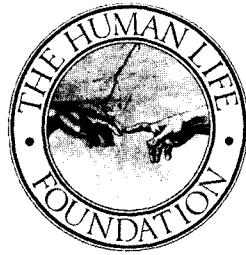


the HUMAN LIFE REVIEW



WINTER 1980

Featured in this issue:

- Wm. F. Buckley Jr. on Our Anniversary
Malcolm Muggeridge on A New Holocaust
Ellen Wilson on Children & Cruelty
John T. Noonan Jr. on Liberal Laxists
Michael Novak on The American Family
James Hitchcock on 1984 and Beyond
Erik v. Kuehnelt-Leddihn on . . . Family Relations
Prof. Hadley Arkes on Funding Abortions
Joseph Sobran on Razing the Past

Also in this issue:

Mother Teresa • Francis Canavan, S. J. • Gwendolyn Brooks

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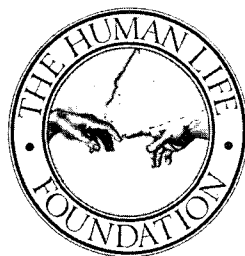
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THE HUMAN LIFE REVIEW



WINTER 1980

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. . . FROM THE PUBLISHER

Herewith our 21st issue, beginning our sixth year of publication.

We are happy to announce that we will soon have available bound volumes, fully indexed, of the 1979 issues; thus all five volumes to date can now be ordered, together or separately. We think it is true to say that, given the subject-matter of this review, few if any previous issues have become outdated: the issues they discuss remain not only unresolved, but also of *greater* interest now than before. So we hope that, if you do not already have them, you will want to at least sample back issues, to see for yourself. (Full information about how to order can be found on the inside back cover of this issue.)

Several of the articles reprinted here originally appeared in other publications and, as usual, we provide the relevant information:

- The article by Professor John T. Noonan Jr. (appendix C) was first published as the Introduction to the book *The Morality of Abortion: Legal and Historical Perspectives*, edited by Professor Noonan and published (in 1970) by the Harvard University Press, Cambridge Massachusetts. The original hard-cover edition is now out of print, but quality paperback copies remain available (at \$4.95 per copy).
- Professor Michael Novak's article ("The American Family, an Embattled Institution") was published last year in a collection of lectures titled *The Family: America's Hope* by Rockford College Institute (Rockford, Illinois 61101) and is available at \$4.00 per copy. It includes eight additional lectures, two by authors (Dr. Harold O. J. Brown and James Hitchcock) who have also contributed to this review.
- The article by Professor Hadley Arkes ("On the Public Funding of Abortions") appears in print here for the first time, but will be included later this year in the book *Abortion Parlay*, edited by Rev. James T. Burtchaell (to be published by Andrews & McMeel, a Universal Press Syndicate company.)

We hope the careful reader has noticed our continuing efforts to improve our typography, and that our pages are in fact more readable than before. The review is now set entirely on new computer-type systems which (although they can create unexpected difficulties) allow for more graceful spacing, especially between lines. If and when we get it perfect, we'll, so advise you!

EDWARD A. CAPANO
Publisher

A PREFACE

“I DO NOT DENY . . . that it is unthinkable that we shall have a Constitutional Amendment overturning *Roe v. Wade*. But you are thinking the unthinkable. Robert Kennedy, in his closing but galvanizing days as a public figure, regularly closed his speeches by quoting Shaw: ‘Some men see things as they are and ask ‘Why?’; I dream of things that never were and ask ‘Why not?’’ . . . The interesting question arises whether politicians who wish to succeed in their profession will gradually recognize that that which is formally deemed to be unthinkable is what people really *are* thinking about. You are betting that the restless conscience of the American people will cause them to think, to ask themselves the most critical ethical question with which America is manifestly not at rest . . . whether we have sublimated privacy into the license to take life. I cannot imagine that anyone is engaged in a sustained endeavor of moral introspection more important than yours; . . . Herewith my congratulations on your fifth anniversary.”

Thus writes Wm. F. Buckley, Jr., in a letter which, we think, serves as the best introduction to this, our fifth anniversary issue. We were struck by how accurately Mr. Buckley (praise aside) describes what we have been trying to *do* all these years. Needless to say, we hope he is as accurate about the *effect* of it all.

Each of our first 20 issues was introduced with what we intended as a come-on: perhaps some especially good quotes from what was to follow, plus a sort of running commentary on the articles, stray bits of information about the authors, and so on. The whole point was to entice the reader into reading the thing for himself. As we pondered how to do that for this issue, our colleague Ellen Wilson quipped: “It would be easier to tell them what *isn’t* in this one.” We think she made just the point. Never before have we had such a variety of articles, so many variations on themes that intertwine to the point that, off at the end, the issues and the arguments seem to merge into one whole. And all of it, as we read it over, seems to complement what has come before.

In fact a great deal has preceded this special edition. We mused through it all, thinking that a brief synopsis might be appropriate here. Indeed, it might be — but even the sparest description would require another full-sized article. As is well known, editors are more impressed by their own products than are readers; perhaps less well known (although I’ve never

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met a professional who didn't quickly agree, usually with laughing-at-themselves smiles) is the fact that journalists rarely *do* go back over what they have published: the restless itch remains, to be treated by the *next* issue, *in saecula saeculorum*. So we were surprised by how much has already appeared in this review — even the sheer bulk of it: bound together, our first 20 issues are eight inches thick and weigh 11 pounds, 9 ounces (no easy delivery that!): the 2,300-plus pages contain more than 150 major articles, plus numerous appendices (and innumerable notes) — perhaps a million and a quarter words in all.

The abortion issue (as Mr. Buckley notes) provided the principal impetus for this *corpus*. The early issues were dominated by abortion arguments, most (but not all), we unabashedly admit, against. There were times when we wondered ourselves whether there was anything left to say. But (another point Buckley makes) we failed to count on our own . . . well, success: we started something that stimulated *new* ideas (and some fine young writers), and before long we had more material than we could publish, and on more issues — albeit usually related to abortion — than we had imagined. We did the obvious thing and began to go further afield, beyond the companion issues such as euthanasia, experimentation on living subjects, etc. and into what we have come to call the “family complex” — the broad range of problems that affect the very foundations of Western Civilization.

You should find our new length and breadth well represented in this issue. In our lead article, the redoubtable Malcolm Muggeridge warns us how far we have come down (*down* in both senses) the road from Hitler's Holocaust to today's “humane” one. It would be a rather grim way to start were it written by anyone but Muggeridge, who is delightful to read on any subject (something we demonstrate twice in this one issue: in Appendix A you will also find his predictions for the decade ahead — another delight). Of course Muggeridge has his detractors (among them, we assume, nobody who has actually met him) who contend that his pessimism results merely from his vantage point (he'll be 77 soon). Thus we thought it appropriate to follow him with our own Ellen Wilson (just turned 24), who is already expert at illuminating gloomy thoughts (here she points out that “today's children” seem determined to *remain* children at any cost!).

We mentioned that we have run some eight-score articles in all: most have been by authors who have appeared in these pages only once or twice. But we have been blessed with a group of regular contributors who have, in effect, given this journal its distinctive tone. You will find most of them represented in the following articles. John T. Noonan Jr. provides another fine and timely essay (and we provide, in Appendix C, proof that he has been writing trenchantly for many years on abortion, even before the Supreme Court legalized it). And the three articles that specifically

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deal with the family are by Michael Novak, James Hitchcock, and Erik von Kuehnelt-Leddihn — all familiar to our readers. Nor have we neglected a first-timer (for us — he is a well-known writer): Professor Hadley Arkes sent us, just in time for this issue, a long-promised contribution.

No anniversary notes would be complete without special mention of Mr. Joseph Sobran, now renowned as a newspaper columnist, a Senior Editor of *National Review* (the youngest ever at the time), and our Contributing Editor. He was none of the above when we began, but he contributed one of his finely-honed essays (he may have revitalized the art) to our first issue, and to every issue but *one* since. We herewith explain the otherwise nagging mystery of that omission: Sobran writes copiously and, it would seem, effortlessly; *when*, however, is another matter. This caused one contribution to materialize just in time for the *following* issue. (He was also dilatory in establishing his true identity: until recently we knew him as M. J.; herewith we formally join the growing legion of Joseph's readers.)

There is yet more: Appendix B gives you excerpts (the heart of it, we'd say) from Mother Teresa's Nobel Lecture. Fittingly, it follows immediately after Muggeridge's predictions; it is precisely in Mother Teresa that Muggeridge sees the symbol of hope for the future (his unflagging efforts to publicize her work worldwide had much to do, we know, with her winning the Prize — again, most fitting, for her choice has redeemed the *meaning* of it). Appendix D contains a review (of John Noonan's latest book) by Francis Canavan, S. J.; Appendix E is an unusual item, a poem (the first we've ever run) by Gwendolyn Brooks, written in 1944 — long before anyone could have realized the meaning it would have today. We trust that you will read and enjoy it all.

We noted that Father Canavan here reviews Professor Noonan (alas for us, Canavan is hard at work on a new book that prevented him from contributing another full article this time). Regular readers will recognize this as another trademark of our review: the interaction our "regular" authors have had on each other, and the issues they discuss. To produce *that* result was one of the highest hopes we had for this review: if we could not produce a "community of scholars," we might well provide a focal point for good and insightful people to "meet" in spirited discussion of our "life issues." We believe we've done it. Noonan, Canavan, Sobran, Wilson, Hitchcock — all have contributed far more than articles to the venture. (Noonan served from the beginning on our advisory board, along with Dr. Malachi Martin and Professor Jeffrey Hart, and we wish we could find words appropriate to thank them, better than the trite but true "gratitude we feel" for the generous help and counsel they have provided these past five years.) As did, in our crucial early years, Dr. Harold O. J. Brown, the well-known Evangelical theologian, and the late Professor David W. Louissell, the longtime friend and colleague of Noonan at Berkeley. Bill Buckley

PREFACE

(his disclaimer notwithstanding) has been all inspiration, as has Mrs. Clare Boothe Luce — when she writes for us, we automatically print additional copies, knowing that the demand will surely follow. Malcolm Muggeridge, both *via* long distance conversations and when he was “here” (in Canada and the U.S. for a glorious year during 1978-9), has unstintingly provided his unique brand of encouragement. Talking to him recently we modestly said that this issue should surely be our best ever — despite our original fear that we would run out of fresh stuff someday for what many profess to see as a “single issue” journal. “Doesn’t surprise me,” answered Muggeridge, “after all, your mag is *about* something.” Bless him, and all the others. They are (again the unavoidable trite phrase) too numerous to mention here, and indeed many haven’t any idea how *much* they have helped, e.g., Herr Kuehnelt-Leddihn, whom we see rarely (if he is not furiously writing away in the Tyrol, he is globe-trotting), has provided what any editor covets — a single source for virtually any information desired.

Then there is another (gratifyingly large and still growing, thank you) group of people who *know* who they are: who have generously provided the financial support without which this journal *would* have been unthinkable; that they have continued to support it so faithfully these five long years must surely seem as amazing — unbelievable — to some as, say, the kind of thing we publish here. We assume they understand, just as we do, that this review would never have survived as a business proposition, and were willing to make the material sacrifices necessary to publish it. We thank them, one and all. Just as we thank all those who have worked to produce this review (a good many people, over the years), chief among them our Publisher, Edward A. Capano. Here, words *do* fail: only if *you* have published something of the size and scope of this quarterly, could you know how monumental a task it is. These few words of praise fall woefully short of the monument Ed deserves, but then he knows what he’s done, and, like all good professionals, draws his satisfaction from it.

Please allow us one last and special mention. Soon after our first issue went out (in January 1975), the late Archbishop Fulton J. Sheen wrote to “commend . . . your new journal” and wish “God’s blessings on this most worthwhile endeavor.” Then (Bishop Sheen was justly famed for piercing the heart of a problem): “I trust you will continue publishing such excellent and high-class articles.” Boastfully, we can say that the good Bishop continued his praise and support of our efforts (in due course personally, and thus unforgettably); we last heard from him just before he died last December 9. We valued his challenge, and have tried to meet it. How well we have done is for you, dear reader, to judge.

J. P. MCFADDEN
Editor

Letter from a Friend

Wm. F. Buckley, Jr.

Dear Jim:

You are aware, although many of your readers may not be, that I have had nothing whatever to do with *The Human Life Review*. Notwithstanding that we are professional colleagues and very old friends, *The Human Life Review* was an idea, journalistic, spiritual, and administrative, entirely your own. You did not consult me about it, ask my approval, or my help. I have never read an issue of it that contains a single article I had seen before. It is yours, and on this anniversary of it, I wish to say these words of reflection which you may or may not wish to pass along.

On a recent "Firing Line" featuring two experienced lawyers, one of them an official of the American Civil Liberties Union, the other a professor at the Yale Law School, we devoted the hour to reflections on the Supreme Court and the old issue of activism *versus* strict constructionism. I ventured the opinion, on which I had elaborated in my book *Four Reforms*, that the Supreme Court has become something of a secular ethical tribunal. Now the reasons for this evolution are both dismaying and reassuring. They are dismaying because the Supreme Court was never anointed to do the ethical thinking for America. It was instituted to ponder deviations between congressional behavior and the letter and guarantees of the Constitution. The Supreme Court, early on under John Marshall, institutionalized its authority to overrule Congress when the Court viewed an act of Congress as transgressing the rules of the Constitutional compact. Few scholars doubt that *Marbury v. Madison* was indispensable to the survival of the union, even though a civil war was required finally to make the point that the centrality of union overrode the (logically incompatible) primacy of the states (forgive me if I sound like Brzezinski).

But after the Civil War the court continued to grow, exercising powers that went, finally, far beyond the formal authority required to maintain the cohesion of the union. This early period of judicial

Wm. F. Buckley Jr. needs no introduction; he is as well-known in this country as, say, Malcolm Muggeridge in England.

WM. F. BUCKLEY JR.

growth coincided with the period about which, to my knowledge, Irving Kristol spoke the most resonant comment. What he said was that the most important *political* development of the last half of the 19th century was the loss of religious faith in an afterlife. Although religious-minded sociologists (one thinks of the late Will Herberg) continue to be reassuring on the matter of the inchoate commitment of the overwhelming majority of the American people to a religious faith, it is an undeniable development of the past one hundred years that America looked progressively to within itself to prescribe ethical conduct. That, liberated — if that word can be so abused — from any sense of responsibility to providence, we chased after a redemptive faith in secular experience. What we know as liberalism is described by men who deal in large canvasses as a secular eschatology. If final guidance was not to come to us from theologians, then it had to come from other sources. I say it had to come from other sources because (it's the good news) we are dealing with the American culture, which for all its recognized pragmatism has never been at ease with that brand of atomistic individualism that dismisses transcendent values. One of the reasons why philosophical *laissez-faire* failed as the governing philosophy of America is that American idealism could not come to terms with the *Social Statics* of Herbert Spencer, any more than, two generations later, it could come to terms with the arid individualism of Ayn Rand. We had to have something more; an ethically-oriented authority. Congress was manifestly incapable of serving as such. The general familiarity with the awful compromises by which politicians are ruled, in order to succeed in their profession, stripped that body of sufficient moral authority. Walter Lippmann attempted to rescue something called the Public Philosophy, and it is by no means dead, by which I mean that there survives a loose aristocracy of thinkers and moralists who attempt, without subordination to secular authority, to ask themselves what is the nature of the virtuous society. But "the public philosophy" is, nowadays, an unaffiliated cluster of randomly located little enclaves of higher thought, an analogue of those tatterdemalion railroad stops where one goes to flag down the express trains which, irregularly and impatiently, stop, now and then, to pick up vagrant pilgrims, whose importunities distract from the great, hectic vectors of commerce and thought.

Seven years ago, the Supreme Court ruled that the right of abortion was an extension of the right to privacy of the American wo-

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man. The Yale professor on “Firing Line” is an unusually experienced man, to be distinguished from the academicians who spend lifetimes removed from the vicissitudes of public policy. Robert Bork, you will recall, was Solicitor General of the United States in the first term of Richard Nixon. When the President decided, for reasons noble or ignoble, to discharge Special Prosecutor Archibald Cox from responsibility for the investigation of Watergate, he instructed his Attorney General Mr. Richardson to execute that dismissal. Mr. Richardson declined to do so, presenting the republic with what the English would call a constitutional crisis. So did his deputy decline. The President reached down to the third official in line, promoting Mr. Bork to acting Attorney General; and Bork dismissed Cox, not out of any acknowledged sympathy with the President’s motives, but out of a respect for the constitutional allocation of powers defined during the impeachment proceedings of the late Andrew Johnson.

Now, the willingness of Robert Bork to uphold executive authority notwithstanding that to do so was to act athwart the manifest emotional passions of the day, is not unrelated to what he said on “Firing Line” when the subject under discussion was the authority of the Supreme Court. What he said was that so submissive has the American public become to the moral authority of the Supreme Court that whereas even twenty years ago, when the Court ruled abruptly and with arrogant disregard for precedent and sound historical analyses, that common prayer in the public schools was a violation of the First Amendment to the Constitution, there had been an instantaneous outcry by the American people reflected in denunciations by every sitting governor save one, giving rise to a realistic expectation that the Court would actually be overruled by a constitutional amendment — “Now,” Professor Bork said, “the decision of the Supreme Court on abortion doesn’t have a chance of being overruled.” He was making the point that the failure of the people twenty years ago to contravene the Supreme Court had become institutionalized. Whereas, as recently as in 1960, there was a genuine possibility that the Court might be overruled, now such is the docility of the people that the chances of overruling *Roe v. Wade* are nonexistent. And, he added, this is so notwithstanding that — I quote him — “no reputable constitutional scholar” can defend the reasoning by which the Court undertook to transmute the inchoate right of privacy to include a mother’s sovereign right over the disposition of the unborn child.

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I presume to give you this narrative, familiar to you and no doubt to your readers, in order to say something which you would justifiably expect to be pessimistic, but which in fact isn't so. While it is true that the Supreme Court exercises *de facto* authority over the ethical thought of the majority of the republic's moral activists, it does so by sheer presumption. That is to say, the authority of the Court over such metaphysical questions as whether the mother's right to privacy is superordinate to the right of the unborn child to life, is a matter of convention born of presumptuous opportunism, not of structured ethical hierarchy. Under the present dispensation, what the Supreme Court ordains is not only what we are supposed to obey, but what we are supposed to believe. You will note that in respect of school prayer, and in respect of such civil rights and derivatives as the busing of school children, and affirmative action, there is widespread social docility — notwithstanding that intellectual dissent survives, indeed prospers. What you have done, through *The Human Life Review*, is to challenge the Court's thinking not merely on legal and constitutional terms (so brilliantly done by your regular contributor John Noonan). Your publication has raised problems for the Supreme Court every bit as cogent as the problems raised against the Supreme Court's *Dred Scott* decision, though that was back when the Supreme Court's decisions were treated as less than revelatory in authority.

You have, really, focussed on the primal question, even as Lincoln did at Cooper Union and in subsequent statements. Lincoln said: Is a man a man — even if he is black? You have brought forth a journal whose pages are open to men and women who believe in revelation, and who do not believe in revelation; who believe in civil authority, but who do not believe that *moral* authority rests in Supreme Court justices, riding rogue waves of ethical opinion agitated by concerns over population, over unwanted children, over disgust with primitive black-market abortion technology — you have raised, in issue after issue, the only finally relevant question: *Is a child a human being even when it is husbanded within the womb?* You have invited analysts of great distinction to address themselves to that central question. By analogy, is the idiot-child, the mongoloid, the comatose-senescent — human being? Surely the cavalier criterion of a “useful life,” so improvidently proffered by Mr. Justice Blackmun in his majority opinion, is spectral in its implications. You are saying that — and in saying it you have adduced the opinion not only

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of men of religious conviction, Catholics, Protestants, and Jews, but, in one sense most interesting, men of science — Yes, a fetus is a human being. Your journal stands athwart the comfortable conclusion that a child is entitled to constitutional protection only beginning the minute when it actually emerges from the womb. You, accepting empirical terminology, ask the question: Is the physical emergence of the child from the womb a scientifically conclusive episode transubstantiating mere matter into a human being? Is “birth” the equivalent of the conferring of citizenship? What you have done is to funnel, through a journal of intellectual and stylistic distinction, the refined thought of scientists and moralists who wonder, gradually, whether the distinction implicit in the Supreme Court’s ruling isn’t, when you come down to it, every bit as arbitrary as the distinction which a previous Court accepted as sufficient to prolong a distinction between men white and men black, the one being human, the other not?

Where I think you have the singular leverage is that, the Court having accepted the role of moral tribune, it is paradoxically, open, in a sense never intended, to metaphysical argumentation. Such reasoning as it listens to in commonplace meditations on the nature of equality it could, without violation of its own traditions, extend to the consideration of equality of the right to life. I am saying that the Court’s acceptance of comprehensive moral authority over so many questions renders it susceptible, in the sense it would not have been as a court immune to criticism from Robert Bork, or Raoul Berger, or the strict constructionists, to the nature of such arguments as you are advancing. This means that the social instrumentality that has stood most obstinately in your way in the Me Decade, might as suddenly turn in your direction — if the Court can be persuaded at first to meditate the cogency of the arguments, and then to draw on its authority for appropriate modifications of the *Dred Scott* decision of our time. As a constitutionalist you will not welcome a continuation of the court’s usurpations. As a moralist, you will not deny to Caesar the authority to abuse his authority for the purpose of pursuing right thought.

I do not deny that Robert Bork is correct in saying that it is unthinkable that we shall have a Constitutional Amendment overturning *Roe v. Wade*. But you are thinking the unthinkable. Robert Kennedy, in his closing but galvanizing days as a public figure, regularly closed his speeches by quoting Shaw: “Some men see things as

WM. F. BUCKLEY JR.

they are and ask 'Why?'; I dream of things that never were and ask 'Why not?'" It is not uninteresting that Robert Kennedy, in the tradition of Martin Luther King, encouraged the thinking of the unthinkable. The interesting question arises whether politicians who wish to succeed in their profession will gradually recognize that that which is formally deemed to be unthinkable is what people really *are* thinking about. You are betting that the restless conscience of the American people will cause them to think, to ask themselves the most critical ethical question with which America is manifestly not at rest. In any event, you have raised the ethical question: whether we have sublimated privacy into the license to take life. I cannot imagine that anyone is engaged in a sustained endeavor of moral introspection more important than yours; nor conceive of anyone who might have done it better. Herewith my congratulations on your fifth anniversary.

The Humane Holocaust

Malcolm Muggeridge

ONE OF THE MOST curious encounters I ever had in a television studio was participating in a BBC program set up when the South African surgeon, Dr. Christiaan Barnard, had just carried out his first heart-transplant operation in the Groote Schuur Hospital in Pretoria. The program was billed as “Dr. Barnard Faces His Critics,” which, as I well knew, was BBC-ese for “Dr. Barnard Faces His Adulators,” as, indeed, proved to be the case. One of the great contributions of television to preparing the way for the collectivist-authoritarian way of life towards which all western countries are, in their different ways, sleep-walking, is its capacity to present consensus in terms of ostensible controversy.

The studio was packed with medical practitioners of one sort and another, including distinguished figures like Lord Platt, all of whom were in a state of euphoria about Dr. Barnard’s achievement. As befitting such an occasion, the Church was represented, in the person of the appropriately named Dr. Slack, who on its behalf gave full approval, not just to the particular transplant operation that was being celebrated, but to transplants in general as and when required, whatever the organ concerned. In the event, I found myself pretty well the lone representative of the critics Dr. Barnard had been billed as meeting.

When the time came for me to put a question, one shaped itself insistently in my mind. Was Dr. Barnard, I asked him, the first surgeon to chance his arm with a heart-transplant operation, whereas elsewhere there were still qualms and hesitations, because in South Africa the doctrine of apartheid had devalued human flesh, reducing it from something God had deigned to put on, to a mere carcass?

The question, when I put it, was extremely ill-received. Some of the doctors present went so far as to manifest their displeasure by hissing, while Lord Platt rose to apologize to Dr. Barnard, pointing out that I represented no one but myself, and that he, and he was sure all the others in the studio, would wish to dissociate themselves

Malcolm Muggeridge needs no introduction: he is as well-known in England as, say, Wm. F. Buckley in this country.

MALCOLM MUGGERIDGE

from my insulting question. Dr. Barnard himself, I should imagine deliberately, misunderstood what I had asked, assuming that what troubled me was a fear lest he had transplanted a black African's heart in a white African's body. In fact, the donor was a white girl.

As Dr. Barnard made no serious effort to answer my question, I persisted, to the further displeasure of the doctors, pointing out that his and their attitude showed little sense of the sanctity of life, which, in the Hippocratic oath they had all presumably taken, they had sworn to respect. As a Christian, I said, I worshipped a God who, according to the New Testament, could not see a sparrow fall to the ground without concern, and quoted Blake's beautiful couplet in the same sense:

A Robin Redbreast in a Cage
Puts all Heaven in a Rage.

This caused a titter of amusement, and I lapsed into silence. It is the usual practice after such programs for all the participants to make for the hospitality room, there to continue the discussion over a drink. For once, I just made off, having no taste for any further contact with Lord Platt, Dr. Slack and the others. It was comforting subsequently to receive a letter from a doctor who had once worked at Groote Schuur Hospital, but had left, he explained, because he found the attitude there to surgery to be more veterinary than medical.

Dr. Barnard's own attitude to his surgery is well conveyed in his autobiography, *One Life*. His account of his first post-mortem is almost lascivious; as are his first essays with animals, whose snug little abattoir, he tells us, "smelt of guinea pigs, rabbits and hundreds of mice. Yet it was like heaven, and even today those odours excite me with memories of our first days, so filled with hope and dreams." One of his dreams was to "take a baboon and cool him down, wash out his blood with water, then fill him up with human blood"; another, to graft a second head on a dog, as has allegedly — though I don't believe it — been done in the USSR.

All this was but a prelude to the great moment when the two hearts — the donor's lively one and the recipient's failing one — were ready, and all was set for the first heart-transplant operation. "This isn't a dog," Dr. Barnard reflected exultantly. "*It's a man!*", and then a doubt seized him; was he, after all, entitled to experiment with a human being? His hesitation lasted only for a few seconds,

though; the excitement of the occasion, with, as it seemed, the whole world looking on, restored his confidence, and he got to work with his knife.

As it happened, there was one other moment of, if not doubt, then wonderment. The donor, Denise Darvall, was in a respirator; it would be necessary to stop the respirator, and take her heart, which was still beating. Another doctor, de Klerk, was participating in the operation; he wanted Denise's kidneys, but Dr. Barnard made it quite clear what were the priorities. His instructions were to "cut for the heart and let de Klerk worry about his kidneys afterwards." In the event, having stopped the respirator, they waited for the heart to stop beating before transferring it to the recipient, Washkansky. "What intermingling of mythology and ritual," Dr. Barnard asks himself, "prevented us from touching a heart in a body which had been declared clinically dead?", and, like Pontius Pilate on another dramatic occasion, does not wait for an answer.

Washkansky received Denise's heart, and, presumably, de Klerk her kidneys. The heart worked, and the patient in a manner of speaking, lived. Congratulatory messages came pouring in; the television cameras rolled — exclusive TV rights had been disposed of, resulting in unseemly scenes in the hospital. Washkansky, but not Denise, was brought into the act; the arc lights shone on him, a meeting with his loving relatives was set up, and he succeeded in uttering a few cheerful words into a specially sterilized microphone. At the end of eighteen days, he thankfully expired. "They're killing me," he managed to get out before he died. "I can't sleep, I can't eat, I can't do anything. They're at me all the time with pins and needles . . . All day and all night. It's driving me crazy."

Washkansky's successor, Dr. Philip Bleiberg, a dentist, managed to survive for two years, though his private account of how he fared roughly coincided with his predecessor's. In the published version — these rights, too, had been disposed of — he was obliged to put on a brave face, and only three weeks after he had received his new heart, he was able to tell an expectant world that he had succeeded in having sexual intercourse. It was the twentieth century certification of being fully alive: *copulo ergo sum*. Behind the mania about transplant operations, lies the mad hope that in due course genital transplants may become possible — new ballocks in old crotches — so that sated lechers can begin all over again.

The Barnard experience stayed in my mind, and as I thought

about it, I realized that it amounted to a sort of parable illustrating a basic dilemma of our time, as between the sanctity of life as conceived through the Christian centuries, and the quality of life as conceived in a materialist society. Those doctors in the BBC studio rejoicing in the new possibilities in surgery that Dr. Barnard seemed to have opened up, saw human beings as bodies merely, and so capable of constant improvement, until at last perfection was achieved.

No more sick or misshapen bodies, no more disturbed or twisted minds, no more hereditary idiots or mongoloid children. Babies not up to scratch would be destroyed, before or after birth, as would also the old beyond repair. With the developing skills of modern medicine, the human race could be pruned and carefully tended until only the perfect blooms — the beauty queens, the mensa I.Q.'s, the athletes — remained. Then at last, with rigid population control to prevent the good work being ruined by excessive numbers, affliction would be ended, and maybe death itself abolished, and men become, not just like gods, but in their perfect mortality, very God.

Against this vision of life without tears in a fleshly paradise, stands the Christian vision of mankind as a family whose loving father is God. Here, the symbol is not the perfected body, the pruned vine, the weeded garden, but a stricken body nailed to a cross, signifying affliction, not as the enemy of life, but as its greatest enhancement and teacher. In an army preparing for battle the unfit are indeed discarded, but in a Christian family the handicapped are particularly cherished, and give special joy to those who cherish them.

Which vision are we for? On the one hand, as the pattern of our collective existence, the broiler house or factory-farm, in which the concern is solely for the physical well-being of the livestock and the financial well-being of the enterprise; on the other, mankind as a family, all of whose members, whatever physical or mental qualities or deficiencies they may have, are equally deserving of consideration in the eyes of their creator, and whose existence has validity, not just in itself, nor just in relation to history, but in relation to a destiny reaching beyond time and into eternity. Or, in simple terms, on the one hand, the quality of life; on the other, the sanctity of life.¹

The sanctity of life is, of course, a religious or transcendental concept, and has no meaning otherwise; if there is no God, life cannot have sanctity. By the same token, the quality of life is an earthly or worldly concept, and can only be expressed legalistically,² and in materialistic terms; the soul does not come into it. Thus a

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child conceived in conditions of penury, or with a poor heredity, or against its mother's wishes, or otherwise potentially handicapped, may be considered as lacking the requisite quality of life prospects, and so should not be born. Equally, it follows, at the other end of our life span, that geriatrics unable any longer to appreciate what this world has to offer in the way of aesthetic, carnal and egotistic satisfaction, in other words, by virtue of their years losing out on quality of life, should be subjected to euthanasia or mercy-killing, and discreetly murdered.

On this basis, for instance, Beethoven would scarcely have been allowed to be born; his heredity and family circumstances were atrocious, a case history of syphilis, deafness and insanity. Today, his mother's pregnancy would be considered irresponsible, and as requiring to be terminated. Dr. Johnson, when he was born, was scrofulous, and already showed signs of the nervous disorders which plagued him all his life. He, too, under present conditions would probably not have been allowed to survive. Indeed, a good number of the more notable contributors to the sanctity of life, like Dr. Johnson, would have failed to make the grade on quality of life, the supreme example being the founder of the Christian religion. Imagine a young girl, unmarried and pregnant, who insists that the Holy Ghost is responsible for her pregnancy, and that its outcome, according to a vision she has been vouchsafed, would be the birth of a long-awaited Messiah. Not much quality of life potential there, I fancy, and it wouldn't take the pregnancy and family-planning pundits long to decide that our Saviour, while still at the fetus stage, should be thrown away with the hospital waste.

These are hypothetical cases; near at hand, we have been accorded, for those that have eyes to see, an object lesson in what the quest for quality of life without reference to sanctity of life, can involve. Ironically enough, this has been provided by none other than the great Nazi holocaust, whose TV presentation has lately been harrowing viewers throughout the western world. In this televised version, an essential consideration has been left out — namely, that the origins of the holocaust lay, not in Nazi terrorism and anti-semitism, but in pre-Nazi Weimar Germany's acceptance of euthanasia and mercy-killing as humane and estimable. And by one of those sick jokes which haunt our human story, just when the penitential holocaust was being shown on American, and then on German and other Western European TV screens, a humane holocaust was get-

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ting under way, this time in the countries that had defeated Hitler's Third Reich, and, at the Nuremberg War Crimes Tribunal, condemned as a war crime the very propositions and practices with which the Nazi holocaust had originated, and on which the humane one was likewise based.

No one could have put the matter more cogently and authoritatively than has Dr. Leo Alexander, who worked with the Chief American Counsel at the Nuremberg Tribunal:

Whatever proportion these crimes finally assumed, it became evident to all who investigated them that they had started from small beginnings. The beginnings at first were merely a subtle shift in emphasis in the basic attitudes of the physicians. It started with the acceptance of the attitude, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived. This attitude in its early stages concerned itself merely with the severely and chronically sick. Gradually, the sphere of those to be included in this category was enlarged to encompass the socially unproductive, the ideologically unwanted, the racially unwanted, and finally all non-Germans. *But it is important to realize that the infinitely small wedged-in lever from which the entire trend of mind received its impetus was the attitude towards the non-rehabilitable sick* [My italics].³

Surely some future Gibbon surveying our times will note sardonically that it took no more than three decades to transform a war crime into an act of compassion, thereby enabling the victors in the war against Nazi-ism to adopt the very practices for which the Nazis had been solemnly condemned at Nuremberg. Then they could mount their own humane holocaust, which in its range and in the number of its victims may soon far surpass the Nazi one. Nor need we marvel that, whereas the Nazi holocaust received lavish TV and film coverage, the humane one just goes rolling along, largely unnoticed by the media.

