promote development in their countries of origin. Finally, this challenge demands the attention of the entire international community so that new forms of legal and secure migration may be adopted. (2014)⁴

⁴ <http://goo.gl/0ho9XV>

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WRITTEN BY JOHN WHITEHEAD

PREVENTING A NEW COLD WAR

A PROPOSAL FOR SOLVING THE UKRAINE CRISIS

A new Cold War is rapidly taking shape. Relations between the United States and Russia have deteriorated dramatically this past year as the result of the unfolding civil strife in Ukraine. Ukrainian President Viktor Yanukovich accepted and then rejected a trade agreement with the European Union, resulting in popular unrest that led to Yanukovich's overthrow. Russia then initiated a military occupation and annexation of the Crimea region in Ukraine. Meanwhile, a violent conflict has been unfolding within Ukraine between the new government and Russia-leaning separatists

in the country's eastern regions outside Crimea. Both the United States and Russia have responded to this strife by increasing their military presence and activities in Europe and elsewhere, while cooperation between Russia and western powers has been drastically reduced.¹

This new hostility between the two great powers with the world's two largest arsenals of nuclear weapons has created a very dangerous situation for both the United States and Russia, as well as many other countries. Relatively small confrontations between these two countries' militaries have proliferated in 2014 and

have the potential to spark a larger conflict, given the current tense situation. Lowering tensions and achieving a more stable American-Russian relationship is imperative. Such a de-escalation of the conflict might well be possible through complex diplomacy that would involve the central players: Russia, the Ukrainian government, the separatists, Europe (both EU and NATO nations), and the United States. These diplomatic negotiations would offer all of them incentives for accepting a negotiated settlement over further confrontation.

Given the understandable suspicion with which many Americans view Russian President Vladimir Putin, the prospect of a diplomatic deal with Russia might seem naïve. A deal that offers incentives to Russia might seem to be rewarding Russia's annexation of the Crimea. Both of these concerns are reasonable. Nevertheless, when the events of the past year are viewed from Putin's perspective—and placed in the larger context of US-Russian relations over roughly the last 20 years—the Russian president's actions become understandable, if not justifiable.² Appreciating how Putin and other Russians view American actions will illustrate why diplomatic compromise is, for all its shortcomings, a more promising approach than steps such as increasing American military forces

in Eastern Europe, offering security guarantees to Ukraine, or even trying to bring Ukraine into NATO.

Ukraine has a special significance for Russia. The two countries have a common Slavic, historically Orthodox Christian culture and a long historical association (with Russia in a dominant position for most of that history). Ukraine is important for the Russian economy, offering access to the Black Sea through its ports and transit for Russian natural gas shipments to Europe. Above all, Ukraine provides Russia with a defense against military ground attack from western powers: the Carpathian mountain range in western Ukraine is a natural obstacle to an invader. If Ukraine were in the hands of an anti-Russian power or allied itself with such a power, Russia would be much more vulnerable to an invader. Given Russia's historical experience of being invaded from the west—two such invasions took place within the last 100 years, with devastating effects on Russia—Russian leaders would understandably be wary of again becoming vulnerable to such an invasion.³

For these reasons, dominance over Ukraine is vitally important to Russia. Russian actions over the last year have been attempts to maintain this dominance in the face of closer EU-Ukraine ties, Yanukovich's overthrow, and a new, unfriendly



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IF UKRAINE WERE IN THE HANDS OF AN ANTI-RUSSIAN POWER OR ALLIED ITSELF WITH SUCH A POWER, RUSSIA WOULD BE MUCH MORE VULNERABLE TO AN INVADER.

Ukrainian government. Meanwhile, American responses to Russia's actions—denunciations, sanctions, an increased military presence in Eastern Europe—appear to confirm the view that Russia is facing hostile powers in the west and must protect itself.

This view did not originate during the events of the last year, either, but is consistent with American actions, as understood by Russian leaders, over the 22 years since the collapse of the Soviet Union. An array of US policies in the interim can quite plausibly be interpreted as forming a pattern of threatening and humiliating Russia.

First, NATO, which was originally created as a military alliance directed at Soviet Russia, has gradually expanded since the end of the Cold War to include Eastern European states formerly part of Russia's sphere of influence: Bulgaria, the Czech

Soviet Union, reached in the last days of the Cold War, that NATO would not grow to include Eastern Europe.⁴

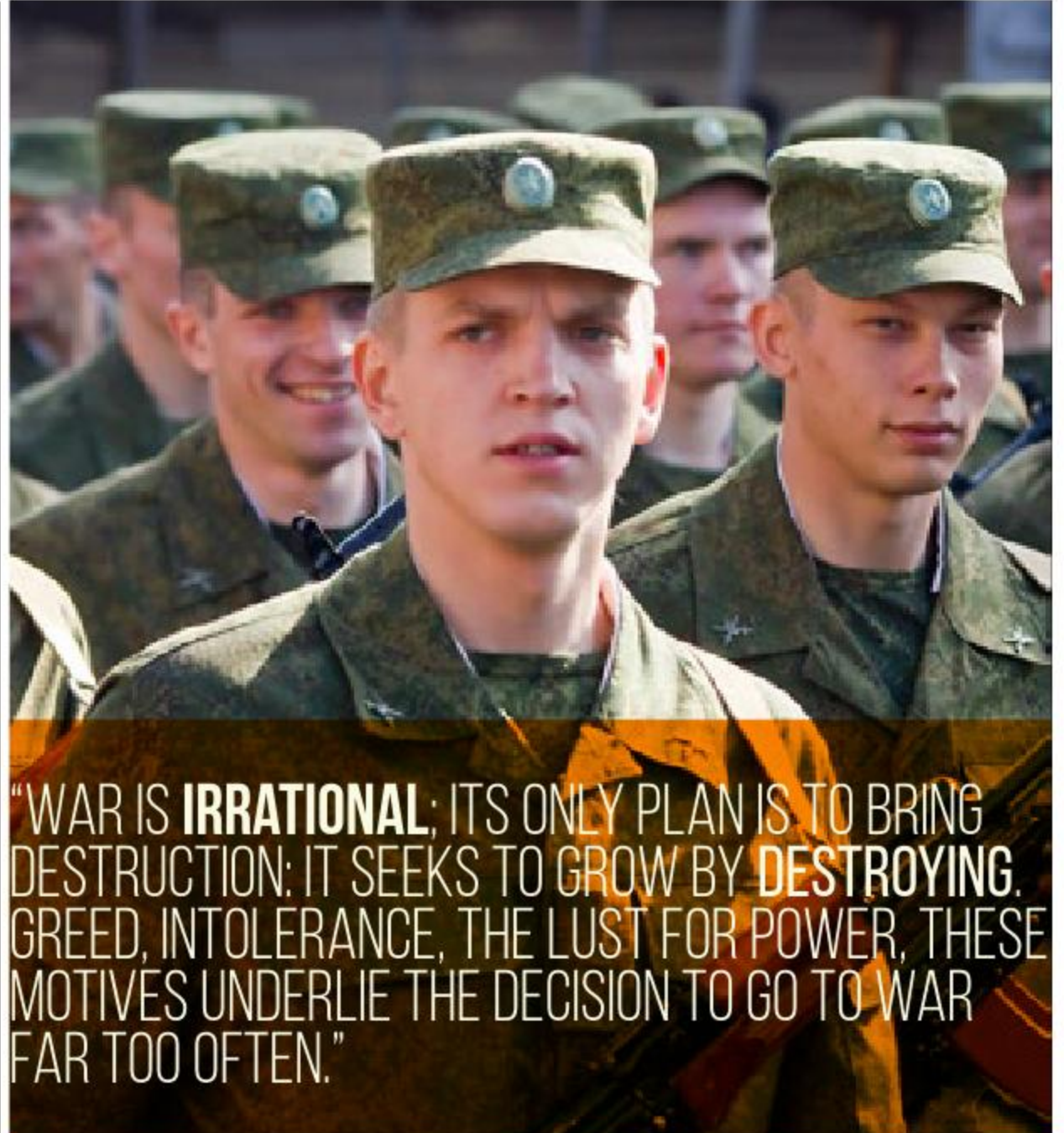
Second, the United States has repeatedly attacked or threatened nations with which Russia has had friendly relations: in 1999, President Bill Clinton bombed the Serbs, another Slavic, Orthodox people; in 2003, President George W. Bush invaded Iraq, a long-time Russian ally; in 2013, President Barack Obama seriously threatened to bomb Syria, another Russian ally, and this year actually has bombed Syria. To be sure, the 2014 bombing is aimed at rebel groups opposed to the Syrian government, but that has not prevented Putin from condemning the US bombing campaign in Syria.⁵

Third, the United States has pursued an anti-ballistic missile defense system that could counter the deterrent effect of Russia's nuclear arsenal;

"THE CONFLICT OVER UKRAINE IS NOT YET AS SERIOUS A SITUATION AS THE CUBAN MISSILE CRISIS, BUT THE SITUATIONS ARE SIMILAR. THE UNITED STATES SHOULD BE VERY SENSITIVE TO THE RISK OF PLAYING A ROLE ANALOGOUS TO THE SOVIETS IN 1962 AND PROVOKING A FURTHER ESCALATION OF TENSIONS."

Republic, Hungary, Poland, Romania, Slovakia, and the Baltic states of Estonia, Latvia, and Lithuania. This historically anti-Russian military alliance now extends all the way to the Russian border. Further, this expansion may be perceived by the Russians as a blatant violation of an understanding between the United States and the

President Bush even went to so far as to withdraw from the Anti-Ballistic Missile Treaty that the Soviet Union and United States agreed to in 1972 — along with NATO expansion, this is another instance of the United States apparently breaking its word to Russia. Despite his efforts to "re-set" the US relationship with Russia, President



"WAR IS **IRRATIONAL**; ITS ONLY PLAN IS TO BRING DESTRUCTION; IT SEEKS TO GROW BY DESTROYING. GREED, INTOLERANCE, THE LUST FOR POWER, THESE MOTIVES UNDERLIE THE DECISION TO GO TO WAR FAR TOO OFTEN."

POPE FRANCIS

Obama has continued deployment of an anti-missile system.⁶

Given both this history of apparently anti-Russian policies and Ukraine's importance to Russia, closer economic ties between Ukraine and the EU could reasonably appear to Putin and other Russian leaders as the next step in a strategy by the United States and its European allies to threaten vital Russian interests. Pressuring Ukraine to cancel the EU trade deal, supporting

Ukrainian separatists, and annexing part of eastern Ukraine are all strategically understandable, though morally unjust, measures to prevent this important Russian neighbor from falling under anti-Russian influences.

