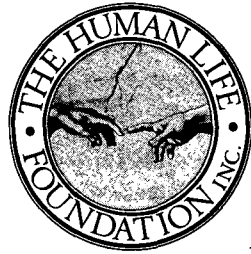


the HUMAN LIFE REVIEW



SPRING 1986

Featured in this issue:

Joseph Sobran on Aggressive Progressives

Malcolm Muggeridge on Medical Progress and
the Human Soul

George Gilder on The Princess's Problem

Tom Bethell on Imperialism and the Pill

Frank Zepezauer on Selling Tarnished Utopias

Michael Novak on Character and Crime

Lino Graglia on A Disappearing Constitution

George P. Grant on English-Speaking Justice

Also in this issue:

Wm. F. Buckley Jr. • Nancy Randolph Pearcey • Bob Greene

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. . . FROM THE PUBLISHER

This is the 46th issue of *The Human Life Review*. For some reason, our Spring issues have often been what we've termed "unusual" in that they have covered a wide range of subjects. This issue, as you will see, is no different. For the first time we rely heavily on articles that have appeared elsewhere, not because we lack fresh material (by no means!) but rather because we feel that these articles will be of special interest to our readers.

As noted, George Gilder's article is adapted from an updated version of his book *Sexual Suicide*, re-titled *Men and Marriage*, which will be published by Pelican Books later this year. Tom Bethell's article first appeared in *National Review* magazine (150 East 35th St., New York, N.Y. 10016; bi-weekly, \$34 per year). Lino Graglia's article first appeared in *Commentary* magazine, a monthly published by the American Jewish Committee (165 East 56th St., New York, N.Y. 10022; \$33 per year). We hope you will look for the book, and we recommend both publications.

Michael Novak tells us that the full text of his "Character and Crime" will be published in due course; we will provide that information when available.

George Parkin Grant's *English-Speaking Justice* was published by the University of Notre Dame Press (Notre Dame, Indiana, 46556; \$11.95 hard-cover, \$4.95 paper).

Nancy Randolph Pearcey's article appeared in *Pro-Life Feminism*, which is available in this country from Life Cycle Books (P.O. Box 792, Lewiston, N.Y. 14092; \$7.95).

Information on back issues, Bound Volumes, and microform copies of the Review can be found on the inside back cover.

EDWARD A. CAPANO
Publisher

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INTRODUCTION

HAVE YOU EVER WANTED to say something like this?

Hostility toward tradition is in fact the organizing motive of the progressive mind. The progressive can't accept tradition as a living presence running through the generations. He calls it "the past" because he wants to deny, and prevent, its future. As long as it exists, it stands in judgment over him, which he finds unbearable. So he attacks it. And if it defends itself, he imputes the aggression to it, not to himself and his allies.

That is just a single nugget from Joseph Sobran's lead article, which demonstrates yet again his peerless gift for putting things just right. Almost anything: in his more than two dozen original essays for this review, Sobran has treated us to a kaleidoscopic vision of our times from his always-fresh viewpoint.

This time, he begins with a reflection on the meaning of the "liberation" we inflicted on ourselves back in the Sixties, proceeds to devastate (in just a few short paragraphs) the pro-abortion movement, then moves on to a panoramic view of what ails our society generally—all of it serving as a formidable defense of "the past we threw away."

Sobran is often called "a modern Chesterton"—we second the notion—but here he also reminds us of another great writer, Evelyn Waugh, who wrote (some 50 years ago) that "sudden changes" in a society "are usually ill, and are advocated by the wrong people for the wrong reasons; that the intellectual communists of today have personal, irrelevant grounds for their antagonism to society, which they are trying to exploit. . . . the anarchic elements in a society are so strong that it is a whole-time task to keep the peace." *Amen*.

Ordinarily Sobran is a tough act to follow, but of course not for Malcolm Muggeridge, that "vendor of words" (his self-description) who surely ranks with Waugh as a chronicler of "modern" follies. Indeed, what he has to say here powerfully expands Sobran's thesis: it is his text for an address he delivered to a meeting of doctors in Canada last year, and one wonders what members of the "medical community"—those present as well as those who read it now—might think of it. At the least, it is not the kind of thing they

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usually, or perhaps like, to hear. In any case, we're grateful that he asked us to provide you with it, because what he says is perfectly relevant to the growing list of horrors which, as predicted, have followed in the wake of legalized abortion on request.

Next we have the redoubtable George Gilder on still another "modern" problem: the actual effect of "Women's Liberation" on a great many women who have every right to consider themselves *victims* of it. Some years back Mr. Gilder wrote *Sexual Suicide*, a book that became highly controversial. In fact, some militant feminists worked to, well, ban it. It has long been out of print. But a new edition is scheduled to be published soon, and what you will read here will appear therein. Many who read the original book will agree that Gilder's detailed prophecies of trouble ahead have proved all too accurate. We expect that he will get a fairer hearing this time around—you'll see why when you read it yourself. Ideologues may stubbornly avoid reality, but *people* cannot: the New Morality has afflicted many who would have been protected by the old one.

People—and the notion that there are too many of them—have been a prime concern of American policy-makers for a quarter century. Not our *own* people: U.S. population growth has fallen so dramatically that we face the prospect of too few citizens to, e.g., pay for pensions due, or man the military (of course others, not now citizens, could easily change that). No, the worry was that *other* peoples, in the so-called Third World, are over-populating, and that it was our business to help them stop.

Well, Tom Bethell, our friend in Washington, thinks that the "wave of Malthusian hysteria" which produced such a policy is now pretty much over, as indicated by the Reagan Administration's new "pro-growth" policy, announced in Mexico City two years ago. But a great deal of damage has been done and—given the billions involved in de-population programs—a great many organizations and individuals have developed profitable vested interests in continuing the old programs, not least the bureaucrats who run them.

It all makes quite a story, and Mr. Bethell is a good story-teller, with a finely-honed sense of both irony and humor. The reader too may need a sense of humor: better to laugh at the stories of incredible waste and costly tomfoolery than to cry over what common sense might have saved the taxpayers. We hope to have more from Mr. Bethell before long.

Although the matter is different, Frank Zepezauer's article is also about the same fundamental problem: the determination of ideologues to triumph over experience. His examples are taken from Israel and Sweden, and they also

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make a fascinating story. Utopian visions were deeply embedded in the Zionist impulse, and the Israeli *kibbutzim* made a sustained effort to change “culturally constituted” human nature, going so far as to abolish “traditional” families altogether. As is well known, the Swedes have pioneered just about every “social reform” imaginable. Zepezauer shows that the common ideology is Marxism, but the two applications have produced different kinds of failure. Not incidentally, they also produced fantastic abortion rates, although the Soviets maintain even higher ones, as befits the Marxist homeland. But while the failures are dramatic (and well documented), many American ideologues remain “bedazzled” by the same utopian nostrums.

In fact, a great many of them have been borrowed by our own “reformers,” with predictable results which are nowhere more obvious than in the “field” of crime and criminals. Here too, as Michael Novak makes clear, it has been assumed that human nature can be changed—indeed, has been changed—by the “massive shift in cultural *ethos*” that has taken place since the Sixties. That’s right: Novak’s thesis is very much akin to Sobran’s and Gilder’s (he notes that Gilder was one of the first to point out the obvious facts). Sobran’s “past we threw away” was the glue that held society together: lacking the old *ethos*, we simply cannot restrain crime, a disastrous situation made even worse by the current penchant for showing more “compassion” for the criminal than for his victims.

A theologian, philosopher, and historian, Mr. Novak brings a highly-disciplined cogency to all his arguments. We regret that we could not give you the entire book-sized manuscript from which this article has been excerpted (he will publish it in due course). But what you get here demonstrates Novak’s skill in using all his tools (e.g., you’ll find plenty of history worked into this piece) to construct his case.

This journal, as our regular readers know, has had a long-standing affair with the U.S. Supreme Court. For us, the first big attraction was *Roe v. Wade*. But the more familiar we’ve become with the Court itself, the more our fascination grows. The Founding Fathers feared for its weakness, yet it has obviously managed to make itself *primus inter pares* within the three branches of the federal system. So when we came upon “How the Constitution Disappeared” in *Commentary* magazine, we read it instantly. Its author, Professor Lino Graglia, is not only a legal scholar but a powerful writer as well, as this article demonstrates. Graglia has appeared in our pages before, so we did the obvious and called him: Could we reprint the piece? Yes indeed (we thank him for the permission).

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We trust you will find his article as impressive as we did. Certainly it complements the articles we had in our last (Winter, 1986) issue on the still-hot controversy over whether the Constitution ought to be construed as meaning what it says, or what the present Court *says* it says. What struck us was Graglia's deft illumination of how "quite simple and straightforward" the original document *plus* its amendments actually are—yet Justice William J. Brennan insists that it is not possible to "gauge accurately the intent of the Framers"—a claim Professor Graglia disputes in great detail. Needless to say, we find his arguments convincing.

We certainly support his conclusion: "An opponent of judicial activism need not claim to know the answer to so difficult a question of social policy as, say, the extent, if any, to which abortion should be restricted to know that it is shameful in a supposedly democratic country that such a question should be answered for all of us by unelected and unaccountable government officials who have no special competence to do so."

As it happens, our concluding article considers *Roe v. Wade* in terms of the concept of justice itself. George Parkin Grant is best known to Canadians, but his several books on philosophical and political questions have also been controversial among American scholars as well. In 1974—only a year after *Roe*—he gave a series of lectures critical of the well-known book *A Theory of Justice*, by Harvard's John Rawls. What you have here is the concluding lecture, which argues that *Roe* "raises a cup of poison to the lips of liberalism."

His point is, the abortion decision defined the now-dominant theory of justice in the English-speaking world as a contractualism that dictates the primacy of the "right" over the *good*, and the individual over society—not at all the concept received from Western Christian civilization. No brief synopsis can do justice to his intricate arguments, but we hope that the persevering reader may find in them the most powerful case against abortion yet printed in this journal. Certainly they illuminate the fundamental meaning of *Roe*, and the reasons why that fateful decision epitomizes what Grant calls "the terrifying darkness which has fallen upon modern justice."

We have, as usual, added several appendices. The first (*Appendix A*), by our old friend Wm. F. Buckley Jr., analyzes another disturbing example of the "liberal" mind *vis-à-vis* abortion; specifically, it describes the "disreputable" polemics used in a money-raising letter recently sent out in the name of Oregon's Senator Robert Packwood, who has few peers as an advocate of legalized abortion. Buckley's own argument is, as usual, peerless.

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We trust that you will find *Appendix B* unusual; it is a chapter from the book *Pro-Life Feminism*—which is itself unusual, given the near-total identification, in public perception at least, of “feminism” with the pro-abortion position. The author, Nancy Randolph Pearcey, was formerly active in the small (but growing) Feminists for Life group, which holds that defense of the unborn is an issue of *civil* rights, not women’s rights. But she goes well beyond that here, with intriguing arguments about what “the place of women” *used* to be—and why their current status promotes “distress pregnancies” for which abortion becomes a “short-term solution.” We’ve never read anything quite like it before—we hope Mrs. Randolph will write more on the subject in due course.

Finally, we have another newspaper column by the *Chicago Tribune*’s Bob Greene, who often writes about abortion (we published a previous example in our Fall, 1983 issue): here he describes the experiences of an erstwhile “counselor” at an abortion clinic; the effect is . . . well, devastating.

There you have it, another issue (our 46th) full of disparate stuff that, somehow, all fits together, and echoes much else. For example, after reading Mr. Muggeridge you won’t be surprised to hear that the London *Economist* recently reported there is now an international “trade” in transplantable organs (the item begins “Britain has a shortage of human kidneys, and it is getting worse”). Or that Dr. Christiaan Barnard (see *Omni*, March, 1986) has said “legalizing euthanasia, with controls, would do more to improve the overall quality of American medical care than any other single act”—his “with controls” is a nice touch, reminding us that he wants only that “Humane Holocaust” that Muggeridge has described, and for which we now have the sacred technology—and *re* technology, as you read Mr. Grant’s historic piece, think of Muggeridge again, and wonder if Mr. Greene’s anonymous abortion-clinic staffer is right in fearing that the horror is “never going to end”? Yet we have faith that it will end, so help us God, in due season.

J.P. MCFADDEN

Editor

The Aggressive Progressive: A Contemporary Character

Joseph Sobran

THE SIXTIES WERE AN APOCALYPTIC moment in American history, a time when, in the name of progress, we plunged into the future in a spirit of reckless repudiation of the past. The future was supposed to bring an end to war, poverty, inequality, and injustice. Old taboos toppled; consciousnesses were raised into Dionysian ecstasy; liberation beckoned.

Now we are picking up the pieces. Or trying to. When we thought we were expanding our freedoms, it turns out we were closing our options. The past we threw away turns out to be nearly impossible to restore; some progressives doggedly insist it is somehow immoral even to attempt.

At any rate, we face a legacy of disorder. Families are broken, young lives blighted and destroyed by drugs, cheap sex, divorce, abortion. The economy is distorted by patterns of dependency and crime. Pornography and violence saturate the culture. We have learned to endure, more or less, evils we once dreaded.

The saddest and strangest legacy of the Sixties is the progressive mentality itself. It refuses to see the damage it has done as damage; it experiences conservative resistance to its initiatives as aggression.

Take, as a handy illustration, the pro-abortion movement. It accuses the right-to-life movement of harboring a “hidden agenda,” of secretly wanting to outlaw birth control. The plain fact is that on January 21, 1973, the day before the Supreme Court announced that laws restricting abortion were “unconstitutional,” very few present members of the right-to-life movement had the faintest inkling that they would soon be participating in any movement at all. They had no reason to think so. They were enjoying and taking for granted what they thought of as a settled way of life.

If there was any “hidden agenda,” it was on the other side. The

Joseph Sobran, author, editor, columnist, and social critic, is generally regarded as one of America's finest writers.

pro-abortion movement was the only movement on the issue. In the nature of the case, it couldn't be otherwise.

And one of the main components of the movement was Planned Parenthood. Well into the Sixties, its literature had carefully distinguished birth control, which only "prevents" the conception of a baby, from abortion, which kills a child already conceived. Now it was calling for legalizing what it had lately admitted was baby-killing.

The Court's ruling in *Roe v. Wade* took even some progressives off guard. Most of them had only argued for limited legal abortion, in such hard cases as rape and incest. Now the Court surprised them with the gift of abortion-on-demand.

They quickly recovered themselves and accepted the gift. And few of them have ever looked back. The rationale for legal abortion has shifted from the hard-cases doctrine (which concedes the evil of abortion) to a relativist stance (abortion is a "religious" question, not amenable to legal control) to a reverse absolutist position (abortion is a positive "right," to be promoted and subsidized by the state). The progressives have even waffled on their new absolutist position, by refusing in most cases to condemn the "anti-choice" Chinese Communist policy of compulsory abortion. Some go so far as to make excuses for the Chinese regime on the grounds that it faces a huge population "problem." Evidently the absolute individual "right" may have to yield to the exigencies of public policy.

When they have had so much trouble getting their own act together, one might expect the progressives to tolerate, or at least understand, the outrage of the right-to-life people. Because it surely *is* understandable that these people should feel they have been deceived and blindsided: deceived by the double-talk of groups like Planned Parenthood, and blindsided by a judicial *coup* that made a major change in their way of life without benefit of general discussion or legislative process. Yet their refusal to acquiesce instantly in a change that shocked (however happily) the pro-abortionists has earned them the accusation of being "divisive" and the further charge of hiding dark designs up their sleeve.

But it is all too characteristic of the progressives that they lack the ability to think of themselves critically or to imagine how they appear to others. They take no responsibility for their own past utterances, positions, arguments, and assurances; they don't even remember them.

They exist in a kind of oblivion, repudiating their own past along with the moral tradition they attack. They feel that *they* are the ones under attack. They are not conscious of having lied to anyone.

