

## Kermit Gosnell and Uncle Tom's Cabin

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# KERMIT GOSNELL AND *UNCLE TOM'S CABIN*

MICHAEL STOKES PAULSEN\*  
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Stories persuade. They persuade in ways logic does not. They illuminate, they convince, by working at a different level of human understanding. They operate as much on the heart and soul—on emotions, on senses—as a way of *getting to* the mind, as much as they work on the brain directly. The brain—the logical sense—is in many of us an underworked, undertrained, undisciplined, unprincipled little organ. It needs a little help. Stories help. Socrates was great—wonderful—at persuading through interrogation and logical inquiry. But Socrates’s method requires the one questioned to have an open mind, a sharpened mind, and a principled one, ready to follow logic where it leads. Jesus was a greater teacher yet—masterful (in more than one sense of the term)—at persuading by storytelling. The gospel writers say (with allowable rhetorical overstatement) that Jesus never taught anything without using parables.<sup>1</sup> At another point, it is reported that Jesus’s teaching surprised his hearers because he taught “with authority,” and not by the law-parsing, logic-chopping method of the Pharisees and religious lawyers of his day.<sup>2</sup>

The story of The Butcher of Philadelphia, Kermit Gosnell, is a parable about abortion generally. It is compelling because it is so atrocious, so vivid, so disgusting. And it is all the more compelling because it is true. Kermit Gosnell was a monstrous abortionist who killed babies by design and killed mothers by incompetence. He differs from other abortionists not so very much. His great sins were two: he would kill babies *outside* the

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1. *Mark* 4:34 (“He did not say anything to them without using a parable.”) (NIV); *see also Matthew* 13:34.

2. *Matthew* 7:28–29 (“When Jesus had finished saying these things, the crowds were amazed at his teaching, because he taught as one who had authority and not as their teachers of the law.”).

womb, after a botched abortion had failed to kill them inside the womb; and he was callous and cavalier about it, which makes him seem like a worse person morally than other abortionists. These features make Kermit Gosnell a visibly vicious villain. And every good, true story about evil benefits from having a visible, cruel, monstrous villain. It helps persuade, in a way that logic alone cannot.

In this short symposium essay, I make three simple points. The first point is one of logic: What Kermit Gosnell did is, in principle, no different from what any other abortionist does. This repulsive true crime story persuades and it is important for that reason. But the *lesson* we should draw from it—the logic of the parable, if you will—ought to be one about abortion and abortionists generally. My second point concerns what I think may be the main objective behind many pro-life legislative measures and proposals today: they are meant less to reduce greatly the number of abortions, or even to gain minor judicial victories eroding the legal regime of *Roe v. Wade*, than to *persuade*. Pro-life legislative proposals like 20-week bans, fetal pain statutes, mandatory ultrasounds, bans on partial-birth abortion, and bans on sex-selection abortion, are designed to tell true stories about abortion, so as to reach the hearts and, *thereby*, minds of people—including, almost incidentally, judges. I may be wrong about this. But I at least want to raise this possibility, or offer this observation as a supplement to other legitimate reasons why pro-life activists may wish to press for such statutes. My third point is a literary, historical one, and the one reflected in my title. The Kermit Gosnell story has the potential to function, for the anti-abortion movement, in much the same way that Harriet Beecher Stowe's serialized novel *Uncle Tom's Cabin*, functioned for the anti-slavery movement more than 150 years ago. It persuades the mind by first moving the heart and wrenching the soul. Kermit Gosnell is today's Simon Legree. But Gosnell is no composite fictional character. He is the real-life face and voice of Abortion.

