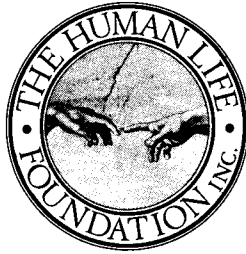


# the HUMAN LIFE REVIEW



SUMMER 1984

*Featured in this issue:*

Malcolm Muggeridge on..... The Death Wish  
Frank Zepezauer on ..... Masculinization of Evil  
Prof. Robert Byrn on ..... The Law's Bloody Mess  
Allan C. Carlson on ..... 'Primitive Behavior'  
Prof. Basile Uddo on .... Rape & the Right to Life  
Harold O. J. Brown on ..... Judicial Infallibility?  
Prof. Ian Hunter on ..... The Orwellian Vision

*Also in this issue:*

Dr. Andrew C. Ivy • Joseph Sobran • Rev. Louis R. Tarsitano  
Midge Decter • *plus* a Statement on Population Policy

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. . . FROM THE PUBLISHER

Herewith our 39th issue—completing almost 10 years of publishing. It reminds me of a remark made by a friend after the appearance of our first issue. He asked: “How long do you think you can publish something like this?” I think our record speaks for itself.

In this issue we publish a draft of a statement in *Appendix E* that has once again ignited the abortion struggle (dormant since the defeat of the Hatch amendment) in Washington. It was prepared for presentation at the World Population Conference in Mexico City in August, and proposes U.S. policy against funding organizations or governments that include abortion in “population control” programs. It may be a milestone document. The background story of this new anti-abortion fight can be found in *Lifeletter* #8, published by the Ad Hoc Committee in Defense of Life, P.O. Box 574, Murray Hill Station, New York, New York 10016. Copies are available at \$1.00 each.

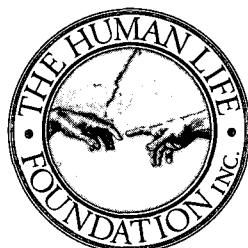
The article by Midge Decter, “For the Family” (*Appendix D*), first appeared in *Policy Review*, published by the Heritage Foundation, 214 Massachusetts Avenue, NE, Washington, D.C. 20002. Subscription price: \$15 a year. *Appendix C*, “The Sacrament of Death” by Louis Tarsitano, was first published in *The Seabury Journal*, P.O. Box 1106, S.M.S., Fairfield, Connecticut 06430. The subscription price is \$10 per year. *Appendix A*, “Abortion and the Medical Profession” by Andrew C. Ivy, M.D., is reprinted from *Child and Family*, Box 508, Oak Park, Illinois 60303. *Child and Family* is edited by Herbert Ratner, M.D. and subscriptions are \$8.00 a year.

The Foundation has available copies of *Abortion and the Conscience of the Nation* by President Ronald Reagan. Complete details of how to obtain copies can be found on the inside back cover. Also available are Ellen Wilson’s *An Even Dozen* (\$10.00); Joseph Sobran’s *Single Issues* (\$12.95); Prof. John T. Noonan, Jr.’s *A Private Choice* (\$11.95); plus fully indexed Bound Volumes of our first nine years (again, see the inside back cover).

Finally, *The Human Life Review* is available in microform from both University Microfilm International (300 N. Zeeb Road, Ann Arbor, Michigan 48106) and Bell & Howell (Micro-Photo Division, Old Mansfield Road, Wooster, Ohio 44691).

EDWARD A. CAPANO  
*Publisher*

# THE HUMAN LIFE REVIEW



SUMMER 1984

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## INTRODUCTION

**W**HO DO YOU SUPPOSE wrote this description of what is considered to be progress and “reform” in our Modern World?

For instance, to dilute the marriage tie to the point that it no longer impedes virtually unrestrained promiscuity, or provides the possibility of a stable home to bring up children in, is a reform; to oppose this, reactionary. Likewise, to abolish all restrictions on what may be published, or publicly shown as entertainment, is a reform, even though it opens the way for an avalanche of pornography, and gives full freedom to operate to the sinister individuals and interests engaging in this unsavory trade. Again, the legalization of abortion is a reform, as, we may be sure, will be claimed in due course for the legalization of euthanasia. In Germany, under the Nazi regime—a decidedly liberal one in this field—sterilization of the allegedly unfit was practiced with a zeal and expedition that must be the envy of our eugenists, forced, as they are, to adopt such paltry devices as offering transistor radio sets to putative Indian steriles. The Nazis were able, too, to dispose painlessly and expeditiously of unproductive citizens—what the French, with their usual brutal realism, call “useless mouths”—without any questions being asked, and to conduct experiments in transplant surgery that would have uplifted Dr. Christiaan Barnard himself. All this Nazi-sponsored progress was summarily interrupted by Germany’s military defeat in 1945, but after a decent interval has been resumed in the victor countries. It will surely lead to a decision—which I have an uneasy feeling has already been taken, at any rate subconsciously—not to go on much longer bearing the burden of caring for the senile and incurable mentally sick.

Why, Malcolm Muggeridge, of course. Surely no one else in our time (except Solzhenitsyn, if you please) has written more, or more powerfully, about the horrors we have brought down upon ourselves. Today, to be sure, new voices (for instance, our Joseph Sobran’s) cry out eloquently against the ghastly results of such reforms. But Mr. Muggeridge wrote his clear vision in 1970, a time of relative moral prosperity if only because it was several years before the once-unthinkable legalization of abortion by choice.

We stumbled upon the yellowed pages of the original article recently, after a telephone conversation with the author had sent us to the files for a quote; the temptation to re-read vintage Muggeridge being irresistible, we instantly succumbed. An hour later we were back on the phone to Sussex, for permission to run a classic piece of writing which (like its author) has aged nobly. Naturally

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we have made it our lead article here, fully expecting that readers will share our enthusiasm.

We have assembled several other unusual pieces as well. Mr. Frank Zepezauer explores another “modern” notion, which he describes as a “myth of male evil” that has led ideological feminists to question “whether in fact anything that is essentially male is essentially good.” (Frankly, when we began reading it, we wondered if Zepezauer could make his case convincingly: he convinced us.)

Next, Professor Robert Byrn, who contributed several fine articles on abortion to early issues of this journal, provides an updated view of the literally “bloody mess” the *Abortion Cases* have made of our laws governing the rights of the unborn. It’s hard to imagine that the subject could produce anything funny, but there is a kind of sick humor in the legal gyrations involved. Indeed, there will undoubtedly be more soon: as we write, the newspapers report the bizarre case of Australia’s “Orphan Embryos”—frozen for implantation in a woman who then died along with her husband in an airplane crash. Do the embryos inherit the multi-million dollar estate? If so, how? Who is to say? As you will see for yourself, Professor Byrn’s seemingly-fantastic cases are by no means science fiction.

Then Mr. Allan Carlson picks up another Muggeridge theme: that our ideas of “progress” have become fatally inverted. Once, he reminds us, abortion was thought of “as characteristic of ‘primitive’ behavior, a sure sign of savagery,” whereas today . . . you will find much to ponder in this one. We’d say that dozens of books could well be written about the series of questions Carlson raises, not to mention his conclusion—that there can be no progress except from a fixed beginning in truth.

Professor Basile Uddo then takes on those “hard cases” originally used to justify legalized abortion, i.e., rape and incest. They *are* hard to discuss, but Uddo manages to do it with that kind of compassion so often recommended by abortion proponents, without losing sight of the hardest fact of all: that the right to life of the innocent cannot be aborted by the sins of the fathers. The abortion debate would be much more civilized if both sides read this one, which is one of the finest treatments we’ve seen to date.

At this point we usually try to provide you, dear reader, with something quite different. Well, our old friend Rev. Harold O. J. Brown, an Evangelical scholar and theologian now serving as pastor of a church in Klosters, Switzerland, has sent us a piece that is certainly quite different from what one usually finds in the “major media.” But that is because such media have ceased to use a language still spoken by many millions of Christians when speaking to each other. In short, the Rev. Brown writes here just as he would speak to you, if you shared his faith and convictions, about questions that *matter* to him. Elsewhere (notably

## INTRODUCTION

in several finely-honed books) he has amply demonstrated his ability to write standard-version prose—he is fluent in both languages. We think you will find him refreshingly interesting.

Our final article, by Professor Ian Hunter, also owes much to Mr. Muggeridge; it is a provocative discussion of the late George Orwell, who is of course a best-selling author again in the year 1984. The point is, Hunter says, Orwell has been misunderstood: his real claim to fame is not prophecy but prediction—that when you do certain things, in politics or with language, certain results will follow. For instance, when abortion is described as “therapeutic,” the word has lost its meaning. Again, all most interesting, and we hope that even Orwell fans will enjoy it.

As usual, we add several appendices, all related to what has come before. *Appendix A* is a short letter written by the famous Doctor Andrew Ivy to the Illinois state legislature just before it voted on an abortion “reform” measure (it voted *nay*). The year was 1970, indicating that Mr. Muggeridge was not alone in seeing the horrors ahead.

*Appendix B* is yet another demonstration of the passion Mr. Joseph Sobran focuses on the abortion question, and the “fetal pain” issue it has spawned. (If you have not yet read his essay “The Averted Gaze: Liberalism and Fetal Pain” in our Spring, 1984, issue, you should; it may be his best to date, which is high praise.)

*Appendix C* contains a large excerpt from a remarkable article by Rev. Louis R. Tarsitano, an Episcopal priest. It is powerful stuff, which parallels in many ways what Rev. Brown has written.

*Appendix D* is another remarkable piece by Midge Decter, a fine writer who is always a pleasure to read—she’s so persuasive, no doubt because she is so darned reasonable—and, yes, she too will have you thinking again of what Muggeridge said, way back then.

Finally, we add (*Appendix E*) another document to our permanent record of the “single issue” of abortion. It is the original draft proposal for a new U. S. policy *in re* the so-called “overpopulation” problem. As we write, it remains a draft only—the final policy statement may be much altered—but the propositions expounded comprise, we believe, an important statement of principles well worth recording. Who knows? It may also become an historic document.

Our next (Fall) issue will complete ten years of publication for this journal (which was launched “provisionally” in early 1975); we will attempt to make it as good as we can, of course, but the rockets’ red glare should come, Lord willing, with our Tenth Anniversary issue, early in 1985.

J. P. MCFADDEN  
*Editor*

# The Decade of The Great Liberal Death Wish

*Malcolm Muggeridge*

**S**EARCHING ABOUT in my mind for an appropriate name for the decade which has just begun, I settle for the Decade of The Great Liberal Death Wish. It seems to me that this process of death-wishing, in the guise of liberalism, has been eroding the civilization of the West for a century and more, and is now about to reach its apogee. The liberal mind, effective everywhere, whether in power or in opposition, particularly so during the present period of American world domination, has provided the perfect instrument. Systematically, stage by stage, dismantling our Western way of life, depreciating and deprecating all its values so that the whole social structure is now tumbling down, dethroning its God, undermining all its certainties, and finally mobilizing a Praetorian Guard of ribald students, maintained at the public expense, and ready at the drop of a hat to go into action, not only against their own weak-kneed, bemused academic authorities, but also against any institution or organ for the maintenance of law and order still capable of functioning, especially the police. And all this, wonderfully enough, in the name of the health, wealth and happiness of all mankind.

Previous civilizations have been overthrown from without by the incursion of barbarian hordes; ours has dreamed up its own dissolution in the minds of its own intellectual elite. It has carefully nurtured its own barbarians—all reared on the best Dr. Spock lines, sent to progressive schools and colleges, fitted with contraceptives or fed birth pills at puberty, mixing D. H. Lawrence with their Coca-Cola, and imbibing the headier stuff (Marcuse, Chairman Mao, Malcolm X) in evening libations of hot chocolate. Not bolshevism, which Stalin liquidated along with all the old Bolsheviks; not nazism, which perished with Hitler in his Berlin bunker; not fascism, which was left hanging upside down, along with Mussolini and his mistress, from a lamppost—none of these, history will

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*Malcolm Muggeridge* needs no introduction to readers anywhere in the English-speaking world. This article first appeared in the December, 1970, issue of *Esquire* magazine. It is reprinted here with the author's permission.

MALCOLM MUGGERIDGE

record, was responsible for bringing down the darkness on our civilization, but liberalism. A solvent rather than a precipitate, a sedative rather than a stimulant, a slough rather than a precipice; blurring the edges of truth, the definition of virtue, the shape of beauty; a cracked bell, a mist, a death wish.

I was fortunate enough myself, while still in my late twenties, to be presented with a demonstration of the great liberal death wish at work, so manifest, so incontestable in its implications, and, at the same time, so hilariously funny, that I have never subsequently felt the smallest doubt that here lay the key to the tragicomedy of our time. It happened in Moscow, in the Autumn of 1932 and Spring of 1933, when I was working there as a correspondent for the, then, *Manchester Guardian*. In those days, Moscow was the Mecca for every liberal mind, whatever its particular complexion. They flocked there in an unending procession, from the great ones like Shaw and Gide and Barbusse and Julian Huxley and Harold Laski and the Webbs, down to poor little teachers, crazed clergymen and millionaires, and driveling dons; all utterly convinced that, under the aegis of the great Stalin, a new dawn was breaking in which the human race would at last be united in liberty, equality and fraternity forevermore.

Stalin himself, to do him justice, never troubled to hide his contempt for them and everything they stood for, and mercilessly suppressed any like tendencies among his own people. This, however, in no wise deterred them. They were prepared to believe anything, however preposterous; to overlook anything, however villainous; to approve anything, however obscurantist and brutally authoritarian, in order to be able to preserve intact the confident expectation that one of the most thoroughgoing, ruthless and bloody tyrannies ever to exist on earth could be relied on to champion human freedom, the brotherhood of man, and all the other good liberal causes to which they had dedicated their lives. It is true that many of them subsequently retracted; that incidents like the Stalinist purges, the Nazi-Soviet Pact, the debunking of Stalin and the Twentieth Party Congress, the Hungarian and Czech risings, each caused a certain leakage among liberal well-wishers. Yet when the dust settles, the same old bias is clearly discernible. It is an addiction, like alcoholism, to which the liberal mind is intrinsically susceptible—to grovel before any Beelzebub who claims, however implausibly, to be a prince of liberals.



Why? After all, the individuals concerned are ostensibly the shining lights of the Western world; scholars, philosophers, artists, scientists and the like; the favored children of a troubled time. Held in respect as being sages who know all the answers; sought after by governments and international agencies; holding forth in the press and on the air. The glory of faculties and campuses; beating a path between Harvard and Princeton, and Washington, D.C.; swarming like migrant birds from the London School of Economics, Oxford and Cambridge into Whitehall. Yet I have seen their prototypes—and I can never forget it—in the role of credulous buffoons capable of being taken in by grotesquely obvious deceptions. Swallowing unquestioningly statistics and other purported data whose falsity was immediately evident to the meanest intelligence. Full of idiot delight when Stalin or one of his henchmen yet again denounced the corrupt, cowardly intelligentsia of the capitalist West—viz., themselves. I detect in their like today the same impulse. They pass on from one to another, like a torch held upside down, the same death wish. Editors come and go, newspapers decline and fold, Labour Governments form and unform; after Roosevelt, Truman and then Eisenhower; after Kennedy, Johnson and then Nixon; but the great liberal death wish goes marching on.

In those far-off days in Moscow it was possible to discuss matters like distinguished visiting intellectuals with officials of the Press Department of the Soviet Foreign Office, with whom, of course, we foreign journalists were in constant contact. Most of them were Russian Jews who had lived abroad before the Revolution. Unlike the usual sort of wooden-faced Soviet functionary, they had a sense of humor and a taste for irony. One and all, as it happened, were fated to be shot when, later on, Stalin swung the regime back to traditional Russian anti-Semitism. Yes, of course, they said, people like Shaw and the Webbs were natural stool pigeons, historically destined to play a Judas part and betray—admittedly, rather out of vanity than cupidity—their own phony liberal principles to a triumphant Marxist revolutionary movement in whose eyes they were, and must always be, anathema. Meanwhile, they had their usefulness, if only in reassuring the Soviet authorities that, whatever they might feel bound to do in the way of terrorism and dictatorial practices, they never need worry their heads about hostile reactions in enlightened circles and newspapers in the West. The Foreign Office men told me that they even on

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occasion amused themselves by seeing how far they could go in gulling distinguished visitors, fabricating production statistics and Stakhanovite feats at the factory bench which could not possibly be true. However tall their stories, they were invariably believed, and often quoted in learned publications abroad; the credulity of their visitors was, it seemed, fathomless.

To the fevered mind of a Senator Joseph McCarthy, or the more sedate, but still irascible one of a Vice-President Spiro Agnew; even to so erudite and responsible a citizen as Enoch Powell, it all smells unmistakably of conspiracy. How otherwise to account for the fact that the liberal mind, like deathwatch beetles, seems to be active in all the rafters and foundations of the State? So, they imagine suborned men, and hurl wild accusations and denunciations. Ah, if only it were a conspiracy! How easy, then, to apprehend the principals and subdue their dupes! But a death wish subconsciously entertained in newspaper offices and college faculties, in television and radio studios, in churches of all denominations, wherever two or more illuminati are gathered together—that is something else. To suppress a death wish it is necessary to proclaim a corresponding life wish—which is just what a Senator McCarthy, a Vice-President Agnew, an Enoch Powell cannot do; with the result that their wild accusations only serve to advance the very thing they believe they are attacking. They remind me of an old evangelical missionary I came across years ago in South India when I was living there. This good man had got in the way of appearing each year at a local Hindu festival and denouncing the God Shiva, before whom devotees were prostrating themselves. At first he was stoned, then just cursed and insulted, and finally taken for granted. When the time came for him to retire, the organizers of the festival petitioned his missionary society to send a replacement. He had become part of the show.

**R**ecalling, in the light of these experiences, my time as an editorial writer on the *Guardian* before going to Moscow, I realized that there, in that great citadel of liberalism, we were engaged in spelling out the essential terms of the great liberal death wish. All our protestations and prognostications were governed by its exigencies. Thus, in our editorials, it was a basic principle that our enemies were always in the right and our friends in the wrong. If, for instance, a British soldier

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was killed anywhere, it was an unfortunate consequence of the brutal and crooked policies the poor fellow was required to implement; if, on the other hand, a British soldier killed someone, the victim was automatically a blessed martyr, to be mourned, and possibly made the subject of a demonstration, by all decent liberal people. Likewise, any Indians who were misguided enough to be our friends became thereby worthless and despicable figures in our eyes—with the exception, curiously enough, of Aga Khan, who really was worthless. The repute in which he was held, however, was not due to any appreciation of his political views, but rather to his eminence on the racetrack; something so esteemed by the English that it covers even being on our side. Other Indians, like Nehru, who specialized in holding us up to hatred and contempt, were treated with the utmost consideration. I note that a similar role has come to be adopted by the *New York Times*, the *Washington Post*, and other high-toned American newspapers, as well as by the more eminent radio and television commentators, who pour out their wrath and derision on any poor sucker who is fool enough to support the American side anywhere, but are quick to offer sympathetic treatment to a Castro, a Ho Chi Minh, a Che Guevara, none of whom can be regarded as exactly Americanophil. As far as the death wish or Gadarene stakes are concerned, I calculate that America is running a shade behind us, but is going hard in the direction of the same cliff.

In the view we propounded of Europe in the *Guardian's* columns in those just pre-Hitler years, the villain was France, armed to the teeth, and, we insisted, ruthlessly pursuing selfish national ends; the hero, a much-wronged Germany, disarmed, bankrupted, victimized by the greedy, revengeful victors of the 1914-18 war. No view could have better pleased the then emerging Dr. Goebbels, or have been more conducive to the disaster of September, 1939; more especially as it was combined with an unwavering, sanctimonious refusal to countenance anything in the nature of rearming, and a naïve, obstinately held faith in the ramshackle League of Nations as a peace-keeping instrument. In this way our national interests were damaged far more drastically than by anything a specifically conspiratorial body like the Comintern could hope to achieve. We were led into a war we had little chance of winning, and whose outcome, whether we were on the winning or the losing side, was bound to be, as

far as we were concerned, ruinous. A bulls-eye for the great liberal death wish.

In the same sort of way, today's version of the liberal mind makes America the universal villain. Sinister American pressures and stratagems are detected behind every financial and economic crisis anywhere in the world; as are the machinations of the C.I.A. behind every reactionary regime or take-over. America is seen as the watchdog of a capitalist-imperialist status quo, just as France was in the post-1914-1918 war years. No doubt, in due course there will be a similar awakening. Such an attitude, contradictorily enough, is combined with an eager acceptance of current American styles and practices. Veterans of American campus fighting are to the fore in student disorders in London, Paris and Berlin; American pot, pornography, Andy Warhol films, and other intimations of decadence and decay find a ready market across the Atlantic. The demonstrators who advance on London policemen guarding the United States Embassy in Grosvenor Square are mostly jeans-clad, infantile slogan-chanting, obscenities-mouthing, tousled, tangled, bearded baboons, who yell "Pigs!" and "Fuzz!" in the true Berkeley manner. In other words, what is objected to is the, now waning, American endeavor to underpin crumbling West European economies, and reinforce such defenses as can be mustered there against an attack from the East. The incursions of American decadence are as eagerly welcomed as these efforts are abhorred—a characteristic death-wishing stance.

Again, when the final decomposition of the British Empire took place, the death wish, operating through the liberal mind, ensured that, having shed a real empire, we should have a phantom one on our hands in the shape of the so-called British Commonwealth—the most ephemeral setup of the kind since the Holy Roman Empire—involving us in the cares and expense of an empire with none of the compensations. Thus, we have been forced to finance, and sometimes defend, demagogue-dictators of the most unedifying kind, who have ridden to power on the one-man-one-vote principle so dear to liberal hearts. It is a case of responsibility without power—the opposite of the prerogative of the harlot. A similar process may be detected at work in America, whereby the liberal mind's proneness to excessive guilt feelings has induced so fawning and sycophantic an attitude toward Negro discontent and subversion that lifelong white agitators for civil rights, inveterate freedom-marchers and admirers

of Martin Luther King, integrationists who have squatted and howled and been carried screaming away by the police for years past, nowadays find themselves being kicked in the teeth by Black Panthers and other Negro militants with a ferocity which might seem excessive directed against the reddest of red-necks.

I ask myself how the predilection for enemies and distaste for friends came to pass at what many of us have been brought up to regard as the most cultivated and enlightened minds of our time. Why it has seemed so obvious to them that whatever commends itself to our well-wishers must be despicable, and whatever serves the interests of our ill-wishers must be beneficial. Why, for instance, there should be so unanimous a feeling in such circles in the United States that the discrediting of American policies and the defeat of American arms in Vietnam represents a progressive aspiration, and the converse a reactionary one. Why, in a world full of oppressive regimes and terrorist practices, in England the venom and fury of the liberal mind should pick on the white South Africans with particular spleen when their oligarchic rule only differs from that of a dozen others—Tito's, Franco's, Ulbricht's, Castro's, etc., etc.—in that they happen to be anxious to be on good terms with the English.

**W**hat but a death wish could bring about so complete a reversal of all the normal worldly considerations of good sense, self-interest and a desire to survive? I remember reading in Taine's *Origines de la France Contemporaine* of how, shortly before the Revolution, a party of affluent liberal intellectuals were discussing over their after-dinner cognac all the wonderful things that were going to happen when the Bourbon regime was abolished, and freedom à la Voltaire and Jean-Jacques Rousseau reigned supreme. One of the guests, hitherto silent, suddenly spoke up. Yes, he said, the Bourbon regime would indeed be overthrown, and in the process—pointing round—you and you and you will be carried screaming to the guillotine; you and you and you go into penurious exile, and—now pointing in the direction of some of the elegant ladies present—you and you and you hawk your bodies round from sansculotte to sansculotte. There was a moment of silence while this, as it turned out, all too exact prophecy sank in, and then the previous conversation was resumed. I know several fashionable and affluent households in London and Washington and Paris where sim-

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ilar conversations take place, and where similarly exact prophecies might be made, without, as on the occasion Taine so appositely described, having the slightest impact.