But abortion is only one illustration of the progressive mindset. There are many others. The pattern repeats itself ceaselessly.

Consider the Supreme Court itself, a progressive stronghold. Presumably the Court can err. Some unprogressive people would insist that it *has* erred from time to time. But the progressive ethos insists that the Court, on its progressive course, be treated as virtually infallible. Every ruling becomes a binding precedent for all time to come, a sure and certain basis for future rulings. And there exists at the moment no practical corrective procedure in the event that the Court seriously misconstrues the Constitution. The progressive has been fortunate enough to have the Court on his side lately on nearly every major social issue. He can't face the reasonable question, What do we do if the Court commits a major blunder?

This is a question conservatives have already had to face. They know we are locked into a crisis of self-government: the Court has indeed erred, in both procedure and substance. And even if its errors are rectified, whether from within or without, the Court will find itself in an institutional crisis that can give nobody satisfaction. The Court has been trapped by the myth of irreversible progress, and it is hard to see an escape route.

Some advocates of legal abortion, like Governor Mario Cuomo of New York, argue, not without a little gloating at our predicament, that even if abortion is banned again, the law will be unenforceable, as Prohibition was. Even if that were true (and the parallel is highly simplistic), that would be no reason to accept the current situation as desirable. Yet it is also typical of the progressive mentality to posit that its most dubious achievements are somehow beyond moral criticism and must be regarded as both irreversible and downright good. The progressive mind seems incapable of regret, shame, memory, or memory's shadow, irony.

The sense of irony would be appropriate to those who, in seeking to reform, have instead created a series of painful dilemmas. "Our thoughts are ours, their ends none of our own," says Shakespeare,

reflecting on the human tendency to wind up with results terribly different from those envisioned at the moment of action. No liberal, however avid for the “right” of abortion, can be very proud of its *results*: the sixteen million or so legal abortions performed since 1973 are referred to only by pro-life people; pro-abortionists never cite them as so many exercises of liberty, on which to felicitate ourselves. The “right” can be celebrated only in the abstract: that is why progressives regard pictures of the actuality—those bloody, dismembered “fetuses”—as a sort of unethical tactic in the debate.

“Our thoughts are ours, their ends none of our own.” How true. And those who are guided only by the abstractions of alleged rights and ideals in shaping public policy can seldom afford to look back, to compare the bright thoughts with the real ends. “Give peace a chance,” they sang, just before the “liberation” of Vietnam. Again and again, they—the progressives—insist that the past was bad, the present course irreversible. They can no longer plausibly maintain that the present course was really the best alternative available, only—again, what irony!—that we are no longer free to choose anything else: our options are now closed. Was conservatism ever so stubborn as this?

But even when our options do seem closed, it behooves us to try to imagine alternative courses that might have been taken. There is no point in giving up our critical faculties along with hope. After all, we are forever making new choices, even if they are somewhat narrower than some we might have had available before. New mistakes are always possible, but we are never condemned to make the same old mistakes again. And nothing in the past is quite as instructive as false promises. If we are deceived twice, as the saying goes, it’s *our* fault.

In no area have we been so grossly deceived as in the rules of sexual conduct. Sexual “freedom” was defined simply as the right to enjoy intercourse at will, with any willing partner. It was seldom suggested that true sexual freedom might mean good old monogamy, with any willing partner of the opposite sex not previously engaged. We were promised a paradise of joyous coupling, free of commitment, children, disease, and primitive emotions like jealousy.

The promise of sexual utopia has attracted millions of people who were immune to the mirage of political utopias. Popular music and movies have always revolved around euphoric eroticism, even when the

conventions were chaste. We all believe in love, and we yearn for the joys of mating. There are few songs about diapers and mortgages. The bitterest realism of the recording industry is pretty well defined by "Breaking Up Is Hard to Do." What could be more seductive than a vision of life as a series of honeymoons?

You don't have to study Marx to be bitten by this bug. And for once the progressive vision has dovetailed with the everyday fantasies of ordinary, apolitical people. If the realities of life could be equated with "the taboos of the past," progressivism had itself a real selling point. And so it happened with the "sexual revolution" of the Sixties. The revolution is still going strong, even after herpes and AIDS, yea, even after the Reagan Revolution.

In the Sixties, when Norman O. Brown and Herbert Marcuse were the rage among progressive intellectuals, it was a commonplace that the smothering, or "repression," of the erotic had disastrous cultural consequences. America's violence was largely due to its inability to get in touch with its sexual feelings. (There was our puritan heritage, and all that.)

Our movies were a case in point. They were full of violence, especially shootings. (Guns were phallic symbols.) Liberate the erotic, and the violence would evanesce.

Well, the evidence is in. Movies are routinely full of nude women, but the violence has only increased. But to leave it at that is to be guilty of misleading understatement. The shoot-'em-up has given way to the hack-'em-up. The nude woman is menaced not by a mere clean bullet in the navel but by an assortment of sharp low-tech weapons that offer, and often deliver, sadistic mutilation. *Psycho* was only the beginning. The market for the new thrillers, most of which are ignored by serious reviewers, is enough to make one wonder if we aren't a nation of Norman Bateses.

The flood of gore on the screen is interestingly paralleled by a huge rise in the incidence of horrifying crime. The progressive conventional wisdom holds that poverty causes crime, but no poverty can account for the diabolical tortures that are committed by so many of today's young criminals of the movie-going generation.

But once again, nobody seems to want to look back. Not only have

the predictions of gentle eroticism been given the lie; the warnings of the crusty old moralists, to the effect that bad movies might have a baneful impact on public morals, seem to have been wildly exceeded by the facts. Of course the conventional wisdom is always there to assure us that there is no proven correlation, or at least causal relation, between art and life. But this is an insult to the power of art, including bad art. The correlation may not be so strict as to be strictly provable, but it would be rash to assume it doesn't exist. There have been concrete intimations: in recent years, grisly crimes shown in televised movies have been quickly imitated in the streets, such as the woman who was set afire by a gang of Boston youths.

These, it is true, are called "isolated" cases, but isolated mostly in the sense that there is an unusual clarity about the sequence of precedent and imitation. Anyone who has come out of a movie swaggering like Jack Nicholson, or affecting a stammer like Faye Dunaway will suspect that there is plenty more where these came from.

But violence is only one issue at stake. Life imitates art, Oscar Wilde observed. It seems willfully idiotic to deny this or to pretend that the effect of art on the spectator is trivial. In a given case, yes; cumulatively, no. The arts, fine and popular, have always had a serious impact on morals and manners, and artists and censors have always agreed in principle about this. Those who deny it generally sound like defense attorneys belittling potentially incriminating circumstantial evidence on behalf of an unsavory client.

Which is exactly how many progressives *do* sound when making a case against censorship. We are reminded of great works of art that had to contend against absurdly philistine censors, the examples always stacking the deck of the argument. We are seldom reminded, on the other hand, that a wave of suicides by young men did follow the popularity of Goethe's *The Sorrows of Young Werther*. We are seldom asked to face a simple question of principle: If a great masterpiece did inspire a serious crime, would we be justified in banning it?

This is not to suggest that the answer is easy. But the progressive view insists on its own easy answer: No, never. But what if it could be shown that a *vulgar* work of art inspired such a crime? And when the question is put that way, we suspect that it is the censor who is trying to act responsibly and the progressive who is merely posturing—at least

he is posturing if he continues to pretend that the difficulty is unreal, and that only one answer is possible. At the same time, the progressive, when he is off his guard, may make the most grandiose claims for the positive power of art and the most fervent assertions of the social, moral, and political responsibility of the artist.

At any rate, the discussion is usually sustained at an artificially abstract level. The obvious fact today is that most movies pander to lust. The prig is not the censor who acknowledges this; it is the esthete who refuses to. It may be true that pornography is “boring,” if you are an esthete, a homosexual, or just not in the mood. But it is obviously true that many moviegoers aren’t interested in esthetics as such, aren’t homosexuals, and are in the mood. It has become something like a commercial necessity to spice up ordinary movies with indecency. The competition is fierce.

Once again progressives have refused to face the real situation. Their loose rhetoric of “freedom of expression” and “artistic necessity” has lent itself handily to the panders. And again they take no responsibility. This is progress, after all, and there is no gainsaying progress. But we should look at the reality a little more closely.

There is hardly ever an “artistic necessity” for nudity. If there were, we would have to look back at classic films from the era before nudity was permitted and conclude that some of them were marred by their inability to display their characters *au naturel* when nakedness was called for. But nobody has ever seriously suggested that *Gone With the Wind* would have been improved if Rhett and Scarlett had disrobed. This simple test seems to yield the same result when applied to *Casablanca*, *The Third Man*, *Children of Paradise*, and *Rashomon*.

Morals and decency aside, nudity breaks the esthetic and dramatic spell. The viewer, seeing a naked actress, irresistibly thinks of her as the real woman she is, not as the character she is impersonating. So that’s what she looks like! Was she embarrassed? How much did the camera crew see? What did her husband say? How much more am I going to see? Is that all? Will there be more later?

The effect is a little as if an actor were actually killed while filming a violent death scene, and the audience realized it. The horror and fascination of seeing a man die would completely dispel the dramatic illusion; reality would subvert realism.

JOSEPH SOBRAN

Even the sight of a naked actor may have this effect on a normal male viewer. There the tendency is simply to giggle. But of course we usually see naked women, of nubile years, though in real life old, ugly men probably strip at least as often. It is silly to pretend that the general motive (never mind the effect) of nudity in films is anything but prurient appeal.

And there are other effects. Many actresses dislike disrobing publicly. Few big stars do it. Some confess that they suffer from nervousness or even illness before filming a nude scene. Most of those who consent to it are young actresses for whom it represents a perhaps unique opportunity, and once they achieve stardom they stop doing it.

This also means that some opportunities are closed to actresses who refuse to peel for the cameras. It means that stripping is now to some extent part of an actress's profession (not so much part of an actor's). Which in turn means that some women who might be talented actresses, but wouldn't relish this aspect of the job, steer away from the profession. If so, we may be missing seeing some very fine actresses, thanks to the new conventions of film nudity. It is hard to imagine some great actresses, especially some of the great women of the English stage, taking up acting if it also meant doubling as a stripper.

This is so simple and obvious a point that it exposes the vulgarity of the movie industry in trying to integrate these two incompatible forms of attention. And yet the economic facts of life now seem to demand it: the individual movie has to compete to please the crassest spectator. On balance, it would be implausible to argue that the art of filmmaking has been liberated by the end of censorship. Common sense suggests that the real reason for the "new candor" of movies is nothing but greed, and this greed has put destructive pressures on performers and directors who do indeed have serious artistic ambitions.

Real progress is expressed in refinement. If legal censorship is to be lifted, the job of keeping movies pure of prurient corruption has to be taken up by other forces. But none have appeared. The progressives who called for the abolition of censorship have, as usual, failed to notice what happened.

And here we may as well admit the force of the Cuomo argument: now that obscenity has become a way of life, it will be hard to undo

the harm. You can get pornography at the local 7-Eleven. Traditional morality has been robbed of its legal and customary supports, and can hardly stand on its own.

In the early Sixties one of the main arguments for legalizing pornography was the “plain brown wrapper” argument. The assumption was that the vile stuff was legitimate within the confines of “privacy,” for “consenting adults,” and would of course remain there. But it has burst out of these confines to invade even the TV screen. It is impossible to shield children from it; they have become fair game for the panders.

In other words, all the things that weren’t supposed to happen have happened. And woe to those who try to do something about it! Parents who try to eliminate objectionable matter from their children’s school curricula are met with the charge of “censorship”—as if it settled the matter to point out the obvious. Of *course* they are engaged in censorship. That is what parents are for. That is what schools are supposed to be for: quality control at the level of cultural initiation. And yet this primal duty of parents and parental agents is thought to be sinister.

Very little of this would have come to pass if ordinary people had been warned that this was what they were in for if the earliest progressive assaults on censorship were successful. The change has succeeded only by being “progressive” in a special sense: gradual and furtive. As with some forms of martial aggression, the grand design has been disguised by a series of ad hoc justifications for each single grab, so as to make a whole sequence of grabs appear unrelated to each other.

One of the most vital components of the general attack on traditional morality has been the use of invidious labels. That morality and its different aspects have been variously labelled with sectarian tags—puritan, Protestant, Catholic—to make it seem narrow, local, provincial, and of course bigoted and intolerant, while the progressives have claimed for themselves the hallowed label of pluralism. By their implication, traditionalists want to “impose their views” on others and “discriminate against” people of different “beliefs,” in violation of the “separation of church and state.”

It is true that America has a certain religious heritage: Christian, mostly Protestant, partly puritan. It doesn’t follow that the application of its moral idiom to its legal system constitutes unfairness to people from different traditions. There is no universal tradition, any more than

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there is any universal language. A society starts with the ones it has, and it is the responsibility of outsiders to adapt to it—not necessarily adopt it in every detail themselves, but accept and respect its presence for natives. If you come to this country, you would do well to learn to speak English. Some things have to be settled by convention, and conventions are, by definition, arbitrary; and, also by definition, they are decided by convenience. Since we can't speak every language at once, it makes more sense that the immigrant German should learn English than that a quarter billion native-born Americans should learn German to accommodate him.

Besides, the particularism of America's moral tradition has been exaggerated by the progressives. It is neither unique nor especially rigorous. If you really want to see a "puritanical" culture, visit an Islamic country. A Moslem visiting the Massachusetts Bay Colony would have been shocked by the hedonism of the original Puritans. We may note in passing that the progressive never demands that American women wear veils in deference to the sensibilities of the occasional Moslem among us. (Why not? Isn't this a pluralistic society?) To him the mandate of pluralism is always toward an elimination, not an increase, in moral restraints, as if consensus lay in a lowest common denominator.

The fallacy of the lowest common denominator has been an indispensable tool of the progressive attack on traditional morality. It is true that people differ from culture to culture in codes of dress. This is not to say that nudism would be a reasonable compromise among them. Chinese immigrants don't come from a puritan, Protestant, or Christian culture, but they wear clothes. When they come here they tend to dress even more conservatively than the rest of us. If their sexual morality differs in points from our traditional morality, at least it is generally analogous to that morality, and they find it much easier to understand our traditionalists than to understand our progressives. (Was there ever a Chinese nudist colony?)

In fact it is a little amusing how readily the progressive professes to speak on behalf of aliens, like the Moslem and the Chinese, who in reality would have no use for him. The point is that he has use for them. Through them he expresses, ventriloquially, his own disaffection with his tradition. He is typically what I call a native alien, and "plural-

ism” is his rhetorical device for subverting the way of life he was born to. We tend to see him as an apostate Christian or Jew. I suspect that the Moslem and the Chinese would more quickly perceive him as a natural malcontent, a man who would never be at home in any tradition.

It is tradition and authority as such, not specifically Christianity or Judaism, that the progressive rebels against. After all, there are two basic ways of conceiving “progress.” One is to see it as a series of improvements incorporating accumulated experience; and this is how civilizations grow. The other is to conceive it as mere change, in the sense of a departure from origins. In this sense, progress becomes repudiation of the past, and the further we travel from where we began, the more we have “progressed.” And it is this second sense that is intended by the people who now think of themselves as progressive. The difference between the two notions is radical: the difference between continuation and discontinuity.

Protestantism has always had a dual identity that is pertinent here. Some Protestants have conceived their mission as one of returning to the original form of Christianity—a conservative mission of reform as the recovery of form. But others have measured progress simply by the distance travelled from Rome: the more dogma can be dispensed with, the more “advanced” the church is, until it is so advanced that it is hardly a church at all. This sort of progress terminates in apostasy.