## I.

First, logic: What Gosnell did is, in principle, no different from what any other abortionist does: he murdered, for hire, human beings; he was a paid killer. That is what commercial abortionists are, too.<sup>3</sup> Gosnell performed late-term abortions, which are somewhat more rare. But both

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3. For a telling account of the economics of the abortion industry, see Steve Aden's contribution to this symposium (and the sources cited therein): Steven H. Aden, *Driving out Bad Medicine: How State Regulation Impacts the Supply and Demand of Abortion*, 8 UST. J.L. & PUB. POL'Y 14, 14–32 (2013).

produce the same result: an abortion at seven months kills a living human being; an abortion at two months kills a living human being. If the two-month-old human embryo were allowed to live until he or she was a seven-month-old human fetus, he or she would be the same organism—the same human being. He or she would simply be at a later stage in development in the normal human life cycle. (I am the same human organism as I was as an embryo, a fetus, a newborn, an infant, a toddler, a child, a teenager, and a younger adult. If you had killed me at any of those points in my life cycle, you would have killed *me*.)

Gosnell not only performed late-term abortions, however. He killed babies after they had been born, because he had meant for them to die before leaving the womb but sometimes—often—botched the first attempt to kill the child. He would “snip” the spinal cord of babies who had survived abortion, a sanitized term for beheading infants with a scissors. It was for this that Gosnell was prosecuted and convicted, because the law draws a crisp distinction—by virtue of the Supreme Court’s having declared a constitutional right to abortion some forty years ago—between killing a human being who has just been born and killing that same human being minutes before he or she has been born. The former is denominated murder. The latter is called a fundamental constitutional freedom.

Gosnell entered into a plea agreement to waive an appeal of his conviction, in return for agreeing to a penalty of life imprisonment with no possibility of parole (plus a few superfluous additional decades), rather than face the death penalty. (Gosnell was 72 when convicted.) But I wonder: might he not have been able to make a reasonably credible argument on appeal that there is, after all, in principle, no difference between killing the just-born and killing the not-quite-yet born? *Is* there a difference in principle?

Abortion, under the Supreme Court’s jurisprudence (if one can call its abortion manifestos by so dignified a name), may be had for any reason prior to the point of “viability,” loosely defined as the point where the child is sufficiently developed so as to be able to live outside the womb on his or her own (with medical assistance, and provision, of course).<sup>4</sup> After the point of viability, the Court’s cases hold that the state has, in theory, a compelling interest in protecting the “potential life” of the human fetus.<sup>5</sup> (“Potential life” is a misleading, Orwellian term. The human fetus *is living*. The only sense in which his or her life is “potential” is that, potentially, his or her mother and abortionist might kill him or her. The living human fetus is not “potential life” but an actual living human being whom the legal system subjects to *potential death*, at the sole option of other human beings.)

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4. Roe v. Wade, 410 U.S. 113, 164–65 (1973).

5. *Id.*

The concededly compelling interest in protecting fetal human life ends up being only theoretical under the abortion regime of *Roe v. Wade* and its companion case *Doe v. Bolton*. The Court's decisions recognize a right of the mother to kill the human fetus, even when the baby boy or girl could survive outside the mother's womb, where such a killing is necessary for the mother's "health." The term "health," in this context, however, does not correspond to the ordinary, common use of the term. Rather, the Court's stylized definition of "health" embraces any physical, psychological, emotional, or "family" reason a woman may have for wishing an abortion and vests the decision as to whether such reason exists in the woman and abortion provider.<sup>6</sup>

Functionally, this means that abortion is allowed for essentially any reason, throughout all nine months of pregnancy, up to and including the point of birth. The Supreme Court's two "partial-birth" abortion cases, one decided in 2000 and one decided in 2007, hold that partial-birth abortion—a method of abortion that involves inducing labor, delivering the child in breach position, except for the head, puncturing the head (while still in the birth canal) with a sharp surgical instrument, vacuuming out the contents of the child's brain, crushing the skull, and then delivering the remains—is of a piece with the constitutional right to abortion generally, and therefore may be prohibited if and only if there always remains some equally safe, healthy way to kill the fetus.<sup>7</sup>

So what, really, is the difference between a one-minute-after-birth killing and a one-minute-before-birth (or in-the-process-of-birth) killing?