It would seem to be clear, then, that the great liberal death wish arises out of a historical, or maybe biological, necessity, rather than out of any rational, or even irrational, considerations. Civilizations, like classes and families and regimes, degenerate, and so must be wound up. Just as the great-grandson of some famous ducal figure or billionaire may have thrust upon him the disagreeable fate of ending his line, and, drooling and dissolute, duly ends it, so the liberal mind, likewise drooling, has been entrusted with the historic task of bringing to an end what we are supposed to be defending with might and main—I mean what we still like to call our free way of life and the free institutions which have sustained it. On such a basis, all the views, attitudes, values and recommendations of the liberal mind today make complete sense. Going back to my Moscow experience, those eminent intellectuals abasing themselves before Stalin, and so fatuously accepting his bona fides as a lover of human freedom and enlightenment, were simply fulfilling a manifest destiny to abolish themselves, their culture and their world.

I have a recurrent nightmare that somehow or other a lot of contemporary pabulum—video tape of television programs with accompanying advertisements, news footage, copies of newspapers and magazines, stereo tapes of pop groups and other cacophonies, best-selling novels, films, and other such material—gets preserved, like Dead Sea Scrolls, in some remote salt cave. Then, some centuries, or maybe millennia, later, when our civilization will long since have joined all the others that once were, and now can only be patiently reconstructed out of dusty ruins, incomprehensible hieroglyphics and other residuary relics, archaeologists discover the cave, and set about sorting out its contents and trying to deduce from them what we were like and how we lived. (This is assuming, of course, that we do not, in the process of working out the great liberal death wish, blow ourselves and our earth to smithereens—a large assumption.) What will they make of us? I wonder. Materially, so rich and so powerful; spiritually, so impoverished and fear-ridden. Having made such remarkable inroads into the secrets of nature; beginning to explore, and perhaps to colonize, the universe itself; developing the means

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to produce in more or less unlimited quantities everything we could possibly need or desire, and to transmit swifter than light every thought, smile or word that could possibly delight, entertain or instruct us. Disposing of treasure beyond calculation, opening up possibilities beyond conception. Yet haunted and obsessed by the fear that we are too numerous; that soon, as our numbers go on increasing, there will be no room or food for us. On the one hand, a neurotic passion to increase consumption, sustained by every sort of imbecile persuasion; on the other, ever-increasing hunger and penury among the so-called backward or underdeveloped peoples. Never, our archaeologists will surely conclude, was any generation of men intent upon the pursuit of happiness more advantageously placed to attain it, who yet, with seeming deliberation, took the opposite course—toward chaos, not order; toward breakdown, not stability; toward death, destruction and darkness, not life, creativity and light. An ascent that ran downhill; plenty that turned into a wasteland; a cornucopia whose abundance made hungry; a death wish inexorably unfolding.

Searching about in their minds for some explanation of this pursuit of happiness that became a death wish, the archaeologists, it seems to me, would be bound to hit upon the doctrine of progress; probably the most ludicrous, certainly the most deleterious, fancy ever to take possession of the human heart; the liberal mind's basic dogma. The notion that human beings, *as individuals*, must necessarily get better and better is even now considered by most people to be untenable in the light of their indubitably outrageous behavior toward one another; but the equivalent *collective* concept—that their social circumstances and conduct must necessarily improve—has come to seem almost axiomatic. On this basis, all change represents progress, and is therefore good; to change anything is, *per se*, to improve or reform it.

For instance, to dilute the marriage tie to the point that it no longer impedes virtually unrestrained promiscuity, or provides the possibility of a stable home to bring up children in, is a reform; to oppose this, reactionary. Likewise, to abolish all restrictions on what may be published, or publicly shown as entertainment, is a reform, even though it opens the way for an avalanche of pornography, and gives full freedom to operate to the sinister individuals and interests engaging in this unsavory trade. Again, the legalization of abortion is a reform, as, we may be sure, will be

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claimed in due course for the legalization of euthanasia. In Germany, under the Nazi regime—a decidedly liberal one in this field—sterilization of the allegedly unfit was practiced with a zeal and expedition that must be the envy of our eugenisists, forced, as they are, to adopt such paltry devices as offering transistor radio sets to putative Indian sterilees. The Nazis were able, too, to dispose painlessly and expeditiously of unproductive citizens—what the French, with their usual brutal realism, call “useless mouths”—without any questions being asked, and to conduct experiments in transplant surgery that would have uplifted Dr. Christiaan Barnard himself. All this Nazi-sponsored progress was summarily interrupted by Germany’s military defeat in 1945, but after a decent interval has been resumed in the victor countries. It will surely lead to a decision—which I have an uneasy feeling has already been taken, at any rate subconsciously—not to go on much longer bearing the burden of caring for the senile and incurable mentally sick. Hence the starving of these services for funds and personnel, the noticeable reluctance to build new accommodation, when expenditure on public health generally has been soaring. I anticipate quite soon a campaign, conducted at the most elevated moral level, to dispose painlessly of incurables in gerontological and psychiatric wards, no doubt acquiring a useful reserve of transplantable organs in the process. It will represent an important advance for the liberal mind—and for the great liberal death wish.

It was, of course, Darwin’s theory of natural selection which first popularized the notion that Man and his environment are involved in an endless and automatic process of improvement. Who can measure the consequences of this naïve assumption? What secret subversive organization, endowed with unlimited funds and resources, could hope to achieve a thousandth part of what it achieved in the way of discrediting the then prevailing moral values and assumptions, putting in their place nothing more than vague, sentimental hopes of collective human betterment, and the liberal mind to entertain them? It is interesting to reflect that now, in the light of all that has happened, the early obscurantist opponents of Darwinian evolution seem vastly more sagacious and farseeing than its early excited champions. There must be quite a number today who, like myself, would rather go down to history even as a puffing, portentous Bishop Wilberforce then, say, a Herbert Spencer, or a poor, squeaky H. G. Wells, ardent evolutionist and disciple of Huxley, with his vision of an



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earthly paradise achieved through science and technology; those twin monsters which have laid waste a whole world, polluting its seas and rivers and lakes with poisons, infecting its very earth and all its creatures, reaching into Man's mind and inner consciousness to control and condition him, at the same time entrusting to irresponsible, irresolute human hands the instruments of universal destruction. It must be added that, confronted with this prospect when, at the very end of his life, the first nuclear explosion was announced, Wells turned his face to the wall, letting off in *Mind at the end of its Tether* one last, despairing, whimpering cry which unsaid everything he had ever thought or hoped. Belatedly, he understood that what he had followed as a life-force was, in point of fact, a death wish, into which he was glad to sink the little that remained of his own life in the confident expectation of total and final obliteration.

The enthronement of the gospel of progress necessarily required the final discrediting of the gospel of Christ, and the destruction of the whole edifice of ethics, law, culture, human relationships and human behavior constructed upon it. Our civilization, after all, began with Christianity, not the theory of evolution, and, we may be sure, will perish with it, too—if it has not already. Jesus of Nazareth was its founding father, not Charles Darwin; it was Paul of Tarsus who first carried its message to Europe, not Henry Ford, or even Hugh Hefner. Jesus, by dying on the Cross, abolished death-wishing; dying became thenceforth life's glory and fulfillment. So, when Jesus called on His followers to die in order to live, He created a tidal wave of joy and hope on which they have ridden for two thousand years. The gospel of progress represents the exact antithesis. It plays the Crucifixion backward, as it were; in the beginning was the flesh, and the flesh became Word. In the light of this Logos in reverse, the quest for hope is the ultimate hopelessness; the pursuit of happiness, the certitude of despair; the lust for life, the embrace of death.

**T**he liberal assault on Christianity has been undertaken with a fury and fervor which today, when the battle seems to have been conclusively won, is difficult to comprehend. I well remember my surprise, in a television encounter with Bertrand Russell, at discovering in him an almost demented hatred of Christ and Christianity, to which he attributed all the horrors and misfortunes mankind has had to endure since the fall of the Roman Empire. As I attempted to confute this view, I

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found myself watching with fascination a red flush which rose steadily up his thin stringy neck and spread to his face. The receding chin, the pasty flesh, the simian features struck me then as suggestive of a physical degeneracy (doubtless to be expected in view of his family history) matching the moral degeneracy he had done so much to promote. It was a cruel, and doubtless unfair, light in which to see him; a product, I daresay, of the passionate and physically agonizing conflict in which I found myself involved. At the time, however, the impression was particularly vivid and convincing, and abides with me still.

The script of this strange encounter is still extant, and reveals the philosopher in a most unphilosophic mood; roaring and bellowing like any atheist orator at Hyde Park Corner. In the light of it, I derived a lot of quiet amusement from the tributes paid to Russell by eminent churchmen when he died. To the best of my knowledge, there was not one single ecclesiastical or clerical voice raised to point out that the great influence Russell undoubtedly exerted was inimical to every Christian moral assumption and standard of Christian behavior. It is rather as though one were to find in the literature of the Royal Society for Prevention of Cruelty to Animals a panegyric of bullfighting or fox hunting, or to fall in with a party of total abstainers on their way to a wine festival in Provence. Yet even these comparisons pale into insignificance when we have clergymen who find an echo of the Gospels in the brutal materialism of Marx and Engels; who lay wreaths on the shrine of Lady Chatterley, or even of *Playboy* magazine. Or—what must surely be the final *reductio ad absurdum*—a lecturer in Biblical studies at Manchester University who detects in the New Testament the encoded version of a phallic-narcotic cult based on the consumption of particular mushrooms.

It is, indeed, among Christians themselves that the final decisive assault on Christianity has been mounted; led by the Protestant Churches, but with Roman Catholics eagerly, if belatedly, joining in the fray. All they had to show was that when Jesus said that His kingdom was not of this world, He meant that it was. Then, moving on from there, to stand the other basic Christian propositions similarly on their heads. As, that to be carnally minded is life; that it is essential to lay up treasure on earth in the shape of a constantly expanding Gross National Product; that flesh lusts with the spirit and the spirit with the flesh, so that we can do whatever we have a mind to; that he that loveth his life in this world shall keep it

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unto life eternal. And so on. One recalls a like adjustment of the rules in Orwell's *Animal Farm*. A whole series of new interpretive "translations" of the Bible have appeared supporting the new view, and in the case there should be any anxiety about the reception of these adjustments in Heaven, God, we are told on the best theological authority, has died. To counteract any anxiety on earth, there is the concept of situational ethics, whereby our moral obligations are governed, not by a moral law or moral order underlying all earthly ones, but by the circumstances in which we happen to find ourselves. Thus, the Ten Commandments have only a conditional validity; it may, in particular circumstances, be positively virtuous to covet a neighbor's goods or seduce his wife. Reacting accordingly, randy fathers in Roman Catholic churches and religious orders are walking out in shoals to resume the material and sensual preoccupations they once thought it proper to renounce, or from within demand the right to follow Demas and love this present world. As for the congregations—not surprisingly, they are dwindling fast. Situational ethics prepares the way for situational worship—a state of affairs not remedied by introducing pop groups, folk singers, and I daresay in time LSD and striptease to enliven divine service. The new enlightened clergy positively revel in the decline in church attendance—an aspect of the great liberal death wish which, for once, is explicit rather than implicit. They gleefully recommend selling off redundant churches and their contents, and look forward to the time when institutional Christianity, like the State in Marxist mythology, will have withered away. In this aspiration, at any rate, they are unlikely to be disappointed.

In the moral vacuum left by thus emptying Christianity of its spiritual or transcendental content, the great liberal death wish has been able to flourish and luxuriate; the more so because it can plausibly masquerade as aiming at its opposite—life enhancement. Thus, our wars, each more ferocious and destructive than the last, are to establish once and for all the everlasting reign of peace. As the media spout better and bigger lies, their dedication to truth is the more insistently proclaimed (Oh! Cronkite! Oh! Huntley! and Oh! Brinkley! Oh! Severeid!). One thinks again of Orwell, and the Ministries of Truth and Peace in *Nineteen Eighty-Four*, the former, as he told me himself, being based on the BBC, where he worked for a while during the 1939-45 war. Again, in a frenzied quest for the physical and mental well-being which should accompany the pursuit of

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happiness as naturally as a tan comes from lying in the Mediterranean sun, resort to drugs steadily increases, as does the variety available; while medicine men (doctors, psychiatrists and the like) are in ever greater demand, assuming the role of priests, advising and molding their flock, uplifting and depressing them, keeping them alive and killing them off as they think fit. Just where happiness seems most accessible—in the happy lands, the Scandinavias and Californias—many jump after it from upstairs windows, or gulp it down in colored barbiturates, or try to tear it out of one another's bodies, or scatter it in blood and bone about the highways, along which, with six lanes a side and Muzak endlessly playing—sounds and sweet airs that give delight and hurt not, as on Caliban's Island—automobiles roll on from nowhere to nowhere.

Pascal says that when men become separated from God, two courses present themselves: to imagine that they are gods themselves, and try to behave as such, or alternatively, to seek for enduring satisfaction in the transitory pleasures of the senses. The one sends them, like Icarus, flying into the bright furnace of the sun, there to perish; the other reduces them to far below the level of the farmyard, where the cows with their soft eyes, and the hens with their shrill cries, and the strutting peacocks and the grunting pigs, down to the tiny darting flies and wasps and insects, all live out whatever span of animal existence is vouchsafed them, under God's kindly gaze. Men are denied this satisfaction. If they set up as a farmyard, it is a place of dark fantasies and weird imaginings—Prometheus, unbound, chaining himself to the rock, and there, day by day, gorging his own entrails.

Both these recourses have played their part in the unfolding of the great liberal death wish. In their laboratories, men like gods are working on our genes, to remake them after their own image; with computers for minds, and all our procreation done in test tubes, leaving us free to frolic with our sterilized bodies as we please in unconstrained and perfect bliss. Other men like gods build Towers of Babel in glass and chromium, reaching higher and higher into the sky. Yet others prepare the broiler houses and factory farms for men, not fowl and beasts; even designing for us, as gods should, a kind of immortality; keeping us on the road indefinitely, like vintage cars, by replacing our organs as they wear out—kidney, heart, lungs, genitals, brain even—with spare parts from newer models. Young heads on old shoulders; new ballocks on old crotches.

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As for the farmyard—what a gilded sty has been devised! What ambrosial fodder! What perfumed rutting, melodious orgasmic grunts, downy straw and succulent swill! If the purpose of life is, indeed, to pursue happiness here and now, on this earth, then, clearly, it can only be realized in terms of what this earth provides—that is, of goods and toys, of egotistic success or celebrity, of diversions like speed and travel and narcotic fantasies; above all, of sexual pleasure and excitement which alone offers an additional illusory sense of transcendental satisfaction notably lacking in another Cadillac, a trip to Tibet or to the moon, or a press of autograph hunters.

Sex is the only mysticism materialism offers, and so to sex the pursuers of happiness address themselves with an avidity and dedication seldom, if ever, surpassed. Who among posterity will ever be able to reconstruct the resultant scene? Who for that matter can convey it today? The vast, obsessive outpouring of erotica in every shape and form; in book and film and play and entertainment, in body and word and deed, so that there is no escape for anyone. The lame and the halt, the doddering and the infirm, equally called upon somehow to squeeze out of their frail flesh the requisite response. It is the flesh that quickeneth, the spirit profiteth nothing; *copulo ergo sum*, I screw, therefore I am—the new version of Descartes' famous axiom. All possible impediments swept away; no moral taboos, no legal ones, either. An orgasm a day, however procured, keeps the doctor away. Pornography, like Guinness, is good for us, as numerous learned doctors and professors have been at great pains to establish. For instance, a Dr. O. Elthammer of the Stockholm Child Psychiatric Department, who, I read in a letter to the *New Statesman*—that faithful chronicler of the liberal mind through every twist and turn and tergiversation for half a century past—has “proved conclusively” that pornography does not have a corrupting effect, by showing to some children between the ages of eleven and eighteen a film of a woman being raped by group of intoxicated louts and then forced to have intercourse with a dog. “None of the children,” the doctor triumphantly concluded, “was frightened during or after the film, but a proportion of the older girls did admit to being shocked,” while two adults also present “needed psychological treatment for a month afterward.” One idly wonders what happened to the dog.

Each seeming impediment provides an occasion for another spurt. If

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one Cadillac fails to produce the requisite yield of happiness, then two assuredly will; if not two, then three, or four, or five. If going to bed with one particular woman proves wearisome, then try another. Or two at a time. Or an orgy. Or jumping from a candelabrum. Or any other device or combination. For fuel to keep this fire going, the pornography of the ages is dredged and dredged again, as are the sick memories and imaginings of popular novelists. The fire's extinction would spell, not just impotence, but exclusion from life itself; like those poor souls in Dante's *Inferno* without a place in either Heaven or Hell. Whatever else may be the case, the magic formula itself cannot be wrong. It must, it *must* work. So try again! The psychiatric wards fill to overflowing with deluded pursuers of happiness whose quest has proved abortive; guiltily conscious that happiness has eluded them in a society in which it is the only good. There, the children of affluence wail and fret over their broken toys and broken hopes and unresponding flesh. No matter; press on, grasping after new toys, new hopes and new flesh.

**I**n the birth pill, quasi-divine invention, a little death wish in itself, may be seen the crowning glory of the pursuit of happiness through sex. To adapt a famous saying by Voltaire, if the pill had not been invented it would have been necessary for it to exist. What laborious days and nights to bring it into existence! What ingenuity and concentration of purpose on the single objective—the achievement of unprocreative procreation, of *coitus non interruptus* that is guaranteed also to be *non fecundus*! What armies of mice and rats and rabbits and other such small deer to be experimented upon, until—oh! glory hallelujah!—their tiny wombs, minutely dissected out, are seen to be blessedly vacant despite prior coupling, holding out to all mankind the sublime prospect—the converse of what was vouchsafed the Virgin Mary—of likewise being able to couple without conceiving. A Minificat rather than a Magnificat.

With the pill, the procreative process has at last been sanctified with sterility. Aphrodite sinking into the sea, unmenstrual, and forever sterile; unending, infertile orgasm—a death-wish formula if ever there was one. Add the possibility, even probability, that in the long run the pill will prove to be a scourge compared with which afflictions like the Black Death seem like an influenza epidemic. Is it not remarkable?—millions upon millions of women dedicated to the pursuit of happiness, all pum-

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meled and perfumed and pomaded, all coiffured and clothed and contained in accordance with best television and glossy-page recommendations; stuffed full of vitamins, fruit juice and rare steaks, with svelte, suntanned, agile bodies; their hands beseechingly outstretched, insistently demanding a specific against conception. Ready to run any risk, make any sacrifice, suffer any disability—loss of appetite, if not of wits, growing sick and languid, sexless even, and fat—provided only they can be guaranteed fool- and accident-proof sterility.

This neat compact death wish, so easily swallowed, is for export as well as home consumption. Under the auspices of the World Health Organization and other enlightened agencies, earnest colporteurs of contraception carry the good news to darkest Africa; awesome lady missionaries of family planning take their coils and caps and pills, as traders once did eolored beads, to the teeming populations of Asia and Latin America. Only among the Western educated, however, do they find any appreciable number of clients. In the countryside their product has few takers. The result is that it is the new bourgeoisie, the residents of *Oh! Calcutta!* rather than of Calcutta proper, who take to the pill. The others continue to procreate regardless, leaving the apostles of the liberal mind to the self-genocide they have chosen. Truly, God is not mocked.

**I**f sex provides the mysticism of the great liberal death wish, it needs, as well, its own special mumbo jumbo and brainwashing device; a moral equivalent of conversion, whereby the old Adam of ignorance and superstition and the blind acceptance of tradition, is put aside, and the new liberal man is born—enlightened, erudite, cultivated. This is readily to hand in education in all its many branches and affiliations; one of the greatest con tricks of all time, if not the greatest. To the liberal mind, education provides the universal panacea. Whatever the problem, education will solve it. Law and order breaking down?—then yet more statistics chasing yet more education; venereal disease spreading, to the point that girls of ten are found to be infected?—then, for heaven's sake, more sex education, with tiny tots lispng out what happens to mummy's vagina when daddy erects, as once they did the Catechism; drug addiction going up by leaps and bounds, especially in the homes where educational television is looked at, and the whole family marches to protest against the Vietnam war?—surely it's obvious that what the kids need is extra

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classes under trained psychiatrists to instruct them in the why and the wherefore of narcotics. And so on.

On radio and television panels, on which I have spent more time than I care to remember, to questions such as: What does the panel think should be done about the rising rate of juvenile delinquency?, the answer invariably offered is: More education. I can hear the voices ringing out now, as I write these words; the male ones throaty and earnest, with a tinge of indignation, the female ones particularly resonant as they insist that, not only should there be *more* education, but more and *better* education. It gives us all a glow of righteousness and high purpose. More and better education—that's the way to get rid of juvenile delinquency, and adult delinquency, for that matter, and all other delinquencies. If we try hard enough, and are prepared to pay enough, we can surely educate ourselves out of all our miseries and troubles, and into the happiness we seek and deserve. If some panel member—as it might be me—ventures to point out that we have been having more, and what purports to be better, education for years past, and that nonetheless juvenile delinquency is still year by year rising, and shows every sign of going on so doing, he gets cold, hostile looks. If he then adds that, in his opinion, education is a stupendous fraud perpetrated by the liberal mind on a bemused public, and calculated not just to reduce juvenile delinquency, but positively to increase it, being itself a source of this very thing; that if it goes on following its present course, it will infallibly end by destroying the possibility of anyone having any education at all, the end product of the long, expensive course from kindergarten to postgraduate studies being neo-Stone Age men—why, then, a perceptible shudder goes through other panelists, and even the studio audience. It is blasphemy.

The bustling campuses multiply and expand, as do their faculties and buildings. More and more professors instruct more and more students in more and more subjects, producing a crop of barely articulate yahoos, who irresistibly recall to me the *bezprisorny* I remember so vividly from my time in the U.S.S.R.—those wild children whose parents and guardians had died in the great Russian famines of the early Twenties, but who had somehow lived on themselves to race about Moscow and Leningrad and Kiev like wolfpacks. Their wild, pinched faces, their bright animal eyes, suddenly glimpsed when they rushed out from under some bridge or embankment—have I not seen them again among our own



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pampered children, wearing their proletarian fancy dress, on any campus between the Berlin Wall and the California coastline? Here, too, the death-wish cycle completes itself. Pursuing knowledge, we find ignorance, and join hands across the civilized centuries with our own primitive, savage origins. A Picasso, after a lifetime's practice, arrives at the style of the cave drawings in the Pyrenees, and Beethoven is drowned in the insistent beat of jungle drums and jungle cries. The struggle to extricate meaning and order from confusion and chaos is abandoned, and literature itself reverts to total incoherence, in the process disappearing. *Fiat Nox!*

I see the great liberal death wish driving through the years ahead in triple harness with the gospel of progress and the pursuit of happiness. These our three Horsemen of the Apocalypse—progress, happiness, death. Under their auspices, the quest for total affluence leads to total deprivation; for total peace, to total war; for total education, to total illiteracy; for total sex, to total sterility; for total freedom, to total servitude. Seeking only agreement based on a majority, we find a consensus based on a consensocracy, or oligarchy of the liberal mind, of whose operation an admitted maestro—R. H. S. Crossman, former minister in Harold Wilson's Government and newly appointed *New Statesman* editor—has written in his inimitable way: "Better the liberal elitism of the statute book than the reactionary populism of the marketplace." Seeking only truth supported by facts, we find only fantasy supported by celluloid or video dreams, seen through a camera-eye brightly (the camera, like the pill, a minuscule death wish). All the world compressed into a television screen; seen with, not through, the eye, and so, as Blake tells us, leading us to believe a lie. What lies believed! So many and so varied; from far and near, satellite-carried, earnestly spoken, persuasively whispered, in living color. The lie, the whole lie, and nothing but the lie, so help us, Ed.

