



PROVITA

The University Faculty for Life Newsletter

Vol. 6, No. 3

Fall, 2018

Table of Contents

UFL Update 1

Letter from the President 1

Member News & Publications..... 2

Upcoming scholarly opportunities..... 3

On Campus 3

Book Reviews..... 3

Legal realities 5

A Scholar’s Analysis 6

Web Resources for research and education 9

Masthead 14

- **Dues Reminder** Be sure to pay your 2018 dues. On-line payment is possible through PayPal and our [website](#). If necessary, please update *both* your email address and your mailing address using the [membership renewal form](#). Dues can also be sent to **Fr. Joseph Koterski, S.J.**, University Faculty for Life, Dept. of Philosophy, Fordham University, Bronx, NY 10458.
- **Social Media** UFL is on Facebook and LinkedIn. On Facebook, you can “like” the “University Faculty for Life” page. Our blog can be found at www.uffl.org/blog/. There is also an active “University Faculty for Life” subgroup of the “Pro-life Professionals” group on LinkedIn.

UFL Update

- **2019 Life and Learning Conference** The 2019 Life and Learning Conference will break with tradition and be held on a **Thursday and Friday**, June 6th and 7th. The conference will take place at Mundelein Seminary/University of St. Mary of the Lake. Besides the standard topics, the conference’s special topic is “The Disabled and Life Issues.”
- **Lifetime membership** UFL is now offering Lifetime Membership. Five hundred dollars will enable you to support our mission more easily throughout your golden years. More details are posted on our [website](#).

Letter from the President

Rose Mary Hayden Lemmons, Ph.D., President of UFL, Associate Professor of Philosophy, University of St. Thomas, St. Paul, MN.

Hello Everyone,

Highlights in this issue of ProVita includes news about our upcoming conference, reviews of key books—including **Fr. Joseph Koterski’s** review of the latest book by **Thomas Cavanaugh**, our 2019 Smith Award recipient, plus **Richard Myer’s** analysis of shifting legal realities, and **Christopher Kaczor’s** laser analysis of Ahas K. Burin’s distinction between the personhood of infants and late term prenatal human being. This issue also covers upcoming scholarly opportunities, and updates about members. Our editor-in-chief,

Margaret Hughes, has done another superb job collecting the information necessary for you to stay up to date with prolife scholarship.

Please join us at our June conference and consider submitting a paper. The key theme of this meeting is “Life Issues and the Disabled” as well as our standard multidisciplinary investigations of abortion, infanticide, and euthanasia. Our highest honor, the Smith Award will be bestowed on **Thomas Cavanaugh, Ph.D.** (Philosophy, University of San Francisco). His prolife scholarship includes two books and innumerable articles.

Our keynote speakers include **Elizabeth Schiltz, J.D.**. After graduating summa cum magna from Yale, she graduated from Columba Law School. Her keynote address explores the values expressed by laws and more specifically, on “The Contradictory Expressive Functions of the Americans with Disabilities Act and Physician-assisted Suicide Laws.” **Prof. Schiltz** holds the Herrick Chair at the University of St. Thomas Law School in Minnesota. She is also a member of the Board of Directors for National Catholic Partnerships for Disability and L’Arche USA.

Another keynote speaker will be **Miguel Romero, Ph.D.** (Religious and Theological Studies, Salve Regina University). One of his recent publications – in *The Journal of Moral Theology*, vol. 6 (2017):206 – 53 – is the excellent “The Goodness and Beauty of Our Fragile Flesh: Moral Theologians and Our Engagement with ‘Disability’.”

We meet June 6 – 7 at the beautiful Mundelein Seminary and Conference Center of the University of St. Mary of the Lake; it is northwest of Chicago. **This meeting is on Thursday and Friday**—a bit of a change from our past schedule. Following our conference at Mundelein, the Catholic Medical Association will be hosting its Medical Resident and Student Boot Camp from June 9 – 16, 2019.

Please check our [website](#) for registration and conference registration. The deadline for abstracts is in April with early submissions receiving priority consideration.

Looking forward to seeing you in June.

Mary

Member News & Publications

In which we highlight the activities of our organization, members, and chapters, including publications, talks, and consultations.

Note: all names in **bold** are members of UFL.