To repeat, none of this justifies or excuses Putin's actions, nor does it make the Russian president anything other than a ruthless autocrat. This context does make his actions understandable in terms of Russian economic and military self-inter-



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“WAR IS NOT ALWAYS INEVITABLE. IT IS ALWAYS A DEFEAT FOR HUMANITY.”
POPE JOHN PAUL II

est, however, and strongly suggests that attempts by the United States to extend its influence into Ukraine—even if the intention is simply to protect Ukraine from Russia—will be met by further hostile Russian actions. Recognizing this and trying to avoid escalating tensions is not “appeasement” but simply prudence.

The prudence of a less confrontational approach to Russia becomes clearer if we consider a relevant historical parallel. Over 50 years ago, a pro-American ruler of Cuba,

Fulgencio Batista was overthrown and replaced by a regime led by Fidel Castro that forged links to the United States’ leading superpower rival, the Soviet Union. The prospect of an anti-American, pro-Soviet nation only 90 miles from the United States led to overt and covert American attempts to undermine the Castro regime, including an attempted invasion of Cuba in 1961. These efforts to overthrow Castro were not justified, whatever American fears of Soviet influence in the Western

Hemisphere might have been. Nevertheless, the real American aggression toward Castro’s regime did not make the Soviets wise or prudent in placing nuclear missiles in Cuba in the autumn of 1962. Such a policy only aggravated international tensions and brought the two superpowers to the brink of

as unexpected results created, or could have created, the impression that a Soviet attack was under way.”⁸

In the same way, many such volatile encounters involving the United States and Russia have taken place since the Ukrainian conflict began. The European Leadership

“RECOGNIZING THIS AND TRYING TO AVOID ESCALATING TENSIONS IS NOT APPEASEMENT BUT SIMPLY PRUDENCE”

nuclear war.

The conflict over Ukraine is not yet as serious a situation as the Cuban Missile Crisis, but the situations are similar. The United States should be very sensitive to the risk of playing a role analogous to the Soviets in 1962 and provoking a further escalation of tensions. High international tensions already present one significant danger that parallels what happened in the earlier crisis over Cuba.

While neither Russia nor the United States and its allies seem likely to intentionally initiate a full-fledged war over Ukraine, local confrontations between Russian and western military units—or other incidents that appear threatening—when they take place within an overall context of heightened tension and hostility, could spark a larger conflict before decision makers in Moscow or Washington can assert control over the situation. The historian John Lewis Gaddis has described how in the crisis atmosphere during October 1962 the Soviet Union and the United States

Network (ELN), a London-based think tank, identified almost 40 confrontational incidents between Russian and western security forces that took place from March to October of this year: “violations of national airspace, emergency scrambles, narrowly avoided mid-air collisions, close encounters at sea, simulated attack runs and other dangerous actions...over a very wide geographical area.”⁹ Of these incidents, the ELN characterized three as having serious potential to cause “casualties or a direct military confrontation between Russia and western states”:

A near-miss took place between a civilian SAS airline flight from Copenhagen to Rome and a Russian reconnaissance plane that did not identify its position. The near-miss took place on March 3, only a few days after Russia sent troops into Crimea.

Russian agents abducted Eston Kohver, a member of the Estonian security service, from a border post on Estonian territory on September 5. The Russians subsequently charged

SUCH A POLICY ONLY AGGRAVATED INTERNATIONAL TENSIONS

came close to war because of a number of small-scale incidents that could easily have been misinterpreted or spiraled out of control: missile tests that could have been mistaken for nuclear attacks; hostile planes confronting each other; and other incidents.⁷ As Gaddis notes, “in that highly charged atmosphere, there were numerous ‘close calls’

Kohver with spying. In late October, Sweden engaged in a search for a possible submarine intruding into Swedish waters. This search might have been prompted by a Russian submarine, although Russian authorities denied responsibility for the incident. If a Russian vessel had been present, however, and the Swedes had followed through on one



< PHOTO BY EMELIA UNCHIGWA

military officer's threat to use "armed force" to bring the vessel to the surface, the incident could have become a significant confrontation.¹⁰

These three incidents might have been, in ELN's judgment, the most potentially serious confrontations between Russia and western powers, but numerous other disturbing incidents can be listed:

Russia tested an intercontinental ballistic missile (ICBM), designed to carry a nuclear warhead, on March 4, the day after the near-miss with the SAS flight.¹¹

A US destroyer went on a patrol of the Black Sea in early April and a Russian fighter jet repeatedly flew close to the ship, in an action a Pentagon spokesman called "provocative and unprofessional."¹²

A Russian fighter jet flew very close—within 100 feet—of a US reconnaissance plane over the Pacific in late April.¹³

Two Russian bombers flew close to the north coast of Scotland in late April, causing British fighter planes to scramble to intercept the bombers.¹⁴

Russian warships passed by the French and British coasts in early May and were tracked and escorted by those nations' navies. On the same day that the warships passed through the English Channel, Russia tested three more ICBMs.¹⁵

Two nuclear-capable Russian bombers came close to the coasts of Alaska and California in early June, causing US fighter planes to scramble to intercept the bombers.¹⁶

The Russians conducted yet another ICBM test on September 10.¹⁷

At another time, many of these incidents would be unremarkable. The March ICBM test was scheduled before the Crimean intervention, for example, and the United States knew of the test beforehand. Russian planes and ships passing by the United Kingdom are routine. The US destroyer's Black Sea patrol in April was also routine. When these routine incidents occur at a time of great Russian-US tension, however, they can be misinterpreted as unusually hostile moves. Pilots and naval commanders can make bad judgments and violence can ensue. This kind of great power friction is extremely dangerous. Given that the Ukraine conflict has led to both an increased NATO military presence in Eastern Europe and increased Russian military activity as far as the western hemisphere, —moves that both sides are likely to interpret as threatening—these kinds of incidents may only increase in number.¹⁸

Given the risks of prolonged Russian-US hostility, some kind of diplomatic solution that can ease tensions is necessary. An appropriate solution would address Ukrainian and western concerns about further Russian military action in Ukraine and Russian concerns about countering threats from western powers and ensuring its interests in Ukraine. A diplomatic agreement would likely emerge out of negotiations among Russia, the Ukrainian government, the Ukrainian separatists, European powers, and the United States and cannot be precisely described

beforehand. Some general points that could provide an opening for negotiations among these players and shape the broad outlines of an appropriate diplomatic solution can be identified, however:¹⁹

1. Russia guarantees the independence and current borders of Ukraine (the annexation of Crimea cannot be remedied at this point but at least further violations of Ukraine's territorial integrity can be prevented).

2. The United States and

WHEN THESE ROUTINE INCIDENTS OCCUR AT A TIME OF GREAT RUSSIAN-US TENSION, HOWEVER, THEY CAN BE MISINTERPRETED AS UNUSUALLY HOSTILE MOVES.

the rest of NATO guarantee that Ukraine will never be permitted to join NATO. The European Union offers similar guarantees about EU membership. These western powers also pledge not to give any military aid to Ukraine. Russia pledges not to give any military aid to the separatists. Both NATO and Russia agree to withdraw any forces currently in Ukraine.

3. The new Ukrainian government offers a new degree of local autonomy to the Russia-leaning eastern regions of Ukraine, allowing them to use Russian as their primary language and pursue closer trade or other economic ties with Russia.

4. Following up on the trade treaty that, after Yanukovich's previous rejection, was finally concluded between the new Ukrainian government and

the European Union, the United States and European powers should provide a substantial economic aid package to the new Ukrainian government.²⁰ Such aid might compensate for understandable Ukrainian discontent over points 2 and 3 of this diplomatic deal.

A diplomatic deal with these characteristics would be unsatisfactory in many ways. From a western and Ukrainian perspective, it has the disadvantage of not punishing Putin for the

annexation of Crimea and rewards his aggression by offering concessions. From a Russian perspective, it would not eliminate the EU-Ukraine trade deal, it would increase Ukraine's ties to western powers, and it does not address larger concerns about American power in Europe and the world. Nevertheless, a solution based on these four points would at least offer all the players certain benefits. The Ukrainian government, the European powers, and the United States would receive a guarantee that most of Ukraine would remain an independent state. Russia would receive a guarantee that Ukraine would not become a platform for western threats to Russia. The separatists would receive some degree of autonomy. Such a solution certainly offers more hope than indefinitely prolonged threats, military activities, and

NEVER WAR
NEVER WAR
EVERYTHING
IS LOST
WITH WAR

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-POPE FRANCIS

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"I HATE WAR AS ONLY A SOLDIER WHO HAS LIVED IT CAN, ONLY AS ONE WHO HAS SEEN ITS BRUTALITY, ITS STUPIDITY."

DWIGHT D. EISENHOWER

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WAR WHAT IS IT GOOD FOR? ABSOLUTELY NOTHING

great power hostility. It is a step well worth taking.

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WRITTEN BY BEN JONES

INCREASINGLY ISOLATED: STATES' MISGUIDED ATTEMPTS TO PRESERVE THE DEATH PENALTY

WHEN AN ILL-CONCEIVED YET DEEPLY ENTRENCHED PRACTICE LOSES POPULARITY and becomes less common, it does not always fade away quietly. Rather, there often is a final outburst of activity to preserve the practice by its most die-hard supporters, even though its days are numbered. This dynamic played out in the final days of Jim Crow, as authorities intent on maintaining it became increasingly desperate in their tactics. These extreme measures failed to achieve their goal, but instead

horrified the public and quickened the demise of Jim Crow.

A similar dynamic currently may be at work with the American death penalty. Events in recent decades have exposed a system of capital punishment that is deeply broken. Many people were shocked by states' decisions to execute individuals such as Cameron Willingham^[i] and Troy Davis^[ii] despite doubts over their guilt. Estimates now put the overall percentage of innocent people sentenced to death in the US at 4 percent.^[iii] Studies consistently find that the death penalty costs states millions more than the alternative of life in prison without parole,^[iv] though there is no evidence that capital punishment keeps us safer.^[v] In light of these flaws, the death penalty has begun to lose its hold: executions,^[vi] death sentences,^[vii] and public support for the death penalty^[viii] all are in decline in the US in recent decades.