Demonstrators waiting, beards and bra-less girls poised to emit their shrill cries, placards grounded, police standing by, their van discreetly parked, one or two journalists looking at their watches and thinking of editions. Everyone waiting. When, oh when, will they come? At last, patience rewarded; the cameras arrive and are set up. Sound-recorder ready, cameraman ready. Action! And lo! magically, action it is. Beards wag, breasts shake, placards lift, fists clench, slogans chant, police charge, van loads. Screaming, yelling—Pigs! Until—Cut! All is over. Slogans die away, beards, breasts subside, cops and van drive off. All depart, leaving

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the street silent. From Action! to Cut!—oh, death wish, where is thy sting?

As the astronauts soar into the vast eternities of space, on earth the garbage piles higher; as the groves of academe extend their domain, their alumni's arms reach lower; as the phallic cult spreads, so does impotence. In great wealth, great poverty; in health, sickness; in numbers, deception. Gorging, left hungry; sedated, left restless; telling all, hiding all; in flesh united, forever separate. So we press on through the valley of abundance that leads to the wasteland of satiety, passing through the gardens of fantasy; seeking happiness ever more ardently, and finding death ever more surely.

## The Masculinization of Evil

Frank Zepezauer

SEEING THE ENEMY clear and whole brings moral comfort. Troubling doubts and scruples resolve themselves in the command to wage holy war against him. Whatever we do thereafter is blessed by high purpose. We can kill honorably.

Thus we begin the movie *Death Wish* by watching rape and murder in brutal detail. Three punks invade a man's home in his absence, torment his wife and daughter, slug them around, humiliate and brutalize them. We hear shrieks, pleas for mercy, hysterical weeping, see clothing torn off, knife blades slashing, blood splattering the tidy sofa. Then we see one woman reduced to a broken corpse, the other to a whimpering imbecile.

Finally we stand with their husband and father at the doorway, seeing what he sees, building with him a hunger for vengeance that could feed on blood for an eternity. We then immerse ourselves in his feelings as he ambushes muggers and rapists and killers, the enemies of society, and we seldom reflect as we stalk the streets with him that we are joining in a killing spree. He has seen the enemy, and so have we, and that's enough.

The movie asks whether our slow and often inept criminal justice system ever sanctions vigilante action. But it asks other questions, none more disturbing than why we can so quickly put our consciences to rest with such ease when we've sorted out the good guys and the bad guys.

It would seem perverse to compare the film's mood of righteous vengeance to attitudes activating militant feminism. Yet the connection exists. Because, like the avenger in *Death Wish*, an influential number of women's movement ideologues have seen the face of the enemy. It belongs to men and to masculinity, and to the extent that the ideology has fashioned a myth of male oppression and female victimage, it has masculinized evil. The problem for the rest of us is that the myth now reaches into every part of our culture, aims in fact to restructure culture itself, and in its ambition and its image of the enemy, generates its own kind of evil.

Before looking closer at this problem, let me first define it. I do not

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speak here of the complex phenomenon we call the Women's Movement, not all of it. We can't escape its fundamental appeal to fairness. Not long ago we denied the vote to women. Until recently we denied them equal access to jobs. In many places and times we denied them equal status in the human community. Such wrongs needed correcting, even at the occasional cost of inflated rhetoric and hasty action. Moreover, we also recognized that women, drained by the biological and cultural demand to give to others, felt a need to reclaim themselves and to enter more freely into public life. On these points so much agreement was so quickly established that women's movement leaders engineered significant changes in an astonishingly short time. However, our support on these issues did not necessarily extend to feminist ideology, which for some had evolved from a reform program to a secular religion. Yet the same sympathetic and often indulgent media that pushed the reforms also popularized the ideology, to the point that the myth of male evil—the notion that evil locates its source in the nature of each man, in the concept of masculinity and in the institution of patriarchy—has become conventionalized. This media feminism, as I call it, is the problem I speak of.

Let me begin my illustration of it by referring to a newspaper story in the May 12 San Francisco *Chronicle*, appropriate here because it was so casually intertwined with the rest of the news that was fit to print. Written by the female partner in a devoutly “non-sexist” marriage, the story laments “The Price of Household Equality.” Although the male partner had zealously tried to share domestic chores equally, he nevertheless exhibited a deep layer of sexist sin. His female counterpart found him doing the household work “his way,” and discovered not only that “his way stinks” but also revealed an “unspoken premise” that woman's work is inconsequential. She therefore felt it her duty to report his unredeemed attitudes to a women's movement leadership and a newspaper public still blind to their existence.

Such reports appear frequently enough to form a journalistic genre. The story of the errant husband reveals some of its features. In it the word “sexism” appears with no embarrassment about meaning. Although newly coined, it has become part of everyday speech, referring us to a phenomenon presumably as pervasive as the atmosphere. And like the surrounding air, it is invisible to ordinary vision, perceptible only to special seeing. The wife spots “sexism” instantly in her husband's perverse

ineptness with cooking and laundering. Moreover, what she sees has significance. It connects with great issues, expands even further a collective consciousness made large by ideology. Her special seeing and knowing gives her speaking a special authenticity. She speaks, and her husband remains silent, for, with regard to "sexism," it is men who did the doing and women who were done unto. Victims have rights denied to oppressors.

The gifted eye, the privileged tongue, the ideological consciousness . . . each brings media feminism into our daily lives. The ideology is totalitarian; it touches everything. Listen, for example, to Betty Friedan: "The changes necessary to bring about equality . . . involve a sex-role revolution for men and women which will restructure all our institutions: child rearing, education, marriage, the family, medicine, work, politics, the economy, religion, psychological theory, human sexuality, morality and the very evolution of the race." Listen also to Elizabeth Nickles and Laura Ashcraft in *The Coming Matriarchy: How Women Will Gain the Balance of Power*: "What are the possible consequences of tipping the balance of power in favor of women? A redefinition of sexual roles, the breakdown of the traditional system of child rearing, new value and reward systems for men and women, new foundations for sexual relationships, expanding technologies to fill the domestic void, political distributions that reflect the shift in women's power and ultimately perhaps a revision of our capitalist system."

The vision generating these ambitious revolutions rests on a simple idea: that culture is arbitrary and infinitely malleable. Thus everything can be changed, and since Patriarchy set things up wrong from the beginning, everything *should* be changed. An absolute equalitarian universal therefore illuminates every particular, from a husband's well-intentioned but inept housekeeping, to a store's division of boys' and girls' toys, to baby blue and pink blankets, special menus for male escorts, male voices in computers, all-male clubs, dirty jokes and masculine pronouns . . . each pointing to an evil disposition of a masculine soul made transparent by ideology. The gifted eye thus sees not only actions but motives. A presidential joke about "skin suits" aims only to put women back in their place. Linguists questioning language changes want only to perpetuate male power. Biologists stressing nature in the nature/nurture debate want only to protect patriarchal turf. Conservatives resisting the "children's

rights movement” do so to keep children at the bottom of the male-structured chain of command.

The ideology that opens the eye sanctions the tongue, giving it a latitude denied to commonplace vision. Women speaking about men often get away with language that would immediately brand men as “sexists.” In the *New Yorker*, for example, in an article on cooking, you suddenly encounter the phrase, “after the denazification of the American male.” In a written debate about the draft you learn that men’s protective role served only to cover a “protection racket.” A letter writer to a newspaper says, “the part of a man which is worth an intelligent woman’s time can be bought in a simple business transaction.” Joan Rivers ridicules male gynecologists, ends up saying “Women are so superior.” A talk show guest calls her ex-husband a “fascist” and a “chauvinist.” A newly-divorced woman calls her sports-star ex-husband “just a boy who never grew up.”

Even highly-placed women play the game. Margaret Mead told fellow anthropologists that civilization is only a constant reworking of male fantasy. Margaret Thatcher said, “In politics, if you want anything said, ask a man; if you want anything done, ask a woman.” Barbara Tuchman let the Washington Cosmos Club know that “Men’s affairs, from what I can tell, are dominated by aggression and alcohol.”

To a language richly endowed with terms of abuse, feminists have added “male chauvinist pig,” and “sexist,” and infused negative feeling into “macho,” “patriarchal,” and “androcentric,” even into “man,” “male,” and “masculine.” More significant has been the evolution of the word “rapist” from noun to metaphor. Most of us have heard Susan Brownmiller’s assertion that all men are complicit in rape. But we may not realize how it still resonates through our media. Marilyn French, for example, declared that “All men are rapists. They rape us with their eyes, their laws and their codes.” More recently Sonja Johnson announced that “Men are locked in the conquistador mind, the rapist mentality.” Adrienne Rich, after finding a force in the male mind which frustrated the female principle within it, decided its most appropriate metaphor was rape. After the House of Representatives voted down the revived Equal Rights Amendment in November 1983, the San Francisco *Chronicle* printed a cartoon which showed a battered woman lying on the ground, an ERA badge near her side. Over her stood a hulking pig of a man

returning to his pants a whip-like belt and saying, "C'mon. You know you loved it."

The rape metaphor cannot be explained away as the outburst of enraged women on the fringe of the movement. Sonja Johnson, excommunicated for vilifying her "patriarchal" Mormon Church, became an instant celebrity, active on the lecture circuit, a quotable voice for the women's movement. Susan Brownmiller's famous slander of the male sex won for her book awards and speaker's fees. Adrienne Rich, a respected poet, has had her feminist theories analyzed in important scholarly journals. Marilyn French has earned big money and hefty publicity from her novels. All have earned enough celebrity to get their remarks quoted in the daily newspaper or the evening television news. All write professionally and know how words work. In fact they join with many other feminists in an effort to reshape language itself.

Nor can these women be easily isolated from the feminist mainstream. Even those who would not themselves identify all men with rape nevertheless sympathize with the feelings that generated the metaphor. Ellen Goodman, for example, in her anger at the group assault of a woman in a New England bar, referred her readers to Brownmiller's comment about how such rapists were shock troops for men in general. The incident itself was widely publicized, becoming, in our newly-shaped cultural context, a symbol for a universal male propensity.

Publicity has also focused not only on violent male criminals, but also on runaway husbands, wife beaters, child abusers, and a mysterious army of miscreants who commit sexual harassment, an old sin translated into a new crime. The selectivity and emphasis of these reports during a period of "raised consciousness" suggest that we can know what most men are like by learning what some men do. Each story contributes to an ever more ominous image of a male enemy who is long enduring, ever present and subtly malignant. Thus whatever women say or do against him, no matter how ugly or inaccurate or self-serving, is merely fighting back, nothing more than hurling small rocks at a huge Goliath whose shadow blights their lives. Under such a dispensation, misogyny becomes criminal impulse and misandry becomes moral insight. We detect in this the comfortable conscience which in *Death Wish* made holy every assault on the acknowledged enemy.

By pointing your finger at evil you also affirm your goodness. A note

of moral superiority has become increasingly audible in the collective voice of the women's movement. It was there from the beginning when the key text was not only *The Feminist Mystique*, but *The Natural Superiority of Women*. It was also implicit in the Rousseauian/Marxist elements of its ideology. If evil lurks in society, then it locates itself in some part of society alien to its victims. It is "us" and "them," and over the years the shape of "them" has emerged ever more clearly, assuming first the guise of the aristocracy, then the bourgeoisie, then the white race, and finally the male power structure. We now know who the bad guys are because we have discovered that it is guys alone who are bad.

Whatever its theoretical complexities, feminist ideology filtered through the media shapes for us an image of morally-elevated womanhood. A writer investigating the "new woman" picked up a strong trace of swagger in his subjects. He noted a consistent belief that "their lives are more interesting and significant than men's . . . and a concomitant belief in their own superiority." He listed some examples of their "irrepressible" feelings:

I can't talk with men the way I can with women. I can't quite imagine being able to.  
If I could teach sex to men, I could improve their lovemaking performance 100%.  
Women have always had a thinly veiled contempt for the world of men.  
Men tend to run away from emotional confrontations.  
There are lots of interesting women around. But where are the men?  
Women are more apt to take risks . . . are better in crises.  
Women are absolutely strong in some ways . . .

Super Woman and Fumble Bum Man also come at us in posters: "The best man for the job may be a woman," "The only difference between men and boys can be found in the size of their toys," "A woman needs a man like a fish needs a bicycle," "Whatever women do they must do twice as well as men to be thought half as good. Luckily this is not difficult." They are also in the lead of a magazine article: "Men are little boys," which verbalizes a widely felt feeling about the emotional immaturity of the average man. Male criticism against feminist language or behavior can therefore be only a "backlash" delivered by "threatened" and "insecure" men.

The feeling that the greater emotional and moral health of women will salvage our derelict society appears once more in the comments of a Harvard Business School graduate on her way to the executive suite:



“We’re raised from little children to understand others, to nurture, to create environments for people to grow up in. These are exactly the qualities American business needs.” A female rabbi sees the entry of women into the clergy as the beginning of a benign shift from “hierarchical power to egalitarian power,” a point central to the reformist vision of Gloria Steinem and Betty Friedan. Robin Morgan puts it even more bluntly by saying that the women’s movement “will simply save life on this planet.”

Such self-assured high purpose, which foresees a redemption from a masculine-induced fall from grace, appears most frequently in the peace movement. A number of women have in their zeal reduced the complexities of war and peace to the conflict between male and female. A Stanford feminist, for example, remarked that war was a “childish men’s game. It’s only because men are playing their games that we have those refugees, mostly women and children, roaming the world. If society were run equally by women and men, we would not have war because half of the population would not want it.” Representative Patricia Schroeder of Colorado declared at the prospect of the two-sex draft that “If equal rights is all about insisting that women should be as warmongering as men, then we’ve blown it.” An Israeli feminist blamed most of the Middle East bloodshed on men “proving their masculinity in the family of nations.” The linking of peacefulness with womanliness became more firmly established in November 1983, when 2,600 women—only women—gathered at De Anza College, near San Jose, California, to declare war obsolete and to exert the power of women to “change the hearts and minds of men.”

These feminists have managed to locate true pacifism exclusively in the hearts of women by tiptoeing around a number of facts, not the least of which have been the men of peace, such as St. Francis of Assisi and Jesus Christ, who have stood out as conspicuously as the men of war. Other facts point to the involvement of women in the ferment that often boils over into war. Since earliest times women have helped build the imperative that sent men out to protect faith, family and home. They have commanded their sons to return with their shields or on them, have issued the white feathers that shamed the cowards and have, in spite of their innate pacifism, managed to set up new homes in conquered territory. Moreover, feminists themselves have praised the combat ferocity of female soldiers, making role models of Boadicia, Joan of Arc and the

Israeli Sabra, have honored the machisma of women who karate-chopped chauvinist men into the hospital, and have admired the decisive bellicosity of Queen Elizabeth I, Golda Meir and Margaret Thatcher.

The gifted seeing that selects some facts and ignores others is guided by an opportunistic chop logic which can manipulate the nature/nurture debate in any way that affirms women's moral superiority. Radical feminism has strongly stressed cultural conditioning as the primary, if not the exclusive, means by which the sexes have been differentiated. The explosive rage that powered the women's movement derived in large part from a perception that patriarchy is essentially a socializing mechanism aimed at the subjugation of women. Most of the hot skirmishes in the past decade's war of the sexes have been fought to wrest from male hands the conditioning devices by which they have presumably maintained their power. For that reason, destroying the generic masculine pronoun is as important as occupying the White House. And because the social-causation theory exerts such leverage, demonstrating the innate differences of the sexes becomes as hostile as blocking a woman's entry into medical school. Yet growing assertions about the life-affirming and peace-loving potential of women relies on a faith in the benign nature of the female character. If, however, women's goodness derives from their genes, then we must admit to innate characteristics in the sexes. If their goodness results largely from their environment, then we must also admit that the conditioning agencies which harmed women also shaped their superior qualities. We have to reconcile these positions unless we are prepared to argue that what is good in women is inborn and what is bad results only from cultural conditioning. It appears some feminists can juggle those irreconcilables quite nicely. The Israeli feminist, for example, explained the martial prowess of Golda Meir and Margaret Thatcher by saying that "women in politics who don't come from their own power base have to please those in power, that is men." Men push people around and pile up dead bodies in war because they are men. Women do it because men make them do it.

This ideological sleight of hand, which transforms complex human situations into male problems begging for female solutions, creates its own problems. The first to come to mind is abortion, whose success illustrates how media feminism works. Dramatic facts about unwanted pregnancies and about poor women bleeding their lives away in abortion

mills were further dramatized as a victimage imposed by oppressive patriarchies like the Roman Catholic Church. The power of this image, linked to the fear of a population explosion and the appeal of the free-choice ethic, generated the feelings that contributed to *Roe v. Wade*. The suffering of the few thus ushered in the privilege of the many, to the point that “reproductive rights” were deemed worthy of public subsidy extracted from both supporters and opponents of abortion. And a law aimed at rescuing *some* women from disaster functioned to spare many others from inconvenience, so that every year now some 1,500,000 “life-affirming” women destroy their unborn babies.

The drive to enact the law and extend its application also encouraged the growth of an “abortion culture” that looks pretty much like the secular humanism that now seriously worries us. In place of the “sanctity of life,” abortion popularizes the “quality of life,” leading, as we have seen, from the killing of the unborn to the killing of newly-born infants, and opening the way, in the name of freedom, to a Nazi-like rationalistic ethic where the old, the infirm, the mentally retarded—anyone whose life has lost its “quality”—can be killed. By the same token the radical individualism which places the freedom of choice over the obligation to make the *right* choice expands the relativism which has eroded Judeo-Christian morality. These trends cannot be blamed exclusively on feminist ideology. In fact, not a few feminists oppose abortion. But such prominent groups as the National Organization for Women and the National Women’s Political Caucus have placed “reproductive rights” high on their agenda. And radical feminists join with other cultural revolutionaries fighting to establish a humanistic, post-Christian society.

In the pro-abortion drive, as well as in other efforts to rescue the victim/woman, we have thus given her extraordinary powers. Today she alone decides who is or who is not human, for the decision to abort imposes non-human status on the fetus. And she alone decides whether the man who generated her pregnancy shall in fact become a father. The will of the female, thus liberated and empowered, asserts itself in ever wider territories. A growing number of women have deliberately elected to become single mothers who will appropriate total authority in their “alternative” families. New laws that allow women to attach the wages of delinquent divorced fathers will not only relieve the taxpayer from supporting women thrust into “feminized poverty,” but will also give ex-

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wives the power to force men to support families from which they no longer derive any benefit. Except for threatened men and still un-liberated women, all this female muscle-building causes no alarm because these new powers are invested in being made righteous by their victim-status and virtuous by their genes.

Such developments can only aggravate already serious problems with family stability and male responsibility. Growing into assured masculinity—always a chancy enterprise—has been made even more chancy today by assertions that masculinity is an obsolete role or a social myth. A mother in one of John Steinbeck's stories told her son: "A boy becomes a man when a man is needed." Media feminism seems to doubt whether we now need the unique qualities of men, whether in fact anything that is essentially male is essentially good. Young men must therefore wonder if they have a real stake in family and society. The more they hear about villainous masculinity suppressing virtuous femininity, the more they hear women boasting of their superiority, the more they find traditional paths to masculinity blocked, the more they will join Huck Finn and head for the territories. Or worse, the more they will build their own rage—if they haven't already—and inflict still more wounds in the heated-up war of the sexes.

Saying as much oversimplifies a complex problem, for men are indeed a part of the problem, but so are women, and both are part of the solution. Most women have enough sense to know this, but media images and secular ideologies can distort practical judgement, inducing the temptation to see evil everywhere but in your own soul.

Thus, in spite of celebrations over our progress toward a new sexual order, we have gone only half way. We now pray to God our Mother. We will go still further when we pray for protection from Satan and *her* followers.

## An Almost Orwellian Shadow

Robert M. Byrn

**H**OW GOES THE LAW of the unborn in 1984? It is a bloody mess. For example: An obstetrician is sued by a Down's Syndrome infant and her parents because the obstetrician failed to advise the mother, during pregnancy, of the risk of genetic defect in children born to women over 35 years of age and of the availability of amniocentesis to determine whether the "fetus" was so afflicted. The infant and her parents claim that, had the parents known of the defect, they surely would have aborted the infant. It is too late now to kill the infant, but not too late for a lawsuit. The infant complains that her very existence is "wrongful"; the parents complain that they are stuck with an expensively imperfect child; the court complains:

Even as a pure question of law, . . . a cause of action [lawsuit] seeking compensation for the wrongful causation of life itself casts an almost Orwellian shadow. . . .<sup>1</sup>

With something less than Solomonic wisdom, the court splits the family. That the child lives is not a wrong to the child, holds the court, but it is a wrong to the parents. A "bloody mess" is an apt description. And it all started with the *Roe v. Wade* "right of privacy" to abort.

In her dissenting opinion in the *Akron* case, Justice Sandra Day O'Connor wrote, "the *Roe* [v. *Wade*] framework, then, is clearly on a collision course with itself."<sup>2</sup> It has been since 1973. Whether the collision ultimately occurs depends on how adroitly the majority of the Supreme Court manages to switch lanes as each new case before it challenges, head on, the sophistries of *Roe*.

Fascinating as it is, the Court's arcade game with the law of abortion is not the only thriller in town. Not all law is made in the Court's Marble Palace. Collisions do occur outside its precincts. There is another world of law out there, and the Court's abortion decisions are in constant confrontation with it. If the collisions are hardly heard, the mutilations are shockingly evident.

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The law of the unborn is a mass of disjointed contradictions. Here one finds a fetus; there an infant *in utero*; over there an unborn patient, and next to the patient, a mere potentiality of life—which may or may not have been viable when it died, depending on the latest lane switch back in the Marble Palace. Is a baby “a baby?” Is a rose “a rose?” Not necessarily. An Orwellian shadow hangs over the carnage.

The contradictions converged in the *Akron* case. One of the sections of an Akron City Ordinance required that an abortion-seeking woman “have been orally informed by her attending physician . . . (3) That the unborn child is a human life from the moment of conception and that there has been described in detail the anatomical and physiological characteristics of the particular unborn child at the gestational point of development at which time the abortion is to be performed, including but not limited to, appearance, mobility, tactile sensitivity, including pain, perception or response, brain and heart function, the presence of internal organs and the presence of external members.” The Court struck down the section because it “requires the physician to inform his patient that ‘the unborn child is a human life from the moment of conception,’ a requirement inconsistent with the Court’s holding in *Roe v. Wade* that a state may not adopt one theory of when life begins to justify its regulations of abortions.”<sup>3</sup> The Court found a second defect in the section: “Moreover, much of the detailed description of ‘the anatomical and physiological characteristics of the particular unborn child’ required by subsection (3) would involve at best speculation by the physician.”<sup>4</sup> “The well-known facts of fetal development,” which the Court shrugged off so cavalierly in *Roe*,<sup>5</sup> are now “at best speculation by the physician.”

Why on earth did the City of Akron write such an Ordinance? Was it the product of a puerile *lese majeste*, a rotten egg tossed at the Marble Palace? Or might it have been a responsible attempt by an elected legislature to assure to a vulnerable portion of its citizenry—pregnant women—the information necessary to the free exercise of a constitutional right: the right of privacy to decide whether to bear or abort a child? After all, the decision to abort is “an important and often a stressful one,”<sup>6</sup> and clinics are not noted for providing in-depth counselling.<sup>7</sup> Abortions are also irreversible. To withhold from a woman “the well-known facts of fetal development”—to conceal what a fetus really is—may promote abortions, but it seems to do nothing for the woman’s right of free choice—

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except to dictate the choice and diminish the right. It can also cause the woman a great deal of agony when, all too late, she learns the truth.