- **Helen Alvaré, J.D.** (Law, George Mason University) published “Now We Know Better: A New Legal Framework on Sex to Better Promote Autonomy, Equality, Diversity, and Care for the Poor” in *Buffalo Law Review*, 66.3 (May 2018): 669 – 713.
- **Richard Fehring, Ph.D., R.N.** (Nursing, Marquette University) gave a lecture titled “A Historical Review of the Catholic Scientists Who Answered the Call of *Humanae Vitae*” at a conference at Marquette University in honor of the fiftieth anniversary of *Humanae Vitae*.
- **Dr. Fehring**, with **Drs. Janet Smith** and Kathleen Raviele, were the guest editors of a special November issue of *The Linacre Quarterly* - the Official Journal of the Catholic Medical Association - on the 50th Anniversary of the Encyclical *Humanae Vitae*.
- **Jane Gilroy, Ph.D.** (English, Molloy College, Emerita) reviewed *Pro-Life Champion: The Untold Story of Monsignor Philip J. Reilly and His Helpers of God’s Precious Infants* by Frederick Marks in *Catholic Social Science Review*, 23 (2018): 349 – 351.
- **Christopher Kaczor, Ph.D.** (Philosophy, Loyola Marymount University) published, with Alena Buyx and Barbara Prainsack, “Ectogenesis and a right to the death of the prenatal human being: A reply to Rasanen” in *Bioethics*, 32.9 (November 2018): 634 – 638.
- **Fr. Joseph Koterski, S.J., Ph.D.** (Philosophy, Fordham) published several book reviews: a review of *Aquinas and the Human Person: Essays in Thomistic Anthropology* by Craig Payne in *Linacre Quarterly*, 85.3 (August

2018):302 – 303; a review of *Plato's Persona: Marsilio Ficino, Renaissance Humanism, and Platonic Traditions* by Denis Robichaud in *International Philosophical Quarterly*, 58.3 (September 2018): 350 – 352; and a review of *Friedrich Nietzsche and European Nihilism* by Paul van Tongeren in *International Philosophical Quarterly*, 58.4 (December 2018): 455 – 457.

- **R. Mary Lemmons, Ph.D.** (Philosophy, University of St. Thomas, MN) became an issue editor specializing in Thomistic personalism for *Studia Gilsoniana* 7:3 (July-Sept. 2018). Those interested in publishing papers on that topic in future issues should contact her directly at rmlemmons@stthomas.edu.
- **Kevin Miller, Ph.D.** (Theology, Franciscan University) gave a lecture titled “*Discerning the Transmission of Human Life: What are Serious Reasons*” at a conference at Marquette University in honor of the fiftieth anniversary of *Humanae Vitae*.
- **Richard Stith, J.D., Ph.D.** (Law, Valparaiso University) published “Making Death Easier Makes Life Harder” in *News Weekly*, 3032 (3 November 2018): 16.
- **Bernadette Waterman Ward, Ph.D.** (English, University of Dallas) published “Gerard Manley Hopkins and Ruskin’s Idea of the Christian Artist” in *Religion and the Arts*, 22.4 (September 2018): 446 – 468.

Upcoming scholarly opportunities

- The **2019 Educational Conference of the Catholic Medical Association**, whose theme will be “Physician, Heal Thyself: Living a Fulfilled Life in Medicine” will take place in Nashville, TN from September 26 – 29, 2019.
- The Catholic Medical Association will also host its **Medical Resident and Student Boot**

Camp from June 9 – 16, 2019, at the University of St. Mary of the Lake in Mundelein, IL.

- The **American Association of Pro-Life Obstetricians and Gynecologists** will cohost, with the **American College of Pediatricians**, a **conference** from April 5 – 7, 2019 at Marquette University, Indianapolis, IN.

On Campus

- The twentieth annual **Cardinal O’Connor Conference on Life** will take place at Georgetown University on Saturday, January 19, 2019. Registration information is [here](#).
- **Feminists for Life** is accepting applications from college students for fall, winter, and spring **internships**, including telecommuting internships. To apply, email a resume, phone number, a cover letter explaining the applicant’s beliefs, history with the pro-life and women’s causes (especially Feminists for Life) and sample writing or design (depending on your interest) to info@feministsforlife.org.
- **Family Research Council** is also accepting applications for spring and summer 2019 internships. More information about the
- **40 Days for Life** is offering a **\$4,040 scholarship** to full-time graduate and undergraduate students who are actively involved in defending life.

Book Reviews

UFL Members are invited to submit book reviews for consideration for publication. Please email the editor at provita.editor@gmail.com for more information and to submit a review.

Hippocrates’ Oath and Asclepius’ Snake: The Birth of the Medical Profession. By T. A.

Cavanaugh. New York NY: Oxford University Press, 2018. Pp. 177. \$29.95 cloth.

Reviewed by **Joseph Koterski, S.J., Ph.D.**
(Philosophy, Fordham University)

This fine book examines the often cited (but understudied) Hippocratic Oath. It provides not only a thorough examination of the Greek text of the oath and of the historical context for its formulation but also a profound philosophical reflection on certain moral questions that perennially face the medical profession.

