

WHEN DID WE BECOME A BARBARIC NATION?

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At the very end of the 1961 movie *Judgement at Nuremberg* condemned German judge Hans Rolfe, played by Maximilian Schell, asks to speak privately from his cell with American Judge Dan Haywood, played by Spencer Tracy.¹ With a look of genuine bewilderment on his face Rolfe who before the war was a highly respected judge in Germany asks Haywood who considers himself a simple country lawyer the following question: “Where did I go wrong?” Haywood answers simply: “When you first sentenced to death a man you knew to be innocent.”

After a year of murder and mayhem across the United States, punctuated by a summer of burning, looting, and rioting, Rolfe’s question is being raised again all across a terribly divided America: Where did we go wrong? What is happening to our republic and constitution? Haywood’s answer comes to mind: When we first killed a human being who we knew to be innocent. The date was January 22, 1973. The place was Washington, DC. The U.S. Supreme Court ruling in *Roe v. Wade*. The issue was abortion on demand.

The Court's decision legalizing abortion on demand until the moment of birth excluded one group of human beings from personhood.

The Constitution does not define ‘person’ in so many words. Section 1 of the Fourteenth Amendment contains three references to ‘person.’ The first, in defining ‘citizens,’ speaks of ‘persons born or naturalized in the United States.’ The word also appears both in the Due Process Clause and in the Equal Protection Clause. ‘Person’ is used in other places in the Constitution... But in nearly all these instances, the use of the word is such that it has application only postnatally. None indicates, with any assurance, that it has possible prenatal application (*Roe v. Wade* 1973a, §87).

All this, together with our observation, *supra*, that throughout the major portion of the 19th century prevailing legal abortion practices were far freer than they are today, persuades us that the word ‘person,’ as used in the Fourteenth Amendment, does not include the unborn (*Roe v. Wade* 1973a, §88).

That decision created a special class of nonpersons inferior, in the eyes of the Court, to all other human beings. In their dissent Justices William Rehnquist and Byron White described the majority ruling as an “exercise in raw judicial power” and added that the decision “is an improvident and extravagant exercise of the power of judicial review that the Constitution extends to this Court” (*Roe v. Wade* 1973b).

The very arbitrariness of the Court's argument insured that the conflict between the rights of the pregnant woman and the rights of the unborn baby would remain unsettled for years. In a moral

¹ Though the characters played by Schell and Tracy are fictionalized, they are based on fact.

and legal sense the conflict is between mother and baby. In a social and political context this conflict has produced a division between persons who support the mother's right to choose and those who advocate the baby's right to live. This division has become even deeper over the past 48 years.

EARLY RECORD, AXIS OF TENSION, HIPPOCRATIC OATH

The Center for Disease Control reported that in 1970 there were 193,491 abortions in those states where abortion was legal prior to *Roe v. Wade*. The CDC reported that in 1980 the number of abortions across the entire United States had climbed to 1,297,606.² For sure, the abortion procedure is a private matter involving only three parties – mother, baby, and abortionist -- and is carried out in a strictly private setting. Even so, the Court's decision had profound effects on the millions of Americans who joined forces to establish right-to-life organizations with a general agenda to educate the public and reverse *Roe v. Wade*. Others of like mind began opening emergency pregnancy centers, picketing abortion clinics, and organizing the first *March for Life* in Washington D.C. on the first anniversary of the Court's decision. The institutions impacted by abortion include the family, the school, the state, the church, and the armed forces.

Virtually everyone in the 1970s, whether pro-life or pro-choice, knew at least instinctively that the Court in *Roe v. Wade* triggered an increase in stress among persons who embrace the sacred dignity of all human beings including the unborn grounded significantly in their religious convictions, and between them and secularists who argue that the unborn is not a person has no constitutional rights and may be terminated by a pregnant woman for reasons that are strictly private. We refer to this dual channel of stress as occurring along the sacred/secular axis of tension.³

Not very long after *Roe v. Wade* the tenets in the Hippocratic Oath which expressly prohibited the taking human life by abortion were challenged and then dropped to accommodate legal abortion across the United States.⁴ Instead of the law representing a codification of time-honored ethical standards, those standards were brought in line with *Roe v. Wade*.

² The annual number of abortions continued well above one million every year until the late 1990s when the CDC reporting areas were reduced from 52 nationwide to 48. See CDC 2019.

³ In addition to sacred/secular axis of tension, there are three others: objective/subjective, individual/group, and absolute/relative. There is more on them later in this report.

⁴ The traditional version of the Hippocratic Oath contains the following pledge. "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly, I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art."