Confronted with these realities, some states – six in the past decade^[ix] – have recognized the harm inflicted by the death penalty and repealed it. But other states have taken the opposite tactic, doubling down in their efforts to hang on to capital punishment. Their proposals, some of them enacted, have aimed at expediting executions through shortening appeals, keeping execution methods secret, and reverting to largely abandoned methods of execution. The missteps that have resulted hardly inspire confidence, and almost resemble a comedy of errors – if, that is, human lives were not

hanging in balance.

One of the recent pieces of legislation seeking to expedite executions comes out of Florida, which in 2013 passed the so-called "Timely Justice Act." This law curtailing appeals in capital cases is especially troubling in the context of Florida. Since 1973, Florida has led the nation in the number of death row inmates exonerated – 24.^[x] Such a poor track record, one might think, would prompt Florida lawmakers to at least put a hold on executions. But they instead have taken steps that increase the chance of a wrongful execution, with little concern for the fatal mistakes that might result. Florida's new law currently is being challenged in court.^[xi]

Fortunately other states have been loath to rush the appeals process, as Alabama,^[xii] California,^[xiii] Colorado,^[xiv] and Kansas^[xv] all rejected or abandoned such proposals last year. Some measures that did succeed in 2014 involved changing the laws governing execution protocols. A substantial obstacle to executions has been states' inability to obtain the drugs normally used in lethal injections. Drug manufacturers, especially those in the European Union where executions are banned, have taken extra measures to ensure that their drugs intended to save lives do not end up being used for executions.^[xvi] In response, some states have begun looking at alternative methods of executions.

Despite opposition from consistent life advocates, such as Shane

Claiborne, Tennessee took the macabre step of bringing back the electric chair this past May.^[xvii] Some Virginia legislators also tried to bring back the electric chair but failed.^[xviii] A bill to implement the firing squad never gained much traction in Wyoming.^[xix] And in Missouri, Attorney General Chris Koster, unconcerned with the method's notorious past, suggested a possible return to the gas chamber.^[xx]

Whether this recent push to raid the museums for alternative methods of killing actually leads to more executions is an open question. Any attempts to electrocute or gas death row inmates not volunteering for these procedures almost certainly will prompt legal challenges over their constitutionality. Instead of expedited executions, the end result may be further costly litigation with little results – that is, more of the same paid for by the taxpayers.

Another option some states have pursued is keeping secret the drugs used in executions and the manner to obtain them. Besides violating basic principles of government transparency, such secrecy also can raise the risk of mistakes, which was on full display in Oklahoma last year.

Unlike any event since Troy Davis' execution in 2011, the botched execution of Clayton Lockett in Oklahoma on April 29, 2014, renewed a national debate over capital punishment. Before Oklahoma's planned double execution, lawyers had argued that using a largely untested lethal injection procedure and keeping

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risks to those inmates scheduled to die. The Oklahoma State Supreme Court halted the execution over these concerns but, after lawmakers responded with threats to impeach the justices, the execution eventually went forward. What resulted was a grisly scene: there are reports of Lockett writhing on the gurney and the procedure being stopped, before he eventually died of a heart attack over 45 minutes after the execution's start. The second scheduled execution was stayed.^[xxi]

"THIS DYNAMIC PLAYED OUT IN THE FINAL DAYS OF JIM CROW, AS AUTHORITIES INTENT ON MAINTAINING IT BECAME INCREASINGLY DESPERATE IN THEIR TACTICS."

The Oklahoma Attorney General agreed to a six-month stay on executions until an investigation of the state's lethal injection methods are completed.^[xxii] Still, some Oklahoma lawmakers were reluctant to admit that even a pause is needed. Rep. Mike Christian, who led the charge to impeach the Oklahoma Supreme Court justices, was fine with any execution method, even inmates "being fed to the lions."^[xxiii]

In its rush to execute, Oklahoma had the effect of spurring opposition – and to the surprise of some, conservative opposition^[xxiv] – to the death penalty. High profile conservative figures from Rev. Sam

Rodriguez^[xxv] to S.E. Cupp^[xxvi] to Radley Balko^[xxvii] all spoke out against the death penalty in the aftermath of the Lockett execution. Repeatedly confronted by events highlighting the incompetence and failures plaguing the death penalty, voices on both the left and the right are becoming bolder in their criticisms of it.

If opposition to the death penalty continues to grow across the political spectrum, that certainly will have the effect of further limiting the practice. Already, the actual use of capital punishment is largely limited to a small handful

of jurisdictions: only 2 percent of counties are responsible for a majority of executions and the current death row population.^[xxviii] Worrisome, however, is what states and counties will attempt as they dig in their heels on the death penalty. The botched execution in Oklahoma came only months after an execution in Ohio went awry.^[xxix] Should we expect these mistakes to become the norm? And will we see more innocent individuals facing executions as some states cut short appeals?

For those of us committed to ending the death penalty, recent mistakes



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and misguided reforms remind us of the urgency of achieving this goal. There already have been too many spectacular mistakes in the use of the death penalty. It's time for the US to scrap this policy before there are any more.

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“WHETHER THIS RECENT PUSH TO RAID THE MUSEUMS FOR ALTERNATIVE METHODS OF KILLING ACTUALLY LEADS TO MORE EXECUTIONS IS AN OPEN QUESTION.”

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ARGUMENT FROM BODILY RIGHTS

BY TANNER MATTHEWS

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The Supreme Court's momentous 1973 decision in *Roe v. Wade* was meant to settle the abortion issue once and for all. Instead, the debate over the morality of abortion has persisted, with polemicists on both sides of the divide offering sophisticated arguments. In this essay I will analyze and refute Judith Jarvis Thomson's argument from bodily rights presented in her seminal paper "A Defense of Abortion." I take it as axiomatic that an analogy is apt only to the extent that the two cases are relevantly similar. Ergo, if it can be demonstrated that the two cases should not be analyzed in the same way, then whatever conclusions might apply in the one case will not necessarily apply in the other. I will argue that the analogy Thomson uses to ground her argument elides characteristics of sex and pregnancy that undercut her reasoning and that the logic of her position leads to consequences that most who favor abortion would find untenable.

Thomson is a formidable advocate for abortion rights who makes her case in a creative and memorable way. Unlike many who favor abortion, she is willing to grant that the unborn is indeed a

person with rights. However, for Thomson, the fact of the unborn's personhood is not enough to establish the impermissibility of abortion. We are not required to allow someone to use our kidneys even when they would die without our help and we would survive in good health despite rendering it. Allowing the person in need to have the use of one's kidneys is a kindness on one's part, a supererogatory act, not a morally obligatory one. Similarly, having a right to life does not guarantee having either a right to be given the use of, or a right to be allowed continued use of, another person's body. It follows that if a couple takes all reasonable precautions, they do not, simply by virtue of their biological relationship, have a special responsibility for the child they conceive.

Thomson's analogy, while ingenious, fails to establish her conclusion. It is true that I am not morally obligated to donate my kidney to my neighbor simply because he needs one to live. If I do donate, I have done a good deed but I don't have an obligation to do so. However, this kind of case is not really analogous to that of a woman who finds herself pregnant with an unwanted child. In the case of the stranger in need

of a kidney donor, the person who withdraws or withholds assistance is not responsible for the dependency on him of the person about to die; in the case of pregnancy, the biological parents are responsible for the fetus's condition of dependency. Nor is the example given by Thomson of a woman's opening her windows not being an invitation for a burglar to enter her apartment applicable to the vast majority of pregnancies; in such a case, the burglar himself is the primary agent responsible for his being in the house—the woman does not cause him to be there but merely removes an obstacle to his being there. Conversely, in pregnancy, the baby is not the primary agent responsible for her presence in the mother's womb, the mother and father are. Thomson's analogy fails to capture the true nature of pregnancy and parental obligation because it equates a stranger-stranger relationship with a mother-child relationship. Comparing

Indeed, we occasionally find ourselves in communion with others because of a physical or social relationship which precedes our consent, but nonetheless entails very real duties and responsibilities. Drunk drivers whose driving results in manslaughter are held responsible for their actions even if death was merely foreseeable and not intended. Likewise, a mother has a responsibility to carry her child to term if conception occurs, even if conception was merely foreseeable and not sought. Thomson would have us believe that it is perfectly acceptable to engage in a pleasurable act that is intrinsically ordered to bringing into existence a vulnerable human person and then destroy her if one of the persons responsible for bringing her into existence and on whom she is dependent for her continued survival and development so desires.

Our current child support laws seem to be grounded in the widespread moral

"THOMSON'S ANALOGY FAILS TO CAPTURE THE TRUE NATURE OF PREGNANCY AND PARENTAL OBLIGATION BECAUSE IT EQUATES A **STRANGER/STRANGER** RELATIONSHIP WITH A MOTHER/CHILD RELATIONSHIP."

unwanted pregnancy to compulsory organ donation or burglary only supports Thomson's conclusion if the relevant differences between the two situations are ignored.

Moreover, Thomson's bodily rights argument presupposes and promotes a corrosive moral volunteerism and social atomism. The view that human beings are isolated, autonomous individuals pursuing our own self-interest with no duties to our fellow persons beyond those that we voluntarily choose must be argued for rather than merely asserted.

intuition that parents have a natural pre-voluntary obligation to care for any child they might conceive, even if her existence is not the result of conscious planning or intention. If moral volunteerism is to be the underpinning of our understanding of parental obligation to offspring, then we must ask ourselves whether it is reasonable that our child support laws require fathers to provide financial support for their children because of their paternal relationship to their children. Why should a father who used contracepti-

ves and does not want to be a father be compelled to take responsibility for his child? If fathers do indeed have a responsibility to their offspring, this responsibility cannot be based merely on biology, for we do not hold sperm donors responsible for their biological children. It would seem to stem from the fact that the father engaged in sexual intercourse, an act which he fully realized could result in the creation of another human because reproductive organs are intrinsically ordered to reproduction. If Thomson's argument is correct, then absentee fathers who consented to sex but not fatherhood would not be morally obligated to pay child support. Though some who

favor abortion would be willing to accept this outcome as the logical corollary of their position, most would find such a change unacceptable.