It all began in the early twenties, in the decadent years in the post-1914-18 war Germany which have been so glorified by writers like Christopher Isherwood, but which, as I remember them at first hand, were full of sinister portent for the future. All the most horrible and disgusting aspects of the last decades of the twentieth century — the pornography, the sadism, the violence, the moral and spiritual vacuum — were already in evidence there.

In this sick environment, the notion of mercy-killing was put forward in 1920 in a book entitled *The Release of the Destruction of Life Devoid of Value* by Alfred Hoche, a reputable psychiatrist, and Karl Binding, a jurist. The authors advocated killing off "absolutely

worthless human beings,” pointing out that the money spent on keeping them alive thus saved could be used to better purpose — for instance, on helping a young married couple to set up house. Frederick Wertham, in his scholarly and deeply disturbing book, *A Sign For Cain*, says that the Hoche-Binding book influenced, or at least crystalized the thinking of a whole generation.

From these beginnings, a program of mercy-killing developed which was initiated, directed and supported by doctors and psychiatrists, some of them of considerable eminence — all this when the Nazi movement was still at an embryonic stage, and Hitler had barely been heard of. Initially, the holocaust was aimed, not against Jews or Slavs, but against handicapped Aryan Germans, and was justified, not by racial theories, but by Hegelian utilitarianism, whereby what is useful is *per se* good, without any consideration being given to Judeo-Christian values, or, indeed to any concept whatsoever of Good and Evil. Subsequently, of course, the numbers of the killed rose to astronomical figures, and the medical basis for their slaughter grew ever flimsier; but it should never be forgotten that it was the euthanasia program first organized under the Weimar Republic by the medical profession, which led to and merged into the genocide program of 1941-45. “Technical experience gained first with killing psychiatric patients,” Wertham writes, “was utilized later for the destruction of millions. The psychiatric murders came first.”

Can this sort of thing happen in countries like Canada and England and the United States? In my opinion, yes; in fact, it is already happening. Abortion on demand has come to be part of our way of life; in the world as a whole there are estimated to have been last year something in the neighborhood of fifty million abortions — an appalling figure, which, however, with media help did not loom very large, or throw any kind of shadow over 1979 as the Year of the Child. To quieten any qualms Christians might have about it, an Anglican bishop has devised an appropriate prayer for use on the occasion of an abortion which received the approval of the Archbishop of Canterbury. It runs, “Into Thy hands we commit in trust the developing life we have cut short,” though whether with the idea of God’s continuing the interrupted development elsewhere, or of extinguishing in Heaven the life that was never born on earth, is not clear. In the case of euthanasia, a hymn may seem more in keeping with the occasion — “The life Thou gavest, Lord, we’ve ended. . . .”

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Euthanasia, it is true, has not yet been legalized except in some American states, but notoriously it is being practiced on an ever-increasing scale. Already among old people there is reluctance to go into government institutions for fear of being done away with. As for governments — hard-pressed financially as they all now are, and unable to economize on defense expenditure for fear of laying themselves open to the charge of jeopardizing national security, or on welfare expenditure for fear of losing votes — will they not look ever more longingly at the possibility of making substantial savings by the simple expedient of mercy-killing off the inmates of institutions for the incurably sick, the senile old, the mentally deranged and other such? With abortions and family-planning ensuring a zero population growth rate, and euthanasia disposing of useless mouths among the debilitated old, besides mopping up intervening freaks, the pursuit of happiness should be assured of at any rate financial viability.

In Christian terms, of course, all this is quite indefensible. Our Lord healed the sick, raised Lazarus from the dead, gave back sanity to the deranged, but never did he practice or envisage killing as part of the mercy that held possession of his heart. His true followers cannot but follow his guidance here. For instance, Mother Teresa, who, in Calcutta, goes to great trouble to have brought into her Home for Dying Derelicts, castaways left to die in the streets. They may survive for no more than a quarter of an hour, but in that quarter of an hour, instead of feeling themselves rejected and abandoned, they meet with Christian love and care. From a purely humanitarian point of view, the effort involved in this ministry of love could be put to some more useful purpose, and the derelicts left to die in the streets, or even helped to die there by being given the requisite injection. Such calculations do not come into Mother Teresa's way of looking at things; her love and compassion reach out to the afflicted without any other consideration than their immediate need, just as our Lord does when he tells us to feed the hungry, shelter the homeless, clothe the naked. She gives all she has to give at once, and then finds she has more to give. As between Mother Teresa's holocaust of love and the humane holocaust, I am for hers.

There is an episode in my own life which, though it happened long ago, provides, as I consider, a powerful elucidation of the whole issue of euthanasia — a study, as it were, in mercy-living in contradistinction to mercy-killing. Some forty years ago, shortly before

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the outbreak of the 1939-45 war, the person whom I have most loved in this world, my wife Kitty, was desperately ill, and, as I was informed by the doctor attending her, had only an outside chance of surviving. The medical details are unimportant; probably today, with the great advances that have taken place in curative medicine, her state would not be so serious. But as the situation presented itself then, she was hovering between life and death, though, needless to say, there was no voice, as there might well be nowadays, to suggest that it might be better to let her go.

The doctor explained that an emergency operation was essential, and, in honesty, felt bound to tell me that it would be something of a gamble. Her blood, it appeared, was so thin as a result of a long spell of jaundice that before he operated a blood-transfusion was desperately needed — this was before the days of plasma. As he said this, an incredible happiness amounting to ecstasy surged up inside me. If I could be the donor! My blood-count was taken, and found to be suitable; the necessary gear was brought in, very primitive by contemporary standards — just a glass tube one end of which was inserted in her arm and the other end in mine, with a pump in the middle drawing out my blood and sending it into her. I could watch the flow, shouting out absurdly to the doctor: “Don’t stint yourself, take all you want!”, and noting delightedly the immediate effect in bringing back life into her face that before had seemed grey and lifeless. It was the turning point; from that moment she began to mend.

At no point in our long relationship has there been a more ecstatic moment than when I thus saw my life-blood pouring into hers to revivify it. We were at one, blood to blood, as no other kind of union could make us. To give life — this was what love was for; to give it in all circumstances and eventualities, whether God creating the universe, or a male and female creating another human being; whereas to destroy life, be it in a fertilized ovum one second after conception, or in some octogenarian or sufferer from a fatal illness, was the denial of life and so the antithesis of love. In life-denying terms, as we have seen, compassion easily becomes a holocaust; garden suburbs and gulags derive from the same quest for quality of life, and the surgeon’s knife can equally be used to sustain and extinguish life. Dostoevsky makes the same point: “Love toward men, but love without belief in God, very naturally leads to the greatest coercion over men, and turns their lives completely into hell

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on earth.” We should never forget that if ever there was a killing without mercy, a death without dignity, it was on Golgotha. Yet from that killing, what a pouring out of mercy through the subsequent centuries! From that death, what a stupendous enhancement of human dignity!

NOTES

1. See the interesting Study Paper put out by the Law Reform Commission of Canada in its “Protection of Life” series, *Sanctity of Life or Quality of Life*.
2. *Ibid.*
3. From a paper — “Medical Science Under Dictatorship” — by Dr. Alexander, now a Boston psychiatrist, which appeared in the *New England Journal of Medicine* of July 4, 1949, and quoted in an article in the Spring, 1976 issue of *The Human Life Review* entitled “The Lesson of Euthanasia” by Fr. Virgil C. Blum, S.J. and Charles J. Sykes. Another article in the Spring, 1977 issue of *The Human Life Review* to which I am greatly beholden is “The Slide to Auschwitz” by Dr. C. Everett Koop, a pediatric surgeon of international renown and a devout Christian.

Children Can Be Cruel

Ellen Wilson

“I DON’T THINK IT NECESSARY to dwell at any length on the proofs of the American grudge against children,” wrote *Harper’s* editor Lewis Lapham last November, and immediately proceeded to do so. He reeled off statistics on children in poverty, abandoned children, abused children; children neglected by schools, exploited by pornographers, and addicted to drugs and alcohol; children driven to suicide or killed in the womb. A great faultline in the American psyche must have caused the rage against children which erupts in such behavior, and Mr. Lapham identified it in his title as “The Rage Against the Future.”

Armed with his statistics, he was not taken in by the fanfare and inflated expectations which accompanied the International Year of the Child: “As with the need for immense ministries of justice in societies renowned for the practice of injustice,” so the proliferation of institutions addressing the problems of children merely testifies to the enormity of those problems. For the question remains: whose problems are we talking about? Those children suffer from, or those they inflict upon us?

Certainly modern society is setting child-rearing precedents of some kind. What other historical period has seen so many experiments in “learning situations,” and custom-made curricula? When have schools offered their students such a varied menu of course offerings, counseling programs, and even credits for learning experiences outside the classroom?

Or turn to extracurricular activities. Consider the time, money and attention lavished on organized and neighborhood sports — an investment which may soon be doubled to accommodate equal numbers of girls in equal numbers of sports. And what of the money doled out privately by parents for *extra* extra-curricular activities: music lessons, dance lessons, summer camp? Aren’t all these — combined with our public agony over teenage drug and alcohol problems, pregnancies and the like — reliable indices of our concern

Ellen Wilson is now so well known to our readers that she no longer needs an introduction.

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for the young? Don't they testify to the love not only of individual sets of parents, but of society at large?

But Lapham raises an alternative explanation. Tenements and slumlords get lots of attention, too. So do polluted rivers, garbage strikes, hijackings, and nuclear accidents. It may be that we expend so much effort on children's problems because we treat children as a problem.

How do you do away with such a problem? Well, the radical, final solution would be to do away with children. Though nothing so drastic has been attempted, efforts (as the bureaucrats say) have been made in that direction. Surely that is a not wholly inappropriate interpretation of Planned Parenthood's campaign, the suggestion that families limit their output to at most two children each; the legislation of abortion-on-demand (to ensure that only those women fully prepared to take on one of the little terrors go full term), the increasingly widespread use of amniocentesis to weed out the "problem" child who would disrupt his parents' lives even more than a normal child. In fact, the way we speak nowadays of a couple's right to choose whether to become parents, the need for consent, for proper spacing, careful timing, etc., makes having children sound like a risky operation with unpleasant side effects and dubious results.

And so the other kind of operation, abortion, the one that rids you of the problem, is offered — indeed, *promoted* — as an alternative. What I wish to consider here is not why abortion is wrong but what the incentive has been to think it right: why it has come to be seen — and spoken of — as something one *ought* to do. Why *are* children seen as such a problem, and where did the strong call for abortion-on-demand come from?

We have one clue in a commonly-expressed explanation for avoiding parenthood: "We're not ready yet for a child." Sometimes the unreadiness is economic — a spouse in law school, a business just started. Sometimes it is chronological: recently-married, say; or just too young. But ultimately it comes down to the issue of maturity.

Because a great many post-adolescents do not consider themselves mature. (It is not that highly-rated an attribute anyway.) Instead, greater numbers — for longer and longer stretches of time — today see themselves as still *preparing* for the tasks of adulthood. In part, this is the result of expanded enrollments at colleges and post-graduate institutions, and the slow-dying faith in college as the road to success. (Thus the increase has been more drastic in "upwardly

mobile" classes: college enrollment among children of working-class people, for example, has shot up in the past generation, while the percent of "professional children" in college has remained fairly constant. Additionally, government bureaus report that female enrollment in colleges now approximately equals that of the males. It was only a generation back that most families had only money enough to send one child to college: the son, being the future breadwinner, was presumed to stand in greatest need of a profession.)

But as today's men and women graduate from college and matriculate almost routinely at graduate and professional schools, as the years of "preparation" lengthen out before them — preparation for the eventual career which will justify present pain by future pleasure and financial security — the time for making irrevocable decisions moves further and further into the future. Once, long ago, unreadiness was considered a defect (the boy king Ethelred the Unready was not a popular model for Anglo-Saxon princes). Today, one's willingness to acknowledge unreadiness for any stage of life is *itself* taken as a mark of maturity, since maturity is increasingly reduced to supposed self-knowledge and self-fulfillment. Of course, recognizing limitations (remediable and otherwise) *is* a mark of maturity, but the present-day epidemic of unreadiness for responsibility among people whose memories reach back no farther than Elvis Presley, or even the Beatles, is something rather different. It looks suspiciously like a cult of arrested development.

Why prolong youth? The ideal is appealing aside from the practical considerations just mentioned. First, because childhood doesn't seem so bad, looking back, while the alternative doesn't seem all that appealing, looking forward. Adulthood has a bad media image. It projects pictures of thinning hair, sagging figures, wrinkles and the thousand natural shocks that flesh is heir to. Given the choice, would *you* trade places with the "adults" on T.V. commercials, bedeviled with irregularity and denture slippage? Wouldn't you prefer the "troubles" that plague the young things, so easily solved by the right toothpaste? T.V. in particular projects adulthood as that worst of all modern conditions, a life without options, an existence boxed in by 9 to 5, Monday through Friday routine. The young single life, on the other hand, is pictured as almost continuous European holidays and ski weekends, Eternal Saturday *versus* Eternal Monday.

And of course youth is prettier and more effortlessly healthy than age, even than middle age (though we must take into account the

younger than usual ideal of beauty in our time — it was not ever thus). One would *rather* be young than old, or older, not only because youth seems more enjoyable, but because it seems so to others also. It is an enviable position to be in. One wishes other people to notice how young one looks. One looks less young next to one's children, particularly if the youngest has kept you awake all night.

This might suggest that people *playact* at being young, that they try to delude others and/or themselves. But it's more complicated than that, for this is one situation where it can be said that wishing makes it so. *Peter Pan* is a fantasy because it tells us that ordinary folks can't escape growing up. The truth is, a great many people do, simply by wishing, by *wanting* to be free of commitments and responsibilities, of long-range plans and frightening decisions.

That is why young people try to prolong not only the *physical*, but also the psychological and moral privileges of childhood. In fact, they attempt a kind of super-childhood, offering expanded opportunities for "self-fulfillment" (read pleasure) and at the same time a diminishing need to account for one's actions. (Perhaps this is compensation for the unavoidable responsibilities thrust upon the reluctant adult: the need to find a place to live and work, to provide for emergencies and plan for the future. Only people suffering from nervous breakdowns manage to evade *all* of adulthood's responsibilities.)

The desires of the perennial child are incompatible with permanent commitments, or promises of undying fidelity, and the like. He wishes to avoid being "locked into" long-range plans (the child cannot really imagine the future: the childlike adult does not *wish* to, since it must propel him further and further from childhood). But since the decisions we make do indeed affect those around us, since no one can wholly isolate the effects of his actions from others, the attempt to avoid irrevocability is doomed to failure. All that the childlike adult can achieve is his own willed ignorance of the effects of his actions, and since this is a labor of self-deception, his ignorance is culpable, not innocent.

Sometimes the "commitments" are made anyway, only to be repudiated after the consequences of those decisions emerge. This helps explain not only the great number of separations and divorces, desertions — and abortions — but the apparently easy consciences of those who welch on their promises, and abdicate responsibility. "We didn't want the child," "I was feeling trapped," "I needed to find myself," "We were too young to know what we were doing" — in

such phrases do people hand over their God-given freedom to make the only kind of decisions that *matter* — those with consequences. A denial of consequences is a denial that one ever had the power to set in motion a train of events which might affect his own or anyone else's life.

Of course, not many people think through the logic of their lifestyles this carefully. Undoubtedly they *wish* to espouse some sort of freedom philosophy, a way of evading restrictions, moral and psychological. But drawn out to its logical extreme, this is psychological servitude to others, the result of binding oneself to the consequences of another's actions. Those consequences may be serious. Consider the excuse of the parent who abuses his child: "He was crying all the time, and I couldn't stand it. I couldn't help it"; "she *knew* she wasn't supposed to do that." The parent loses the freedom to choose — in this case, to temper a perverse idea of justice with mercy. Rather, the parent *sees himself* as having lost — or never possessed — that freedom. There is not really so very much distance between the person who denies responsibility for a child and the one who denies responsibility for abusing that child. Both see themselves as driven by an imperative, though in the case of the person avoiding responsibility, the "imperative," paradoxically, is freedom.

The question then arises: what is the basis for the relationship between mother and child? Does the mother get to *choose* the nature of that relationship, and if so, when? Some researchers, attempting to explain the correlation between the rise in abortions and the rise in cases of child abuse, have turned their attention to the bonding process of mother and child. These scientists explain that the emotional bond developed between mother and child before birth greatly influences the mother's attitude toward her child after birth. A mother-to-be who has had an abortion or considered one would, theoretically, have interfered with the bonding process, injecting feelings of guilt, uncertainty, and depression. Hence, it would be "easier" for a woman who has aborted a child to abuse subsequent children.

But whether or not this explanation works in detail, it is true that in a society which offers and even encourages "options" like abortion, the responsibilities of parenthood are not as fixed and immutable as the laws of the Medes and Persians. High school psychology texts used to talk about "unconditional" *versus* "conditional" acceptance: the latter described the loving relationships we form outside

the family, while only within the bonds of the family into which a child was born could he feel the complete security of unconditional acceptance. As a child would put it, "My mother *has* to love me." Perhaps it is time to rewrite these old texts, to take into account the growing number whose lives have turned upon a *maybe*, whose very existence was conditional.

The condition was, often enough, whether those who begot the child found the *role* of parent appealing. Nothing more clearly marks the watershed between the older conception of commitment, vow, duty, and the newer one of options, life-styles, choices, than this facile assumption that one can simply assume an appealing role for a stretch of time, and then discard it as we tire of it. Such people are like sightseers in a foreign city who wander on and off buses, driven by changing ideas of pleasure and satisfaction.

And a metaphysic evolves from this behavior: what you do (what you *choose* to do, as the actor chooses to play Lear) determines who you are, and a change in activity, in *role*, catalyzes a change in identity. People are not nouns, but verbs, defined by their actions. The vocabulary of nurturing, for example, has recently been supplemented by the introduction of "parenting" and "mothering." The enormous significance of this switch from the use of noun to verb surfaces in the contemporary assertion that fathers too can "mother," and mothers "father," and a variety of surrogates "mother" or "parent" biological strangers. Of course there is a limited sense in which all this is true: in which surrogate parents may fully satisfy a child's emotional needs; or a single parent manage to handle (even if imperfectly) the roles of both. But there are limits to such elasticity, and we are taking liberties with the language, or indulging in metaphor, when we speak of fathers "mothering." The metaphorical meaning would be clear if we spoke of fathers "being" mothers. But in this new world of role-playing, all sorts of metamorphoses are possible (Shakespeare's females were all played by male actors, after all).

Metamorphoses which bring in their wake desertion, abandonment of the responsibility with the role. As Lear could not be held responsible for the crimes of Macbeth, so the woman who decides that a life spent lacing together the members of a family is too constricting cannot (the T.V. movies imply) be held responsible for those left behind. A couple who once thought it might be nice to get married can become different people — morally as well as legally free — by unthinking the commitment. A woman who conceived a

child can decide that wasn't what she meant at all — or isn't what she means now. She is a parent, as the second heart beating within her testifies, but she isn't up to "parenting" and so she moves on to new roles, always demanding star billing (no one plays a bit part in his own life).

Yes, but an adult knows that this is true of everyone, not just himself, and he strives to shift the axis of his attention away from himself, at least at times. He is willing at times to share center stage, to withdraw from the limelight entirely, or perhaps reflect light upon another. This is generous, mature — and realistic — love. It is also mental health, for only a child fuses the world and himself into a single "I."

And herein lies another reason for the perennial child's aversion to children. Children are notorious scene-stealers; they grab attention, whether consciously or unconsciously, and indeed they grab a lot more besides: money, time, energy. They manhandle egos ("You're so old, Mommy!"; "I like so-and-so best"). They define their parents' lives wholly in terms of theirs, and make it difficult for those with less secure self-images to avoid doing likewise.

In fact, if a parent is determined to stick with the job of being a parent, and a good one, children will almost inevitably force him into maturity. Otherwise the competition is too keen. In a world which idolizes youth (immaturity) over adulthood (immaturity), the true child or adolescent wins hands down over the "young-looking" 30-year-old. In a society which deifies a Pepsi generation organized around beach parties and frisbees, the working father commuting between job and family may find it difficult to cultivate the same *joie de vivre*.

Thus the strong and sustaining rewards of parenthood can *only* be enjoyed by those who are no longer desperate to join the kids, or determined to grab for all the gusto they can. In turn, they receive the perks of adulthood. Only those who have come to terms with maturity's responsibilities can, for instance, rejoice at the season of relative irresponsibility granted their children — while also taking satisfaction from the opportunity to initiate their children into appropriately-scaled responsibilities.

And only those who have struggled to a mature understanding of life's meaning, of our place in it, our duties and our proper relationship to others, can have the satisfaction (liberally mixed with aggravation) of trying to pass along that understanding to their children.

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For what can the perpetual child pass on to his children, the person who has successfully avoided life's questions, or retreated into general agnosticism, or adopted a T.V. slogan for philosophy? He will miss the satisfactions of teaching and explaining, as he has missed those of understanding and accepting. (Some of the authors of books on child rearing seem to have recognized a part of the problem: they advise their readers not to handle their children uncertainly, or vacillate between contradictory approaches, or apologize for their beliefs, or for the rules they enforce in their household.) But the children of the perennial child will remind him of the questions he has bypassed and the meanings he has missed. Perhaps worst of all, they will be judges of the value of their patrimony.

Farther down the line, the mature parent can anticipate the satisfaction (mingled with regret) of seeing his children attain maturity and begin to fulfill their purposes. But for the perpetual child, this will only be another indication of his own distance from youth.

In short, today's perennial child cannot truly enjoy family life —and so, once he understands this, he avoids it. It is a commitment, with strong binding responsibilities, and he resists commitment. It is a constant reminder of change, growth, aging, and his life is an attempt to deny all these. It claims the attention which he has come to feel his due, suggests mysteries he has previously reduced or brushed aside. At the same time, most of the consoling and sustaining aspects of bearing and bringing up children bypass the perennial child, or are "counterproductive."

Small wonder, then, that so many people accustomed to freedom and independence, and a goodly amount of attention from others, shrink from the prospect of parenthood. Oh, *descriptions* of this hesitation sound more upbeat, of course. Articles like that in the Nov. 18, 1979 New York *Times* Book Review speak of a "new breed" of parents who "in nearly all cases . . . are becoming parents because they have chosen to do so, and . . . view the prospect as a challenging and fascinating project." But this sidesteps the question of what happens when a "mistake" occurs, or when, after working on this "challenging and fascinating project" for a few years, the fascination wears off and the worker wants to be transferred to another division.

We know what some — in fact, a growing number — are doing in such cases. They are effecting separations: they are abandoning families, or aborting babies, or (for a variety of reasons, some much

more valid than others) transferring the responsibility for their offspring, wholly or in part, to surrogates. They are relinquishing their part, and going off in search of a less demanding role. (Ironically, Betty Friedan tries to convince us of feminism's interest in a new improved model of the family in the Nov. 18 *New York Times* magazine. Instead she supplies another cost-benefit analysis of parenthood: she quotes a single woman who meditates having a child as a remedy for loneliness, and discusses the bad old days when children were a threat to their mothers' health and longevity.)

It is this no longer insignificant portion of society — those frozen in an egoistic state of childhood — that is responsible for the kinds of behavior Lewis Lapham cited as evidence of our hostility toward children. Perhaps his choice of words makes his thesis hard to swallow: America is not, we know, populated with W.C. Fields characters. Most of us smile at the sight of a happy baby; most of us permit neighbor children to fish around in our rhododendron to retrieve lost baseballs. Still, the *actions* of many people are not inconsistent with a kind of hatred. The decision of many couples to forego children for the sake of continued comfort or fulfillment or whatever is reminiscent of those who testify their staunch support of black civil rights but put the house up for sale at the first sighting of a black neighbor. Other people's children, laundered and supervised and kept at a proper distance, are acceptable. But if permitted to approach much nearer, they might threaten a well-ordered, self-gratified, uncommitted lifestyle.

But can such tame excuses, such uncommitted lives, be the source of neglect and violence including even abortion-on-demand? Can the perennial children of our society really be the cause of human destruction in numbers as great as one million a year? Doesn't the accusation seem ludicrous when we consider the well-dressed, polite, often amiable people who fit the description? But then again, why not? We are talking of people who, at a certain point, chose to arrest their development. And children can be cruel, you know.

Liberal Laxists

John T. Noonan, Jr.

IN *The God That Failed* Ignazio Silone tells how when he was a boy in the Abruzzi a certain prominent landowner, out of malice or a secret grudge, turned his large dogs loose upon a poor seamstress, badly mauling her. The incident occurred on the steps of the village church after Sunday Mass; it was witnessed by virtually everyone. The seamstress decided to sue the landowner. She was advised that she was making a mistake, but she persisted. When the trial came no one appeared as her witness. The landowner, defended by the town's leading leftist, bribed two or three people to give a version of the events according to which the seamstress had deliberately provoked the dogs. The judge, a man with a reputation for honesty, found for the defendant and assessed costs against the seamstress.

The judge had not been present at the attack but he knew what everyone in town had seen. Discussing the case later at the Silone household he explained that even if he had seen the incident himself he still would have had to find for the dogs — he was bound, he said, to decide only on the record before him. “It’s a horrible profession,” Silone’s mother commented to him afterwards. “Be whatever you like, but not a judge.”

This true story recapitulates a famous hypothetical case debated by medieval theologians and canonists. In the hypothetical, a judge knows privately that the accused is innocent of the capital crime with which he is charged, but on the record established by sworn testimony the accused is guilty. The judge cannot disqualify himself (an assumption more realistic in a medieval village than now). Should he act on the record, convict an innocent man, and sentence him to death? Or should he act on his personal knowledge and acquit him? On the first alternative he is putting the innocent to death — the usual definition of murder. He acts against the knowledge lodged in his own conscience. On the second alternative, he abandons the rules of the judicial process and introduces a dangerous possibility of personal bias substituting for evidence.

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Faced with this dilemma the medieval schoolmen divided in their answers. Some were clear that no one could ever justly cause the death of the innocent, others that no judge could ever rightly judge on facts outside the record. To the argument that the judge should not act against his conscience, the latter replied that the judge was “a public person” and “a private person.” As “a public person” the judge did not know what he knew as “a private person.” As “a public person” the judge acted according to his conscience when, using only what he knew in this capacity, he condemned the innocent to execution.

To anyone sensitive to the demands of the judicial process the dilemma posed by the medieval hypothetical is a difficult one, and, when it is transposed into an actual case like that of the seamstress and the dogs, an excruciating one. Do we want a judge so blind that he cannot see what everyone else sees because the channel presenting the facts to him has been polluted? Do we want a judge who ignores the sworn evidence before him? But perhaps our difficulty lies in passively accepting the terms of the dilemma. Most persons who hear the story will, I believe, agree with Silone’s mother that judging is a horrible profession if the judge is not somehow astute enough to find a way to make what he knows is just prevail in his own court. The solution that dispenses the judge from reconciling his own knowledge and the evidence is too complacent, too easy on the judge. We want him to sweat and strain so that those lying witnesses will be led to reveal the truth. We want him to penetrate the deception and fraud he knows is being practiced on him. If he must judge, as the assumption of inability to disqualify himself demands, let him judge only after he has exhausted himself in the effort to integrate his personal and his public information.

If the judge fails to make this effort or if he fails in the attempt, there is a simple phrase to describe his character — he lacks integrity. Integrity means wholeness, wholeness of mind, wholeness of person. A judge who dichotomizes his being is wanting in wholeness.

The medieval “solution” which created the schizoid distinction “public person” and “private person” is not tenable. Person is not a term so lightly cut in two. Person refers to a unity of flesh and blood and spirit. Each of us is a single person. We have no way to double ourselves, no way to provide the blood, flesh and spirit which would maintain “a public person” who could subsist apart from our private selves. We have one pair of eyes and one pair of ears: what we know

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from seeing and hearing we know. We have one mind, one heart, one conscience. We cannot split sight or knowledge or conscience into two.

The judge presents the most difficult case because the social argument for limiting his channels of information is so strong. But if even the judge is wrong to bifurcate his conscience to the damage of another human being, why, *a fortiori*, public officials whose information is not so restricted cannot be encouraged to develop schizoid consciences. I refer, in particular, to senators, congressmen, legislators, governors, and presidents. There is nothing in our theory of democratic government that says that they can know only certain things. There is not for them the judge's colorable excuse that he can act only on the record. No, they are our representatives. As our representatives they are our eyes and ears as well as voices. They can hear and see what we hear and see. Far more readily than the judge they can integrate what they know with their public duties. They will integrate what they know with their public duties if they are persons of integrity. Otherwise, they will end in voting for the dogs and even in putting the innocent to death.

The Christian community in the seventeenth century had the experience of finding in its midst certain moral theologians so desirous of empathizing with every individual's circumstances and so anxious to accommodate moral demands to urbane social existence that they virtually obliterated the difference between good and evil. Beginning from the sympathetic study of hypothetical cases, they gave the term casuistry a bad name. In time they came to find ingenious excuses for cases of lying, fornication, even murder. Too concerned with individual guilt, they neglected the social evils they encouraged. They were finally reprobated as "laxists." What we have today in our midst are liberals who have become laxists in their exercise of public responsibility.

"I am personally opposed to abortion, but. . ." — the phrase has become a cliché in the mouths of holders of political power, or aspirants thereto. It is recognized now by everyone familiar with the issues as cant. But even cant may be conscientiously repeated by those not yet sensitive to the issues. If the cant is to be penetrated, its erroneous foundation must be exposed.

It is not to be denied that the legislators who fail to take the necessary steps to protect the unborn by constitutional amendment or who themselves vote to fund abortions may be in good faith

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— that is, they themselves may be unaware of the defects in the defenses they have adopted. Classic moral theology has recognized that good faith, in some circumstances, may excuse a person from personal culpability even when he is doing what is objectively wrong. Such may well be the case with our legislators — they are not to be scorned as sinners because they have not made the analysis to be set out below. But they are to be reasoned with, to be persuaded that what they have thought is a defense is no defense, that their good faith in the rectitude of their pro-abortion actions and their pro-abortion inaction rests on mistake. Classic moral theology, respectful of the rights of each individual conscience, also teaches that good faith cannot be allowed to subsist erroneously when it endangers the basic rights of others and the social good. If ever the rights of others and the social good were endangered, it is now as the abortion epidemic sweeps the land. Such good faith as rests on error must be challenged.

We are public officials, they say, when abortion is the issue: what we believe privately cannot affect the conduct of our office. To that we must reply courteously but firmly: You cannot so divide yourselves and remain persons of integrity. If you see human beings being killed and fail to act you are lacking in integrity if you do not act to stop the killing. Your conscience is at war with itself — in modern jargon, schizoid.

Let us then confront the officeholder or aspirant to office who says he is “personally opposed to abortion.” Let us ask him to explore for himself why he is personally opposed. Two answers are likely to be given: “My religion is against it,” or “My conscience is against it.” If the first answer is given, we must probe: “Why is your religion against it?” If the religion is any of the main religions of the West, the reason will be: “It involves the taking of the life of a living member of the human species.” If the second answer is given and the reason is again sought, a similar basic objection to taking life will almost always be found at its root. In short, most persons “personally opposed” are opposed because their consciences have appropriated the fundamental truth that abortion is an act of violence by which the life of a fellow creature is extinguished. We are then dealing with persons who see what we see and know what we know, that abortion is wrong, a moral evil, depriving another living being of existence.

How come such persons, then, to add the “but.” Commonly, if

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probed, their reason is stated in this form: "This is a pluralistic society, therefore neither I nor the government should interfere in another's private choice." It is the weight of this reason that should then be weighed. How weighty is the respect owed another being's choice when it takes the life of one you believe to be a fellow creature? The weighing can be done by looking at what the person questioned would do if the private choice of another person was to maim or kill members of a minority — say Orientals or Blacks or Chicanos. It is notorious that it has been the private choice of some persons to maim or kill members of such minorities. Would our officeholder or aspirant respect the erroneous consciences of those who, quite conscientiously, despise and injure these fellow creatures? Or would he put aside his tolerance of pluralistic belief and conduct in order to protect those being harmed?

Most of those who identify themselves as "personally opposed, but not" are American liberals. It is not hard to imagine that they would all rise to the defense of the rights of discrete minorities threatened with violence. They would accurately distinguish between tolerance of another's erroneous belief and tolerance of another's action based on that erroneous belief. They would not hesitate to prefer their own consciences as guides. They would rightly conclude that they had no conscientious alternative to action to stop the maiming or killing. They would rightly conclude that for the government not to enact legislation to prevent such behavior, or not to enforce such legislation, would be for the government to discriminate against the oppressed minority. But then how can they weigh heavily the erroneous consciences of those who would maim and kill the unborn? Can they not see that to let the slaughter continue is as real a discrimination against a discrete minority as when the minorities were oppressed by skin or color?