At the core of Cavanaugh's argument is his recognition that medicine should never be reduced to a set of techniques that may be used for any purpose we choose. As a genuine profession, he argues, medicine must be recognized to have an intrinsic code of ethics that governs the uses to which its knowledge and procedures are put. It is for this reason that Hippocrates had physicians swear an Oath whose central provision required them never deliberately to do harm even if they were unable to heal.

As with other arts (those of the orator, for instance, or the law-maker, or the soldier), there are diverse goals that a physician's activities could serve. Only with the recognition that the genuine purpose of medicine is healing comes the sense of the need for professional self-restraint in the use of one's knowledge and techniques. What Hippocrates's Oath lays down as a precept for the physician is an avoidance of anything that contradicts the purpose of healing. For Hippocrates, the precept at the heart of the Oath is a promise to pursue the care of the body, based on the recognition that death is a harm to the person and should never be induced. For Cavanaugh, it is clear that one cannot care for someone by deliberately destroying the one entrusted to one's care, even at the patient's request.

Genetic Ethics: An Introduction by Colin Farrelly.
Malden MA: Polity Press, 2018. Pp. 207. Paper.

Reviewed by **Joseph Koterski, S.J., Ph.D.**
(Philosophy, Fordham University)

The problem with the idea of eugenics proposed in the first half of the twentieth century was not simply its racism. But one would not know that from this book, innocuously titled *Genetic*

Ethics: An Introduction. Charmingly written, this volume needs to be recognized for what it is – an effort to present the idea of eugenics as an enlightened moral position that can be justified for its service in promoting such goals as “equality of opportunity” and “reproductive freedom.” By repudiating the racism that tinged previous applications of eugenics, Colin Farrelly hopes to rehabilitate what ought to strike us as an approach to morality that was rightly discredited long ago.

The book's true colors are clear from its repeated invocation of Bertrand Russell's definition of eugenics as “the attempt to improve the biological character of a breed by deliberate methods adopted to that end.” The original text being quoted here is from Russell's essay on “Eugenics” in his notorious *Marriage and Morals* (New York: Loversight, 1929), pp. 254-73. Farrelly holds that this definition permits him to claim that eugenic aspirations may be “morally defensible, even morally obligatory” when they pursue “empirically sound” aims like the promotion of health and when they treat all persons as free and equal (22). It is regrettable to find in the text no worries about the way in which just such language quickly devolved into forced programs of sterilization and euthanasia in what were thought to be highly rational and enlightened cultures.

There is yet another level at which this book strikes me as questionable, if not pernicious. The author claims to have a novel approach to these bioethical topics by presenting “an original virtue ethics framework” for the assessment of the genetic revolution.

Rather than making any significant argument about what human nature really requires for the happiness of individuals and of societies, Farrelly employs again his predilection for Russell's eugenic ideal by constructing a spectrum of possible stances on the question of one's willingness to use genetic technology. It is no surprise that the enlightened stance of this new form of eugenics stands as the virtuous mean, but it is hard to see how devising clever names for straw-man opponents constitutes a worthy argument.

Legal realities

Richard S. Myers, J.D. (Professor of Law at Ave Maria School of Law, UFL Vice-President) provides a brief overview of significant legal developments since the last issue of ProVita.

The most important legal development in recent months concerns the changing composition of the United States Supreme Court. On October 6, 2018, the Senate (by a 50-48 vote) confirmed Brett Kavanaugh's nomination to replace Anthony Kennedy on the Court. Kennedy has long been a swing vote on the Court. It appeared that the Court might overrule *Roe v. Wade* in 1992, but Justice Kennedy changed his position and the Court reaffirmed *Roe* in *Planned Parenthood v. Casey*. One noted commentator has called *Casey* “the worst constitutional decision of all time.”

Kennedy's pivotal position on the Court was the main reason why the nomination of Brett Kavanaugh proved so contentious. With Kavanaugh's confirmation, there appear to be five solid “conservatives” on the Court—Chief Justice Roberts and Justices Thomas, Alito, Gorsuch, and Kavanaugh. These Justices seem far less likely to “create” new constitutional rights such as the right to abortion or sexual autonomy or same-sex marriage. As a recent essay by John Yoo and James Phillips noted, “with Justice Kennedy's retirement...the era of constitutional mysticism has come to a close.”

There has been much speculation that the newly constituted Court will overrule *Roe v. Wade* and *Planned Parenthood v. Casey*. Yoo and Phillips contend that “Kavanaugh's appointment should establish a 5-4 majority to end the regime of *Roe*.” Some think that the Court may avoid an outright rejection of *Roe* and *Casey* but will continue to chip away at the right to an abortion and give states far more freedom to restrict the availability of abortion.