Telling the truth about medical treatment translates in legal jargon to “the law of informed consent.” The section of the Akron Ordinance which required the abortionist to describe the fetus bore the heading “Informed Consent.” Apparently Akron was simply asking its abortionists to do what all medical practitioners must do: tell the truth. Akron’s only fault, it seems, was its humane sensitivity to the import and stress of the abortion decision.

On the other hand, the title of a statute does not immunize its provisions from constitutional condemnation. A legislature could not, for instance, legalize slavery under the title “Informed Consent,” and expect to get away with it. Appearances (as someone once said) may be deceiving.

Was Akron dissembling? Really, the only way we can find out is by comparing Akron’s mandate to abortionists with the settled law of informed consent. Alas, this will require the reader to put up with a certain amount of professorial pedantry. Nevertheless, endurance has its own reward. In the end, we shall discover that Akron promoted the truth within the bounds of the law. The Supreme Court repudiated the law to inhibit the truth. When truth is suppressed, Orwellian contradictions lay hold of the law. So it is with the law of the unborn.

#### Truth-In-Treatment

The law of informed consent is predicated upon two distinct informational rights of the patient. The patient is entitled to a laymen’s-language description of the nature and character of the recommended medical procedure and to a reasonable exposition of the risks and alternatives.<sup>8</sup>

An almost infinite number of risks attend any invasive medical procedure (which abortion is). The physician cannot be expected to expound them all, to recite every remote hazard. His obligation is one of reasonable exposition. Sometimes this obligation is said to be coextensive with the unique informational needs of the particular patient.<sup>9</sup> At other times, the physician fulfills his obligation if he gives the same advice that other physicians would commonly give under the circumstances.<sup>10</sup> Whether the standard be the idiosyncratic needs of the patient or common medical practice, a comprehensive recitation of risks is not required.

Not so, however, when it comes to the nature and character of the medical procedure. As a matter of law, the physician must reveal to the patient which parts of the patient's body he means to treat, what he will do to them, and how they will be affected. No "rule of reason" applies here. The common practice of physicians is irrelevant; the patient has an absolute right to know.

Why so? Answers to questions such as this are usually found in landmark court decisions, the mother lode of the law. Let us begin, then, with the paradigmatic case of *Bang v. Charles T. Miller Hospital*.<sup>11</sup>

Upon his physician's advice, Helmer Bang submitted to a prostate operation. No one told him in advance that his spermatic cords would be severed and tied off during the surgery. He found out too late. He sued. Should he win?

We can easily dispose of the claim that an explanation of the surgery would have overly burdened the busy surgeon. Unlike a recitation of all the risks, a description of the surgery would have taken no time at all.

Regardless of the burden, the fact remains that the surgeon cut a part of the patient's body without even telling the patient of his intention. One need not have gone to law school to appreciate that an important right of self-determination—of bodily integrity—was violated. The surgeon may have meant well. He may have believed that the information was not necessary to an informed decision by the patient. But, as I have pointed out in another context, medical paternalism is no justification for a denial of the patient's right.<sup>12</sup> Such was the holding of the court in the *Bang* case.

Is the failure of the abortionist to reveal and describe what an abortion kills significantly different from the derelictions of Helmer Bang's surgeon? It does not seem so. Whether the planned mutilation be of the patient's reproductive faculties or of the product of reproduction, the patient, one would think, has a right to know the nature and character of that which is to be mutilated. In neither instance would the surgeon's explanation be "at best speculation." Obviously there is no such thing as absolute certainty in human dealings, but the absence of absolute certainty does not signify "at best speculation." The surgeon conveys the best medical information available to him, including, in the case of abortion, the well-known facts of fetal development at the relevant stage of pregnancy. In neither instance may it truthfully be said (as the Court said in



the *Akron* case) that the requirement of an explanation “unreasonably has placed ‘obstacles in the path of the doctor upon whom [the patient is] entitled to rely for advice in connection with [his or] her decision.’”<sup>13</sup> To the contrary, the entitlement to rely for advice creates a fiduciary duty to give it.

The idea of including in the advice a description of what an abortion kills was not always without prestigious support. The 1962 Planned Parenthood pamphlet, *Plan Your Children for Health and Happiness*, informed prospective birth-control clients: “An abortion kills the life of the baby after it has begun.” (Frankly, I prefer “life of a baby” to “human life,” the terminology used in the Akron Ordinance.) The pamphlet was later bowdlerized. The “baby” was excised. Planned Parenthood now opposes laws which require that the fetus be described to the pregnant woman because “None of this has any connection with the risks or benefits to the patient which are the ordinary basis for informed consent.”<sup>14</sup> Of course, the objection ignores the additional obligation of the doctor to explain the nature and character of the procedure.

*But*, one might argue, every doctor who is about to perform an abortion tells the patient that in all probability the fetus will not survive. Why explain further? The answer is simple. The explanation must be in plain language. For instance, the surgeon who obtains consent to a “mastectomy” from a woman who does not know what a mastectomy is commits a wrong to the woman when he performs the surgery. He ought to have used plain language.<sup>15</sup>

Similarly, one may not assume that the well-known facts of fetal development are known to every pregnant woman. The spielers for abortions have disseminated too much of the false, and censored too much of the true. “Blob,” “part of the woman’s body,” “at best speculation,” are some of the familiar mischaracterizations. We should be safe in concluding that “fetus” is no more intelligible to many women than “mastectomy,” and probably less so.

In an age of consumers’ and women’s rights, it is hard to imagine that the Supreme Court would declare unconstitutional a statute which required a surgeon to explain “mastectomy” to a woman who was about to undergo one. The statute would merely reaffirm an obligation that the law already imposed. Why ought not the pregnant woman, *qua* consumer of medical services, *qua* possessor of a right of privacy to decide whether

to bear or abort a fetus, also be entitled to an explanation of what a “fetus” is? Any distinction has to be Orwellian.

*But*, one might argue, the obligation to explain the nature of the recommended surgery derives from the patient’s right to make decisions that touch the integrity of his or her own body. The fetus is not a part of the woman’s body. Why does the doctor have a duty to explain? Again, the answer is simple. When the patient is a minor, the decision respecting surgery rests *initially* with the minor’s parents. The required explanations must be made to them.

Consider, for instance, the case of the doctor who inserted tweezers into the eye of a seventeen year old, without telling the patient’s parents what he was about to do to the child or that the procedure involved the risk of blindness. In *Garone v. Roberts’ Technical & Trade School*,<sup>16</sup> a New York Court found that the seventeen year old might successfully sue the doctor when the probe blinded him. The doctor breached a duty to the minor to obtain the informed consent of his parents.

The fetus is also a minor. The abortionist must obtain the informed consent of the particular parent—the pregnant woman—who is empowered by law to consent to the surgery upon the fetus. It follows that the abortionist must describe to the woman the nature of the procedure: what is to be cut and what will happen to it.

#### **The Infant Patient *In Utero***

*But*, one might argue, even if the fetus is a separate entity, it is not necessarily human. It might be a frog in the midst of an evolutionary process—a mere potentiality of human life. Doctors owe duties to human patients. Why should they be required to describe a frog-in-the-womb? The answer, of course, is that, in law, the fetus is not a frog, but a minor patient of the doctor.

The status of the fetus as a patient was dramatically reaffirmed in a 1983 decision of a New York court. In *Hughson v. St. Francis Hospital*,<sup>17</sup> the plaintiff alleged that a doctor performed a medical procedure (otherwise unspecified) upon a pregnant woman without explaining to her the hazards of the procedure to the fetus. Durinda Hughson (the erstwhile fetus) was ultimately born alive, but with injuries which were the result of one of the unrevealed hazards. The prenatal injuries were the basis for Durinda’s lawsuit.

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Lawsuits for wrongfully-inflicted prenatal injuries are fairly routine these days. Ordinarily, however, they are based on some negligent act that injures the fetus. They do not usually involve the failure of the treating physician to obtain the informed consent of the pregnant woman. The *Hughson* court could see no distinction: “We hold that the nature of the tort [the wrong], predicated on a failure to obtain informed consent, is insufficiently distinguishable from other tortious acts which may result in recovery by the child, and that therefore, *encompassed within the independent duty flowing between doctor and infant in utero is the obligation of the physician to obtain informed consent from the parent.*”<sup>18</sup> Put another way, the doctor’s obligation to obtain informed consent from the pregnant woman is the product of two independent duties running to two different individuals. “Both the mother and the child may each be directly injured and are each owed a duty independent of the other.”<sup>19</sup> Each is a “patient”<sup>20</sup> of the doctor.

In truth, doctors do not owe obligations to frogs-in-the-womb. Their duties run to human beings. If one believes the *Hughson* court, the “infant *in utero*” (the fetus) must be a human being.

Should we believe the *Hughson* court? We have no choice. The court merely reaffirmed settled law. In a landmark decision, thirty years earlier, another New York court found that “the general pre-natal rights of the child” undergird the child’s right to recover in a lawsuit for prenatal injuries.<sup>21</sup> And as the Supreme Court has reminded us, “Property does not have rights. People have rights.”<sup>22</sup> Infants *in utero* have prenatal rights because they are prenatal people. *Hughson* restated the obvious.

The Supreme Court may be uncomfortable with a case like *Hughson*, but at least here, the Court is not about to deny the obvious. Even the angels of the federal judiciary fear to tread on forbidden ground. Permitting a child to recover for prenatal injuries violates no purported right of privacy of a pregnant woman. There are no constitutional issues; just another collision in the law; just another Orwellian shadow flitting by.

All this is not to say that cases like *Hughson* will never occur in an abortion setting. Let us consider how “the independent duty flowing between doctor and infant *in utero*” might pertain to abortion.

Take, for instance, the case of the pregnant woman who is contemplating an abortion if the infant *in utero* is defective. Her doctor advises amniocentesis. One of the material risks of the procedure is that the infant

*in utero* will be poked in the eye when the doctor inserts the needle.<sup>23</sup> (My God! Does the blob really have an eye? No one told me that.) Suppose the doctor unreasonably fails to explain the risk to the woman; without realizing it, he shoves the needle into the infant's eye; the amniocentesis is negative; the woman decides to bear the child who is born, blind in one eye. May the child successfully sue the doctor on the ground that the doctor failed to obtain the informed consent of his mother?

*Hughson* seems to compel an affirmative answer. A prenatal right of the infant *in utero* was violated. The doctor failed in his independent duty to the infant. The *Garone* decision (the seventeen year old who was blinded when the doctor performed a tweezer probe without the informed consent of his parents) provides ample precedent for poke-in-the-eye injuries.

*But*, one might argue, this situation is different. The woman in *Hughson* wanted her child. This woman has contingency plans for an abortion. A lawful (all of them are) decision to abort extinguishes the rights of the infant. Ought it not also relieve the doctor of any duties toward the infant? Not here. The decision to abort has not yet been made. The woman might decide to bear the child. The decision to bear a child is also protected by the right of privacy. (The Supreme Court has not held otherwise.) As a Maryland court put it in a case involving negligence by the doctor which resulted in the premature birth and subsequent death of the child, "*Roe v. Wade* concerned abortion. . . . Whether or not [the woman] could have aborted her child at the time the child was born alive does not lessen the alleged negligence. . . ." <sup>24</sup> It follows (and the law is clear) that the doctor has a duty to warn the pregnant woman of the material risks of amniocentesis to the infant *in utero* and failing that duty, he will be liable to the infant for an injury within the risk.<sup>25</sup>

#### **Infant to Frog**

*But*, one might argue, all this makes a farce out of *Roe v. Wade* and the *Akron* case. How can a doctor kill, with impunity, an infant *in utero* who is as much his human patient as a seventeen year old? And even if he can, how can he do it without describing the infant to the pregnant woman whose informed consent he must obtain? The objections are well taken. However, they fail to recognize that *Wade* and its progeny have poked the law in both eyes. We see (and think) double now.

One image is of an infant; the other is of a right to abort, the exercise of which must not be impeded by such minor considerations as what is killed and how much the pregnant woman knows about it. Per the *Akron* case, the doctor need explain nothing to the woman about the infant *in utero*. Via *Roe v. Wade*, the pregnant woman has acquired the power, by an act of her will, to transform the infant *in utero* into a frog. She need only to decide to abort him/her/it. Doctors do not have duties to frogs. Of course, if the woman changes her mind in time to abort the abortion, the frog becomes an infant again.

In earlier, more innocent days, the image of a woman turning a frog into a person symbolized the captivating charm of the beloved fairy tale. Today it betokens the low magic of judicial hubris—the fulfillment of an Orwellian prophecy.

The Orwellian nightmare is not over. There are more *bizarceries* to come.

#### Infant to Frog to Infant

A woman, eight weeks pregnant, seeks an abortion. Because the doctor is careless, the abortion is unsuccessful. On a follow-up visit, some weeks later, the same doctor informs her that she is eighteen-and-a-half weeks pregnant. She gives birth to a healthy baby, and sues the doctor. The court finds that the woman has a valid “cause of action” for the unsuccessful abortion. That is to say, the doctor’s carelessness was a wrong to the woman.<sup>26</sup> In the course of its decision, the court rejects the doctor’s argument that the woman ought to have undergone a second abortion. “First, by the time she learned that her pregnancy had not been terminated by the D&C operation, her circumstances had changed. Well into the second trimester of her pregnancy, plaintiff arguably faced greater risk to her health. Second, while plaintiff had a right to have an abortion at this time, this right ‘may not be automatically converted to an obligation to have one’ . . . Plaintiff’s decision not to have an abortion should not affect the issue of defendant’s liability.”<sup>27</sup>

Fair enough (given the right to choose abortion). But notice what has happened to the infant *in utero*. From the discovery of the pregnancy until the irrevocable decision to abort, the infant was a human patient of the doctor. Then, during the abortion, the infant became a frog. Then from the rediscovery of the pregnancy through birth, the frog was an

infant *in utero* again—a human patient of the doctor.

Let us see what happens when we add a few hypothetical, but not improbable, facts to the case: the woman's original decision to abort was prompted by her fear of giving birth to a genetically defective child. At eighteen-and-a-half weeks, amniocentesis is available to determine whether a genetic defect exists. The same doctor who performed the unsuccessful abortion performs the amniocentesis. He neglects to inform the woman of the risk that the needle will penetrate the eye of the infant *in utero*. It does. The test is negative. The child is born, blind in one eye. Now both the woman and the child may successfully sue the doctor—the woman because the doctor negligently failed to abort a frog *in utero*; the child because the doctor negligently breached a duty toward a human patient *in utero*. “Curiouser and curiouser,” as Alice would say. Except this is real life, not Wonderland, and it gets worse.

#### **Infant to Frog to Infant to Frog**

Suppose the amniocentesis is positive, and the woman decides to abort. (Then the infant-frog-infant would become a frog again. It is important to keep the chronology straight. Hi-tech quadruplethink can be intricate.) Since it may take up to four weeks to complete the test,<sup>28</sup> it is fair to place the woman in the twenty-third week of pregnancy. If she is in poor health, the doctor may recommend abortion by drug (prostaglandin) rather than by surgery. The administration of prostaglandin is the least dangerous of the late abortion techniques.<sup>29</sup> It is also the late abortion technique most likely to produce a live birth.<sup>30</sup>

#### **Infant to Frog to Infant to Frog to Child**

Suppose a live birth occurs, and the child survives. Now consider the relative situations of the child, the woman and the doctor.

The infant-frog-infant-frog-child (are you following all this?) may successfully sue the doctor for poking him in the eye during his intrauterine, interfrog period. The woman may successfully sue the doctor for negligently failing to abort the child during his (its?) first intrauterine interlude as a frog. However, we get ahead of ourselves. The child faces a crisis more immediate than the trial of his lawsuit against the doctor.

#### **Infant to Frog to Infant to Frog to Child to Frog/Child**

Remember that the amniocentesis was positive. The purpose of the

abortion was to kill the genetically defective child. The purpose has been thwarted, but all is not lost. There is a homicidal hope left. The child is in dire need of medical treatment. If the treatment is withheld, the child will die. The parents and the doctor conspire to withhold the treatment. This is a boon to the doctor because the death of the child will reduce to *nil* his liability for blinding the child *in utero*. It is good fortune for the parents because they never wanted a substandard child. Only the law stands in the way. Or does it?

Traditionally, the law reserved to parents the right to make the *initial* decision on medical treatment for their minor child. The initial decision might not, however, be the final one. The law had the last word when the parents denied lifesaving treatment to the child. The parents, it was said, may not “expose the community or the child to communicable disease or the latter to ill-health or death.”<sup>31</sup>

Fortunately for the parents and the doctor (but not for the child), the law, as it was traditionally, has come in conflict with the jurisprudence of *Roe v. Wade*. The collision has propelled the imperfect infant into a never-never existence between frog and child. The law might very well stand aside. The child may die.<sup>32</sup>

As I pointed out in an earlier article,<sup>33</sup> a single-minded determination to protect the abortionist’s *carte blanche* has been the one constant in the abortion decisions. If the law abandons the frog/child, the plenipotent abortionist will surely expand his sphere of operations. Apparently, that prospect repels some hospitals. They now turn to “philosophers-in-residence” to deal with the dilemma of the frog/child who survives an abortion.<sup>34</sup> What a puny collision it will be when abortionist-in-residence and philosopher-in-residence clash in the doctor’s lounge. The law may abandon all sorts of human beings—infants *in utero*, newborns and other products of conception—but not abortionists. They are the favorites of the Marble Palace.

#### A Bloody Mess

But I must stop. One can say “frog” only so many times, and there have been too many collisions to describe in one article.

Still, were there time and space enough, I might serve up the distracted abortionist who must choose between the safest method of late abortion (which threatens a live birth and a lawsuit by the woman for a failed

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abortion) or the more dangerous method (which threatens injury to the woman and a lawsuit by her for the injuries).<sup>35</sup> Or I might definitively deride the lawsuits, mostly unsuccessful, by defective newborns (actually by their parents on their behalf) who claim that their lives are “wrongful” because their parents were not advised of the availability of amniocentesis which would have revealed their imperfections and led to their intrauterine deaths.<sup>36</sup> The live infant complains because he is not a dead frog. (Incidentally, one wonders whether the Supreme Court would declare unconstitutional a statute which required a doctor to inform a pregnant woman of the availability of amniocentesis when the circumstances indicated that the infant *in utero* might be genetically defective.) Or I might scathe the Kentucky court which held that the brute who forced his hand into the uterus of his estranged wife in order to kill their “viable fetus” (which he did) could not be convicted in Kentucky of murder of the infant because, *inter alia*, *Roe v. Wade* does not confer personhood upon the viable unborn.<sup>37</sup> In Kentucky even a father can turn an infant *in utero* into a frog. I might do all of this and more were there time and space enough.

I must hasten to the real point of this article: a plea for help. I regularly stand before a class of the best and the brightest. I am to teach them law. An Orwellian shadow haunts me. Dare I? Should I? Can I teach them quadruplethink? Or even doublethink? It is unthinkable.

What is to be done about this bloody, Orwellian mess?

NOTES

1. *Becker v. Schwartz*, 46 N.Y.2d 401, 408, 413 N.Y.S.2d 895, 898, 386 N.E.2d 807, 810 (1978).
2. *City of Akron v. Akron Center for Reproductive Health, Inc.*, 103 S. Ct. 2481, 2507 (1983) (dissenting opinion). See John T. Noonan, “The Akron Decision: A Pragmatic Politician’s Parody of Solomon,” *The Human Life Review*, Vol. 1X, No. 3 p. 5 (Summer, 1983).
3. *City of Akron v. Akron Center for Reproductive Health, Inc.*, *op. cit.*, p. 2500.
4. *Ibid.*
5. 410 U.S. 113, 156 (1973).
6. *Planned Parenthood of Central Mo. v. Danforth*, 428 U.S. 59, 67 (1976).
7. *Ibid.* p. 91 (concurring opinion of Stewart and Powell, JJ).
8. Plante, “An Analysis of Informed Consent,” 36 *Fordham Law Review* 639 (1968).
9. *E.g.*, *Scott v. Bradford*, 606 P.2d 554 (Okla. 1979).
10. *E.g.*, N.Y. Public Health Law sect. 2805-d (1).
11. 251 Minn. 427, 88 N.W. 2d 186 (1958).
12. See Robert Byrn, “Compulsory Lifesaving Treatment for the Competent Adult,” 44 *Fordham Law Review* 1 (1975).
13. 103 S. Ct. at 2500-501. The explanation of the nature of the procedure seems to be within “the obstacles” condemned by the Court. It may be, however, that the court referred only to the risks. If so, then a rule of reason prevails; the physician’s judgment comes into play, and the condemnation is minimally defensible.



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14. Paul & Scofield, "Informed Consent for Fertility Control Services," 11 *Family Planning Perspectives* 159, 162 (May/June 1979).
15. *Corn v. French*, 71 Nev. 280, 289 P.2d 173 (1955).
16. 47 A.D.2d 306, 366 N.Y.S.2d 129 (1975).
17. 92 A.D.2d 131, 459 N.Y.S.2d 814 (1983).
18. *Ibid.*, pp. 132-133, 459 N.Y.S.2d p. 816 (1983). (Emphasis added).
19. *Ibid.*, pp. 132, 459 N.Y.S.2d p. 816.
20. *Ibid.*, pp. 136, 459 N.Y.S.2d p. 817.
21. *Kelly v. Gregory*, 282 App. Div. 542, 545, 125 N.Y.S.2d 696, 698 (1953).
22. *Lynch v. Household Finance Corp.*, 405 U.S. 538, 552 (1972).
23. Fineberg & Peters, "Amniocentesis in Medicine & Law," *Trial Magazine*, February, 1984, pp. 54, 55.
24. *Group Health Insurance Ass'n v. Blumenthal*, 453 A.2d 1198, 1206-07 (Md. 1983).
25. Fineberg & Peters, *op. cit.*, p. 55.
26. *Delaney & Krafte*, 98 A.D.2d 128, 470 N.Y.S.2d 936 (1984).
27. *Ibid.*, pp. 129, 470 N.Y.S.2d p. 937.
28. Fineberg & Peters, *op. cit.*, p. 55.
29. Kleinman, "When Abortion Becomes Birth: A Dilemma of Medical Ethics Shaken by New Advances," *N.Y. Times*, February 15, 1984 p. B1.
30. *Ibid.*
31. *Prince v. Mass.*, 321 U.S. 158, 166-67 (1944).
32. See J.P. McFadden, "Toward the New Future," *The Human Life Review*, Vol. IX, No. 4 p. 5 (Fall, 1983).
33. See Robert Byrn, "Manipulating the Terms of Life," *The Human Life Review*, Vol. VI, No. 2. p. 59 (Spring, 1980).
34. Connelly, "Medical Morality," *N.Y. Daily News*, February 20, 1984 p. 25.
35. See Kleinman, *op. cit.*
36. See *e.g.*, *Berman v. Allan*, 80 N.J. 421, 404 A.2d 8 (1979); *Becker v. Schwartz*, *op. cit.*
37. *Hollis v. Commonwealth*, 652 S.W.2d 61 (Ky. 1983).

# Abortion as Primitive Behavior

Allan C. Carlson

**T**HE DISCIPLINE OF ANTHROPOLOGY took shape in the 19th century, one symbol of the triumph of scientism over the Christian dogmas that had long dominated the universities. Through the study of primitive, non-Western cultures, anthropologists sought to catalogue the great diversity of human social behavior and to develop a comprehensive theory of cultural adaptation.