Suppose they argue instead: Worse evil will follow enactment of abortion law. The abortions will not be stopped, but the women who have them will be maimed or killed by backstreet abortionists. We choose the lesser evil in letting the law be silent. This line of reasoning had a certain plausibility before the Supreme Court undertook the giant social experiment of creating a country without abortion law. It is now clear that without a law the slovenly negligence, cruel indifference, and heartless exploitation of women attributed to illegal backstreet abortionists may all be found in legal mainstreet abortionists. The *Chicago Sun Times* expose in November 1978 of

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the atrocities committed on their female patients by several constitutionally-immune abortion clinics in the Chicago Loop stands as testimony to the kind of person often attracted to abortion as a business. It is equally clear that without a law abortions rise dramatically. The highest figure suggested by pro-abortion estimators before 1973 was one million abortions in America a year; they also admitted that there might be only two hundred thousand. These were guesses. Now it is known that there are currently over one million four hundred thousand a year. Abortion has increased at least forty per cent; it may well have increased seven hundred per cent. Hundreds of thousands of more lives are now being taken. The greater evil has, beyond argument or cavil, been the elimination of the law.

Let us suppose they try a third tack: "We agree with all you say, but we must do nothing in order to be elected to office, or stay there. Our constituency would turn against us if we acted against abortion. The greater good of our being in office justifies our toleration of a certain quantity of evil, including abortion." The factual basis of this defense is doubtful — the best polls show an overwhelming public repudiation of the abortion epidemic. But let us suppose that somewhere in the country there is a particular electorate so secular in its values and so blinded by journalistic *cliches* that it actually would turn down a representative identified against abortion. Could the representative of such a constituency rely on this defense?

No doubt every officeholder will assess his being in office as a very great good, not only for himself but for the country. Such flattering self-evaluations must be assumed. Taking the self-evaluation at face value, can it outweigh the harm done by tolerating cruel injustice to fellow human creatures? It would seem improbable. A politician would have to set an extraordinarily high value on his indispensability to say that it was better that he be elected than that he act to end the maiming or killing which his inaction in office permits to continue.

More fundamentally, is such a comparison of good and evil permissible when one is a direct participant in creating injustice? It may be doubted, especially where the injustice is the taking of another's life. The case of the legislators is, in classic terms, one of direct or formal cooperation in injustice when they intentionally discriminate against a class by intentionally failing to enact laws protecting that class from lethal violence. It is not merely material cooperation in

the sins of those who maim and kill. They do not will the actual killing but they do will the discrimination when they will not to enact protective law. The analysis is not altered when, as in the American case, the protective law must begin with a constitutional amendment.

Even clearer is the case of those legislators who vote for public money to purchase abortions. They participate in the funding of the killings. They vote to make available the means which accomplish the killings. There is not some alternative good purpose for which the moneys they vote will be spent. Earmarked for abortion, the funds will be expended to make possible the extermination of members of the oppressed minority affected. The legislators who provide these funds are direct cooperators in the killings for which they pay.

It is in the light of such an analysis that a voter may justly address the question of whom he should vote for to represent him in Congress or a state legislature. He is entitled to raise similar, although not always identical questions about a governor or president. As the signature of the governor or president is normally necessary to enact statutory law, he will be in a position to cooperate or not to cooperate in the funding of abortion. He cannot initiate a constitutional amendment; but he can speak out in its behalf, he can work with legislators to pass it, he can appoint judges who will loyally carry it out. It may not be too much to say that failure of the president or governor to use the full power of his office to support an amendment designed to prevent tangible physical violence to an oppressed minority is close to willing the continuation of the violence, the perpetuation of the mass slaughter.

If a voter decides that a candidate's record on abortion is such that he must vote against him, is the voter to be pilloried as a "single issue voter"? Society itself will split, government itself will become impossible, it has been argued, if a candidate must meet the demands of every voting bloc judging on a single issue and no other. The argument, however, was not heard when blacks and liberals were passing on a candidate's fitness for office primarily in terms of his stand on civil rights. There are obviously issues so trivial that it is unjust to decide by them alone and others of such immense social importance that they are overriding. Concretely, in the United States today, the expression "single-issue voting" has become a code to designate and denigrate the voter who gives high priority to a candidate's stand on abortion. It expresses the media's contempt for the

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social importance of the abortion issue. But the media is, by and large, in the pro-abortion camp. It is in the interest of this camp to attach little weight to the issue when the camp's aim is to preserve the *status quo* of easy abortion. The pro-abortion party is all too aware of the effectiveness of an electorate focussed on the abortion issue as a prime priority. In fact a set of priorities in judging candidates would seem to be the first step for any intelligent electorate to make. A person who is convinced that abortion in America is now a massive evil will not shrink from making its reduction his first priority.

When a voter considers his vote for a candidate who does discriminate against the unborn minority or who, worse, has actually approved of paying for their deaths, he is entitled to think of worse evils that are likely to be perpetrated by the candidate's opponent. It is conceivable that a person running for office is so corrupt that he can be imagined committing greater injustices. Concretely, in the United States in the year 1980, it is hard to think of evils greater than the annual taking of one million four hundred thousand helpless lives. If a candidate is in favor of the continuation of the killing — whether he wants the government to pay for it, or merely to stand by with folded arms — his conscience has been erroneously made up. Objectively, he is a participant in the denial of a basic right. A voter may rightly make his highest priority the elimination of a candidate whose conscience is so unresponsive to the evil his inaction perpetuates.

The American Family: An Embattled Institution

Michael Novak

I WOULD LIKE TO PROCEED, as I usually do, in three steps (a trinitarian to the bitter end). I would like first to talk about some of our perceptions about the family. For there is a very sharp distinction to be drawn between the actual health of the family today, the *reality* of the family, and our public *ideas* about the family. The reality is one thing and the perception of it quite another. Secondly, I would like to address the question, "Why the family?" What is so significant in talking about the family? And there, too, you will be pleased to know that I have three points to make. And lastly, I would like to address the theme, of which this conference itself is one more evidence, of the emerging politics of the family, or if you wish, the political philosophy of the family. I am quite confident that in the next decade, we will see more and more conferences of this sort, more books and articles being written, more public policy thinkers addressing all the various questions involved in family life. Indeed, even our major political parties are becoming more and more explicit in their attention to the family.

Perceptions About the Family

First of all, then, I would like to talk about the most important social change in the United States since World War II, which underlies our discussion. There has been since World War II an enormous expansion in the elite, defined in terms of education, income and status. There were 900,000 students in college in 1939 and 13,000,000 in 1977. A full 10% of our working population has annual incomes of more than \$25,000. A full 13% of the adult population has at least four years of college or university study. For the first time in our history as many as half, or maybe more than half, of that elite no longer finds its economic interests lodged in the private sector.

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About half depends for its income, and its opportunities for advancement, on an expanded public sector.

Consider: One of three Americans depends entirely for his or her income on the government. One of six works for the government. Others are on Social Security or unemployment, and a full 10,000,000 of our workers are paid by government contract. They may work for private companies but their monies come from government funds. So we are very close to having half of our population dependent on the government. It used to be said that the business of America is business. It happens now that the business of at least half of our elite is making life difficult for business. It is in their interests for the public sector to grow dominant.

The Antifamily Ideas of an Emerging New Class

A new class does not often emerge in history. The last new class, for example, the business class, began to appear as Adam Smith published *The Wealth of Nations* (1776). When such a new class emerges, it brings in its train a new politics, a new culture, and a new morality. I believe we have seen the emergence of a new class in American life since the Second World War, bringing with it a new politics, a new morality, and a new culture. Wigs and lace went off when the business class emerged as the dominant class in Great Britain and Holland and in a few other places two hundred years ago. Now there is again a new shift of hair styles, dress, music, art, and the distribution of political power. A new class has gained in clout.

There is in this new class a very strong interest in making itself the center of our culture. Mussolini said it was his ambition to impress a new image on the face of Europe. He drew his fingernail along a brown leather chair, leaving a jagged line, and said, "That's what I hope to do across the face of Europe." In the same way now, there is a very strong desire on the part of bright, capable, idealistic and ambitious people to impress their own culture, their own values, their own distinctive vision, upon the center of American life, thus displacing the business class from the center of American life. That interest leads to a systematic debunking of all traditional institutions.

A class wishing to gain power does well to latch on to the instruments of communication in society. Then it may debunk the institutions in which its rivals hold the critical positions, and transform

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those institutions into its own image. These things, I think, lie behind the systematic denigration of our major institutions, of our politics and the presidency, of our corporations, of all our large associations, our unions, and of the family itself. I think those are not merely random opinions that we face, those antifamily ideas that we hear all the time. I think there is a systematic social basis for them which makes it difficult to counteract them.

If I am right about this, many of the people in the top 10% of our culture, by income and status, have special problems in their family life. I remember working briefly for *Time* magazine in Rome during the period of the Vatican Council, and being told of a reception held in Great Britain for all the *Time* correspondents who had served there ten years earlier.

It turned out, so I was told, that nobody was still married to the same spouse. If you know the world of journalism and the other worlds inhabited by this new elite, it is quite understandable that there should be difficulty in maintaining a stable familial relationship for many years.

Actually, such relationships have always been difficult. The staggering fact is that 66% of all Americans who pledge to commit themselves to each other until "death doth them part" *do* stay together until "death doth them part." And what is staggering about this is how much longer it takes nowadays for death to part people. Benjamin Rush bled George Washington to death. Only in the year 1909 did the intervention of medicine begin to make a statistical difference in whether you lived or died. It is important to remember that. It is in this century that doctors at last came to know enough to make a difference. The average age of death for the oppressed sex until the middle of the last century was 37, and for the oppressor sex, 34. Today, the figures are 74 and 67 respectively. When you are going to pledge yourself to someone else until death do you part, if she is going to live to be 37 and you only 34, it is no big deal. What were you giving away, really? But 74 and 67 signifies two lifetimes together.

Divorce and Remarriage

The second fact I would like to call to your attention is that even among the 33% of married couples who now part company — and it is perfectly understandable that that should happen in the mobile, affluent free society that we have — among the divorced, 78% re-

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marry. In a fascinating way, some of them believe in marriage and, like certain citizens of Chicago who believe in voting and do so several times, many people who remarry do so more than once. The point here is that it is not marriage that is the fundamentally threatened institution. Divorce is a painful disruption of individual and family life. Still marriage remains the basic human response.

Theories of Child Development

There is a third point I would like to make under this heading of perceptions. It is important to recognize how our understanding of child development and child raising has changed down the years. If you have looked at medieval paintings, you will have observed that the little children are in every respect like adults in their faces, their clothes, their expressions, except that they are small. There wasn't, in an important sense, a theory of childhood in that culture until Rousseau. Rousseau invented children, even manufactured them as innocents, really an astonishing development, no doubt related to the fact that he was not the constant father to his own children born out of wedlock. It was easier to invent their innocence that way, easier to believe in it. As Rousseau invented childhood, there suddenly began to be books about childhood. They are not just little adults. And there began to be theories.

In the same manner, in our lifetime, teenagers were invented. Never in the history of the world did teenagers exist before we created them. Indeed, after World War II, we went even further. In the United States, we built a new college campus every two weeks after World War II until about 1964. There was a tremendous explosion of university education, and we thereby invented twentyhood. Now, with a little luck and help from your friends, you can be a kid until at least 22. You may be ready to marry, you may be as ready to work as children heretofore had been at 9, 10 or 11, but you haven't committed yourself either to marry or to work. Thereby, in the classical notions of maturity, you are not able to be mature. It has come to the point that if you look at us now and compare us with photographs of our grandparents at the same age, I think you would agree that our grandparents look all of ten years older than we do. To put it in another way, we all look ten years younger than we actually are. It takes a lot of cream and a lot of lotion and a lot of other things to do all that, but there you are! And in a particular way, it is now possible in our society, since it's a wealthy society and

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very free, to be a kid for life. Some of the nicest kids I know are 50 years old. You do not ever have to take responsibility for being an adult in the classical meaning of being an adult, whatever your age.

Discerning Reality Amid the Popular Assertions

My first point, in sum, is that we are often led to look at ourselves, our society and at the nature of the family in the midst of a culture in which the publicly acceptable ideas are funneled through very narrow channels, and not always consciously, by a certain social class with ambitions of its own, serving purposes very different from those many of us have set for ourselves. It is terribly important to doubt every public image about us, every time we hear something said about the American character, the American family or whatever, to doubt it, to believe deep in one's heart that the experts in such matters are generally wrong. As an experiment, don't be intimidated by the experts. Reading or listening to the experts, stop short and say, "Yes, but what about my Uncle Emil? What about the people who live next door? What about the real people that I know? Forget the generalizations of other people that I can't see. What about the actual people within the range of my experience?" I think you will find again and again that the reality is quite different from the public picture.

They say, for example, that we are a consumer society. You think of the family up the street with five children, some of them in high school, one in college, and although the father has a good job and although the mother teaches in the public schools, with a good income, they don't buy anything extra. It is all they can do to pay for the educations of their children. It is also true that each of their children has a different set of interests, and they tend to buy things that enable each child to follow those interests. Well, that is expensive in itself. But they don't buy for the sake of buying. They don't have some "consumer's itch" to go and "consume." To think of them as consumers is to miss totally the reality of that family, or of any other family of your acquaintance, or of mine.

Our students in college quite often have never heard the intellectual culture encourage them to marry and have children, or that it is an important political and moral statement to make in one's life: To be married and to have children. Indeed, it is as important a political and moral stance as any they will take. Quite the opposite. They see the single life glorified everywhere. Virtually every television

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show is about the adventurous single person. And they hear praise of an ethic, of moral values that glorify doing your thing, fulfilling yourself. The real implications of this concept are only beginning to dawn on us. If you teach people everywhere and encourage them throughout the culture to do their thing and they do, you end up with what is described, wrongly, but described nevertheless as the “Me generation,” as narcissism. And eventually cultural elites end by deploring that which earlier they had praised.

A related target of the adversary culture is respect for hard work and for the world of economics on which a free economic system depends. Even many corporations help to spread destructive cultural ideas. “You deserve a break today” — absolutely false. You don’t deserve a break today. The world does not owe any of us a break. The world does not owe us a living. We don’t deserve anything. And it is not just that. It is that such a claim absolutely undercuts the sort of moral energies upon which our liberties, both economic and political, depend. It is astonishing to find major corporations supporting “The Pepsi revolution” and “The Dodge rebellion” and “Escape to the Bahamas,” and so forth, all radically undercutting the ethic on which our society is so dependent.

We live in a world of perceptions, then, in which we commonly misperceive ourselves and in which the fundamental ideas expressed through the culture are often radically hostile to our values, to family life, to fidelity between man and woman, and to those virtues of character upon which a democracy depends.

‘Why the Family?’

Why the family? Again, three points I would like to make. First, without it there isn’t any future. It is as simple as that. There is only one way for the human race to have a future. That is for us to have children. If we should all stop having children the human race ends when the last of us dies. Will the last one out please turn out the lights? There is only one way to have a future and that is to have children. And that is why I say being married, having children, is a political and a moral act. It is, as this conference is, an act of hope. (Being from Eastern Europe I am a little suspicious of hope. When people talk of hope, I begin to think they are kidding me. I am only really happy when things look very bleak. So I am not a fan of hope.) I would prefer to say that it is human destiny to be familial.

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There is only one way the human being has a destiny — to be familial.

An H.E.W. That Works

Again, why the family? Because it is the only department of health, education and welfare that works. We only need a Department of Health, Education and Welfare when the family doesn't work. And then it is exceedingly expensive for that department to do anything about the failures of the family. It is not only very expensive but relatively ineffective. It is true that if there is a delinquent child or an abandoned child, the Department of Education, Health and Welfare can bring up that child, for \$16,000 a year. But couldn't we all? Wouldn't it be lovely to have \$16,000 per child? We would eliminate poverty overnight. It would be a marvelous thing to bring up children on \$16,000 per child. They could have all the music lessons their hearts desire.

What I have in mind is really something deeper than that. The family is the most understudied of all institutions — of all our major institutions. The sociology of the family is in very bad repair. The psychology of the family is awful stuff. The history of the family is only at its beginnings. And one can examine the philosophy, the theology, and so on through many various fields. It is rather astonishing what we do *not* know about the family. However, in the last thirty years, extraordinary progress has been made among scientists in actually measuring certain behaviors of the family. We have come to learn, for example, that if parents hold a child and provide stimulation of various sorts for the child, they can increase or diminish that child's IQ by measurable amounts. The IQ is affected by the parental attitudes and actions around the child. We discovered that if you teach children at home how to read and write, or at least how to recognize letters and match letters with sounds, by the time they come to school they are easy to teach. In those homes in which they are not taught to recognize letters or to match letters with sounds, in which the parents do not read, it is almost impossible to teach them in school how to read and write. When they do figures at home, they do figures easily in school. And when they don't play monopoly or other games at home and they don't know figures, it is very difficult to teach them at school.

Every book on education has either a preface or an appendix in which is noted the radical importance of a family to the success of

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education, but there are never any chapters on the family and education. They all make a passing nod at the fact that the family is the primary vehicle of education, the school only a supplement. That is so obviously true in our experience, but it is not true in public practice.

We have learned that if you teach children at home to work and to regard work as a normal, natural part of everyday life, they learn work habits and they take a certain zest and pleasure in work. If you don't, they are likely to treat work as a disease.

We've learned that if you teach children in the home to be honest and the other fundamental habits of a responsible life, it tends to stick. This is not accomplished without some difficulty. Children are not born honest. "Did you do that?" "Oh, no," they say, "I didn't write on the wall. Susan did." It is hard to bring children to honesty. It is hard to teach them altruism, and so forth. If you don't teach these things in the home, it is far more difficult to teach such values later.

Psychologists tell us it is crucial to give children a basic trust in human beings. If not given very early, it takes thousands upon thousands of dollars to recover this trust later, if at all, and those who lack it may require psychiatric help. If you don't teach these values in the home, do you actually expect politicians to do it? Bureaucrats to teach these values? Social institutions somehow, to make up the difference? Not likely.

We have learned that the food a mother takes during her preparation for and during the pregnancy has great effect, measurable effect, upon the nervous system, the brain tissue, and bone structure of the child. Even the music the mother listens to affects the child within her. We have learned that the psyche of the child is dramatically affected by such small things as potty training, and so forth.

In brief, our generation is the first to learn systematically, in area after area, the different ways in which parents can fail. We are the first generation in the history of the world brought up with the theory, "Blame your mother." I spent my whole childhood, I think, being intimidated by the look in my father's eyes. And now I'm spending my whole adulthood being intimidated by the look in my children's eyes. It just doesn't seem fair somehow! What you learn as a modern parent is all the things you can do wrong. My parents didn't know all the things they could do wrong, they just didn't know. They were so happy to get us born, get us through the first

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two years, get us through school, they didn't have time to worry about whether they were doing it right. Or, indeed, to worry about whether they loved one another.

A friend of mine was caring for a parish in the north woods. He asked a young woman who had lived with a man as her spouse for eleven years, with ten children as the result, "Esther, isn't it time maybe you came down to the church and we put a blessing on this marriage and gave your children a proper name?" She said, "Father, that's probably a good idea, but I ain't decided whether I love him yet." For most of the history of the human race, people didn't have time to get around to that. Later, maybe, but not for a while.

We now know all the ways a parent can fail, and it is small wonder that most young people are uneasy or even terrified at the prospect of marriage. If you are the parent of a daughter or son about to be married, you may have a thought go through your head at the wedding service, "Is this going to work?" Now in one sense, it's a little bit sad that at the very wedding service such a thought should press itself into consciousness. But it does. And in the sort of society in which we live, it almost has to. Similarly, should we have children, or shouldn't we? Shall we wait? What's the right thing to do? Get your career under way first? Be prepared for that other life that's coming? And in addition to think of all the different ways in which you can do it wrong?

In a word, the great contemporary experience of the family seems to be an experience of failure. An experience of being judged, now, by so many criteria, many of them rather new.

Individual Development

So the second answer to "Why the family?" is that the family is important in so many different ways in the development of each single human individual. That importance frightens us as we come to perceive its many dimensions. Without the family, we would still have to provide for the development of the individual. In no other way could we do the job half so efficiently, half so cheaply, or with half so much affection, and so much confused and rich and thick emotion.

Let me offer one more illustration of the importance of the family. In our free and mobile country, we spend more and more of our time with the people with whom we agree. Isn't that true? You have some friends for a while and then they say something about Richard

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Nixon that startles you; you didn't know they felt that way. And you don't invite them back next time — there's no point in arguing away the precious few moments you have to relax. We spend more and more of our time with people who are of like feather. I often think the only place where pluralism still exists in the U.S., where you still have to sit down at a table with people whose politics you abhor and whose religious views you can't abide, who are perhaps of a different social class and a different educational background and work at very different tasks, is with the family at Thanksgiving or Christmas. That's the only place where pluralism is still alive in America. It is not because families are harmonious that we cherish them. It is exactly because the family is the source of such rich and important conflict. It puts us in touch with reality, at the crossroads of the real, everyday life. The world of ideas pictured by the media is a world detached from family experience, everybody's family experience. It is so often a world of glamorous pretend. And it's terribly important to be brought back to real experience again and again, and the family does that.

The Learning of Moral Virtue

Now the third answer to "Why the family?" is related to such real experience, and I think this is the most original part of what I have to say. It has to do with the sort of moral realism induced in human beings by family life. I would like to argue that there is a learning of moral virtue produced under the conditions of normal family life that cannot be duplicated in any other way. I mean, for example, authority. It is one thing to be a child under authority, and to see the relationship between freedom and authority from a child's point of view. It is totally different to be the parent, and to have to make decisions regarding the lives of one's children, which they are not prepared to make for themselves, to have to exert inescapable authority, and to know how often you turn out to be wrong. Every time I lose my temper and bawl my children out, I feel so guilty afterwards. And every time I don't, I feel guilty afterwards, knowing they pulled another fast one on me. Whichever way you do it, you could be wrong. That sort of lesson in exercising authority is terribly important for the whole social structure. We try to evade it often, to fudge it, but the family forces us into that role whether we like it or not, and judges us by it.

Another aspect of this moral education, an exceedingly important

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one for human beings, is the heterosexual combat with the human "other." To learn, one by one, the ways, as it were, that the other half of the human race lives, moves, thinks, forces a person into a kind of self-knowledge not available in any other way. As the opportunities for homosexual life are multiplied, even in public esteem, we begin to see more clearly what is at stake. One fruit of male-female interaction is honesty. There is a peculiar kind of honesty that comes from marriage, unlike that found anywhere else. It is exactly what makes marriage so unpleasant and so difficult, so excruciating at times. Here you are, pledged to someone for life, who seems obligated to tell you all those things about yourself you have no interest in hearing. If you don't like honesty, then marriage is the wrong institution for you, because the other becomes weary with your little games and the way you move your eyes, and your little pouts, and so forth. The first three times my wife put on a helpless little look, my heart melted. The fourth time I wasn't fooled, and the fifth time I was not amused. And I only put it that way because her devastations of me are remarkable and she does them so well, and there's no reason why I should take on her job for her here. If we were not bound in this sort of relationship, how easily we would escape from those necessary puncturings of our own illusions. We each have false ideas about ourselves, and there is no way we will be forced to confront that reality except as we see ourselves through the eyes of someone who knows us so well.

There is a circumstance in marriage that induces in us a certain realism about ourselves, about the other, about some of the things that we cannot do — would like to do but cannot — and about our children. One has many illusions about one's children, which have to be broken one by one as we are forced to deal more closely with reality. These, I think, are exceedingly valuable lessons.

To summarize, I think there is a kind of moral growth that comes from being married and being part of a family that the individual, left to himself or herself, could scarcely attain otherwise, and never so naturally.

The Individual, the State and the Middle Ground

Now the concluding segment; some remarks on the politics of the family. The Constitution of the United States, like most of our political theory, especially in the Anglo-Saxon world, is preoccupied with the individual and the state, more so than with any other

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social institution. There are many more essays and chapters on the individual, and many more on the state than there are on the family, in Locke or Mill, or whatever political philosopher you would care to examine. True, there are some treatments of the family, but in the main very limp ones and very brief ones. Generally speaking, faced with a problem, conservatives have turned for a solution toward the individual, and liberals toward the state. At least liberals have done so since the 1930's when there was a major change of liberal thought in this country, explicitly advocated by John Dewey in a little book called *Liberalism and Social Action* (1935). Liberalism had always meant *opposition* to the state, but Dewey argued at that time, and I think for well-founded reasons, that we should now look to the state as a *friend*. My point is that there has been in the liberal tradition for more than four decades now a tendency to look for a way for the state to solve every problem.

We have begun to learn that the individual alone isn't enough. The family often stood behind the strong individual without our noticing it. The family was so omnipresent that we could talk only about the individual, not seeing how much that strong individual owed to a certain kind of family. Strong individuals, normally speaking, are produced by certain kinds of families. Correspondingly, a state facing only naked and lonely individuals would soon devour them all. It may, in any case, devour us all.

There is a middle ground. There is a set of social institutions apart from both the individual and the state, chief among them the family, but also the neighborhood, educational institutions like this one, even like the Institute itself (a different sort of institution alongside the university), labor unions, and corporations and voluntary associations of every sort, and the churches. This middle texture, which de Tocqueville noticed was so important in American life, has gone without much thought, without much public policy thinking, without much planning for many generations now. We have discovered that institutions in this middle range cannot defend themselves. Under the new kind of economy and the new kind of politics, they are being deeply penalized and injured. Yet, we depend upon them.

A War Against the Experts

For these reasons I would like to predict that over the next decade or so, we will see more and more intellectual energy from the right *and from the left* turn to the mediating structures of life, chief

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among them, the family. There will be, I think, a war against the experts. I hinted earlier that the experts are always wrong. And I mean that for a systematic reason. If you are an expert, you are constituted an expert by specializing in one aspect of a certain territory of material. You cannot be an expert in everything. That is a contradiction in terms. Because life comes at us on the whole, not in one dimension of a certain range of material, the experts are always wrong. They are only right within the bounds of their expertise. And when they tell us what to do in life as a whole, they always miss. Now there is a huge family establishment growing in the United States. It is powerfully institutionalized through all the family service agencies of the government with a strong vested interest in understanding the family in a certain way. It is quite able and willing to smother us with statistics of a certain sort and to propound official views of the family.

The White House Conference on the Family which, by the way, I was the first to suggest to Jimmy Carter in 1975, now called the White House Conference on Families, has run aground over the differences between the professionals in the field and those for whom the family conference was proposed in the first place. The whole notion of having a White House Conference on the Family was to take the thing out of the hands of the experts, and bring back into the center of American political attention an institution sadly neglected by the left and the right, alike. Now the experts want to design it in their way. This new politics of the family, I suggest, will be deeply fraught with political dangers. When the state begins to get its hands on something, it very often begins to destroy it. In a world in which public policy issues tend to be devoured by the experts and used for the purposes of the state, and indeed for the purposes of a new class, we are running a hazard in holding such a conference and any other like it.

The Destiny of the Human Race

I want to end by saying that the destiny of the human race is to be familial. In certain respects, the family is stronger today than ever. There is more knowledge, more care paid to each individual, better health, and so forth. Yet we live in a society in which many ideas, images and aggressive cultural messages are radically hostile to the values on which strong families depend. We are given a distorted image of what is happening, even in our own lives.

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There will, I assure you, be more and more attention paid to the family in public policy debates over the next decade or so. Much of it will be dangerous attention which will call on us to think rather creatively about how to enhance rather than to damage the family in a free society.

There must be many ways in a society such as ours by which we can help to make the family more central in our lives and to function more effectively. We can't take the family for granted. We have learned that so many things injure it and penalize it. We have all counted upon the family for 1,000 years, during many eras when no other institution worked, not the state, not the church, not the educational institutions, nothing. The only thing that worked and made survival possible was the family. Now, it seems, the family is at a critical point. We must find ways by which to make its path easier in the future than it has recently been. For often today those who cherish family life feel, even in their homes, under constant assault, embattled, and at war with a culture unnecessarily adversary to much that they hold dear.

Beyond 1984: Big Brother Versus the Family

James Hitchcock

THE MOST COMFORTING LESSON that can be learned from history is that it is full of surprises. Although many of these are unpleasant, on balance the happy surprises perhaps outweigh them. Historians who are conscious of abstract "social forces" can discover numerous times in the history of societies when seemingly ineluctable pressures tended towards the utter annihilation of civilized life. Most of the time something happened — some twist in the anticipated events — which kept life at least tolerable and provided the bases for an eventual renaissance.

This lesson of history is especially comforting because any rational extrapolation from current trends in American society is likely to yield a dismal picture of the moral quality of life in the year 2000, whether or not America copes with the energy crisis and its other material problems.

What follows, therefore, while quite logical in terms of what is presently happening in America (and indeed most of the West), should not be taken as suggesting some iron historical law. Pessimism on this point can induce passivity, which itself would be one of the chief conditions for the fulfillment of this prophecy. What is threatened is human freedom, and the determined exercise of human freedom is the ultimate antidote.

In one sense the scenario here set forth culminates in a familiar event — the triumph of Big Brother — which every intelligent adolescent can discourse upon at length. But perhaps worse than failing to anticipate future dangers is the tendency to expect them from the wrong quarter. For a long time there has been an expectation that Big Brother will emerge, if at all, from a vaguely "right-wing" context — an alliance of big business and big government, a strong military, police engaged in surveillance of citizens and forcible suppression of dissent, and disregard for established civil liberties.

All these dangers are perhaps potentially real. But by sounding so

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many alarms over so many years liberals have probably significantly reduced the likelihood of their occurring. Those in a position to mold public opinion are quick to grasp the implication of new phenomena like, for example, the use made of personal financial data deposited in credit records, and quick to propose safeguards against abuse. For decades the momentum of politics has been in the direction of systematically rectifying all such real or imaginary abuses, and remedies are not difficult to devise.

In theory liberals recognize the possibility that Big Brother might come from the left. However, they tend to regard this as merely an academic possibility. The array of totalitarian leftist states in the world is perceived as the unfortunate effect of archaic social orders which were unable to “modernize” in a democratic fashion and which slipped from one kind of tyranny into another. Since this dynamic has little relevance to the Western democracies, liberals tend to be complacent about the totalitarian threat from the left.

As the calendar year 1984 draws alarmingly close, there will be many rehearsals of George Orwell’s prophecies. Yet their very familiarity has perhaps robbed them of much of their sting, not only in the way that what is familiar inevitably becomes what is tolerable but also in the sense that the evils Orwell portrayed have so dramatically impressed themselves on the Western imagination that many people would recognize them only in the form in which Orwell presented them. Put another way, Orwell’s fictional world is evidently evil. What many sincere and well-meaning people cannot imaginatively grasp is the possibility that such a totalitarian regime might emerge gradually and incrementally, as the outcome of a whole series of decisions motivated largely by benign intentions and carrying an intimidating moral weight behind them. The big brothers of the future will not be recognizably evil people; they will look instead like rational idealists.

Part of the deficiency of the popular Orwellian view of a totalitarian future is its generally individualistic bias. The horrors of a totally controlled society are comprehended primarily in terms of the restrictions placed on individual people — their speech, their reading, even their love-making. Partly in consequence of this, defenders of freedom have come to regard individual rights as the cornerstone of all liberty and have a willingness to exalt individual rights without much regard for other social consequences. (One obvious example is the determination to protect accused criminals from all possi-

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bility of unjust treatment, to the point where it has become much easier for social predators to trample on the rights of their fellow citizens.)

However, the greatest failure of the individualistic approach to human rights has been the inability to recognize how an ardent concern for freedom, understood in a particular way, can itself contribute, in the long run, to the undermining of freedom. The argument here is a familiar one, but no less true for all its familiarity — the systematic “liberation” of individuals from their membership in all traditional social groups in the end leaves them naked and vulnerable, no protection intervening between themselves and the all-powerful state. The two social groups which have suffered most from this distorted notion of freedom are the church and the family, especially the latter.

Some analysts have argued that the most ominous shift in American social policy in recent years has been from an emphasis on liberty to an emphasis on equality, and beyond that from an emphasis on equality of opportunity to an emphasis on equality of results, and there is no doubt that this shift has had significant consequences. The argument is again familiar but true — if equality matters more than liberty, then the liberty of some people will have to be restricted to prevent them from gaining advantages, by whatever means, over their fellows. And if equality of result is taken to be the only true test of equality of opportunity, then even more severe restrictions necessarily follow.

The relevance of this argument to the rights of the family is obvious. All kinds of research have demonstrated that the family is the single greatest factor determining a child's likely success or failure in life. This is true not only in terms of the family's material condition — how expensive an education can the child be given?, for example — but perhaps even more in terms of the quality of love, support, and encouragement which children receive at home. Further, although these advantages are usually understood in ways which have tangible bearings on career opportunities — whether parents encourage ambition in their children, for example, or promote intellectually stimulating family activities — intangible moral factors are perhaps even more important. Who can weigh the immense advantages which accrue to a child from a loving, stable home life, or from being nurtured in a firm and coherent moral universe?

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Thus sooner or later a militantly egalitarian social philosophy will come to identify the family, even more than the school, as the greatest single obstacle to true equality, a fact at least dimly recognized already by the dogmatically egalitarian ancient Spartans. So long as attempts to overcome this inequality concentrate on trying to help children of disadvantaged families — through remedial education, for example — they may be welcomed. The dogmatic spirit is so deeply ingrained in the champions of equality, however, that sooner or later such remedies will not be enough. They will attempt to strike at the root of the problem by removing children from family influence as early as possible and as thoroughly as possible. Only uniform, state-controlled nurturing facilities will be deemed truly protective against the “unfair” advantages which some families give their children.