Accepting that parents do have special responsibilities to their biological offspring has significant implications for our understanding of the nature of abortion and whether it should be permitted in our society. If a man's daughter has a serious respiratory disease and he is told that smoking in her presence will cause her death, then it is immoral for him to continue smoking in her presence even if he does not intend her death as an end but merely foresees it as a side effect he is willing to put up with to avoid the inconvenience of altering his smoking habits. If

a man works for a steel company in a city with lots of air pollution and his child has a respiratory problem making air pollution a danger to her life, he should move regardless of the personal cost to his career. In both examples the act that would cause the child's death would avoid a harm to the parent but cause a much worse harm to the child. Pregnancy imposes severe burdens on parents, particularly on the mother, but it isn't nearly as harmful as death, which is complete and irreversible. The sacrifice morally required of a mother is far less burdensome than the harm done to a child by aborting her. Fortunately, adoption is available for those who are not in a position to parent a child.

In conclusion, Judith Jarvis Thomson's bodily rights argument cannot withstand our best and most rigorous moral reasoning and ought to be abandoned. Grappling with all of the relevant properties and particularities of sex and pregnancy leads one inexorably to the verdict that, in circumstances where consensual sex has resulted in conception,

pregnancy generates a duty and responsibility on the part of the mother to carry her child to term. Therefore, abortion should be stigmatized in our culture and its moral wrongness should be reflected in our law by the enactment of legislation prohibiting elective abortion in the vast majority of cases

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AFTER ABORTION, THE HARD QUESTIONS

BY KRIS SKUL

CONTEMPORARY "PRO-LIFE" DISCOURSE OFTEN EMPHASIZES—and rightly so—the goal of ending legal abortion. My criticism of much of it, however, is that it is blindly optimistic. It is fraught with rhetoric about justice for the innocent (and their mothers), but largely fails to examine the legal and socioeconomic fallout of such a momentous shift in public policy. My intent is to bring that fallout to the forefront.

I wish first to address the contention that legal prohibition should not be the aim of the anti-abortion movement—a contention with which I heartily disagree. The primary purpose of government (arguably, its only purpose) is to preserve the essential liberties of the populace, namely life and property. Theft is illegal, for example, because stealing from someone deprives him of his property. Homicide is illegal because it deprives him of his life. When an act violates these most basic freedoms, there can be no moral justification for keeping it legal.

Abortion opponents recognize the fetus as worthy of these freedoms by virtue of its biological humanity. It is thus inconsistent for self-professed "pro-lifers" to resist a formal ban on abortion. Doing so would amount to being "personally opposed," or, in other words, "pro-choice."

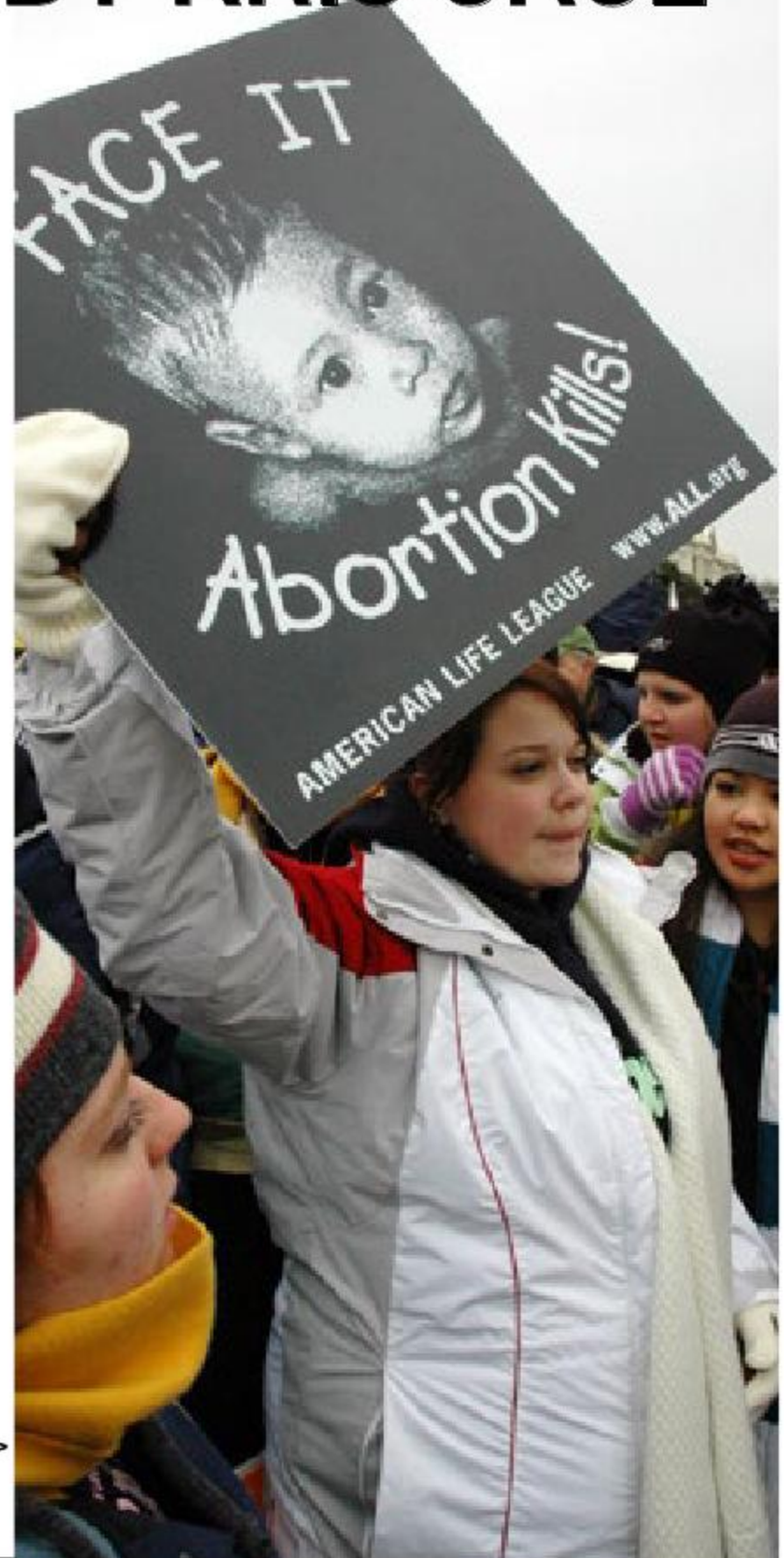
I don't mean to suggest that we should push for full, immediate prohibition. I favor an incremental approach myself. What I do mean—and I stand by these words—is that those who call themselves "pro-life" should, on account of the same

principles that lead them to conclude that abortion is unethical, wish to see the unborn protected under the law at some point in the future. In the absence of such an objective, they are lending their tacit approval to the practice of abortion among those who choose it.

Be advised that the purpose of this essay is not to prescribe any particular course of action—only to encourage the reader to consider the ramifications of a formal abortion ban. You will note that its subtitle is "the hard questions," not "an answer to the hard questions." I offer suggestions where appropriate, and cover alternatives where applicable; but the ultimate course of policy will be determined by the public and the legislature at that unspecified point in the future (which you and I may or may not live to see).

The first and most obvious problem is the question of legal penalties. While we can reasonably expect a drop in the abortion rate if *Roe v. Wade* is overturned, it is naive to suppose that making abortion illegal will completely eliminate it. I have outlined, above, why "pro-lifers" should support a law banning abortion; whether illicit abortions should be punished, therefore, is not the issue, since a law that is not enforced is a meaningless law. Rather, the issue is how. If our intent is to ban abortion, then the matter of managing offenders—both those who seek and those who provide unlawful abortions—becomes unavoidable.

Some favor leniency toward the seeker,



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“THOSE WHO WOULD OUTLAW ABORTION, ALTHOUGH THEIR POSITION IS MORALLY CORRECT, ARE REMISS IF THEY FAIL TO ACKNOWLEDGE THE **REPERCUSSIONS** OF THAT FOR WHICH THEY ADVOCATE.”

28

financial desperation, domestic abuse, and various other factors that might drive a woman to illegal abortion. These people generally press for light or no penalties for the would-be mother and stricter penalties for the abortionist—similar to the “Nordic model” of regulating prostitution in which only the customer, not the prostitute, faces criminal charges. Others insist that desperation is not a sufficient excuse for breaking the law: that the woman pursuing illegal abortion is fully cognizant of her actions, and that both patient and provider should be tried accordingly. I tend to agree with the latter camp, personally.

Moreover, anyone who advocates for the criminalization of abortion must consider the nature of the charge to be administered: should feticide be treated the same as premeditated killing of born persons (i.e., as murder), or as some lesser offense? If the latter is acceptable, it follows that the fetus has less value than the born person—which, by some standards, is true. A born person has what we might call a “social identity” (not to be confused with the social-psychological theory of the same name): he has ambitions, achievements, and relationships, all of which, if he is killed, are destroyed with him. A fetus, on the other hand, has no such identity. Its body is the only casualty of abortion.

Any ambitions, achievements, or relationships the fetus might have in the future are potentials, by definition; for the born person, they already exist. Even an infant satisfies at least one of the criteria for a social identity—it is valued by (i.e., has a relationship with) its caregivers. This does

not, however, mean feticide is morally justifiable. A lack of social identity does not equate to a lack of humanity, by which I mean the condition of being genetically human. To rephrase my original question, then: is the charge of murder—which is punishable by life in prison—appropriate for those guilty of feticide, or should it be reserved for the killers of born persons (i.e., those with a social identity)? If a murder charge is excessive, how should abortion be punished instead? Should the severity of punishment increase with gestational age?

A second concern is the prevention of unwanted pregnancy. If abortion ceases to be a legally available recourse, individuals will have a greater incentive to avoid pregnancy, either through abstinence from sexual activity or through proper and consistent use of contraceptives. There is a vocal faction of anti-abortionists, comprised largely of devout Christians, that opposes artificial contraception on the grounds that it separates sex from its natural purpose: these, I expect, will object to the latter method. But just as it is naive to suppose that all abortions will end once abortion is outlawed, so it is naive to suppose that outlawing abortion will end all non-procreative sex. Opponents of legal abortion should therefore embrace comprehensive sexual education and ready access to contraceptives, even if they do not approve of it themselves.