During the early decades of the discipline, abortion drew the scientists' attention as characteristic of "primitive" behavior, a sure sign of savagery. However, this informal consensus on the meaning of abortion shifted during the years between the two world wars. Rather than an example of primitive social arrangements, abortion was recast as a "universal" human event, even a "tool" to be used for reasoned social purposes.

Understanding this change offers insight into the moral lassitude endemic to the social sciences. More directly, it reveals a basic shift in intellectual fashion during the 1920's and '30's which helped to make the abortion reform movement of the 1960's and '70's possible.

## The Evolutionists, and Abortion Among the Savages

While purposefully jettisoning Christian principles as standards of judgment, the early generations of anthropologists unconsciously snuck back in the teleological aspect of the Judeo-Christian world view, calling it cultural evolution. There were "lower" and "higher" cultures, these intellectual pioneers argued, and specific human societies could progress from the former to the latter. Material change was the stimulus in this process: technological advances and improved standards of living allowed the emergence and refinement of moral sensibilities.

Edward Westermarck of the University of London explored in detail this evolutionary understanding of morality. In his monumental 1912 work, *Origin and Development of the Moral Ideas*, Westermarck stressed that "there is no absolute standard of morality." Rather, moral concepts

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were based on animal emotions, refined over time into human moral codes. The “germ” of “moral resentment,” for example, was found “among social animals capable of feeling sympathetic resentment.” Marriage resulted from “an instinct derived from some ape-like progenitor.”

As “the civilized mind” evolved, Westermarck insisted, moral progress ensued. Marriage became more durable; life more valued. The highest, most generalized stage of the moral sense, Westermarck implied, was found among the European peoples. These were the “civilized” nations toward which the “lower” and the “semi-civilized” might someday move.<sup>1</sup>

Turning to the practices of fetal- and child-murder, Westermarck found it “usual” among “a great number of uncivilized people” to kill an infant if it was illegitimate, deformed, diseased, a twin, or in any way odd or “unlucky.” Among “the lower races,” the author added, infanticide was practiced on a large scale and he culled hundreds of examples from the relevant literature: in Madagascar, infants born in March or April, during the last week of a month, or on a Wednesday or a Friday were exposed, drowned, or buried alive; on the Society Islands, two-thirds of all children were killed by their parents; the Hakka tribe in China put their baby girls “to a cruel death” in order to induce the soul to reappear as a boy; and so on. Yet, true to his interpretation, Westermarck added that “the wholesale infanticide of many of the lower races is in the main due to the hardships of savage life.” With material progress and greater economic security, he continued, the resort to infanticide diminished.

The “same considerations,” he said, impelled the practice of abortion, “to destroy the fetus before it has proceeded into the world from the mother’s body.” Westermarck noted, though, that abortion was “extremely common” even among “more civilized nations.” In India, a country where “true morality is almost unknown” but where the law was rigorous and vigilant, criminal abortion was “an act of almost daily commission”; in Persia, “every illegitimate pregnancy ends in abortion.” It was only among the Western Christian nations—where a “previously unheard of,” apparently “healthy” commitment to the sanctity of infant life had emerged—that infanticide and abortion were, until recently, treated as capital crimes.<sup>2</sup>

Other scholars put a finer point on the evolutionary argument. A. E. Crowley argued that infanticide and abortion tended to decrease with

greater “social consciousness of [the need for] augmenting the birthrate” and with “the passage from a natural to an artificial method of subsistence.”<sup>3</sup> Nathan Miller maintained that with “progress in the arts of life,” abortion “becomes frowned upon and is henceforth perpetrated in secret.” With further economic development and the emergence of “more complex and highly developed societies,” abortion and infanticide “become ‘immoral,’ because inexpedient and unnecessary. . . .”<sup>4</sup>

Indeed, Miller took the evolutionary argument one step further and identified relative civilizational levels for the act of child-killing. The “most primitive,” “backward” forms of infanticide and abortion were found in tribes where the processes were totally unrestrained, where each woman had absolute freedom to commit either act. Infanticide, in particular, was the mark of “simpler,” “primitive” societies. Quoting another source, Miller noted that the primitive Paraguayan Indians defended their “right to procure abortion and kill the newly-born whenever they willed it. They claimed a right to the life which they had given.” The Fuegians, “a very backward group,” practiced abortion out of fear of being incommodated “in their huts and canoes by the newcomers.” Akamba women of East Africa were particularly “frivolous,” seeking freedom from “the unwelcome burden” weighing down their bodies in order to participate in “the dances of the young people.”<sup>5</sup>

Slightly less backward, Miller suggested, were those nomadic tribes—*e.g.*, aborigine Australians—which killed their children in times of drought or when travelling over long distance, and the vast number of tribes which destroyed crippled or diseased infants. At least they had rational reasons, Miller maintained. More progressive still were those societies which condoned abortion only to destroy the issue resulting from other immoral acts: *e.g.*, incest, coitus between a free girl and a slave, or between a native and a prostitute. At the highest civilizational stage, as in the West, the emergence of a modern economy freed women from the necessity of other labors and allowed for modern child care practices.

Alongside this comfortable vision of progress, though, Miller fretted about the growing use of birth control in the West. With a note of disapproval, he attributed this practice to “a desire, mainly, to preserve extremely artificial and refined standards of life which have always been threatened by a surplus of children.”<sup>6</sup>

On The “Universality” of Abortion

Yet the whole evolutionary school was soon to be blown out of the water, as cultural relativism—the methodological core of modern anthropology—was carried to its necessary, logical conclusion. The critical work in the process relative to the elimination of children was Herbert Aptekar’s *Anjea: Infanticide, Abortion and Contraception in Savage Society*, published in 1931.

In contrast to what came before, this volume was militantly secular in outlook and refreshingly honest about the practical consequences of relativism. In a Foreword, Harry Elmer Barnes expressed pleasure “that science has at last destroyed any possible basis for the belief in a literal immortality and history has made clear the crude human origins of this doctrine of a future life.” Arguing that “Man is an animal,” Aptekar himself stated that “good” and “bad” were words fraught with religious significance, and that consideration of contraception and abortion ought to be “as far removed from religion as the sun is from the earth.” Moral terminology of any kind—“good” versus “bad” or “higher” versus “lower”—“must” be eliminated relative to the practices of birth control and abortion. Nor was there any *moral* difference between the two procedures: “Apart from method, further distinctions between birth control and abortion are matters of causistry . . . their end results are identical, as are the purpose for which they are employed.”<sup>7</sup>

From this perspective, Aptekar denied the evolutionary argument. Rather than a “primitive” act, he cast abortion as common and universal to all societies. As evidence, the author cited a study estimating that 300,000 abortions occurred annually in France, 400,000 in Germany, and 1,000,000 in the USA, despite the illegality of the act. Similarly, there were numerous “primitive” societies—including several in the Congo region, the Ba Padi, and the Kabyles—which looked with revulsion upon abortion and banned the act, sometimes at penalty of death. Hence, the assumption of unilateral moral progress resting on material advance was simply wrong. As Aptekar concluded: “One cannot explain the *practice* of abortion in terms of a peculiar kind of economic life . . . and one cannot explain the ban upon this usage in terms of economic or other cultural advancement. . . .”

He added that even the Malthusian argument—that abortion and infanticide were “checks” against overpopulation—proved false in the

face of the vast cultural complexity, apparent irrationality, and widespread social uses of these acts. Twins, for example, were killed in many societies because they were considered bad omens. Children who cut their first tooth on the upper jaw were killed by the Igbirras of Northern Nigeria. Tasmanian women deserted their babies to suckle puppies, as the latter were considered to be of higher value.<sup>8</sup>

Rather, the use of abortion was a matter of history and cultural choice. There were no such things as moral progress and cultural growth; only *change*, directionless and morally neutral, occurred. The myth of progress on the abortion question, he showed, derived primarily from the Western world's peculiar historical choices: specifically, adoption of the Christian belief (phrased by Tertullian) that "the prevention of birth is a precipitation of murder." Now freed from the blind prejudices of religion, Aptekar could see the striking similarity between "primitive" and "modern" societies. Indeed, he implied that such categories were no longer of much use: all cultures were, in moral terms, equal.

The task now facing scientists was to recast abortion and contraception as "instruments laden with infinite sociological possibilities," to be used as "social steering wheels" serving "social purposes." Soviet Russia, he noted, had alone among Western nations taken "a sane attitude" toward abortion by setting aside hospitals where the procedure could be safely performed. He urged greater "scientific awareness of the far-reaching implications of the control of births."<sup>9</sup>

Yet curiously, just below this coolly rational, seemingly pro-abortion approach, the coals of traditional belief still burned in Aptekar's soul. To begin with, the author found himself personally unable to embrace infanticide as an option, despite its also clear, scientifically and morally indistinguishable linkage to abortion. Objectively viewed, he admitted, the act of killing a child was "much simpler than abortion and contraception" and even simpler than abstention. Yet even granting this, he insisted with little logic but considerable emotion that "Here, if anywhere, is a bit of behavior natural to primitive man."

Second, and more intriguingly, Aptekar himself was a closet pronatalist and eugenics advocate, a common figure among social scientists of the interwar period. He fretted that the low birthrates being experienced by the European peoples meant that they had begun "a slow dying-out process." It "must be proved," he said with a heady dose of

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wishful thinking, that birth control could have “as salutary effects upon the population of Western Civilization as in its individual use.” He did admit that, “so far,” the evidence was to the contrary. Turning to eugenics, Aptekar blasted “antiquated laws” in the U.S. which impeded “intelligent efforts to equalize the most uncalled for differences in the birth rates of the laboring and upper classes.”<sup>10</sup>

As a slightly tragic, still transitional figure, Aptekar lost his argument in a tangle of contradictions.

The next step in the intellectual chain came in 1955, with the publication of French anthropologist George Devereux’s *A Study of Abortion in Primitive Societies*. Like Aptekar, he aimed to show the diversity and variability of human behavior, the infinite “plasticity” of acts such as abortion, the universality of abortion whether measured by time, space, or level of physical comfort, and “the psychic unity of mankind.” Unlike Aptekar, Devereux abjured overt ideologizing, being content merely to catalogue the vast array of motives for and means of securing abortion: from the Papuans of Geelvink Bay who declared “children are a burden and we get tired of them,” to the fetus-cannibalism of the *Ngali* and *Yumu*, to the pregnant girls of the Admiral Islands who aborted to save their current lovers from being killed later on by their husbands.<sup>11</sup>

It was only in his 1976 edition that Devereux acknowledged his true purposes. To begin with, he argued in his new Foreword, the “sanctity of life” doctrine was corrupt and mean-spirited, being “invoked exclusively in order to justify the wanton prolongation of pain and stress.” Indeed, he claimed an inability to “follow such ‘reasoning’ . . . even if I could grasp the (alleged) meaning of the word ‘sanctity’ in any operationally meaningful way.” Devereux added that we all lived “in a world in which the aborting of a predictably normal child by a healthy woman can be held to be *the lesser of two evils*. . . .” Rather than legal recognition of abortion as a primitive or barbaric act, he insisted, the branding of abortion as a crime “seeks to sidestep . . . our obligation to create the kind of world . . . into which it would be *good* to be born.” Society, not the abortionist, was the true criminal.<sup>12</sup>

With a note of angry triumph, Devereux concluded by remarking that, until 1971, “I could not obtain a hearing for *anything* I wrote. Since then, the tide has turned. . . .” His books, he noted, were now being reprinted; obscure, older articles on the universality of abortion were being resur-

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rected and distributed widely. The Western world finally understood! To be sure, his new popularity symbolized a basic shift in ideas: abortion was no longer cast as “primitive” behavior. Indeed, there was, in a moral sense, no longer any such thing as primitive behavior. For universalized, modern man, only “choice” remained.

**The Moral of the Story**

What lesson is to be garnered from this tale of a change in scientific perceptions? It is one hardly new, but a lesson which we in the West seem condemned to relearn again and again. Simply put, once science—or indeed, any system of thought—is cut off from the source of Absolute Truth, there are no enduring standards, there is no morality, and there can be no such thing as progress. Such terms, in fact, lose any epistemological justification.

The only human journey left is toward that nihilistic pit where human beings “give themselves laws,” where they “create themselves,”<sup>13</sup> and where they treat abortion as a social tool to be used in the pursuit of human ends.

NOTES

1. Edward Westermarck, *The Origin and Development of the Moral Ideas*. Two volumes (London: MacMillan and Company, 1912); Vol. I: pp. 20, 124, 131; Vol. II: pp. 397, 434.
2. *Ibid.*, Vol. I, pp. 394-414.
3. A. E. Crowley, “Foeticide,” *The Encyclopedia of Religion of Ethics*; quoted in: Herbert Aptekar, *Anjea: Infanticide, Abortion and Contraception in Savage Society* (New York: William Godwin, Inc., 1931), pp. 137-38.
4. Nathan Miller, *The Child in Primitive Society* (New York: Brentano's, 1928), pp. 32, 36, 49.
5. *Ibid.*, pp. 32, 35-36.
6. *Ibid.*, pp. 34-35, 38, 50.
7. Herbert Aptekar, *Anjea*, pp. v, 173, 187.
8. *Ibid.*, pp. 64-72, 136-38, 151-53, 173, 180, 182-88.
9. *Ibid.*, pp. 175, 188.
10. *Ibid.*, pp. 25, 156, 176-77, 185.
11. See George Devereux, *A Study of Abortion in Primitive Societies* (New York: The Julian Press, 1955), pp. 7-55.
12. George Devereux, *A Study of Abortion in Primitive Societies* (New York: International Universities Press, 1976), pp xi-xiv.
13. Friedrich Nietzsche, *The Gay Science*, trans. Walter Kaufman (New York: Random House, 1974), pp. 265-66.



## On Rape, Incest and the Right to Life

*Basile J. Uddo*

**P**ERHAPS THIS ESSAY should have been called “The Good Fortune of Jane Roe’s Baby, and What Baby Roe Would Think about Abortion,” but that would be a very long title for a brief story. In fact, few Americans know anything about the woman who, acting under the pseudonym “Jane Roe,” helped give us the most liberal abortion laws—non-laws really—in the Western World. Nor was much known about her in 1973, when the U.S. Supreme Court used “her” case, *Roe v. Wade*, to legalize nationwide abortion on demand: she was a legal fiction, a pawn used by the attackers of Western civilization’s traditional abhorrence of abortion. For all anyone could tell from reading *Roe*, Jane Roe herself was less real than the child she hoped to abort. (Even less well-known is the fact that Baby Roe was *not* aborted, as I shall explain.)

Recently, Jane Roe has surfaced in her real persona—Norma McCorvey.<sup>1</sup> The story she tells is the classic “hard case,” the kind of scenario that weakens the resolve of even the most ardent abortion opponent. Norma McCorvey, then working as a cashier in a travelling carnival, claims to have been gang raped by three men.<sup>2</sup> Admitting her life was in no danger from the pregnancy, Miss McCorvey was unable to obtain a legal abortion. She was, however, quick to find two abortion ideologues—Sarah Weddington and Linda Coffee<sup>3</sup>—who were willing to use Norma McCorvey as the foil to attack the unborn.

No doubt Weddington and Coffee, and the covey of pro-abortion activists who rallied around Jane Roe, felt they had the strongest possible case upon which to attack this nation’s anti-abortion laws—a victim of rape. And, of course, they succeeded in grand fashion. Yet even today, the question of abortion for rape, and its horrid cousin incest, is far from settled. Our purpose here is to explore the questions posed by such hard cases. But discussing abortion for rape and incest might indeed seem ludicrous at this point in the history of the struggle over abortion. Given

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recent judicial and congressional setbacks to anti-abortionists, abortion-on-demand seems secure for some disturbingly-long time to come. How dare we quibble about rape/incest abortions while even “sex-selection” abortions are being performed with the full support of the law?

We dare to because the one evidently certain constitutional limit that can be placed upon abortion is the denial of public funding—and every funding restriction so far debated or passed has met with tendentious demands for rape-and-incest exceptions, sometimes to the complete evisceration of the funding ban. We dare to, also, because attempts at congressional statutory restrictions of abortion—human life bills—are also attacked for failure to except hard cases. So too will renewed efforts for some form of constitutional amendment. Finally, we dare to, because the trump card of the anti-abortion movement is education, and education on the hard cases is indispensable to promoting full protection of the unborn.

How then should we think about rape and incest abortions? What follows will, we hope, provide a kind of primer for thinking about the problems involved. There are, however, two important ground rules for proper reflection upon such serious matters: First, opponents of abortion should never minimize the real horror and violation of rape. Rape is a terrible crime of violence, whose victims suffer greatly; they must be treated with care and concern, and a genuine desire to help. Rape victims do not invite the crime, and must not be treated as though they had. All of this is even more true of incest.

The second ground rule is that anti-abortionists should never apologize for, or hesitate over, their opposition to rape/incest related abortions. To suggest that any lives are expungable for lesser reasons than the prevention of the mother’s death compromises the basic premise for opposing abortion. Consequently, suggesting that the anti-abortion movement would be satisfied with stopping all abortions except in rape and incest cases is a self-defeating proposition. How then does one oppose—in good conscience—rape and incest abortions? Let me put forward several propositions.

PROPOSITION #1:

*The context of conception does not enhance or diminish one’s human dignity or right to life*

Ethel Waters, the famous Black actress, put it well when she said: “Some people disclaim their natural habitat. I always named my origin. It didn’t

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hold me back and neither did my color. I was born in poverty. My father raped my mother when she was twelve years old. I was born out of wedlock.” Morally, the value of life should not be determined by the context of conception. Rape and incest are indeed abominable crimes, but the unborn child is not the criminal. As difficult as the pregnancy might be, it is incomparably less evil than destroying innocent human life. Dr. Bernard Nathanson summarized the issue quite well in *Aborting America*:

If a part of a human community were not at stake, no woman should be required to undergo the degradation of bearing a child in these circumstances, but even degradation, shame, and emotional disruption are not the moral equivalent of life. Only life is.<sup>4</sup>

Nothing more really need be said, for as Nathanson puts it so well, the only moral equivalent of life is life itself. Consequently, there is no moral basis for claiming that a perfectly normal child who happens to have suffered a terribly unfortunate conception forfeits his life because of the crime of another. Indeed “degradation, shame, and emotional disruption are *not* the moral equivalent of life.”

#### PROPOSITION #2:

*Rape pregnancies—and to a lesser extent  
incest pregnancies—are a rare occurrence*

How often pregnancies occur from rape is not really relevant to the moral case against rape exceptions. Yet, on the practical level, many people have great difficulty in properly evaluating the issue because of an unrealistic fear that such pregnancies are far more common than the data suggests. Certainly the most oft-asked question I have encountered in discussing this issue is how often such pregnancies occur. Understandably, compassionate persons are concerned about massive numbers of women suffering the emotional strain of rape-induced pregnancy.

Playing upon this compassion, many pro-abortionists have seriously distorted reality by claiming wide-spread instances of rape pregnancies. Former Senator Edward Brooke, for example, during a 1976 meeting of the Labor/HEW Appropriations Bill Conference Committee, made the statement that there were 10,000 rape-induced pregnancies *annually*,<sup>5</sup> a fabrication so distorted that even so radical a pro-abortionist as Dr. Willard Cates (then Chief of the Abortion Surveillance Branch of the Centers for Disease Control) had to retort: “I know of no good studies documenting this [10,000 figure] . . . We don’t want this type of misinformation attributed to CDC.”<sup>6</sup>

The real story about such pregnancies has been admitted by even decidedly pro-abortion commentators:

A pregnancy conceived by forcible rape would probably head the list as the most often unwanted, *but it is such an unlikely event that it is not really relevant to an understanding of the reasons why women define certain pregnancies as unwanted.*<sup>7</sup>

Clearly the statistics support this conclusion. Great Britain has had legalized abortion long enough to have amassed some dependable statistics. One report found that of 54,000 abortions done in Britain in 1969 only 80 were done as a result of rape.<sup>8</sup> A similar Czechoslovakian study found only 22 allegedly rape-induced pregnancies out of 86,000 consecutive induced abortions.<sup>9</sup>

American experience confirms these foreign studies. A 1967 study in Chicago reported no pregnancies from confirmed rape in the prior nine years.<sup>10</sup> Similarly, Washington, D.C. in 1968 reported only one pregnancy in more than 300 rape victims.<sup>11</sup> One recent and excellent treatment of this topic has drawn together much of this data to conclude:

The findings of pregnancy [from rape] vary from an incidence of none (0) to 2.2 percent of the victims involved. In four of the studies no pregnancies were documented. *This included a large percentage of women at risk who for various reasons did not take any hormones such as DES.* Of interest is the work of Hayman, co-author of by far the largest study—2,190 female victims; Hayman states that “a very small proportion of patients became pregnant as a result of the assault.” Added significance can be attached to Dr. Hayman’s not recommending estrogen therapy, on the basis of his experience, as a standard procedure in treating victims of sexual assault. Editorializing in the *Annals of Internal Medicine*, he summarized the statistics as follows: “The probability of becoming pregnant or contracting syphilis or gonorrhoea is small, very roughly, from 1 in 200 to 1 in 50.”<sup>12</sup>

So overwhelming are the statistics that a New Zealand commission (on contraception, abortion and sterilization), which suggested a significant liberalization of New Zealand’s abortion law in 1977, recommended against allowing abortions for rape because the incidence of such pregnancies was too low, and the likelihood of false reports too high, to warrant a rape exception.<sup>13</sup>

The infrequency of rape-induced pregnancies is grounded in medical fact. There are several very sound reasons why rape so seldom results in pregnancy. Fundamental among these is the relatively low incidence of conception from *any* single unprotected act of coitus. Christopher Tietze places the occurrence of such conceptions at between one in 25 to one in

50, or two to four percent.<sup>14</sup> Yet rape conceptions would seem to be even lower.<sup>15</sup>

Incest, however, does present a somewhat different problem, primarily because incest often involves more than a single act of coitus effected under assault circumstances. In fact some incest relationships involve numerous acts of intercourse over substantial periods of time. Yet the logical likelihood of more pregnancies is very difficult to substantiate largely because there simply are not many reliable, pertinent data. And despite some contradictions in the data there are several sound studies that suggest an incidence of pregnancy similar to rape in its infrequency.

Dr. George Maloof, for example, reports that "incest treatment programs uniformly marvel at the low incidence of pregnancies from incest."<sup>16</sup> He cites the experience of the Christopher Street program in Minneapolis, which reported a one-percent pregnancy rate among 400 female incest victims.<sup>17</sup> Similarly, an incest treatment program in Santa Clara County, California, reported a less than one-percent incidence of pregnancies in 1,500 families treated.<sup>18</sup> A Washington State program reported no pregnancies.<sup>19</sup> Yet, as Dr. Maloof points out, some other studies have found dramatically-higher incidences of incest pregnancies, some as high as 18-20 percent.<sup>20</sup> Why the contradiction? The answer seems to lie in the age of the study: older studies draw on untreated cases of incest; new figures come from incest-treatment centers themselves, the point being that current awareness of the problem and efforts to treat the causes have succeeded in ending incestuous relationships before pregnancy occurs. The older studies of untreated cases arose in a context where pregnancy was seen by the victim as a way to disclose the relationship and end it, an act of desperation rendered unnecessary by prompt intervention and treatment. Consequently, in the present-day context, the incidence of incest pregnancies is evidently quite low.