But it would be a mistake to regard the battle as solely one between champions of equality and champions of liberty. Paradoxically, as dogmatic egalitarianism grows in influence, so also does an almost anarchistic notion of personal liberty. It is not accidental that the long-standing popularity of quasi-collectivist philosophies in America is now matched by the growing popularity of a doctrinaire libertarianism, and not merely as a reaction. What both philosophies share is an antipathy to mediating communities. Libertarianism is badly mistaken in thinking that an extreme emphasis on individual freedom is the best bulwark against political tyranny. Instead such a philosophy precisely helps bring about the situation alluded to previously — the lone individual standing naked before the all-encompassing state.

If anything, the contemporary Western understanding of liberty poses an even greater threat to the family than does egalitarianism, for while total equality is an ideal which lacks general appeal (most people probably think of themselves as at least potentially above average), total freedom is a seductive promise indeed. Most important, the dangerous growth of the power of the state has been accomplished in modern America by persuading people that the state's power is far more benign than that of the lesser institutions it seeks to supplant, a claim which in many instances has been true. By now, however, the momentum in the direction of expanding state power is almost irresistible, and the automatic solution to virtually every perceived social problem is yet a further expansion of that power. Only occasionally does the citizenry seriously ask whether the cure

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is not worse than the disease, and as yet there has been no serious and sustained political debate on the question. (As clear-headed analysts have pointed out, opinion polls show people deeply distrustful of government bureaucracies but also inclined to support politicians and policies likely to swell those bureaucracies even more.)

One of the great advantages that enemies of the family have is the fact that the family is by far the most intrusive of all social institutions, precisely because it is the most basic and the most nurturing. Everyone who has ever been part of a family at one time or another experiences a sense of constriction and limitation. The family which protects and warms also seems to inhibit exploration of all the myriad opportunities seductively held out by the great world beyond. This feeling is especially acute among adolescents, but it is by no means unknown among middle-aged parents. The claim that the family is inherently a tyrannical institution gains immediate response from unthinking people who cannot distinguish between tyranny and inconvenience.

Far more alarming than legal efforts to restrict the family is the fact that so many people, including parents, seem willing to surrender familial rights voluntarily. A simple case in point is the enormous increase in the number of mothers of small children who are working outside the home, not only because of economic "necessity" (often defined as the "need" to maintain two cars, a summer house, etc.) but for the sake of self-fulfillment. The arguments about the effects of this on small children are complex. But there is a strong sense that most women who have chosen to entrust their children's nurture to professionals have not seriously considered the implications. They have been told by some professionals that the practice is not only harmless but positively beneficial, and they are not interested in other respectable opinions. Contemporary popular literature, including the women's magazines, is full of exhortations to live for oneself, and occasional frank admissions that children are a serious crimp in one's freedom. There is a full social continuum here, with large numbers of people choosing not to have children at all.

The rejection of marriage by large numbers of people is equally troubling, and for similar reasons. The decision to enter into unmarried cohabitation is presented as a purely personal one, of interest to no one but the participants. But the point of such arrangements, whether or not consciously recognized, is precisely the rejection of

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the family as a basic unit of society, the refusal to assume the responsibilities which accompany family life. Despite romantic talk about not wanting to encumber a beautiful relationship with mere legalism, the point of unmarried liaisons remains the fact that they can be slipped out of at will. The refusal to marry, even in an age when marriage itself is a relationship rather easily gotten out of, signifies the refusal to make a commitment, and especially the refusal to take long-term responsibility for the welfare of children. It is a relationship devised precisely for those whose sense of their own "needs" completely overrides any sense of responsibility they may have toward others.

In the debates over social policy and public morality not enough attention has been paid to the personal lifestyles of the participants in the debate. Those who are truly committed to family life are hampered by that very commitment, since they are rarely free to devote large blocks of their time to political activity. On the other side are arrayed those — social workers, academics, journalists, lawyers, government bureaucrats — who have given their careers first place in their lives. Not only do many of these people have a professional interest in expanding the power of social agencies at the expense of the family, their own chosen way of life inclines them in the same direction. The numerous professional women who inhabit these territories, or the professional men married to professional women, cannot help but insist that the arrangements they have worked out for themselves and their children are the best possible ones and that those who cling too closely to the traditional family are merely backward and timid.

Family structure breaks down for a variety of reasons, but one of the most important, now, is the willing response made by some parents to the blandishments of "liberation" from their responsibilities. The progressive surrender of more and more familial authority to the state or to private social agencies is welcomed by these parents as a wholly positive thing, since its immediate effect is to free them from certain burdens. They then become ardent lobbyists, in the social and political arena, for the general expansion of state authority at the expense of the family. (The distinction between state agencies and private ones becomes less and less relevant as private agencies are increasingly funded by the government and operated in accordance with uniform governmental rules.)

Imagine the following picture of American life in the year 2000, a

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picture not at all unrealistic in terms of a projection of current trends.

- Virtually all private social agencies have disappeared. All health care, counseling, recreational programs, etc., are under government auspices, a condition brought about partly through coercive legal action but in large measure by the voluntary surrender by private agencies of their autonomy, in exchange for tax support and official certification. Those few agencies not susceptible to those blandishments have been driven out of existence by the sheer impossibility of competing with publicly funded institutions, or by the legal necessity of conforming to governmentally imposed standards. (For example, all hospitals will be required to provide "comprehensive" health services, including abortion and sterilization, and all counseling offices will be required to refer clients to agencies providing those services. Homes for the elderly will be required to proselytize their residents on behalf of the "living will.")

- All education is also governmentally controlled. Most private schools have been driven out of existence by inflation, and by the fact that even the wealthiest could not compete with publicly funded institutions. Those few surviving were subject to so many governmental rules that their independence was in effect destroyed. (The government, for example, closely regulated who could be admitted to particular schools, who could teach in them, what could be taught, etc. The deliberate effect of this regulation was to force all schools to be "comprehensive," meaning that schools could not be organized along religious lines, for example, or could not offer curricula greatly at variance with those officially approved by the Department of Education.)

- Personnel in these institutions — teachers, social workers, psychologists, etc. — are all required to adhere to general philosophies and practical programs which are in conformity with accepted Federal guidelines. There will be no dissenting voices. Adherence to positions on, for example, abortion or euthanasia, at variance with official ones will be taken as evidence of professional incompetence.

- Vigilant government agencies exist to protect individual "rights" in such a way that institutions like families and churches have no authority over their members. Building upon the beginnings made in Sweden in the 1970's, these agencies will have constantly expanded their authority to intervene between parents and children, not only in cases of demonstrable cruelty but also by continually expand-

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ing the definition of cruelty. Just as egalitarians will seek to undermine the family because it provides some children with a better foundation for life than others, so self-proclaimed friends of liberty will worry constantly that the family restricts its members too much. Elaborate bureaucratic machinery will exist by which children are encouraged to make complaints about their parents, spouses about each other, and neighbors to be vigilant against undetected abuses in other people's families. (If this seems far-fetched, it is well to recall that in 1976 a member of President-elect Carter's inner circle of advisors, Greg Schneiders, proposed that children be encouraged to monitor the thermostats in their homes and report parents who wasted energy.) In any apparent conflict between individual rights and communal authority, the presumption will always lie with the individual.

• The churches will have shrunk to a wholly private and unobtrusive status, their adherents a diminishing minority of the population. Secularist philosophy will be so pervasive in the schools, the media, and government agencies, and family influence so weak, that most people will find religion, in anything like its traditional forms, exotic and incredible. The social status of practicing Catholics, for example, will be not much different from that of Mennonites in 1980.

Churches, and individual church members, may still possess the legal right to dissent from official policy. However, the combination of inflation and revised tax policies (enthusiastically promoted by civil-libertarians) will leave most churches without resources. They will have no access to the media, and even their own organs of communication will have largely disappeared through bankruptcy. Taxation of church property will mean that few new buildings are put up for religious purposes, and most old ones are gradually lost. Churches will be mainly composed of people with few financial resources, who have made significant worldly sacrifices — in terms of careers, for example — to preserve their faith.

A series of court decisions involving the First Amendment will have helped to bring this situation about. Tax exemption for churches will be declared unconstitutional, and the government will remain fanatically vigilant to expunge all traces of religious influence from schools and other social agencies. Parents will probably be denied the legal right to educate their children in religious schools, on the grounds that such an education is a violation of the children's rights

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to equality of opportunity. If religious schooling is still permitted, those who attend such schools will in fact pay a heavy penalty in terms of worldly opportunities open to them. (Again, this is not far-fetched. In a case involving the Amish, *Wisconsin v. Yoder*, Justice William O. Douglas, whose opinions for many liberals have the force of divine revelation, questioned whether religious groups had the right to impose their “narrow” ways of life on their children. The full implications of this principle are staggering.)

The totalitarian state of the future will not seek to outlaw religion, since it does not wish to create martyrs and since it will find other methods of discouragement more effective. In fact it will even encourage a generalized, vague, humanistic kind of religion, in which the rituals, the symbols, even some of the creeds of traditional churches will be used, indiscriminately intermingled with one another, to create a church which is really a form of therapy. People will be encouraged to participate in these churchly activities as yet another way of finding themselves, or expressing themselves, or whatever else it is they wish to do. But such religion will be understood to have reference only to the individual psyche and the “needs” of the person, not to a real God who really exists and who passes judgment on the nations.

- The family, in the traditional sense (which is the only legitimate sense), will also have shrunk to decided minority status. The breeding of children will have been transferred in large measure to laboratories, and individuals may require governmental permission to beget offspring. In this situation the permanent commitment implied in marriage will seem to have less and less point, and social agencies will promote temporary liaisons as psychologically healthier. The absence of permanent and unbreakable personal ties will be viewed by those in power as a positive social good, anatomizing individual citizens even further. People will retain the legal right to marry and to remain permanently faithful to one another, but to do so will be to invite social suspicion and official disapproval.

- The concept of “health,” in a greatly expanded and indeed revolutionized sense, will be the key to the changes that will have taken place by 2000. Rather than referring merely to identifiable maladies, the new idea of health, embracing psychological as well as physical factors, will refer to the total well-being of the individual, the realization of each person’s full potential. (This definition is already in use by the World Health Organization.)

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The philosophy of self-fulfillment, which conquered large segments of the American middle class during the 1970's, will become enshrined in official social agencies and quite possibly defined as a constitutional right. Much legislation and governmental rule-making will be devoted to making self-fulfillment available to the greatest number of people.

It is under the rubric of health, thus understood, that the state will claim the right to intervene in the relationship between parents and children. Not only will parents be prevented from physically mistreating their children but a form of "mental cruelty" to children will be defined which will include, for example, inculcating them with inappropriately "rigid" and "outmoded" moral ideas. The state may institute psychological testing for parents, and those who fail could have their children taken away from them or be forbidden to beget any more children. Among those declared to have failed such tests would be those who believe, for example, in the divine authority of the Scriptures, miracles in a supernatural sense, absolute moral laws, etc. All such beliefs will be declared unscientific and therefore inappropriate for children to learn in a scientific age. Holding them will be regarded as evidence of psychological maladjustment and rigidity of personality.

• Sexual beliefs and behavior will be taken as a special index of health and an important criterion of proper attitudes. In effect the "Playboy philosophy" of the 1960's — casual sex for pleasure, the absence of all guilt, continuous experimentation to achieve more and more satisfying sexual experiences — will be officially adopted as constitutive of health. This will be due in part to its almost universal acceptance within the therapeutic professions themselves, in part because it will be the chosen life-style of most of the bureaucrats who will make the rules in the year 2000, and in part because an increasingly totalitarian state will regard recreational sex, disconnected from all possibility of producing children, as an important way of keeping the majority of the populace occupied and happy.

There will be deeper reasons at work as well. Although many liberals, especially religious liberals, now argue that "personal" morality is unimportant in comparison with "social" morality, those with any depth of insight into the human soul realize how closely sexual behavior, and beliefs about sexual behavior, are bound to the inner core of identity of each person, which is the chief reason sexual morality has remained a sensitive subject through the centu-

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ries, despite repeated attempts to declare it insignificant. People who change their sexual beliefs and behavior in any significant way, especially if they are persuaded or seduced into changing against their better judgments, usually undergo other kinds of personality changes. The social engineers of the future will understand quite well that people who have been indoctrinated into holding flexible opinions on so basic and intimate a subject as sex are unlikely to have firm convictions on very many other subjects. Above all they are unlikely to be committed to any kind of religious creed which compels them to resist the state in its intrusion into sensitive moral areas, or to accept martyrdom.

- A positivistic and secularistic moral relativism will be the officially mandated philosophy of the schools and social agencies of all kinds, as well as the overwhelmingly dominant philosophy of the media. Overtly religious philosophy will be excluded from most agencies by a rigid interpretation of the First Amendment. Where it exists it will be purely private and ineffectual, about on the level of belief in reincarnation at the present time. Relativism will be doubly blessed in that it will be regarded as a sign of mental health and because, in the absence of any permanent and transcendent moral principles, official government policy alone will define right and wrong. In the 1960's a president of Yale asked rhetorically, "What has happened to our morality?" and one of his professors answered sardonically, "We're drowning in it." But despite the prodigal moralizing of that decade, in the end the iconoclastic self-assertiveness spawned by the New Left won out over any commitment to high principle, so that the "me decade" of the 1970's followed. The politics of the year 2000 may have permanently ratified this victory of the self-justifying, self-gratifying self. Morality will have been abolished.

- The twin concerns of population control and energy conservation have greater potential for totalitarian control than perhaps any other political imperatives, a fact which many people naively fail to recognize but which others recognize quite well and are eager to exploit. There could be no more blatant and complete violation of personal liberty than the kind of interference in people's lives which would be necessary to determine who is or is not fit to produce offspring, and how many. Some population-control zealots already admit that they would accept enforced sterilization or enforced abortion if necessary, and in the world of social engineering today's extremism becomes tomorrow's conventional wisdom. Such mea-

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asures will be accepted by people who now justify abortion on the grounds that the state has no right to interfere in the privacy of a woman's reproductive life. Both population control and energy conservation will be proposed as practical absolutes, since they relate to survival, or at least to the survival of that "quality of life" which the state has determined is appropriate to its citizens. Normal questions about civil liberties will be declared inapplicable to these emergency areas.

To those who regard the above scenario as improbable and fanciful, it should be pointed out that certain important elements of it have already occurred. In particular, in the past two decades those institutions most likely to provide resistance to such developments have been either neutralized or coopted into the service of this emergent totalitarianism. Those institutions are the churches, the schools, the media, and the family itself.

In speaking of "the churches," one speaks of a much more diverse phenomenon than often appears at first glance. Yet those churches which by common consent occupy the "mainstream" of American society, roughly those affiliated with the National Council of Churches, plus the Catholic Church and reformed and conservative Jews, are at present pathetically unable even to comprehend what is happening in America, much less to mount any kind of effective response to it.

Many religious people are simply passive and confused. They may feel vaguely uneasy about things they see going on around them, but they are unable to analyze what is happening with any depth or acuity. Furthermore, in many instances they have been indoctrinated by their religious leaders into a reflective stance of permanent embarrassment over the alleged "backwardness" of the churches and the fear that religion is the enemy of freedom and progress. Thus they have been conditioned to accept every kind of social and moral change, no matter how much they may personally dislike it.

Many denominational leaders, clergy in particular, can visualize themselves in almost any kind of social role except one where they might be mistaken for Cotton Mather. They are constitutionally incapable of opposing the drift towards secularism, relativism, and hedonism, because to do so would be to do violence to their carefully cultivated self-image as open, progressive, sophisticated, freedom-loving men. Thus many of them deny or minimize what is happening, when they do not actually endorse it. Some have also

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calculated that their own people are so heavily influenced by these trends that the churches dare not oppose them.

For various rather complex reasons, leaders of "mainstream" denominations also find it remarkably easy to become whole-hearted apostles on behalf of the new — any moral crusade which lifts the banner of "freedom" and "justice" automatically enlists their support, whether it is the anti-war movement or "gay rights." The credal vacuum which now lies at the heart of liberal religion groans until it is filled, and what it is usually filled with is messianic political and social dogmas. In many churches the professionals, lay and clerical, have adopted a social engineering mentality which will make them allies of the government bureaucrats who will effect the scenario for the year 2000 which is described above. (A revealing case is that of the Catholic Church in America. Many of its clergy, religious, and professional laymen hold positions on controversial social issues like homosexuality which are quite at variance with the Church's official doctrines. Except for abortion, the Church's official bureaucracies tend to give at least passive support to the ominous tendencies noted above, and altogether its American leaders appear to be timid and confused.)

Concerning the schools, two facts so fundamental as to be usually overlooked need to be recalled in order to understand what has happened and is likely to happen. One is that formal education, of its very nature, implies a certain inadequacy in the family. Otherwise children would not be sent out of the home for long periods of time to acquire knowledge which presumably they cannot acquire anywhere else. Thus schools are always potentially in conflict with the family, and various methods have been devised to permit ultimate lay control over education, generally through elected school boards. By now, however, the mystique of professional expertise is so strong that parents probably have less influence over what is taught in schools than at almost any time in the past. The educational profession increasingly regards only its own philosophies and practices as valid and has developed institutionalized means for repulsing outside criticism. The professionalism of the educators is also linked to the professionalism of psychologists and others working in sensitive moral areas, so that positions inimical to familial authority and traditional morality come to permeate the schools more and more. The National Education Association, and the newly created cabinet Department of Education, will extend these even further.

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The overlooked fact about education is that it is always ultimately moral and religious in nature, whether or not it aspires to be. This is true even of the most narrowly practical kind of education, which imparts a view of the world and of human action in the world by what it omits and what it encourages students to regard as important.

A generally unrecognized fact about American public education is that it worked tolerably well down to the 1960's mainly because it did have an unacknowledged religious basis — a kind of nondenominational Protestantism. However, with the collapse of liberal Protestantism and the emergence of an aggressive secularizing movement dedicated to expunging all traces of religion from the schools, this situation ended abruptly. (All the court cases imposing strict secularism on the public schools date from the post-1945 period. Some of the most important were only decided in the 1960's and 1970's.)

But, as noted, all education has a moral and religious vision at its heart, whether or not this is intended. Given the current legal and moral climate of American society, this vision can only come from the philosophy broadly called secular humanism, a philosophy which proceeds on the working assumption that there is no God (one may privately believe in God so long as this does not influence one's conduct), all moral principles are relative, utilitarian considerations ultimately govern moral decisions, and the maximization of one's own "self-fulfillment" is the proper goal of existence. Once again a moral vacuum has been created in the schools, partly by the courts, partly by the education profession itself, and something inevitably rushes in to fill it.

The media also have undergone a remarkably radical transformation in about a decade's time. Formerly the media at least paid hypocritical respect to religious and moral values, even if media personnel were often privately cynical about them. However, the confusion and demoralization (in a double sense) which has affected American society in the past fifteen years has led these same personnel to calculate that they can offend against those values with impunity, a calculation which so far seems correct.

The reasons why the media choose to do this are complex and not altogether clear. In part the simple need for constant novelty, titillation and entertainment provided through the systematic breaking of all taboos, seems to govern. This is true in "news" as well as entertainment, and the news is now largely purveyed in categories which proclaim constant "breakthroughs" and which habitually contrast

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the stodgy old (whether consumer products, medical procedures, or moral practices) with the enlightened and efficient new. It also appears to be the case that the media attract disproportionate numbers of alienated and iconoclastic people, who often seem to harbor a perpetual grudge against "straight" society. (Phil Donahue and Tom Snyder, both graduates of Catholic universities, are cases in point.) Whatever the reasons, iconoclastic moral values now saturate the media, often more through ridicule and attack directed at traditional values than by the purveyance of any positive new vision. But the overwhelming message which the media drum into their audiences is, "Do your own thing. Rules are made to be broken."

It is unfortunately the case that many otherwise morally conservative people are almost mesmerized by the media, especially television and, among younger people, popular music. The frankly pagan values which are celebrated are often not recognized or, if they are recognized, are treated as though they were entertainment only and had no effect on anyone's moral character. Yet it is probably the case that the "stars" of the entertainment industry have more moral influence, especially on impressionable young people, than any other kind of public figure.

The media like to think themselves as anti-establishment and as the watchdogs of the state, and it will be interesting to see whether, if the scenario sketched above starts to unfold, they will attempt to counteract it. In all likelihood they will not, in part because the values which this future totalitarian state espouses will be the values most media people are comfortable with. It will also be the case that, given the disintegration of traditional social groups like churches and families, there will be no independent sources of value in the society of the future and little basis, other than personal taste, from which anyone can criticize the dominant ideology. This will be especially true if, as seems likely, this totalitarian state claims to provide maximum personal happiness for all its citizens, happiness being understood mainly as pleasure.

Much of the blame for the problems outlined above falls on the shoulders of those who believe, or profess to believe, in traditional moral values. Among such people there is an extraordinary amount of passivity, timidity, and sheer lack of awareness of what is going on around them. Many of them would like to see a savior, someone who would rescue them from what they at least dimly perceive as a peril, provided no effort, and especially no risk, would be required

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of them. In case after case the moral iconoclasts have won victories because their erstwhile opponents failed to mount effective resistance. There are many traditionalists who allowed themselves to be lulled into complacency by reassuring verbal formulas explaining that what looks like radical change is not that at all.

Ordinarily religion would provide the major focus of resistance to this emergent totalitarianism. However, a whole generation of Christians have now been raised with no real knowledge of the faith they profess. They remain ignorant of the Bible, of historical creeds, of the very categories of thought in which Christian belief has historically expressed itself. As a result they lack even the vocabulary with which to counter their enemies. Confronted in the media by caricatures of Christianity, they may be affronted but do not know enough even to counter the caricature effectively. What they have been given by their religious teachers is a sentimental humanism which often leaves them intellectually vulnerable to any movement which claims to promote human betterment, even when that movement is anti-Christian. They may feel that something is deeply wrong but, lacking the means to articulate their feelings, they are easily persuaded that these are mere prejudices which they should overcome. Pagan values are often mistaken for Christian. (In a Midwestern newspaper a woman wrote recently: "The Bible commands every woman to rid herself of anything that prevents her from fulfilling what she feels is her role in life.")

Twenty years ago, when the threats to traditional moral values were far less ominous than they are today, traditionalists were far more effectively vigilant than they are today, and ordinary people were much more quickly shocked and roused to outrage. Paradoxically, the vigilance and the outrage have declined as the reasons to be alarmed have increased. The very pervasiveness of the "new morality," the degree to which it saturates public discourse, gives it a familiarity which leads many people to accept it as normal and inevitable. Many people have trained themselves not to become alarmed or shocked any longer, since this is the only way they can maintain their peace of mind.

Although most of the impetus for moral change comes from those quarters which can be broadly called "liberal," it is by no means the case that the people called "conservatives" are always reliable allies against such changes. Since conservatives in general oppose the expansion of government bureaucracies, on balance they provide some

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objective protection against the kind of totalitarianism described above. But many conservatives are preoccupied with economic or military-diplomatic issues and do not see the importance of moral or social questions. Many conservatives share with many liberals an apparent conviction that economic issues are paramount in public life. The standard liberal response to the breakdown of the family, for example, is to propose larger government programs aimed at funneling money to families in need, as though poverty alone were the cause of family problems. Many conservatives give the impression that they believe that in a free-market economy all such problems would solve themselves. Virtually all the leading conservative candidates for president seem to treat the moral crisis of the age as a mere afterthought, while the leading liberal candidates can be counted on to advance the totalitarian scenario sketched above. (With regard to both liberal and conservative politicians there is a distasteful question which must nonetheless be raised: In advanced political circles, especially in Washington, a kind of hedonistic life-style seems to flourish which attracts people regardless of their ideologies. High-pressure politics often puts severe strains on family bonds. It seems likely, therefore, that many politicians are personally in the camp of the moral iconoclasts and are unlikely to oppose with conviction the kinds of changes outlined above.)

One of the strategies of the social engineers is to demand help to alleviate those problems which their own policies have largely created, then use that "help" to exacerbate the problem even more. The planned White House Conference on Families is an eminent example. If it develops as its organizers apparently hope it will, it will be the first stage in the government's own assault on already-weak family structure. The script as now written calls first for a redefinition of family, so that it encompasses virtually any group of people living in the same dwelling. The permanency and commitment implied in marriage will no longer be accorded any special place in law or public policy. The Conference will also move towards a program of eventually universal day-care centers, in which the raising of small children will be the primary responsibility of professionals, according to officially mandated standards. Abortion will be proclaimed a fundamental right, and every kind of hitherto deviant life-style will be legitimized. The problems of the family will be defined as primarily economic, justifying the establishment of a vast government bureaucracy whose power and authority will rapidly expand.

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The outcome of this conference will be a major test of whether the larger scenario here presented will also be realized. In some states authentically pro-family people have managed to elect the majority of delegates. However, there are indications that bureaucratic tricks will be used to undercut those victories, chiefly by insisting that each state must send a "balanced" delegation to Washington, balanced being defined as delegations which include a large number of effectively anti-family people.

Conventional wisdom suggests that the 1980's will be a traditionalist decade. After the frenetic political climate of the 1960's and the frenetic moral climate of the 1970's, people will once again seek peace, order, and stability. If true, however, this projection is only partial comfort. If the traditionalism of the 1980's is mainly a reaction to what went before, one more swing of the pendulum, it will merely prepare for yet another decade of iconoclasm in the 1990's, a pretext (the "repressive '80's") for a final assault on traditional values.

Those who are called traditionalists (the name itself is quite inadequate) must find some basis for their position besides what might appear to be merely a sentimental attachment to the past or nervous anxiety about the future. To say this is to say that a genuine moral and religious revival must occur, whose fruits must be effectively communicated to masses of people. The task will be difficult given the inhospitability of the schools, the media, and many of the churches.

Yet a new religious realignment may be taking place. The growing influence of the evangelical Protestants, who appear to be becoming more sophisticated as they become more visible, is probably the single most important religious fact in contemporary America. Catholicism under Pope John Paul II, may be in the process of recovering both its will and its intellect, both having atrophied together. Orthodox Judaism is growing, is increasingly militant, and also shows considerable sophistication. It is precisely these groups which the media have sought to discredit and isolate, to declare in effect to be marginal and unbalanced. (Thus the media constantly draw the distinction between "good" Catholics who oppose the Pope and the other kind who are too timid to do so.)

One of the interesting developments of the next decade may be the emergence of a new, broadly-based political coalition involving people (for example, Catholics, Baptists, and Orthodox Jews) who ordinarily would have little to do with one another but who can

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unite around certain issues, especially those involving the family. The numerical potential of such a coalition is immense. In addition, as it demonstrates its strength, it will inevitably draw politicians, conservative and liberal, into its orbit. One of its greatest challenges, and the major test of its effectiveness, will be its ability to reach its potential constituency, given the almost universal hostility of established institutions, both religious and secular.

This is a constituency, and a platform, whose outlines are only beginning to become visible. It heralds a politics which has few precedents in American history. But the stakes, perhaps precisely because of their elusiveness in ordinary political terms, are also without precedent.

Thoughts about the Family

Erik von Kuehnelt-Leddihn

THERE ARE SEVERAL definitions concerning the nature of man as opposed to that of the beasts, one of them being that “Man is the animal who can know his grandfather.” Indeed, just as man is a transcendent and not like the beast an immanent being, the human family transcends *in scope and in time*¹ the family of the lower animals, some of which, true, know not only their mother, but also their father — at least for a limited period. But the human family covers generations, persons not only of different sexes, but of different age groups, with different rights and prerogatives, different natural gifts (talents) and different occupations. It is a small society. In my album I have a photo of five generations sitting together: great-great-grandmother, great-grandmother, grandfather, mother and child. My own grandmother, born in 1842, died as a centenarian and she had (from a twice-married father) 23 brothers and sisters. Aunts, uncles, in-laws, cousins etc., also belong to the family and it used to be evident in past ages that one did not marry merely a young man or a girl but an entire family. In their finality societies were made up of an integrally interwoven fabric of related families like eccentric, constantly overlapping circles. The worldwide custom of marriages contracted not on the basis of sex or Eros (infatuation) but arranged — dictated or promoted by two families — has its roots in the conviction that a matter so important as marriage cannot be left to chance, i.e., to animal drives or erotic intoxication. There is, as experience tells us, a distinct advantage to a lifelong bond based not on the illusions of a moment, but on the judgment of more impartial, sometimes coolly calculating observers.² Engagements in old Europe lasted sometimes not just several months but several years. These marriages were, as a rule, entered in a sober but religious spirit. Marriage was a Sacrament or, at least, a hallowed status initialed in a church or synagogue.

Yet, even in love matches a certain affection for the “new” parents, brothers and sisters was frequently observed — and expected.³

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This was, perhaps, less true in Northern Europe, as indicated by the expression “in-laws,” whereas in French, for instance, the prefix *beau* and *belle* (beautiful) is used. The Slavs mostly have a number of different terms for relatives of the mother’s and for those on the father’s side. An Italian Communist once told me that he could very well imagine being separated or divorced from his wife, but not from his “in-laws.” (On the Continent the parents-in-law are addressed by their “new” sons and daughters as “father” and “mother.”)⁴

The full family thus does not consist of a couple with a (small) number of children,⁵ but of an extended, complex group with sexual contacts and sexual taboos, but marked by “affections,” to use the term of C.S. Lewis.⁶ In the old order this was most characteristic of the family and Americans were amazed to find it in Mario Puzo’s novel *The Godfather* as well as in its screen version. There it was shown to apply even in a purely criminal world.⁷ In this sinister ambiance the large family functions as a clan, an association for attack and protection with clearly divided roles.

In fact, there is no healthy family without an orchestration and a patriarch (or a matriarch) acting as “conductor.” Usually — in the ideal order — a patriarch is, thanks to his prestige, the head of the clan: in some cases this is due to his money, in others he has the wisdom which comes from knowledge and even more so from an accumulated experience which takes years to crystallize. Often specific occupations with or without material ties (landed property, a factory, a business) are “inherited” and eventually become a dynastic tradition overbridging the generations, especially if certain gifts run in the family. This seems to be the case, above all, with artistic talents: one remembers the Bach, Brueghel, Mozart, Dumas or Strauss families. It is less evident in dynasties, because second or third sons (as well as nephews etc.) usually do not get the chance to display their talents as rulers.⁸

Still, the family has a very specific affinity to the monarchical form of government and Abel Bonnard said rightly of the French *Ancien Regime* that the king was the father of the nation because every father was king in his family.⁹ The old order in Europe was based on a multiple fatherhood and fatherhood means creative authorship, rule combined with affection. There was the Father in Heaven (not only “Our Father,” but specifically the father of Our Lord), the Church Fathers, the Holy Father in Rome, the king as *pater patriae* and the physical father as *paterfamilias*.¹⁰ This order

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was by no means so different in the nations formed by the Reformation because there the rulers figured in the dual role of head of the State and the Church, and do so even to this day.¹¹ But patriarchalism was not, if I am permitted to say so, purely “male,” because there were also ruling queens and empresses and, in the Catholic orbit, also the concept of the Holy Mother Church and Mary, Queen of Heavens, the *Mater Dei* and mother of mankind. All these are psychological elements deeply imbedded in the human soul and certainly not devoid of political implications.¹²

There are, as a matter of fact, in history very few republics which eventually did not become monarchies¹³ and in many of the modern republics the electorate voted again and again for members of families who had once produced the head of state.¹⁴ The Founding Fathers of the United States, it should be emphasized, established in the best Western tradition a mixed government with a (temporary) ruler elected by an elected elite, a man who, theoretically, could be reelected until he died. Amendments in the spirit of an alien (French) ideology¹⁵ have changed the character of this institution but it must be admitted that the “false but clear” notion that “power tends to corrupt while absolute power corrupts absolutely” also influenced some of these changes.¹⁶ Nevertheless three times Presidents of the same family had been chosen by Americans for the highest office.¹⁷

The family — the larger the better — should ideally be a minor kingdom, a “realm” giving protection against the two most powerful imperialisms of our time: those of the State and Society. Today practically every State has the tendency to be or to become omnipotent, which means “totalitarian,” and to expand in every direction. Proudhon told us that “all states are by their very nature prone to annex everything.”¹⁸ And de Tocqueville warned us that democracy might either produce chaotic conditions or their very opposite — a State eager to control everything within its boundaries and thus to transform men into “timid animals.”¹⁹ The totalitarian tyranny of our age need by no means to display the character of a closely circumscribed ideologically-colored one-party state with Big Brother (instead of a father) at its helm. Totalitarianism as a *leftist* phenomenon²⁰ has its roots in democracy, and the democratic revival in the Western World, i.e. the French Revolution, clearly had a strictly totalitarian character. Had Robespierre not fallen from power in July 1794, we would have seen further totalitarian outrages: all Frenchmen would have been put into one, all Frenchwomen into

another, uniform; all church spires (being “arrogant” and “undemocratic”) would have been levelled in order not to “stick out,” the Alsatians, since they “did not speak the republican language,” would have been dispersed all over France (their children being taken away from them) or simply guillotined (as one leading Jacobin calmly proposed).²¹ Equality and sameness, two unnatural if not anti-natural principles, would have triumphed completely; without the premature termination of the French Revolution, such a natural and non-egalitarian, personalistic and authoritarian institution like the family would have become an obvious target for the Jacobins who, as genuine Leftists, always loathed the family, that little private kingdom made up of radical differences. And only the uninitiated fail to see the life and death struggle which goes on between the family and the provider-state (wrongly called the welfare state).²²

The roots of all this can be found in the writings and lives of the founding fathers of modern democracy: Rousseau and the Marquis de Sade. Rousseau delivered his children to foundling homes, and the bisexual “Divine Marquis,” who had no children and played a considerable if not a decisive role in the French Revolution,²³ insisted that the children do not belong to their parents, but to the fatherland (*patrie*).²⁴ They should be educated collectively and democratically. Such ideas, in a much milder form, were propagated also in the early United States;²⁵ they have been applied in the Kibbutzim and, last but not least, in the Soviet Union. The allegedly so-liberal Nikita Khrushchev proposed to put at least 90 percent of the children after the age of six in government boarding schools, where they would be fully exposed to a rigorous discipline and indoctrination.²⁶ By 1980 this program was supposed to be in effect, but the butcher of the Ukraine (and, later, of Budapest) was “retired” in 1963. Nothing came of this grandiose educational plan for the simple reason that the Russian (far more so than the general Soviet) birthrate is way down and this monstrous reform would have lowered it even further. Who, after all, wants to beget children if they are taken away at an early age? Already the Russians are a minority in the USSR.