This pledge has been removed from the modern version and replaced by the following. "Most especially must I tread with care in matters of life and death. If it is given to me to save life, all thanks. But it may also be within my power

If physicians can be persuaded to abandon parts of a code of ethics that is centuries old, why should others in less esteemed professions continue to stand by theirs on this compelling question? Notice how some in elected public office straddle the fence on abortion. They support *Roe v. Wade* in public but insist that they reject the decision in private. They are, in other words, divided selves on the question.

The division between the right to choose and the right to live cannot be resolved through moderation because there is no middle ground between the two opposing rights. This division intensified during the 1970s and was one of the important issues in the 1980 Presidential and Congressional elections.

SUPPRESSED EFFECTS OF ABORTION

Even though hundreds of thousands of unborn babies continue to be aborted every year, the tension along the sacred/secular axis has been suppressed largely because many of those who early on protested *Roe v. Wade* have been compromised by a crisis pregnancy in their own families which was managed quietly by resort to abortion. The media from time to time calls attention to the acceptance of abortion by Catholics and other Christians. The Pew Center reported that 51 percent of Catholics in 2018 accepted abortion in all or most cases (PRC 2018a). A study conducted by Pew Center four years earlier found that 48 percent of Catholics held that position. However, the 2014 study revealed that among Catholics who participated in prayer, scripture study or religious education groups at least once a week only 12 percent accepted abortion in all or most cases (PRC 2014).

For years, the debate on the abortion question aroused little concern in the public square with the possible exception when a candidate who is thought to favor reversing *Roe v. Wade* is nominated for a seat on the Supreme Court. More recently, states across the nation have sought to tighten regulation of abortion clinics though quite often their efforts have been undone in the lower courts.

So why has the early impact of abortion on demand in the 1970s essentially disappeared from view? Our simple answer is that abortion is readily accepted because so many millions of women and their families have used abortion to cope with an unwanted pregnancy. The sacred/secular tension has been suppressed by those who used to affirm the sacred dignity of all human life including the life of the unborn baby but have been compromised into accepting abortion as the

to take life; this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play at God.” See Tyson 2001.

price for protecting a pregnant member of the family from what the family elders consider disgraceful.

Nevertheless, abortion has had lasting effects on many of the women who have undergone the procedure. Twenty-five years after *Roe v. Wade*, Reardon reported that women who had an abortion were at risk for a range of stressful effects including sexual dysfunction, alcohol and drug abuse, suicidal ideation, divorce and chronic relational problems, and post-traumatic stress disorder (Reardon 1997, n.p.). Several years later, Coleman reported in her review of the literature that women who aborted their babies are at higher risk for mood disorder, social phobia, suicidal ideation, and substance abuse (Coleman 2011, n.p.). More recently, in a 13-year national longitudinal study involving 8005 women in the United States, Sullins estimated that the risk of mental disorder among women who had an abortion was elevated by 45 percent compared to a 24 percent elevated risk for women experiencing a loss of pregnancy (Sullins 2016, p. 1). In that study Sullins debunked the notion that abortion has no lasting effects and asserted that the association between abortion and mental disorder is “not merely contingent, but indeed causal” (Sullins 2016, p. 8).⁵

HUMAN LIFE TAKEN INTENTIONALLY IS THE ANSWER

A tension similar to the sacred/secular type has emerged through other manifestations of the dehumanization of human beings principally by intentional killing as the answer to other apparently irreconcilable differences and conflicts. Death is the answer for terminal illness. For a life devoid of meaning. For dealing drugs. For a deformed newborn. For a failed marriage, a broken love affair. For belonging to a rival gang. For angry words exchanged in traffic. For disrespecting. For a pair of sneakers.

Murder-suicide, drive-by-shootings, mercy killing, slow death by drug and alcohol abuse, collateral damage of vicious regional wars, infanticide, physician-assisted suicide, street gang turf battles, not to mention human trafficking and child abuse. The terrorist bombings that claim the lives of the innocent in the name of twisted religious beliefs are particularly pernicious. The terrorists justify taking human life by asserting that they have a sacred duty to kill anyone who is a nonbeliever, an infidel. Human life is expendable when it serves some perceived greater good.

Francine Hughes, after years of abuse, burned her live-in ex-husband to death with gasoline in 1977. Her story was retold sympathetically in the TV movie *The Burning Bed*. In 1985 Roswell Gilbert shot to death his wife stricken with osteoporosis, arthritis, and Alzheimer’s disease. This killing became a watershed moment in the right-to-die movement.

⁵ For more on the effects of abortion see MacGill 2018.