PROPOSITION #3:

*The already insignificant chance of pregnancy can be reduced to zero through post-assault treatment*

At one time standard treatment for rape victims was to administer DES (diethylstilbestrol) to the victim within 72 hours of the attack, to prevent pregnancy. This is much less true today principally because it has become apparent that pregnancy is so unlikely. In fact the Hayman study

mentioned above<sup>21</sup> recommended that DES not be used because the chances of pregnancy are so slim, while the unpleasant side-effects of DES can be considerable.<sup>22</sup>

As with most contraceptives, the mode of operation of DES is in some doubt. Some suggest that though it is always given post-coitally, it can have the effect of preventing ovulation if the woman was near ovulation at the time of the attack. In this case any sperm that might reach the site of fertilization would be deprived of a ripe ovum, and would soon die. The far more general view is that DES prevents implantation of a fertilized ovum in the uterus after fertilization occurs.<sup>23</sup>

In either event the use of DES would be unaffected by anti-abortion legislation, be it by constitutional amendment, statute, or funding restrictions, even without rape/incest exceptions. In order for an anti-abortion provision to take effect there must be proof of an unborn child to protect. In the case of DES, its effect is limited to 72 hours after coitus,<sup>24</sup> too soon to confirm the very unlikely prospect of pregnancy.

PROPOSITION #4:

*The sacrifice asked—even when pregnancy occurs—is not unprecedented or inordinate*

No one can argue about rape/incest abortions without accepting the fact of some such pregnancies, and the practical reality of asking a woman to refuse abortion for the sake of her child. In short, can we ask the woman actually faced with the problem to accept the anti-abortion moral analysis? Can we ask her—indeed require her—to make what she may view as an extreme sacrifice, for what we say is a higher good? Has our society ever asked as much?

Indeed it has. For much of our history as a nation, with the approval not only of moralists but also the law, we have asked young men to sacrifice their freedom, their futures, even their lives, to defend their country in times of war. Even those conscientiously opposed to war have been asked—again with moral and legal approval—to substitute some form of national service. Similarly, we have required that parents be bound by child-abuse and child-neglect laws. Laws that mandate that parents care for and protect their children, despite economic, physical or psychological hardship—even to the point that parents cannot prefer their own lives to

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their children's. The justification is, of course, that higher good—the protection of innocent and defenseless human life.

PROPOSITION #5:

*Rape and incest pregnancies are easy to fake and hard to prove, and therefore such exceptions cannot be effectively limited*

In the practical realm, rape/incest exceptions are ill-advised because they would undeniably be the thin-edge of the wedge used to permit many abortions beyond those specified. While the point has been overstated, and has accounted for an unjustified callousness toward rape victims, it remains true that rape is a difficult crime to establish. Especially so when prompt reporting and examination are not made. Consequently, allowing abortion for rape invites a flood of bogus-rape abortions. So too, incest is often the woman's word against that of the alleged perpetrator.

The willingness of abortion providers to fudge on the indications for abortion has been well documented. Even before California liberalized its abortion laws, one study demonstrated that a large number of hospitals and physicians willingly performed abortions if rape was the alleged cause of the pregnancy, despite the fact that they were illegal abortions.<sup>25</sup> This professional malleability was underscored after California liberalized its abortion law and allowed rape as a justification. As one doctor put it: "Forcible rape is a problem at the present time in California because the presentation of false rape cases has increased. This is evidenced by the fact that among applications for therapeutic abortion for forcible rape in California, 19 percent were turned down by the committee in terms of their disbelief in the actuality of the forcible rape itself."<sup>26</sup> Presumably, the rejected cases were only the more blatant ones, and many others were not filtered out.

It is reasonable to assume that a rape/incest exception could never be contained, especially given the pro-abortion mind-set of many hospital staffs. This mind-set was vividly portrayed at a pro-abortion conference held in 1970, where one physician bemoaned the dramatic difference in abortion ratios between ward patients and private patients. His question was: "I am concerned as to whether we are really *recruiting* to make these services available to the poor."<sup>27</sup> Notice the word "recruiting," apparently a common practice, as indicated by another conference participant: "Dr. Guttmacher has proudly referred to the nearly equal ward and

private abortion rates at Mount Sinai Hospital. I would like to explain that as residents, *we beat the bushes to get cases for that committee so that he could get the ward ratio higher.*"<sup>28</sup> Could one really depend upon these people to apply carefully any kind of an exception, much less ones as malleable as rape/incest?

A rape exception would also present another significant problem: How should rape be defined? Forcible rape? Statutory rape? All "felonious intercourse," as the infamous Model Penal Code says? There is an enormous difference between concern for the pregnant victim of real forcible rape and the young girl impregnated by her slightly-older boy-friend in an act of consensual intercourse. Yet many proponents of a rape exception fail to distinguish between such cases.

PROPOSITION #6:

*Rape exceptions create distrust and suspicion and harm all victims whether or not they become pregnant*

Few would doubt that the traditional difficulty in obtaining rape convictions, and in sensitizing the population to its victims, has emanated from a suspicion about the truth of the allegation of rape.<sup>29</sup> It is only recently that critics of these problems have begun to persuade prosecutors, and the public, that rape must be taken seriously as a violent crime. Surely, exceptions for rape in any form of anti-abortion legislation or policy would do damage to the progress made in this area. Such an exception would place a premium on lying, and would thereby increase the motivation for, and number of, false allegations of rape. Consequently, the credibility of the ninety-eight-plus percent of rape victims who do *not* become pregnant would be seriously damaged: they would be subject to the shabby treatment of the more suspicious past—surely an unfortunate result of creating an exception for which there is little if any practical need.

PROPOSITION #7:

*Incest is more likely to be prolonged by the availability of abortion and thereby do more harm to its victims*

The availability of abortion at all, much less specific exceptions to restrictive laws, is a totally misguided response to a very serious problem. It should be made quite clear that abortion is never a treatment for incest. In fact, the quick disposal of the "evidence" of incest could well subject



the victim to continued exploitation. Indeed, it is reported that some women—usually young girls—actually try to, or hope to, become pregnant as their escape from a situation they do not understand, but deeply fear. Very often attempts to seek help from family members or others is rebuffed, ignored or suppressed. Only pregnancy validates the girls predicament. Accordingly, the perpetrator would certainly have an interest in a quick, quiet, cheap abortion to disguise his crime, and allow him to continue with the incestual relationship.<sup>30</sup> What incest demands is intervention and multi-faceted treatment. As noted, this approach not only treats causes rather than symptoms, but it can prevent pregnancies, and negate any need for an incest exception. Recall the earlier comments<sup>31</sup> about the discrepancies between the low pregnancy figures from incest treatment centers as compared with the higher figures from studies where early intervention and treatment evidently did not exist. In Dr. Maloof's opinion, pregnancies were more likely "when the community was less sensitive to reacting to a possible incest situation and when treatment programs which allow families to work together were not available."<sup>32</sup> Abortion does not stop the problem, but treatment can. Encouragement of early intervention and treatment, rather than abortion, makes good sense. Easy abortion makes no sense, especially because, unlike rape, incest pregnancies are seldom revealed until the second trimester when abortions become significantly more dangerous. Hence, an incest exception would invite the infliction of even greater harm on the already traumatized victim.

PROPOSITION #8:

*The appropriate human response to rape and incest is multi-faceted support, not abortion*

Abortion is to rape and incest what morphine is to pain—a temporarily-relieving, woefully-inadequate response to something serious. The immediate benefits only mask the deeper wounds. A physician would never "treat" his patient only with morphine unless his was a hopeless case. To "treat" rape and incest pregnancies with abortion is a way of saying these women are hopeless cases—violated, tainted, damaged goods, for whom abortion is a way to scrub away the "Scarlet Letter,"<sup>33</sup> little more being possible for these "ravaged" victims.

Of course, this need not be the case. As awesome and horrible as these

crimes may be, the victim need not be degraded by being asked to take her child's life as a response. These women can and should be treated with dignity and love. They can be helped as whole persons, not simply as bearers of bad memories that must be extinguished. Some sensitive counsellors have dared to suggest that both rape and incest are problems larger than pregnancy, which call on us as creative, loving beings to find a better way to treat their victims. That better way seems apparent in a commitment to societal change that can stem the problem, and, when it does occur, in a commitment to competent counselling, broad-based support—emotional, physical and financial—and development of dignified alternatives such as adoption.<sup>34</sup>

There is no doubt that rape and incest are among the most controversial issues in the already-controversial abortion debate. Yet much of the controversy stems from ignorance and emotion, not from reality. The significant problems that these crimes present are in no way ameliorated by the availability of abortion. In fact, abortion is a hindrance to more sensitive, caring, and integrated treatment. The human response to the very real problems of rape and incest is complex and challenging. It requires understanding, care, and compassion; it substitutes life-giving for death-dealing; it treats the women with respect—not embarrassment or revulsion. It accepts the children of these crimes as children, not as monsters; it clothes them with human dignity, not deadly revulsion.

No matter how few are the pregnancies from these crimes, they must be viewed as the clearest examples of genuine “problem” pregnancies, which our society has not done well in understanding or providing for. A new attitude must emerge, one emphasizing that the considerable difficulty involved in helping other human persons is well worth it, especially when, in every case, not only will an innocent woman be spared compounded degradation, but an equally innocent human life will be spared.

“Jane Roe,” Norma McCorvey, said she was raped back in 1969. She thought she should be able to abort her child. But because the wheels of “justice” turn slowly, she was not able to reap the “benefits” of the victory won in her name. Her child, “Baby Roe,” was born. And Miss Roe/McCorvey, despite her defense of what she did, let slip something very human when she reflected on what are the real stakes in the brutal abortion battle:

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'It will be 13 years this May since I gave birth at Dallas Osteopathic,' she recalls, 'but I must tell you that almost every day, when I drive to the job and see kids in a playground or walking to school, I can't help wondering if maybe one of them isn't the one I gave away.'<sup>35</sup>

Fortunate the child of Jane Roe, child of rape, who today lives, and could well be playing in a Dallas playground. Fortunate that she was given away. How fortunate she is to have life—not because her mother wanted it so, but because the law, back then, would have it no other way.

## NOTES

1. "Parade's Special Intelligence Report," *Parade Magazine*, May 8, 1963 p. 8.
2. *Ibid.*
3. *Ibid.*
4. B. Nathanson, *Aborting America* (Doubleday Co., 1979) p. 239.
5. "Rape and Incest Exception Not Needed and Unwarranted," published by National Committee for a Human Life Amendment (1977) pp. G 2 - G 3.
6. *Ibid.* p. G 3.
7. N. Lee, *The Search for an Abortionist*, (University of Chicago Press, 1969), p. 149. (Emphasis added).
8. Registrar General's "Statistical Review of England and Wales for 1969" (London: 1971, H.M.S.O.), cited in R. Gardner, *Abortion: The Personal Dilemma* (Eerdmans, 1972) p. 169 n. 10.
9. B. Willke & J. Willke, *Handbook on Abortion* (Hayes Publishing Co., 1979) p. 40.
10. Diamond, "ISMS Symposium on Medical Implications of the Current Abortion Law in Illinois," *Illinois Medical Journal* (May, 1967), pp. 677-680.
11. Hayman, Stewart, *et al.*, "Sexual Assault on Women and Children in the District of Columbia," *Public Health Reports* (December, 1968) pp. 1021-28.
12. S. Makhorn & W. Dolan, "Sexual Assault and Pregnancy," appearing in *New Perspectives On Human Abortion*, T. Hilgers, *et al.* (ed) (University Publications of America, 1981) p. 188. [Hereinafter cited as *Makhorn & Dolan*]. See also, Fujita & Wagner, "Referendum 20—Abortion Reform in Washington State," in H. Osofsky & D. Osofsky, *The Abortion Experience: Psychological and Medical Impacts* (Harper & Row, 1973). The authors report on 524 women receiving abortions at Harborview Hospital under Washington's then new liberal abortion law. Only 3, or 0.6%, were reportedly done to end a rape-induced pregnancy.
13. Report of the Royal Commission of Inquiry into Contraception, Sterilization and Abortion (New Zealand, 1977).
14. C. Tietze, "Probability of Pregnancy Resulting from a Single Unprotected Coitus," in *Fertility and Sterility*, pp. 485-88 (1960).
15. This is true because not every legally defined rape—defined as penetration—results in ejaculation. Consequently, legal rape may occur without the presence of sperm. Also militating against pregnancy is the unlikelihood of an attack occurring during the 1-3 day period in a victim's menstrual cycle when ripe ovum and viable sperm could produce conception. Moreover, even rape on the day of ovulation has only a 1 in 10 chance of pregnancy. See *Makhorn & Dolan, supra* note 10 p. 189. In addition to these already scant odds there is reason to believe that the trauma of a sexual assault might inhibit ovulation even if it would have otherwise occurred. This finding was first suggested by a goulsh Nazi experiment wherein women who were about to ovulate were subjected to realistic mock gas-chamber executions and then examined to see if the experience affected ovulation, which it did, very often inhibiting it altogether. Hellgers, U.S.C.C. Abortion Conference, Washington D.C., October 1967, cited in Mecklenburg, "The Indications for Induced Abortion: A Physician's Perspective," appearing in *Abortion and Social Justice*, T. Hilgers and D. Horan (ed.) (Sheed & Ward, 1972) p. 49. See also, D. Granfield, *The Abortion Decision* (Doubleday, 1969) p. 112. Two other very significant factors support an incidence of rape pregnancy far below the Tietze data on unprotected coitus. First, large numbers of victims are in fact protected in the sense that they may have been surgically sterilized, had a previous hysterectomy, were using some form of passive contraceptive, or were otherwise infertile. See *Makhorn & Dolan, supra* note 10 p. 189. Second, a growing body of data shows a high incidence of sexual dysfunction among sexual assailants including erectile and ejaculatory dysfunction, sufficient to minimize the likelihood of vaginal ejaculation. *Ibid.* p. 188. Given these many and varied obstacles to conception it is easy to understand the extremely low incidence of pregnancies conceived through rape.

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16. G. Maloof, "The Consequences of Incest: Giving and Taking Life," appearing in *The Psychological Aspects of Abortion*, Mall and Watts (ed.) (University Publications of America, 1979) p. 74.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.* pp. 74-75.
21. *Makhorn & Dolan, op.cit.* note 10.
22. *AMA Drug Evaluations* (American Medical Association, 4th ed., 1980) pp. 701-02.
23. Aref & Hafey, "Postcoital Contraceptives" appearing in *Human Reproduction: Conception and Contraception*, E. Hafey (ed. 1980) p. 751.
24. *Ibid.*
25. Packer & Gampbell, "Therapeutic Abortion: A Problem in Law and Medicine," 11 *Stanford Law Review* 417, 435-44 (1959).
26. Overstreet, "Abortion and Obstetrics. The Means of Determining the Legitimacy of Requests for Abortion," appearing in *Abortion in a Changing World*, J. Hall (ed.) (Columbia University Press, 1970). Vol. 2 p. 74.
27. *Ibid.* p. 81 (emphasis added).
28. *Ibid.* pp. 81-82 (emphasis added).
29. See e.g., Margolin, *Rape: The Facts*, "3 Woman: A Journal of Liberation" pp. 20-21, cited in Sagarin, "Forcible Rape and the Problem of the Rights of the Accused," in *Forcible Rape: The Crime, the Victim and the Offender*, D. Chappell, et al. (ed.) (Columbia, 1977) p. 155.
30. See notes 14-18 and accompanying text.
31. Maloof, *supra* note 14.
32. *Ibid.*
33. The "Scarlet Letter Syndrome" is effectively discussed and criticized in Makhorn and Dolan, "Sexual Assault and Pregnancy" appearing in *New Perspectives on Human Abortion*, T. Hilgers et al. (ed.) (University Publications, 1981) p. 192.
34. On responses to rape pregnancies see Makhorn, "Pregnancy and Sexual Assault" appearing in *The Psychological Aspects of Abortion*, Mall and Watts (ed.) (University Publications, 1979) p. 53. On incest pregnancies see Maloof, *supra* note 14 p. 73. See also K. Meiselman, *Incest: A Psychological Study of Causes and Effects with Treatment Recommendations* (Jossey-Bass, 1979) p. 331 et seq.
35. *Parade Magazine supra* note 1.

## Judicial Infallibility?

*Harold O. J. Brown*

*What I have written, I have written.*  
—PONTIUS PILATE

**A**PART FROM JESUS CHRIST himself and his mother, the Virgin Mary, the early Christian Apostles' Creed mentions only one other person by name: Pontius Pilate, Roman governor of Judea under the Emperor Tiberius Caesar (A.D. 14-37). Although Jesus was charged by fellow-Jews with offenses against the Law of Moses, he was condemned to death by the Roman, Pilate. Under the Roman occupation, the local Jewish authorities did not have the right to pass a death sentence. Pilate explicitly recognized that Jesus had done nothing deserving of death under Roman law (John 18:38), and made repeated but ineffectual efforts to release him (John 19:12). In handing Jesus over to be crucified, Pilate was certainly not acting in accordance with either Jewish or Roman principles of justice, but simply yielding to political pressure in the form of threats to discredit him with the Emperor Tiberius. He did so against the advice of his wife, who was connected with the imperial family, and who pleaded with him to spare Jesus (Matthew 27:19). We can only speculate about what Pilate himself thought of his own conduct; the evangelist John has recorded for us his cynical remark to Jesus, "What is truth?" (John 18:38). Before he made his bad decision, Pilate assumed the posture of a moderate, fair-minded man, unwilling to be bound by dogmatism of any kind. But once he had handed down his flawed judgment, he suddenly adopted the position that his decree was infallible. As Jesus still hung suspended and dying from the cross, the Jewish chief priests objected to the superscription that Pilate had placed on it: Jesus of Nazareth the King of the Jews (John 19:19). To their protests, Pilate gave a succinct reply, "What I have written, I have written" (John 19:22). Before he sent Jesus away to be killed, Pilate had claimed that truth is unknowable; after doing it, he claimed that his own word was ultimate and final.

The trial and execution of Jesus was not the only situation in which

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the unfortunate Pilate combined injustice with bad judgment. His ineptitude eventually came to the attention of the Emperor in far-off Rome, and he was removed from his governorship. His career receives only the barest mention in Roman official sources. The pagan world of his day was incapable of recognizing the atrociousness of his actions. It thought hardly at all of Jesus' claims to spiritual authority and doubtless even less of the abstract principles of justice that were violated by his execution. Although the words came from his High Priest Caiphas, official Rome certainly had no difficulty accepting "that it is expedient for us, that one man should die for the people" (John 11:40). In the exercise of his official functions, Pontius Pilate was an undistinguished mediocrity. Imperial Rome consigned him to oblivion. But his deed, as it turned out, had a magnitude far exceeding any official act of his master, the Emperor Tiberius. It is Pilate's name that is remembered, pronounced millions of times daily all over the world whenever Christians recite the Apostles' Creed. Pilate's boast, "What I have written, I have written," his arrogant assumption that what he had done and said was permanent and not to be challenged, has proved true in a way that he certainly could not have imagined. What he wrote remains written, but not in the histories of imperial Rome. Instead, it is found in the Christian Gospel, and constitutes one of the reasons why the Roman Republic, founded with such high ideals of justice, came to be seen as the epitome of oppression, injustice, and ultimately, of degeneracy. Today, not many people recognize the name of the Emperor Tiberius, but virtually everyone in Christendom would recognize that of Pontius Pilate, the man who claimed not to know what truth is, and then proceeded to treat his own statements as infallible.

No one knows what the future holds, and certainly not whether twenty centuries from today there will still be a world to remember the American republic, and historians to write about it. But if there is still a world with historical memories, twenty centuries from now, is it possible that what will be remembered from the events of our days will not be the names of individual presidents, who succeed each other so much more rapidly than the early Roman emperors, but one grotesque decision, and perhaps even the names of those who, having made it, in effect repeated Pilate's boast, "What I have written, I have written"?

King Herod I, an otherwise undistinguished petty monarch, a puppet

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ruler under the Roman *imperium*, is remembered not for his intrigues, nor even for the new Temple he built (destroyed a few decades after his death), but for his efforts to protect his throne by the slaughter of innocent children. We do not know how many babies were killed by Herod's cruel decree, but in the light of the population of Bethlehem, it probably was not more than a few dozen. Nevertheless, he is remembered for it, far more than for his few accomplishments or his other crimes. In our own era, more than one anti-abortionist has drawn a parallel between the slaughter of the innocents at King Herod's bloody decree and the far more sweeping mass extermination of the unborn in consequence of a cruel decision of the United States Supreme Court. Whatever good the Court of Chief Justice Warren Burger has done and may yet do, whatever further errors and injustices it may yet perpetrate, it seems safe to predict that just as Herod is remembered for the slaughter of the innocents, the Burger Court, Chief Justice Burger, and his Associate Justice Harry A. Blackmun, will be remembered for the decision of which Blackmun is the author, *Roe v. Wade*.

After the destruction of a Korean passenger aircraft over the Soviet Union in September of 1983, the Soviet government made no apology or admission of fault or even of error. For the Soviet Union to apologize for the slaughter of civilian passengers and crew would be to undermine the fiction of benevolent omnipotence on which the Soviet system rests. For ordinary mortals, who do not claim to be infallible, admitting a mistake, or even a misdeed, may be painful, but it is not blasphemy. For those who claim infallibility, it is.

Opponents of abortion have sometimes expressed the hope that the Supreme Court may yet reverse itself on *Roe v. Wade*. A reversal is no doubt theoretically possible, but for *this* court, humanly speaking, it would appear practically impossible. In the person of its first female member, Associate Justice Sandra Day O'Connor, the Supreme Court gained an eloquent source of new insight. But it is significant that not one justice who voted for abortion in *Roe v. Wade* was willing to tolerate any diminution of abortion on demand. Of the seven justices who voted for *Roe v. Wade*, the remaining five unanimously reaffirmed their error in *City of Akron v. Akron Center for Reproductive Health* (1983). Probably not everyone who voted with the majority in *Roe v. Wade* is confident that his decision was right. Associate Justice Blackmun has from time to

time expressed doubts about it. Chief Justice Warren Burger is widely supposed to have inclined against *Roe v. Wade*. Indeed, certain misgivings are implicit in his *concurring* opinion. Although it is not productive to speculate about the motives of the several justices, Chief Justice Burger's evident uneasiness with the abortion decisions has promoted the suggestion that he reluctantly concurred in *Roe v. Wade* and again in *City of Akron* in order not to be in the minority and to be able to assign the writing of the majority opinion to a justice of his own choosing. If Burger did entertain such misgivings, then there is indeed a parallel to Pilate, who made a wrong decision of massive consequences against his own better judgment and personal inclinations.

Whatever one may speculate, in the actual event Burger concurred with the majority in *City of Akron*, even to the extent of rejecting the Akron ordinance's requirement for the "humane" disposal of fetal remains. (In this, our six justices went a bit beyond Pilate, who was willing to turn the body of Jesus over to Joseph of Arimathea for a decent burial.) It is hard to avoid the impression that the majority justices, having made one horrible decision, simply cannot entertain, even for a moment, the suspicion that they may have been wrong. Hence Associate Justice Powell, delivering the opinion of the court in *City of Akron*, in effect repeated Pilate's dictum: What we have written, we have written.

It is possible to suppose that in handing down *Roe v. Wade* in 1973, the Supreme Court did not anticipate the vast consequences that this decision would entail. In 1973 the court could claim, with a bare vestige of plausibility, that it could not know with certainty when human life begins. In addition, at least one member, Chief Justice Burger himself, could take refuge in the supposition that the medical profession would use its abortion liberty with great discretion and self-restraint. By 1983, the surviving members of the original *Roe v. Wade* majority, supported by the second-newest associate justice, John Stevens, might conceivably still claim that they do not know when human life begins. But they certainly cannot help but know where millions of human lives have ended since *Roe v. Wade*—in American abortion "facilities" declared to be both legal and safe, by that very decree. In crucifying Jesus, Pilate simply had to call him "the King of the Jews," for the execution could only be justified on the basis of a charge of fomenting rebellion. To have accepted any other designation would have been for Pilate to confess himself guilty



of judicial murder. In *City of Akron*, the *Roe v. Wade* majority simply had to continue to deny the humanity of the unborn, even to the macabre refusal of “humane disposal” for their remains, for to do otherwise would be tacitly to acknowledge complicity in mass extermination.