Yet, while the totalitarian state is bound to be the enemy of the family — the totalitarian deity is a jealous god! — there are many tendencies inherent in modern society which are adverse to the family spirit. We have to cope today with a genuine hostility toward the family which assumes all sorts of characters and expressions. There

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is sometimes hatred of (or envy for) the large family and here I want to cite a specific case. A former student of mine, an Italo-American, certainly not born with a silver spoon in his mouth, became not only a very successful psychiatrist on the West Coast and the owner of a singularly beautiful home, but also sired 12 children. A newspaper featured his story, whereupon he received an alarming number of insulting and menacing letters. It was not his material success that aroused envious anger, but his numerous offspring. The anonymous authors of these letters perhaps resented the happiness of this man who was able to raise his many children "privately" without public aid.²⁷ Some of them declared solemnly that the doctor was "selfish" — apparently to have no children is a sign of tremendous altruism — others, that he abetted pollution, contributed to coming wars and "took away the place" of other people's children.

The alleged menace of "overpopulation" again and again frightens some people. That happened even before Malthus. The Japanese, under the truly totalitarian regime of the Shoguns, especially under the Tokugawa dynasty, stuck to zero growth. The farmers were not permitted to have more than two children; every additional child was suffocated after birth, a procedure called *mabiku*, thinning out.²⁸ But "overpopulated" countries have often been most peaceful and underpopulated ones very aggressive. The very thinly populated United States between 1818 and 1918 waged one more foreign war than more heavily populated "militaristic" Prussia. The densely populated Netherlands and Belgium never attacked anybody in the last 200 years.

Modern society is profoundly annexationist, psychologically just as much as the State with its administrative mania, but whereas modern, egalitarian State and Society frequently treat individual people as equals (think about the vociferous demand for one-man-one-vote!), the family naturally resists such a simplistic equation: there are big and small, well integrated and disintegrating, powerful and weak, loving and infighting families. Moreover, most families are not transparent to the outsider: they develop their own language, they have their own secrets, their own little tricks, mannerisms, traditions and customs. They are not too willing to share everything with everybody and could be denounced as "clannish." Today a whole industry is bent on breaking down the privacy of more or less prominent families and presenting them "naked" to a public brimming with curiosity and envy. To keep secrets to your-

self, to go "out of sight" seems nowadays to be "undemocratic," if not downright "elitist." The average man insists on "revelations" from Peeping Toms and technology has aided such investigations: there is the tape-recorder, the "bug" in the wall, the tapped telephone, the xeroxed letter, the long-distance photograph.

The family begins with a cellular growth.²⁹ The primary impulse comes from the attraction between the sexes, but also derives from the desire for life everlasting by procreation right here on Earth.³⁰ It is not too easy to say which of these drives will be the stronger one in a civilized society. "Primitive People" (including those in our contemporary society), will marry and thus procreate automatically if they are sexually compatible with each other, though in our biomedically sophisticated age this represents a rash statement: sexuality and procreation are no longer fatally bound to each other. It is Eros rather than sex that ties us together and there is, in addition, an innate human instinct to "eternalize" ourselves in this world by leaving heirs. Curiously enough, this drive might be more strongly lodged in the male than in the female of the species. Women are apt to think more strongly in "familistic," males in "dynastic" terms.³¹ And as Ida F. Gorres clearly saw, there is a spiritual dimension to fatherhood which, by necessity, has a "fideistic" character: the father has to *believe* that the child is his.³² And since he aspires to "survive," he frequently desires sons in spite of the fact that he might eventually harmonize better with his daughters. Hence the tragedy of so many women in the past who were "accused" of being unable to bear sons whereas we now know that the father alone is responsible for the sex of his progeny — as responsible as a man throwing dice. (But, indeed, *he* does throw the dice.)

The interesting question, however, remains, whether women have a real yearning for motherhood before the actual experience. This has been denied.³³ Women will have the desire to bear children to the man they love, but this is not the same as the yearning for motherhood — nor should one give undue importance to "social pressures" which are so strong in Black Africa.³⁴ There, also, the male's desire to have children from his wife (or lover) is considered to be a sure sign of his affection.³⁵ Children, indeed, should be considered the "fruits of love," of love made into flesh. Yet maternal love awakens normally and naturally during pregnancy or, latest, after the birth. It is a human and, at the same time, an animal instinct, whose absence always creates — rightly — a sense of hor-

ror. Artificial abortion, therefore, evokes disgust and in the mother very frequently engenders grave psychological disorders.³⁶ (Even a miscarriage can be the cause of a considerable depression.) The punishment for transcending the divine (and natural) order, needless to say, can be terrible.³⁷

Still, parents and children constitute only the nucleus of the family based on the free decision of two persons to “cohabitare” (which, etymologically, means, to *live* together), to sleep and dream together, to found a common existence based on *friendship*,³⁸ affections, Eros, charity — and sexuality. It is this synthesis of all forms of love which establishes “married love,” something *sui generis* which beyond all love ties can result in a real identification.³⁹ True married love, then, is the keystone of the family.

Loyalty and affection tie children and parents, brothers and sisters (and also uncles and nephews, grandparents, cousins, in-laws, etc.) together. All these relationships are unique and so are the persons involved in them: they are unexchangeable and intransferable. In healthy (and therefore also in the more primitive) societies these feelings of parentage and relationship extend very far. Ancestors, too, are enmeshed in this pattern. They form the bridge to the Beyond.⁴⁰ Theologically speaking, ancestor worship might be an error, but it is not a sign of decadence or perversion.⁴¹ Of course, we have physical ancestors and spiritual ancestors (so, for instance, the Saints in the pre-Reformation churches and those who precede us intellectually or artistically). In the Innsbruck *Hofkirche* the sarcophagus of the Emperor Maximilian I is surrounded by both his spiritual and physical ancestors,⁴² all meant to tie the Emperor to Eternity. As one sees, a Christian order works both ways: the thoughts of people are directed towards their descendants as well as towards their predecessors for whom the faithful of the pre-Reformation Churches pray,⁴³ and from whom they ask their intercession.

The most immediate concern on anybody in a theistic faith, however, are his parents and children. The Decalogue says nothing about our obligations towards our children, but emphasizes the duty to honor our parents. It is significant, however, that modern man is only too happy to “dump” his progenitors into old age homes where they lack all ties with the succeeding generations, a confinement which results in a grave loss to themselves as well as to the old people. This is a modern and barbaric custom, different in degree only from that of the Eskimos who push their old parents out into the Arctic night. The generations *need* mutual

contacts for a large variety of reasons. At the very bottom of the modern attitude lies not only a dislike for "live hierarchies," but also a fear of old age (which one does not want to have dangled before one's eyes), as well as a pagan horror of death. "Senior citizens" no longer are "venerable," they must not be called "old," they do not die; they "pass away." They are taken finally to "slumber rooms," are treated by beauticians and morticians, are bedded in a "casket" and buried not in a cemetery but in a "memorial park." Curiously enough, with all its leveling collectivism, our time practices a segregationism all of its own, but *within* the age-groups a new uniformity prevails. There are the "kids," the older children, the adolescents, the young, the young married couples, the middle aged couples (another euphemism for the not extremely old ones), and the scandalously surviving "seniors." Out of sight and out of the mind they apparently should not serve as a memento mori.⁴⁴

Children, however, should receive more attention than they usually get in our days. In the first two years they need more than anything else maternal affection. In the two-to-seven age group they ought to have a maximum of contacts with adults. At the age of seven the development of the cortex is terminated. In most of the backward regions of the world infants have the advantage of a close symbiosis with the mother which gives them a maturity above "Western" levels, but then, usually, the mother expects another child and the babe is told to play with the other children. Thus one should not be surprised that a seven year old black African has on the average an I.Q. of a five year old European or American child. And as time goes on, this difference (*decalage*) increases. What we said of Central Africa applies to our own orphanages where a large number of children is "supervised" by a handful of educators.⁴⁵ Modern biopsychology, however, reaffirms not only the importance of the maternal, but insists also on the paternal presence and influence. The father should not be missing from the home: without him the orchestration of the family is most defective.⁴⁶ Nor is it advisable for mothers with children up to the age of 17-18 to be employed outside of their homes. In many a country a recall of such mothers could instantly solve the problem of unemployment. Still, both parents are necessary for the wholesome development of their children, last but not least for their (C.G. Jungian) *anima* and *animus*.⁴⁷ And happiness is always essentially happiness within the family.

In times gone by the father was the person who taught his sons the trade — as carpenters, tailors, and so forth.⁴⁸ This was and still is frequently true of the professions. (The son, once admiring his father,

wanted to follow in his footsteps.) And it was up to the mother to initiate her daughter into the mysteries of housekeeping. Today this is less frequently the case because our age is not only hostile to the family but also to tradition. The sons and daughters "know better," society is horizontal rather than vertical, the teacher has frequently more influence than the parents, friends more so than teachers. (And already owing to a whole generation with "broken marriages," with parents who have made "a mess of their lives," the youngest generation cannot be much impressed.) Also knowledge in this scientific age is more highly valued than wisdom which goes with age and experience. Modern man is still, in spite of all the horrors of our century, a believer in an almost automatic progress and is terrified of anything "old fashioned" handed down from yesterday, from the "horse and buggy days." Of course, the boundless optimism of the 19th century is gone⁴⁹ and there exists, now, in the Western World a certain nostalgia for the past,⁵⁰ as well as a real fear of the shape of things to come. But, alas, how few of our contemporaries give full assent to G. K. Chesterton's remark about "the degrading servitude of being a child of one's time."

A true family tradition is always wedded to tradition, but modern man is essentially rootless. He is at one and the same time terribly controlled and narrowly administrated; he stands under enormous pressures coming from the State and the industrial-commercial society.⁵¹ If we think about the serfs of old who existed in some parts of Europe and had to work part time for their manorial lord, let us also remember that modern Americans often have to work on Mondays and half of Tuesday for their landlord and the second half of Tuesday and all Wednesday for a mythological overlord called Uncle Sam. Modern man might in unguarded moments rashly boast about his freedom, but this is largely a freedom from the naval downward, which, as a rule, is transformed into a new servitude. While being fully exposed to outside pressures, he is chafing against the truly valuable ties designed to give him real strength: religion and family which are interdependent elements and therefore are sworn allied enemies to totalitarianism.⁵²

In old, traditional Christianity the Holy Family played an important part, in worship and in religious and artistic inspiration, and this has by no means been changed by the Reformers. (Only too often do Catholics assume that the ideas of the Enlightenment, which brought such a great transformation to Northern Europe, were those of the Reformers, but they are wrong.⁵³)

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Family ties are also related to the love of one's country and, needless to say, the downfall of every nation starts with the decadence of the family⁵⁴ and the disappearance of certain traditions whose survival only a strong family can assure. All this might sound rather sentimental, but the historian, the biologist and the sociologist are of the same opinion. Faith and reason might often express themselves in different languages, but, as a rule, come to identical conclusions. And one of them is that the end of the healthy family means the end of a nation. The "open marriage," the "easy divorce," the "fatherless family" with a semi-lesbian matriarchy and swinging, lone males are roads to national suicide. *Suicide, not conquest or extermination by hostile invaders has always been the natural (and not the artificial) death of classes, tribes, races, and nations.*⁵⁵

NOTES

1. To the African the grandparents are the real parents and only they are addressed as father and mother; only when they die the true parents come fully into their own rights.
2. Before the marriage the French families even today go jointly to the *notaire* to draw up the marriage contract, a procedure highly depressing for the young people, if they are truly infatuated. There not only the dowry is hotly discussed but also *les esperances* (in the case of death of the parents.) Here, however, it also should be admitted that Catholic theologians and philosophers for a long time neglected the subject of married love. Cf. the critique of Jean Lacroix in his *La crise intellectuelle du catholicisme français* (Paris: A. Fayard, 1970), pp. 13-14.
3. *Vide* the great love of Levin for all of Kitty's family in Tolstoy's *Anna Karenina*.
4. Actually the "wicked mother-in-law" is the husband's mother, because she "lost her son to another woman" (but she gains another son through her daughter's husband).
5. The praise of the family with many children is a Jewish-Christian tradition — from the Old Testament to John XXIII. *Vide* his last sentence in *Giornale dell'anima* (Rome: Ed. di Storia e Letteratura, 1964), Letter to his brother Severo, dated Dec. 3, 1961.
6. Cf. C.S. Lewis, *The Four Loves* (London: Geoffrey Bles, 1960), p. 42 sq.
7. Curiously enough the world of the Mafia is basically an extension of medieval feudal fights between robber knights. It is a murderous, but not an areligious world since religion and ethics emphatically are *not* identical. To the superficial observer it might seem odd that the (Western) Sicilian *mafia* expanded far more in the United States than in Northern Italy. Strong family ties characterize the Catholic, but more specifically the Latin and Slavic world. The average French family in the 1960's had only three children, but apparently only 3 out of 100 marriages ended in divorce. Actually in 1976 France had one of the lowest divorce rates in Europe.
8. Thus, for instance, the Archdukes John and Charles, both brilliant men, were rather superior to their brother the Emperor Francis I of Austria, son of Leopold II, a very bright man. Professor Frederick A. Woods of Harvard in his books on intelligence in the royal families of Europe has mentioned this erratic inheritance of genius.
9. Cf. Abel Bonnard, *Le drame du present* (Paris: Grasset, 1936), Col. I., p.35.
10. The *pagan Roman paterfamilias* had every conceivable right, even the right to kill his *newborn* (which we once considered shocking) child. Now the "materfamilias" has the right to kill an *unborn* child.
11. Legally the (Catholic) Emperor Francis Joseph of Austria was also the head of the Lutheran Church in old Austria and Nicholas II of the Lutheran Church in the Russian Empire.
12. The synthesis of Christianity, family and monarchy has been emphasized by a number of historians and political scientists.

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13. So far Switzerland has been an exception to the rule. England (under Cromwell) and the Netherlands had been republics in the past. In 1910 monarchs ruled in Rome and Athens, once strongholds of republicanism.
14. The Medicis, once pharmacists, again and again headed the republic of Florence until they finally became Grand-Dukes of Tuscany.
15. Americans ought to remember that neither the term democracy, nor the noun republic, figure either in the Declaration of Independence or in the Constitution. (The Constitution merely insists that the member states of the Union must have a republican form of government.) Charles and Mary Beard said rightly that the Founding Fathers feared democracy more than Original Sin. *Cf.* their *America in Mid-Passage* (New York: Macmillan, 1939), p. 922.
16. Power will corrupt "absolutely" a bad man, not a good man. (Also poverty or dependence has a corrupting influence — on a bad man.) Charles V and Maria Theresa were very powerful, but not corrupt. The 10th century papacy was immensely corrupt — but not powerful. Idi Amin Dada was thoroughly corrupted by his power, but neither Franco nor Salazar were.
17. The United States had two Adamses, two Harrisons and two Roosevelts as Presidents. It nearly had a second Taft.
18. And he also insisted that "democracy is the idea of the state infinitely extended."
19. *Cf.* Alexis de Tocqueville, *Democracy in America*, Vol. II., Book IV, Chapter 6.
20. Leftism is materialistic. Its version rests on equality and sameness: a nation of one language, one race, one party, one leader, one class, one type of education, one income level, one ideology, etc.
21. The best description of the Jacobin establishment and outlook is Crane Brinton's *The Jacobins* (New York: Macmillan, 1930), *passim*.
22. Metternich saw very clearly that the omnipotent state would menace and destroy the family and deprive it of all independence.
23. *Cf.* Gilbert Lely, *Vie du Marquis de Sade* (Paris: Gallimard, 1952 and 1957), 2 Vols. De Sade was mainly responsible for the storm on the Bastille (Vol. II., p. 274. p. 452).
24. *Cf.* Geoffrey Gorer, *The Revolutionary Ideas of the Marquis de Sade* (London: Wishart, 1934), p. 188. Also, *L'Oeuvre du Marquis de Sade* (Paris: Bibliotheque des Curieux, 1909), p. 228 where Sade insists that only by taking away the children from their parents, can they be transformed into good republicans. The Jacobin Bertrand Barere delivered a fulminant address on May 31, 1793 in the National Convention against the family as an institution hostile to democracy.
25. Benjamin Rush demanded a national education "proper in a republic" and Robert Coram a national school system in which (significantly enough), dead languages, foreign languages and religion should not be taught.
26. Family and property are inseparable; so are property and freedom. Hence the opposition of communism to both. Only too frequently is Proudhon quoted with his sentence: "Property is theft," but he also insisted that "Property is liberty."
27. Subconsciously, I am sure, the outraged writers of these letters envied the fact that he had established for himself a private realm outside of all "public control."
28. I owe much of this information to Prince Mikasa, youngest brother of the Japanese Emperor, a scholar known world-wide as an historian of early religions.
29. Karl Barth tells us that marriage is not subordinated to the family, but that the family is ordered towards the marriage (*der Ehe zugeordnet*). *Cf.* his *Kirchliche Dogmatik* (Zurich: EVZ, 1951), Vol. III, Part 4, p. 211. The *Roman Catechism*, in turn (II. viii. 13), mentions as a primary reason for marriage the natural drive for a community between the two sexes in the expectation of mutual aid; it says that due to the help of the partner one can more easily withstand the travails of this life and the infirmities of old age.
30. This is mentioned obliquely by the *Roman Catechism* as the second reason for marriage (i.e. the creation of descendants for the glory of God). "To have children," Maurras told us, "is the only remedy against death."
31. Partly because in our civilization they are the carriers of the family name. Russia and Scandinavia, originally, had only patronymics. Iceland still knows no family names, but only patronymics (which, for women, remain unchanged after marriage). Hence the phone books in Iceland are organized according to *first* names.
32. *Cf.* Ida F. Gorres, *Nocturnen* (Frankfurt a.M.: Knecht, 1949), pp. 115-116. Tacitus told us that it is holier and more reverend to believe the acts of the gods than to know about them. (*De Germania*, XXXIV). Compare with John 20, 29. Science and the laws of life in this respect are different.
33. *Cf.* Eduart v. Hartmann, *Phanomenologie des sittlichen Bewusstseins* (Berlin: Duncker, 1879), p. 693.
34. In 1960 the directress of a female *lycee* told me in Brazzaville that practically none of her black

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students ever graduated because they could not resist the fascination of motherhood. "If their friends become mothers, they must become it too!"

35. Cf. M. Croce-Spinelli, *op. cit.* p.278.

36. Unforgettable to me is an interview which the Health Commissioner of the State of New York (where, then, abortion was already permitted) gave to an Illinois audience. The interview was televised and the Commissioner was asked whether in a number of cases the murderous mothers did not suffer a psychological trauma. Thereupon the Commissioner became all sweetness and happiness. "Of course, of course," he exulted, "but you must realize what excellent psychiatric service we offer in the State of New York!" In the meantime "The Brethren" have forced every state to make abortion available on demand.

37. I knew the wife of a professor of a leading American University, who — choosing between a new car and a baby — decided for an abortion. She was 'gravely ill' in the hands of the psychiatrists, until the end of her life.

38. The family is actually a compound of all forms of love. Yet *friendship* is not only the keystone of marriage, but also of the family bond. (See also my article "A Theistic View of Marriage" in the *Human Life Review*, Vol. V., No. 3, p. 92.)

39. In all mass-civilizations, in the modern industrial societies "identification" has become a major psychological problem. Yet within the framework of a healthy family there is no such thing as a "lonely individual." There he already has a fixed place and a specific function.

40. De Gaulle thought in the same way. Just before his death he wrote to a cousin: "I am continuing my big job and think very often of our family, of those who are in Heaven and those who are here on Earth." (Cf. *The New York Times*, Nov 15, 1970, p. 12. A.P.)

41. We think here primarily of the ancestor-worshippers in front and within the churches of Chichicastenango (Guatemala). A priest from the United States, succeeding a German missionary, tried to stop this pagan worship most energetically and, as a result, was nearly murdered. Yet Spanish priests who succeeded him tried to "convert" them to pray *for* their ancestors.

42. Among the spiritual ancestors we find — a unique sculpture — the mythical King Arthur who looks extremely British.

43. Catholic and Eastern Orthodox prayers for the dead are based scripturally on 2. Maccabees 12, 43 sq., but the Reformers declared the Books of the Maccabees to be apocryphal.

44. About the decisive, reuniting role of the grandparents in the family, cf. Jean Guilton, *Essai sur l'amour humain* (Paris: Aubier, 1948), pp. 118-119. According to Genesis "man leaves father and mother," but with the birth of the first child all the — three — generations are again reunited.

45. This is the theory of Robert Maistriaux, a notable Belgian psychologist attached to the Institut Louis-le-Grand (Brussels) who also administered a big research institute in Elisabethville (Katanga, Belgian Congo).

46. In this respect Britain has suffered in two ways: the clubs "absorbing" male society and the upper-class tradition to send the children (primarily the boys) to boarding schools, thus depriving them also of maternal (and other female) contacts.

47. Rudolph Allers rightly emphasized the importance of the parental example for a happy married life. The family, he said, is the ideal center and at the same time the means for a positive education. Cf. his *Sexualpädagogik* (Salzburg: A. Pustet, 1934), pp. 262 and 167.

48. Alexis Carrel told us that the parents must replace the mass-education given by the schools. (Frenchmen, however, distinguish between education and instruction!). Cf. his *L'homme, cet inconnu* (Paris: Plon, 1935), pp. 258-259. The Nazis, as one could expect, considered it their task to alienate the children from their parents — as all typical leftists try to do.

49. To realize this, one only has to compare the optimism of 19th century utopian authors like Edward Bellamy with Aage Madelung, Aldous Huxley, or George Orwell.

50. This is obvious when one sees the masses of people of all walks of life who now visit the very fashionable historic exhibitions. Thus the Hohenstaufen-Exhibition in Stuttgart ended with a profit of 3 million dollars. The most expensive four volume catalog was immediately sold out.

51. It is, however, not unthinkable that the family even in the free world might become a "last refuge" as it is already in the totalitarian tyranny where it often is the only human agglomeration of mutual trust and confidence.

52. The psychoanalyst Wilhelm Stekel told us that the state is the real enemy of the family and that the family is the true stronghold of individuality. Cf. his *Sadism and Masochism* (New York: Liveright, 1929), Vol. 1., p. 69. Yet in the United States (one has to think about the famous Zook Report) the notion was widespread that National Socialism was "patriarchal" and based on the authority of the family. But the German family was already strongly weakened; National Socialism was a movement of the young generation against their elders. Hitler was not a father, but "Big Brother."

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53. In the United States the difference between the liberal (“enlightened”) and orthodox (Evangelical) sectors of the Reformation Churches is even more clearly discernible than in Europe.

54. The frightening parallels between our civilization and the late Roman one especially in this respect cannot be overlooked.

55. Such a suicide is only partly biological – extinction due to contraception and abortion. It comes a great deal from the fact that the “unattached” — physically *and* spiritually isolated — person without ties is a bad worker and falls back on his own meager resources. There is the statement of Charles Peguy: “One really works only for the children.”

On the Public Funding of Abortions

Hadley Arkes

ANDREW JOHNSON, who succeeded Lincoln in the presidency, found his own opposition to slavery, not in any wrong done to black people, but in the invidious distinctions that slavery fostered among whites. Slavery was the mark of a caste system, which brought an aristocracy as well as slaves; it created privileges of luxury and leisure that were available mainly to the rich. The decisive moral problem then with the existence of slaves was that not every household could have one. In a rather paradoxical prayer Johnson once “wish[ed] to God [that] every head of a family in the United States had one slave to take the drudgery and menial service off his family.”¹

This innocent man was apparently far from recognizing that the problem of slavery, as he conceived it, could have been solved with measures well short of a political crisis and a civil war: The inequities he found among whites could have been remedied in a stroke if the government had merely committed funds from the general revenue and undertaken to provide every family in the country with a slave. With a further touch of inventiveness, he might have considered extending this support through a federal program of medic-aid”: A physician might have certified, for example, that the mental health of a mother could be strained if she found it necessary to supply, through her own efforts, the work that would otherwise be done by a slave.

In his neglect of these possibilities Andrew Johnson showed rather notably his distance from the political imagination of our own day. But in the essential form of his argument he showed himself to be the true ancestor of those people who count, as the main test for the morality of a policy, that it not create disparities of any kind between the rich and the poor. I need hardly add, of course, that Johnson would also be a forerunner of those people who would put aside the substantive moral question of abortion — as Johnson put aside the substantive moral question of slavery — and establish the

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public funding of abortions simply by invoking the “equal protection of the laws.” When that formula is applied in a mechanistic way, it produces the kind of high comedy in the law that was associated over the years with Justice Douglas. And so, when the legislature of Oklahoma once presumed to set forth the crimes of moral turpitude that were genetically transmissible; when it confidently placed chicken-thieving in that class and went on to fix the number of moving violations that would make the practitioners eligible for sterilization; Justice Douglas sought to strike at the heart of the problem by deploying the Equal Protection Clause: The statute was infirm, he said, because it inflicted a severe penalty on the chicken thieves while it left unsterilized the embezzlers, who might be engaged in far more serious thefts than the snatching of a few chickens. It fell, however, to Chief Justice Stone to point out to Douglas that the statute would hardly be cleansed of its moral defects if the legislature had gone on, with a proper sense of symmetry, to provide for the sterilization of the embezzlers as well.²

The tests that come into play with the Equal Protection Clause have the same function that is served in ethics by the “universalizability” test or the Categorical Imperative: They force the question upon us of whether we are indeed operating on the basis of a principle in the strictest sense, which we are willing to apply to all similar cases, even when its application in any case may cut against our interests. In that manner the need to “universalize” our judgments may bring home to us the fuller consequences of acting on the maxim we have embraced. But nothing in these formal tests can possibly spare us the need to address the substantive question of whether the policy we are dealing with is in fact justified in point of principle. We may be faced, after all, with the classic case of the fanatic Nazi, who is quite willing to abide by the formal application of the Categorical Imperative and go to the gas chamber himself as soon as it is discovered that he had a Jewish ancestor. And a judge with a greater passion for consistency than afflicted Justice Douglas might have been willing to satisfy the “equal protection of the laws” by having the embezzlers sterilized, along with the chicken thieves.

In a similar way we will find that nothing in the formal tests of “equal protection” — nothing in the differences that may separate the rich and the poor in their access to abortion — can possibly settle the substantive moral question that arises on the public funding of abortions. In the first place, the disparities that may exist

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between the rich and the poor cannot have any relevance for the question of whether abortion itself is in principle justified: Neither could they have any bearing then on the question of whether it would be justified to extract, through the compulsion of law, the funds that are needed for the support of abortions.

Of course, the argument has been made that, even if abortions were accepted as legitimate operations, that in itself would not make it necessary or justified to support abortions through public funds. This argument has depended in part on a stringent view of the difference between private goods and "social goods." Or, from another angle, it has depended on the difference between private liberties and public obligations — between the things we have a right to do in our private lives without the interference of the government, and the things that the government has a duty to render unto us. But as I will try to show, these kinds of considerations are condemned to fall short of carrying the argument as they, too, become detached from any substantive argument about the justification for abortion. An argument that is cast in the language of private preferences and social goods runs the risk of succeeding only by confirming the main contention of the pro-abortion movement — namely, that abortion must be, in its essence, a morally neutral act and a matter of the most "private" judgment. But by the same token, the arguments that are offered for the public funding of abortion would encounter vulnerabilities that may prove even more crippling: In order to make the case for the public funding of abortion, it becomes necessary to move beyond the line of defense that abortions involve matters of the most personal, subjective belief — that they are literally beyond the possibilities of moral judgment. It becomes imperative to argue now that abortions partake of some *principle* that makes them a positive "good" and a fit object of public support.

But with a shift of that kind the partisans of abortion implicitly concede that the question is in fact subject to the full discipline and requirements of moral discourse: The argument may not be ended merely with the assertion that "I simply approve abortion, as a matter of my own, personal beliefs" — as though reasons may not be expected, as though the canons of principled argument need not be engaged, and as though the argument itself may not be judged, finally, as valid or invalid. And yet once that threshold of discourse is crossed, the case for abortion exposes itself to requirements of justification that it will be incapable, in my judgment, of meeting.

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On the surface, at least, the literature on “public” and “private” goods would not seem to offer much encouragement for those people who would seek the public funding of abortions. The purchase of an abortion is not at all like the purchase of a national defense, where no individual would have either the resources or the interest to purchase the equipment or services on his own. Even in these times of inflation, abortions have been available in licensed clinics for about \$150 and often less. In many clinics the cost of an abortion for poor women has been reduced to \$60 or even \$25. The reductions have been made possible by raising the fees of the “paying” customers and preserving a ratio of 3:1 between the patients who can pay the full charges and the women who are on welfare.³ In certain instances abortions have even been offered free of charge as a result of private grants to the clinic or *pro bono* work on the part of professionals.

But even when charges remain, they have been well within the reach even of people on welfare. Families on public assistance have shown no hesitation in borrowing money to cover the cost of furniture and appliances that are far more expensive than the cost of an abortion; and if abortions are really as necessary as some people think in saving a family from deepening poverty, these families should have no trouble in recognizing their own material interest here, as they are able to recognize that interest in a variety of other matters. At the same time, there should be no want of people who would find an interest in lending the money. In fact, even some abortion clinics have offered plans for paying an abortion out over time.⁴ Despite the alarms we have heard, then, about the withdrawal of public funding, the evidence suggests that almost no one need go without an abortion because of an inability to pay. The costs have been borne without strain by the “private sector” — by families, clinics, and private foundations — and so it is clearly untenable to argue that these services can be sustained only with public funds.

From the standpoint of “public and private goods” it is also worth keeping in mind that an abortion is, after all, a discrete, isolable event. It is not an indivisible commodity, like the air, which is accessible at once to many people, and which cannot be spoiled without creating “externalities” — or extended consequences — which adversely affect the public. Neither doctors nor their patients have much trouble in telling, in abortions, just whose body is being operated upon. Unless they suffer from an overdose of literary sym-

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bolism or Russian novels, they know that the abortion they are experiencing is not being performed on the general public. In fact, it has been the persistent claim of the pro-abortion movement that it is the pregnant woman and *only* that woman who undergoes the experience of the abortion: It is her body alone that is affected; it is she alone who feels the pain and the risk. And so we have been told countless times that the decision on abortion is the most “private” decision, which must be reserved exclusively to the woman. For that reason it may not be shared even with the father of the offspring who may be aborted, or if the woman happens to be a minor, her authority to decide may not be shared even with her parents. These judgments have already been raised by the courts to the level of constitutional doctrine, and yet there has been remarkably little awareness of the way in which they may undercut the case for public funding: If the interest in an abortion is the exclusive and “private” concern of the pregnant woman, if there is no legitimate interest in the abortion even on the part of the father of the child or the parents of the pregnant minor; on what possible ground could it be urged that the public at large has an “interest” in this operation? In what way, then, could it be said that this “interest” forms the ground of a public obligation to support the abortion through the use of public funds?

All of this gently passes over for the moment the one “externality” that is unmistakable in abortion — and that is the cost incurred by the fetus. The woman is not, as it turns out, the only party who “experiences” the abortion, and hers is not the only body that is affected. If it is plausible to speak of an interest on the part of the public in supporting abortions, it would seem rather hard to deny the most compelling interest on the part of that one member of the public apart from the mother who *is* being affected in the most direct and fatal way. Of course it was precisely this “externality” in abortions that accounted for the traditional interest of the law in protecting the fetus, as it sought to protect any other human being from destruction at the hands of another. It goes without saying, however, that if this one particular “externality” were not beneath notice — if there were a willingness to recognize the fetus as a being whose suffering is not beyond the concern of the law — then the question of public funding would be moot, since there would be no legal tolerance of abortion itself.

In the most exacting terms, then, the proponents of abortion have

persistently refused to recognize any serious “externalities” resulting from abortion — and certainly they have acknowledged no extended effects that may confer rights or duties on third parties to take an interest in these private decisions. But now we have been offered, without embarrassment, a virtual inventory of arguments about the extended consequences and the social ills that may be avoided through the public funding of abortions. There is the contention for example, that the birth of more children among the poor would simply enlarge the burdens of these people and prevent them from rising from poverty. In addition, the Department of Health, Education and Welfare has been willing to provide very precise estimates of the dollars that would be saved for the federal treasury if poor people were encouraged to have abortions rather than children. Dr. Louis Hellman, the Deputy Assistant Secretary for Population Affairs, calculated that an abortion would cost \$350 at the most, while the expenses of a child from pre-natal care to the end of its first year would be about \$2,200. On the assumption that many of these children would remain on welfare until they were young adults, Hellman estimated that it would cost over \$35,000 (at then-current prices) to raise a child to the age of 18.⁵ But apart from these calculations, so distracting in their precision, there have also been presentiments of a more ineffable nature about the enlargements that might take place in the national quotient of unhappiness — the unhappiness presumably felt by parents and children alike — as a result of augmenting the national stock of unwanted children.