The logic by which the most advanced church is no church corresponds perfectly to the progressive’s logic of pluralism, in which our tradition reaches its fulfillment in self-annihilation. One group now calling itself People for the American Way identifies “the” American way with the freedom to abort children and produce pornography—hardly the way George Washington would have defined it, one somehow feels.

Alienation has become central to the progressive mentality, and it is expressed in a constant tropism toward the marginal, the bizarre, the foreign, and even the perverse. The drive for legal abortion is one sign; but even that seems rational beside the drive for “gay rights.” Practically everyone agrees that there are times when it is appropriate to overlook a man’s apparent homosexual inclinations and irrelevant, even unfair, to focus attention on them. But this is just as true of far less

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regrettable personal traits. Why single out homosexuality for protection against discrimination and not, say, homeliness?

The answer is that our moral tradition, like most moral traditions, sees homosexuality as a defect, a disorder, a sin, and precisely for that reason the progressive wants to rub our noses in it, to make us squirm and apologize for our deep revulsion against it. During the recent debate over a proposed “gay rights” ordinance in New York City, homosexual spokesmen insisted that they respected the right of religious bodies to disapprove of sodomy and the right of churches and synagogues not to employ active or outspoken sodomites in certain jobs. To this a rabbi replied that he didn’t see why the law should permit homosexuals to bring their advocacy into the marketplace, while requiring him to confine his disapproval to the synagogue.

Double standards are always unintentionally self-revealing, and in the cause of “gay rights” we encounter a double standard of the progressives. By the logic of “pluralism” and the lowest common denominator, one might suppose that, just as women who don’t believe fetuses are human should be allowed to abort, so a man who regards sodomy as a mortal sin should be allowed not to hire sodomites. But no. Here the progressive becomes aggressive, just as he is aggressive in wanting to force taxpayers who oppose abortion to subsidize abortion. The “tolerance” and “compassion” he advocates are reserved for his own causes, and don’t extend to representatives of what he thinks of as “the past.” For that he has only hostility.

Hostility toward tradition is in fact the organizing motive of the progressive mind. The progressive can’t accept tradition as a living presence running through the generations. He calls it “the past” because he wants to deny, and prevent, its future. As long as it exists, it stands in judgment over him, which he finds unbearable. So he attacks it. And if it defends itself, he imputes the aggression to it, not to himself and his allies.

This is pretty clearly an unhealthy state of mind, but it is not at all unusual or unnatural. Disaffection is a universal human proclivity. The commandment “Honor thy father and thy mother” was not issued merely to reinforce a basic inclination, but to contradict another one almost equally basic; it is necessary in a way that the command “Be sure you get enough to eat” is not. “Who does not desire to kill his

father?" asks Ivan Karamazov; and Freud was so struck by this confessional challenge that he made it a cornerstone of psychoanalysis.

Human beings resent whatever is greater than themselves; they resent, at times, the very things to which they should be most grateful. This kind of resentment, called envy, used to be recognized as a fundamental motive. It is at the heart of the primal stories of Cain and Abel, of Joseph and his brethren, of Jesus and Judas. Plutarch explains the behavior of Brutus as envious; Shakespeare shifts the envy to Cassius, of whom Caesar says,

Such men as he be never at heart's ease
Whiles they behold a greater than themselves.

One of the great literary portraits of envy is of course Iago in *Othello*. The Catholic Church has always listed envy among the seven deadly sins.

Envy is natural. It is also particularly shameful, since it is the only sin that directly expresses the sinner's sense of his own smallness. For this reason it is always forced to masquerade as something else: love of freedom and justice, hatred of tyranny, compassion for the unfortunate, even scientific detachment.

John Murray Cuddihy speaks of the "punitive objectivity" of many marginal members of society toward those in the social core, but there is plenty of evidence that alienation is not limited to aliens. Many hereditary members of traditional societies are tormented by secret feelings that they simply can't measure up to the roles they are born to; the homosexual is a common example, but there are others. One way of relieving this torment is to declare war on the traditional norms themselves.

At one time the individual who did this was faced with loneliness in his defection. Today the number of defectors from tradition has reached critical mass, and they form a sort of communion of apostates, complete with a set of ideologies defining their tradition of origin as oppressive. When the traditional society is portrayed in purely negative terms, it follows that a course of defection is improvement, or "progress." The process of learning systematically to invert traditional values is called "consciousness-raising." The rejection of authority is, of course, "liberation."

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This is a proselytizing communion. The community of the alienated is always to be expanded. Open invitations to join are extended to blacks, Jews, Hispanics, Indians, and other putatively oppressed minorities. The categories of victims have been enlarged from the merely ethnic to the sexual (all women are eligible) and now to the sexually warped (homosexuals and lesbians). Soon only George Bush will be ineligible for membership.

Of course, not all who are eligible will actually sign up, because most of them don't feel particularly victimized, resentful, or alienated, even if they are told they should feel so. The point is that the fault line of alienation doesn't run along crude class, racial, or sexual lines, but through every heart, and the progressive makes it his mission to pretend that there is some objective justification for what really boils down to envy.

The progressive in our time has become the serpent in the garden of social order. He is interested in blacks, women, homosexuals, and the rest not as potentially normal human beings who might find their own places in the social order, but as vehicles of his own envy and as his agents of disruption. Abortion, nudity, sodomy, and divorce are his sacraments; he pines for the riots of the Sixties, but he has found small-scale substitutes. Until the next chiliastic moment, "the fire next time," "the Second Civil War," such practices as abortion will function as civil unrest continued by other means. Meanwhile, the progressive will continue to imagine himself a public benefactor, and resent the temerity of a social order that tries to defend itself.

Medical Progress and the Human Soul

Malcolm Muggeridge

*Insofar as we acquire any wisdom, we acquire it gradually as we grow older rather than saying, "Well that was when I, at last, saw the light." I don't think this latter happens to us, really; but gradually, if you have a bit of good fortune and a bit of sense, you do come to terms with your environment and in so doing you can find a kind of *modus vivendi*.*

—MALCOLM MUGGERIDGE

MY INTRODUCTION TO THIS procedure of transplants occurred in connection with a man who had set himself to effect a transplant of a heart and to keep the recipient alive: Dr. Christiaan Barnard of South Africa. He had managed to pull this transplant off and he came over to London to be congratulated for it. The British Broadcasting Corporation (BBC) assembled a big company of people who were interested and they called the program *Dr. Barnard Meets his Critics*, which in BBC-ese means *Dr. Barnard Meets his Sycophants* (I, as an old BBC hand, fully expected it); and such proved to be the case. The big studio in the BBC Television Centre was occupied by people, mostly doctors of one sort or another, all of whom greatly admired what Dr. Barnard had done; one after the other got up and congratulated him. There was even a clergyman there named Dr. Slack who warmly congratulated Dr. Barnard on his transplants. I really could not think of any particularly good thing to say, particularly after Dr. Slack had had his say; what I said was that I would like to know from Dr. Barnard how it was that he was the first person to do this operation and do it in South Africa, in the Groote Schuur Hospital in Pretoria.

Well, Dr. Barnard beat about the bush and did not want to give a specific answer, so I gave an answer for him. I said that what had enabled him to be the first person to do such an operation was that, because of the vile doctrine of apartheid, the actual "persona" of a human being had been lowered to the point that it was easier to go in and cut out a heart and transplant it elsewhere. This answer of mine caused a tremendous row. When I finished, there were even some of

Malcolm Muggeridge is . . . *the* Malcolm Muggeridge. This article is the text of an address he delivered to an international symposium on the question of "Organs for Transplantation" held in Alberta, Canada, in May, 1985; it is published here with his permission.

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the gentlemen present who got up and hissed. One of them, a highly distinguished doctor called Lord Something-or-other, said he wished to tell Dr. Barnard that what I had said had nothing whatever to do with them, that it was a point of view and one that they utterly repudiated. So I really was rather in the doghouse about the whole affair. At the same time, of course, I could not help following up my thought: Why is it that this particular operation should have had such a tremendous impact? Why was it possible for Dr. Barnard to do that, without reference to anything else, in a field in which other surgeons—probably better equipped—were holding back? It was then that there came into my mind the subject of my lecture today.

The whole apparatus of medicine has achieved the most fantastic results in recent years. Nobody can possibly deny that. Illnesses which in my childhood were household words have disappeared; for instance, illnesses like diphtheria. Those who have achieved all this are to be greatly thanked. At the same time, we have to realize—at least, I *think* we have to realize—that whereas in abolishing these illnesses, doctors have achieved great things with human flesh, they have not achieved anything much for the human soul. Has not the human soul, in fact, tended to wither away because of the attention given, almost exclusively (and with fine results) to the body?

This is the basic question that I have tried to look at; the more I look at it, however, the more complicated it becomes.

I also had a feeling about it all which was personal and perhaps rather egotistic; but as I read about the amazing achievements made by transplanting organs, I could not help reflecting that a rather charming little poem of Byron's, which I had cherished, would no longer be singable in our world. The poem, addressed to the Maid of Athens, begins like this:

Maid of Athens, ere we part
Give, O give me back my heart!
But since that has left my breast,
Take, O take, O take the rest!¹

Now that is a charming little love song, but who will be able to sing it without indulging in the kind of ribaldry with which it has been received here?

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In this strange business, then, there is still the question of the soul. Is there really a soul? Nobody seems to bother about it anymore. I believe that there is a soul. And it is essential to see that soul in relation to the enormously effective surgical operations in transplantation. John Donne put this thought extremely well—in a way which is certainly much better than I would put it:

Love's mysteries in souls do grow,
but yet the body is his book.²

I think that in these two beautiful lines he probably said vastly more than I will have said in this talk.

Now I would like to bring in another factor: the image of our human family. It was through Mother Teresa that I realized this Christian image of mankind, the image of a family, with a father in heaven and a mother, who help one another, in ways brotherly and sisterly. That is the essence of the Christian way of life, whereas in the surgery of organ transplantation, there is an idea more in keeping, not with the holy home, but with what is called in England *factory farming*, with hens kept laying all the time in order to be profitable and kept only for so long as there is profit in them. Not a very nice thing really, but certainly a thing which facilitates producing out many more eggs than they otherwise would. It is this image of the family which has permeated thinking down through all the centuries of Christendom: whereas now this idea is diminishing, becoming an anachronism, going out of circulation altogether.

I learned from Mother Teresa the difference between a materialistic society seeking to acquire wealth and power in order to “raise the standard of living” for materialistic purposes, and her insistence on thinking of all life as sacred. So you have the “sanctity of life,” on the one hand, and what is called the “quality of life,” on the other. But of these two concepts, that which is central and the one on which depends our civilization, religion and everything that is wonderful in the record of Western Civilization, is the “sanctity of life.”

When I went out to Calcutta with a camera crew and a producer to make a program about Mother Teresa, I walked with her through the clinic into which babies are brought who have been picked up in

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dustbins and other unlikely places, yet the clinic rightly boasts that they have never refused a baby. I said to Mother Teresa, purely to carry on a conversation for television, "But Mother Teresa, everybody seems to think that there are too many people in India. Is it really worthwhile going on with all this trouble to bring up a few more?" She did not say anything, but she picked up one of these babies, it was the tiniest baby I have ever seen, absolutely minute! Holding it up and with a look of extraordinary exultation, she proclaimed, "Look, there's life in her!" Here at last, I thought, we know what the sacredness of life is.

There is one other episode with Mother Teresa that I want to mention. Like so many things she did, this episode had a vague theme of comedy in it. It happened in this country, in Toronto. She was put on a program with a French geneticist, Jacques Monod, to discuss his attitude toward life, which was that the whole of our destiny is written in our genes (g-e-n-e-s, if you don't mind, not j-e-a-n-s; it is rather important to keep that distinction clear). Mother Teresa simply sat in the set apparently bending her head in meditation. She was in fact praying, which is what she always does when there seems nothing better to be done. Finally, the compere of the show turned to her and said, "Mother Teresa, have you nothing to say?" She looked up from her prayers and simply said, "I believe in love and compassion," and resumed her prayers, and that was that. What was interesting is that, as Dr. Jacques Monod was leaving the studio, he was heard to say, "If I see much more of that woman, I shall be in very bad trouble." And I know perfectly well what sort of trouble he would have been in! So much for that diversion.

I did, as a matter of fact, think I ought to have a look at the famous oath that doctors used to take when they became doctors, the Hippocratic Oath. I had noticed that no one seems to be taking it now, and when I read it, I could understand why. These are two of the essential features of the oath that physicians all used to swear: "I will give no deadly medicine to anyone if asked, nor suggest any such command, and in like manner, I will not give a woman a pessary to produce abortion." Well, obviously, as I read it I realized that it was no good going on with that.

In the field of transplant surgery there is another problem: the growing traffic in organs. Putting them on the market is becoming an extraordinarily lucrative occupation. There was a newspaper report recently telling us that you could get a lot of dollars for a kidney in good condition. That is going to be a very big trade and, furthermore, of course, you could carry it further and go in for mass commerce of various parts of the body. They have not yet had any testicles on the market, but I daresay they will have a very good price, too, if they do get on the market; probably better than kidneys! It is a matter of opinion, I suppose.

There is, no doubt, a big demand for organs for transplantation, but, to an old fellow like me, it all has an unsavory feeling about it: you are taking from cadavers or from living human beings, organs they are prepared to get rid of, or, as is tragically the case, from people in the world who are so poor, so without the necessities of life, that they are prepared to offer their own organs for sale in order to be able to satisfy themselves in other directions. Now to me, at any rate, this is a sort of very sad thing. One cannot actually nail down why it seems horrible that a kidney should be sold for a large sum of money, or that there are people so desperately in need of kidneys that they are prepared to pay large sums for them, but to me these contracts have something very creepy and unpleasant about them. This may be just prejudice, and it may be that when I have departed this world, which will be quite soon, and had some rest in a better place (I hope), I shall see that it's all to the good. But I feel in my bones that there is something terrible in it.

We are in danger, it seems to me, of losing the respect for the dead which has prevailed through the centuries, not just of Christendom, but of other civilizations as well. The practice has been to cover dead bodies respectfully, recognizing that, with the departure of the soul, the remainder is just a carcass to be disposed of by burial or cremation. Now, however, there is the possibility of financial deals with dead bodies; the cadaver has come to have a market value, leaving no place for requiems, prayers, or mourning with kidneys, hearts, eyeballs and other such items up for sale.

You can speak of strict controls, but when it comes to the point in

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matters of this kind, controls go by the board. When the abortion Bill was being canvassed, the argument all the time was, "Of course we don't want people to have abortions, of course we're going to have the best possible means of dealing with that, but it must be available for us." And yet, within a matter of months or even weeks, those who had brought in the Bill were complaining that they had no idea it would result in the current absolute holocaust. At the present moment, it is believed with reason that in England a human fetus is being disposed of every three minutes. These things are happening, and they are happening not because those concerned in the mechanism of the Bill are heartless or brutal, but because it places us on a slippery slope. In the case of abortion, one can see that, once you accept its validity, then the slippery slope works. So, in the end, you finish up with the strange, and, I think, terrifying situation which you have today of abortion being done incessantly, on the one hand, and of underage children being encouraged to receive contraceptives, on the other.

All these things, which will be in the history books, are marking the total decadence, the breakdown, of what is called Western Civilization. I believe that the people who are working even in the field of transplantation, in the most respectful way, and believing that what they are doing is good, should think very carefully about what the consequences of that sort of thing can be if it gets out of control.

I want to conclude my remarks with just a few words about myself. I have reached the stage in life when any kind of thought of being ambitious or wanting to distinguish myself or something like that is all a thing of the past. You are living in the shadow of death, which is not a bad shadow at all. I have found this and I thought I would like to tell you just because it might perhaps mean something to you as you grow older.