It is worth emphasizing that comprehensive sexual education, as its name suggests, does not discourage abstinence: it merely offers additional options for those who choose not to practice it. It is also worth emphasizing that most forms of contraception are

highly effective when utilized correctly. In a society without legal abortion, thorough knowledge of proper contraceptive use is an imperative. What is meant by “ready access to contraceptives” is up for debate. Those on the Left tend to back government measures for providing low-cost birth control, including the Patient Protection and Affordable Care Act’s controversial “contraceptive mandate,” under which employers are required to include coverage for birth control in their health insurance plans. Conservatives, meanwhile, generally hold that family planning is the responsibility of the individual, and that the individual—not her employer, and not any federally-funded agency like Planned Parenthood—should foot the bill. If the individual is unable to afford it, private organizations (similar in function to Planned Parenthood but for the obvious) are a possible solution. Making oral contraceptives available over the counter is another, but as Reason magazine’s Elizabeth Nolan Brown notes:

“Drugmakers can get higher prices from insurance companies than they could in a competitive contraceptive market. . . . Yet the pharmaceutical industry is the only entity with standing to challenge the prescription status of current birth control pills. In order to initiate the switch from prescription to nonprescription, a drug maker must approach the FDA.”¹

Even with improved access to family planning services, human error is to be expected. There will always be some unplanned pregnancies, which, if abortion is off the table, means more children born into less-than-ideal circumstances. Further, if the only options are adoption and



parenthood, we can anticipate a rise in adoption placements. I base this prediction on the assumption that comparable proportions of pregnant women will, for whatever reason, elect not to parent. Of these, those who might have chosen abortion under current law would, in a hypothetical post-Roe society, have no other legal choice but adoption. At present, the domestic adoption process in the United States is fairly expensive—and mired in red tape. In 2012-2013, the average cost for a newborn adoption through a private attorney was approximately \$34,000; adoption agencies charge nearly \$6,000 more.² Adopting a child from the foster system is significantly cheaper—at under \$3,000 on average—but extensive regulations



▲ "PLEASE BE KIND"
BY JOHNATHAN GREENWALD
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discourage most would-be parents.³ One study found that, for every 1,000 individuals who take the first steps toward adopting a foster child, only 36 actual adoptions take place.⁴ Adoptive parents are required to complete (and pay for) a "home study," which entails a background check, a thorough home inspection, parenting classes, and multiple interviews with a social worker. They are also responsible for legal fees and, in many cases, the cost of counseling for the child's biological family. For agency-facilitated adop-

tions, the application fee itself is close to \$17,000!⁵ Eliminating unnecessary regulations would drastically lower the cost of private adoptions and simplify the process of adopting from foster care, making adoption a more attractive option for both parties. And what about the women who opt for parenthood? According to the Guttmacher Institute, three-fourths of women who seek abortion "say that having a baby would interfere with work, school or the ability to care for dependents."⁶ Clearly, the lack of tangi-

ble resources for working or student mothers is a problem. Removing access to abortion without addressing its antecedents is inexcusable.

Pregnant and parenting college students would benefit from on-campus daycare, diaper changing stations, and maternity housing—none of which are currently the norm. Funding for these services could be drawn either from tuition or from private donations. Scholarships for parenting students provide additional motivation for young mothers to stay in school. Implementing "family-friendly" workplace policies would lessen the burden on pregnant employees who feel pressured to choose between child and career; Feminists for Life offers a comprehensive checklist of these, including dependent care coverage, telecommuting options, and generous family leave.⁷

The Guttmacher report also lists inability to afford a child (roughly 75% of respondents) and relationship troubles (roughly 50%) as common reasons for seeking abortion.⁸ Without legal abortion, this translates into a higher incidence of poverty and domestic abuse—if appropriate precautions are not taken. Once again, what

constitutes "appropriate precautions" varies along the political spectrum. Progressives are likely to endorse solutions in the form of welfare expansion and other taxpayer-funded social programs, whereas conservatives usually encourage private charity.

In Chicago, where I live, I volunteer at a nonprofit that offers long-term housing to single mothers with demonstrable need. During their stay, residents are equipped with the practical skills they need to achieve self-sufficiency after they leave. Staff provide on-site parenting and financial literacy classes, and partnerships with local businesses help the women secure gainful employment. Unfortunately, the demand far outweighs the facility's capacity. Establishing similar programs across the country is one way to lessen the burden of at-risk women who choose to raise their children.

Currently, roughly one-fifth of U. S. pregnancies are aborted.⁹ Assuming, for the purpose of argument, that the incidence of unintended pregnancy does not change, we can expect up to 25% more births once abortion is no longer available. This increase is not insignificant, but whether "overpopula-

tion" is a legitimate threat is questionable. The traditional perspective—that population growth incurs greater strain on social systems and natural resources—faces criticism from theorists who suggest that population growth and affluence are positively correlated, because growth creates an incentive to innovate.¹⁰

In the preceding paragraphs, I have attempted to draw attention to the consequences of ending legal abortion in America, namely: the need for legal protocol, an increased need for effective pregnancy-prevention measures, an increase in adoption placements (and the need for adoption reform), the need for additional resources for pregnant and parenting women, and population

growth. I reiterate that the above is merely a rudimentary framework. I have outlined only the most basic effects of ending legal abortion, along with some potential solutions; neither list should be considered exhaustive.

Those who would outlaw abortion, although their position is morally correct, are remiss if they fail to acknowledge the repercussions of that for which they advocate. It is unacceptable to say "Let us cross that bridge when we come to it." These concerns must be resolved well before abortion is abolished, ideally as to render it obsolete: that is, to extinguish any argument that insists legal abortion is necessary. Given that an abortion ban in the near future is unlikely, however, there is time.

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THE IMAGO DEI

OR “WHY SHOULD SECULARISTS CARE ABOUT HUMAN LIFE?”

BY MONICA LYNN
SNYDER

I’VE HAD A FEW CHRISTIAN PRO-LIFE FRIENDS OF MINE (KINDLY) TELL ME THEY DON’T REALLY UNDERSTAND HOW A SECULARIST CAN DEFEND THE PRO-LIFE POSITION. SURE, THEY GET THAT WE DON’T NEED RELIGION TO UNDERSTAND FETAL DEVELOPMENT, AND WE DON’T NEED TO BELIEVE IN A GOD TO RECOGNIZE THAT ABORTION IS VIOLENCE. BUT THEY TRIP OVER HOW A SECULARIST COULD DEFEND THE PRO-LIFE VIEW ON A METAPHYSICAL LEVEL. WHY SHOULD SECULARISTS CARE ABOUT FETAL DEVELOPMENT OR THE VIOLENCE OF ABORTION? WHAT TRANSCENDENT REASON DO WE HAVE TO CARE ABOUT HUMAN LIFE IN THE FIRST PLACE?

IN OTHER WORDS, THESE CHRISTIAN PRO-LIFE FRIENDS OF MINE WANT TO KNOW HOW I, AS A SECULARIST, CAN TRULY DEFEND THE PRO-LIFE POSITION WITHOUT THE IMAGO DEI.

THE IMAGO DEI (“IMAGE OF GOD”) IS THE IDEA THAT ALL HUMANS ARE MADE IN GOD’S IMAGE—THAT HUMANS

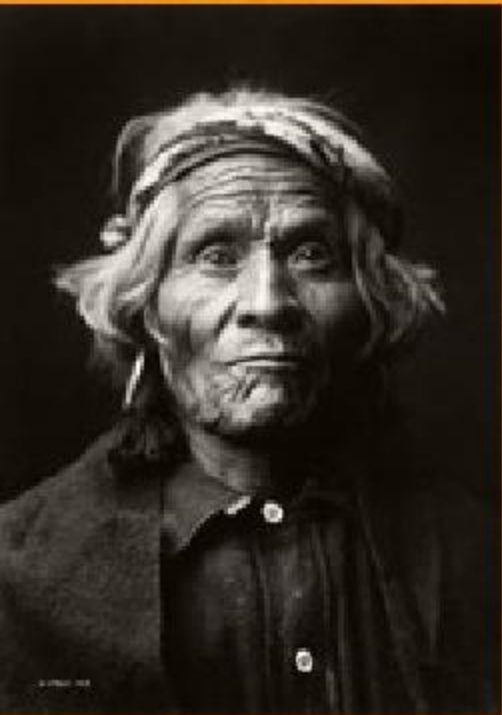
REFLECT GOD’S MORAL, SPIRITUAL, AND INTELLECTUAL NATURE. MANY CHRISTIANS BELIEVE THE IMAGO DEI IS WHY WE HUMANS ARE VALUABLE IN THE FIRST PLACE AND WHY WE’RE MORE VALUABLE THAN OTHER SPECIES. IF THERE’S NO SPECIAL CONNECTION TO GOD, IF THERE’S NO SOUL, MANY CHRISTIANS HAVE A HARD TIME UNDERSTANDING WHY WE SHOULD VALUE HUMANS ANY MORE THAN ANY OTHER RANDOM COLLECTIONS OF ATOMS MEANDERING THROUGH EXISTENCE.

THIS QUESTION MOVES THE CONVERSATION BEYOND THE ABORTION DEBATE. CHRISTIAN PRO-LIFERS AREN’T ASKING SECULAR PRO-LIFERS WHY WE CARE ABOUT FETUSES. THEY’RE ASKING WHY WE CARE ABOUT ANYONE AT ALL.

A LOT OF TIMES WE SECULARISTS TAKE OFFENSE TO THE QUESTION. WE THINK CHRISTIANS ARE SAYING SECULARISTS CAN’T OR SHOULDN’T CARE ABOUT ANYONE, AS IF,

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BY DEFINITION, WE CAN'T BE GOOD PEOPLE. WE THINK CHRISTIANS ARE SAYING WE INHERENTLY SUCK. AND YES, SURE, THERE ARE SOME CHRISTIANS WHO ACTUALLY THINK THAT. BUT MOST OF THE CHRISTIANS I KNOW AREN'T SAYING THAT AT ALL. THEY AREN'T SAYING "YOU CAN'T BE GOOD." THEY'RE SAYING "YOU CLEARLY ARE GOOD. I JUST DON'T GET WHERE YOU BELIEVE YOUR GOODNESS COMES FROM." IT'S NOT AN ACCUSATION, IT'S A CURIOSITY.



SO WHY DON'T WE HEAR IT THAT WAY? HERE'S THE PROBLEM. SUPPOSE A CHRISTIAN (CALL HIM "BOB") ASKS AN ATHEIST (CALL HER "SUE") THE FOLLOWING: "IF THERE'S NO GOD, WHY SHOULDN'T WE MURDER PEOPLE?" BOB MEANS, "IF THERE'S NO GOD, THERE'S NO OBJECTIVE MORALITY. IF THERE'S NO OBJECTIVE MORALITY, WHAT OBJECTIVE MORAL REASON CAN WE HAVE NOT TO KILL EACH OTHER?" BUT SUE HEARS, "IF THERE'S NO GOD, SHOULDN'T WE JUST START KILLING EACH OTHER?" THEN SUE KIND OF WORRIES THAT IF BOB EVER LOSES HIS FAITH HE'LL BECOME A HOMICIDAL MANIAC.