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6. *Id.* (creating "health" exception for when abortion constitutionally must be permitted even when the child physically could live outside the mother's womb—that is, when abortion "is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."). *Doe v. Bolton*, 410 U.S. 179 (1973) held that this "medical judgment may be exercised in light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health." *Id.* at 192. *Roe* and *Doe* vest plenary discretion to judge whether such a "health" justification exists in the woman and the abortionist. *Roe*, 410 U.S. at 164–65; *Doe*, 410 U.S. at 195–201. The *Roe-Doe* one-two punch is carried forward in the Court's subsequent abortion decisions. *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) tinkered with the point at which viability of the child is reached, and adjusted the standard for when legal requirements bearing on the abortion *decision* become presumptively invalid, but laws actually restricting the abortion decision remain invalid. *Casey* does not otherwise impair *Roe*'s holding and carried forward the *Roe-Doe* "health"-exception right to abort an unborn child who could live outside the womb. See generally Michael Stokes Paulsen, *The Worst Constitutional Decision of All Time*, 78 NOTRE DAME L. REV. 995, 995–96 n.4 (2003) (discussing *Roe* and *Doe*, and *Casey*'s minor changes to that regime).

7. *Gonzales v. Carhart*, 550 U.S. 124, 164–65 (2007) (federal partial-birth abortion ban leaves open alternative abortion means, including inducing chemical death before beginning partial-birth delivery process, and therefore does not constitute an "undue burden" on the right to choose abortion) ("[I]t appears likely an injection that kills the fetus is an alternative under the Act that allows the doctor to perform the procedure[.]"); *id.* at 166–67 ("health" exception inapposite in facial challenge to partial-birth ban if there plausibly remain equally "safe" abortion methods for killing a viable fetus).

There really is none, in point of sensible moral principle. The same human being is killed in either event. His or her specific *location* would seem to make little difference. My point is not—of course it is not!—that Kermit Gosnell is a champion of reproductive freedom and a principled practitioner of women's reproductive health. He is a monster, and people are right to so regard him. My point is, rather, that there is no principled difference between what this monster did and what all abortionists do. There is no principled moral difference between killing a just-born infant and killing that same infant, at nine months gestation, in the uterus. The point can be pressed further: There is no principled moral difference between an abortion at nine months and an abortion at eight months. There is no difference between eight months and seven, seven and six, six and five, five and four, four and three, three and two, two and one. The physical capacity of the child to survive outside the womb does not go to the question of whether it is a human life. The existence of a human life is continuous throughout pregnancy. There is a continuum of development and capacity; but a distinct, unique human life exists throughout. Late-term abortions are really no different from early-term abortions, as a matter of moral logic. What Kermit Gosnell did for a living is no different in principle from abortion and abortionists generally. It was simply more gruesome, more heedless, more cavalier, later, and—because of all that—more *visibly* clearly morally wrong.

## II.

It is for this reason that I sometimes wonder about proposals to ban abortion at twenty weeks (pushing the boundaries, gently, ever so slightly, of where the point of “viability” should be located), or to ban abortions at the point where it is plausible to believe that the human fetus can feel and perceive pain while being killed. I wonder about the theory, and the unintended implications, of such proposals. Is an abortion at nineteen weeks, or eighteen, or seventeen, rather than twenty, somehow okay? Is abortion any less violent—is the human fetus any less dead—if he or she doesn't feel pain when being killed? Would it be different if the child were anesthetized first, before being killed? (Would that have made Gosnell's post-birth killings better?)

I understand what I think is the intended point of such proposals for (very slightly) restrictive abortion legislation (and I do not mean to criticize the impulse, but only to think about it): The point is in part to “take what you can get” or to “push the borders” or to “save some lives if you can't save all” or to “provide a foothold for chipping back on *Roe*”—all sensible notions.