There are a number of cases that could soon give the Court an opportunity to limit or overrule *Roe* and *Casey*. Earlier this year, on April 19, 2018, the United States Court of Appeals for the Seventh Circuit affirmed a decision from a federal district court judge invalidating provisions of Indiana's abortion law. The provisions banned abortion when the person performing the abortion knows the woman is seeking an abortion due to disability, sex,

or race. The court invalidated another provision that required that the remains of aborted babies be disposed of in a dignified manner. On September 5, 2018, a federal court in Texas held unconstitutional a similar Texas law that regulated the disposition of fetal remains. On October 12, 2018, the state of Indiana asked the United States Supreme Court to review the Seventh Circuit's decision; the Court won't decide whether to hear the Indiana case for several months.

Other significant lower court cases from the last few months that could provide the Court with an opportunity to reconsider *Roe* and *Casey* include *Miller v. West Alabama Women's Center*, which involves the constitutionality of Alabama's ban on dismemberment abortions, *June Medical Services L.L.C. v. Gee*, which involves the constitutionality of a Louisiana statute requiring that abortion providers have admitting privileges at local hospitals, and *Comprehensive Health of Planned Parenthood Great Plains v. Hawley*, which involves the constitutionality of a Missouri law requiring that abortion providers have admitting privileges at local hospitals and that abortion facilities meet the standards for ambulatory surgical centers. In *Miller*, the United States Court of Appeals for the Eleventh Circuit invalidated the Alabama law. Notably one of the judges, Judge Dubina, took the opportunity to write a separate concurrence noting his view that *Roe* and *Casey* have no basis in the Constitution. In early November, the Alabama Attorney General, Steve Marshall, announced that he would ask the Supreme Court to review the Eleventh Circuit's decision. In *June Medical Services*, the United States Court of Appeals for the Fifth Circuit upheld the constitutionality of the Louisiana admitting privileges law and in so doing distinguished the Supreme Court's 2016 decision in *Whole Woman's Health v. Hellerstedt*, which struck down Texas's admitting privileges law and Texas's requirement that abortion facilities meet the standards for “ambulatory surgical centers.” In *Comprehensive Health*, the United States Court of Appeals for the Eighth Circuit reversed a lower court decision that enjoined enforcement of a Missouri abortion law even though that law is similar to the portions of the Texas law invalidated in *Whole Woman's Health*.

There are also cases pending before the Court involving the constitutionality of state efforts to defund *Planned Parenthood*. On December 10,

2018, the United States Supreme Court [declined to hear cases involving efforts to defund Planned Parenthood](#). Three Justices (Thomas, Alito, and Gorsuch) dissented from the denial of review. Although the cases did not deal with abortion directly, the Court's decision not to hear the cases may indicate that the Court might try to avoid cases with sensitive political implications for some period of time.

On October 19, 2018, the Alabama Supreme Court issued [an important ruling in a case dealing with the state's unborn victim of violence statute](#). Such statutes treat unborn children as "persons." As a result, acts that take the life of unborn children are treated as separate crimes. Under Alabama's statute, a person who kills a pregnant woman and her unborn child would be guilty of a double murder, and in Alabama that would mean that the murderer would be eligible for the death penalty. In *Phillips v. Alabama*, the Court rejected Phillips's argument that the state could not treat the unborn as "persons." In a concurring opinion, Justice Parker again urged the United States Supreme Court to overturn *Roe v. Wade*. Here is a quote from Justice Parker's opinion: "I concur fully with the Court's rationale that unborn children are persons entitled to the full and equal protection of the law. I write specially to expound upon the principles presented in the main opinion and to note the continued legal anomaly and logical fallacy that is *Roe v. Wade*, 410 U.S. 113 (1973); I urge the United States Supreme Court to overrule this increasingly isolated exception to the rights of unborn children."

On November 7, 2018, [the Trump Administration released final rules protecting conscience rights in health insurance](#). This is the latest development in a long running saga that goes back to the Obama Administration's regulations that required health plans and insurers to cover all FDA-approved contraceptive methods (including methods that many view as abortifacients) and sterilization procedures. Those with conscientious objections to these requirements have challenged these mandates. These challenges led to the Supreme Court's decision in the *Hobby Lobby* case. The controversy has continued and the Trump Administration has now issued final rules addressing the issue. One rule

provides an exemption to entities that object on the basis of sincerely held religious beliefs. The other rule extends the exemption to nonprofits and small businesses that have non-religious moral objections to covering certain services. The final rules will take effect in January 2019.

A Scholar's Analysis

Christopher Kaczor, Ph.D. (*Professor of Philosophy at Loyola Marymount University at Los Angeles, Consultant to the United States Conference of Catholic Bishops*) engages recent scholarship on life issues. A longer version of this article appears in *National Catholic Bioethics Quarterly*.

