

## “EMERGING FROM THE PENUMBRA” BRINGING THE TRUTH OF LIFE TO LIGHT

German Astronomer **Johannes Kepler** could not possibly have imagined that a phrase he coined would in fact be used in significant legal opinions centuries after his death, and in a controversial way at that. He introduced the term *penumbra* in 1604 A.D. to describe the shadows that occur during eclipses, deriving from *paene* (almost) and *umbra* (shadow) Its literal meaning in the Merriam Webster’s Collegiate Dictionary is: “a space of illumination between the perfect shadow...on all sides and the full light.” Both the Moon and the Earth cast shadows into space as they block the sunlight that hits them. So, the *penumbra* represents a half-shadow that occurs when the Moon obscures part of the Sun’s disk. One might say that it is the “lighter” shadow just beyond the darker shadow. Justice Harry Blackmun used the term *penumbra* in describing the “right of privacy” in his majority opinion in *Roe v. Wade* (22 January 1973).

Its first use in legal circles was in 1871 when a court had to decide who owned certain property in San Francisco. The dispute arose because the one to whom the land was granted had disappeared a few days before the issuance of the deed, never to be seen again. After seven years, the man’s father claimed the property as the rightful heir, but it needed to be shown that the man was alive at the time the deed was delivered. Thus, *penumbra* was used in dealing with a case of a man *presumed* to be dead, and whether or not the land deeded to him was valid. The status of the individual in question *hovered somewhere between* life and death, the *penumbra* of life.

Blackmun employed the term in 1973 to argue the existence of a right to privacy. The *Roe* decision itself acknowledges: “The Constitution does not explicitly mention any right of privacy. In a line of decisions, however, going back perhaps as far as *Union Pacific R. Co. v. Botsford* (1891), the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution.” The key sentence of the decision soon followed: “We, therefore, conclude that the **right of personal privacy includes the abortion decision**, but that this right is not unqualified and must be considered against important state interests in regulation.” (410 U.S. 113 (1973), section VIII, 154)

His argument was that while the U.S. Constitution does not *explicitly* state a right to privacy, it may be inferred from the *penumbra* of implied rights found therein. In an eerie way, *penumbra* seems appropriate, even though employed to the wrong end. The “right of privacy” has taken on new meaning, gained new strength and has produced new implications in a host of other arenas of morality. And they are most assuredly murky, cloudy and ill-defined. Most people would say unequivocally that the Constitution guarantees a “right to privacy” and would likely be surprised at Blackmun’s own words acknowledging its explicit absence in the founding documents of our nation. Of course, we could also look to the preamble of the **Declaration of Independence** and its explicit mention of “certain unalienable Rights” to “Life, Liberty and the pursuit of Happiness.” How is that reconciled with *Roe v. Wade*?

The Church must remain steadfast in her opposition to legal abortion, and I urge our faithful laity to educate themselves on the **scientific facts** about fetal development and the truths uncovered by means of the emergence of fetology. It is **not** about privacy, it is about the **intrinsic dignity** of each and every human life. The facts are neither shadowy, nor do they lurk in the background. They are there for all to see, if people simply move beyond the convenient rhetoric and observe the facts. Fetology did not exist in 1973, the year the *Roe* decision was rendered. **Dr. Bernard Nathanson** (†2011) was once the owner of the largest abortion clinic in New York, before the cold, hard facts convinced him that he was taking innocent human life. Prior to ultrasound imaging and electronic fetal heart monitoring, the belief “that the fetus was a human being with unique personal qualities” could be only an “article of faith.” Science changed his mind. Well before 12 weeks of gestation, Nathanson realized, “the fetus is a fully formed, absolutely identifiable human person...indistinguishable from any of us...in form or substance.”

For many years I have worn the “Precious Feet” pin on the lapel of my suit coats, clearly depicting the actual size of an unborn child’s feet at just ten weeks gestation. When people ask, “What is that pin for?” I consider it an open invitation to evangelize about the reality of human development, witnessing to the precious gift of

life. This past Tuesday I was privileged to concelebrate at a special Mass for departing pilgrims from this Archdiocese who are attending the March for Life in Washington D.C. Their zeal and commitment continue to give me hope that a new generation may be the ones who finally convince their peers that we can do better, that we as a nation will be judged by how we treat the most vulnerable in our midst. Somehow, the Light of Truth must illumine the penumbras of error and the shadows of self-deception. We must seek to move hearts by shining God's divine ray of Light and love upon the darkest corners of our world. "Before I formed you in the womb I knew you, before you were born I dedicated you, a prophet to the nations I appointed you" (Jeremiah 1:5).

- Last Sunday's 61-yard reception by **Stefon Diggs** instantly healed the wounds from December 28, 1975. I recall (in horror) the catch made by Drew Pearson from a **Roger Staubach** "Hail Mary" pass that capped a remarkable Cowboys comeback. Staubach is Catholic and after the game revealed that he had closed his eyes and said the "Hail Mary" before taking the snap. Alas, Drew Pearson said that he is "rooting for the Vikings to win the Super Bowl. They've been snakebit as a franchise for a long time...maybe the pendulum is swinging in the right direction for them." Amen, Drew. Amen!
- The annual **Prayer Service for Life** is slated for 10:30 a.m. this Monday January 22, followed by the MCCL rally at the State Capitol. I hope that you can attend one or both of the events and show your support for efforts to pray and work on behalf of the unborn.
- Our prayers are with the parish of Transfiguration in Oakdale upon the sad news of the sudden death of Fr. William Baer. Ordained for the Archdiocese of St. Paul and Minneapolis in 1996, prior to his role as Pastor at Transfiguration, Fr. Baer was the Rector of St. John Vianney College Seminary in St. Paul and served at Nativity of Our Lord Parish in St. Paul. We are privileged to be able to host his funeral this **Tuesday at 10:00 a.m.** May God grant eternal rest to this zealous priest who labored so diligently in the Lord's vineyard.
- We are hosting an ecumenical **Lutheran-Catholic Vespers** at which Archbishop Hebda will preside tonight, January 21 at 7:00 p.m., in observance of the Week of Prayer for Christian Unity. The National Lutheran Choir will sing and a reception follows in Hayden Hall. In addition to praying for the unity of Christians, you may throw in a few prayers for the well-being of the Vikings at the same time!

Sincerely in Christ,

Fr. John L. Ubel,  
Rector