As far as I can see, there is nothing in the body of theory concerning “public and private goods” that would expose what is in principle spurious and inadmissible in these claims. Despite the mechanistic cast of this theory and the precision of many of its measures, it cannot always mark off unambiguously the class of “private” acts that generates no externalities. It may be taken for granted that a hamburger consumed will not be available to other consumers, but the consumption may take place at a new branch of MacDonalD’s in the neighborhood, which in turn generates traffic that ties up the main thoroughfare and creates a host of ancillary costs. The problem was illustrated well in the commentaries of Adam Smith, for there were few people who took a more restrictive view of what are now called “externalities.” He found it hard to see, for example, how other parts of Britain possibly benefitted from paving and lighting the streets of London, and so he saw no reason to draw on

the general revenues of the nation to support these projects.⁶ He was also doubtful that an education supported by public funds could really excite the same effort and responsibility on the part of teachers as a schooling that depended on private patronage. And yet even he was finally willing to provide education through public funds out of a national interest in rendering the people less gullible, less suggestible to the appeals of “faction and sedition,” and more competent to judge the measures of its own government.⁷ As he advanced in this spirit, Smith was willing to allow, further, that a serious public interest justified a charge on the general revenues to support something as resistant to precise measurement — but as important, nevertheless, to the preservation of the laws — as the “Dignity of the Sovereign.”⁸

A theory of public goods that may incorporate the “dignity of the sovereign” and the urbanity of citizens is a theory that must be open everlastingly to the claim that many private benefits may have extended public consequences. But beyond that, scholars in this field will readily concede that the theory functions in a cast that is inescapably utilitarian: Its contributions, such as they are, come through the assessment of material outcomes and consequences. At its most ambitious it rises to a concern for “optimal distributions” in which no one may be made “worse off” while other people prosper. That is not exactly the same as a concern with “justice,” and the assessment of “optimal distributions” still depends ultimately on the “utilities” of individuals who are affected by these distributions. That is to say, whether any distribution leaves individuals worse off depends on the judgment of the individuals themselves on the kinds of outcomes they regard as satisfactory. A serious defect then in this theory is that it provides no grounds for calling into question arrangements or distributions that are manifestly unjust, but which leave all the participants reasonably contented.

The noted economist, Frank Knight, once pointed out that, for certain people, it might be quite rational to exchange their personal freedom for a long-term contract for indentured labor and personal security. We have the classic case, in other words, of the men who would willingly contract themselves into slavery — and Lincoln had been faced, after all, with the example of slaves who willingly fought for the Confederacy. But our courts of law will not enforce contracts in which men essentially bargain themselves into peonage or slavery,⁹ and when we refuse to honor those contracts — those volun-

tary efforts at an “optimal distribution” — we draw on the recognition of what used to be called “unalienable rights”: rights that individuals were incompetent to waive. We would be reminded then, in this instance, that the case against slavery was grounded in nature, in the things that separated human beings from other animals. As the traditional understanding ran, creatures that had the capacity to give and understand reasons over matters of right and wrong did not deserve to be ruled in the way that one ruled creatures which did not have the capacity to understand reasons — in the way that one ruled dogs, horses, and monkeys. With that understanding the wrongness of slavery was established on an independent ground of principle, which had nothing to do with the feelings of any single person. Nor did it have anything to do, therefore, with the question of whether any particular person happened to find pleasure in being a slave. In fact, it was entirely possible, as Knight recognized, that slavery could be a material advantage for some people; it could make them better off than they were likely to be under conditions of personal freedom. And yet, even though the material consequences here might have satisfied the theories of “optimal distribution”; even though they might have succeeded in rendering the slaves more prosperous and even happier; they still would have been, in point of principle, unacceptable.

But it is a cardinal defect in our theories of public goods and social choice that they have not incorporated this understanding of the independent force of principles: They have not yet absorbed the recognition that the authority of principles is unaffected by material outcomes. Some theorists acknowledge what they call “merit goods” — goods that are considered “meritorious” in themselves, and which are not allowed to depend for their selection on the vagaries of the marketplace.¹⁰ One such merit good may be “personal freedom,” and the supersession of the marketplace may be found in the refusal of the law to permit people to choose slavery for themselves in the market of exchange. But many economists still tend to look suspiciously on any such suspensions in the processes of the market (unless they are carried out in the name of economic “planning” or a “redistribution” of income). As one notable textbook puts it, this overriding of the marketplace by the law “seems in outright contradiction to free consumer choice.”¹¹

Of course that is exactly what it is, but that is a state of affairs which cannot be avoided, because it reflects the necessary connec-

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tion between morals and law. That connection was understood by economists in an earlier day, as it was understood by men like Adam Smith and Edmund Burke, who offered the most literate defense of free economies. But that understanding was probably given its most powerful expression by Lincoln, in his classic debate with Stephen Douglas. Douglas argued in that encounter that the problem of slavery ought to be solved simply by leaving it to the sovereign majority in each state or territory to decide whether slavery will be voted up or down. He would have left the question, in other words, to the market of consumer choice. Lincoln pointed out, however, that the matter could be left to local option in this way only if one could profess, with Douglas, that one did not “care” whether slavery was voted up or down in any place — as though one decision were no better or worse in principle than another. As Lincoln remarked, Douglas could take that position only if he did not see anything *wrong* in slavery; “but he cannot say so logically if he admits that slavery is wrong. He cannot say that he would as soon see a wrong voted up as voted down.”:

When Judge Douglas [he continued] says that whoever, or whatever community, wants slaves, they have a right to have them, he is perfectly logical if there is nothing wrong in the institution; but if you admit that it is wrong, he cannot logically say that anybody has a right to do wrong.¹²

What Lincoln conveyed here in a way rarely expressed elsewhere is the connection between the logic of morals and the logic of law. There was a recognition that matters of moral right and wrong do not refer to questions of subjective taste or personal belief. It was understood that moral propositions are about the things that are universally right or wrong, just or unjust — which is to say, right or wrong, just or unjust, for *others* as well as oneself. It would thus be inconsistent with the logic of a moral proposition if one were to say, for example, that “It is wrong to kill without justification” — and then went on to conclude: “Therefore, let each person be free to kill or not kill as it suits his own pleasure.” To recognize that a certain act stands in the class of a moral “wrong” is to say that it is universally undesirable; that no one ought to do it; that it should be forbidden to people generally. In short, it should be forbidden with the binding force of law. That was the connection Lincoln understood between morals and law.

At the same time, that connection makes us aware of the stern requirements that legislation must satisfy before it may properly

claim the standing of “law.” We are reminded that it is an awesome, presumptuous thing when some people claim the office of legislating for others, when they are willing to impose their own policy on people who may profoundly disagree. At that moment we would be compelled to ask whether the legislators were presuming to make laws for others on the basis of anything more than their own personal tastes or self-interest. If we applied the traditional understanding in the most rigorous way, we would have to insist that, before some men would be justified in legislating for others, they would be obliged to bring forward, as the ground of their legislation, a principle that defines what is good or just for others as well as themselves. A moral principle in the strictest sense would hold true universally and *categorically* — which is to say, that it will hold true as a matter of necessity; it will not be contingent upon circumstances that are open to change; and its validity will not be dependent on the consequences that it may bring from one case to another. If we had the space, it could be shown here that the case against slavery was grounded in categorical propositions of this kind. That is why we never hear the question: “How has the abolition of slavery worked?”: It seems to be understood that the rightness or wrongness of slavery stands on its own terms, quite apart from the consequences of abolishing the institution. Our judgment about the rightness or wrongness of emancipation would not hinge at all on the question of whether the former slaves used their freedom well or badly, whether they became richer or poorer, happier or unhappier. For that reason the law which forbade slavery was established on the firmest ground — indeed, on the only proper ground — that is acceptable for the compulsion of law. As Kant put it, “Laws must . . . be categorical” — they must be founded in categorical propositions — “otherwise they would not be laws.”¹³

Let me recall that I was compelled to trace matters back here to the root for the sake of supplying what the literature on “public and private goods” has not managed to incorporate — namely, the connection that must exist, of necessity, between moral principles and law, and the radical irrelevance of material outcomes in determining the validity of categorical moral truths. If we return now to the arguments that have been offered for the public funding of abortions, we would discover that nothing in the inventory of arguments I reviewed earlier bore the properties of a principle. In each instance the case for public funding rested on the prediction of a future state

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of affairs that was either problematic in itself or *contingent* upon circumstances that were highly mutable.

None of these arguments, in other words, had the force of a categorical truth; none of them arose from a proposition that held true as a matter of necessity. HEW was quite correct, for example, that the cost of an abortion is much less than the cost of supporting another person enduringly on public welfare. But there is no Law of Nature which guarantees that everyone who is now on public welfare will remain on welfare. Nor is it necessary that our welfare system will be preserved in its current shape, and that everyone who is on welfare now would be on welfare under a different system. If the advent of more children in welfare families serves to elicit more support from the government, then it should be as apparent to our public commentators as it is to people on welfare that additional children may be a source of further income. And the notion should be as accessible to administrators in Washington as it is to peasants in backward countries that additional children may be sources of production, earnings, and perhaps even financial support in old age. (All of this says nothing, of course, for the poor boy who turns out to be Joe DiMaggio, Louis Armstrong, or a major figure in the garment industry — and who not only provides his parents with security, but possibly also free alterations.) Many of these children may seem unwanted when they are abstract possibilities, but they often have a remarkable capacity to foster sentimental attachments when they appear on the scene. Besides, it has never been thought in other instances that people lose their claim to live when they become unwanted or unpopular. By that measure we would have lost Harold Stassen in his leaner years, to say nothing of Bella Abzug and Billy Martin.

But all of this is to point up, again, that there is no ground of principle, in this inventory at least, which could create an obligation on the part of the government to tax the public for the support of “nontherapeutic” abortions. The requirements of a principled argument are indeed very demanding, but the redeeming feature of this strictness is that it places a proper burden of argument on the government when it would presume to restrict personal freedom and commit people through the law: If there is no ground of principle on which to say that a wrong has been done, then the law must recede and the individual must be free to pursue his own preferences. If there is nothing of moral significance, for example, in the preference

for spaghetti over *coq au vin*, we would of course assume that it must be legitimate for anyone to choose spaghetti. We could not imagine the possibility then of a law that would actually forbid him to choose spaghetti. But it should be equally clear, in that case, that if there is no principled ground on which to enjoin the eating of spaghetti, there could not be any principled ground on which the law could extract money from taxpayers for the purpose of encouraging the consumption of spaghetti.

As I have already suggested, the critical dilemma here for the proponents of abortion and public funding is that they have strained for years to establish, in legal briefs and the public discourse, that the choice over abortion was closer in logic to the choice over spaghetti and *coq au vin* — that it was a matter of the most private taste or the most personal, subjective belief. When the argument has been picked up by political men and turned to their own purposes, it has become familiar to us in this mode: “I am personally, morally opposed to abortion, but I would not use the law to impose my views on others.” That proposition is quickly becoming the most portable *cliche* in American politics, and it bears all of the same contradictions that Lincoln managed to expose in Douglas’s argument on slavery. The same absurdities would of course appear as the “logic” of this position if extended to the matter of public funding, where the argument may take this form: “I am personally opposed to abortions, but while the Supreme Court has established the legality of abortion, it would be wrong to permit an arrangement in which the poor are prevented, in effect, from exercising rights that are freely enjoyed by the wealthy.”

But if the exponents of this argument are taken at their word — if it is true that they regard abortion as a “wrong” — then nothing in the nature of that wrong in principle could possibly be affected by the disparities between the rich and the poor. If comparisons are needed, we might imagine a situation in which it somehow became legitimate in this country to shoot Armenians, provided that it was done from a helicopter. We can suppose further that this state of affairs brings a vigorous protest from those people who have had a deep concern over the years for the question of “equality”: They insist that they are strongly opposed to the shooting of Armenians, but while the hunting of Armenians is a legitimate sport in the law, the government ought to make the same facilities available to those who cannot afford helicopters.

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If the poor in this country suffer far more impediments than the rich in taking the lives of fetuses, that disparity between the rich and the poor can have moral relevance only if we could somehow put aside the moral question of whether it would be justified to take these lives in the first place. For those people who have no trouble in putting that question aside, the disparities between the rich and the poor take on the quality of a moral question because they suggest a willingness to accept different strata of privilege in the exercise of "constitutional rights." If those disparities come about as a result of restrictions in the law, then presumably the restrictions ought to be removed or the government ought to provide, through public funds, the services that the poor cannot command themselves in the marketplace. But even when the main question in principle is put aside, the implications of this position quickly become untenable. For example, it was a convention for many years among the wealthy in New York to fly to Reno for the sake of obtaining easier divorces. Would we gather then that the federal government should have provided the cost of air fare and hotels to those people who could not have afforded an extended visit to Nevada? Or would we infer that New York simply should not have been permitted to have legislation on divorce that was more restrictive than the laws in Nevada? After all, it was the difference in legislation between the two States that created liberties for the wealthy in New York that were not available to the poor. If we were to respect the argument we have been offered here for the "equal protection of the laws" we would be compelled to deny to the remaining States in the Union the right to have laws on divorce that were any more restrictive than the laws of Nevada. The argument would have the consequence, in other words, of mandating an end to the federal system and replacing it with one uniform code, enforced by one government only, over the territory of the United States.

But the consequences extend even further: As soon as Japan and Sweden had legalized abortion, there were American women who were flying abroad for the purpose of having abortions. At that moment, was it the obligation of the government to furnish the cost of sending poor women to Japan and Sweden? Or would it have been the obligation of the Supreme Court, under the "equal protection of the laws," to have swept away all statutes and ordinances in this country that made abortion any more restrictive than it was in Japan and Sweden?

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When its logic is carried through, this argument for “equality” would not merely end the federal system: It would also deny the right of government in the United States to legislate on any subject with more restrictiveness than exists in legislation anywhere abroad — if these differences in legislation created advantages that were more likely to be exploited by the rich.

For its own part, the Supreme Court took care to point out a few years ago that it had not really created “an unqualified ‘constitutional right to an abortion’ . . . Rather, the right [established in *Roe v. Wade*] protects the woman from unduly burdensome interference with her freedom to decide whether to terminate her pregnancy.”¹⁵ In drawing an analogy, the Court went on to observe that it had long recognized the right to establish private schools with a religious character, but that did not compel the state to furnish support to those parents who wished to send their children to parochial schools. In a similar way, we may have the liberty to speak in public, but that would not entail an obligation on the part of the state to hire a hall for those who cannot afford it. The understanding then of the Court is that the matter of abortion involves a private liberty, which the state requires a compelling interest to restrict, but which it need not be obliged to support.

Justice Marshall has complained, however, in dissent, that if the government withholds the cost of abortions in legitimate clinics, “a poor woman may feel that she is forced to obtain an illegal abortion that poses a serious threat to her health and even her life.”¹⁷ This argument has been picked up widely in the public debate on the funding of abortions, but it suffers from a number of defects, not the least of which is that it happens not to be true. The Hyde Amendment, which restricted the federal funding of abortions, went into effect in the summer of 1977, and it was predicted at the time by physicians at the Center for Disease Control that there would be about 44 to 90 deaths within the year as a result of illegal abortions. But by February 1978 it had become clear that the estimates were not being borne out. Dr. Willard Cates, the head of the Abortion Surveillance unit at the Center, conceded that “the ‘bloodbath’ many predicted simply is not happening . . . [O]ur numbers don’t show that there has been a mass migration to illegal procedures.”¹⁸

In this respect the experience in the United States was foretold in the experience of other countries that have restricted abortions again after a regimen of permissive regulations. In Denmark and Sweden,

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for example, surveys were taken of women who were turned down in their applications for abortion, and it was discovered that about 85 per cent of them had decided to give birth. Only about 11-16 per cent of these women had obtained illegal abortions.¹⁹ From the reports that have been coming now out of abortion clinics in this country, fewer women on Medicaid have been requesting abortions (in some instances the declines have been as sharp as 55-75 per cent).²⁰ In the judgment of experts the dropoff has not indicated a shift to illegal operations, but a trend toward carrying the pregnancies to term.²¹ That assessment was probably supported by the recognition that most illegal abortions had not been carried out by midwives in those legendary backrooms, but performed in the same clinics that were now reporting the decline of customers. It is conceivable then that the Hyde Amendment was simply having the effects that its proponents had in mind: The framers of that amendment understood that people were very much affected in their moral judgments by the lessons that were taught through the law; and what they conveyed now, in a dramatic, public way, was that opinion in the country was firming up in moral opposition to abortion on demand.²² They made clear their intention that the government should not be permitted to use the weight of its patronage for the sake of schooling the public to the acceptance of abortion. And in a large number of cases, where pregnant women were undecided or ambivalent, this teaching apparently had its effect.

It was evidently understood, even by some of the professionals who had raised the gravest alarms, that the withdrawal of public funding was not likely to raise the number of deaths due to illegal abortions. But these same people have been remarkably reticent over the mounting casualties that have arisen from *legal* abortions. A recent survey of hospital records by the Commission on Professional and Hospital Activities found that in 1969, before abortions had been legalized, there were about 9000 women admitted to hospitals with complications resulting from abortions. In 1977 — four years after abortions had been legalized — that figure had jumped to 17,000.²³ Between 1942 and 1952 the number of annual deaths resulting from abortions had fallen from 1231 to 320. By 1972 the figure had dropped to 83. *Roe v. Wade*,²⁴ which legalized abortions, was decided in January 1973, and by the end of that year the number of recorded deaths from abortion had fallen a bit further to 51. During the next year the number declined only slightly to 47, and by

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the end of 1975 it dropped to 27 in the official count.²⁵ In other words, there had been a long-term, secular decline in the deaths resulting from abortion. This decline was brought about mainly by improvements in the quality of medical care, and there is a section of opinion in the medical community which holds that the decline would have proceeded along its course had it not been for the advent of legalized abortions and the casualties they have been generating. The new regimen of legalization has, of course, enlarged the total volume of abortions in the country (at the last count, the annual figure reached 1.2 million²⁶), and there have been suspicions that the deaths from botched *legal* abortions have simply been concealed in hospitals under different labels.

There was some confirmation for these suspicions in the fall of 1978, when the Chicago *Sun-Times* brought to light the casualties that were being created by reckless abortion clinics in Chicago, which had turned themselves into the legal equivalent of abortion mills. The investigators brought in reports of about a dozen deaths that were attributable to abortions in these establishments.²⁷ That is to say, the deaths that were produced only in this *sample* of abortion clinics in Chicago accounted for nearly half of the deaths that were reported for abortion in the nation as a whole. And if, as we suspect, the experience in Chicago can find even modest replication in New York, Detroit, Los Angeles, and other cities across the country, then **the conclusion may be too melancholy for Mr. Justice Marshall to absorb:** It is entirely possible that the total numbers of deaths resulting from abortion in legal abortions alone will be far higher than the number of deaths that resulted from abortions of all kinds — legal and illegal — in that period when abortions were restrained by the law.

I have tried here to show that the arguments for the public funding of abortion would be notably short of compelling, even when we put aside the question of whether abortions are in principle justified. And yet, so long as the law continues to regard abortions as legitimate medical procedures, the resistance to public funding will be vulnerable to persistent challenges in the courts. The problem was reflected rather well in *Maher v. Roe*, when the State of Connecticut refused to make funds available through its own program of Medicaid to support “nontherapeutic” abortions — abortions that were not certified by physicians to be “medically or psychiatrically necessary.” The Federal District Court struck down these restrictions,

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even though Judge Newman conceded, for the Court, that there was no constitutional right to a free abortion or to medical services furnished by the State. But a constitutional problem arose, in the view of the court, when the State chose to pay for other medical expenses associated with pregnancy. As Judge Newman put it, “abortion and childbirth, when stripped of the sensitive moral arguments surrounding the abortion controversy are simply two alternative medical methods of dealing with pregnancy.”²⁸ The Supreme Court’s *Abortion Cases* had already decided that the right to an abortion was a “constitutional right,” and so when the State lends its support to one kind of medical care associated with pregnancy, but withholds it from another, it would discriminate “against those seeking to exercise a constitutional right on the basis that the state simply does not approve of the exercise of that right.”²⁹

The State argued, in response, that it did not provide support for cosmetic surgery or orthodonture, even though it supported other forms of medical care — and yet no one urged that the State was obliged to cover these medical services because it happened to support others. The court was rather feeble in its rejoinder that abortion somehow represented more of a constitutional right than the right to have cosmetic surgery, and the Supreme Court eventually refused to credit that argument. Still, the State did not establish its case on the firmest ground when it likened its aversion to abortions to its aversion toward paying for the straightening of noses. If the argument of the State is that these choices are merely matters of preference or taste — like the choice of spaghetti over *coq au vin* — then they are choices, also, that do not lend themselves to *justification*. In that event, the State would be in a difficult position to explain why it is justified in providing any of these medical services at all.

The same problem was posed recently in Massachusetts, when the legislature passed a measure that was closer in form to the original Hyde Amendment before that federal act was affected with compromises. The law in Massachusetts allowed payment for those abortions which were necessary to save the life of the mother, and for those procedures which were “necessary for the proper treatment of the victims of forced rape or incest” if the incident were properly reported within 30 days. But the legislature refused to accept the provision that was added to the Hyde Amendment for the support of abortions in those instances in which “severe and long-lasting physical health damage to the mother would result if the pregnancy

were carried to term when so determined by two physicians.” A federal court of appeals refused to let the legislation stand. In the judgment of the court, the restrictiveness of the law was achieved by making an unwarranted discrimination between two kinds of medical need: as the court complained, “the Massachusetts plan reserves abortion services to those in the greatest need — women who will die without an abortion — and denies it to those who need it less — women who will suffer damage to their health, no matter how grievous, but who will survive without the abortion.”³⁰ The court could not believe that it was consistent with the Medicaid Act to deny services to anyone with a serious health problem, and on that ground it regarded the distinction as unjustified.³¹

But the distinction between death and physical disability short of death would be an unjustified distinction only if the difference were not relevant to the ground on which lethal actions of any kind must be justified. The distinction ceases to be unreasonable, in other words, as soon as one takes seriously the fact that abortion involves the taking of life; for then the interests which are brought forward to justify an abortion must be at least as grave as the interests we demand on other occasions to justify the taking of a life. But it is the irony of our current situation — and the special burden facing governments at all levels in this country now — that this point cannot be made explicit. If it were, it could only be part of an argument in principle against abortion itself; and no legislature can affirm an understanding of that kind as the foundation of its policy without raising a direct challenge to the ruling of the Supreme Court in *Roe v. Wade*. As we have already seen, however, the federal courts will brook none of that.³²

And yet it is precisely this opposition to abortion in principle which explains what the legislatures have been doing when they have refused to lend their sanction to abortion through the commitment of public funds. It also forms, in my judgment, the only ground on which the withholding of public funds can ultimately be defended. But in that event, the withholding of funds will be open to persistent challenge so long as the notion is preserved that it is *unconstitutional* for Congress or the States to hold a different view on abortion from the view that has been put forth by the courts. The case for Congress could be made more strongly than the case for the States, and it would draw on an older understanding, which was shared by Lincoln and the Founders: namely, that Congress and the

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President have quite as much standing as the courts to act, in their own spheres, as interpreters of the Constitution.

As far as I can tell, it is mainly men in positions of judicial authority who have established the assumption that the Supreme Court must be the final and unchallengeable authority on what the Constitution means (apart, of course, from the authority of the people themselves in amending the Constitution). Hence the surety of Judge Newman in Connecticut that there is, beyond question now, a constitutional right to an abortion, and that any attempt on the part of a legislature to call that right into question must itself be unconstitutional. An earlier generation of American statesmen would have seen that kind of judgment as an enormous act of presumption, and they would have understood our current situation more precisely in this way: they would have understood that the Supreme Court alone has propounded a constitutional right to an abortion, but that the Congress has not been persuaded by the Court, and it thinks in fact that the Court has made a profound mistake. Under those conditions it could not have been assumed just yet that any legislation which restricted abortion had to be unconstitutional on its face.

It has not been regarded as unthinkable, in other words, that Congress may take a different view on a matter of constitutional interpretation from the view taken by the Court, and that the Congress need not be obliged to recede in favor of the Court. Even in recent years there have been occasions when this understanding has been applied, by liberals as well as conservatives. In the case of the liberals, there was a willingness, in 1965, to have the Congress set aside, in a casual way, the literacy requirement for voting in New York State, even though the Supreme Court had not found that requirement to be unconstitutional.³³ In the case of the conservatives, there has been a continuing attempt throughout the 1970's to restrain the disposition of the courts to order busing and "racial balancing" in the public schools. In either case critics have seen an attempt by the Congress to alter, through ordinary legislation, what the Court has established as constitutional doctrine. The alarm raised over this prospect has been quite exaggerated, in my judgment, and it manages to overlook the most dramatic precedent to support this power of Congress: In June 1862, Congress abolished slavery in all of the existing territories which might be formed or acquired in the future. As Professor James Randall later wrote of this legislation,

“Congress passed and Lincoln signed a bill which, by ruling law according to the Supreme Court interpretation was unconstitutional.” What the President and Congress had done, in the most explicit and direct way, was to counter the decision of the Supreme Court in the infamous *Dred Scott* case.

But even before this legislation was passed, the Administration was compelled to face the implications of the *Dred Scott* case — and the question of constitutional authority — in a number of administrative decisions. During the first year of the Lincoln Administration a black man who was an inventor applied for a patent in Boston, and he was refused a patent by the federal office on the grounds that, according to *Dred Scott*, he was not a citizen of the United States. During the same year (1861) a young black man from Boston applied for a passport to study in France, but the State Department refused to issue the kind of passport that it extended to citizens. Once again it was assumed that the case would be governed by the *Dred Scott* decision. The Lincoln Administration managed to finessé the matter in both cases and issue the patent and the passport. And in 1862 the Administration firmed up the legal ground for its acts when the Attorney General published his legal opinion that free blacks born in the United States were to be regarded as citizens.³⁴

And yet, if we hold to the view of constitutional authority that has become dominant in our own time, these decisions of the Lincoln Administration would have to be regarded as unconstitutional. They can be regarded as plausible and constitutional only on the basis of that understanding held by Lincoln about the authority to interpret the Constitution: namely, that the separate branches were warranted in applying, in their own spheres, in the decisions that came before them, their own understandings of the Constitution. If the acts of the Lincoln Administration may be regarded as justified in these cases, it must follow in turn that it would be quite as proper today for the Administration and the Congress to apply, in their own spheres, their own judgment about the constitutional authority to restrict abortions.

It is true, of course that the administrative and legislative acts of 1862 would later be supported by the Thirteenth Amendment — much in the way that the restrictive legislation today on abortion may one day have the additional support of a “human life” amendment. But in the absence of such an amendment, the legislation that restricts the funding of abortions would stand on the same plane as

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the legislation signed by Lincoln before the advent of the Thirteenth Amendment: It would represent an attempt by the Administration and Congress to engage the Supreme Court in a continuing dialogue on the question of what the Constitution precisely commands. If the Court finds this legislation unacceptable, it may strike it down and force the matter to be settled through a constitutional amendment. On the other hand, the Court may accept — as it already has — the propriety of what the Congress has established on the public funding of abortions. But then Congress may continue to put the question to the Court in a sequence of cases moving step by step: Would it be permissible to remove the tax exempt status of foundations that offer grants to support abortion? Would it not be consistent with *Roe v. Wade* to insist that the woman who chooses abortion ought to satisfy a more rigorous understanding of “informed consent” — that she show an awareness of the nature of the operation and the condition of the fetus, or that she consider some rudimentary questions about the grounds on which nascent life may be taken? Would it be possible, also, for the Congress to establish, through a careful statute, a definition of “viability” for the fetus which the Court would finally oblige itself to respect?

It is within the power of Congress to compel the Court to keep moving through a series of questions of this kind. As the Court moved through these questions it would be forced, however gently, to keep turning the problem around, and to view its original decision from a variety of different angles. At some point it may find it necessary to consider, in a more demanding way, the questions it managed to avoid in *Roe v. Wade* — viz.: On what ground of principle may the human fetus be reckoned as anything less than a human being, and what grounds do we typically require in the way of justification in other cases before human lives may be taken? The Court may also be induced to consider just why it is being forced to keep addressing these questions — just why, in the years since *Roe v. Wade*, larger and larger majorities in the country have come to find the reasons of the Court unpersuasive. In this spirit — the spirit of a government of shared powers and reasoned exchange — the Court may be encouraged to take a sober second look at what it has done, and to consider the possibility that it might have been mistaken.

NOTES

1. Quoted in Kenneth M. Stampp, *The Era of Reconstruction* (New York: Alfred A. Knopf, 1965), p. 65.
2. *Skinner v. Oklahoma*, 316 U.S. 535 (1942), at 543-45.

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3. See the *New York Times* (October 11, 1977).
4. See the *Washington Star* (February 16, 1978).
5. *Washington Post* (June 2, 1977).
6. Adam Smith, *The Wealth of Nations* (New York: Modern Library, 1937), p. 689.
7. *Ibid.*, p. 740.
8. *Ibid.*, p. 766.
9. See *Bailey v. Alabama*, 219 U.S. 219 (1911).
10. Richard A. and Penny B. Musgrave, *Public Finance in Theory and Practice* (New York: McGraw Hill, 1973), pp. 80-81.
11. *Ibid.*, p. 81.
12. Speech at Quincy, Illinois (October 13, 1858), in Roy P. Basler (ed.), *The Works of Abraham Lincoln* (New Brunswick: Rutgers University Press, 1953), Vol. III, p. 257.
13. Kant, *The Critique of Practical Reason*, 20. My emphasis.
14. I leave aside here the abortions that are necessary to save the life of the mother, which would be a wholly different matter.
15. *Maher v. Roe*, 53 L. Ed. 2d 484, at 494 (1977). As Chief Justice Berger remarked in his concurring opinion, the Court had simply required in its earlier cases "that a State not create an absolute barrier to a woman's decision to have an abortion. These precedents do not suggest that the State is constitutionally required to assist her in procuring it." *Ibid.*, at 499.
16. See *Ibid.*, 496-97.
17. *Beal v. Doe*, 53 L. Ed 2d 464 (1977), at 480.
18. *Washington Post* (February 16, 1978).
19. Robert Hall, *Abortion and the Law* (Cleveland: Western Reserve University Press, 1967), pp. 232-33; 39 *Acta Psychiatrica Scandinavica*, Supplementum, 168 (1963), p. 17, cited in Daniel Callahan, *Abortion: Law, Choice and Morality* (New York: Macmillan, 1970), p. 85.
20. *New York Times* (October 4, 1977).
21. See, for example, *Newsweek* (February 6, 1978), and the *Baltimore Sun* (September 4, 1977).
22. The survey evidence on this point has been collected by Judith Blake in "Abortion and Public Opinion," *The Human Life Review* (Winter 1978), pp. 64-81. This article was published originally in *Population and Development Review*, Vol. 3, nos. 1 and 2 (March and June, 1977), pp. 45-62.
23. *Hospital Record Study, 1969-77*, Joint Publication of the Commission on Professional Hospital Activities (Ann Arbor, Michigan) and IMS, Limited (Ambler, Pennsylvania).
24. 410 U.S. 113 (1973).
25. The figures from 1942 and 1973 were reported by Andre Hellegers in "Abortion: A Help or Hindrance to Public Health?" in his testimony before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, April 25, 1974. The more recent figures are taken from *Vital Statistics of the United States 1975* (Washington: Government Printing Office, 1977), Vol. II Mortality, Part A, pp. 1-73.
26. *Boston Globe* (July 4, 1979), p. 3.
27. See the *Chicago Sun-Times*, November 12, 1978; December 6, 1978; and the special edition in summary, "Abortion Profiteers" (December 1978).
28. 408 F. Supp. 660 (1975), at 663, note 3.
29. *Ibid.*, at 664.
30. *Preterm, Inc. v. Dukakis*, 59 F. 2d 121 (1979), at 126.
31. The court also went on from there to question the constitutionality of the Hyde Amendment itself, because the federal act provided support for abortions that were thought necessary to the physical health of the mother, while it withheld support from abortions that were claimed to be necessary for the "mental health" of the mother. Apparently invoking their best medical judgment, the two judges in the majority found the distinction between these two kinds of "health" to be "nothing less than absurd." *Ibid.*, at 132.
32. The federal appeals court in Massachusetts was quite alert, in fact, to this aspect of the movement to restrict the funding of abortions, and it formed part of the disposition of the court to challenge the constitutionality of the Hyde Amendment. See *ibid.*, 127-31.
33. See *Katzenbach v. Morgan*, 384 U.S. 641 (1966). The Court acquiesced in this move, but Justice Harlan pointed out the implications of the decision in his dissenting opinion. See 659-71, especially 666-68.
34. These cases are recorded in *The Works of Charles Sumner* (Boston: Lee and Shepard, 1880), Vol. V, pp. 497-98; Vol. VI, p. 144.

Razing the Past

Joseph Sobran

AMONG THE COMMON EXCUSES for abortion is the doctrine of the “wanted” child. It takes two forms. 1. No woman should be burdened with an unwanted child. 2. Every child should be wanted.

