

Benjamin B. Ferencz:
Applications of his legacy for the human rights of the unborn

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Part One: His Life

On Good Friday of 2023, the last surviving prosecutor of the Nuremberg trials, Benjamin B. Ferencz, died at an assisted living home in Boynton Beach, Florida. He was 103 years old. He and his wife Gertrude married in 1946 and had four children. Benjamin always liked to remind people that he and his wife “never had a quarrel.”

He grew up in what’s called the “Hell’s Kitchen” neighborhood of Manhattan, a section of the city that in the 1920s, 30s and 40s was wracked by violence from endless gang wars. Credit goes to Benjamin’s parents and family who managed to raise him to be a stellar son and citizen, despite the toxic environment.

Benjamin Ferencz was brilliant. Based on his erudition, he was accepted into the City College of New York and, subsequently, won a scholarship to Harvard Law School. There he worked as a researcher for a professor doing a book on war crimes.

Post-graduation from Harvard Law School, he joined an anti-aircraft artillery battalion in 1943 that was preparing for the invasion of France. As an enlisted man under General Patton, Ferencz fought in most of the major campaigns in Europe.

Nazi atrocities were gradually uncovered after the end of World War II, and Ferencz was transferred to a newly created War Crimes Branch of the Army to gather evidence of Nazi brutality and to apprehend the criminals.

In his 1998 book, *Planethood*, Ferencz describes his personal exposure to the most ineffaceable piece of evidence:

Indelibly seared into my memory are the scenes I witnessed while liberating these centers of death and destruction. Camps like Buchenwald, Mauthausen, and Dachau are vividly imprinted in my mind’s eye. Even today, when I close my eyes, I witness a deadly vision I can never forget the crematoria aglow with the fire of burning flesh, the mounds of emaciated corpses stacked like cordwood waiting to be burned . . . I had peered into Hell.

Ferencz was honorably discharged from the U.S. Army with the rank of Sergeant of Infantry on the day after Christmas, 1945. He returned home only to be promptly recruited by General Telford Gaylor to return to Germany to help in additional war crimes trials.

In 1947, Ferencz was appointed Chief Prosecutor in what was aptly described as the “biggest murder trial in history”—the “Einsatzgruppen case.” All 22 defendants in this case, including six SS Generals, were convicted of murdering over a million innocent men, women and children. Thirteen defendants were sentenced to death. Ferencz was just 27 years old and this momentous trial was his first case!

After the Nuremberg trials, Ferencz wrote:

Nuremberg taught me that creating a world of tolerance and compassion would be a long and arduous task. And I also learned that if we did not devote ourselves to developing effective world law, the same cruel mentality that made the Holocaust possible might one day destroy the entire human race.

Subsequently, Ferencz decided that he would gradually withdraw from the private practice of law and would dedicate himself, instead, to studying and writing about world peace.

Fast forward to the end of the 20th century. With the coming of the 1990s and the end of the Cold War, the international community finally proved ready to discuss seriously the possibility of establishing an international criminal court. When the Rome Statute was affirmed by vote in 1998, Ferencz addressed the Conference asserting that “an international criminal court—the missing link in the world legal order—is within our grasp.”

Part Two: His Legacy

This is what the legacy of Benjamin Ferencz should teach us as we fight for vulnerable unborn babies to be born and live:

- First, his signature piece of advice--“*Never give up, never give up, never give up*”—must be our motto, our mantra, our litany.
- Second, Ferencz’s interrogation of Otto Ohlendor, the Commander of Einsatzgruppe (SS killer squads that followed the German army into Poland and Ukraine to murder Jews) teaches us that even in the presence of the wholesale loss of moral direction evidenced in the Nazi regime (and everywhere in our contemporary culture), the small flame of the tenets of natural law, right and wrong, persist. Never presume the person you are talking to is beyond redemption or would never come over to the side of right and justice.
- Third, the excuse of ‘I was only doing what I was commanded to do’ was no excuse at all. Ferencz fought for the idea that the law of reason dictates that no one ought to execute commands at odds with the Declaration of Independence that all are created equal and endowed by their Creator with inalienable rights to life, liberty, and the pursuit of happiness.

Ferencz was adamant on this idea: we are bound in conscience to disobey orders or support laws that direct us to destroy the innocent. Cooperating with unjust laws by refusing to work to change these laws make all such people complicit in the murder of any vulnerable demographic.

According to the Nuremberg principles, long championed by Ferencz, “complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.”

I rest my case: Ferencz’s legacy and his ingenious interrogation of Nazi SS commanders during the Einsatzgruppen Nuremberg trial teaches us that abortion—or direct or indirect complicity in abortion—should be a crime under international law, just as it is a violation of God’s eternal law and the law of our nature—the law of reason—natural law.

Ferencz’s last public appearance was at the Catholic University of America’s conference, “The Nuremberg Principles: The Contemporary Challenges,” a few weeks before he died. He began by saying that any meeting today that aims to advance the Nuremberg principles should be supported. Yet, he did not take for granted that everyone he addressed does support those principles. He was saying that each of us is called to make a deliberate act of will to do so—

He states boldly and clearly:

We are looking for human rights and no one is to be treated as sub-human, or unworthy of being saved. We are trying to advance the principle that all human beings

are entitled to be treated as human beings. If we can contribute to that, we should. If we cannot contribute to that, if we believe we ought to be superior people, and that we can treat other people as inferior, then you got your own customer (you have your own conscience to deal with). I hope you will finally decide to show that you are believers in equal rights for all people, regardless of their race or religion or anything else. And that's what I hope you will stand for.

Ferencz' convictions allow us to conclude: legal abortion is wrong on Nuremberg principles. A child before birth is a human being just as much as a child after birth. If the woman decides to keep her baby she treats her unborn as a human being and looks for a physician who will do the same. But the ideology of abortion is one of autonomy, of self-power, of the strong who would justify expelling one's offspring as an intruder, as a clump of cells, as unwanted. It is an ideology in which the born can claim an autonomy, admitting born people "ought to be superior people" who in turn can treat the unborn as inferior human beings.

It's obvious that legal abortion is wrong on Nuremberg principles. In fact, according to these Nuremberg principles, abortion should be punishable as crimes under international law [new sheet] because it's a crime against peace, waging a war of aggression against the unborn that, in turn, defines abortion as a crime against humanity.

Ferencz's emphasis on the need for virtuous individuals from virtuous families, who make an active act of the will by which they choose to dedicate their lives to champion the right of the vulnerable to live is based on the wisdom of Confucius, which unbeknownst to Confucius, reflects the right reason of God Himself:

To put the world in order, we must first put the nation in order;
To put the nation in order, we must first put the family in order;
To put the family in order, we must first cultivate our personal life;
To cultivate our personal life, we must set our hearts right.

Jesus Christ, Son of God, confirms and perfects the wisdom of Confucius as he teaches us the two great commandments. Love God above all things and all people with your whole heart, your soul, and your whole mind. And the second is like it: Love your neighbor as yourself.