But I wonder if the real—and important—purpose might not be primarily one of persuasion. The purpose of many of today’s pro-life proposals and enactments—twenty-week bans, the Born Alive Infant Protection Act,<sup>8</sup> bans on partial-birth abortion, mandatory ultrasound requirements as part of truly informed consent, and bans on abortion for reasons of sex-selection—is ultimately to persuade, to get a rhetorical, psychological, emotional foot in the door into which *principle* can press its way in.

That is my purpose in pressing vigorously for sex-selection bans: the point is to force people to *confront* the reality of abortion; that “it” is not merely an “it”—*it’s a girl* (typically, when abortion is had for reasons of sex selection), or a *boy*; to undermine the deeply rhetorically misleading, pernicious argument that abortion should be a legal right on “gender equality” grounds; and ultimately to force people to wrestle with the “hey, wait a minute” question: “If it’s wrong to have an abortion because the child to be born would be (indeed, is) a girl, why isn’t it wrong to have an abortion for other reasons? If abortion kills a girl, isn’t it killing a girl (or a boy) even when that is not the *reason* for killing him (or her)? Isn’t *all* abortion a problem?”<sup>9</sup>

The same purposes were at work, I believe, in the press for bans on partial-birth abortion. The very gruesomeness of the procedure—as so awfully, clinically, coldly described in Justice Breyer’s opinion for the Court declaring it a constitutional entitlement in *Stenberg v. Carhart*<sup>10</sup>—*persuades*, or tends to persuade, persons with a developed intuitive moral sense (and who are not blinded in the exercise of this sense by ideology, interest, or moral cowardice). Partial-birth abortion, like post-birth abortion, awakens a true and correct instinct: “*This*, surely, can’t be right, can it? And if this isn’t right . . . what else follows?”

Consider a disturbing but revealing example of this persuasive effect. Justice Anthony Kennedy, in 1992 one of the unholy trinity of co-authors of the controlling opinion in *Planned Parenthood v. Casey*, reaffirming *Roe v. Wade*, dissented in the first partial-birth abortion case, *Stenberg v. Carhart*, decided eight years later, in 2000. Kennedy professed himself shocked—shocked!—to find out that abortion actually killed babies (!) and that the logic of the abortion right that he had embraced out of cowardice, complacency, cravenness, and vanity, in *Casey*, actually could not be contained. Abortion is, after all, a right to kill. Why should the method of

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8. Pub. L. No. 107–207, 116 Stat. 926, (codified as 1 U.S.C. §8 (2002)).

9. I have developed this theme in other writing. See Michael Stokes Paulsen, *It’s a Girl*, THE PUBLIC DISCOURSE (Oct. 24, 2011), <http://www.thepublicdiscourse.com/2011/10/4149/>; Michael Stokes Paulsen, *War on Women*, THE WEEKLY STANDARD (Jan. 22, 2013), <http://www.weeklystandard.com/author/michael-stokes-paulsen>.

10. *Stenberg v. Carhart*, 530 U.S. 914, 923–30 (2000).

killing make a terrific difference, really? Yet Kennedy was adamant—moved seemingly, to something approaching anger—at what the majority had upheld. Surely what he had written in *Casey* did not mean *this*! He had not meant to permit the killing of babies (at least not in *this way*)!<sup>11</sup> Justice Antonin Scalia—never one to miss the logical import of a legal argument or ignore the hypocrisy or moral incompetence of a colleague—took some measure of deeply chagrined delight in pointing out to Kennedy that this was indeed the logic of the Court's creation and retention of a right to abort human children in the womb.<sup>12</sup> There is no bright-line, principled difference between a right to kill a child gestating in the womb, a right to kill the child on his way out of the womb and into the light of day, and, as Kermit Gosnell understood, a child out of the womb, writhing on a dirty abortion clinic table or floor.

Still, it is telling—instructive, even—that Anthony Kennedy was at some level persuaded by being confronted (one might say mugged) by the reality of the story of *what partial-birth abortion is*, into some first sense (incredible as that might be to people who think more clearly) of *what abortion is*.