In his *Medical Law Review* essay, "Beyond Pragmatism: Defending the 'Bright Line' of Birth," Achas K. Burin makes a case that an infant but not a late term prenatal human being is a person.¹ His contribution is distinctive in drawing on currents of thought seldom found together namely, analytic philosophers like Robert Nozick, continental philosophers like Martin Heidegger and Merleau-Ponty, and contemporary scientists of human physiology. Burin seeks to refute the claim that birth is just a matter of location and the claim that there is no medical basis for holding that "birth is an appropriate point on the spectrum of human development at which to attribute personhood."² On Burin's view, the physical changes, neurobehavioral changes, and social changes of birth mark a bright line separating human persons from human non-persons. He augments this case by appealing also to the significance of expressing sentience in the outside world. Each part of his cumulative case merits consideration.

Do the physical changes that take place upon birth shift the prenatal human being into a postnatal person? In answering yes to this question, Burin provides a lengthy description of the physiological changes that take place at birth:

¹ Achas K. Burin, "Beyond Pragmatism: Defending the 'Bright Line' of Birth" *Medical Law Review*, Vol. 22, No.

4, (December 2014) pp. 494–525. doi: 10.1093/medlaw/fwu017

² Burin, "Beyond Pragmatism," 500.

With hormonal support, the lungs inflate, circulation is redirected, and the digestive system becomes active. There are also profound changes in hormonal function, metabolism, and temperature regulation. The lungs are emptied of foetal fluid and lubricants secreted to facilitate expansion so breathing can begin. (In the absence of abnormality, both very preterm and term infants will begin breathing without intervention.) The volume of blood pumped from the heart nearly doubles. There are also major structural changes to the circulatory system. Before birth, oxygen is supplied by the placenta, so blood flows from the right to left atrium of the heart without passing the lungs. Following birth, the ducts that enabled this to happen close permanently.³

It is clear that significant *physical* changes take place at birth. What is not clear is the *moral* significance of any of these changes. For example, suppose that further testing found that the volume of blood pumped from the heart does not nearly double but remains the same. Would this partially weaken the case for newborn personhood? If it were found that the volume of blood pumped from the heart were cut at half at birth, would this further weaken newborn personhood? It is hard to see why it would. The same is true of all the physical characteristics noted by Burin. It is not clear how the *moral* concept of personhood is related to the *physical* property of hormonal function, metabolism, or temperature regulation. Burin's article does not establish a connection.

Let's suppose for the sake of argument that these physical changes blood volume, hormonal function, metabolism, and temperature regulation do have the momentous moral significance that Burin asserts. These physical changes occur not just in the birth of human beings but also in the birth of dogs, cats, and other mammals. So, if these physical changes are in themselves so morally significant, then they must also change the moral status of all mammals that are born. Every (born) rat has a right to life. This is hard to believe.

³ Burin, "Beyond Pragmatism" 501, notes removed from text.

⁴ Burin, "Beyond Pragmatism" 502.

In addition to appealing to physical changes, Burin also points to neurobehavioral changes that differentiate newborns from late term human beings in utero. For example, newborn babies sleep less (sleeping approximately 64% of the time) than children just prior to being born (sleeping approximately 86% of the time).

The connection of sleep to personhood is tenuous. Some elderly adults sleep more than 86% of the time, but we do not consider them non-persons. Imagine an individual who slept for 24 hours a day, every day of the month but one. On that one waking day, the individual was a whirlwind of activity—performing brain surgery in the morning, composing Nobel Prize winning poetry in the afternoon, and playing first violin in the Vienna Philharmonic Orchestra at night. Then she goes back to sleep for a month. Is she not a person?

Burin proposes another way to differentiate the prenatal non-person with the natal person. Prior to being born, the human being cannot interact with the external world. Upon birth, this interaction becomes possible and shapes the neural plasticity of the child. Burin writes, "neurobehavioral functioning requires the extrauterine context is 'developmental plasticity', the adaptation of the brain in response to sensory input. Certain types of stimuli are necessary for normal growth."⁴ So, on Burin's view, the psychological changes at birth make learning possible and thereby actualize personhood.

In fact, however, human learning begins prior to birth. Prenatal human beings exhibit adaptation of the brain in response to sensory input. Having learned the distinctive sound in utero, even prematurely born babies recognize the voice of their mothers.⁵ Not just hearing, but also the senses of sight and touch are active prior to birth. So, adaptation of the brain in response to sensory input does not differentiate a newborn from a late term prenatal human being.