The feeling you have as you approach this inevitable end is not one of sadness or despair. It is one which has in it a considerable joy. Perhaps I can explain it better if I give a sort of image of it. You wake up in the middle of the night, perhaps at about three o'clock in the morning, and you wonder whether you are really in your body. You look beneath the blankets and there is this shriveled old body, but you are not there. Somehow or other this is a splendid thing! This

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makes you realize as never before what a marvelous privilege, what a terrific thing it is, to have been born into this world, to have lived out your life with its infinite mistakes and sins and all sorts of things in it, to this realization that at the end it is not just curtains! All that is most wonderful because it seems to burgeon. Grandchildren, however mischievous they may be, have a sort of halo about them because they represent life continuing, and not quality of life. Not, "Has he been a success or failure? Is he rich or poor? Is he stupid or clever?" Nothing of that. Not even, "Is he a mongoloid or non-mongoloid?" but he has *life*.

My life is moving towards its close, but that is not the end. What the end is who can say? Or what, specifically, does it matter? In that mood at the end of a life, you have, as never before, a sense of how beautiful it is to have been privileged to live. How enchanting it is to have had loving relationships with your fellow human beings. How even joyful it is to have had a command of language and to have found in that use of words a special joy and satisfaction which perhaps even partakes of that most wonderful of all sentences: "In the beginning was the Word . . . and the Word was made flesh and dwelt amongst us, full of grace and truth."³

NOTES

1. Gordon, G., (Lord Byron), "Maid of Athens," 1810, lines 1-4.
2. Donne, J., "The Ecstasy," lines 71-72.
3. The Bible, John 1:1,14.

The Princess's Problem

George Gilder

LET US DREAM A DREAM of liberation, a dream of young women . . . Susan does, as she leans back into the softness of her chair in her 19th-floor office at Rancour House, and lets her eyes rest on her small but privileged view of the East River.

The river moves out toward the Statue of Liberty. What does Liberty ask in 1986? Bring me your associate editors yearning to breathe free, your girl executives weary of the office air, your young lady lawyers with brisk efficient smiles and medicated wombs, your tired and hungry heiresses with advanced degrees—all your single women moving upward behind the glowing unopenable glass windows, who gaze at the brown river and ponder the passage of time, the promise of freedom.

Susan, however, is now thinking more concretely. She is waiting for Simon, the editor-in-chief at Rancour House, who will soon be by to discuss a manuscript. A 47-year-old married man, he often manages to discuss manuscripts with her at five. And for the last four years, their discussions have continued at a quiet bar down the street, and later, for greater comfort and privacy, at his *pied-à-terre* in the city. Susan feels her breath quicken as she thinks of Simon's approach. But she has learned that there is more to liberation than comfort and privacy with the most compelling and important man in the company.

Why are there no *single* men? Susan wonders. Or why are the ones she knows—even Arnold, her former lover—ultimately so tiresome? Arnold is the author of a novel that has been sitting in manuscript on Simon's desk for more than two months. Occasionally, Susan reminds Simon that he should read it. Two weeks ago he said he would get to it by the end of the week.

Arnold always makes Susan feel guilty. He wants to marry her, but she knows it is impossible. He is so unsettled, always struggling: for literary recognition, love from her, money from anywhere. He seems to

George Gilder is the well-known author of *Wealth and Poverty*, *Sexual Suicide*, and other books. This article is adapted from a new edition of *Sexual Suicide* which will be published this Fall by Pelican Books.

need constant affirmation of his manhood, and even sex itself seems a test for him rather than an expression of virility and desire. Doesn't he know that she needs his manliness to feel sexual herself?

Simon, on the other hand, is already a man, tested and assured. A father, a husband, he evokes her deepest femininity. Arnold now merely evokes her affectionate concern and vague resentment. How can she want to marry Arnold when Arnold is struggling to be like Simon and she can have Simon himself? How can she make a bet on an unpublished author when she can have the editor-in-chief?

The rest of the single men around seem even more out of the question than Arnold. Full of sexual urgency and ego-sensitivity, vain postures and tall stories, they always try too hard. And the more they try, the more she tends to prefer, as single men go, the homosexuals who predominate in the lower echelons of Rancour House.

So Susan's dream of liberation comes to focus on Simon. She wants him to divorce his wife, Jane. The hometown girl he wed when he was a young reporter in the Midwest, Jane has failed to keep up with his new cosmopolitan interests and advanced social views. Simon has told Susan that his marriage is a charade, continued only for the sake of the children. But the children are now all in college. Simon has no further obligations. He should leave his wife and marry her. Yes, Susan decides, only marriage to Simon will relieve her of the unresolved guilts and anxieties she still has as she enters her thirties as a single woman.

Simon, too, is dreaming of liberation. Earlier, he had dreamed of "men's liberation": that Susan would be willing to sleep with him more often and without such solemnity. Why was she never available in the afternoon for what a friend of his called "matinees"? Why couldn't she be more understanding of his need to be home in the evening? But soon his feelings for her deepened. He saw that finally she could demand her own terms.

This meant he would need a divorce, and he wished divorces could be managed more smoothly and sensibly. Jane would not understand; and the truth was that in a way he still loved her; their life together was in general happy. And his children would certainly not understand. But however easily he had once been able to accept the routine passages of a middle-aged marriage, he had found his predicament almost unbear-

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able since Susan first let her slip fall to the floor before him, magically dissolving his burden of years.

Simon and Susan would insist, however, that it isn't merely a matter of sex between them; together they attain a kind of human fulfillment they lack apart. They share the life of publishing. She understands his brilliant leadership that made Rancour House an arena for all the most arresting and original new thinking and creativity. Simon, on the other hand, respects Susan's deft skills as an editor, her tact with sensitive authors, her sense of the coming fashion in ideas. Although Simon's wife appreciates his success, she is unwilling to plunge herself into the social whirl of the New York publishing world. Her heart remains in their Scarsdale home; Susan virtually lives in the office down the hall.

How can anyone deny Simon and Susan their modest but redemptive dream? A society that values freedom, sexuality, and human happiness can hardly balk at this inspiring fulfillment of its ideal. The only ones likely to object are Simon's wife (though the social politics of divorce no longer favor a woman who wants to hang on) and Arnold, who has almost no leverage.

The statistics of divorce and remarriage indicate that Susan and Simon, and hundreds of thousands like them, are gaining their dream. With children, separate housing, alimony, and divorce lawyers, the dream turns out to be more conflicted than they ever imagined in those exalted moments in Simon's New York apartment. But increasingly, older men are leaving their wives and children to marry young women like Susan. And these young women are increasingly able to choose their men regardless of marital status. With single men seeming such a dreary lot compared to the married ones, the limitless frontiers of married men open before ambitious young women as a liberation indeed seductive.

These are the winners of the "sexual revolution." As has long been clear to the political philosopher, but strangely obscure to the sexual liberal, freedom at some point becomes the enemy of equality and the ally of power. In sex, the most powerful people are young women. The next most powerful people are successful older men. They come together with a social and sexual electricity that jolts the conventions of monogamy to their foundations.

The power of young women stems partly from the male sex drive. For millions of years of human evolution, male eroticism has focused on fertile women. Even when children are not a prime purpose of the marriage, a man is still most compellingly attracted to young women who can bear them. While most men remain fertile into old age, women can bear children only with increasing peril and difficulty as they move into their forties. Thus by excluding from their sexual ken the millions of older women, all men put themselves at the sexual mercy of the relatively small group of unmarried women in their twenties and thirties. These women can command the sexual tribute of men aged from their twenties into their sixties.

In a society where monogamy rules—in which successful older men cannot easily leave their wives to marry again—young women exercise their power chiefly to tame the barbarians, to induce young single men to support them and their children in marriage. Under these conditions, young women have to take a chance that the single man they choose will be able to give them the life they want. They have to bet on the Arnolds of the world; and by choosing them and loving them and bearing their children, the young women greatly enhance the likelihood that struggling young single men will in fact become successful men like Simon.

With sexual liberation, however, a young woman can conceive an escape from the predicament of choosing a man “for better or for worse, for richer or for poorer.” She can pursue a man who is already well off. The demographic data show that she will have a huge number of men from whom to choose, and that Arnold faces daunting competition.

Between the ages of twenty and forty, there are some 1.5 million more single men than single women. But the available group only begins with these relatively young men. Also entering the fray to pursue young women are the nearly three million divorced and separated men between forty and 55. The vast majority will remarry, choosing women with a median age in the low thirties. If many of the still married men are also open to the appeals of a young princess—and they are—her possibilities rise by millions more. And since close to three-quarters of the women between 25 and forty are already married, it is only a minority that will be pursuing the most attractive of the available men.

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Liberation enthrones young women as a sexual aristocracy. For a span of some 15 to twenty magical years, many of them are sexual princesses who can dictate terms to the world. Yet there is something going wrong in their lives. Susan and many of her peers do not feel like princesses; they feel a little anxious and used. They even claim to be oppressed, like blacks and other minorities, and have sustained with other women a passionate national movement of feminism to press their charges. Why do young women with so much choice often feel afflicted? Why do so many of these young women with an apparent prodigality of options end up not marrying at all? What is the princess's problem?

If Susan is as smart as her reputation, she can find her clue in the river. As she looks out her exalted window, she knows that the river flows through her own life as well and erodes her throne. Simon may marry her, but he has demonstrated his willingness to philander. He may be less of a prize than he seems, particularly since the expenses of the divorce may greatly reduce his net worth and possibly even arouse some unconfessed resentment toward Susan. Each subsequent divorce becomes statistically more likely than the one before. If he has enough money, as Susan grows older or becomes too demanding, he might decide to cash in a third time.

On the other hand, as a sexual princess Susan has lived a life of luxurious sensuality, with men competing for her favor with ardent gymnastics. Her expectations are high. But a man's sexual aptitude and enthusiasm tend to decline as he grows older. Susan may feel cheated by Simon's declining fervor and allow her own eye to wander. As he proceeds through his sixties laden with wealth, he may even fear she would prefer him dead. He may marry his young nurse. The marriage won by our princess may be no picnic on the beach.

Nonetheless, if Susan succeeds in marrying Simon, there is no point denying they may well live happily ever after, beginning a new family of children in a setting of love and prosperity. Not everyone loses in the sexual revolution. The princess may become a queen. But it is also eminently possible—particularly as he explores in detail the painful complexities of divorce—that Simon will eventually refuse to marry her. Susan then will have given up four or five of her most marriageable years. She will be well into her thirties without a husband.

Suddenly she will discover that the sexual power she wielded so confidently before is rapidly vanishing. She will have to marry whomever happens to be available as her thirties pass by. If she waits too long, she may well find that even Arnold is no longer interested, particularly if he has at last managed to succeed in his career. He may reject her with regret. But reject her he finally will, in favor of a woman in her twenties.

Susan's search for another man will be hampered by the very code of liberation that made it possible for her to pursue Simon. She does not comprehend that men and women have radically differing sexual drives and situations. Thus she thinks that there is a close correlation between the men she can seduce and the men she might marry. But a young princess can seduce the vast majority of men. Unless very securely married, virtually any man will sleep with any attractive young woman. In Washington the liberated princess can sleep with senators. In Hollywood, with directors and movie stars. Everywhere she can sleep with her boss. Often she will be able to sleep with upwardly mobile young men who will profess love but never contemplate marrying her. She will not realize until too late that what she is giving away—her time and her love—is much more valuable than what she is getting from men.

As a result, the failing young princess becomes bitter and cynical about men. Disdaining the ones who might love her, she gives herself to men who ultimately disdain her. Then all too often she gives herself to drugs and the bottle. Finally, she may even realize that she is a victim of a new generation of princesses like herself.

She will join many other victims. The most obvious evidence is the ever growing number of older divorcees. The number of divorced women nearly tripled during the 1970s and early 1980s. Between the ages of 35 and 65, there are some two million, or 50 percent, more divorced or separated women than divorced or separated men.

The differing span of fertility of the two sexes means that unlike divorced men, most of whom find new wives within three years, women over forty only rarely remarry. The median age of these divorced women was approximately forty, while the median age of the women whom the men took as second wives was about thirty. A

woman divorced after forty—after her child-bearing years—is likely to spend the rest of her life unmarried. After 50, only 11.5 percent of divorcees remarry.

Sexual liberals have long suggested that the older divorced women should marry the young men who are prevented from marrying by the older men with new young wives. But evolutionary biology and human psychology prevail against sexual convenience. Films and women's magazines may entertain their readers with stories of love between the two available generations of old and young. But except in show business, where the men often function more as paid escorts than as husbands and fathers, such marriages are rare.

Less obvious among the victims are those young men the princess passes up for a chance at a potentate. As Arnold's predicament suggests, despite all their proclamations to the contrary, young men have suffered profoundly from sexual liberation. This is true even at the bar and the bedside, where the fantasy of the single male, conquering young women without being caught in the coils of female sexuality, turns out to be frustratingly elusive. In *Sexual Behavior in the Seventies*, Morton Hunt, author of several previous books on sexual behavior, surveys voluminous data and finds that even in the realm of sex single men do less well than married men. Though they are more promiscuous, in the younger age groups single men have about one-fifth as much sexual activity as married men and less than half as much sexual activity as single women. An ambitious poll conducted in 1984 for the *New York Times* under the guidance of Joyce Brothers and the chairmen of the Psychology Departments at New York University and Princeton showed similar results.

But if the shortage of sexual partners is frustrating, the increasing numbers of unattached men is a serious social problem. The social-science literature draws a picture that is perfectly clear. The single man is disposed to criminality, drugs, and violence. He is irresponsible about his debts, alcoholic, accident-prone, and susceptible to disease. Unless he can marry, he is often destined for a troubled life. According to famous data assembled by Jessie Bernard, single men are three times as prone to nervous breakdowns as are single women or married men. Reports from mental institutions show that single men are 22 times

more likely than married men to be committed for mental disease. Lacking the stimulus of a family for which to provide, single men are also some 40 percent poorer than married men of the same age and credentials.

Single men have the highest mortality rate—from all causes—of any group, almost double that of married men and three times that of single women. Suicide is increasingly the way they die. Despite the publicity over teen suicide, the problem is not restricted to the young; after the perilous twenties, the older a man gets without marrying, the more likely he is to kill himself. Of course there are many forms of suicide that go by other names: single men excel at all of them.

Altogether, the pattern of mortality among single men is so various and inexorable that it suggests an organic source: a failure of the will to live, a disconnection from the life source itself as it arises in society. Discussing the high suicide rates of single men throughout Europe in the nineteenth century, Emile Durkheim wrote: “The bond attaching the [single] man to life relaxes because that attaching him to society is in itself slack.”

Other bonds slacken as well. The most crucial cause of the rise in homosexuality in America in recent decades is the emancipation of men from monogamy. When men leave their aging wives to marry young women or maintain young mistresses, they create, in effect, a system of polygamy, or more specifically polygyny, in which powerful men, like Simon, have more than one young woman. The annals of anthropology offer few examples of a correlation so complete as that between human societies that tolerate polygyny and societies with conspicuous practice of homosexuality. George P. Murdock’s world ethnographic sample of some 580 societies examined by anthropologists indicates a nearly exact correspondence between the two forms of behavior.

The legendary pattern of the Arab world—sheiks with harems and homosexuality pervasive—is exemplary. By allowing a man to have up to four legal wives—and concubines as well—Islam made it impossible for many young men to find nubile women. Although Islam, like other religions, condemns sodomy and pederasty—and some Moslem states have imposed the death penalty for such behavior—polygyny assures that homosexuality will be rampant in Moslem areas. Wherever

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monogamy breaks down, however, from Western Australian tribes studied by Edward Westermarck to idyllic Tahiti, from the Mojave Indians examined by George Devereaux to sexually liberated Western Europe, polygyny produces homosexuality. For all the complexities of particular cases, a homosexual culture, whether in prisons, at sea, or in polygamous societies, originates with a lack of available young women. Like aging, lonely divorcees, like female-headed families in the ghetto or the suburbs, homosexuality reflects the state of breakdown that occurs when the constraints of civilization—the longer horizons of female sexuality as expressed in unliberated sexual mores and the bonds of marriage—succumb to the demands of male power.

