

**ND Response Rally
University of Notre Dame
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Pray for Notre Dame

It is a great honor and privilege for me to speak this morning in this place, in front of this audience and on this occasion. I am speaking as a member of the philosophy faculty at Notre Dame, a faculty that I first joined 41 years ago. I come here today at the invitation of the students of NDResponse, an ad hoc organization of Notre Dame students brought together by their shared sense that the administration of the University of Notre Dame has behaved scandalously in choosing to honor at this year's commencement the most radically pro-choice president in American history. These students feel that honoring President Obama at this place insults the founders of this university, the Catholic moral and intellectual tradition at the heart of this university, and the countless Catholics who have looked to Notre Dame for moral guidance and inspiration.

All of us at Notre Dame owe a special debt to the students of NDResponse who have courageously and creatively defended an intellectual tradition, a moral principle and a great university at a time when all three are threatened by powerful cultural forces. These students will not be honored by the faculty or by the administration at this great university for what they have done. Honors will be given to others this year. They have been patronized and largely ignored, their efforts belittled by administration and faculty alike. Theirs has not been a popular course of action to undertake at this moment in the history of our university or of our country. They are counter-cultural in the truest sense

of that word—the culture is arrayed against them and they have refused to be silenced and to go along with what they correctly and almost alone at this university, perceive to be a great evil. Like the civil rights marchers in the American South with whom I marched in the 1960s, these students claim the privilege of speaking for those whose voices are not heard in our contemporary culture. On this occasion, however, the silenced voices are not disenfranchised members of a racial minority, but the unborn.

A number of powerful cultural forces conspire against the claims of the unborn and the disabled. Chief among these forces are a consumerist culture that reduces children to commodities and marriage to a contract, the technological imperative that inflames our fantasies of shaping and reshaping fundamental features of human life, and an individualism that is frequently indistinguishable from narcissism. The students of NDResponse support real change on these matters—genuinely counter-cultural change with regard to the primary civil rights issue of our day.

The leaders of this university have often claimed the mantle of those who speak truth to power. This phrase will no doubt be spoken more than once in the commencement exercises taking place not far from where we stand this afternoon. In the last few weeks, however, with the proposal to honor President Obama on this campus, those leaders have surely relinquished the right ever to use that phrase again. They should retire it, put it on the shelf. It is the students of NDResponse and those of you who stand with them in this audience today-- and others throughout the country who have supported these students with letters, funds and organizational efforts—it is all of you who have struggled to speak authentic truth to the merciless power of the contemporary culture of death. The mantle of those who speak truth to power is now yours. We

gather here today then, first, to honor these students at Notre Dame who have taught us all so much. They are a beacon attracting us all to the light.

The best way of honoring these students, however, is by honoring their cause. Direct assaults on life, legally permitted and morally accommodated, have become commonplace in our country in the last forty years. And the academic voices at America's leading research universities have been complicit in that attack on life. Leading figures in the world of bioethics and medical ethics who purport to examine the ethics of abortion have overwhelmingly sided with the culture of *Roe v. Wade* in concluding that the abortion issue is a private matter—a matter to be settled by individual women encountering individual health care workers. There are powerful legal protections for the rights of women to choose abortion as there are powerful legal protections for the rights of the conscience of physicians and other health care workers. There are, however, no protections for the third party in this matter—the weakest and most vulnerable party, the unborn child.

President Obama said when asked about his abortion stance at a recent press conference that he thought abortion was “a moral issue.” And so it is. One had the impression, however, that by calling it a moral issue he implied that it was a private issue—an issue to be considered at a distance from the forum of public policy in which he has been such a fierce advocate of justice for the poor, the disadvantaged and the down-trodden. Why not justice for the unborn? Why not justice especially for the disabled unborn—the 90 percent plus of Down syndrome infants who are killed in the womb? Can a just society continue to tolerate a medical culture in which death (or

termination as we fastidiously call it) is the prescribed medical treatment for a developing Down Syndrome fetus? Why not justice, then, for the unborn?

We know the answer to this question. We are not even allowed, according to the high priests of contemporary bioethics, (as well as by a majority of the Supreme Court) to raise questions about justice for the unborn since the unborn are not one of us. They don't qualify for justice—or at least they don't qualify for the kind of justice appropriate to normal mature human beings. They are excluded from that sphere of moral and legal consideration just as human beings have been formerly excluded on grounds of race or gender. The fetus, in President Obama's regime, is to be treated precisely as despised races were treated in the many racist regimes that dot human history, and as women were treated in the many cultures where they were excluded from equal moral and legal consideration. The fetus like the slave on a plantation in ante-bellum Georgia, or like an African-American yard worker in the 1940s in Jackson, Mississippi, has become morally invisible.

1973 is an important date in the history of the culture of death not only because of the Roe decision (which was handed down that year), but also because it was in that year that the first article appeared in a sober and prestigious ethics journal defending infanticide. The article was called, appropriately enough, "A Defense of Abortion and Infanticide," and it was written by the well-respected philosopher, Michael Tooley. It appeared in *Philosophy and Public Affairs*, a journal edited at Princeton University and regarded by many as the best ethics journal in the world. Tooley argued, as many others have argued in the years since his article appeared that the unborn as well as very young infants do not qualify as members of the moral community. They lack the broadly

psychological capacities necessary to have a “right to life.” While it may be wrong, Tooley argued, to torture very young infants (because they have the capacity to feel pain), it is not wrong, in itself, to kill them (because they lack moral personality). Fetuses as well as very young infants stand outside the community of those whose lives morally qualify for moral and legal protection.

This marginalization of the fetus has of course not gone uncontested in the debates of the last four decades. The attention of some of the greatest moral philosophers and moral theologians of our time has been directed to this question. A remarkable thing has happened in this debate, however. The more the issues are discussed, the more divided are the parties to the discussion and the more rancorous the discussion. It isn’t supposed to work that way in liberal democracies like ours. Careful debate and discussion is supposed to move us toward consensus, not deepen our disagreements. The abortion issue, however, as John Paul II predicted, is testing the very fabric of the liberal democratic ideals that we all cherish.

What we have discovered since 1973 is that argument alone will not settle the abortion issue, at least not in the short run. We are gathered here today, however, on the grounds of a great university whose history is inseparable from its commitment to a tradition—intellectual, moral and spiritual—that provides a perspective from which no human being is invisible. In this tradition, everyone counts. In this tradition, Down syndrome infants struggling in the womb are the equals of princes and potentates—even presidents.

Here under the gaze of that golden statue of Mary, Mother of God, who gives her name to this university and her protection to its deepest traditions, we cannot but be

confident that the truth will ultimately prevail, indeed triumph. But for that truth to be recovered in our time, our culture needs a healthy and strong Notre Dame, a Notre Dame unafraid to stand against our unfeeling and narcissistic culture, a Notre Dame prepared to choose truth over prestige, a Notre Dame worthy of the students of NDResponse. As a faculty member at this university, I pledge to the students of NDResponse to join with other faculty at this university and from other universities, many of whom are standing with me on this platform today, to do my best to sustain this tradition and nourish it into a new springtime. We invite other faculty at Notre Dame and the members of the administration of this university to join our effort. We cannot afford to be divided as we now are. The task is too great. Universities cannot by themselves resolve the great cultural crisis brought on by Roe v. Wade, but the crisis cannot be resolved without the faithful witness and sustained work of universities like the one where we meet today. I solicit your prayers that this university will be faithful to the tradition from which it was born and to the tasks that that tradition places before it.

Pray for Notre Dame

David Solomon

Public talk given at the NDResponse Rally on the South Quad of the Notre Dame campus
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