Having examined physical changes and neurobehavioral changes, Burin appeals to, "the third aspect of the postnatal situation to emphasize is social association. The infant and adult engage with each other and with the world of objects. Accomplishing intentional action depends on establishing intersubjective relationships, as

⁵ Chorna, Olena D., et al. "A Pacifier-Activated Music Player with Mother's Voice Improves Oral Feeding in Preterm Infants." *Pediatrics* 133.3 (2014): 462-68.

meaning is created in conjunction with others.”⁶ So, on this view, the newborn who can socialize (to a limited degree) has personhood but the late term prenatal human being who cannot socialize does not have personhood.

Although social interaction increases after birth, social interaction can be established prior to birth. Fetal hearing of voices, fetal response to touch, and fetal sensitivity to light, all indicate a prenatal interaction with the social environment. In the case of twins, it is even easier to see the social interactions of the unborn. As Janelle Weaver notes her in article, “Social before Birth: Twins First Interact with Each Other as Fetuses”:

Researchers at the University of Turin and the University of Parma in Italy used ultrasonography, a technique for imaging internal body structures, to track the motion of five pairs of twin fetuses in daily 20-minute sessions. As published in the October PLoS ONE, the scientists found that fetuses begin reaching toward their neighbors by the 14th week of gestation. Over the following weeks they reduced the number of movements toward themselves and instead reached more frequently toward their counterparts. By the 18th week they spent more time contacting their partners than themselves or the walls of the uterus. Almost 30 percent of their movements were directed toward their prenatal companions. These movements, such as stroking the head or back, lasted longer and were more accurate than self-directed actions, such as touching their own eyes or mouth. The results suggest that twin fetuses are aware of their counterparts in the womb, that they prefer to interact with them, and that they respond to them in special ways. Contact between them appeared to be planned—not an

accidental outcome of spatial proximity, says study co-author Cristina Becchio of Turin.⁷

Twins in utero exhibit awareness, interaction, and social interaction. Do these twins have a right to life but otherwise similar singleton human beings in utero of the same age do not? If Burin’s reasoning were correct, we would be led to the odd conclusion that a human being’s moral status hinges upon whether he or she has a monoamniotic twin sibling. Late-term abortion of twins destroys beings with moral worth (since the twins are socially responsive), but late-term abortion of an otherwise identical singleton does not (since no opportunity for social interaction of the required kind was present). But it is absurd to believe that whether a human being is a twin has any bearing on whether a human being has a right to live. In sum, Burin’s appeal to the physiological changes, neurobehavior changes, and social association that occur upon birth does not establish the moral significance of birth.

In its second half, Burin’s article moves beyond the medical facts to include a moral case for birth as the ‘bright line’ differentiating human persons from human non-persons. According to Burin, the potential person of the fetus becomes an actual person of the newborn via contact with the external world. Contact with the external world is necessary for us to be persons. Indeed, a person who was put into Nozick’s “experience machine” for long enough would cease to be a person since deprived of the experiences that are necessary to remain a person.⁸

How could an advocate for the equal rights for all human beings respond? If engagement with the world and knowledge of it is necessary to makes us persons, then the newborn is not a person, for a newborn has no knowledge but mere sense experiences. But if mere sense experience is sufficient for becoming a person, then the human being prior to birth (who can hear, touch, and see)

⁶ Burin, “Beyond Pragmatism” 503.

⁷ Janelle Weaver, “Social before Birth: Twins First Interact with Each Other as Fetuses: Twins Interact Purposefully in the Womb.” *Scientific American* (2013), <http://www.scientificamerican.com/article.cfm?id=social-before-birth>

⁸ The philosopher Robert Nozick in his 1974 book *Anarchy, State, and Utopia* imagined an experience machine which could provide us with any pleasurable

experience we would like. He notes that no one would choose to enter into such a machine which indicates that we want more than just pleasurable experiences. But if we want more than just pleasurable experiences, then the fundamental thesis of hedonism that the only thing that we really want is pleasurable experiences is mistaken. Independently of Nozick, Germain Grizez made the same point in *Beyond the New Morality* (1974).

also counts as a person. Indeed, a typical human beings waiting to be born has greater sense experience in terms of hearing and seeing than a newborn infant who is blind and deaf. So, even appeal to greater sense experience does not differentiate all prenatal human beings from all postnatal human beings.