DESTROYING LIFE, TREATING DISEASE, CREATING LIFE

Basic science research, along with clinical experience, indicates that transplanting human stem cells has the potential for effectively treating a wide range of human diseases and debilitating conditions. Thus, the promise that continued research efforts will lead to even greater progress, and the corresponding need for more stem cells including embryonic stem cells. Stem cells from embryos are highly valued because, unlike cells from other sources such as umbilical cord blood, they can become all types of human cells. The downside is that compared to stem cells from other sources the risk of rejection following transplantation seems to be greater with embryonic stem cells (NIH 2019, n.p.).

Embryonic stem cells are obtained from human eggs which are fertilized in an *in vitro* fertilization clinic (Mayo Clinic 2019, n.p.) but are not implanted in the uterus. In 2009 the National Institutes of Health issued guidelines that permit the use of embryonic stem cells from an embryo created in an *in vitro* fertilization clinic only when the embryo *no longer is needed* (Mayo Clinic 2019, n.p.).

The fertilized egg is not a camel or a cabbage. As tiny as it is, the egg most definitely is a *human being*. For some observers the fertilized egg is a *human person* as well, endowed with certain human rights including notably the right to life. For those observers harvesting stem cells from a fertilized embryo is the intentional taking of a human life and following Kant's categorical imperative one must never use one human being for the benefit of another. An ethical restriction on embryonic stem cells, they argue, would affirm and protect the sanctity of all human life, all the while allowing scientific research to continue with stem cells taken from the umbilical cord or other sources.

Stripped to its ethical core, *in vitro* fertilization (IVF) is a process for creating human life in a manufacturing process and as with other manufactured products is subject necessarily to careful quality inspection in order to assure that those who do not measure up are destroyed. And, as everyone in high-tech manufacturing knows, quality control drives quality improvement. With embryos created in a fertility clinic it is possible to design human life according to some biological blueprint that would eliminate certain human defects and diseases. It would be justified in the name of human progress and well-being. Some might describe it as cleaning up the gene pool. As with abortion performed in free-standing clinics or medical centers, IVF is out-of-sight, out-of-mind, and largely out of public awareness. Referring to the process as IVF contributes to keeping it silent.

Once again death is the answer to defective human beings as it once was with Nazi medicine. A new branch of medicine emerges that we might call *manufactrics* which is driven by the same logic as physician-assisted suicide that could be called *terminatrics*. In legal reasoning and

terminology all of this could be permitted on the same argument used in *Roe v. Wade*. Defective human beings are not entitled to the full protection of the law because in the embryonic state they are not human persons in the eyes of the law. Thus, the prohibition on taking their lives that has been in place for centuries need not be upheld.

Whenever human life no longer is regarded as sacred, even when it comes with such serious defects such as spinal bifida or hydrocephalus, human experience teaches that ways will be found to destroy it and to justify the destruction.

TENSION AND THE DIVIDED SELF

A person may be divided between what she professes as good and true in her private life, and what is accepted as good and true in her public life. She rationalizes this dividedness as not wanting to give offense, not wanting to impose her personal values on others. At times she is silent in the face of evils such as the homelessness of the mentally ill, mercy killing, sex trafficking, suicide, prostitution, abortion, and infanticide. At other times, she is outspoken, but does not act.

Whether she realizes it or not, a person may be divided between her material wealth and spiritual poverty. She lives comfortably with what she has, but has no extensive relationship with the Creator. Among Americans 18 years of age and older, 89 percent have income above the official poverty standard, 73 percent are above the 200 percent standard (Census Bureau 2019). In sharp contrast, only 17 percent frequently attend religious services or read the bible (PRC 2018b). It is a truism to observe that with human beings a meaningful relationship is sustained by regular communication. In like manner, a consequential relationship between humans and their Creator depends on frequent communication.

Benedict XVI described spiritual poverty as a human interior that is disoriented and where malaise is a common experience, economic prosperity notwithstanding (Benedict XVI 2007, §2). Years earlier, John Paul II characterized spiritual poverty as a lack of “spiritual nourishment.”

This poverty touches the soul and brings about grave sufferings. The consequences ... are right before our eyes and are often very sad, a life void of meaning. This kind of misery is mostly found in environments where people live in comfort, materially satisfied but without a spiritual orientation (John Paul II 1997, §2).

The divisions within the human self which are associated with the shift from the sacred to the secular are deepened by three other shifts taking place in contemporary American culture: the objective to the subjective, the absolute to the relative, and the individual to the group. The shift along the objective/subjective axis of tension perhaps is best represented today in terms of gender and gender identity. Are we male or female as given at the time of birth? Or are we whatever identity we chose for ourselves?

