

2-1-1988

[Book Review of] *Abortion and the Constitution: Proceedings of a Conference on Reversing Roe v. Wade Through the Courts*, Sponsored by Americans for United Life

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## Recommended Citation

Diamond, Eugene F. (1988) "[Book Review of] *Abortion and the Constitution: Proceedings of a Conference on Reversing Roe v. Wade Through the Courts*, Sponsored by Americans for United Life," *The Linacre Quarterly*: Vol. 55 : No. 1 , Article 16.  
Available at: <https://epublications.marquette.edu/lnq/vol55/iss1/16>

# BOOK REVIEWS

## *Abortion and the Constitution*

**Proceedings of a Conference on Reversing *Roe v. Wade*  
Through the Courts, Sponsored by Americans for United Life**

(Georgetown University Press, 1987). 261 pp. plus appendices

The recent hearings of the Senate Judiciary Committee on the proposed confirmation of Judge Robert Bork to be a Justice of the United States Supreme Court dramatized the tension within the society, the Congress and particularly the legal community regarding the stability of the Court. Although the Court has reversed itself obviously at least 100 times, there is a reliance on precedent within the American judicial system which works against self-correction, particularly at the highest level of the system. The Supreme Court has reversed itself eight times within the first year and in one case (*New York v. Miln*) has been willing to reverse itself after 104 years. A 1959 study by Blaustein and Field indicated that the average life of a "mistake" by the Supreme Court was 24 years. Perhaps, the most egregious error leading to reversal in recent times was the Supreme Court approval of apartheid in *Plessy v. Ferguson* in 1896 which was not reversed until 1954 when "separate but equal" was declared unconstitutional in the famous decision of *Brown v. Board of Education*, which created a whole new era of civil rights in America.

Working in opposition to self-correction within the courts is the doctrine of *STARE DECISIS*. This respected maxim of reliance on precedent tends to impede the open-minded reconsideration of some constitutional interpretations. There is little doubt that *Roe v. Wade* has led to dramatic changes in societal behavior and to the growth of expectations and institutions within the community based on the alleged right to abortion as a matter of privacy.

This book is an invaluable compendium of legal scholarship for the right to life movement as it looks forward to the possibility of reversal of *Roe v. Wade* after its calamitous 15 years of existence. The book is somewhat disquieting for those of us who have assumed that reversal was merely a matter of changing the personnel on the Supreme Court. The dismantling of the apparatus of demand abortion will be complex and arduous as the contributors to this masterful work amply describe.

The book is divided into three principal parts: I. Background and Perspectives on Abortion; II. Historical Evaluation of *Roe* and Abortion; and III. Strategies for Reversal of *Roe v. Wade*. Part I includes a very informative article on Abandoning Error by Michael Pfeifer, which is especially instructive for non-lawyers. There is an impressive consideration on personhood by the late Sen. John East and a disappointingly brief consideration of the Natural Law Rights of the Unborn by John Finnis.

In Part II, John Connery repeats his now well-known and impressively researched position on the biblical consensus against abortion, and Martin Arbagi does likewise for the Hippocratic tradition. Arbagi is particularly insightful in exposing Justice Blackman's reliance on the bogus Edelstein interpretation of the Hippocratic position on abortion.

Part III is the most provocative section of the book as it examines legal strategies. The legal doctrines to be confronted by these strategies revolve around three principles: 1) the

"right to privacy" doctrine is broad enough to encompass abortion; 2) the unborn child is not a constitutional person and therefore has no "right to life" to be balanced against the woman's right to abortion, 3) there is not state interest warranting significant restriction of abortion practices. Any reversal strategy must focus on the dissolution of one or more of these doctrines. Although the privacy right would seem to be the most vulnerable and least supported by a consensus of constitutional authorities, Rosenblum seems to prefer a strategy of Expansion of State Interests in Warranting Restriction on Abortion in his cogent article in Part III. This latter strategy would bring about a confrontation with the deeply entrenched and nearly unanimous position of organized medicine in support of abortion as a matter of physician-patient confidence. Famous constitutional authority, William Ball, brilliantly examines the pervasive effects of the American culture and its materialistic disavowal of the ethical integrity necessary to respect traditions of life and liberty. Lynn Wardle carefully evaluates the crucial role of judicial appointments in the lower federal courts in the arbitration of abortion doctrine.

It is difficult to overestimate the importance of this book and the conference that preceded it. This is unquestionably the first in a continuing series of scholarly works leading to the eventual overturning of a horrendous Supreme Court decision. As the opportunity to reclaim the Right to Life for the Unborn approaches, we can be grateful for the dedication and preparation of the contributors to *Abortion and the Constitution*.

- E.F. Diamond, M.D.  
Professor of Pediatrics

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## ***Encyclopedia of Medical Organizations and Agencies***

**Anthony T. Kruzas, Kay Gill and Robert Wilson, Editors**

*Second Edition. xxii + 975 pp. (Detroit: Gale, 1987). \$180.*

This book is an expanded and revised edition of the former book by the same title, and it is a very convenient source book for the more than 11,000 medical and health organizations of our nation. There are 78 chapters which include listings for disease conditions, advocacy organizations, medical specialties, social health organizations and special aspects of general medicine. Each entry includes complete names, addresses and also gives descriptions of the special medical topic or problem covered by the organization. The listings cover entries for functional organizations as well. It is possible to find state and regional organizations, international organizations as well as educational and training programs. State and federal agencies that concern various medical and health topics are listed as well. And welcomed new editions are the information and data base services as well as several new funding organizations which are found in the General Medical section.

This source book is most welcome. It will be invaluable, not only to health care professionals in all areas, but also to researchers, advocacy organizations and government agencies. It is an extremely handy reference book which is well worth its cost.

- Fr. Robert Barry, O.P., Ph. D.  
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