DO YOU SEE THE COMMUNICATION BREAKDOWN? IT'S LIKE IF BOB ASKED SUE, "WHY, IN YOUR OPINION, IS THE SKY BLUE?" AND SUE HEARD EITHER "IF YOU DON'T BELIEVE IN GOD, YOU AREN'T ALLOWED TO THINK THE SKY IS BLUE" OR "IF I DIDN'T BELIEVE IN GOD, I WOULD NO LONGER THINK THE SKY IS BLUE."

IN THIS ANALOGY, SECULAR PRO-LIFE PURPOSELY DOESN'T ARTICULATE A POSITION ON WHY THE SKY IS BLUE. WE START WITH THE PREMISE THAT THE SKY IS BLUE, AND GO FROM THERE. THAT IS, WE START WITH THE PREMISE THAT HUMAN BEINGS ARE VALUABLE, AND BUILD OUR PRO-LIFE POSITION OFF OF THAT.

ONE OF THE REASONS WE TAKE THIS APPROACH IS BECAUSE SECULARISTS DON'T HAVE ONE UNIFYING REASON FOR WHY HUMAN BEINGS ARE VALUABLE. SECULAR PEOPLE USE A WIDE ASSORTMENT OF ETHICAL APPROACHES TO REACH THE SAME CONCLUSION.

CHRISTIANS, WHO HAVE A SPECIFIC, UNIFIED ANSWER TO WHY HUMANS ARE VALUABLE (THE IMAGO DEI), SOMETIMES FIND OUR SECULAR STANCE INCOMPLETE, SINCE WE AVOID THE QUESTION. SOME OF MY CHRISTIAN PRO-LIFE FRIENDS HAVE ASKED ME HOW SECULAR PRO-LIFE (SPL) CAN REACH OUT TO OTHER SECULARISTS IF WE DON'T OFFER SOME METAPHYSICAL ANSWERS.





THIS QUESTION MOVES THE CONVERSATION

BEYOND THE ABORTION DEBATE. CHRISTIAN PRO-LIFERS AREN'T ASKING SECULAR PRO-LIFERS WHY WE CARE ABOUT FETUSES. THEY'RE ASKING WHY WE CARE ABOUT ANYONE AT ALL."

^COMMON LISCENSE
[HTTP://GOO.GL/PROKP7](http://goo.gl/PROKP7)

BUT HERE'S THE THING: OTHER SECULARISTS AREN'T USUALLY LOOKING FOR METAPHYSICAL ANSWERS. I HAVE NEVER, NOT ONCE, HAD A SECULARIST SINCERELY ASK ME TO EXPLAIN WHY WE SHOULD CARE ABOUT OTHER HUMAN BEINGS. IT'S ONLY CHRISTIANS WHO ASK ME THAT, AND ONLY IN THE CONTEXT OF TRYING TO UNDERSTAND OUR DIFFERENT RELIGIOUS PERSPECTIVES.

MY FELLOW SECULARISTS AREN'T LOOKING FOR REASONS TO CARE ABOUT HUMANITY. THEY ALREADY CARE. THEY ALREADY BELIEVE MURDER IS WRONG AND THAT WE SHOULD TAKE CARE OF ONE ANOTHER. THE SECULAR ABORTION DEBATE IS NOT ABOUT WHETHER HUMAN BEINGS ARE VALUABLE. IN MOST CIRCLES, THAT PREMISE IS JUST A GIVEN. THE SECULAR ABORTION DEBATE IS ABOUT WHETHER THE FETUS COUNTS AS A HUMAN BEING AND, IF SO, WHETHER THAT'S ENOUGH TO TRUMP BODILY RIGHTS. AND SINCE THOSE ARE THE PREMISES SECULARISTS DEBATE, THOSE ARE THE PREMISES SPL FOCUSES ON.

JUST AS WE CAN ALL AGREE THE SKY IS BLUE EVEN IF WE DON'T ARTICULATE WHY, WE CAN ALL AGREE HUMAN BEINGS ARE VALUABLE EVEN IF WE DON'T DIG INTO WHY. IF YOU REALLY WANT TO GET INTO THE "WHY," THAT'S FINE, BUT UNDERSTAND THAT, TO MOST SECULARISTS, THAT'S A RELIGIOUS DEBATE, NOT AN ABORTION DEBATE.



^COMMON LISCENSE
[HTTP://GOO.GL/UQDIVN](http://goo.gl/UQDIVN)

SEXUAL ASSAULT ON CAMPUS, AND WHY THE ACCUSED SHOULD STILL HAVE JUSTICE

BY MATT LAMB

34

Sexual assault is a serious

issue, especially on college campuses. The White House's "It's On Us" Campaign, launched in September, is just one example of the numerous programs dedicated to stopping sexual assault on campuses and just in general. However, there is an unfortunate trend on college campuses, which should cause anyone concerned about the issue to think twice before embracing changes such as "yes means yes," also known as "affirmative consent," or moving towards a standard of preponderance of evidence and away from beyond a reasonable doubt. Increasingly, universities are trampling on the due-process rights of the accused, in an effort to show that they are concerned about sexual assault. While we should all be concerned about the violent act that is sexual assault, we should also be concerned for the due-process rights of the accused. How does this relate to the consistent life ethic?

While the consistent life ethic holds that we should be opposed to all forms of violence, it also means we should value fairness and justice for all. It would seem difficult for someone to be opposed to the death penalty on the grounds that someone might be innocent, or that it is unfairly applied based on racial identity, while also supporting the kangaroo courts that so many universities set up to deal with sexual assault. I argue that the same philosophy that holds that even the most gruesome and vilest of murderers deserve not only a fair trial, but a chance to seek forgiveness with life on parole instead of death by injection, should also hold that students accused of sexual misconduct of any time have a right to a fair trial. There are two ways I believe colleges can go about ensuring a fair trial; turning the case over to the police or replicating court conditions during university-run hearings.

The first suggestion should be the only serious proposal to be considered. Universities have no duty to act as private courts, and all criminal activities should be handed over to the police. Under criminal proceedings, the accused would have a right to testify, cross-examine witnesses, present evidence and most importantly, have an attorney present to argue for the student. While our justice system is not perfect, it is still far better than how most university proceedings occur. While universities may be able to handle petty crimes like theft from dorm rooms, serious crimes like sexual assault should not be left to graduate students with master's degrees in higher education nor should they be dealt with by a dean of students or a panel of students. Crimes should be dealt with by law enforcement.

Take, for example, a case I have been following through my work for The College Fix, a conservative news website which focuses on on-campus news. At Occidental College, a female student accused a male student of sexual assault after a professor told her the student fit the typical profile for a rapist. Although the sex appeared to be consensual, based on evidence such as text messages and consent, both students had been drinking. The College Fix staff editors wrote on June 6, "A former Occidental College student is suing the school after it accused him of raping a female student — this, despite police being unable to prove it ever happened. Worse, a professor at the school claimed the accused's upbringing fits the 'profile' of campus rapists."¹ Under criminal proceedings, the accusation would not stand very long unless evidence supported it. The defendant would be allowed to testify as to his recollection of the event, evidence would be presented and his attorney could argue the case for him. If the "beyond a reasonable doubt" standard (roughly 80% chance the student is guilty) could be reached, then the student would rightly be punished. However, colleges often use the "preponderance of evidence" standard (50.01%), which tilts the system against the accused in an unjust way. In practice, this means that the accused student had little recourse and little chance of winning his case. Instead of facing normal criminal proceedings, the university subjected the student to a kangaroo court system of hearings. Even though police investigators found a lack of evidence to move forward with the case, the university decided to move forward.

The other approach towards justice on campus is to restructure the hearing process on-campus, if the university decides that they can better handle the case than trained law enforcement officers and

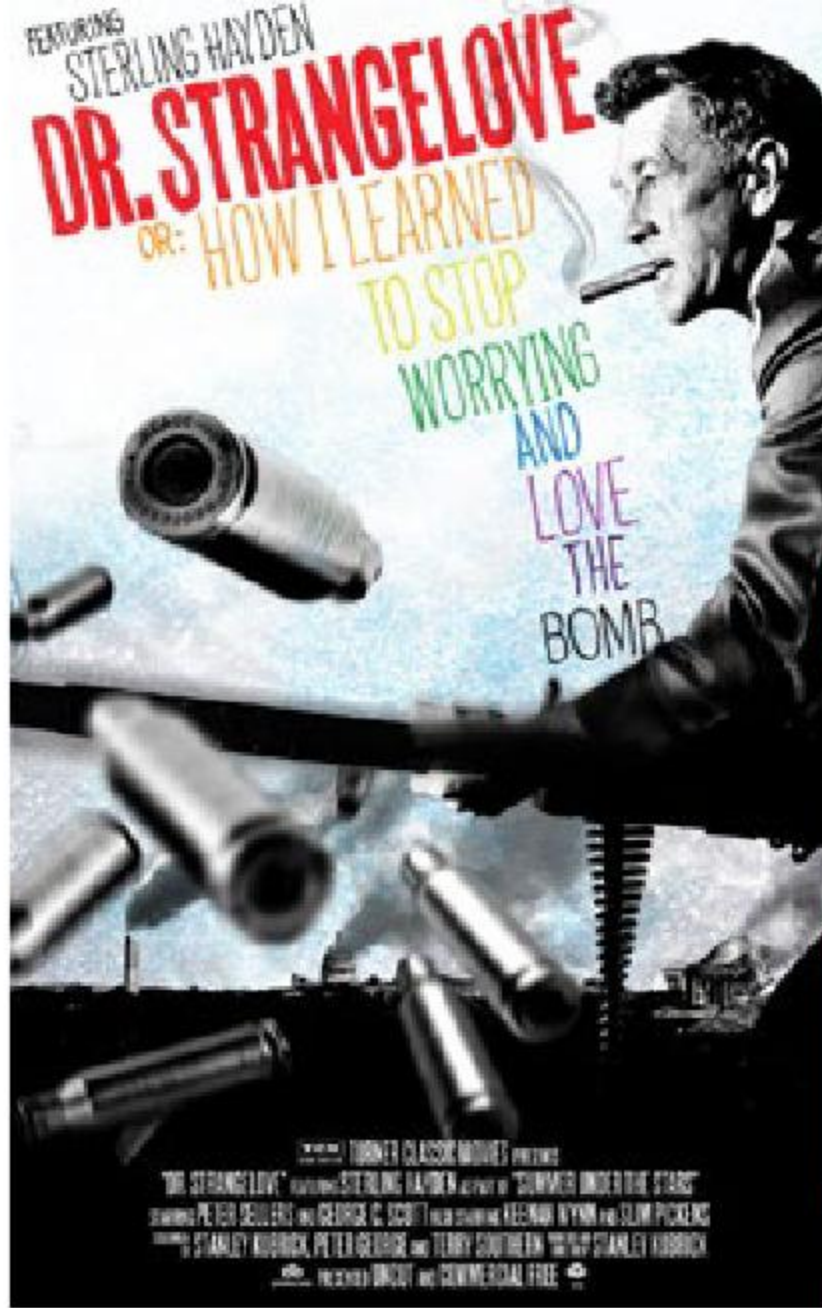
prosecutors. In order to bring a sense of justice, I believe that universities need to change how they conduct sexual misconduct hearings. First, the university should use a panel of trained professionals to hear cases. Oftentimes, universities rely on academics have no formal background in law, law enforcement or judicial proceedings. Granted, juries are generally comprised of people without a law background, but they are under the supervision and instruction of a judge. Universities can bring a sense of reliability to proceedings by only having panels of current or former lawyers, prosecutors, police officers or judges hear cases. As I have written before for The College Fix, many universities rely on non-law enforcement professors to conduct investigations and hearings. At Ohio University, for example, students accused of sexual assault face a hearing panel, but there is no indication that the panel will involve someone with actual judicial or law experience. Some schools even have students serve on the panels; remember that kid who slept through half of Intro to Chemistry? He might decide if you are kicked out of school.