Stories persuade. So do pictures, which are worth a thousand words. Ultrasound requirements as part of informed consent work in somewhat the same way, on the unformed, intuitive moral sense. Ultrasound requirements, however, I think are actually designed to lead to fewer abortions. *Seeing is believing*: if the mother *sees* what it is that the contemplated abortion will kill, she may be persuaded not to kill her unborn child. The abortion industry realizes this, which accounts for the vehemence and virulence of pro-abortion opposition to such requirements. Ultrasound requirements are designed to show and tell; the pro-abortion argument against them is, in a nutshell, that it is an unconstitutional (under the Court's decisions) “undue burden” on the freedom *to choose* abortion to be shown and told, in words and in living, real-time moving pictures, what abortion *is*. Knowledge is bad. At a certain level, the abortion industry is right (though, I think, not in terms of the Court's existing legal doctrine)<sup>13</sup>: if more women knew what abortion is, and does, and could see their

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11. *Id.* at 956, 957–65 (Kennedy, J., dissenting).

12. *Id.* at 953–57 (Scalia, J., dissenting).

13. It is clear, under present abortion-law doctrine, that while the ultimate choice to have an abortion must remain with the pregnant woman, *Planned Parenthood v. Casey*, 505 U.S. at 879 (“[A] State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability”), “informed consent” requirements of broad and varying form—almost certainly including requirements of showing the pregnant woman an ultrasound of her baby and explaining its gestational age and state of development—are constitutional. *Id.* at 882 (State may provide “truthful non-misleading information” relevant to ensure that the pregnant woman considering abortion will “apprehend the full consequences” of abortion, including “the consequences to the fetus.”)

contemplated victims, going forward with such killing likely *would* “unduly burden” their hearts and minds.<sup>14</sup>

The reason such pro-life proposals and enactments—20-week bans, fetal pain bans, partial-birth bans, sex-selection bans, look-and-see ultrasound laws—are attractive and useful is because they work on the level of persuasion, human emotion, moral intuition. They tend to form moral public opinion, and that counts. (It is somewhat less the case, I think, that they are attractive because they are likely to persuade the Supreme Court. The justices, or many of them, seem curiously morally impervious to such appeals. It is, perhaps, part of the problem with legal training and long experience: one gets good at resisting such things.)

For most people, intuition is the germ of insight. Logic will not do the trick, because people often do not think straight. There is nothing condescending in this prosaic observation. It holds true for so-called “smart” people—sometimes distressingly so—as well as the less well educated or intellectually gifted.<sup>15</sup> We “think” with our intuition and impulses and emotions—probably more so than we should—and so our thinking tends to be deformed and in need of reforming. We humans are more Captain Kirk than Mr. Spock. We don’t think rigorously and logically. Pictures, stories, examples, parables, vivid illustrations—all these

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14. See Michael Stokes Paulsen, *A Picture is Worth a Thousand Words: The Constitutional Soundness of Ultrasound Requirements*, THE PUBLIC DISCOURSE (Dec. 16, 2013), <http://www.thepublicdiscourse.com/2013/12/11710/>.

15. I have a faculty colleague—a faculty colleague!—who has a bumper sticker on her car announcing that she is “Pro-life *and* Pro-choice.” This is a somewhat embarrassing example, but perhaps an instructive one, of shallow thought and incoherent reasoning. To be sure, bumper stickers are not a communication medium famous for their thoughtfulness and depth. But the bare fact that one would choose to distill one’s views to a slogan is in certain ways illustrative of the level of depth and rigor (or lack thereof) that characterizes even some thoughtful individuals’ “thinking” about abortion. This particular faculty bumper sticker is of course logically un-rigorous in the extreme. It is not merely a *simplifying* slogan—most bumper stickers are that—but an *incoherent* one, its deep illogic not even very well obscured by its intended use of appealing labels. (“See? I can embrace *both* sides. I’m ‘*pro*’-everything.”)