The only undeniable winners in the sexual revolution are powerful men. Under a regime of sexual liberation, some men can fulfill the paramount dream of most men everywhere. They can have the nubile years of more than one young woman. Whether a man takes these women simultaneously, staying married and having mistresses, or whether he marries two or more young wives in succession, or whether he merely lives with young women without marriage makes little difference to the social consequences.

The removal of restrictions on sexual activity does not bring equality and community. It brings ever more vicious sexual competition. The women become “easier” for the powerful to get—but harder for others to keep. Divorces become “easier”—except on divorced older women. Marriages become more “open”—open not only for the partners to get out but also for the powerful to get in.

Monogamy is central to any democratic social contract, designed to prevent a breakdown of society into the “war of every man against every man.” In order to preserve order, a man may relinquish liberty, property, and power to the state. But if he has to give up his wife to his boss, he is unmanned. A society of open sexual competition, in which the rich and powerful—or the sexually attractive—can command large numbers of women, is a society with the most intolerable hierarchy of all.

Monogamy is egalitarianism in the realm of love. It is a mode of rationing. It means—to put it crudely—one to a customer. Competition is intense enough even so, because of the sexual inequality of human

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beings. But under a regime of monogamy there are limits. One may covet one's neighbor's wife or husband, one may harbor fantasies of teeny-boppers, but one generally does not act on one's lusts. One does not abandon one's own wife when she grows older to take a woman who would otherwise go to a younger man. One does not raid the marriages of others. Thus a balance is maintained, and each generation gets its only true sexual rights: a wife or husband and the opportunity for participation in the future of the race through children.

It is not a ruthlessly strict system. Philandering erodes love and family values but it does not necessarily destroy them. Many divorces, particularly the 50 percent occurring among young couples without children, may be relatively harmless. But the essential rules are necessary to a just and democratic society. A breakdown in the sexual order will bring social ills and injustices far more grievous than the usual inequalities of money and power.

A society is essentially an organism. We cannot simply exclude a few million women from the fabric of families, remarry their husbands to younger women, and quietly return to our business as if nothing has happened. What has happened is a major rupture in the social system.

The overall result is sexual pressure on most men and most marriages. It is sexual turbulence and struggle extended throughout the society. It is fatherless children and childless fathers. It is men and women lost in the sexual shuffle and left unloved. It is a cycle of sexual warfare, female liberation and male counter-revolution, in which the only sure result is an ever larger band of vindictive losers.

Imperialism and The Pill

Tom Bethell

THE MALTHUSIAN INTERLUDE began in earnest around 1965. For the first time that year the *New York Times Index* noted below the heading “Population”: “General material on ‘population explosion’ is indexed here, including controversy over proposals to curb it by means of organized birth-control programs sponsored by government or other national or international agencies.” By 1984 the explanatory note had been dropped. That also was the year the Reagan Administration spoke sense at the UN International Conference on Population in Mexico City, pointing out, to general displeasure, that people come equipped with hands as well as mouths, and that there is no evidence that population growth diminishes economic well-being.

The wave of Malthusian hysteria now appears to be over, the “scientific” forecasts of the late Sixties and early Seventies having proved almost wholly incorrect—embarrassingly so in some cases. In 1970 Paul Ehrlich, Stanford University’s renowned specialist in population biology and author of *The Population Bomb* (1968), predicted that famine would be “directly or indirectly responsible for 65 million American deaths in the decade of 1980-89.” Little did he know that this would be the decade of best-selling diet books and overweight welfare mamas. (Today Ehrlich is to be heard, along with another politicized scientist, Carl Sagan, animadverting upon “nuclear winter”—best taken with several grains of salt.)

It is hard to say just what triggered the demographic alarm in the 1960s. In 1968 Fidel Castro was quoted as saying that it showed “imperialism’s lack of faith in the future,” in retrospect one of the few interesting contemporary comments on the topic. Far more characteristic was John D. Rockefeller III, warning us that the “present generation may be the last to have a free choice” in coping with the problem. If we did not solve it soon—and plenty of Rockefeller money would be available for the task—then “compulsory family planning” would be

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upon us. (Even the most cursory study of the population “crisis” makes one thing clear: People with inherited wealth find it hard to imagine that new wealth can be *created*.) Nobel Prize-winners foresaw cannibalism just over the horizon; while (as the *New York Times Index* informs us in its best laconic style) “Dr. P. Ehrlich says U.S. might have to resort to addition of temporary sterility drug to food shipped to foreign countries or their water supply with limited distribution of antidote chemicals, perhaps by lottery, speech to the U.S. Commission for UNESCO conference.” (How come there was no leftist outcry against this kind of thing? At the time Ehrlich was contributing to *The Progressive*.)

Perhaps the inaccuracy of earlier forcecasts played a role. In a 1953 study for the Twentieth Century Fund, demographers W. S. and E. S. Woytinsky estimated world population in the year 2000 at 3.2 billion. By 1967 the most extreme figure bandied about was 15 billion. In 1971, Secretary of State William Rogers suggested a figure of 7.5 billion. Today the Census Bureau estimates that the figure will be 6.17 billion—already down a couple of hundred million or so from the estimate made at the time of the Global 2000 report (1980).

Population hysteria did wonders for government-funded programs—and these we have still with us. Population-planning programs funded by the U.S. Agency for International Development (AID) increased from \$2 million in 1965 to \$250 million in 1985. By contrast, the amount of space devoted to the “population explosion” declined in the *New York Times Index* from fifty column-inches in 1971 to one column-inch in 1982.

Such U.S.-financed population planning (to use the current euphemism) seems now to be a source of understandable and growing anti-Americanism. In this it reminds one of another AID-funded endeavor: land reform—the seizure and redistribution of property. And, as it happens, the alleged population crisis was used more than once as a justification for redoubling land-reform efforts in the late Sixties. If we concede that the population crisis was real, this was exactly the opposite of what was needed, because land reform weakens property rights. It is countries with free-market economies (widespread property rights) that have in recent decades experienced fertility declines in almost every instance.

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Analogizing from Garret Hardin's famous essay "The Tragedy of the Commons," published in *Science* in 1968, when land is held in common and families are close-knit, as is the case in many Third World countries, people are wise to produce offspring quickly to live off that land, for the same reason that a hungry man eating from a communal pot is well advised to eat quickly. By contrast, in Western democracies as currently organized—with property rights modified by hefty income transfers—the cost of raising middle-class children is privatized while the benefits accruing in adulthood are to some extent socialized by high taxes and social-security levies. In sub-Saharan Africa it pays you to have a bunch of children. Here it will cost you a pretty penny.

The Soviet Union exports Communism. The United States exports condoms. A Capitol Hill aide once tried to find out how many, but of course no one knew. Visualize, nonetheless, the creaking boatloads of condoms, pills, IUDs, and sterilization devices sailing regularly from U.S. ports. Waving from dockside are well-paid functionaries from the U.S. Agency for International Development, the Rockefeller Foundation, the Population Council, the Population Crisis Committee, the International Planned Parenthood Federation, and a small army of senators and congressmen. Not a pretty picture.

U.S. population-control efforts perfectly symbolize the pessimistic materialism of American elites. U.S. support for land reform told the world that we no longer have the faith and hope shared by those who created the wealth of America. The U.S. export of contraceptives delivers the same message even more clearly. Not only must scarce resources be redistributed, but copulating hordes must be restrained, lest the resources become even scarcer. State distribution of the means of production and state control of the means of reproduction—that has been the unexpressed U.S. foreign policy in recent decades. And *we* are the relevant state. Anti-Americanism abroad should not just be dismissed as resentment of the rich by the poor.

According to one AID document, freight charges "for shipment of contraceptives" came to \$373,000 in 1983. Peter R. Huessy, president of Population Reports International and a consultant to the Global 2000 report, compiled some unusual figures about "waste, misuse, and inappropriate expenditures in international family-planning programs"

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for congressional testimony he gave in 1984:

—In the Philippines, in the late 1970s, ten million oral-contraceptive cycles and 26 million condoms were stored in one warehouse in downtown Manila.

—In Nepal, oversupply was so great that the AID mission requested \$50,000 to burn condoms at various locations around the country.

—In Bangladesh, three Family Planning International Association warehouses alone contained a 65-year supply of oral contraceptives and a nine-year supply of condoms for the “target” population.

A former legislative assistant to Senators Gaylord Nelson, William Proxmire, and Mike Gravel, Huessy recently wrote a book about family-planning programs, *To Inherit the Earth*, but today he seems disillusioned by the whole business, and he concentrates on defense and national-security issues. He depicts the population-crisis community as attending one another’s conferences and using the money they get from AID to lobby for more money the following year. (Almost half of AID’s “population” budget goes to such private organizations as the Population Council, Planned Parenthood Federation of America, Family Health International, Pathfinder Fund, etc.)

“I don’t think family planning is the solution,” he told me, “and I think the people who are promoting it as a solution are being duplicitous. I’ve talked to most of the people in this community for years, and I got out of it because they weren’t willing to acknowledge the serious limitations on what they are doing.” Huessy’s main point is that family-planning programs don’t work because “the absence of ‘family planning’ is not the problem. The problem is family planning.” In short, people in developing countries have large families because they want to, not because no one ever gave them condoms or intrauterine devices (many of which have now been withdrawn from the U.S. market as a result of law suits charging that they are unsafe).

Huessy adds that where birth rates have declined—Thailand, Indonesia, and the Philippines are oft-cited examples—the declines “were universally initiated prior to the beginning of government-supported family-planning programs.” Furthermore, some countries receive population-control funds (at the moment, for example, Bangladesh receives the lion’s share of AID funds—\$32 million in FY ’86), other countries receive nothing. According to Huessy, there is no correlation between

receipt of family-planning funds and reduction of birth rate.

“Antagonism toward the U.S. concept of population control has surfaced in numerous countries,” Jacqueline Kasun points out in her informative book *The War against Population*. (She is a professor of economics at Humboldt State University in California.) Iran and Nicaragua are two cases in point. Out went the population planners and their demoralizing paraphernalia when the revolutionaries came in. Because of the “sensitivity” (read: unpopularity) of what it is doing, AID admits “it has been more acceptable to many countries to receive support through multilateral agencies, such as the United Nations Fund for Population Activities, or the large and private voluntary organizations” that in turn are funded by AID.

University of Maryland business professor Julian L. Simon has borrowed the metaphor of money laundering to describe this subterfuge. His writings, for example *The Ultimate Resource* (1981), have been influential in turning around the Malthusian debate. Interestingly, the article in *Science* that gave him “instant credibility,” according to one journalist, has since been repudiated by the editor (Philip Abelson) who published it, and now wishes he hadn’t.

In August 1985, the Archbishop of Guatemala, Prospero Penados, sent a letter to “His Excellency” President Reagan, complaining that AID, the International Planned Parenthood Federation, and its local affiliate “have been flooding Guatemala with hazardous artificial contraceptives, mechanical devices, and widespread sterilization programs for many years,” and are now promoting a sex-education program “which defies and mocks our Christian principles,” excerpts from which “are too embarrassing to be quoted here.”

Speaking on behalf of the Episcopal Conference of his country, the archbishop added: “We feel that the myopic intervention of these agencies brings about a reaction of antipathy against what is perceived as a North American cultural and biological imperialism” and that Americans “would be ashamed to know that their tax dollars are being used to propagate these evil programs to poor and defenseless countries which are ignorant of the neo-Malthusian plans of these multinational agencies.”

Receiving no answer, the archbishop wrote again this January,

enclosing evidence of the “violation of the right to be born, and the outrages that continue against the poor people . . .”

Mercedes Wilson, executive director of the Louisiana-based Family of the Americas Foundation, told me recently that the Guatemala affiliate of IPPF has been “promoting the pill by telling the Indians that they are vitamins.” She added that the Archbishop of Cameroon has lent his support to the earlier complaint by Archbishop Penados (“Some rich and powerful foreign organizations are now taking an active interest in the Cameroon population situation”), as has Bishop José Ivo Lorscheiter, the president of the National Conference of Brazilian Bishops (“You may count on the solidarity of our episcopal conference”).

Mrs. Wilson, incidentally, has struggled for years to get government funding for organizations, such as her own, that teach new and fairly effective methods of natural family planning, without the requirement that they also provide information about artificial methods. She finally prevailed with AID Administrator Peter McPherson last summer, only to have Congress change the law in such a way as to bar such funding explicitly. The amendment was spearheaded by Senator Dennis DeConcini of Arizona, a Catholic, who received a pleading phone call from Mother Teresa of Calcutta before the vote, but managed to ignore it.

Philip Lawler, president of the American Catholic Conference, heard complaints last year from the presidents of the Central American and Salvadoran Bishops’ Conferences about a contraceptive and sterilization offensive in their part of the world. According to a Capitol Hill aide, at a mid-January meeting of South American church officials in Lima, Peru, one senior member of the episcopate told of his recent visit to Florida where he asked his American counterparts to intercede with the U.S. Government on behalf of the Latin American church, because U.S. population policies were anti-Catholic. According to this source, the American bishops “politely declined.”

The Haitian bishops have also become upset. They too have questioned “the appropriateness of a sterilization program that apparently is being funded by AID,” according to a source at the U.S. Catholic Conference (of bishops) in Washington.

Here, then, is the non-barking dog. The famously politicized Ameri-

can bishops! They bark at the unemployment rate (7.1 percent is “morally unacceptable”), they bark at the poverty rate, they bark long and loud at capitalism. They wish to be “prophetic” (critical of government); they seem to enjoy opposition to the Reagan Administration. So where are they when bishops from around the world talk of cultural imperialism and express the hope that United States’ foreign policy will be brought into line with Catholic teaching? Quite an opportunity for the bishops, wouldn’t you think?

“The bishops fought the good fight for a number of years, I would say until the early Seventies,” said a source at the USCC. “They got no significant support, and they were really isolated. In practical terms, for the last 15 years they have pretty well dropped the issue of family planning.”

Turn back to the *New York Times Index*, and you will find it is statements by Roman Catholics—almost exclusively statements by Roman Catholics—that seem on target today.

—“Monsignor Knott re-states RC Church opposition to most aspects of birth control . . . Charges [President] Johnson use of word ‘explosion’ is unscientific” (January 9, 1965).

—“Vatican newspaper front-page ed, strongly opposing ‘unnatural’ forms of birth control, doubts validity of scientific warnings of population-explosion dangers, says moral solution to problem is man’s ‘mastery of self’”(November 5, 1966).

—“Vatican publication strongly scores Johnson for backing birth control in State of Union message” (January 19, 1967).

—“Pope Paul VI ban on all artificial means of contraception, dismisses warnings of population-explosion danger, says threat must be met by socio-economic means, not birth control” (July 30, 1968).

I talked to Thomas Quigley, advisor on Latin America to the U.S. bishops, and commented on the non-barking dog.

“Been overused a bit, that,” he said.

“Here you have appeals from brother bishops in foreign lands . . .”

Quigley was legalistic. “I don’t know of any request made to the U.S. bishops to do something,” he said. No use their complaining to the likes of Lawler or Mercedes Wilson. There were channels and procedures.

“Yes, but when it comes to addressing the U.S. economy you don’t seem to need prompting . . .”

“The Bishops’ Conference in the U.S. doesn’t make pronouncements on policy every Tuesday morning,” Quigley said. “It would take something more than has already happened to gear up the Conference.”

No particular stimulus was needed, by contrast, for bishops in any part of the world to address problems of poverty, destitution, injustice, he said. That was an ongoing part of the Church’s post-Vatican II ministry.