The convenience of this doctrine is that it seems to imply a kind of automatic coincidence of interest between mother and child. A woman who is forced to bear a child may be indisposed to give it the love it deserves; she may even neglect and abuse it. The inference made from this proposition is that if a woman wants to abort, it is in the child’s interest to be aborted.

I need hardly say how flimsy this is. The reasoning applies as well to children already born. In fact it would be easier to kill an infant painlessly than a fetus. If quality of life (as abortion advocates call it) matters more than the mere fact of life, we should extend the right of abortion beyond the womb to the nursery. This has already been proposed.

There are two main arguments for legal abortion. One is pragmatic and need not concern us: it holds simply that while abortion is an evil, attempts to ban it are futile and self-defeating. The other holds that abortion is a positive right. In essence it rationalizes the desire to escape from parental duties. It appeals to the widespread feeling that we have no responsibilities to others (except negative ones, like leaving them alone) which we have not assumed voluntarily. It further denies that choosing to have sexual intercourse constitutes an assumption of responsibility for the result.

The doctrine of the Wanted Child helps obscure this fact by disguising the decision to abort as a responsible, rather than an irresponsible act. How often we hear that abortion should be left to the individual conscience, as if we should presume that whatever choice is made reflects the triumph of conscience. The truth is that most women are profoundly ashamed of having chosen abortion.

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Few even admit to having made the choice, except sometimes as a gesture of studied brazenness. In a nation where a million unborn children are aborted every year, this is remarkable.

If abortion were an unselfish act, we should expect to see pregnant widows resorting to it, for the sake of the child whose father's death may mean destitution. But I have never heard of such a case. Women in that lamentable plight seem especially to cherish their unborn children.

But we must not be too severe with women who abort. Most who do so abort precisely because the child's father is absent or has proven unreliable. And in many cases the father himself wants the child aborted and imposes on his wife or girlfriend to have it done. From that point of view, there is indeed a certain justice — or rather, a sense of the injustice to the mother — behind the demand for safe, legal abortion, however unjust and lethal it may be to the unborn.

Behind the bad arguments, therefore, is the consciousness of real and painful situations. We must not be so preoccupied with the arguments as to lose sight of this. The sociologist Emile Durkheim saw suicide more as a social than a solitary act; the fight against abortion might profitably pay more attention to its social genesis, in addition to making the moral and legal arguments.

Still, the reasons advanced for abortion matter too, and have important consequences. Limited legal abortion is bad enough, but it is made much worse if it effectively establishes the principle that people may justly repudiate their obligations.

Again, consider the Wanted Child doctrine. If no woman should be burdened with an unwanted child, it is hard to see why any man should be. If no duty to have a child can be constructed from an act of intercourse, surely no responsibility for paternity can follow from it. The abortion movement has now won the Supreme Court to the view that the decision to abort belongs to the woman alone. Her husband has no more say in the matter than a perfect stranger. His biological relation to his own child is negated for nine months, to be re-imposed, at the mother's whim, when the child is born. He stands helpless while his parental status is suspended by another, who may or may not (it isn't up to him) "reinstate" it.

In fairness to him, it would seem that he should have the right to request that his wife get an abortion and, should she refuse, to refuse, in turn, to support the child when it arrives. His freedom,

happiness, and course of life are certainly at stake in the decision, and if his wife is not responsible to him in making that decision she ought to be estopped, by the very arguments for her abortion right, from demanding that he assume an unsought bundle of duties to her and the child.

Nothing could be clearer than that unwanted children are burdens to their fathers as well as to their mothers. Men have been known to abuse, neglect, and desert their children; poor father-child relations seem much more fatal in producing psychological problems and social pathologies than economic factors. Clearly it is unrealistic to exclude his desires from the abortion decision. It is also unfair to him (on the premises of abortion advocates) to deny him certain derivative abortion rights, even if the fundamental right belongs to the mother alone.

No doubt most women have taken the father's attitudes into account by the time they abort. As I have said, those attitudes may even drive many women to choose to abort their children rather than go ahead and bear them. But as a presumption this fails to meet precisely those cases where the mother's decision contravenes the father's wishes. If we are to take the Wanted Child doctrine seriously, we must further expand abortion rights to accommodate unwanting fathers.

Abortion advocates often argue that abortion foes show too little willingness to confront the results of unwanted pregnancies. Be that as it may, the same can be said of abortion advocates who fail to acknowledge the fate that befalls children born to men who don't want children.

Thus the arguments for irresponsibility have an inherent tendency to expand almost indefinitely. Worse, they produce hopeless practical tangles. The first result of the Wanted Child doctrine is to allow a woman to refuse to be a mother against her will. But the second result is to allow her to make her husband a father against his will. If we deny her that power, then either he may force her to abort (which nobody wants) or he may leave her to support the child — wanted by her but not by him — alone. This child then becomes the victim of the syndrome of neglect which the Wanted Child doctrine was designed to prevent. In the last analysis, the mother remains free to impose that kind of existence (presumably unhappy) on the child. If some women are willing to do this, we must at once abandon any notion that what is good for the mother is good for the child or, put

otherwise, that the mother's desires are somehow constitutive of the child's welfare.

We are left with the conclusion that there is no natural tendency for people to promote each other's welfare by acting selfishly. If I have elaborated this point rather too elaborately, I beg the reader to consider that there seem to be many for whom it will apparently come as a surprise. The idea that selfishness and justice are compatible dies hard. Few would state it so baldly, yet everywhere we see people straining to prove devious variants of it.

Now and then it is flatly affirmed. The philosopher Thomas Hobbes reduced justice to pure self-interest, deriving all rights from individual desire rather than from any standard of transcendent rightness. For Hobbes it was simply absurd for any man to give his consent to a social order that contravened his own will. But since men desired survival above all other things, he argued, they surrendered all their rights to the sovereign who could guarantee the principal right of survival itself. And since there was no power higher than the sovereign, sovereignty was absolute. In the state of nature, the will of the individual was supreme; in civil society, that of the ruler.

Nobody today accepts Hobbes's peculiar political theory. In its own day it was revolutionary, as abhorrent to all sides (including the English Royalists it was meant to serve) as the practical advice tendered by Machiavelli. Yet in principle it has prevailed. Or at any rate it was prototypically modern in its exaltation of human will and its rejection of divine justice. Later political philosophy has generally accepted the doctrine that all obligations flow from consent, and only from consent. And like Hobbes, modern men strive to construct virtual consent in those many cases where no explicit consent can be meaningfully said to have been tendered.

The doctrine is singularly unrealistic. Even if it were true, it would be nearly impossible to apply consistently. All of us are born into the web of society, with intricate and far-reaching relations to others. We find ourselves first under the dominion of parents to whom, as children discover, we didn't ask to be born; we soon find ourselves under laws we had no hand in making, and we aren't consulted as to whether we want to obey them.

A movement for children's rights is now afoot. And though it ostensibly addresses specific issues like child abuse, part of its impetus is surely the sense that the consent-principle has not yet been

expanded to its limits. Curiously yet naturally, the movement is led by people who uphold the right of a woman to abort her child. How can this be?

A like contradiction can be found in Hobbes himself. He holds that it is nonsense to speak of injustice in the state of nature, because in that state there is no law to define justice; but he also holds that there can be no injustice in the laws of civil society, since there is no higher law to measure them by. At bottom there can be no resolution of a conflict of wills. In nature and civil society alike, *force majeure* prevails. If will and will collide in nature, one individual will win out. If in civil society the will of the subject collides with that of the sovereign, the sovereign's is of course likely to win; and it is nonsense to talk of the sovereign being obliged to yield. By definition sovereignty must assume the right to prevail. Either way, there is no practical point in talking of individual right. The right of the individual is simply the right to survive. He can only secure this by seeking the protection of civil authority. If that authority chooses to violate his right, he has nowhere to turn.

So the real principle is simply will. Despite a distracting rhetoric of rights, this is still the case. What modern society calls rights are increasingly mere distributions of sovereignty. Hobbes assumed that sovereignty had to be concentrated in a monarch, but we know better. Totalitarian states may be headed by revolutionary *juntas* and politburos. Even republics may parcel out absolute power: the republican states of the Old South gave white men life-and-death power over black slaves, and the republican Supreme Court has conferred a similar power on women since 1973.

I am less interested in particular powers of this kind than in the power to create such powers. That is the ultimate meaning of sovereignty: that the state may define, create, expand, or contract such rights at its pleasure.

We are now used to hearing that the Supreme Court or Congress has "expanded" such and such a right, usually to the applause of liberals. It sounds as if our rights could be multiplied by an act of will, in which case one wonders why we don't just get on with it. But in fact one man's right is another man's obligation. A right can only be enlarged by lessening another right elsewhere. It is clear, for instance, that if we expand the rights of accused criminals, we weaken the right of citizens in general to be protected from crime. For the sake of those wrongly accused, of course, we gladly accept certain

safeguards that inevitably allow some guilty persons to get off. But the more we inhibit police power, the more we decrease police protection, and it is fatuous to be automatically self-congratulatory whenever the difficulty of inflicting justice is made harder. Some people, however, are hardly concerned with justice in this sense at all.

The arbitrary expansion of such rights under the Court of Earl Warren was also an expansion of the Court's share of governmental sovereignty. We are all familiar with the doctrine that the Constitution means whatever the Court says it means; and a cynical doctrine it is. But it is no more cynical than the notion that Congress or the legislatures of the sovereign states or the people themselves have the right to make what laws they please. Any such right amounts to a right to do wrong. There is no point in objecting to the Court's grabbing more than its share of a right that shouldn't exist in the first place.

In his excellent history of sixteenth-century English literature, C. S. Lewis observes that the very notion of sovereignty was a shocking innovation of that period — and yet that within two centuries it was taken for granted by so redoubtable a conservative as Dr. Johnson. Today we have all but forgotten that an alternative doctrine ever existed, even though such an alternative is apparently present in our own Declaration of Independence.

What was the alternative? Put one way, it was that all earthly power is limited by the claims of natural law. To Aristotle, for instance, it was self-evident that a good polity would pass few laws and change them seldom. Laws of men should merely reflect, by reinforcing, applying, and implementing, the unchanging order of justice. Laws based merely on human will, without a foundation in justice, can neither deserve nor expect to be respected and obeyed.

This traditional doctrine was developed by Thomas Aquinas. Hardly an anarchist, Aquinas denied that any law conflicting with natural law could be valid. He added, with his scrupulous realism, that the necessity of social order might require limited obedience to a bad law. Thus he recognized that bad laws create at least metaphysical, and very likely actual, tension.

Against this doctrine the sovereignty theorists posited the unlimited right of kings to command. As kings lost ground (partly, perhaps, because they had embraced this overweening innovation) to other interests, the theory of sovereignty was succeeded not by a restoration of the natural law tradition but by varieties of social

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contract theory whereby sovereignty was transferred to the former subjects of kings. Put crudely — and it was inevitable that the realization would be crude — the idea that kings could do whatever they wanted gave way to the idea that the people could do whatever they wanted.

This can mean, and has meant, many things. It can mean that the people can by majority vote impose their unlimited collective will on each of their number. It can mean that the individual can do whatever he wants. Even individualist libertarian theory remains divided on the question whether liberty means a merely negative denial of the power of the state to command, or a positive right of the individual to do whatever he wants (limited only by the same right in other individuals). The libertarian schism shows up, fittingly enough, in the abortion issue. It would be illuminating to hear the libertarian schools take up the emerging question of infanticide.

Unfortunately, consent theory, at least in the public forum, is now dominated by collectivist assumptions. Even our policymakers seem to be bemused by the notion of a right to national self-determination. The bogeys of colonialism and imperialism are so haunting that it would be suicidal for a political leader to propose interfering in the affairs of another state. This has meant that we have allowed genocides to occur in Uganda and Cambodia rather than violate the sovereignty of Idi Amin and Pol Pot. The anti-imperialist chorus has been led by the greatest imperial power in recorded history, the Soviet Union, which feels it necessary to arrange an “invitation” before it adds by invasion to its empire. Few are deceived, but a minimal decency of sorts is preserved, if only to deter counteraction by the indirect victims of Soviet aggression.

The fiction of national self-determination has proved more convenient for our enemies than for us. We take it very literally indeed. The French journalist Jean-Francois Revel has aptly likened the power of modern rulers, under its aegis, to that of the ancient Roman paterfamilias, who enjoyed life-and-death power over members of his family. Infanticide apart, the paterfamilias exercised this power much less often than modern rulers do. He was restrained by the concrete affection he felt for his family. Since the family is a much more real social body than the nation, it is only natural that today's rulers should be less inhibited. In practice national self-determination is as ghastly an artifice as has yet been conceived. It found an unconscious parodist in Libya's Muammar el-Qaddafi, who, being

asked by an interviewer to comment on Idi Amin's acts of cannibalism, replied that he was not concerned with Amin's "internal policies."

The modern world is of a piece: we have defined abortion as an internal policy. And we have learned to mind our own business when a head of state decides he doesn't want to be burdened with unwanted subjects. Every person's moral code is his or her own affair; far be it from us to impose our views. Every nation's concept of justice is purely its own concern; we can of course express our personal disgust, but we must never try to impose our system on an alien culture. It is bigoted and ethnocentric to claim universality for one's own standards.

What it comes to is that civilized people are paralyzed by an incoherent relativism. They have somehow acquired the habit of talking as if freedom and self-determination included, or could include, a right to redefine the terms on which those conditions depend for their very meaning. One might as well say that the right to liberty implies a right to decide what liberties you will take, or that the right to religious freedom implies a right to burn down the church.

There is this much truth in it: a man who leaves others alone has a certain right to be left alone. A regime that respects the rights of its subjects should ordinarily be left to manage its own affairs. A woman who takes care of her children should be allowed to care for her children in her own way.

But those who violate the right of others destroy the basis of their own rights. They undermine the rights of even those whom they don't directly assault. And they give cause for reasonable apprehension among others. The way the Soviet Union treats its own subjects (to call them "citizens" is as much a misnomer as to speak of the Ukraine and Turkistan as "socialist republics") should have alerted us to the way it would treat its defenseless neighbors. The legalization of abortion has naturally, despite the claims of abortion advocates, led to a measurable increase in the incidence of child abuse: we have established the principle that a child's life is cheap.

Injustices will occur even within the best social order. But when a society decides it can dispense with justice, or invent its own new version of justice, it does more than harm some of its own members: it weakens its own capacity to deal rationally with other societies.

This is what America has done. The moral revolutionaries among us have thought they could tinker with a profound consensus about

right and wrong. They have supposed they could count on the rest of us to fall in line as they swept away laws and decreed new freedoms, including a freedom to kill. They have shown only that they understand very little about human nature and the stubborn sense of justice.

They have also shown, in the event, how much they resent that stubborn sense. Although they speak as if abortion were to become a purely private matter, with each precious individual conscience to be left unmolested, they have demanded that the rest of us behave as if we approved of abortion, and condemned the “reactionary attitudes” that impel us to behave otherwise — all the while blaming our “divisiveness” for keeping the issue alive on terms other than their own. Evidently opposition to abortion is expected to express itself only in passing up the chance to get one. They consider themselves generous for allowing abortion to remain voluntary rather than compulsory. Their own missionary zeal hasn’t taught them that people who really hold values want those values universalized. A perverse sense of justice seems to be more imperial than the traditional kind.

I think it is no accident that people of this temper tend to be so tolerant of foreign despotisms, especially those that style themselves “socialist.” Historian John Lukacs has observed that national socialism is turning out to be the characteristic political regime of the twentieth century. The term has been discredited by its association with Hitler (the Soviet Union has banned the phrase “national socialism” since 1932; Nazism is still referred to there as “fascism” or “Hitlerism”), but it fits a great variety of politics, including, increasingly, the United States of America. National policies of population planning, subsidized abortion, education, general welfarism, and overall state regulation and supervision conform to the broad pattern of governmental assumption for human destiny. While the “New Class” of liberal bureaucrats is far from the total victory it aspires to, its aspirations are clear enough. The Carter Administration is full of officials professing admiration for socialist countries (counting China as “socialist”) that allegedly have much to teach us. The principal thing they have to teach us is that human privacy is a residual category, but of course this is not how their admirers put it.

The drive for abortion has gone beyond legalization and even beyond full legitimation. It now aims at the maximum of actualization consistent with the forms and appearances of voluntarism. It

seeks to make the option not only available but attractive to as many as possible. In doing so it subtly eats away at the privacy in whose name the abortion liberty was originally created. For many liberals abortion has become a kind of sacrament, a sign of deliverance from oppressive traditions.

This surely has to do with something far deeper than abortion as such. Abortion advocates are vociferously annoyed with their “single-issue” enemies. Misguided though the charge is, it reveals something important: that abortion belongs to a broader ideology of reversing old presumptions. Those who want it are not “single-issue” voters. They are using it as part of a program to alter relations not only between mother and child but between man and state, man and society, man and history.

Today’s liberal ideology insists that since the United States was born of revolution, it has a duty to side with the revolutions of the present — the “aspirations” of the world’s peoples against their “corrupt and repressive” rulers. It is noteworthy that the “aspirations” are always socialist, while socialist (and Communist) regimes are never deemed “corrupt and repressive,” despite the evidence. It is not that liberals desire Communist regimes to come into being. Rather it is that they are obsessed with the imperative of *razing the past*. They want all the world’s peoples to “build new societies,” even as they themselves are striving, “within the system,” to build a new society here.

It is probably obvious even to such liberals that the new societies are doomed. No new society has ever been built from scratch. Most revolutions result in a reign of terror and tumult, a series of coups following the original rebellion, with military dictatorships usually mopping up. Our revolution succeeded because it was conservative: its object was to preserve, not destroy, native institutions, which were threatened by royal encroachments. Building new societies has usually meant killing off major strata of the old, allowing other (allegedly “new”) strata to displace them. But new Adams can be generated in time to assume responsibility for the aftermath, and the predictable result is horror and disillusionment.

Why bother then? Because the ideology of sovereignty requires that the present generation rule in hell rather than serve in heaven, purgatory, or the vale of tears. It feels that there is more justice in allowing people to destroy themselves (collectively, that is: behind the abstractions it is really some people destroying others) rather

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than continue to live in normal and habitual misery. The past must be razed because it was inherited, and therefore unsought. Its mildest injustices are less tolerable than the worst self-inflicted evils.

The ideology is blind to the fact that we are, to a great extent, what we inherit. We can't repudiate the past, because it is part of us and we of it: our language, our lineaments, our beliefs, our morals, all these resist our attempts to destroy them. We succeed only in breaking up their working unity.

Razing the past is not a matter of freeing ourselves from something alien: it is a kind of self-mutilation. The more we try to do it, the more we are frustrated. In the end we find we are repudiating our past selves, and impoverishing our present ones.

Abortion is a good symbol of this. The woman who aborts her child, like the man who kills his father, is pursuing a vain fantasy. She is treating her own past self as a kind of tyrant, her own act as the act of another being. She violates an intimately present relation and cuts off her own future. We and others live undeniably in each other. Childhood and parenthood are the fullest realizations of our human situation. The real problem of our age is not unwanted children but unwanted selves, and no surgery can correct the emptiness that comes of the selfish refusal to love.

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Why We Face a Decade of Lost Utopias

by Malcolm Muggeridge

Searching about in my mind at the beginning of the Seventies for a name for that decade, I hit upon "The Decade of the Great Liberal Death-Wish," since, in my estimation, the process of death-wishing in the guise of liberalism, which had long been eroding what remained of Western civilization, was about to reach its apogee.

Systematically, stage by stage, our way of life had been dismantled, our values depreciated, our certainties undermined and our God dethroned; all this in the name of promoting the health, wealth and happiness of one and all. Past civilizations have collapsed through being overrun by barbarians from without; ours has the unusual characteristic of having nurtured its own destroyers at the public expense, and dreamt up its own dissolution in the minds of its own intellectual elite.

As the Seventies unfolded, I felt that my prognostications were proving to be, in essentials, well founded, and now, looking into the Eighties, I see the same process continuing, to the point of total disillusionment with the utopian expectations on which Western Man has been living since he became persuaded that he was in charge of his own destiny, and responsible for creating his own heaven on earth. So that "The Decade of the Great Liberal Death-Wish," more particularly as George Orwell's nightmare forecast of the ultimate consequences of the pursuit of power for power's own sake alone, is put in the Eighties.

His last book — *Nineteen Eighty-Four* — has served to give this date a widespread aura of momentousness, though Orwell himself chose it quite arbitrarily by transposing the last two digits in the year 1948 when he was working on the book in his house on the remote Isle of Jura, already gravely ill with the tuberculosis from which he died two years later when he was 47. There is also the possibility that he remembered the date from a book he greatly admired, Jack London's *The Iron Heel*, an imaginary account of the setting up of a Fascist regime in America in which the enslaved proletariat are forced to build a great metropolis, completing the work in 1984.

In any case, *Nineteen Eighty-Four* is a brilliant analysis of how totalitarian dictatorship works in our time, of its brain-washing techniques, of its

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sloganeering and terrorism, resulting in not just destroying any practical possibility of individual freedom, but, like the Grand Inquisitor in *The Brothers Karamazov*, rooting out in those subjected to it the very wish to be free, the very concept of freedom. When Orwell wrote *Nineteen Eighty-Four*, television had by no means reached its present range and influence as an instrument for propagating a universal materialistic-humanist orthodoxy, called the consensus; but he had already grasped its potentialities, as the role of Big Brother indicates. Now, he would see television as an incomparable means of inducing the servile intellectuals, and the proles equally, to do and think and be what was required of them.

Nineteen Eighty-Four is, indeed, a truly prophetic book. How weird, but in a way how apposite, if this date, casually adopted by a dying man as marking the final expiry of our civilization and its replacement by a monolithic power structure with no other purpose than its own continuance, should prove to be correct, in some measure because he envisaged it so—in Biblical terms, in order that the prophecy might be fulfilled. Stranger things have happened.

Utopianism is, of course, a deep-rooted impulse in human beings; they have a congenital propensity to believe that somehow or other, at some time or another, a golden age will come to pass, when tears will all be washed away, the lion and the lamb will lie down together and a little child shall lead them, captives will be released, swords will be beaten into ploughshares, and sorrowing and suffering will disappear from our human experience. Such sanity as Western Man has displayed during the centuries of Christendom has been due, more than anything else, to the fact that this vision of lasting felicity and well-being was seen as belonging to our heavenly, not our earthly, existence, to Eternity and not to Time. The Genesis story has provided an apt basis for such a view; after Eve's sin and Adam's connivance, Man is a fallen creature capable of conceiving perfection, but by his very nature fated to be imperfect himself and in all his works; to toil for his livelihood, and to reproduce in the turbulence of his fleshly appetites reaching after a transcendental fulfillment, of love lusting and lust loving.

The disaster of our time lies essentially in the replacement of this sense of the intrinsic inadequacy of human beings by the notion of progress achieved through evolution, whereby Man himself fashions his own perfectibility through his own efforts, without any need for a God, or involvement in any mystery, in any "Cloud of Unknowing" — just mortal men in Time creating a utopia wherein they may, in fairy story style, live happily ever after.

Our Creator's favorite method of curing His creatures of such egotistic fantasies would seem to be *reductio ad absurdum*. They want to be rich, so they accumulate wealth, which, thanks to inflation, turns out to be useless

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paper; they want to be secure, so they develop a weapon powerful enough to blow themselves and their earth to smithereens; they want to be carnal, and find themselves stranded in the wasteland of eroticism and porn; they are greedy for knowledge, and in seeking to know everything find they know nothing; they want to be free, and their freedom proves to be servitude, either to their own appetites, or to a Big Brother.

I see this process of *reductio ad absurdum*, already far advanced, in the years immediately ahead reaching the point of no return, when the clear choice will present itself between the chaos of self-indulgence and dictatorial order. Faced with such a choice, the odds are that it is the latter that will be preferred. For, in the last resort, human beings will opt for order, however harshly imposed, in preference to chaos, however alluringly presented.

As Orwell envisaged, in a chaotic world, power emerges as the only reality, and the utopias which traffic in happiness, one after the other, are being seen as a pipedream. Now they lie about the world like the ruins of old civilizations in Asia Minor and along the Mediterranean coast of Africa — heaps of ideological debris, smudged blueprints for an earthly paradise, empty rhetoric proclaiming the coming to pass of a suburban Garden of Eden. People in the Eighties will have to live with these lost utopias as best they may, like Bedouins camping and watering their camels amidst the ruins of Carthage or Luxor.

There would seem to be three patterns, to one or other of which all current utopias conform — firstly, the American dream of happiness successfully pursued, funded by an ever rising Gross National Product, promoted by advertising in all its guises and facilitated by non-stop technological developments and an increasingly libertine life-style; secondly, the Socialist-welfare dream of a strictly egalitarian society in which citizens are cared for by the State from the moment of conception (though caring in this instance may take the form of extinction) to their burial or cremation; and, thirdly, the Marxist-revolutionary dream of a triumphant proletariat who inherit the earth, leaving the abolished bourgeoisie to disappear from history, and the State and all its appurtenances to wither away, so that, with the mighty put down from their seats, the humble and meek may be exalted for ever.

The number of true believers in these utopian expectations has been drastically shrinking of late, and by the time another decade has passed, may well have dwindled to practically none. Thus, Americans are increasingly content to settle for the realization of their dreams in images on a television screen, or in glossy magazine pages, while beneficiaries under our Welfare State collect their benefits without bothering their heads about how and why they ever became available. As for the Marxist dream — in the USSR it has been embalmed with Lenin in his mausoleum, and elsewhere is liable to crop up on campuses wherever two or more sociol-

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ologists are gathered together, among laicized Jesuits and svelte nuns with tiny crosses on their well-cut habits, and as background music at Labour Party annual conferences, culminating in the supreme moment when the trade union bosses and political leaders on the platform fraternally link arms and lustily intone the "Red Flag." Solzhenitsyn was surely correct when he said in all seriousness that in the USSR and its satellites it would be difficult to find one single citizen for whom Marxism was other than a sick joke.

Let us, then, take a look at these lost utopias which will assuredly be haunting the Eighties as, according to the *Communist Manifesto*, the specter of Communism did earlier decades. I begin with the American dream. And what a dream that was! And how nearly it became the world's dream — something that is now largely forgotten. In the television age, the past is quickly obliterated; each day's news is wiped off the video tapes in preparation for recording tomorrow's.

So, it is difficult now to recall that when I went to Washington as *Daily Telegraph* correspondent shortly after the end of the 1939-45 war, America was richer and more powerful in terms of weaponry than all the rest of the world put together. Never before in modern times had one nation been in such a position of dominance in the world. If Americans had so wished, they could have embarked on a course of conquest more extensive than that of a Julius Caesar or Napoleon Buonaparte. Equally, they could have frustrated Stalin's imperialist moves in Eastern and Central Europe, thereby ensuring that his ruthless exercise of power was confined to his own territory and his own people. Historians will go on disputing for ever as to why, when the Wehrmacht was defeated, and the populations in the countries the Germans had occupied asked only to be allowed to surrender to the Anglo-American forces, these were held back, and the Red Army allowed to move in, where, of course, it has remained ever since.

Washington in those days was the center of the world; whoever wanted anything, had any project to promote that needed funding, any plan for the betterment of mankind, was bound to show up there sooner or later. Seldom, if ever, can there have been so large and varied an assembly of mendicants in one place. On Capitol Hill, in the Senate especially, there was once again talk of America's manifest destiny, but translated into the policy of President Truman's Administration, this proved to be just handing out dollars to all and sundry, thereby, inevitably, earning the undying hatred of the recipients.

After thus wallowing, some of them uneasily, in their munificence, the Americans, behind their barrage of missiles pointing eastwards, settled down to enjoy their own affluence; not, indeed, in the Scott Fitzgerald style of the Twenties, as a great binge, but as a way of life. In the process, position after position outside the United States was lost or surrendered.

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The American century prophesied by Henry Wallace fizzled out before it properly began, and the American dream resolved itself into a gigantic exercise in self-indulgence, at which the rest of the world looked on enviously, and, within such means as were available, sought to emulate. This was true even of the Communist countries, where authentic jeans were at a premium, and clandestine recordings of rock music a rare treasure. It might be said that pretty well everyone wanted to live like the Americans, but knew deep inside them that they were fated sooner or later to live like the Russians.

The Seventies ended with the Americans meekly putting the case at the International Court of Justice at The Hague — which anyway has no power or authority — for the release of the staff of their Teheran Embassy who had been taken and held as hostages by students acting on behalf of Ayatollah Khomeini, a contemporary version of the Sudanese Mad Mullah of General Gordon's time. And hanging over them at home was the dread threat of a shortage of gasoline, the precious fluid which fuels the pursuit of happiness, making it possible, as P.G. Wodehouse put it, for everyone in Little Neck to drive on Sundays to Great Neck, and for everyone in Great Neck to drive to Little Neck. Other humiliations and anxieties lie ahead in the Eighties; the Samson of our twentieth century has been beguiled by his Delilah and allowed his hair to be shorn, and so can only assert himself by pulling down the pillars, such as they are, of the Western world.

Of the American dream, then, all that remains at the beginning of the Eighties is sex, the mysticism of materialism, and money, materialism's least convincing manifestation. "It was artfully contrived by Augustus Caesar," Gibbon writes, "that in the enjoyment of plenty, the Romans should lose the memory of freedom." In the case of the American dream, for Augustus Caesar read the media and the advertisers who support them.

Having, during the past half-century, had occasion, as a professional communicator, or, in St. Augustine's term, vendor of words, to watch over the happenings in the world, it has become clear to me that their significance lies, not in themselves, but in the revelation they provide of an inward fearful symmetry — Blake's expression — in our human affairs. The happenings, that is to say, like nature itself, are parables, bearing in themselves their own message. Thus, when the richest man in the world, Howard Hughes, dies of malnutrition, like any one of Mother Teresa's derelicts brought in from the streets of Calcutta, it spells the end of the mystique of money, just as the obsessive preoccupation with erotica in a society dedicated to carnality, spells the end of the mystique of sex, leaving nothing.

The strong probability is, therefore, that in the Eighties the American

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dream, deprived of these two essential elements — money and sex — will finally flicker out, like the images on a television screen when the power is cut off.

With the American dream thus summarily disposed of, how stands the Socialist-welfare dream, our own special British line in utopias? In the most literal sense, I grew up with it; my earliest memories are of the arguments for and against — but mostly for — being marshalled in our suburban sitting-room, to the accompaniment of clouds of tobacco smoke and mild libations of whisky and water. Or at open-air meetings, shouted against the noise of traffic and occasional dissenting interruptions. Then later, in grander style, in the columns of the *New Statesman* in its early days — we were original subscribers — or at Fabian lectures, with the majestic figure of George Bernard Shaw on the platform, red-bearded, Mephistophelian, his arms folded, explaining how there was no need to slaughter our millionaires, since their death could more conveniently be assumed and death-duties levied. Or. H. G. Wells in his squeaky voice propounding vast collective enterprises that must be undertaken, and the vast benefits they would bring.

In a somewhat different vein, there was Dr. Hewlett Johnson, Dean of Canterbury, immaculate in gaiters and full deaconal rig, proclaiming from his pulpit that Stalin was busy building the Kingdom of Christ, which turned out to be itself, in the Dean's estimation, a super-Welfare State. Or down at Passfield Corner where the founding-mother, Beatrice Webb, and her consort, Sidney, delivered their *pronunciamentos*, one of Beatrice's being, rather surprisingly, that "the unemployable, whether work-shy or merely inadequate, would have to be put in colonies and trained and disciplined according to their shortcomings" — which reads now like a plea for building a Gulag Archipelago in England's green and pleasant land.

It all seemed so wonderfully clear and simple. The workers, when through nationalization they became part-owners of the enterprises in which they worked, could be relied on to give of their best, and would certainly never, never strike, if only because it would amount to striking against themselves — which, as Euclid says, is absurd. Since there would be no-dividends to pay out, working conditions would assuredly go on improving steadily, thereby facilitating higher wages, shorter hours and longer holidays. Likewise, the co-op stores, since they gave back all their profits to their customers in the form of divi, could not but in time absorb to themselves all retail business.

Greatly expanded educational facilities at all levels would, as it were, phase out pursuits like gambling, drinking, dog-racing and the grosser forms of womanizing, while crimes of violence might be expected to decline and ultimately disappear as living and working conditions went on

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improving. The Stock Exchange would close because there would be no speculators, and the brothels because there would be no whores. As for the Anglican Church, it would be disestablished, but if pockets of persistent believers lingered on, they would be allowed to make their own arrangements for worship in the confident expectation that, as they died off, there would be none to replace them.

In the groves of academe, ever expanding and multiplying to provide in due course a place for every citizen who wanted one, the teachers and writers and artists of the future, the makers of culture, would be incubated; while in urban areas, libraries and theaters and leisure centers would replace bookmakers, public houses and low dives generally.

To guard against any relapse into the old squalid capitalist ways, the BBC would be called upon to follow strictly the guide-lines laid down by the first Director-General, John Reith, whereby, as he put it in his inimitable style, "all things hostile to peace or purity would be banished from its programmes, and listeners and viewers, inclining their ears to whatsoever things were beautiful, honest and of good repute, would tread the paths of wisdom and righteousness."

In the Seventies it had already become unmistakably clear that none of these expectations were to be realized in practice. The cultural yield of the groves of academe was more in the nature of slogan-shouting and punk music than artistic or scholarly; far from flourishing, industry fell into a chronic decline, with the Mint as the only truly booming enterprise, and a new kind of economic miracle manifesting itself — high levels of unemployment coinciding with an acute labor shortage. As for Reith's hope that things hostile to peace or purity would be banished from the TV screen, it seemed positively to cherish them.