Finally, in speaking of “enriching personhood” and “dwindling personhood,” Burin appears to be operating with a scalar account of personhood in which one could be more or less a person. But personhood is better understood as binary rather than scalar. An individual either has basic rights or does not. An individual either is an end-in-itself or is not. An individual either has intrinsic value or does not. If a person is not just instrumentally but intrinsically valuable, if person’s well-being counts as an ultimate reason for action, then as Sherif Girgis points out, personhood is not scalar but binary concept.⁹

Moreover, Burin has provided no good argument to think that persons must be conscious. But even if he had done so, this would not establish but rather contradict his thesis that birth is the bright line. At least some newborn babies are born not conscious, and an unconscious individual has no consciousness of the external world. If consciousness of the external world is necessary for personhood to begin, then these unconscious *born* infants are not persons. For these unconscious

babies, birth is irrelevant for their personhood. So, if Burin’s argument is right that consciousness is necessary for personhood, then Burin’s argument is wrong that birth is the bright line separating all persons from all non-persons.

In fact, Burin has given us no good reason to believe that birth is a bright line distinguishing a human person from a human non-person. The bright line of birth is not so bright.

Please begin to think about items for next issue, which will come out over the fall. We need

- Notices of member’s publications, presentations and other activities,
- Calls for papers and notices of upcoming conferences.
- Citations of relevant significant research in any discipline, whether from a pro-life perspective, neutral, or the opposing perspective.
- Useful online and print resources.
- Reviews of promising prolife publications.

Please submit all contributions for the Winter/Spring 2019 issue by April 1st. Any contributions should be sent to provita.editor@gmail.com.

Web Resources for research and education

<p><i>Life and Learning</i> The Journal of the University Faculty for Life</p>	<p>http://uffl.org/pastproceedings.html</p>
<p>UFL Blog</p>	<p>http://www.uffl.org/blog/</p>

⁹ Sherif Girgis, “Equality and Moral Worth in Natural Law Ethics and Beyond,” *American Journal of*

Jurisprudence 59.2 (2014): 143–162.

Member web pages and blogs

Please forward any other member's web pages to provitanews@yahoo.com.

Beckwith, Francis	http://www.patheos.com/blogs/returntorome/	
Colosi, Peter	http://peterjcolosi.com/	
Lemmons, Rose Mary Hayden	http://courseweb.stthomas.edu/rmlemmons/	
Smith, Janet E.	http://www.janetesmith.org/	
Bachiochi, Erika	http://bachiochi.com/erika/	

Conferences

Cardinal O'Connor Conference on Life	http://www.oconnorconference.com/home/	Co-sponsored by UFL. Held in conjunction with the annual March for Life in January.
Notre Dame Center for Ethics and Culture Fall Conference	http://ethicscenter.nd.edu/programs/fall-conference-videos	Held in November
Prolife World Congress	http://www.prolifeworldcongress.org/	The most recent Congress took place in Guatemala in October 2016. The site is in Spanish.

Online resources

Academia.edu	https://www.academia.edu/	A place to share research.
--------------	---	----------------------------

<p>Bad Cripple Blog: A Resource for Pro-lifers</p>	<p>http://www.badcripple.blogspot.com</p>	<p>A blog written by William Peace, Ph.D., who advocates for the rights of the disabled.</p>
<p>Before Roe v. Wade: Voices that Shaped the Abortion Debate Before the Supreme Court's Ruling (2d edition, 2012)</p>	<p>http://documents.law.yale.edu/before-roe</p>	<p>“In this ground-breaking book, Linda Greenhouse, a Pulitzer Prize-winning journalist who covered the Supreme Court for 30 years for The New York Times, and Reva Siegel, a renowned professor at Yale Law School, collect documents illustrating cultural, political, and legal forces that helped shape the Supreme Court’s decision and the meanings it would come to have over time.”</p>
<p>Culture of Life Foundation</p>	<p>http://www.cultureoflife.org/</p>	<p>Complex moral issues made simple</p>
<p>Global Health and Human Rights Database</p>	<p>http://www.globalhealthrights.org/</p>	<p>“The Global Health and Human Rights Database is a free online database of law from around the world relating to health and human rights. Developed by Lawyers Collective and the O’Neill Institute for National and Global Health Law at Georgetown University, in collaboration with a worldwide network of civil society partners, the database offers an interactive, searchable, and fully indexed website of case law, national constitutions and international instruments.”</p>
<p>Human Life International Truth and Charity</p>	<p>http://www.truthandcharityforum.org/</p>	<p>“The <i>Truth and Charity Forum</i> is an online publication of Human Life International (HLI), dedicated exclusively to the sacredness and gift of all human life, the mission and vocation of the family, and the right to live in accord with our Catholic faith.”</p>
<p>Mirror of Justice</p>	<p>http://mirrorofjustice.blogs.com/</p>	<p>A blog dedicated to the development of Catholic legal theory.</p>
<p>Social Science Research Network (SSRN)</p>	<p>http://ssrn.com/en/</p>	<p>SSRN (the Social Science Research Network). “Our vision was (and still is) to enable scholars to share and distribute their research worldwide, long before their papers work their way through the multi-year journal refereeing and publication process.”</p>