Labels are mental shortcuts that can short-circuit thinking; they unfortunately make it easier *not* to think carefully about the underlying substance of a position. What does “Pro-choice” *mean*, after all? In the case of abortion, the “choice” involved is the freedom of persons to obtain or commit an abortion—to kill a living fetal human being. Would my colleague as readily display a bumper sticker that said “Anti-abortion *and* Pro-abortion” (which would more precisely illustrate the incoherence of the expressed view)? How about “I support the entitlement of unborn human fetal children to life, but I also support the right of pregnant women to kill them if they so choose”? Alas, that is too wordy to make a pithy bumper sticker, but is it not the substance of the view actually expressed? Or, to be even a little more pointed, can one imagine a bumper sticker straddling both sides of the slavery issue: “Pro-freedom *and* Pro-slavery”? Or a “moderate,” “balanced” fair-minded anti-Hitler bumper sticker on an early model Volkswagen: “Pro-Jew *and* Pro-Nazi”?

The point of course holds true for many bumper stickers on many topics, and to sloganeering generally. But the larger point is that shallow slogans often reflect the shallowness of people’s thinking on important, literally life-and-death, matters.

can help the process.

### III.

All of which brings me to *Uncle Tom's Cabin*, arguably the most important and influential novel in American history. Unlike other high school students in other generations, I was never forced to read it in school. Later, as a young lawyer, I felt that this was a deficiency in my education (along with many other such deficiencies)<sup>16</sup>, and that I really ought to have read the most important and influential novel in American history. I read the book—sometimes forced myself to read it—on the Washington, D.C. “Metro” over the course of a year or so. I think I only read it on subways and train platforms, but I made it through the whole thing. (I have not re-read it since the 1980s.)

I am no literature scholar or critic, but I recall not thinking that *Uncle Tom's Cabin* was a particularly great work of literature. It struck me as a little bit sentimental and schlocky. But then again I suppose it depends on what one means by “great.” It certainly *was* a great work of literature if one measures greatness by the importance of the ideas a work of literature brings to life and its real capacity to persuade—to change hearts and minds. It was a great anti-slavery novel—the great anti-slavery novel—and more powerful than the most powerful (non-fiction) abolitionist rhetoric of the most powerful abolitionist rhetoricians and politicians. Because it told a story.

Harriet Beecher Stowe, the author, was the daughter, sister, and wife of evangelical Protestant preachers, and was a deeply devout Christian, thoroughly immersed in the living cultural waters of the Second Great Awakening and abolitionist political and moral thought. The cruelty of the Fugitive Slave Act of 1850 galvanized her, as it did many in the North. The Act brought the reality of the cruelty of slavery home to the people of the North. It had the effect of making the North more directly entangled with, and even complicit in, the institution of slavery than the religious moral sense of many could tolerate. The Act aggressively punished the granting of assistance or sanctuary to runaway slaves. Many leaders in the North—political leaders and religious leaders—acquiesced rather too complacently to the evil with which they were now more directly confronted and surrounded. To Christians like Harriet Beecher Stowe, this was a cause for great concern, compounding the grave injustice of slavery with the taint of seeming Christian moral indifference. So she set out to do what she could

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16. Compare Paul Simon, *Kodachrome on THERE GOES RHYMIN' SIMON* (Columbia Records 1973) (first verse).

about it, with the gifts she had.