The second step universities can take is to conduct the hearing like an actual trial, with the accused having the right to an attorney who can speak on his behalf (normally an adviser can be there to "assist" only). The accused should also have the ability to have his attorney cross-examine witnesses and present evidence. Finally, the university must use the "beyond a reasonable doubt" standard, instead of preponderance of evidence, which is usually reserved for civil trials.

Sexual assault on campus is a tricky topic; no one wants to be seen as not believing a potential victim of sexual assault. But justice must still be carried out, no matter the crime. In fact, true justice occurs when even the most heinous of criminals are given a fair trial. Universities should turn over any sexual misconduct cases to the police as soon as possible, if possible. If they choose not to, they should at least conduct the hearings as a legitimate, just trial, with the accused enjoying the benefits of cross-examination of witnesses, an attorney, and the ability to testify. Those concerned about justice and fairness should be concerned about sexual assault proceedings as well. I believe that we can find a way to both respect the dignity of the accuser while protecting the right to justice for the accused.

¹ College Fix Staff, "Lawsuit: Occidental Student 'Profile' as Rapist due to Good Grades, Good Family". Thecollegefix.com. <http://www.thecollegefix.com/post/17870/>

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2.



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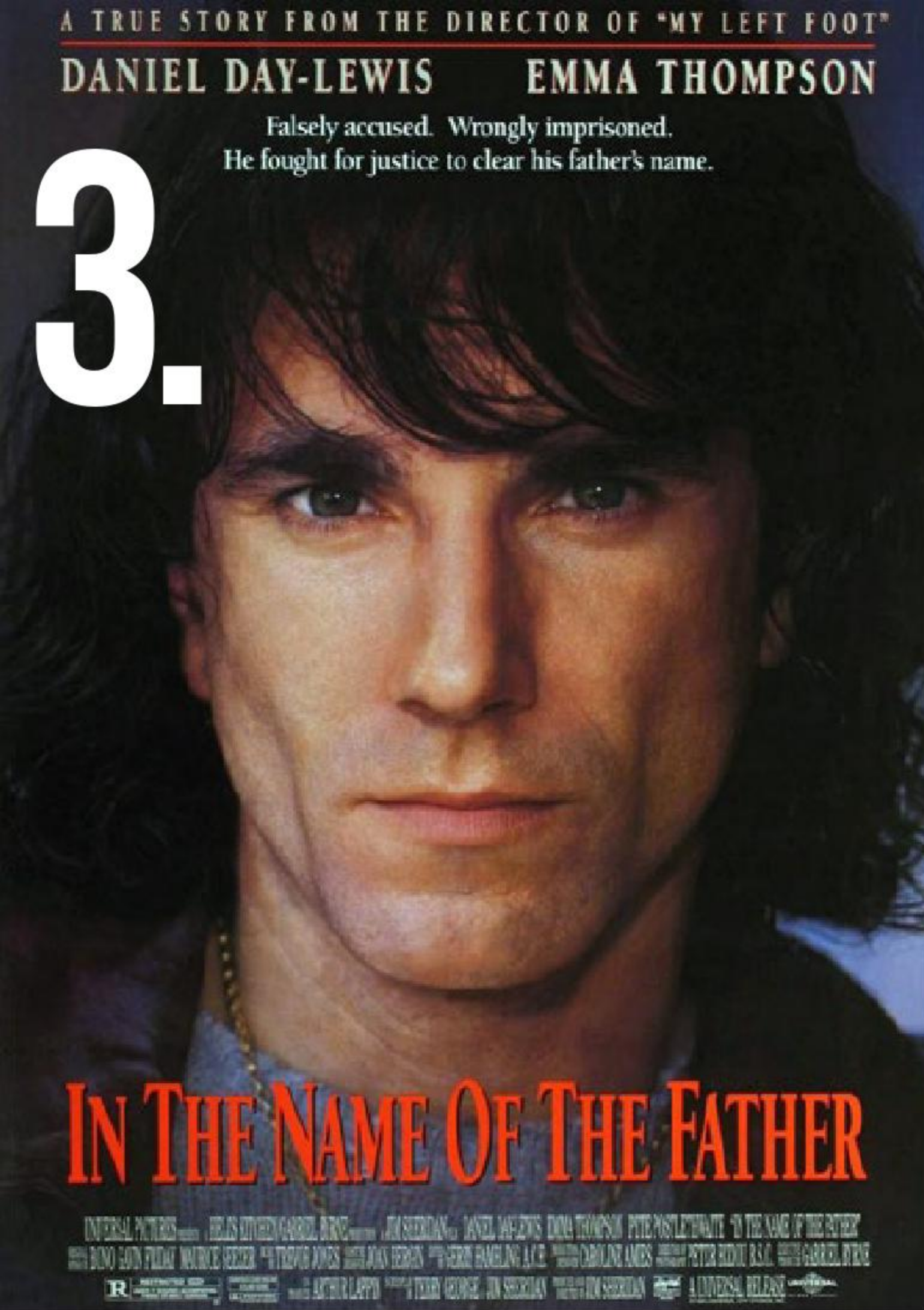


A TRUE STORY FROM THE DIRECTOR OF "MY LEFT FOOT"

DANIEL DAY-LEWIS EMMA THOMPSON

Falsely accused. Wrongly imprisoned.
He fought for justice to clear his father's name.

3.



IN THE NAME OF THE FATHER

UNIVERSAL PICTURES PRESENTS A FILM BY JIM SHERRIDAN DANIEL DAY-LEWIS EMMA THOMPSON PETER POSTLETHWAITE "IN THE NAME OF THE FATHER"
WITH BONO GARY FINEY NATHANIEL WELLS "TITOPHOS JONES" WITH JONAS HENRIKSEN "PHILIP HANGLING A.C." WITH CAROLINE AMOS "MRS. MURPHY" WITH PETER RICHIE "D.S.O." WITH GABRIEL Byrne
R PARENTS STRONGLY CAUTIONED SOME MATERIAL MAY BE INAPPROPRIATE FOR CHILDREN UNDER 17
A UNIVERSAL RELEASE

37

5

GREAT ANTI- WAR MOVIES

by
JOHN WHITEHEAD

4.

5 GREAT ANTI WAR MOVIES

38

MOVIES CAN BE A valuable resource for consistent life ethic activists. A movie that touches on one of the life issues can engage someone's imagination and emotions in a way that an essay, a news article, or even a novel cannot. Further, hosting a screening is a relatively easy way for students, religious communities, or

other activist organizations to gather a group of people together to think and, after the screening, talk about a life issue.

With this in mind, here are five notable movies dealing with one of the life issues: war. Any of these would be a good screening choice for peace activists.

DR. STRANGELOVE, OR: HOW I LEARNED TO STOP WORRYING AND LOVE THE BOMB (1964).

IN THIS BLACK-COMEDY classic, director Stanley Kubrick and his co-screenwriters Terry Southern and Peter George take the threat of nuclear war and manage to make it funny—without it becoming any less terrifying. When a crazy U.S. Air Force general tries to launch a nuclear strike against the Soviet Union, American and Soviet

leaders have to scramble to avert World War III, only to discover that their own elaborate plans and safeguards for ensuring a “credible nuclear deterrent” make it almost impossible to pull back from the brink. During this scramble against nuclear Armageddon, the representatives of both superpowers are revealed as ineffectual,

blinkered, dim-witted, or simply insane. Filled with memorable lines, some indelible images, and an excellent cast led by the chameleon-like Peter Sellers (who plays no fewer than three different characters), *Dr. Strangelove* is one of the few movies that make you laugh and worry about the future of humanity simultaneously.

THE FOG OF WAR: ELEVEN LESSONS FROM THE LIFE OF ROBERT S. MCNAMARA (2003)

SHORTLY BEFORE his death, former U.S. Secretary of Defense Robert McNamara allowed himself to be interviewed by documentary filmmaker Errol Morris, who produced this haunting movie from those interviews. McNamara reflects on his long and dramatic career, which included coordinating the American bombing of Japan during World War II, serving as president of the Ford Motor Company, and being secretary of defense during such events as the Cuban Missile Crisis and the Viet-

nam War. In the process, he tries to draw lessons from his different experiences of war that can guide future policymakers. McNamara, who was fiercely hated for his role in the Vietnam conflict, makes for a maddening protagonist: remaining unrepentant about some decisions; regretting others without ever quite apologizing for them; and offering a variety of insights into war and its destructive consequences. Of all the movies on this list, this is probably the most sure-fire conversation starter.

IN THE NAME OF THE FATHER (1993).