“There’s not been a great deal of attention, I fully grant,” he said, “to the extent to which AID is involved in undesirable efforts overseas, affecting people’s freedom to have children.” I pondered that and he said: “You’re still hearing the dog that doesn’t bark.”

Is there no population crisis, then? Maybe there is. It takes an average of 2.1 children per woman to replace a population over time, not counting immigration. “The key fact of our time,” as Ben Wattenberg has written, “is that the important, modern, free, powerful nations of the world are not having 2.1 children per woman. Not even close. In the U.S. the rate is 1.8 children per woman. In England it’s 1.8; in France, 1.9; in Japan, 1.7; in Italy, 1.6; in West Germany, 1.4. This is the first time in history that a collection of nations—without the stress of war, famine or disease—have opted not to reproduce themselves.”

Even allowing for the unreliability of such forecasts, the populations of several Western European countries are likely either to have declined by the year 2000, or to be stable thanks only to rapidly growing Muslim cohorts in their midst. (In Britain today there are a thousand mosques.) The U.S. population will continue to rise for a while—because of immigration, and the declining death rate (people live longer).

“The U.S. population is now growing and short of violent disaster will continue to do so for some decades to come,” Petr Beckmann of Boulder, Colorado, wrote recently in his always entertaining newsletter, *Access to Energy*. “From this it is often quite wrongly concluded that there is a population explosion in the U.S. This is like fearing a flood because the river level is still slowly rising after the spring run-off, when a look at the dry mountains would reveal that what is really threatening is a drought.”

Selling Tarnished Utopias

Frank Zepezauer

THEY SAW THE EGALITARIAN FUTURE and said it won't work, not unless you *make* it work by engineering a totalitarian nightmare out of a utopian dream.

Sociologist Melford E. Spiro tells part of the story in *Gender and Culture: Kibbutz Women Revisited*,¹ describing how zealous social experimenters eventually had to admit that Mother Nature does indeed influence the nature of mothers.

British journalist Roland Huntford tells another part of the story in *The New Totalitarians*:² the title itself records his conclusions about the Swedish welfare state.

Both reporters have seen ideology confounded by reality, and provide a warning to Americans still bedazzled by egalitarian pitchmen. Both open our eyes to the ideological package many Americans have bought; how it is manufactured and marketed, and how it generates the belief that what is not working over there must somehow work over here.

Listen first to Mr. Spiro, whose return to the *kibbutzim* challenged the convictions which had prompted his first visit. In 1951 he believed it "axiomatic" that "human nature is culturally constituted." He therefore hoped to study how planned environments created new men and women. On his first visit he found plenty of planning, energized by old-style men and women with new-style ideas.

Today's radical feminist couldn't ask for more. Women in the kibbutz entered work on terms equal to men. Mothers relinquished their children to communal nurseries, visiting them only during prescribed hours. Nursing mothers even weighed their infants before breastfeeding. They then volunteered their breasts to any infant shown by subsequent weigh-ins to have been deprived of precisely equal ingestion of milk. These women returned not to family homes but to "residences" which they shared not with husbands but with "co-residents." Should

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the co-residents procreate children, they would follow their growth from a distance. All children grew up in dormitories segregated from parents and from older or younger age groups, but not from the opposite sex. Children did, however, visit parents for two hours a day but could not eat with them. Everyone took meals in common dining rooms where genders and generations were deliberately scattered to frustrate the knitting-up of family groups. Traditional families were, in fact, abolished by law, and privacy was declared a "moral defect."

Few communitarian experiments began with such passionate hope or received such meticulous planning. Few monasteries, even those guided by St. Benedict himself, could match its dedication. Enter the dream of the kibbutz and you see again Puritans standing on the shores of a New Zion, their backs turned away from a flawed past, ready to build mankind's destined society. Yet, within one generation, their sons and daughters confounded the dream. Returning in 1975, Spiro found so many changes that "it became apparent . . . that the attempt to abolish sex role differentiation in the economy did not entirely achieve the expected results." He called what he saw the "sabra counter-revolution."

Many of the second generation—or "sabra"—women had rejected the traditionally male domain their mothers battled to enter. Spiro found them in increasing numbers gathering in the nursery, the kitchen and the school, women returning to "women's work." Female parents called themselves "mothers" and found ways to defy visiting hours that limited time with *their* children. Co-residents evolved into husbands and wives, called their shared quarters a home and made it the locus of a family based on blood and formalized kinship. Both husband and wife went to increasingly gender-segregated work. Of the sabra women, 88 percent had returned to service jobs, as well as to lipstick, dresses, and feminine behavior. Men once again gravitated toward political and economic leadership. Of all managers, 64 percent were men, even though their jobs lacked the prestige that presumably sparked male ambition.

Spiro also noted signs of gender differentiation among the very youngest, the malleable clay that presumably should yield most readily to the manipulation of ideologized fingers. In spite of the vigilance of their feminist care-takers, little boys usually fantasized about predatory animals. Little girls, on the other hand, more frequently fantasized

about mothering. Significantly more often than girls, boys chose large, bulky, shove-around-able toys, more often showed aggressiveness, provided most of the group leaders, and deferred with untutored respect to the moral sensibility of the girls.

Puberty divided the sexes even more sharply. Boys and girls had entered their teens after years of unfettered intimacy. They had slept, eaten and bathed together, had no need to play doctor to sneak looks at alien anatomies. Yet when pubescent girls found boys staring at their nakedness—in their high school's only shower room—they chased the boys out and demanded separate dormitories.

It seemed that ideology pressing too hard on nature had generated its own perversity. Or was the ideology itself perverse? As data mounted up, Spiro re-examined the cultural determinism at the heart of his professional worldview and began a “Copernican revolution” in his thinking. He concluded that “biology” is, at the very least, “a variable” which operates in human behavior. Anticipating rebukes for his apostasy, he devoted a long chapter to exploring the possible environmental interpretations for his data and found they couldn't explain what he had seen. His conclusion: “Although the particular content of the sex differences found in human family systems, occupational roles and political behavior is undoubtedly determined by the historical circumstances unique to each society, the universality, as well as the shape of these differences, would seem in large part to be a consequence—so the kibbutz experience suggests—of sex differences in pre-cultural motivational dispositions.”

His conclusion opened up a more puzzling question: not why the sabras had rebelled against the egalitarian ideology of their parents, but why the parents had themselves rebelled against a multi-millennial tradition, the shared wisdom of countless generations. Spiro noted that every society ever known had “biparental families” united by natural kinship and solemn vow. The family, the core of each society, was a “pan-human institution.” Yet somewhere out of the intellectual and political turmoil of the 19th Century, the kibbutz pioneers had extracted an ideology which defied universal experience, sought to destroy the traditional family and make of its forcibly-isolated components a new man and a new woman.

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The ideology is Marxism, a flowering of Western European secularist philosophy whose transplants have taken root in soil bordering on the tundra as well as the desert. As Roland Huntford reports, Sweden's long-dominant Social Democratic Party discarded dogmatic Marxism while assimilating its methodology and spirit. Thus, although Sweden remains capitalistic with most of its productive industry still in private hands, it is, according to Hunt, "one of the most truly Marxist countries in existence." Capitalism creates the wealth; the State re-distributes it. The result: a collectivist paternalism controlling nearly every quiver of Swedish life. Yet, unlike their Russian counterparts, these "new totalitarians" aggrandized power through patient manipulation and subtle coercion, showing the world, at last, a socialism with gentle hands and smiling face.

Huntford's account of a totally-engineered society prompts an image of a control room buzzing in the heart of Stockholm, where an army of technocrats monitor consoles connected to cells in the corporate body—at this station some grumbling Laplander squeezed into his allotted urban space; at another some inexplicably defiant mother staying home with her infant; at still another some scholar asking un-party-like questions. Huntford's own imagination frequently forms analogies with the sterile commonwealth in Huxley's *Brave New World*, a book which, co-incidentally, came out in the same year, 1932, in which the Social Democrats began their fifty-year campaign to restructure Swedish society. In both the fictional and the real society, the procedure is simple and relentless: decide what the State needs and then "persuade the people to want the correct thing."

Most of Huntford's book shows how Sweden's Social Democrats planted a communitarian system so deeply that occasional electoral losses leave it pretty much intact. In Sweden, it is not the State, but parliamentary power which has withered away.³ Politicians come and go in a democratic make-believe while the party *apparatchniks* remain, grow, and consolidate their control. Huntford offers as one example the strategic moves of the environmental planners, who enjoy almost arbitrary authority to shove buildings and people into appropriate squares on the egalitarian chessboard. Of all new buildings put together since 1932, 85 percent were built by the public sector to foster public objectives. Unlike the rural dream which animated the kibbutzim, Sweden's

master plan shifted country-loving folk into urban tenements, block after block of four-story flats, each within efficient distance of a transport station, a medical facility and—most important of all—a welfare center. The apartments are comfortable enough, fitted with Sweden’s clean-line furniture and up-dated appliances, and their denizens eat well enough, each—as planned—about as well as everyone else. The State takes good care of them, on the highest tax rate in the industrial world, and tells them they never had it so good, that once they had it a lot worse, and that, in time, when reality finally conforms to Plan, they will have it better than ever. Where it’s at in Sweden is where it’s going to be. In its collectivist imagination the future gleams as brightly as the Northern Lights.

But for Plan to shape reality, the gleam must first illuminate the minds of the very young. Older Swedes corrupted by the past can be contained or ignored, or suppressed and laughed away. In the meantime, the state inscribes socialism on the *tabula rasa* of their children, who remain “theirs” only in increasingly-irrelevant colloquialism. The State presses inexorably toward collectivist parenting.⁴ Economic and social manipulation nudges all women into the workforce. As one labor-market director puts it, “All those in production have to pay for it. . . . Women can’t expect to be privileged by staying at home.” Compulsory public schooling moves steadily down into the nursery years. Between 1959 and 1979, day-care centers increased from 1104 to 7249, a 700 percent-plus increase. Now “pre-schooling” is compulsory at age three, which means that for most children the State now serves not only as nursemaid, nanny and teacher, but also as surrogate parent.⁵

The State knows what’s best for its children. One *agitprop* agent declares that “Children have to be socialized at an early age, in order to eradicate our social heritage.” His superior, the Deputy Minister of Education, declares that their task is “to turn out the correct kind of person.” And *his* superior, the Minister of Education, declares that such a person will be “well adjusted and will respect the consensus, not sabotage it.” Their purpose then is clear. So is their means of achieving it: kill individuality, competitiveness, creativity, even imagination. “We need technologists, not original scientists.” In addition, you have to kill the past, wiping out the people’s shared picture of it. As the past dies so

does myth and mysticism. "Sweden has been de-Christianized more efficiently than any other country, Russia not excepted," Huntford reports. For that matter, the West's secular traditions haven't fared much better. Olaf Palme, the late Social Democrat Party leader, shrugged off "the Renaissance, so called, or Western culture," and asked, "What does it mean to us?" Not much, apparently, if you look at the utilitarian vocationalism of Swedish education, the conformist passivity of its teachers and the politicized group-think of its intellectuals.

In Sweden, "education" therefore translates into socialist indoctrination. Like welfare, it presses on the Swedish consciousness wherever it opens to teacher, professor, night-school instructor, shop steward, party hack, journalist, artist, broadcaster, or bureaucrat . . . from cradle to grave in a society where the party controls the bureaucracy and the bureaucracy controls nearly everything else. This incessant, ubiquitous propagandizing prompts Huntford's notion of a *Brave New World* incarnate in Sweden's body politic. Random examples suggest the spirit that is now ascendant in the Nordic sky. In the State-controlled National Theatre, the Norwegian eccentric, Henrik Ibsen, suffers disfavor for his bourgeois individualism. Malcolm Muggeridge confronts media hostility in Sweden not only for his tart-tongued anti-socialism but also for his suspicious religiosity. Even Dag Hammarskjöld's image shrunk when his countrymen learned of his "mystic tendencies." Such privatist perversities threaten the properly-conditioned collective. But the secular puritans who zealously work to shape it intend to prevail. And when they do, tradition, imagination and folklore, the bond of family, tribe and village, the mystique of land and kinship, the unpredictable poetry of daily life . . . all the world beyond the reach of quantifying reason . . . will collapse into an egalitarian group-mind as flat, solid and uniformly textured as one of Sweden's frozen lakes.

But, for the time being, this placid surface conceals psychic turbulence, humanity at war with humanism. Sweden's Directorate of Social Affairs, which routinely pokes into such matters, found that 25 percent of the State's subjects needed psychiatric treatment. (Keep in mind, however, that in Sweden, like Russia, deviance from party dogma can signify mental illness.) Additional data shows other serpents in Eden.

Between 1950 and 1966 the number of crimes reported to police rose 250 percent, from 161,778 to 410,904 in a nation numbering about 8,300,000. During the same period violent crimes doubled; bank robberies occurred almost weekly in Stockholm. From 1969 to the present, juvenile delinquency, alcoholism and suicide rates rose sharply, putting Sweden among the world's leaders in these pathologies.

Scrupulously-gathered numbers also record the devastation wrought against the traditional family. For example, the United States now worries about a divorce rate that breaks up half of our marriages. Sweden's is 60 percent higher. But then, modern Swedes don't bother much about marrying in the first place. Their marriage rate is now the lowest ever recorded in peacetime. Most births are now "illegitimate"—if we may use that traditionalist term—but then, because of State-subsidized abortion, less than half of the pregnancies ever reach full term. The authorities, apparently, don't care: however children arrive in the world, they will eventually be absorbed into the Family/State. Perhaps the authorities *should* care. In 1973, Sweden's birthrate ran at only 59 percent of replacement level in a nation already worrying about high emigration. But then, as in *Brave New World*, there looms ahead the baby-in-the-test-tube. The State has long practiced the biotechnological way and daily strengthens its ideological will.

The ideology also exerts its will in American society, a galvanizing agent in our culture and politics. You would think that the increasing volume of storm warnings from reporters like Huntford and Spiro might alarm our home-grown egalitarians. But our local faithful prefer to read the signals differently. Other reports, they insist, show storms darkening the American continent while the sun smiles in Israel and Scandinavia. They can also claim that Huntford and Spiro report good as well as bad news. Huntford, for example, describes an aggrandizing welfarism sustained by a thriving capitalism. In 1972 Sweden's \$5,100 per-capita income ranked just behind America's \$5,600. The Swedish economy profits from two major auto companies, as well as productive aerospace, shipbuilding, lumber, furniture and steel industries. Unemployment seldom moves beyond two percent of the labor force, and down in the dirt poverty has been all but wiped out. In addition, there's all that frolicsome neo-pagan sexuality mocking the fretful embraces of our Bible-dominated culture.

By the same token, Melford Spiro reports more than a little success in the kibbutzim. Unlike other commune experiments, they've continued into a third generation, growing from a single kibbutz in 1900 to 240 in 1980. They now serve as family and home for 100,000 communitarians. That's only three percent of Israel's population, a tiny fraction that nevertheless produces more than 33 percent of the gross national farm output, five percent of its industrial production and 12 percent of the GNP. They also produced a disproportionate share of Israel's political, military and cultural leaders. In 1972, for example, one-third of the Israeli cabinet came from the kibbutzim. Also note that Spiro's critique focused on an extremist position, that culture alone shapes human nature. He nevertheless left his readers with a healthy respect for environmental influence.

Other facts, however, qualify these qualifiers. Both the Swedish and Israeli socialist experiments found limited success, and the reasons for whatever success they enjoyed were not limited to socialism. Both, for example, feed off the very traditions they trashed. Whether in or out of a socialist environment, Swedes and Jews work hard, stick together, and assert ethnic pride. And, for all their Marxist modernism, their socialism connected with communitarian systems rooted in their past. Swedish peasants long ago formed village collectives called "bruks." Jews, by choice or alien command, have since their beginnings lived in tribal communities. Look again at the kibbutz and you see a secularized *shtetl*. Both experiments also worked on homogeneous populations. Swedes, for example, had de-Judaicized themselves long before they de-Christianized themselves. And, for all their scolding of American racial sin, they harrass their own non-conforming minorities, the Laplanders and Gypsies.