Mrs. Stowe was already a writer, known among her friends and family but certainly not widely known. One account attributes the origins of *Uncle Tom's Cabin* to a conversation between Mrs. Stowe and her sister in law. "Hattie," her sister-in-law said, "if I could use a pen as you can, I would write something that will make this whole nation feel what an accursed thing slavery is." Harriet replied: "I will if I live."<sup>17</sup>

Live she did (from 1811-1896) and write she did: Harriet Beecher Stowe wrote *Uncle Tom's Cabin* by candlelight on her kitchen table, at nights, "after putting her six children to bed and finishing the household chores."<sup>18</sup> She wrote it, as it were, on the fly—it was first published serially in an anti-slavery newspaper, over the course of nine months, and then came out in book form in 1852. The novel at times reads and feels like it was written episodically, with the story in part being made up as it went along. But while that may color its literary merit, it did not dull its impact. Written in the sentimental style of women novelists that was popular in that age, the story, in historian James McPherson's words,

homed in on the breakup of families as the theme most likely to pluck the heartstrings of middle-class readers who cherished children and spouses of their own. Eliza fleeing across the ice-choked Ohio River to save her son from the slave-trader and Tom weeping for children left behind in Kentucky when he was sold South are among the most unforgettable scenes in American letters.

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Unforgettable characters came alive in these pages despite a contrived plot and episodic structure that threatened to run away with the author. . . . Drawing on her observance of bondage in Kentucky and her experiences with runaway slaves during a residence of eighteen years in Cincinnati, this New England woman made the image of Eliza running across the Ohio River on ice floes or Tom enduring the beatings of Simon Legree in Louisiana more real than life for millions of readers. Nor was the book simply an indictment of the South. Some of its more winsome characters were southerners, and its most loathsome villain, Simon Legree, was a transplanted Yankee. Mrs. Stowe (or perhaps God) rebuked the whole nation for the sin of slavery. She aimed the novel at the

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17. My account here draws heavily on James McPherson's magnificent book on the Civil War era, *BATTLE CRY OF FREEDOM* 38, 88–91 (Oxford Univ. Press 1988), and on both Jeremy Larner's 1965 introduction to the Harper Classics version of the novel and Stowe's own introduction, *Introduction to HARRIET BEECHER STOWE, UNCLE TOM'S CABIN* (Harper and Row, 1965).

18. McPherson, *supra* note 17, at 89.

evangelical conscience of the North. And she hit her mark.<sup>19</sup>

*Uncle Tom's Cabin* rapidly became the best-selling novel of all time in proportion to population. Within a year, it sold 300,000 copies in the United States; within a decade, more than two million copies. (The U.S. population in 1850 was roughly 23 million; in 2013, roughly 313 million. Do the math: that would be the equivalent of somewhere near 26 million books today, a figure rivaling all the Harry Potter books, combined.)<sup>20</sup> "Never was there such a literary *coup-de-main* as this," said Henry Wadsworth Longfellow.<sup>21</sup> Wrote Henry James later: Stowe's triumphant work" was "much less a book than a state of vision."<sup>22</sup>

Uncle Tom was a Christ figure. The Tom of *Uncle Tom's Cabin* was one of the few true Christians in a novel intended to stir the emotions of a Christian public. Indeed, Tom was a Christ figure. Like Jesus he suffered agony inflicted by evil secular power. Like Jesus he died for the sins of humankind in order to save the oppressors as well as his own people. Stowe's readers lived in an age that understood this message better than ours.<sup>23</sup>

The term "Uncle Tom," sadly, became transmogrified over time into a deplorable depiction of passive, obsequious servility. Nothing could be further from the character portrayed in the novel, who is a man of strength and unshakable moral character that responds to evil by refusing to be like it.

The cultural, moral—and thus, ultimately, political—impact of *Uncle Tom's Cabin* on America in the 1850s is hard to measure. But it is also difficult to overstate. So pervasive was the book's influence, so universally understood and agreed its transformative consequences, that President Abraham Lincoln, not one usually prone to exaggeration or hollow flattery, reportedly remarked when meeting Harriet Beecher Stowe in 1862 (as he was promulgating Emancipation): "So you are the little woman who wrote the book that made this great war."<sup>24</sup>

Abolitionist firebrands like William Lloyd Garrison, Lysander Spooner, and Frederick Douglass, actual incendiaries like John Brown, and political

19. *Id.* at 38, 89.