USCCB Human Life and Dignity web page	http://usccb.org/issues-and-action/human-life-and-dignity/index.cfm	United States Conference of Catholic Bishops
Witherspoon Institute Public Discourse	http://www.thepublicdiscourse.com/	Public Discourse is an online publication of the Witherspoon Institute that seeks to enhance the public understanding of the moral foundations of free societies by making the scholarship of the fellows and affiliated scholars of the Institute available and accessible to a general audience.
World Expert Consortium for Abortion Research and Education	http://www.wecareexperts.org/	International research collaboration, Scientific information dissemination, Professional education, Consultation, Expert testimony, Program evaluation, Grant writing
Journals and online publications		
Charlotte Lozier Institute (Susan B. Anthony List)	http://www.lozierinstitute.org/	The education and research arm of the Susan B. Anthony List
Ethika Politika	http://ethikapolitika.org/	Ethika Politika is a publication of the Center for Morality in Public Life. Its purpose is to put the search for wisdom at the service of good practical decisions, and to engage contemporary ethical and cultural issues from an elevated yet common sense perspective.
Human Life Review	http://www.humanlifereview.com/	
Linacre Quarterly	http://cathmed.org/issues_resources/linacre_quarterly/	Journal of the Catholic Medical Association.
Post-Abortion Review	http://www.theunchoice.com/pblresearch.htm	“Documents abortion's injustice and harm to women”
Organizations		
Bioethics defense fund	http://www.bdfund.org/	Bioethics Defense Fund (BDF) is a public-interest law firm whose mission is to advocate for the human

		<p>right to life via litigation, legislation and public education.</p> <p>BDF provides legal expertise and public education on the issues of healthcare rights of conscience, abortion and its impact on women, human cloning/destructive human embryo research, and end of life issues including physician-assisted suicide and healthcare rationing.</p>
Catholic Medical Association	http://cathmed.org/	
Center for Bioethics and Human Dignity	http://cbhd.org/	<p>“The Center for Bioethics & Human Dignity explores the nexus of biomedicine, biotechnology, and our common humanity. Within a Judeo-Christian Hippocratic framework, we anticipate, interpret, and engage the pressing bioethical issues of our day. As a center of rigorous research, theological and conceptual analysis, charitable critique, and thoughtful engagement, we bring clarity to the complex issues of our day.”</p>
Feminists for Life	http://www.feministsforlife.org/	
Healing the Culture	http://healingtheculture.com/	Promotes the Life Principles of UFL co-founder Robert J. Spitzer, SJ.
The International Center on Law, Life, Faith and Family (ICOLF)	http://icolf.org/	<p>“The International Center on Law, Life, Faith and Family (ICOLF) was established with a view to producing, compiling and providing a broad range of resources and materials for a number of interested parties working on “Law, life, faith and family” issues on the national, regional and international levels.”</p>
National Catholic Bioethics Center	http://www.ncbcenter.org/	Publishes the <i>National Catholic Bioethics Quarterly</i>
Prolife Center at the University of St. Thomas	http://www.stthomas.edu/law/academics/prolifecenter/	Founded and headed by UFL member Teresa Collett to defend the sanctity of human life by training law students and lawyers, by assisting

		government officials in drafting, passing and defending prolife laws, and developing the necessary legal scholarship necessary to create a culture of life.
Society of Catholic Social Scientists	http://catholicsocialscientists.org/Content/Organization/	
News		
Bioedge	http://www.bioedge.org/	Bioethics News around the world
National Right to Life News	http://www.nationalrighttolifenews.org/news/#.Sp5dWSo	
LifeNews.com	http://www.lifenews.com/	
LifeSiteNews	http://www.lifesitenews.com/	
Anti-life resources		
Guttmacher Institute	http://www.guttmacher.org/	Research arm of Planned Parenthood Federation. Guttmacher Policy Review Perspectives on Sexual and Reproductive Health. International Perspectives on Sexual and Reproductive Health
RH Reality Check	http://rhrealitycheck.org/	Reproductive and Sexual Health and Justice News, Analysis and Commentary

Masthead

Publisher [University Faculty for Life](#)
 Editor [Margaret I. Hughes, Ph.D.](#)
 Columnists [Richard Myers, J.D.](#); [Christopher Kaczor, Ph.D.](#)
 Web Support [Stephen Feher of the Ridgefield Group](#)

Pro Vita is the quarterly online newsletter of the [University Faculty for Life](#). Its purpose is to promote research, dialogue and publication by faculty who respect the value of human life from inception to natural death, especially focusing on abortion, euthanasia, and infanticide. More information about UFL can be found on our web site at uffl.org. Editorial correspondence can be sent to the editor at provita.editor@gmail.com.