As the good ship Socialist-welfare sails into the Eighties, then, her condition sadly belies the enthusiasm and high hopes when she was launched. Battered and bedraggled, with a mutinous crew and a newly-appointed skipper and officers whose seamanship, such as it is, would seem to belong to other climes and seas, shipping water plentifully, her engines in a deplorable state and liable to break down at any moment, her chances of navigating the stormy weather ahead, and arriving at her destination, must be regarded as negligible.

The third of our contemporary utopias — the Marxist-revolutionary one — took shape when, in the 1914-18 war, the Germans injected Lenin into the body politic of Russia — an early essay in germ-warfare. At the same time, there had emerged in the United States a notable exponent of the American dream at its most elevated, in the person of President Woodrow Wilson; a Princeton don, with a high mind, a slow voice and a tall hat. The two of them — Lenin and Woodrow Wilson — were, indeed, Janus faces gazing in opposite directions. They symbolize the confrontation we

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have all been living with in recent decades, and that in the decade ahead may be expected to erupt — Lenin with his incisive words and ruthless purposes, Wilson with his meandering utterance and generalized goodwill; Lenin who as soon as he had the reins of power in his hands, set up the Cheka, an organ of terrorism which, under various initials, the latest being KGB, became an integral part of the Soviet regime, whereas Wilson, at about the same time, was laboring earnestly to advance the institution of a League of Nations at Geneva as a custodian of world peace, to be later resurrected as the United Nations in Manhattan, the whole enterprise amounting to a 20th-century Tower of Babel, in which, as in the original one, many speak in divers tongues, but few listen and none understand.

Through the first decades of its existence, the Soviet regime went on attracting the enthusiastic admiration and support of the intellectual elite of the Western world, despite purges, terrorism, famines and the emergence of Stalin as a ruthless and bloodthirsty dictator. The extraordinary credulity they displayed on their visits to the USSR, their naive acceptance of everything they were told about the prosperity and well-being of the population, provided an hilarious, if somewhat macabre spectacle, which I had the privilege of enjoying when I was in Moscow as *Manchester Guardian* correspondent in the early Thirties. Subsequently, the euphoria has spent itself; the Marxist revolutionary utopia has gone the way of the other two in losing its believers. Only an occasional empty-headed actress, or trade union boss back from a free holiday by the Black Sea, or clergyman out on an ideological spree, is prepared to champion the Soviet regime as a source of light and hope in a dark world. Likewise, since the death of Mao, and the discrediting of his associates, voices acclaiming the amazing rise in the standard of life in China, the absence of flies, and the skills of the barefoot doctors, seem to be largely stilled. The game in the Eighties will be a power game merely.

In practice, if not in theory, the Marxist-revolutionary utopia came to an end in the Thirties, when Stalin killed off all the Marxist revolutionaries who had made the October Revolution — including Trotsky, though Stalin had to wait some time for that, and finally had him struck down in Mexico — first inducing them to confess that they had worked for foreign Intelligence services, including the American one which did not then exist. Having thus disposed of the Revolution and the revolutionaries, Russia could resume its history, with Stalin as Tsar, and pursue its old pan-Slav imperialist policies. This has been done with outstanding success, so that Russia has become immeasurably more powerful, and extended its territory and influence further and more effectively than ever was the case under the Romanovs.

A good place for considering how matters now stand as between the two so-called super-powers in the light of this great accession of Russian pow-

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ers is standing on the Berlin Wall, with on one side the Western city, on the other the Eastern city, and in between the no-man's-land dividing the two, with its land-mines, its armed patrols, its guard-dogs and look-out posts.

Let us suppose we are standing on the Wall at dusk. In West Berlin already the neon lights are coming out, announcing the evening's pleasures — restaurants and hotels, strip-tease joints and sex shops, theaters and cinemas and discos, the news even, in dancing illuminated letters — all the munificence in entertainment, pleasure and refreshment 20th-century hedonism has to offer, spelt out in luminous words against the gathering darkness; the pursuit of happiness written like a rainbow across the sky. Then, in East Berlin, the characteristic evening street scene in any Communist city — pedestrians hurrying homewards with that curious, somehow furtive walk of people who have grown accustomed to living with fear and privation; shops with few goods to display in their windows, and only very occasional motor cars; lights coming out meagerly, one by one, by comparison with the blaze across the way, and, with the frontier so near, a noticeable police presence *vopos* perambulating two by two.

At the Wall, two lost utopias conjoin, and, like two drunks, in a certain sense hold on to one another, their confrontation being clearly in terms, not of freedom and servitude, but of two different kinds of servitude. Otherwise, East Berlin is the extremity of an empire now stretching almost without a break from the Berlin Wall to China's, and soon, perhaps, taking in India, and maybe receiving back China into the fold; with large and growing affiliates in Africa, and promising possibilities for expansion in the Caribbean and Latin America and maybe Quebec. Against this, stands the so-called Western Alliance grouped round America, and comprising the distracted countries of Western Europe, themselves joined together in a European Union of sorts, as nebulous and seemingly ill-fated as the Holy Roman Empire. It would surprise me if another decade slipped by without this particular expression of *reductio ad absurdum* becoming dramatically manifest — that the only serious defense today of what used to be called the free world is America's nuclear power, which the Americans will never have the ruthlessness to use, nor supposing they should propose to use it, will the Europeans have the nerve to agree. "That the Romans did not conquer the world is certain," Spengler writes; "they merely took possession of a booty that was open to everyone." Do they, I wonder, read Spengler in the Kremlin? I hope not.

To sum up — before this century is over, the countries of the West will have adopted in practice the materialist view of life they have already adopted in principle. The Churches will either fall in with this (as, actually, many already have), or become extinct, with residual followers carrying on some sort of worship and fellowship in clandestinity. Similarly with the ostensible revival of Islam taking place, notably in the Middle East and

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Iran; the oil revenues speak, the Shah goes and the Ayatollah comes, the muezzin (now recorded on tape) is played more frequently, the incidence of power shifts; but few, if any, souls will be saved thereby. Education will be wholly concerned with literacy and implanting whatever version of materialism happens to be current. All this will come to pass of itself, indeed, to a great extent it has already, with the media, especially television, ensuring the requisite indoctrination — viz, Man is the only incumbent, and satisfying his needs the only pursuit, on earth or in the universe. In such circumstances, there will be no literature other than escapist fantasies, no music except muzak and discord, no buildings except indeterminate concrete masses, no thought except acquiescence, no art except photography; no entertainment except porn and inconsequential lunacy.

Yet underneath this frozen surface seeds will begin to germinate; through cracks in the concrete face, tiny green shoots will appear; in the darkness glimmers of light will shine. And where has all this started happening? In the unlikeliest of all places — the Gulag. It is there, where there is no freedom, that freedom is being rediscovered; there, where there is no hope, that hope is reborn. Thus Solzhenitsyn writes:

It was only when I lay there on rotting prison straw that I sensed within myself the first stirrings of good. Gradually it was disclosed to me that the line separating Good and Evil passes, not through States, nor between classes, nor between political parties, but right through every human heart — and through all human hearts . . .

And that is why I turn back to the years of my imprisonment and say, sometimes to the astonishment of those about me: "Bless you, prison, for having been in my life!"

Solzhenitsyn is, of course, not alone; there are many others. It is such words as his, such experiences as he describes, that make me say, and mean, as a final comment on these and any other times: Thy will be done.

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[Mother Teresa of Calcutta is generally acknowledged, worldwide, to be a remarkable woman — yet many were surprised (some, of course, were not) when she received the 1979 Nobel Peace Prize for her work among the dying and the poor, originally in India, and now in other countries, including the United States. Perhaps equally surprising was her “acceptance speech” (or Nobel Lecture), delivered in Oslo last December 11, in which she spoke not the words usually expected on such occasions, but rather (again, those who have followed her career were not surprised) exactly the kind of thing she says always, and everywhere. We reprint here excerpts — essentially the central portion of the lecture, minus her brief prologue and the final portion (which is roughly equal in length to what appears here) — from a transcription sent us by a friend shortly after the event. We cannot vouch for the accuracy of the text; as we write this, we know of no “official” version yet available. If we have done any injustice to her exact words, we accept the blame in the fullest confidence that neither we nor anyone else can harm her meaning.]

The Nobel Lecture

by Mother Teresa

It is not enough for us to say: I love God, but I do not love my neighbor. St. John says you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so this is very important for us to realize that love, to be true, has to hurt.

It hurt Jesus to love us. It hurt him. And to make sure we remember his great love, he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one, the naked one, the homeless one, the sick one, the one in prison, the lonely one, the unwanted one, and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find. It may be in your own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten, maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking towards the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people

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they have everything here, why are they all looking toward the door? Why are they not smiling?

I am so used to see the smile on our people, even the dying one smile. And she said: This is nearly every day. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten. And see — this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there? Are we there to receive them? Is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs. And I tried to find out why. Why is it like that? And the answer was: Because there is none in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace.

But I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing, direct murder by the mother herself. And we read in the scripture, for God says very clearly. Even if a mother could forget her child, I will not forget you. I have curved you in the palm of my hand. We are curved in the palm of his hand; so close to him, that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother *could* forget something impossible — but even if she could forget — I will not forget you.

And today the greatest means, the greatest destroyer of peace is abortion. And we who are standing here — our parents wanted us. We would not be here if our parents would do that to us.

Or children, we want them, we love them. But what of the millions? Many people are very, very concerned with the children of India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child, what is left for me to kill you and you to kill me? There is nothing between.

And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year. Have we really made the children wanted?

I will give you something terrifying. We are fighting abortion by adoption. We have saved thousands of lives. We have sent words to all the

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clinics, to the hospitals, police stations: please don't destroy the child; we will take the child. So every hour of the day and night it is always somebody — we have quite a number of unwedded mothers — tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful. We are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years — it is all in Calcutta — we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter, which is very beautiful, very simple. And our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby whenever we want. So clear — those people in the street, those beggars — and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us.

The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank, and said: You people who have evolved chastity, you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people.

The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. And I told the sisters: You take care of the other three; I take care of this one that looked worse. So I did for her all that my love can do. I put her in a bed and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only; thank you — and she died.

I could not help but examine my conscience before her. And I asked: What would I say if I was in her place? And my answer was very simple. I would have tried to draw a little attention to myself. I would have said I am hungry, that I am dying, I am cold, I am in pain or something. But she gave me much more — she gave me her grateful love. And she died with a smile on her face — as that man whom we picked from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without

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cursing anybody, without comparing anything. Like an angel — this is the greatness of our people.

And that is why we believe what Jesus has said: I was hungry, I was naked, I was homeless; I was unwanted, unloved, uncared for — and you did it to me.

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[*What follows is the complete introduction by John T. Noonan Jr. to the book (which Professor Noonan edited) The Morality of Abortion: Legal and Historical Perspectives, just as it was originally published in 1970 by the Harvard University Press. (Reprinted by permission of the publisher, Harvard University Press, Cambridge, Mass ©1970 by the President and Fellows of Harvard College.)*]

Ten Years Ago: The State of the Question

by John T. Noonan Jr.

Educated American opinion today accords an acceptance to abortion which even a decade ago it did not enjoy. Estimates of its actual practice in America vary enormously; the highest plausible projection is 1000 percent greater than the lowest; and the range of probable error is too extreme to permit confidence in the guesses made. But the shift in influential sentiment is palpable. Respectable, serious, committed persons have contended that the planned termination of pregnancy has a social utility and humane character not appreciated by earlier generations. Response to these contentions among groups likely to determine attitudes toward abortion has ranged from benevolent tolerance to passionate conviction. Abortion, once regarded as a secret and loathsome crime, a medical disaster, or a tragic manifestation of human weakness, has been justified by the draftsmen of the American Law Institute, defended by the American Medical Association, applauded by the American Public Health Association, championed by Planned Parenthood-World Population, and publicized by the *New York Times*.

In America, as has been more than once observed, moral issues become legal issues, and legal issues become constitutional issues. What is right must be legal, and what is wrong must be unconstitutional. Discussion of the desirability of abortion has focused on the amendment of laws against abortion. Pressure to amend the laws against abortion has become a challenge to the constitutionality of any restriction on abortion. The Deans of all the medical schools in California, the American Civil Liberties Union of Southern California, and some fourscore professors of law, teachers of gynecology, and practitioners of obstetrics drawn from all parts of the nation have asked the Supreme Court of California to assert the constitutional right of a woman to have an abortion when she seeks it and the constitutional right of a physician to perform an abortion if he finds it medically appropriate. In *People v. Belous*, by a vote of four to three, the California court in September 1969 avoided ruling on these claims by

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finding the old California abortion statute, which had been applied in hundreds of cases, too vague to be understood by an unlicensed physician performing a clandestine abortion. *Belous* stands as a landmark in the swift change in which the established statutory regulation of abortion has appeared in a new light.

Analysts of law, typified by the great English jurist John Austin, have sought a purity for their subject by purging law of moral value. To the embarrassment of such analysts there are few if any issues of substantive law where considerations of the purposes of human beings have not determined the outcome. Important legislation has inevitably incorporated judgments about who are persons, who have responsibilities to whom, what standards of behavior are moral between human beings. The Civil Rights Act, the Securities Exchange Act, the Social Security Act are merely prominent examples of the normal process of legislators enacting their moral ideals into statutory prescriptions. They are striking instances of ideals imposed on recalcitrant minorities who had rejected with passion the majority claim that one class of beings had human rights or that fair behavior between two economic classes was required or that one group owed aid to another group. With equal inevitability, constitutional litigation has been determined by the moral convictions of the judges. From *Dred Scott* to *Brown v. Board of Education* great principles about human nature have been the stuff of constitutional decision. What is a constitutionally permissible balance of interests, what is fundamental fairness, who are the persons who cannot arbitrarily be denied life, liberty, or property — these questions cannot be decided without moral judgments. Rightly, the American instinct has yoked the constitutional to the moral. With abortion as the issue, the moral and the constitutional are tightly tied together, for the moral decision determining who is human is decisive for constitutional adjudication.

If legal judgments on abortion cannot take place without moral conclusions about human persons and purposes, moral valuations depend upon the law to a substantial, if not equal degree. Moral judgments are not made by disembodied spirits, nor can they be formed in interior private spheres of mind so insulated from society that the social judgments embodied in law cannot touch them. Moral notions are partly formed by the teaching of the law. Austin's analysis would have it that law is only a system of coercive sanctions keeping the bad man from external actions harmful to the community. A fuller view of the functions of law understands that the law channels action and, channelling, shapes conduct and inculcates attitudes. The public teaching embodied in the law tells the uncertain man — and on many matters we are all uncertain men — what is right to do. Legislation which enforced slavery, for example, systematically formed American moral judgments about blacks. Court decisions which required desegregation shaped a new conscience for blacks and whites. Law prohibiting abortion

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had taught a view of life and responsibility, and the law cannot be abolished without substantial impact on the moral consciousness of Americans.

Hard dilemmas have always existed in some situations where abortion could be a solution. Most classic has been the case where the life of the mother could be saved only by taking of the life of the child in the womb. The casuistry of theologians and the common sense of lawmakers agreed that, with these alternatives, no legal obligation could be imposed on the mother to prefer the child's life to her own; if she made the choice of self-sacrifice it was in obedience to a higher law of love than common morality or law could enforce. The tragic split of emotions that maternal feelings could produce here became a rarity as gynecological advances virtually eliminated the necessity of abortion to preserve maternal life.

No less old a problem was that created by rape. Must a woman suffer the psychological trauma of bearing and giving birth to offspring literally forced upon her? The issue was acute in ancient embryology where the male seed was thought of as maintaining some identity in the woman's womb; it is no less acute in contemporary America where over 12,000 rapes are reported annually, and emotions aroused by racial consciousness sometimes have added to the natural repugnance to be physically reminded of the ugly origin of a pregnancy in violence. As false delicacy ceased to inhibit immediate medical examination in the event of assault, it became standard practice to sterilize the uterus at once to destroy spermatazoa, and even if recourse to a physician were delayed for several days it remained possible for a uterine curettage to be performed without violation of the abortion law. The increase of trust in prompt medical measures seems likely to make the dilemma caused by rape almost as rare as the dilemma caused by pregnancy physically threatening the mother's life.

Involuntarily, in a third situation, a mother was put to a cruel choice: where it became known during the pregnancy that there was a substantial chance the baby could be born deformed. The prediction might be based on the malfunctioning of a drug, as in the case of thalidomide, on the effect of inherited genes, or on the presence of a viral infection such as rubella. Vaccines could be developed to eliminate the most dangerous infections, as they have been developed to prevent rubella; stricter drug control could eliminate gross mishaps; acceptance of sterilization could reduce the transmission of abnormalities in cases where the chance of transmission was very large. Yet no measures were certain to eliminate the problem altogether. The gravity of the problem could also vary widely. Sometimes, as had been the case with rubella, only a very broad spectrum of deformations could be pointed to as possible, and it could be said with certainty that two out of three babies would not suffer even the least serious of these disfigurements. The modern case of a predictable, severe deformity has joined the classic cases of threat to life and rape as a rare

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instance where a harsh choice was made whether an abortion were performed or avoided.

These cases often dominated popular and theological discussion of abortion. Generous human impulses would always be torn by them. Yet they have not had a dominant part in the change of educated opinion which has occurred. Creation of this change has been the work of forces both more specific and more profound. Specifically, one force has been the desire of medical men to have autonomy in their professional judgments. In the hard cases doctors did not want their exercise of discretion subject to review by a court. In the borderline area where an abortion not immediately necessary to save life might be necessary to preserve health and to keep life from being shortened, doctors wanted a free hand. Some physicians stretched the statutory exception and performed operations unnecessary to save life but necessary in their view to keep a mother sane or to give her peace of mind. Such operations, performed within accredited hospitals, were never punished by the criminal law. Physicians performing them were conscious at times of hypocrisy in their practice. Private, paying patients were far more likely to receive an abortion on psychiatric indications than patients in the public wards. As administered by the profession itself, the rules on abortion were applied more laxly to the rich than to the poor. Conscious of discrimination, conscious of hypocrisy, conscious of constraint by extra-professional criteria, doctors sought change in the law. The decision to abort, they maintained, was a professional medical decision which should be made by the medically competent.

This modest proposal to vest mastery of a technical decision in the technically trained would, still, by itself, have generated no strong current for change. The demand could appear special and parochial and even self-interested. It might have had no greater claim to credibility than other self-proclaimed needs of the American Medical Association. What gave the demand wings was the population problem.

"The population problem" consisted essentially of three problems — one, the absolute increase in the population of the world at an annual rate approaching two percent; two, the relative increase in areas whose geography, economic efficiency, social structure, and governmental organization together or singly prevented the adequate feeding, housing, and education of large numbers of new persons; and three, the particular increase in population of the United States. Population problem one was the long-run problem of the earth; population problem two was the present problem of several islands and underdeveloped nations; population problem three was an American problem with a racial cast. In each situation the growth of population was an obvious factor in creating major challenges to existing patterns of human life. In each situation, the growth of population was focused on, and reproduction was viewed as the key variable to

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control. Reality appeared in such a way that attempts to change other variables in each situation would be described as utopian. What appeared to be most malleable was not man's capacity to leave the earth, to overcome island or national boundaries, to share more fraternally, but his capacity to reproduce.

The view of the world as a whole, or parts of the world, or the American way of life, all being overwhelmed by an increase of human beings, generated enormous interest in ways to curb the danger. Despite the demographic history of Western Europe in the nineteenth century, it was assumed that the encouragement of sexual continence and the postponement of marriage were too ineffective, too burdensome, too unenjoyable to be taken seriously as means of restraining man's malleable reproductive capacity. Only measures which permitted sexual intercourse while inhibiting birth were regarded as solutions appropriate to the magnitude of the triple problem.

Until the 1960s, "birth control," promoted as a way of restricting population, was more accurately described as "conception control." Official literature of the planned parenthood associations stressed contraception as a way of avoiding both birth and abortion. It became apparent, however, that known means of contraception were unsatisfactory to achieve a reduction of population growth in many areas. Coitus interruptus required motivation and discipline often lacking in the male. Diaphragms were expensive and required fitting. Progesterone pills were effective only if consumed in obedience to a prescribed schedule of dosage, and their safety was not unquestioned. For poor, little-educated, slightly motivated persons, none of these methods was highly desirable or efficient. The one spectacular success in meeting a population problem was Japan's reduction of growth, and this success was achieved less by contraceptive means than by the massive spread of abortion. The most efficient mechanism for preventing reproduction was the intrauterine device or I.U.D.; and uncertainty continued to exist as to whether it prevented fertilization or implantation; its status as contraceptive or abortifacient was arguable. Technological developments and the limited effectiveness of unquestionably contraceptive means thus combined to make devotion to contraception alone appear as a kind of fetish, indefensible and inexplicable except by reference to the history of thought about abortion. In 1968, Planned Parenthood-World Population publicly changed its stand and endorsed abortion as a means of population control. The action marked formally a transition which had already occurred. Abortion was now put forward as a rational solution to the crises connected with population growth.

Without the appeal to a serious public larger than the membership of a single profession, and without the zeal of a dedicated organization, the efforts of physicians to obtain professional autonomy would have had no

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great impact. Together, the divergent interests of physicians and those concerned with population control brought disciplined power to bear upon the abortion statutes and effectively spread a message favorable to abortion through the American communications media of newspapers, magazines, and television. Yet educated opinion could not so swiftly have been swayed toward an acceptance of abortion by organizational tactics alone. This opinion responded because the appeal addressed to it touched two deep contemporary currents: the trend to reject all codes of morality as exterior, authoritarian, and absolute, above all, to reject sexual codes as the most odious; and the trend to control one's environment and life through rational planning.

The desire to be free of a code of morality fed on a distrust of any abstract formulation of an "absolute," a conviction that many such formulations in the past had actually harmed human beings, and a disbelief in the existence of any authority capable of promulgating universal rules. Translated into practical judgment, this viewpoint perceived every law restricting sexual behavior as an arbitrary imposition of another's will on the sacred sphere of personal liberty. Statutes regulating abortion fell within this global rejection. Such statutes meant that intercourse between the sexes could not be engaged in freely without preparation unless a woman was willing to risk being forced to bear a child. Justifications for such statutes could not interest those who saw in their necessary effect an affront to a liberty especially prized. In Aesopian language the statutes — no more ancient than other parts of Anglo-American criminal law — were attacked as "antiquated": the meaning was that they were intolerable infringements on a new and cherished freedom. A rational purpose for the statutes was even difficult to imagine. Although ancient law made by male-dominated societies had maintained that the fetus was part of the woman, and modern tort law had just recognized the fetus' independence, the American statutes were often pictured as made by men and animated by a special misogyny, as though a conspiracy against womankind had designed the punishment of the risk of pregnancy as a condition for coitus. Unrestricted access to contraceptives was not enough to remove the curse of the law: many persons lacked the knowledge, many persons resented the effort involved, and many persons acted in the confident belief that while others became pregnant through intercourse they would not. A sure means of "backstopping" omissions or errors was necessary. In a society where all other legal restrictions on adult heterosexual relations had been repealed or abandoned, the existence of laws exacting the possibility of uninterrupted pregnancy as the price of natural intercourse appeared as an unbelievable anachronism. Not accidentally de Sade had been the first Western champion of the right and pleasures of abortion. Abortion was necessary if sexual revolution was to succeed.

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Paradoxically, the desire to be free from external control imposed by another's code did not conflict with the desire to control one's circumstances through planning. The desires were reconcilable if the planning was done by the individual himself. With every technological advance, with every step in the mastery of the environment, the wish not to be subject to irrational accident, the wish to determine one's future, became stronger. To have one's energy and resources dissipated, one's plans spoiled by a pregnancy that it lay in one's power to end seemed senseless self-denial. Viewed as a technique available at the personal option of a woman, abortion maximized both freedom and planning.

To be sure, if the planning were done by one person or agency for other persons or groups — if abortion were viewed as the tidy way of eliminating such incorrigible social problems as illegitimacy, juvenile delinquency, child neglect, and mental retardation — then planning would conflict with the freedom to have children. *A fortiori* there would be conflict if abortion were used as the sure means of controlling population within limits determined by a national policy. But this potential conflict remained a possibility not taken seriously by individuals who could not in any event believe that their own desired family sizes would conflict with any governmental plan. From their perspective, the harmony of sexual freedom with rational planning was manifest. A child who was not planned was spoken of as "an accident." The comprehensive category of "unwanted children" was created. Abortion, then, appeared as the surgically certain way of eliminating accidents, the completely effective way of preventing unwanted children. Through abortion the individual's control of the consequences of his sexual freedom was affirmed.

The desire for professional autonomy and the desire for efficient means to control population had given focus to forces in the culture wider than the special aims of organized groups. Converging, the desire for sexual autonomy and the desire for rational planning of one's future combined to shape the American response. College students, journalists, lawyers, physicians, professors, and opinion-makers came to share the attitude that abortion was acceptable. That attitude is examined by the authors of this book.

The stumbling block for those who reject abortion is the limit which the most humane, most libertarian, most autonomous of ethics must set: the right to life of another person. Absolute abstractions may be impossible, misleading, or harmful to human welfare; but the life of another person is not an abstraction. Belief in a transcendent source of authority and sanctity may be required for reverence toward those regarded as the image of God; but simple coexistence with other humans demands that the lives of some not be open to sacrifice for the welfare and convenience of others. If *man can be recognized at all in the multiple forms of humanity, the notion*

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of man necessitates respect for the human person's right to live. One person's freedom to obtain an abortion is the denial of another person's right to live.

To answer that the fetus is not human is to join issue. Proponents of abortion, for the most part, have not cared to make this contact with their opponents. In the appeal to principle, they have seen an obscurantism originating in religious dogma. For them, in this context at any rate, the question, "What is a man?" need not be answered. They are content to bypass what strikes them as fruitless speculation of a metaphysical sort. The relativity of morals, the subjectivity of knowledge, the lack of agreement on ethical principle, all these cautionary epistemological axioms, are deployed to turn off discussion of abortion by those who pronounce with conviction on the morality of war, the rights of conscientious objectors, and the wrong of capital punishment. In not responding when the question of humanity is raised in relation to abortion, they make their own decision as to who is human. "How long can a man turn his head and pretend that he just doesn't see?"

Fetology and child psychology, tort law and constitutional law and general jurisprudence, the Gospels and Hellenic Judaism and patristic Christianity, philosophical argument and pastoral dialogue, and, above all, a view of the human person point to an attitude to abortion different from the one now so strongly championed with such indifference to the fundamental question. Having shared the assumptions and the experiences of their contemporaries, those writing here have asked if these assumptions could not be challenged, if these experiences could not be vicariously enlarged. At a time when abortion is the cry, when the orthodoxies of the hour make questioning of the postulates underlying its imminent acceptance impertinent, when the well-informed managers of the media know that abortion will sweep all before it, it is not too late to face the central issues.

APPENDIX D

[The following review* by Francis Canavan, S.J., was first published in the December, 1979 issue of the *New Oxford Review*, and is reprinted here with permission.]

Abortion and Liberty

by Francis Canavan

This book is about abortion, which the U.S. Supreme Court in 1973 made a constitutional liberty (i.e., a private choice guaranteed by the Constitution). Abortion as a constitutional and legal right, one may suspect, is a subject on which there are no nonpartisan writings. This powerful book is definitely on one side of the issue, but it still argues the case against the abortion "liberty" calmly, incisively, and with impressively thorough documentation.

Yet it is a great deal more than a lawyer's brief, though its author, Professor of Law at the University of California at Berkeley, could write such a brief and do a fine job of it. Noonan, however has given us something more fascinating and rewarding than a legal document. It is a detailed analysis of who the people are that wanted abortion on demand, why they wanted it, how they got it declared a constitutional right, and how far they have tried to push the boundaries of the abortion "liberty" once they got it.

As he sees it, these people, acting through such groups as Planned Parenthood, the American Civil Liberties Union, and various feminist and medical organizations, constitute an "abortion power" analogous to the "slave power" which operated in American politics in the decades preceding the Civil War. Like the slave power, the abortion power has become imperialistic in its ambitions, driven by a "secret moral dynamism" which leads it to strive to force conformity with its wishes on physicians, students seeking admission to medical schools, hospitals, local communities, and the legislatures of the several states. The adherents of the abortion power, says Noonan, will be content with nothing less than this:

Cease to call abortion wrong, and join them in calling it right. And this must be done thoroughly — in acts as well as in words. Silence would not be tolerated; all must place themselves avowedly with them.

In this project the abortion power has received great aid from the Federal courts, the bureaucracy, and the communications media. Some of it borders on the fantastic. For example, a Dr. Jesse T. Floyd was indicted for murder in South Carolina because a child he had aborted survived the operation but died 20 days later, allegedly of injuries inflicted during the

**A Private Choice: Abortion in America in the Seventies*, by John T. Noonan, Jr., The Free Press (A division of Macmillan) 224 pp., \$11.95.

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abortion. We shall never know the precise cause of death, however, because the doctor has never been tried: a three-judge Federal court issued a permanent injunction against prosecuting him. There was, Judge Clement Haynsworth explained, nothing to try him for since "the Supreme Court declared the fetus in the womb is neither alive nor a person within the meaning of the Fourteenth Amendment."

But this is to assert, not only that the Constitution means whatever the judges say it means, but that the English language itself must be systematically changed to accommodate the purposes of the abortion power. Thus to take another example cited by Noonan, the Department of Health, Education and Welfare has changed its own interpretation of the Social Security Act so that the dependent "child" on whom that law confers benefits no longer includes an unborn child. In the communications media it is generally taboo to refer to the victim of an abortion as a child, or even as a he or she, who is killed by the operation. We must refer to a "fetus," and "it," which is disposed of in a "termination of pregnancy." Anyone who objects is identified, if possible, as a Roman Catholic, but in any case as a sectarian who wants to impose his unscientific views of medicine on his more enlightened neighbors — or, better yet, on the poor and underprivileged.

The abortion liberty has been so far absolutized that parents no longer have the right to prevent their daughters, however young and immature, from getting abortions. Nor may the law make a married woman's abortion dependent on her husband's consent. Abortion, defended as the right to a private choice, is in fact seen by its proponents as a social necessity to which every personal and familial right must yield. It does seem that, as Noonan says, we are dealing with a crusading power willing to assault the moral convictions of multitudes, the structure of the family, and the traditions of Anglo-American law — and intent upon pressing the institutions of government into the service of its cause.

A liberty this absolute, Noonan believes, must and can be limited. Since the Supreme Court is unlikely to reverse itself, he favors a constitutional amendment, not one that would prohibit abortion, but one that would remove the subject from the jurisdiction of the Court and leave the regulation of abortion to the legislatures of the nation and the states.

I personally think that Noonan's proposal for an amendment is a sound one. But whether one agrees with him or not, one will find his book well worth reading. It should be of interest to all who are concerned with the problem of law and morals in a pluralistic society. Students of the way in which the American political system really works will find it illuminating. At the very least, if this book does nothing else for the reader, it will leave him more sophisticated about the uses to which legal and political rhetoric have been put in the service of this "private choice."

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[It is a commonplace of American journalism that The New York Times is the nation's premier "paper of record" for news; as commonplace as the fact that the Times is the premier pro-abortion publication in America. In its January 4, 1980 edition, the Times ran a feature story titled "Honor Roll of American Poets Reads at the White House"; it described a January 3 event which "was, as far as anyone can tell, the first reception in honor of American poets and poetry at the Executive Mansion," at which 21 poets read selections — chosen by themselves — from their own works. The Times thoughtfully provided two boxed samples — one of which, by Gwendolyn Brooks, caught our eye. We are indebted to whoever it was at the Times who decided to reprint this particular poem, and are happy to reprint it here ourselves. Our only regret (see date of copyright) is that we didn't do so earlier. ("The Mother" is reprinted from the book The World of Gwendolyn Brooks. Reprinted by permission of Harper & Row, Publishers, Inc. © 1944, 1945 by Gwendolyn Brooks Blakely.)]

The Mother

Abortions will not let you forget.
You remember the children you got
that you did not get,
The damp small pulps with a little or
with no hair,
The singers and workers that never
handled the air.
You will never neglect or beat
Them, or silence or buy with a sweet.

You will never wind up the sucking-
thumb
Or scuttle off ghosts that come.
You will never leave them, controlling
your luscious sigh,
Return for a snack of them, with gobbling
mother-eye.

I have heard the voices of the wind
the voices of my dim killed children.

I have contracted. I have eased
My dim dears at the breasts they
could never suck.
I have said, Sweets, if I sinned, if I
seized
Your luck
And your lives from your unfinished
reach,

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If I stole your births and your names,
Your straight baby tears and your
 games,
Your stilted or lovely loves, your tumults,
 your marriages, aches, and your deaths,

If I poisoned the beginnings of your
 breaths,
Believe that even in my deliberateness
 I was not deliberate.
Though why should I whine,
Whine that the crime was other than
 mine? —

Since anyhow you are dead.
Or rather, or instead,
You were never made.
But that too, I am afraid,
Is faulty: oh, what shall I say, how is
 the truth to be said?
You were born, you had body, you died.
It is just that you never giggled or
 planned or cried.

Believe me, I loved you all.
Believe me, I knew you, though faintly,
 and I loved, I loved you
All . . .

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