One example of the dividedness that originates along the absolute/relative axis of tension is clearly visible in the confirmation hearings for a new appointee to the Supreme Court. Is the Constitution a living document to be interpreted relative to modern issues and societal evolution? Or is it to be interpreted according to the original, absolute intent of the framers?

The shift along the individual/group axis of tension can be viewed in terms of the current public discourse on the how to manage economic affairs. Should the economy be organized around a system of markets where individuals are free to make their own choices as to what best meets their needs and satisfies their wants? Or should economic decision-making reside in the hands of the federal government because elected officials and bureaucrats are better positioned and better informed to determine how best to meet human wants and needs?

Just as shifts in the earth's crust produce earthquakes that often are terribly destructive in terms of human lives and property, shifts along the four axes of tension can have profound effects on the family, the school, the state, the church, and the armed forces. The key shift, according to Becker, appears to be along the objective/subjective axis because this shift helps us better understand the others (Becker 1992, pp 353-355). This last insight serves as a warning as to the central importance of the gender identity question. Tension regarding one's most fundamental human identity makes for a divided self.

The sad reality of contemporary American culture is that we have grown accustomed to death and dying by violent means, starting with the unborn and spreading to other human targets including those who are terminally ill, hopeless, or defective. Americans today face and must cope with a new reality that John Paul II years ago discerned and described as a culture of death which has been widely embraced around the world (John Paul 1995, §12 and other sections; §17, and §59).

Today we find ourselves powerless to stop or even understand mass shootings. Time after time we are reduced to call them "senseless". Time after time we call out to public officials to "do something". But those shootings are not senseless. They are partly but importantly the consequence of human beings no longer able to bear the stress that originates with shifts along the four axes of tension. Surrounded and supported by a culture of death, the perpetrators relieve that tension in the own minds quite sensibly. They take the lives of others, often indiscriminately, and then take their own life. Their tension has been removed.

A loving husband kills his terminally ill wife because he no longer can cope with the tension of seeing her suffer. A driver with a criminal record shoots and kills a state trooper who has pulled him over for speeding because he cannot handle the stress of returning to prison. A teenager kills his mother and father because for him family life has become unbearable. The husband, the

convicted felon, the teenager are alike in that all three suffer from the tension of being a divided self.

With more than 60 million unborn babies having been killed since 1973 (US Abortion Clock 2019) and one in four American women having undergone an abortion by age 45 (Editorial Staff 2019, n.p.), what abortion has done is given birth to a culture of death and despair in America. As with an earthquake that follows from the shifting but out-of-sight tectonic plates, the huge shift away from the sacred to the secular associated with abortion which has become routine and effectively out-of-sight has undermined resistance to other more overt forms of killing including mass killings.⁶

The lesson is a very powerful one. We kill more than the unborn through abortion. We kill our own conscience, our own sense of right and wrong. We begin to see the evil of killing as good because it relieves the tension in our divided self. Life is sacred; taking life is evil. When taking one life is perceived as good, taking it on a massive scale will be rationalized in the same way. Bringing a halt to the one is necessary for stopping the other. More gun control laws will not bring an end to the killing because killing is firmly implanted in our culture as a good thing.

We became a barbaric nation when we accepted the Supreme Court's ruling in *Roe v. Wade*. Acceptance was made easy by putting the procedure out-of-sight and therefore out-of-mind. See the parallel to the Holocaust where "good" Germans claimed that they knew nothing about the death camps.

Acceptance of abortion was rationalized on grounds that for many women a pregnancy stood in the way of her personal development and well-being, even women from families with strong convictions regarding the sacred dignity of the unborn child. See again the parallel to Nazi Germany where the Holocaust -- the Final Solution -- was necessary to enhance the development and purification of the German race and nation.

WHERE DID WE GO WRONG?

Where did we go wrong? As with Hans Rolfe's character in *Judgement at Nuremberg*, we went wrong when we accepted *Roe v. Wade* which set in motion the destruction of tens of millions of *innocent* unborn babies. Having rationalized their destruction as good, we have found it much easier to accept the evil of intentional death as good in so many other instances: terminal illness, deformity, life without meaning, failed marriage, turf dispute.

⁶ There are many other signs of human behavior that indicate stress or induce stress. To name just a few -- road rage, air travel, robocalls, public protests, spam, and identity thief. None of them, however, compare to the tragedy of the tension-triggered taking of a human life.

We are a divided nation because in the end we are divided selves. Our self-dividedness is characterized by an *awareness* that we have gone wrong but an *ignorance* as to why we have gone wrong. Until we come to the realization that intentionally killing those who are innocent is intrinsically evil we will remain divided selves and a nation divided. Wasn't it Lincoln who warned us that a nation divided cannot endure?



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