In the days of republican Rome, conquering generals were awarded a triumph—a tremendous outburst of public praise and adulation—as the highest honor that the republic could bestow. As he drove through the streets in triumph, the victorious general was accompanied by a companion, whose duty it was to whisper in his ear, “Remember, thou too art but a man.” When the empire came, the emperors claimed deity, and such a reminder—although true—would have been regarded as both blasphemous and treasonable. A democratic society certainly has no place for an institution that claims deity for itself. Such a claim has not yet been formally made by the Supreme Court, but it does seem that the logic of the court’s decisions is driving it more and more in the direction of assuming itself to be infallible. For an individual, or an institution, that claims infallibility to confess an error is difficult if not impossible: the more awful the error, the greater the difficulty. In the Bible, we see that those who refused to acknowledge the God of Abraham, Isaac and Jacob were never atheists, but took recourse to deities of their own devising. At one pole of its activity, the Supreme Court of the United States has done much to deny acknowledgement to the God of the Bible. At the other it seems to be drawing ever closer to putting itself in His place.

To suggest any similarity between the justice of Pilate and Justice Powell may seem highly tendentious, but a certain formal similarity, a literary similarity if you will, is undeniable. Is it possible to draw moral implications from such a literary similarity? To do so is imaginative, admittedly, but it also may be instructive. To accuse members of the United States Supreme Court of suffering under the delusion of their own deity would be, factually speaking, nonsense. But in denying, on repeated occasions, that as a nation and a civil society we should offer any meaningful acknowledgement of the deity of God, the court does open the way for a human institution to put itself in God’s place. In making decisions such as *Roe v. Wade*, and in reaffirming them with Pilatical pronouncements such as *City of Akron*, the court is coming ever closer to claiming for itself that awesome dignity.

In the early days of the Roman Empire, the *princeps* (prince, i.e.,

emperor) did not have absolute authority. He simply had the right to vote first in the Roman Senate, whereupon the other members of the Senate, recognizing his wisdom, solemnly concurred. For a society to have at its head an institution with which one cannot—or dare not—effectively disagree tends not merely towards tyranny but towards idolatry. It is not facetious to claim that *Roe v. Wade*, reinforced by *City of Akron*, is potentially not merely tyrannical but idolatrous.

Is it too late to place in the court's chariot, figuratively speaking, a fellow-passenger to remind its members, "Remember, ye too are but mortals"? Those who have once claimed deity, even implicitly, may find it very hard to draw back from that usurpation. God cannot retire, and one mortal man, Adolf Hitler, told his generals that he, like God, could not retire either. Other mortals, whether by self-restraint or wise authority, have their tenure in office limited: presidents, generals, even Roman Catholic cardinals. In the United States, senators and representatives, although not limited as to the length of their service, must present themselves from time to time for reelection. Only the justices of the United States Supreme Court (and of many lower courts) are immune. When humans, like Pilate, begin to assume their own infallibility, it is time for others, like Tiberius, his emperor, to let them know otherwise. Life tenure for federal judges, and supremely for the Supreme Court, was established in the hope that it would make them incorruptible. If its effect is to let them deem themselves infallible—as *City of Akron* rather strongly suggests—then the time has come to abolish it. If *Roe v. Wade* had been handed down by another nation's highest tribunal—such as the Federal Constitutional Court of West Germany—the ten years that have elapsed since then would have been sufficient to retire all of the deciding judges and to let a new generation have a fresh look at the decision and its implications.

There is no way to prevent any human institution from making bad decisions, but there are ways to prevent them from being irreversible. One way is to set a limit to the term of office of those who have the power to make them. The four terms of Franklin Roosevelt led us to limit the number of times a president may be elected to two: under normal circumstances, to eight years in office. *Roe v. Wade* and its progeny, with all their implications, are good and sufficient reason for us to limit the term of Supreme Court justices. Given present trends, it is not at all

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fanciful to suggest that the Supreme Court might declare an amendment to that effect unconstitutional. But the fact that such a suggestion is *not* fanciful should move us to action. No human institution should be entitled to canonize its own utterances, to say, "What I have written, I have written."

## The Orwellian Vision

Ian A. Hunter

**A** YOUNG MAN in a university town recently burst into a book shop and breathlessly inquired: "Is *Nineteen Eighty-Four* in paperback yet?" "Yes," replied the clerk, "for about thirty-five years."

No one would dispute that reading *Nineteen Eighty-Four* is a beneficial pastime for semi-literate undergraduates; however, I wish to question the phenomenon by which a rather mediocre novel written thirty-five years ago by a dying man has become the year's best seller. More, I wish to speculate whether Orwell will survive 1984.

Paul Johnson began a recent column in *The Spectator* with this riddle: "What are the two most tedium-inducing syllables in the English language?" The answer? "Or . . . well."

To a considerable extent, I confess that I share Johnson's sentiments. When I hear pampered schoolteachers in British Columbia describe a public restraint program as "Orwellian"; when a demonstration against the Cruise Missile is reported in the Toronto *Globe and Mail* to have attained "Orwellian proportions"; when no discussion of that tiresome old chestnut, Computers and Privacy, is complete without sinister references to "Big Brother," I confess not only to being heartily sick of the name Orwell but also to wondering whether as slight a novel as *Nineteen Eighty-Four* can carry the ideological baggage presently being larded on it.

This year has spawned a cottage industry, the Orwell Industry. And there is a very real danger that this Orwell industry will destroy the true significance of George Orwell's work. For example, the *Evening Standard* in England recently asked young people to reveal their worst nightmare. The most common nightmare, it turned out, was that their names would be listed in a giant computer, jointly controlled by the state and multinational corporations. As you might imagine, the *Standard* huffed and puffed about "Orwellian" technology. This whole computer/privacy non-

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sense, from the beginning a fantasy of the political Left, demonstrates how fiction can be misread and manipulated for ideological purposes. The fact is that there are neither computers nor “high tech” in *Nineteen Eighty-Four*, where, in Oceania, technology has receded, a victim of the conformity which stifles scientific investigation and indeed all free inquiry. For the book’s hero, Winston Smith, to get even a razor blade is a marvel. Yet the development of computers is cited as “proof” of Orwell’s warnings by the very Left ideologues whom Orwell regarded as enemies of civilization.

Another example of the danger *Nineteen Eighty-Four* poses to Orwell’s work is the now-standard emphasis given to the book as a work of prophecy. Orwell is treated almost as a contemporary Nostradamus, whereas it should be evident to all, from even a casual reading, that it was intended not as prophecy but—what is a very different thing—a *warning*. Nevertheless, newspapers tote up for us which of Orwell’s prophecies have come about and which have not, sometimes on a scoreboard. So much that has been written this year ignores the simple fact that the naming of the book *Nineteen Eighty-Four* was pure serendipity, not prophecy. I discovered conclusive evidence of this when I was writing a biography of Malcolm Muggeridge. I had unrestricted access to Muggeridge’s papers and letters, among which was a file full of correspondence with Orwell. On December 4, 1948, Orwell wrote to Muggeridge from the remote Hebridean Isle of Jura congratulating Muggeridge on his recently published novel, *Affairs of the Heart*. Orwell explained that he too had just completed a novel but was stumped about the title; he thought he just might transpose the last digits of the year, thus 1984 for 1948, and leave it at that; let me quote the actual letter: “I am not pleased with it but I think it is a good idea. It is a fantasy, really, a story about the future (after the atomic wars) written in the form of a novel.” So much for prophecy! As a novel, I doubt that *Nineteen Eighty-Four*, which Muggeridge called “Utopia in reverse,” will outlast the faddish interest generated by the coming of this year.

Another danger of the Orwell industry is that it tends to focus attention exclusively on *Nineteen Eighty-Four* while ignoring Orwell’s truly first-rate work, such as his 1946 essay *Politics and the English Language* and his masterpiece, *Animal Farm*.

It is *Animal Farm* which explains in pellucid, lively detail exactly why

revolutions occur and exactly why they inevitably go wrong. *Nineteen Eighty-Four* is a novel for young ideologues; *Animal Farm*, with its deliciously ironic sub-title *A Fairy Tale*, is a novel for discerning adults. With the beguiling simplicity of a parable, *Animal Farm* forces the reader to confront how power corrupts. It is a fictionalized working out of Lord Acton's dictum, as well as an examination of the pathos of shattered ideals. No one who has read and understood it can ever again doubt that whoever the players, wherever the state, and whatever the ideology or ism, all animals may be equal but some will inevitably be more equal than others.

It was Muggeridge who first noticed how Orwell found it easier to portray animals in a sympathetic context than humans. Left to his own devices, Muggeridge contended, Orwell would reorganize zoos so that humans would be kept on exhibit in cages and animals allowed to roam free outside. Writing shortly after Orwell's death, Muggeridge described his friend as ". . . an idealist whose hopes and desires were so bitterly mocked by the ways of men that he turned in despair to creatures who at least had the merit, being speechless, that they could not lie, and being incapable of love, that they could not betray and deceive."

If *Animal Farm* is Orwell's fictional masterpiece, it is his journalism that best survives. In *Politics and the English Language* he probes how the corruption of language presages the decadence of a civilization. He begins by drawing up "a catalogue of swindles and perversions"; excrescences such as stale metaphors, pretentious foreign words, prolixity, and the growing use of jargon. What would he make of us, we who maximize our inputs, prioritize our agendas, dialogue across parameters, find the optimal point in time to play out scenarios; what would he make of the claptrap and the mumbo-jumbo which drools from our mouths like spit-tle from a dog?

Orwell illustrated his point by taking this exquisite passage from *Ecclesiastes*: "I returned, and saw under the sun, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favour to men of skill, but time and chance happeneth to them all."

Then Orwell renders the same passage in contemporary English: "Objective consideration of contemporary phenomena compels the conclusion that success or failure in competitive activities exhibits no ten-

dency to be commensurate with innate capacity, but that a considerable element of the unpredictable must invariably be taken into account." Ask yourself honestly which version, if you were asked to write a few sentences on the vagaries of human fortune, yours would most resemble.

I suggest that a student who submitted an essay written in the lean, spare prose of *Ecclesiastes* would be fortunate to escape failure and would almost certainly be encouraged by his teacher to try harder. Certainly the tone-deaf liturgical busybodies, responsible for recent revisions to the Bible and the Book of Common Prayer, in which for example "the wind bloweth where it listeth" (say it over and you will hear the wind whistle through it) is rendered as: "The wind blows here and there," are prize examples of Orwell's point.

Having catalogued abuses, Orwell next turned his attention to the political consequences when words cease to have meaning and become mere robots marching to the command of ideologies. Ideology demands of language two things: subterfuge and a lifeless, imitative style. Let me illustrate both. Not long ago I noticed in the University Common Centre a poster for Planned Parenthood; it depicted a young pregnant woman and bore this caption: "Abortion—A Positive Alternative to Inconvenient Pregnancies." Another example from the abortion debate—abortion being one of those issues which, by its nature, demands that language obscure reality—was a recent Sunday supplement in the *Philadelphia Enquirer*; it was called: *Abortion: The Dreaded Complication*. The "dreaded complication" turned out to be those cases—once rare but now increasing—when the child survives the "procedure" and emerges from the womb alive. "The great enemy of clear language" wrote Orwell "is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish squirting out ink." As for Orwell's point about lifeless, imitative style I suggest you cast an eye over any political pamphlet, party manifesto or government document; you will search in vain for a single fresh or vivid phrase, an arresting idea, a novel metaphor, or even a memorable line.

Orwell gave examples of the corruption of language by ideology in his time, but he glimpsed only the shadow of what in our age has become a total eclipse. We have witnessed tens of millions of people killed in the slave labour camps of the Gulag and this is called "re-education"; we

have witnessed the obliteration by bombing of defenseless villages and it is called “pacification”; we have witnessed whole populations uprooted and refugees sent straggling by foot and by boat to unknown destinations and it is called “frontier readjustment.” Terrorists responsible for indiscriminate civilian slaughter are referred to as “freedom fighters.” Abortion killed 66,000 unborn children in Canada last year and it is called “therapeutic” which my Oxford English Dictionary defines as “pertaining to the healing of disease.” Human rights commissions mandate the very racial and sex discrimination they were created to eradicate and call it “affirmative action.” Such examples could be multiplied to fill volumes.

The point here is not simply that the meaning of words has been stretched, or altered, or even perverted. The point is that words cease to have meaning. When that happens all is babble and confusion. Alexander Solzhenitsyn warned of this danger in his Nobel Prize lecture on literature: “A nation can no longer remember itself, it loses its spiritual unity, and despite their seemingly common language countrymen cease to understand each other.” If that process is completed, our civilization, Christendom, which is founded on the pre-existing Word, the Word that was in the beginning with God and was God, the word that became flesh and dwelt among us, will assuredly end.

When Winston Smith is being tortured by O’Brien he comes to realize that it is not his mind the Party wants, it is his soul. The final victory of the party, the destruction of the human soul, depends on obliterating the idea of God from human consciousness. This, too, is accomplished through subverting language. Orwell writes: “For 200 years we had sawed and sawed and sawed at the branch we were sitting on. And in the end, much more suddenly than anyone had foreseen, our efforts were rewarded, and down we came. But unfortunately there had been a little mistake. The thing at the bottom was not a bed of roses after all, it was a cesspool filled with barbed wire.”

In all the talk about *Nineteen Eighty-Four* as a prophetic novel, it is easy to miss the point that the essence of prophecy is not telling the future but the present, not foretelling but forth-telling. Prophecy is not crystal-ball gazing; it is warning one’s fellowmen of the consequences of their actions. It is too easy to focus on the prophetic themes in *Nineteen Eighty-Four* and ignore the prophetic voices of our own time. To torture Orwell’s vision of the future into a guide to modern reality is irresponsi-



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ble and escapist. Let the dead bury the dead, said the founder of the Christian religion, my words are for the living. When, in the Gospel story, the Rich Man in Hell begs Abraham to send a prophet to his five brothers to warn them of the wrath to come, Abraham replied: "They had Moses and all the prophets; if they did not hear them, they will not listen though a man should rise from the dead."

In the real 1984 we of the western world have Alexander Solzhenitsyn, a prophetic writer whose survival is a kind of miracle. If we will not heed his warnings, then we shall perish though George Orwell, at least through his work, rise from the dead. In the fictional *Nineteen Eighty-Four* Orwell warns of a totalitarian society in which the people have been robbed of their identity, their history, and finally their souls, by Big Brother and the Party. In the real 1984 Alexander Solzhenitsyn warns us of a flabby materialistic society, in which freedom has become licence, individuality has become narcissism, where indulgence has sapped our moral courage and where the consensus of liberal opinion has created an orthodoxy subtler but no less hegemonic than Big Brother's orthodoxy in Oceania. Orwell's 1948 vision was to be realized in much of Eastern Europe; writing in 1984, I fear that Alexander Solzhenitsyn's vision is being realized all around us.

Let me conclude with a riddle posed by Solzhenitsyn in a BBC broadcast:

Human nature is full of riddles and contradictions. One of these riddles is: How is it that people who have been crushed by the sheer weight of slavery and cast to the bottom of the pit can nevertheless find strength in themselves to rise up and free themselves—first in spirit and then in body—while those who soar unhampered over the peaks of freedom suddenly lose the taste of freedom, lose the will to defend it, and, hopelessly confused and lost, almost begin to crave slavery? Or again: Why is it that societies which have been benumbed for half a century by lies they have been forced to swallow, find within themselves a certain lucidity of heart and soul which enables them to see things in their true perspective and to perceive the real meaning of events; whereas societies with access to every kind of information suddenly plunge into lethargy, into a kind of mass blindness, a kind of voluntary self-deception?

There is more to ponder in this contemporary riddle, I suggest, than in all the pages of *Nineteen Eighty-Four*.

## APPENDIX A

[What follows is an open letter sent in April, 1970 to legislators in Springfield, Illinois just days before they voted on the Illinois abortion law. The letter was printed by Chicago's daily papers; when the abortion bill came to a vote the following week, it was soundly defeated. The letter was subsequently published in *Child and Family* (Volume 9, No. 3), and we reprint it here with permission. The late Dr. Andrew C. Ivy was one of two U.S. medical experts at the Nurnburg Medical Trials in 1946-47 and a distinguished Professor of Physiology at the University of Illinois. (©1970, Child and Family)]

### Abortion and the Medical Profession

Andrew C. Ivy, M.D.

In 1947, following World War II with Hitler Germany, I testified as the expert medical witness for the prosecution before the Nurnberg Tribunal in the trial of Nazi war criminals for medical crimes against humanity.

Perhaps there is no need to remind an older generation of the medical experiment atrocities and the murders of "useless eaters" committed against Jews, non-Aryans, the weak and the defenseless in the name of legislative enlightenment, medical progress and the over-all good of the state and society. I recall the new goals expressed by the Nazi Director of Public Health, Dr. Arthur Guett, in 1935, in his book entitled *The Structure of Public Health in the Third Reich*:

The ill-conceived "love of neighbor" has to disappear, especially in relation to inferior or asocial creatures. It is the supreme duty of a national state to grant life and livelihood only to the healthy . . . in order to secure the maintenance of a hereditarily sound and racially pure folk for all eternity. The life of an individual has meaning only in the light of that ultimate aim, that is, in the light of his meaning to his family and to his national state.

Because the socioeconomic rationalizations of the Nazi's infringements of the rights of individual human beings still remain so vivid in my mind, because I witnessed the downfall of the most esteemed medical group in the world—the German medical profession—as it added human extermination to the experimental and "therapeutic" spectrum, I am impelled to make the following comment on the arguments of today's proponents of relaxed abortion laws.

With their talk of unwanted human beings, of human beings as economic burdens, of people as pollutants; with their promotion of physicians as instruments of population control through murder of the human fetus; and with their attack against religion defending the rights of human beings to life (ironic, given our recent applause of the play, *The Deputy*, which indicts German bishops for their alleged failure to defend human life during the Hitler holocaust)—their arguments become so painfully reminiscent of Nazi Germany that I am literally horror stricken with the change in thinking that has taken place in our great

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democracy in one generation. I am scandalized to see some legislators and sociologists posing as moralists, substituting moral expediency for authenticity under the guise of relevancy.

I plead, therefore, to advocates of abortion to soberly reconsider their position. Life has become very cheap in modern times without adding medical blood-baths to other blood-baths. In dedication to mankind, the medical profession took its stand against abortion centuries before Christianity came into existence. I urge advocates of abortion not to mask this fact by subtle appeals to religious bigotry. Medicine reaffirms this stand in the Geneva rewriting of the Hippocratic Oath following the inhumanity of the Nazis. It must not be forgotten in this connection that, contrary to other interpretations, medicine only tolerated abortion in the past to rescue one life when two—the mother and infant—would otherwise die.

## APPENDIX B

*[The following syndicated column was issued June 11, and is reprinted here with permission. Mr. Joseph Sobran has been a contributing editor to this review since its inception in 1975. His article "The Averted Gaze: Liberalism and Fetal Pain" was published in the Spring 1984 issue of this review and provides the background for what he describes here. (©1984, Universal Press Syndicate.)]*

### **Proof Positive**

*Joseph Sobran*

WASHINGTON—Dr. Bernard Nathanson used to be an abortionist. He ran the largest abortion clinic in the Western world and personally performed over 5,000 abortions before he began to ask what he—and we—were doing. Then, at considerable sacrifice, he changed his mind and turned against legal abortion.

Dr. Nathanson was also among the founders of the National Abortion Rights Action League. He left that behind too, and exposed its conscious strategy of targeting the Catholic Church for a pro-abortion hate-campaign.

At the recent national Right to Life convention, held in Kansas City, Mo., Dr. Nathanson showed a movie. Anyone who thinks "The Texas Chain-Saw Massacre" was violent hasn't seen this one. It is a film of an abortion.

Abortions have been filmed before, but this one was different. Usually you see the fetus only after it has been killed. This film, using new sonographic techniques, shows the outline of the child in the womb thrashing to resist the suction device before it tears off the head. Then you see the dead child dismembered and the head crushed. Then the parts are sucked out.

Nobody who sees this film will speak again of "painless" abortion. The doctor who performed the abortion couldn't bear to watch the film to the end. He rushed out of the room where it was shown and never performed another "procedure," though he had performed several thousand before.

You might think that abortionists are callous, bloodthirsty men, but this is not necessarily true. They have relatively little contact with the fetuses they kill. Usually it falls to the attending nurses to assemble all the dead parts and make sure nothing has been left in the womb to decompose and poison the mother. For this reason, nurses tend to resent their role in abortion (the doctor, after all, gets the lion's share of the money anyway), and many of them eventually refuse to assist any more.

New advances in techniques of monitoring the behavior of the unborn only confirm what common sense should tell you: Abortion hurts. The nervous sys-

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tem is in place as early as 8 weeks after conception, and pain is certainly felt by the 14th week.

After President Reagan raised the issue of fetal pain last January, Dr. Ervin Nichols, of the pro-abortion American College of Obstetricians and Gynecologists, said: "We are unaware of any evidence of any kind that would substantiate a claim that pain is perceived by a fetus." One wonders if any possible evidence would make a difference to an organization of men who get rich by assuming the opposite. Is there any evidence, after all, to support the presumption that a fetus feels no pain whatever?

Another abortion advocate has been quoted as saying, more candidly, that the pain of the fetus simply doesn't matter. What matters is the pain of the mother.

Abortion advocates are going to have to make up their minds whether a fetus suffers or whether they just don't care. Until now they have had it both ways. But now they must either face the evidence or say stoutly that the evidence doesn't move them. The evidence itself is clear enough.

One wonders, though, why the burden of proof should be on the anti-abortion forces. The nervous system obviously develops well before birth—that is, well within the time frame during which abortion is legal. A creature that grows, squirms and kicks clearly has feelings of its own. To deny this is unintelligent and unfeeling. We should want to prevent even the outside chance that dismembering a fetus causes it the sort of agony we can easily imagine.

The pro-abortion forces have used a series of evasions to secure their position. They have said that the issue is theological, that nobody knows when life begins, that fetuses don't suffer. At every step they have demanded that their opponents provide the proof.

Well, Dr. Nathanson has provided the proof. Will they respond honestly, or will they take refuge in some new evasion?

## APPENDIX C

*[The following is excerpted from an article first published in the December, 1983 issue of The Seabury Journal, a publication of the Foundation for Anglican Tradition in Fairfield, Connecticut. Reverend Louis R. Tarsitano is a senior contributing editor of the journal, and rector of St. Mark's in Denver, Colorado. The excerpts are reprinted with permission (©1983 by The Foundation for Anglican Tradition).]*

### **The Sacrament of Death**

*Rev. Louis R. Tarsitano*

A group of men and women have gathered for a solemn occasion. Everything is in order. All are garbed, vested, and gowned according to their rank and administration. The object of their ministrations is a woman and her baby. The matter is water. Only, this water is not living water, fresh water, but salt water, a saline solution. The baby will not be dipped in this water, for he is still in his mother's womb. Neither will this water be poured, but it will be injected through a needle into the mother's womb. This baby has not been presented for "a new birth unto righteousness," to make him alive after the Spirit of God. This baby has been presented to be killed, to stop his being born alive after the flesh. This baby has not been presented an offering to God, to be given a name and an identity in grace. This baby has been presented an offering to death, an offering to technology, an offering to the self-worshipping self-rule first practiced by a fallen angel and now practiced by a fallen humanity. The intention of the participants is clear: to transform a living human being into a nameless, lifeless mass of tissue whose sole identity may be a number on a jar in a pathology lab. This is not a Baptism, but a demonic parody of Baptism. This is an abortion by the instillation of a saline solution. If all goes according to plan, in about six hours the baby will die, to be produced shortly thereafter as a dead lump by the contractions of his mother's womb.