When this movie came out 20 years ago, calling it an “anti-war movie” would have seemed a stretch; now that we are used to the notion of “wars against terrorism,” it seems more relevant than any other entry on this list. A fictionalized re-telling of a true story, *In the Name of the Father* recounts how a group of innocent people, including father and son Giuseppe and Gerry Conlon, were wrongfully convicted in 1970s Britain for an IRA terrorist bombing. The movie touches on all-too-familiar issues, such as how justifiable fear and outrage provoked by terrorism can lead to detaining people without charges, torture, and other miscarriages of justice. Even while lambasting the British government for its policies, the movie is unequivocal in its condemnation of the IRA and its rejection of terrorist tactics. Featuring impressive performances by Daniel Day-Lewis as the wild Gerry Conlon and Pete Postlethwaite as his long-suffering father Giuseppe, *In the Name of the Father* is a great exploration of the ethical morass that a country can fall into when fighting terrorism.

GRAVE OF THE FIREFLIES (1988).

This animated tale from the famous Japanese Studio Ghibli tells the story of adolescent boy Seita and his little sister Setsuko during the final months of World War II. Driven from their home by American bombing, the two must fend for themselves under increasingly desperate circumstances as their country slowly disintegrates around them. This kind of story could be a sentimental tear-jerker or as a raw, painful catalogue of horrors, and *Grave of the Fireflies* certainly contains elements of both. What is remarkable, though, is how restrained, even aloof, director Isao Takahata is in presenting the children’s story. Horrors are briefly glimpsed or suggested rather than assaulting the viewer. The relatively spare, stylized animation is well-suited to this understated approach, yet the Studio Ghibli artists are still able to convey a great deal, such as the nuances of a child’s body language. The result of the filmmakers’ restraint and care is heart-rending.

THE TRAIN (1964).

As German forces withdraw from France in 1944, art-loving Colonel von Waldheim (Paul Scofield) steals a trove of paintings by great French artists such as Gauguin, Renoir, and Cezanne with the intention of shipping them back to Germany by train. Meanwhile, Resistance fighter Labiche (Burt Lancaster) and his comrades are, despite their initial reservations, drawn into efforts to prevent the train from taking away these national treasures. A well-crafted action thriller—an artifact of the pre-CGI days when filming a train crash involved crashing real trains—*The Train* also asks disturbing questions about war and its costs. Does it make sense to risk human lives for works of art? Does it make sense to risk lives for concepts such as national independence and honor? When do wartime sacrifices simply become justification for making more sacrifices? Bleak and downbeat, *The Train* provides a resolution of sorts to this conflict between the Nazis and the Resistance, but whether the resolution is ultimately a victory or defeat is unclear.

Dystopian Utopia;

THE GIVER AND THE SANCTITY OF HUMAN LIFE

BY NICK NEAL

40

“In suppressing the irrational aspects of themselves, they suppress a part of their humanity.”

At just under 200 pages, *The Giver* by Lois Lowry is about a one- or two-day read. The novel tells of a society that seeks perfection at the expense of human liberty and human life as well.

The Giver is widely read in public schools (including by this writer) and also widely challenged for its disturbing content, particularly in how this society maintains its small population by killing infants and the elderly. For those who understand that *The Giver* is criticizing this activity, not advocating it, the novel is a great parable of not only the value of human liberty but also human life.

The plot revolves around Jonas who has just turned 12 and will thus be assigned to his job by the community. Before we arrive at this point, we gradually learn more and more about this society. Jonas' parents are not his biological parents; in fact no one's are. The only people who reproduce in this community are those assigned as birth mothers by the community. The children are then raised by "Nurturers" for a year before they are assigned to parents who are in turn only allowed to have two children — one boy, one girl. We also get the sense that this is a very small community. Only 50 children are allowed to be born per year. Everyone in the community can fit in an auditorium, and the community elders (essentially the government leaders) talk about each individual child in almost familiar detail, like that of a parent. Excess newborns and the elderly are "released" — sent to "Elsewhere" which is always spelled with a capital

E. In the beginning, Jonas is not aware of the darker reality behind this euphemism. At the ceremony of 12, Jonas is assigned to be the receiver of memory. Unlike everyone else in the community, he will have memories of the past transmitted to him by the elder known as The Giver. As Jonas receives these memories, he learns more about what has been lost in his community's goal to seek perfection. The people have no sense of color, for if they did they might want choices in what types of

IN ORDER TO CONTROL THESE PEOPLE, THE COMMUNITY MUST BE KEPT SMALL. THUS HUMAN BEINGS AT THE BEGINNING AND END OF LIFE ARE SEEN AS DISPOSABLE IF THERE ARE TOO MANY OF THEM.

clothes they wore, and such desire for choices might even make them want to choose what type of jobs they want and so on and so on. Most saddening of all, when Jonas asks his parents if they love him, they state that love is too imprecise a word, with no real value. In suppressing the irrational aspects of themselves, they suppress a part of their humanity.

Jonas also learns the truth about "releasing," that it doesn't mean that people are

sent away from the community, but instead killed via lethal injection. This is revealed in a disturbing passage where Jonas sees his father, a "Nurturer," lethally inject an infant in the skull and dispose of him down a trash chute. Why this is done can be inferred from the community's two child policy. In order to control these people, the community must be kept small. Thus human beings at the beginning and end of life are seen as disposable if there are too many of them. The allegory

for abortion and euthanasia is obvious.

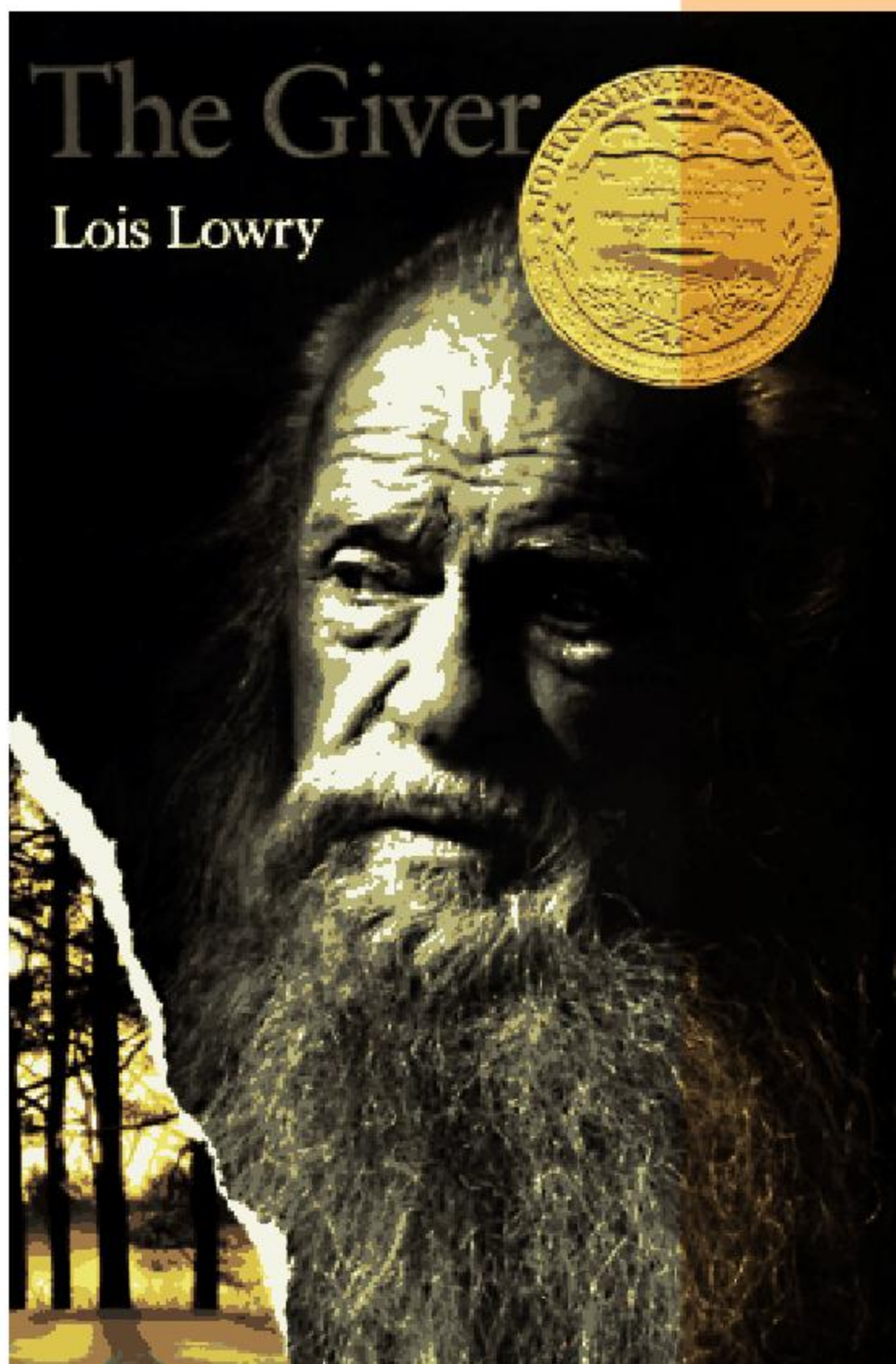
What makes "releasing" so interesting is how it's cloaked as an act of compassion. Before old people are "released," they are given a celebration ceremony as if it is merely a going away party. Jonas later learns that a gentle girl who he has feelings for is actually being trained to "release" the old. This odd inner contradiction between the gentility of the "releaser" and the horror of the act itself

is also exemplified in Jonas' father who is introduced as a very affectionate father telling how much he enjoys bouncing newborn babies on his knee. Yet he also engages in killing children. Such can also be said of the community as a whole. That on the outside, it's seen as a gentle and caring place yet underneath it all is a willingness to use homicide to achieve its ends.

This is also part of the abortion and euthanasia allegory. The euphemisms of "death with dignity" and "reproductive justice" are much like the term "releasing" in that they sound compassionate and enlightening; yet these euphemisms still cloak the violence being done.

The horrors of war are also a theme in the book. One of the painful memories given to Jonas is that of soldier seeing someone fatally wounded battle. This is even connected to the act of releasing, when Jonas sees a child released, he is reminded of the dead bodies from his memory of war.

Consistent life ethicists are to some extent seeking a utopia. We want a world that no longer uses homicide to solve its problems. *The Giver* reminds that there are other utopian visions that, while similar to the consistent life ethic, still carry a fatal flaw. They value perfection over the human person and are thus willing to destroy human persons to reach their goal.



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