20. J.D. B. DEBOW, THE SEVENTH CENSUS OF THE U.S.: 1850 ix tbl. I (1853), available at <http://www2.census.gov/prod2/decennial/documents/1850a-01.pdf>; *USA QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/00000.html> (last visited Feb. 5, 2014).

21. McPherson, *supra* note 17, at 89.

22. *Id.*

23. *Id.* at 90–91.

24. Quoted in *id.* at 89–90.

figures like Seward, Sumner, Chase, and Lincoln, capture more ink from historians. (Lincoln of course fully deserves the attention.) But a large part of the driving force behind the death of slavery was as much the galvanizing of Christian morality, bred by the Second Great Awakening, and expertly stoked by a story written by a little woman on her kitchen table after bedtime.

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What this has to do with Kermit Gosnell is reasonably obvious. The Gosnell story is the story—the *real* story—of the moral logic of abortion. Just as Stowe’s story laid bare, in a vivid, emotionally compelling, hold-people’s-eyes-open way, the cruel human reality of slavery, so the Gosnell story is a graphic, vivid, revolting real-life depiction of the murderous reality of abortion. Tom being beaten to death by his slave master is the logical endpoint of the regime of slavery. Live-born babies having their heads “snipped” off by the Abortionist is the logical endpoint of the regime of legalized abortion on demand. The analogy of Kermit Gosnell to the fictitious Simon Legree is almost too obvious. (As the gifted scholar and social critic Matthew Franck has put it, Gosnell is the “‘slave-dealer’ *par excellence* because, even if he had run the cleanest, brightest, most professional clinic in the country, he was simply following out the remorseless logic of the abortion regime installed forty years ago by the Supreme Court.”)<sup>25</sup>

We are living, today, in the midst of what is probably the greatest moral holocaust in the history of humankind. In America alone, sixty million lives have been lost to abortion in the past forty years, a figure that outdistances by quite a bit the cumulative death toll of the Nazi Holocaust, Stalin’s purges, Pol Pot’s killing fields, and the Rwandan genocide combined.<sup>26</sup> Abortion is the leading cause of (unnatural) human death in the United States. One-sixth of what would have been the American population has been killed by abortion. One in four African-Americans is killed before birth. The figures for abortion, worldwide, are even more staggering.

Yet most people do not even see it. They glide by the figures, the numbers. (Didn’t you?) They avoid looking at, and confronting directly, what abortion *is*.

The Kermit Gosnell story makes all of that a little bit harder. It

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25. Matthew J. Franck, *Kermit Gosnell and the Logic of “Pro-Choice,”* PUBLIC DISCOURSE, (May 14, 2013), <http://www.thepublicdiscourse.com/2013/05/10155/>. (“Women came to him for the very latest of late-term abortions, and he made sure their children were dead.”)

26. See TIMOTHY SNYDER, BLOODLANDS: EUROPE BETWEEN HITLER AND STALIN vii (Basic Books, 2010); THE KILLING FIELDS MUSEUM, <http://www.killingfieldsmuseum.com/genocide1.html> (last visited April 19, 2014); *The Rwandan Genocide*, HISTORY, <http://www.history.com/topics/rwandan-genocide> (last visited April 19, 2014).

provides, as *Uncle Tom's Cabin* did in its age, a window into reality that makes reality a little bit harder to avoid. It furnishes a starting point for actual *thinking* about abortion. It is a story that provides leverage for reason: moral intuition can be what gets logic a foot in the door. And logic runs in both directions. Gosnell followed the horrid moral logic of *Roe* all the way to its horrid logical conclusion. But that logic can run back the other way, too. If what Gosnell did is not wrong, nothing is wrong. But what Gosnell did is not really much different from what any other abortionist does every day. If people can be brought to moral sense with a story that reaches them and convicts them in their hearts and souls, then perhaps—perhaps—they can be persuaded to retrace, and repent of, the deadly logic of abortion with their minds.