This second scene also takes place in a hospital operating room. The child in this scene is also in the womb, but not for very much longer. This child is a little girl. Her sex is known, among other things about her, because one of the tests ordered by her mother's doctor was an amniocentesis, a sampling of the amniotic fluid in which she floats. The doctor, who must be very skilled, carefully dilates the cervix of her mother. Next, he takes a scalpel and very systematically begins to cut her into pieces in her mother's womb. With another instrument the doctor begins to remove the pieces, one at a time. He lays them out carefully in a pan, arranging them like the parts of a broken doll, making sure that the major parts of her body are accounted for. Finally, the mother's womb is cleaned with

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a suction device. This is an abortion by the process of dilation and evacuation. The doctor and his surgical staff may perform as many as eight or ten such abortions in a given work day.

The scenes above are not from a horror movie about satanic cults and rituals, nor are they from a documentary on “medical experiments” in Nazi death camps. These are scenes from everyday life, from our everyday life. Since the 1973 Supreme Court decision (*Roe v. Wade*) which legalized elective abortion in our country, these scenes have been played out in the United States of America 1,500,000 times every year. By the end of 1983, these real events, not “scenes” at all, will have occurred 16,500,000 times, all around us, in our own country. While millions of abortions are committed every year in other countries, we will concentrate here on the American problem, our problem, the problem of the Episcopal Church.

Let us, also, make the statistics more personal. While there are discrepancies in the estimates of how numerous Episcopalians are, it is safe to say that Episcopalians make up approximately one percent of the population of the United States. While Episcopalians may not be a valid random sample of the larger population, the Church is made up of all sorts and conditions of human beings, so we will use them as a sample here. If the total population accounts for 1.5 million abortions each year, our proportionate “share” would be about 15,000 abortions per year. Using the 1981 figures given in *The Episcopal Church Annual: 1983*, there were 73,404 Baptisms done that year. If we subtract the reports of adult Baptisms, and subtract the reports from outside the boundaries of the United States, we are left with 58,334 Baptisms of children in that year. 15,000 is 25.7% of 58,334. It is very possible that American Episcopalians are aborting 25% as many children as we are Baptizing.

This is grim arithmetic because it is probably true and possibly moderate. One would hope that Church people would be significantly different in their behavior from their secular fellow-citizens, but there is little evidence to that effect. Organized Episcopal opposition to abortion is virtually nil. In fact, the National Church apparatus and its bureaucracy seem positively in favor of elective abortion. Some will claim that abortion is not a religious issue proper to the Church, but rather a legal, medical, and scientific issue, proper to lawyers, doctors, and scientists. That this is disingenuous is evidenced by the fact that most people, including the operatives of the National Church, believe that the Church has a right to an option on nuclear war. Almost no one will claim that nuclear war is really a matter of law, nuclear physics, or ballistics, or that only politicians, physicists, and trained military officers have a right to discuss and study the moral issues involved.

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Technology is not the issue in either the case of abortion or of nuclear warfare. Both are forms of killing, and killing can be accomplished by a vast variety of means. The key issue in both cases is the morality of the killing itself. What connects these issues here, beside their currency, is the volume of death accomplished. Abortion deaths so far, in this country alone, account for a death toll equivalent to an all-out, multi-warhead attack completely destroying metropolitan New York City and all its environs. While all Episcopalians would object to the catastrophic destruction of New York City, or of any place else, there is a peculiar silence, mingled with a tacit approval, and capped by a documented National Church approval, concerning abortion deaths on the part of Episcopalians in their public life. The real answer must lie deeper than new technology or new situations. The answer lies in morality, in our relationship to God.

Christian morality is based on one great fact: our Covenant with God through Jesus Christ. Through Baptism and Jesus Christ, Christians have a special relationship with God. This relationship is so special that we call it the New Covenant or the New Testament to distinguish it from the Old Covenant superseded and fulfilled by Jesus Christ. Yet the first revelation of God and of his will is not put away by Christ. Jesus Christ is the fulfillment and the proof of the truth of the Old Testament (cf. Matt. 5:17). No Christian can honestly escape the commandments of the Old Testament or their moral demand. No Christian can escape the revealed truth of the Old Testament.

To have a relationship with someone, even God, it is necessary to know him, to know what is important about him. The first words of Scripture tell us the most important fact we need to know: "In the beginning, God created the heavens and the earth" (Gen. 1:1). God is creator. God exists before the world of time and space. God does not need or depend on this world, for he made it. This is not only a fact of the Old Testament, it is the fact with which Christians begin the two Creeds. Further, this God created all life that lives in the world, including human beings: "So God created man in his own image, in the image of God created he him; male and female created he them" (Gen. 1:27). God states repeatedly in Genesis that all he created is good. The life that God created, over which God alone is sovereign is good, so good that life and good are linked inseparably in his will for us:

See, I have set before thee this day life and good, and death and evil (Deut. 30:15).

To be God is to create, and especially to make life. God alone can make life, so God alone is ruler over life. This is an important part of the First Commandment which we read out of our Prayer Book at least once a month at the Holy Communion: "I am the Lord thy God: Thou shalt have none other gods but me" (BCP, 68). Anything or anybody that claims the power of life and



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death other than God is a false god and forbidden to us by this Commandment. The problem with abortion is that social “necessity,” social engineering, fear for material well-being, and plain human self-will usurp the place of God and become false gods vying for human allegiance and obedience.

These false gods have no place in the life of a Christian, they can never be an acceptable part of the Christian religion or practice, and yet abortion has become common among people claiming to be Christians. Abortion by Christians breaks their Covenant with God and propels them into the religions and practices of their pagan neighbors. This is no new occurrence. All human beings, except the incarnate Son of God, are fallen human beings and sinners (Heb. 4:15). One of the greatest dangers, both under the Old and the New Covenants, has been the assimilation of a Covenantal people into the pagan culture surrounding them. People living under a Covenant with God are special only because of that Covenant. A “chosen people” are chosen for no merit of their own, but by the gracious calling of God. If a chosen people abandon their Covenant with God, they abandon God himself in favor of the false gods of their neighbors. While God will only give life, false gods can only give death. The results of abandoning God’s Covenant to be a part of a pagan society are terrible and inevitable, without repentance. The people of the Old Covenant yielded to the temptation to be like their neighbors when they entered the land of Canaan. The results were a working model for our present situation. Those people:

. . . were mingled among the heathen, and learned their works. Inasmuch that they worshipped their idols, which became a snare unto them; yea, they offered their sons and their daughters unto devils; and shed innocent blood, even the blood of their sons and daughters, whom they offered unto the idols of Canaan; and the land was defiled with blood. Thus were they stained with their own works, and went a whoring with their own inventions (Ps. 106:35-38)

Christians committing or condoning abortions have “gone a whoring with their own inventions” and abandoned their Covenant with God. They have ignored the fact that the choice between God and false gods is the choice between life and good, and death and evil. They have given themselves over to a pagan society that worships false gods in place of God. They have tried to be a part of a pagan world, and in doing so, they have offered the life and blood of their children to the devils worshipped by their neighbors.

To speak of abortion as the offering of infant children to false gods, as innocent human sacrifices to devils, is no exaggeration. It is a simple statement of fact, a Christian fact. The problem of abortion is religious first of all, because abortion is an act of worship, an act of worship directed to false gods and devils. The examples given in the first part of this essay were descriptive, but not made

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up. Abortion is literally a rite and ceremony of the pagan world around us. Abortion is literally a perversion of the Sacrament of Baptism, bringing death and evil, rather than eternal life and good. Abortion is literally a “sacrament” of death and part of the worship of false gods. No Christian can ever be a part of such worship and remain a Christian without repenting and returning to the worship of God. The Scriptures are clear on this. The Fathers are clear. Anglican Tradition is clear as well. It is only the voice of the corrupted modern Church that speaks uncertainly.

\* \* \* \* \*

What is being said here ought to be clear enough. God knows the child in the womb is specifically a work of God, whose work ought not to be undone. Every part of the child is known to God as his accomplished work or as his intention. The life of a child in the womb is imperfect, but that imperfection is being made perfection by God. If imperfection were made a capital crime, none of us should survive. The making of a child in the womb by God is not accidental in any way. The purposefulness of this part of God’s creation is made even clearer by the words of two of the Prophets:

The Lord hath called me from the womb; from the bowels of my mother hath he made mention of my name (Isaiah 49:1); and

Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations (Jeremiah 1:15).

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*[The following article first appeared in the Winter, 1984 issue of Policy Review, a quarterly publication of the Heritage Foundation in Washington. Midge Decter is the executive director of the Committee for a Free World, and the author of several books including Liberal Parents, Radical Children (New York: Coward, McCann & Geohegan, Inc., 1975). This article is reprinted with permission (©1984 by the Heritage Foundation).]*

### **For the Family**

*Midge Decter*

We Americans have many public disagreements, but privately it can be said that we are nowadays firmly bound together by a common unease. Something is going wrong with the constitution of our individual lives. Women, for instance, are noisily embattled, while men smoulder in resentful silence. Drugs and alcoholism, untouched by years of effort to control them, remain at the top of the list of social menaces. Despite the wide availability of effective means of contraception, in some American cities abortions outnumber live births. A new psychotherapy or mood-altering chemical gets produced, as it seems, every minute. And, of course, there are all those divorces, all those lonely and self-seeking men and women hopping from marriage to marriage in search of what they cannot say, all those children abandoned by their fathers, and even, nowadays, abandoned by their mothers. We are forced to ask ourselves a question so vast and general as, what is going on with us? How is it that a people blessed by God, or if you will fate, with better health, longer lives, greater comfort and personal freedom and economic well-being than any previous peoples in history, should give so much evidence of deep trouble?

Neither I nor anyone else can presume to answer this question in full. But I would, in the briefest way, like to suggest an area in which we might begin to find some understanding.

For a generation now, millions upon millions of Americans—I will not say all—have been engaging in child sacrifice. Less bloodily, perhaps, but no less obediently than certain ancient groups of idol worshippers, we have been offering up our children on the altar of a pitiless god. Nor do I mean this as a flowery metaphor. In our case, the idol to whom we have sacrificed our young is not made of wood or gold but of an idea. This idea, very crudely put, is that we are living in an altogether new world with not yet fully understood new moral rules. As inhabitants of this supposedly newly ordered world, we tell ourselves, we have no right to cling to or impose on others outmoded standards

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of behavior. On the contrary, everyone has a right, even an obligation, to make up his own rules—and with these rules, to make up his own preferred mode of living. This idea is no mere abstract proposition with us: we have translated it, socially, religiously, politically, and juridicially, into the stuff of our everyday existence. And we have, as I said, literally sacrificed our children to it.

Not so very long ago a whole generation of this country's middle-class children rose up late in adolescence and said they could see no reason to prepare themselves to take on the burdens of adult life: to serve their country, for instance, or educate themselves, or make a living. They left school, they ran away, they drugged themselves; in milder cases, they just kind of hung around, growing pale, unkempt, unhealthy, and truculent. And untold numbers of them committed suicide. Again, I do not speak metaphorically. In 10 years the suicide rate of those from 18 to 25 increased by 25 percent. How did we respond to this, we elders—we parents, teachers, clergymen, journalists, civic leaders, and yes, legislators? We applauded them. We said they were the best generation ever seen, they were great idealists, far superior to ourselves. We said they had discovered a new way to live. In short, we abandoned them. Just as surely as if we had with our own hands bared their necks to the ritual knife, we sacrificed them on the altar of our own moral irresponsibility. Those who managed to save themselves did so with no help from any of the authorities in their lives, neither parental, religious, nor intellectual. For none of these authorities would tell them what they needed to know: that life is real and weighty and consequential; that life is good when it *is* real and weighty and consequential; that it requires discipline and courage and the assumption of responsibility for oneself and others, and that it repays, and *only* repays discipline and courage and the assumption of responsibility for oneself and others.

Why did mothers and fathers, teachers and ministers, lawgivers and judges, why did all the figures on whom children depend to teach them how to live a decent and rewarding life refuse to tell them what they needed to know? Because they themselves had not the courage of any convictions. How many parents sent—still send—their adolescent children off, unaided and morally and psychically unprotected, into the treacherous ocean of sex simply because they have not the courage to say what they truly believe: that sex in childhood is a dangerous and debilitating and life-denying force? As a society, we do not even any longer have the moral courage to cast out in horror—a horror we all feel—the child pornographer, the pedophile, the committer of incest. We hem and haw and let the courts decide, which they usually do on the basis of fine points of legal procedure.

Does the First Amendment protect the exploiters of 7- and 8-year-old boys

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for pornographic films? Is that really one of the constitutional rights that have made this country a glory of freedom?

The truth is, we have lost the collective ability to make the simplest moral assertions. And if we have lost it collectively, we are surely in the process of losing it individually as well. For people precisely cannot make up their own lives. They are constituted to be members of communities. They cannot live themselves and cannot bring up their children, not for long, by a standard that finds no confirmation in the surrounding community. An individual's inner resolve, when it must be engaged every day in a battle against the surrounding moral atmosphere, begins to erode and crack. A community that does not love virtue—yes, I will dare to use so archaic a word—takes an unimaginable toll on the virtuous. Instead of rewarding, it punishes them. Out of historic error, out of sloth, out of cowardice, out of lack of collective will, we are permitting ourselves to become a society that punishes the virtuous. That punishment is every day being incorporated into the laws of the land, written and unwritten.

It is the family—the greatest tribute to and the most brilliant invention of the human moral capacity—that has lately taken the greatest punishment of all. For one thing, we pretend no longer to be sure what *is* a family. We debate publicly, as we did even at the White House conference not many years back: Is a family the same thing as a household? Is it two lesbians? Is it a man and a woman sharing the same roof out of wedlock? Why not? Are we not, after all, free as people living in a new order to make up our own definitions? In attempting to erase its uniqueness as an institution, we remove from the family the community affirmation that is the absolutely essential ingredient to its strength as an institution. It was claimed, and our policy makers concurred, that society engaged in unfair discrimination against those who chose (I believe the fashionable word is “opted”) not to live in traditional families. But such discrimination, in everything from tax policy to public speech, is precisely the means by which a society makes known its standards and values. Why should a society that professes to believe in the family *not* discriminate in its favor? Even to have to speak of “belief” in the family, as if it were an alternative among many, is a sign of our pathology. Indeed, by turning the family into a merely voluntary, optional relationship, we have ironically increased its capacity to make its members unhappy. Thus our divorce rate.

The family, as I have said, is a brilliant moral invention. It teaches us that life is not lived alone. To be a parent is to discover, sometimes with considerable surprise, that there are lives more valuable to one than one's own. To be a child of parents is to experience two indispensably humanizing things. The first of these is that no matter who or what one turns out to be, there are two people,

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*one of each sex*, to whom one's existence is and will ever remain of overriding importance. The second is to incorporate into one's being the knowledge that human life, as opposed to animal existence, is a system of mutual obligations and dependencies.

To get beyond self is the only possibility for happiness, just as to understand obligation is the only possibility for genuine individual freedom. That may, as little children are wont to say, be "no fair," but it is the truth. Thus the family—as everyone knows, no matter how many revolutions of consciousness and being he claims to have taken place—is a mother and a father and their children. And thus, too, the family is one of society's first priorities.

I do not pretend to have any simple answer as to how we can get ourselves out of our present moral morass. But I do know that it will be necessary for us to begin to talk to one another from the heart instead of out of a lot of junky and morally impertinent fashionable ideas. And I do know that it will be necessary for us as a society, without fear for the trendy opinion of mankind, forcefully and vocally to discriminate in favor of what we all, deep down, still long to believe is good and valuable and right.

## APPENDIX E

*[What follows is the full text of the "draft statement" of recommended U.S. government policy in regard to "growth in global population," which was issued by the National Security Council on May 30. It was prepared specifically for the International Conference on Population (to be held in Mexico City, August 6-13) sponsored by the United Nations. We emphasize that this is the original draft only; as we go to press, the final draft has not yet been approved.]*

For many years, the United States has supported, and helped to finance, programs of family planning, particularly in the less developed countries. This Administration has continued that support but has placed it within a policy context different from that of the past. It is sufficiently evident that the current exponential growth in global population cannot continue indefinitely. There is no question of the ultimate need to achieve a condition of population equilibrium. The differences that do exist concern the choice of strategies and methods for the achievement of that goal. The experience of the last two decades not only makes possible but requires a sharper focus for our population policy. It requires a more refined approach to problems which appear today in quite a different light than they did twenty years ago.

First and most important, in any particular society today, population growth is, of itself, a neutral phenomenon. It is not necessarily good or ill. It becomes an asset or a problem only in conjunction with other factors, such as economic policy, social constraints, need for manpower, and so forth. The relationship between population growth and economic development is not a negative one. More people do not mean less growth; that is absurd on its face. Indeed, both in the American experience and in the economic history of most advanced nations, population growth has been an essential element in economic progress.

Before the advent of governmental population programs, several factors had combined to create an unprecedented surge in population over most of the world. Although population levels in many industrialized nations had reached or were approaching equilibrium in the period before the Second World War, the baby boom that followed in its wake resulted in a dramatic, but temporary, population "tilt" toward youth. The disproportionate number of infants, children, teenagers, and eventually young adults did strain the social infrastructure of schools, health facilities, law enforcement and so forth. It also sustained strong economic growth and was probably critical in boosting the American standard of living to new heights, despite occasionally counterproductive government policies.

Among the less developed nations, a coincidental population increase was caused by entirely different factors, directly related to the humanitarian efforts of

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the United States and other western countries. A tremendous expansion of health services—from simple inoculations to sophisticated surgery—saved millions of lives every year. Emergency relief, facilitated by modern transport, helped millions to survive flood, famine, and drought. The sharing of technology, the teaching of agriculture and engineering, the spread of western ideals in the treatment of women and children all helped to drastically reduce the mortality rates, especially infant mortality, and to lengthen the life span.

The result, to no one's surprise, was more people, everywhere. This was not a failure but a success. It demonstrated not poor planning or bad policy but human progress in a new era of international assistance, technological advance, and human compassion. The population boom was a challenge; it need not have been a crisis. Seen in its broader context, it required a measured, modulated response. It provoked an overreaction by some, largely because it coincided with two negative factors which, together, hindered families and nations in adapting to their changing circumstances.

The first of these factors was governmental control of economies, a pathology which spread throughout the developing world with sufficient virulence to keep much of it from developing further. As economic decision-making was concentrated in the hands of planners and public officials, the ability of average men and women to work towards a better future was impaired, and sometimes crippled. Agriculture was devastated by government price fixing that wiped out rewards for labor. Job creation in infant industries was hampered by confiscatory taxes. Personal industry and thrift were penalized, while dependency upon the state was encouraged. Political considerations made it difficult for the economy to adjust to changes in supply and demand or to disruptions in world trade and finance. Under such circumstances, population growth changed from an asset in the development of economic potential to a peril.

The worst consequence of economic statism was that it disrupted the natural mechanism for slowing population growth in problem areas. The world's more affluent nations have reached a population equilibrium without compulsion and, in most cases, even before it was government policy to achieve it. The controlling factor in these cases has been the adjustment, by individual families, of reproductive behavior to economic opportunity and aspiration. Economic freedom has led to economically rational behavior. As opportunities and the standard of living rise, the birth rate falls.

That historic pattern would already be well under way in many nations where population growth is today a problem, if short-sighted policies had not disrupted economic incentives, rewards, and advancement. In this regard, local-



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ized crises of population growth are evidence of too much government control and planning, rather than too little.

The second factor that turned the population boom into a crisis was confined to the western world. It was an outbreak of an anti-intellectualism, which attacked science, technology, and the very concept of material progress. Joined to a commendable and long overdue concern for the environment, it was more a reflection of anxiety about the unsettled times and the uncertain future and disregard of human experience and scientific sophistication. It was not unlike other waves of cultural anxiety that have, over the centuries, swept through western civilization during times of social stress and scientific exploration.

The combination of these two factors—counterproductive economic policies in poor and struggling nations and a pseudo-scientific pessimism among the more advanced—provoked the demographic overreaction of the 1960's and 1970's. Doomsday scenarios took the place of realistic forecasts, and too many governments pursued population control measures that have had little impact on population growth, rather than sound economic policies that create the rise in living standards historically associated with decline in fertility rates. It was the easy way out, and it did not work. It focused on a symptom and neglected the underlying ailments. For the last three years, this Administration has sought to reverse that approach. We recognize that, in some cases, immediate population pressures may take advisable short-term efforts to meliorate them. But this cannot be a substitute for the economic reforms that put a society on the road toward growth and, as an aftereffect, toward slower population increase as well.

Nor can population control substitute for the rapid and responsible development of natural resources. In responding to certain Members of Congress concerning the previous Administration's Global 2000 report, this Administration in 1981 repudiated its call "for more governmental supervision and control. Historically, that has tended to restrict the availability of resources and to hamper the development of technology, rather than to assist it. Recognizing the seriousness of environmental and economic problems, and their relationship to social and political pressures, especially in the developing nations, the Administration places a priority upon technological advance and economic expansion, which hold out the hope of prosperity and stability of a rapidly changing world. That hope can be realized, of course, only to the extent that government's response to problems, whether economic or ecological, respects and enhances individual freedom, which makes true progress possible and worthwhile."

Those principles underlie this country's approach to the United Nations Conference on Population to be held in Mexico City in August. In accord with those principles, we reject compulsion or coercion in family planning programs,

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whether it is exercised against families within a society or against nations within the family of man. The United Nations Declaration of the Rights of the Child (1959) calls for legal protection for children before birth as well as after birth; and the United States accordingly does not consider abortion an acceptable element of family planning programs and will not contribute to those of which it is a part. Nor will it any longer contribute directly or indirectly to family planning programs funded by governments or private organizations that advocate abortion as an instrument of population control. Efforts to lower population growth in cases in which it is deemed advisable to do so must, moreover, respect the religious beliefs and culture of each society. Population control is not a panacea. It will not solve problems of massive unemployment. Jobs are not lost because there are too many people in a given area. Jobs are created by the conjunction of human wants and investment capital. Population growth fuels the former; sound economic policies and properly directed international assistance can provide the latter. Indeed, population density may make the latter more feasible by concentrating the need for both human services and technology. But as long as oppressive economic policies penalize those who work, save, and invest, joblessness will persist.

Population control cannot solve problems of unauthorized migration across national boundaries. People do not leave their homes, and often their families, to seek more space. They do so in search of opportunity and freedom. Reducing their numbers gives them neither. Population control cannot avert natural disasters, including famines provoked by cyclical drought. Fortunately, world food supplies have been adequate to relieve those circumstances in recent years. Problems of transportation remain; but there are far deeper problems as well, in those governmental policies which restrict the rewards of agricultural pursuits, encourage the abandonment of farmland, and concentrate people in urban areas.

It is time to concentrate upon those root problems which frequently exacerbate population pressures. By focusing upon real remedies for underdeveloped economies, the United Nations Conference on Population can reduce demographic issues to their proper place. It is an important place, but not the controlling one. It requires our continuing attention within the broader context of economic growth and of the economic freedom that is its prerequisite. Most of all, questions of population growth require the approach outlined, by President Reagan in 1981, in remarks before the World Affairs Council of Philadelphia: "Trust the people, trust their intelligence and trust their faith, because putting people first is the secret of economic success everywhere in the world." That is the agenda of the United States for the United Nations Conference on Population this year, just as it remains the continuing goal of our family planning assistance to other nations.

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