In addition, both experiments depend on non-socialist economies. Swedes may secure themselves within their northern bastion, rejecting, for example, a Common Market involvement that would have compromised their centrally-controlled domestic system. But they profit primarily from Western, not socialist, markets and even rely on the West for the creativity their fact-obsessed, sober utilitarianism has squashed. One of their *aparatchniks* said, "The great original advances are made abroad, and we need to exploit them." By the same token the

kibbutzim may contribute more than their share to the larger Israeli economy, but it's doubtful whether they could survive on their own without it, or, for that matter, whether the socialistically-inclined Israeli economy could survive without Western support.

Finally, for all their dogmatic ideology, both experiments allowed for sensible adaptations. The Swedish socialists, for example, took their time, prepared carefully and backed off when they met strong resistance. They refrained from abrupt nationalization, a folly which presumably more libertarian England and France could not forebear. In fact, the Swedes were smart enough to learn from English mistakes. "You've only got to look at the British coal and steel industry to get cold shivers down your back," said one of Sweden's economic planners. "We've looked hard at that kind of nationalization and it's not for us." What *was* for them was a subtle, steady insinuation of State power into industry and commerce. As of 1970, the strategy seemed to work; Sweden's economy was in obviously better shape than England's and Sweden's socialism seemed much more benign than Russia's. Similarly, when the sabra generation rebelled against unisex anti-familism, the kibbutz leaders eased up and assimilated the newly-asserted private families into the communes. Zealous ideologues should also note that from the start Israeli socialism was pioneered by volunteers, dedicated individuals who came—and left—of their own free will. If you *impose* kibbutz-style socialism on an entire nation you get—what else?—modern Sweden.

Thus, after all the "buts" and "ifs" have been explored, it's hard to conclude from these two experiments that radical egalitarianism works, that a rationalized State can surpass the traditional family or that secularist propaganda can nourish the individual soul or give meaning to shared experience. It's even harder to understand why these two problem-ridden enterprises continue to shine as role models for America's left-liberal faithful. We can, however, consider a few clues. The first concerns the socio-political influence of America's Jewish community. If Jews proudly point to their disproportionate contribution to art, scholarship and commerce, they also own up to a disproportionate contribution to radical-left militancy. Several causes may be at work, most of them lying in the history of a nation without a state, a people without a homeland, a religion without a church, often experiencing an

oppression which punished, yet strengthened, an already-powerful ethnic identity. And, as one speculation suggests,⁶ a book of their scripture, Exodus, tells of escape from slavery, severe discipline for liberation in a wilderness and triumphant entry into a Promised Land . . . a story which continues to awaken the West's religious spirit, but when secularized, can furnish the plot for earthbound ideologies.

Whatever the causes, the facts remain. In *Roots of Radicalism*,⁷ Stanley Rothman and S. Robert Lichter report that during the college turbulence of the sixties, "by every measure we employed, Jews made up a majority of the New Left. Fifty-three percent of the radicals were of Jewish background." (Jews make up under three percent of the total American population.) Of those engaged in seven or more protests, 63 percent were Jewish. "Even in the waning days of the New Left, a largely upper-middle-class Jewish avant-garde remained the core of the committed." The same figures showed up in studies of radical feminists who trashed the traditional family during the seventies. In one sampling, Rothman and Lichter reported that 58 percent of the militant liberationists were Jewish.⁸

Later studies show similar—and sometimes contradictory—results. A "National Survey of American Jews"⁹ that has been undertaken yearly for the American Jewish Committee since 1981 by Dr. Steven M. Cohen shows a recent rightward shift on a number of issues. In 1981 he found that 32 percent of Jews called themselves liberal, 49 percent moderate, and only 16 percent conservative. By 1984 he found liberals had increased to 35 percent but that, on the other hand, those declaring themselves conservative had increased even faster, up to 25 percent, nine percent higher than four years earlier. But the Jewish move to the center and right was apparently generated primarily by economic concerns. Even though an increasing number of Jews help lead the fight against cultural radicalism—as indicated by the intellectual energy radiating from such publications as *Commentary* and *The Public Interest*—many Jews still tilt toward the left on social issues. Some 70 percent of America's Jews oppose even silent meditation in public schools, 63 percent oppose tuition tax credits, 87 percent support "gay rights." Most distressing to the anti-abortion movement is the heavy Jewish endorsement of the pro-choice ethic. The survey shows that 80 percent of America's Jews support federally funded abortion. It's not

only distressing, but puzzling, given the understandable Jewish outrage against a secular ideology which classified suspect groups as “sub-human.” As one infamous State saw it, because the life of these out-groups lacked sufficient quality, they deserved extinction. In any event, some Jews—as well as some Christians—now promote secularist ideologies which savage that complex of faith, law, and custom which hopeful ecumenists once called the “Judeo-Christian Tradition.”

Many of these aggressive secularists gather together in the “New Class” whose upwardly-mobile iconoclasm provides still another clue to the ongoing fascination with Israeli and Swedish egalitarianism. This group draws much of its ethic from the rationalistic humanism of behavioral science. The marriage of socialism to social science explains in part why events in Sweden often predict parallel events in the United States. It is not really Swedish cultural imperialism—although Swedes generously share their moral superiority—as much as it is intellectual symbiosis. A cross-Atlantic network sends ideas from American sociologists to “progressive” Swedes who test them on a well-tamed population. The Swedes, in turn, transport back sociological data, which ranks ahead of Volvos as the country’s number one export. These products finally infiltrate our brash new cultural elite for whom Sweden’s de-Christianized morality is as fashionable as its automobiles. Most of our “cultural revolution” repeated patterns established only a few years earlier in Sweden.

In fact our change-it-now mania so quickly and so efficiently overturned long-standing institutions—the great awakening in sex and sex-role morality was upon us in a wink of the historical eye—that talk of “revolution” suggests semantic infiltration, *their* way of naming the transformation they planned and engineered, “they” in this case referring to American elite activists who marched to a drum sounding in the distant air of northern Europe or the Israeli countryside. Nor should we be deluded into believing that all that rapid change was generated by spontaneous combustion, an outflaming of rage at conditions grown intolerable by 1965. Both Spiro and Huntford reveal that the entire scheme, including the death of the family and the assumption of state parenting, had been meticulously worked out in theory as early as 1900. Thus, if we didn’t know better, we’d swear that all our liberation movements had been directed by Olaf Palme.

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But we do know better, and much more, because of reports like those delivered by Huntford and Spiro. Such reports on failed utopias should open our eyes to the ideologies which animated them, the techniques which implemented them, and the results they brought about. We've heard the warning. Let's hear it once more in the academic prose of Melford Spiro: "For any group of individuals to attempt to impose their particular reversal of a pan-human distribution on sex differences upon others is an insult to their basic human dignity. If, moreover, the political or media influence of such a group assures their attempts a measure of success, the ensuing social and psychological dislocation for the larger society can be expected to be as serious as those attendant upon the reverse straightjacketing."

In other words, go from one extreme to the other and you wind up with extremism, and with one more alibi for statism.

NOTES

1. Spiro, Melford E., *Gender and Culture: Kibbutz Women Revisited* (New York: Schocken Books, 1980).
2. Huntford, Roland, *The New Totalitarians* (New York: Scarborough Books, 1980).
3. Huntford's Introduction to the Scarborough Edition takes note of stirrings from Sweden's long dormant right of center. Since 1972 the Social Democratic Party lost two elections in a row but Huntford sees little evidence of substantive change: "Prime Ministers may come and go, but the bureaucrat endures." The change of government demonstrated "the comparative unimportance of politicians." "The collective still rules."
4. Refer also to Eric Brodin's article in *The University Bookman*, "The Family in the Welfare State." Brodin quotes a member of the Swedish Committee on Women's Work, who demands "social measures for alleviating the mother's care of small children . . . to satisfy the needs of mothers engaged both in employment and in homework." As Brodin puts it, if a woman "is a working mother, she will be able to turn her child over to a state institution for care."
He also notes that there is "probably no other free nation on earth where the government's agencies have been granted such power to take children away from their families as in Sweden. The children may be removed from the home without so much as a police order or any court proceedings." After a measure was passed by the Swedish parliament—with only three dissenting votes—State authorities could prosecute parents if they as much as spoke to their child in a manner which a child might interpret as "offensive." Among "offensive" parental behavior: inculcation in "religious fundamentalism."
5. See the *TFP Newsletter* (October, 1985) reports that pressure is growing against the deviant stay-at-home mother. When one woman, Monica Kullman, applied for government assistance to supplement her husband's below-subsistence income, she was refused but told she might be considered if she got a job and turned her children over to a day-care center. "I did not have children to give them away," said Mrs. Kullman. But the State wasn't listening.
Note further how such trends create a dilemma in the U.S. We don't want to subsidize the choices of low-income women to have babies out of wedlock. Yet we don't want to see welfare mothers being forced into the labor market in order to get needed support. We seem to be solving the dilemma by doing both and now face an American underclass where the majority of children are born in *never formed* families.
6. See "The Limits of a Secular Exodus" by Robert N. Bellay, an article/review (*The Oxford Review*, October, 1985) of a book by Michael Walzer, *Exodus and Revolution* (Basic Books, 1985).
7. Rothman, Stanley, and Lichter, Robert S., *Roots of Radicalism* (New York: Oxford University Press, 1982), p. 109.
8. *Ibid.*
9. Breger, Marshall, in *This World*, Winter, 1985, p. 28.

Character and Crime

Michael Novak

THOSE OF US WHO GREW UP during the 1930s and 1940s can scarcely ignore the great change undergone by the *ethos* of American culture during our lifetime. This change in *ethos* was most marked among elites, especially in the intellectual, literary, and communications fields. Speaking roughly, one might say that once radio, cinema, and other national media of communication began to emerge (during the 1920s), the balance of power among American elites swung slowly but steadily away from the “squares”—from local ministers, local activists, businessmen, and voluntary associations—and towards intellectuals, journalists, filmmakers, and other communicators.¹

Given the advent of modern communications technology, the class structure of American elites shifted with greater rapidity after World War II. Prior to about 1960, the most honored elite in America was the business class, along with representatives of the established order: doctors (the early Dr. Spock), clergymen (Bishop Sheen, Billy Graham), military officers (“Ike,” congressmen with “good military records,” such as JFK), and lawmen (J. Edgar Hoover). Professional politicians were held in relatively low repute. After 1960, the symbolic importance of political activism rose dramatically, and new cultural heroes appeared: advance men, speechwriters, the White House staff, “New Frontiersmen” in government agencies, crusading journalists, socially aware actors, writers and filmmakers, academic experts and social activists such as Ralph Nader. In short, the university trained class of new professionals, trained in skills of organization and communication, began to play a world-historical role. They put a new stamp upon the national *ethos*. Perhaps not all the American public were touched. Certainly, among the elites, there was a pronounced shift in the balance of power toward the makers of our public culture and in its symbolic content; that is, toward the communications elite: in radio, cinema, television, magazines, and the rest.

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The general *ethical* direction implicit in this massive swing was a shift from formality to informality, from self-mastery to self-expression, from formation of character to liberation, from virtue to self-discovery. There are many signs that this long swing of the pendulum has reached its outermost angle and will soon begin (if it has not already begun) a slow return.

During this ascendance, one could no longer say with Tocqueville that "in America [the criminal] is looked upon as an enemy of the human race, and the whole of mankind is against him."² Those who continued to take the criminal to be an "enemy of the human race" came quite suddenly to be regarded as old-fashioned, unsophisticated, primitive, even fascist. Enlightened persons, by contrast, tried to "understand" the criminal, to regard the criminal as a "victim," and to place unprecedented emphasis upon sympathetic concern for the "rights" of criminals. Correlatively, the same elites began to look upon the forces of government charged with preventing crime as potential agents of abuse, repression, and injustice. Police were called "pigs" by youths, and perhaps the crime then most likely to arouse antagonistic passion was "police brutality." It would be too much to say that in America the *policeman* began to be looked upon "as an enemy of the human race, and the whole of mankind is against him." Some "enlightened" persons however, did seem to show considerably less sympathy for the police than for those whom the police tried to hold in check.

Behind all three lay a new vision of man. According to the traditional American *ethos*, biblical and republican, the imperative given each free person is: "Confirm thy soul in self-control." The American system was regarded as a blessing: "God shed His grace on Thee." According to the new anthropology, two new principles were adduced. First, the American system, as system, is unjust, so that rebellion against it is justified, even necessary for moral liberation. Second, the imperative given each free person is to seek, not self-control, but self-expression. In short, the new imperative of "liberation" required revolt against earlier cultural norms, expectations, systems, and laws. The older *ethos* came suddenly to be regarded as a lower form of morality, to be spurned, ridiculed, and abandoned. In its place was to be built a "new morality," a morality of self-exploration, self-discovery, self-expression, and impulse-release. If the new portrait of the old morality

was of a short-haired, buttoned-down, bourgeois, uptight, self-controlled, law-abiding, convention-observing “square,” the new symbol of the “new morality” was a long-haired, jean-clad, sandalled, proletarian, groovy, free-spirited, law-defying, convention-flouting “self.” The fact that most police are middle-class and many criminals poor fit these symbols neatly. In any conflict between the bourgeoisie and the proletarians, intellectuals would know in advance which side better represents the tide of history.

It would take too long here to show how great historical events during the years 1960-1976 influenced this shift in symbolic allegiances among the new class of communicators. The protests against the war in Vietnam, especially after the Democratic convention of 1968 in Chicago, did shift the sympathies of such paradigmatic figures as Walter Cronkite away from establishment figures such as Hubert Humphrey, Mayor Richard J. Daley, and the Chicago police and toward the rioters in the streets: “our kids” being beaten up by “their kids.” Later, the disgracing of such symbols of “law and order” as White House staffers Bob Haldemann and John Erlichman, along with President Richard Nixon in the Watergate trials, served to bring disrepute upon the system of law itself, notwithstanding how that system then worked to mete out justice.

There seem to have been three sources of this massive shift in cultural *ethos*: (1) the symbols of political radicalism; (2) the civil libertarian impulse; and (3) the call of self-expression.

(1) Those who held a leftwing, radical view of the world were exhilarated by such events. The symbols of political radicalism—viz., that, on balance, the U.S. system is a greater force for evil in the world than for good; that a form of domestic as well as international “colonialism” or “imperialism” needs to be countered; and that “wars of liberation” needed to be launched at home and abroad—came to influence many symbol-makers and political leaders. In this worldview, any call for law, order, and support for an attack upon crime came to be regarded as a “code word” for repression.³ It is not so much that anyone was in favor of crime; rather, enlightened persons felt they ought not to give comfort to those reactionaries who “pandered” to the middle-class public’s fear of crime.

(2) The civil-libertarian impulse also waxed strong, and without much enlightened opposition. There is a sound American tradition of concern for exact justice and the rights of the accused. The Declaration of Independence itself indicted the British Crown for abusing the rights of its loyal subjects. Using the strength of this legitimate tradition, and armed with the martyr's delight in opposing public opinion to the contrary, civil libertarians set out to broaden one-sidedly the rights and immunities of those accused of offending law and order. Since rights must always be balanced against rights—the rights of victims against the rights of those accused of victimizing them, e.g.—justice requires due balance. It was not difficult to tip that balance against one side, in favor of the other, when the motive was explicitly one-sided to begin with.

(3) During the period 1960-1976, the cult of self-expression drew upon its roots both in Rousseau and in Hobbes with unprecedented power. From Rousseau, it derived philosophical vindication both for the natural innocence of individuals and for the corruption inherent in the institutions of bourgeois society. From Hobbes, it derived a minimalist view of human liberty, such that human beings ought to be free to indulge in any actions between or among consenting adults, so long as they do not harm the public weal or one another. In this spirit, Abbie Hoffman could *epater les bourgeois* by writing: *Steal This Book!* and *Do it!*. Cultural restraints could be regarded as “oppressive.” Giving way to internal impulses could be legitimated as “liberation.”

By such routes, at least among communications elites and those who chose to live under their influence, the culture of America shifted dramatically away from its early emphasis upon the painstaking acquisition of virtue, the confirmation of the soul in self-control, the pursuit of inner self-mastery, and the formation of character to a new *ethos* of liberation.

If crime follows from a weakening of virtue and character, and especially from a weakening of their supportive cultural *ethos*, then under the new *ethos* and the rejection of the old, one would expect criminal behavior to multiply. And so it did. One would further expect the weakening of the cultural *ethos* to occur with special force among the young, still new to the process of acculturation. And so it did. That, under virtually all cultural conditions, the young between the ages of 15

and 25 belong to the age-cohort most likely to commit crimes of violence would only compound the damage under such new conditions. And so it did. And, finally, that those of the young with the fewest independent resources of socialization—in the family, church, workplace, and neighborhood—would be most under the influence of the *ethos* of the communications media is also to be expected. And so they were.

Among the many possible causes of a widespread practice of virtue and of lives lived according to the dictates of good character, the *ethos* promulgated by important elites via the new instruments of mass communication must be high on the list. The image of a fist raised in defiance became a favorite of the media during the period 1960-1976.⁴ The metaphors of “letting go,” “born free,” and “liberation” became powerful symbols in the lives of millions. It is hard to think of any countervailing symbols of self-discipline, the acquisition of virtue, and character that were given equal public weight during that period.⁵

Two final observations are necessary. The use of the novel dominant *ethos* of the period 1960-1976 for partisan political purposes may not have been entirely cynical. But it must be observed that such symbols did in fact serve the purposes of leftwing politics. Even Jimmy Carter, whose sudden prominence was in large measure due to the fact that he was a practicing Sunday School teacher and a “born again Christian,” the very embodiment of the old biblical, republican, rural *ethos* of the nation, and for that reason able to deliver a large part of the South to the left, found it expedient to be championed by *Rolling Stone*, to give an interview in *Playboy*, to build his campaign around concerts by rock stars, and in many other ways to make himself the candidate also of the new *ethos* and of its paradigmatic figures. One can say that, given Jimmy Carter’s attachment to Sunday School virtue, the public tide began to turn in 1976. Yet even Jimmy Carter had to pay the “new morality” its due—and paid the price of defeat in 1980.

Moreover, the new morality wrought special havoc in the black community especially in urban areas. Rural black culture still retains powerful means of socialization in virtue and character. Families tend to be stronger. Churches tend to be a dominant influence. The inroads of modern communications tend to be correspondingly weaker. The American black community tends to be one of the most “conservative,”

in terms of the old morality. The regular teaching of virtue and character through traditional means of socialization, however, is far weaker in urban areas, and the power of the new means of communication is far stronger. Yet during the period 1960-1976, the American black population was experiencing the great and admirable "civil rights revolution." For them, especially, there was true social relevance to the cry: "Free at last! Free at last! God Almighty, free at last!" The symbols of that revolution, in fact, were symbols of extraordinary virtue, extraordinary strength of character, and extraordinary social discipline. Non-violent resistance is the very opposite of "letting go" and "free-expression." It is a triumph of character.

Nonetheless, this noble movement among black Americans—during which they moved from being self-described as "Negro Americans" to "black Americans" or "Afro-Americans"—evoked an ambivalent response among communications elites. On the one hand, few could be unsympathetic to the great drama of moral achievement on the part of Martin Luther King, Jr., and the civil rights movement. On the other hand, few dared to treat blacks as critically and objectively as they treat other groups in society. The emotional solution to this ambivalence was to treat black Americans on virtually all occasions as *victims*, under the moral imperative: "Thou shalt not blame the victim."⁶ That this was patronizing and, in its own way racist, did not prevent its routine occurrence. Thus, in enlightened commentary even blacks convicted as criminals evoked understanding, sympathy, and excuses. This rhetorical solution deprived law-abiding blacks of any credit for virtue and character. And it undermined in the world of mass communications any attempt to reinforce those who, isolated and alone, still insisted upon the crucial human need for virtue and character.

As George Gilder pointed out in his powerful but little-read *Visible Man*,⁷ the most visible of all Americans during the period 1960-1976 (on magazine covers, in books, in front-page articles, and on television shows) was the black militant, typically with fist clenched and voicing defiance. The most invisible were the millions of hardworking, virtuous, quietly advancing, and determined black workers, entrepreneurs, and professionals. The media loved the few defiant ones; it ignored the majority. (That this is in itself a kind of racism, and probably a subjective projection, was long overlooked.) Communications elites were

thereby promoting one *ethos*, diminishing another. Did this have no effect at all?

For one thing, this mass-produced public image badly injured the public reputation of black Americans as a whole. For another, it tended to confuse militance for good causes with criminality, as if both were equally symptoms of "oppression." I visited one university during the early 1970s whose administration claimed to be promoting civil rights by insisting in its affirmative action program that the recruiters bring in "street" blacks, even with criminal records, definitely *not* "middle class" blacks. The president proudly asserted that he wished to help the "truly oppressed." The havoc his college later experienced need not be detailed.

During the years 1960-1976, criminal acts by black youths multiplied to historically unprecedented proportions. Some commentators have countered that there is "oppression" even in the fact that blacks are disproportionately represented in America's prison population. Few argue that such persons are entirely innocent of crime, only that they are more aggressively pursued and arrested. It is possible that this is true. But there are some studies of violent personal crime that do not derive from arrest records, but from interviews with victims, even in cases in which no arrests have been made. By higher proportions than their percentage of the population as a whole, the victims of violent crime are black. When such victims identify by race the person who victimized them, the perpetrators are also disproportionately black, by an even higher disproportion.⁸ These figures show, also, that personal violent crime in the United States is disproportionately perpetrated by blacks. They oblige those who know the statistical information to find an explanation for it. There are many such. To go into them would take us too far afield. The point for present purposes is that, to this point, this information is seldom discussed in public by communications elites, although it is widely discussed in private. This disjunction between public and private discussion cannot be healthy. It is, however, another evidence of the rhetorical ambivalence mentioned above.

Toward a Cultural Response to Crime

As the attentive reader will have discerned, the argument so far leads us to a powerful conclusion. *Cultural elites can mount an effective campaign against crime by helping to shape a cultural ethos which*

regards the criminal as “an enemy of the human race,” and by amassing evidence that “the whole of mankind is against him.” By this, I do not wish to assert that a powerful anti-crime cultural *ethos* will alone suffice in eliminating crime. Under virtually any *ethos*, there will be crime. (There have been criminal acts even within monasteries: Not too many years ago, one monk murdered another at St. John’s Abbey in Collegeville, Minnesota.) My thesis is more limited: Among many other social factors, the power of the prevailing cultural *ethos* has considerable importance.

This thesis cries out for a more positive formulation: *A cultural ethos inculcating in every citizen the need for the acquisition of virtue, the imperatives of self-control and self-mastery, and the moral obligation to assume responsibility for the painstaking shaping of one’s own character, will significantly decrease the frequency of criminal acts.* I do not think this thesis can be overturned.

Consider, for example, its direct denial. Let someone say that the prevailing cultural *ethos* has *no* effect upon the frequency of crime. Such an assertion would require believing that each individual tempted to commit a crime would receive only such weak signals from the opinions of others, such weak response from institutions, and such license to self-respect and self-justification despite the views and actions of others, that he or she could be wholly indifferent to them. Such an objection would be easy to hold when the prevailing cultural *ethos* is quite permissive about crime. But if the opposite is the case, social retribution is likely to be swift. Consult again the citation from Tocqueville cited above. [*For the full citation see Note 2—Ed.*]

Consider next the objection that, even if the prevailing cultural *ethos* imposes the “tyranny” of “bourgeois values,” rebellious persons would still commit crimes, as if in brave defiance. No doubt this is true. But two considerations deserve attention. First, the objection now entertains the difference between individuals who simply drift with the crowd and conform to prevailing doctrine, and those who have the “bravery” to stand in defiance. Surely the proportion in the latter category is, in any society, smaller than the proportion in the former. Secondly, this objection supposes that a regimen of virtue, self-control, and character must be imposed from above by “tyranny.” It need not be. If it is as natural for humans to choose virtue as vice, as natural to choose self-control as

impulse-release, and as natural to choose character as dissolution, then perhaps significant proportions of human beings can be persuaded of their own free choice to choose the first set of alternatives rather than the second. James Q. Wilson cites Thomas W. Laqueur as showing for England, in a portrait apparently as true for the United States, that the Sunday School movement, which in many places reached half or more of the population, cut across all class lines. Through it and movements like it, “the bourgeois world view triumphed in the nineteenth century largely through consent, not through force.”⁹ It is one of the givens of character-building that it can only be achieved through voluntary, chosen, and steadily pursued “self-actualization.”

The more telling objection is likely to leave standing the heart of the thesis, while attacking only its feasibility. Yes, the objector may advance, a cultural *ethos* committed to character-building is likely to diminish the frequency of criminal acts. *But* the United States of the 1980s is never going to go back to “the old-time religion” or “the bourgeois order.” This objection might well be voiced not only by a person who objects personally to the voluntary regimen of virtue, self-discipline and character, but precisely by someone committed to those values but who despairs of ever seeing them regain their prominence in these United States. (There are conservatives who delight in predicting gloom and doom.)

No doubt, the wise response to this objection is simply to re-state the thesis, because it is true. And one might then add: “Too bad for the United States; cultures decline as well as rise; so went ancient Rome, etc.” Despite being of somber and melancholic Slavic background, however, I find such *Weltschmerz* unrealistic. Consider a few trivial points: (1) If I recall correctly, only 15 years ago, fewer than a million Americans were regular joggers; by 1984, the number was 30 million. If this is not a major change, not only in *ethos*, but in ascetic discipline, what is? (2) Between 1830 and 1850 per capita alcohol consumption in the U.S. is calculated to have fallen, under the impact of various temperance movements, from 7.1 gallons per year to 1.8 gallons.¹⁰ (3) During the past twenty years, the feminist movement is credited with winning rather immense and sweeping changes in American values, attitudes, and practices. Even these three examples, among many oth-

ers, suggest that no one can plausibly hold that *all* fairly broad and rapid social change is impossible. So perhaps the objection must be recast so as only to hold that *this particular* social change is impossible. Impossible? Even that would be too strong. Unlikely? Even that may be doubted.

Why, on the face of it, would it be more difficult to move forward in the direction of an *ethos* of impulse-restraint than it was during preceding decades to move in the direction of an *ethos* of impulse-release? If one replies that a move in the direction of impulse-release is more like pandering, whereas a move in the direction of impulse-restraint requires effort and discipline, one merely surrenders. Does anyone dare to argue, on philosophical grounds, that a *lack* of self-activating, self-regulating, all-purpose inner control represents a higher stage of human development than its attainment? Dare one argue today in favor of lack of character? Does anyone really hold that the human being is by spontaneous instinct solely innocent, sweet, other-regarding, and civilized?

The American people have had considerable experience over the past twenty years with virtually untrammelled liberty, openness, and self-expression. They have learned, to their regret, that when some persons are free to express themselves, they mug, rape, and kill. It seems as native to some to be barbarous as to be civilized. When some persons seek instant self-gratification, they—like two men in California recently—indulge themselves in the torturing, mutilation, and murder of helpless victims (filming all this on videotape the while). True, every human alive has felt the *impulse* to steal what does not belong to him (such that God could properly count as of universal relevance His commandments: “Thou shalt not steal” and “Thou shalt not covet”). Some, alas, vigorously nourish that impulse, do covet, and do steal.

It will not do to say that those whose habitual forms of self-expression are criminal are “sick,” or “oppressed,” or “victims.” For some, of course, it may be true that their conduct is wholly and moment-to-moment beyond their own control; as physical deformities are relatively frequent among human beings, so, surely, there are some who suffer permanent and irretrievable moral deformities, through no fault of their own. But others clearly indicate by their patterns of action a sufficient degree of reasoning and choice, purposiveness and caution,

to suggest that they choose when they will exercise their criminal habits and how. It is this segment of the class of habitual criminals, presumably, in which frequencies of crime may be increased or decreased through various efforts by society as a whole. This is the population that is the proper focus of this essay.

To suggest that all in this class are incapable of moral choice, and not responsible for their own actions, is to take away from them their humanity. By contrast, to affirm the contrary, i.e., to say that they behave immorally, is to grant them human dignity. Further, if it is a norm of human action that persons *ought* to perform their actions out of moral choice and to assume responsibility for them, then it follows that they require a settled, permanent, all-purpose disposition to do so. In a word, they require “character.” They will need to have mastered the moral skills—the acquired virtues—requisite to making free, informed, and consensual choices. It will then be expected of every adult man or woman that he or she is responsible for forming his or her own character through mastery of the virtues requisite for the exercise of moral liberty.

It is, of course, possible for a reasonable person to object (as some in Plato’s Dialogues did object): “Whatever others may do, *I* do not choose to live a life of virtue, self-mastery, and character.” One can make that choice. One can even live accordingly. But what one cannot do, plausibly, is make an argument for that choice. One may live immorally, even *choose* to live immorally. But a human being cannot give a reasoned argument for so doing. For the exercise of the habits of the heart and mind necessary to present a reasoned argument requires the virtues, self-mastery, and character one is intending to deny. Argue, if you will, without honesty, at whim, and as impulse moves you. Be self-expressive to your self’s content. When you attempt to conduct an argument in a civilized, reasoned fashion, honoring the dignity of the person with whom you argue, you must rise considerably above self-indulgence, impulse-release, and mere self-expressiveness. “Hell,” Jean-Paul Sartre once wrote, “is other people.” For those whose universe is bound by ego, so it is. It is quite otherwise for those who love civilization, the constitutive act of which is reasoned conversation with other persons.

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NOTES

1. The literature on the "new class" is immense. See, for example, B. Bruce-Briggs, ed., *The New Class?* (New Brunswick, N.J.: Transaction Books, 1979). The concept was first employed by writers on the left: David T. Bazelon, *Power in America* (New York: New American Library, 1967); John Kenneth Galbraith, *The Affluent Society* (Boston: Houghton Mifflin, 1958), Chapter 14; Michael Harrington, *Toward a Democratic Left* (New York: Macmillan, 1968) Chapter 10. See also my "Needing Niebuhr Again," *Commentary*, September 1972, pp. 52-60.
2. The full quotation is: "In America the means available to the authorities for the discovery of crimes and arrest of criminals are few.
There is no administrative police force, and passports are unknown. The criminal police in the United States cannot be compared to that of France; the officers of the public prosecutor's office are few, and the initiative in prosecutions is not always theirs; and the examination of prisoners is rapid and oral. Nevertheless, I doubt whether in any other country crime so seldom escapes punishment.
The reason is that everyone thinks he has an interest in furnishing proofs of an offense and in arresting the guilty man.
During my stay in the United States I have seen the inhabitants of a county where a serious crime had been committed spontaneously forming committees with the object of catching the criminal and handing him over to the courts.
In Europe the criminal is a luckless man fighting to save his head from the authorities; in a sense the population are mere spectators of the struggle. In America he is an enemy of the human race and every human being is against him."
3. My own experience as a speechwriter in congressional and presidential campaigns in 1970, 1972, and 1976 illuminated this tacit but effective prohibition quite powerfully. Local urban politicians invariably stressed the crime issue; national Democratic politicians feared it.
4. See Daniel Yankelovich, *The Changing Values on Campus* (New York: Washington Square Press, 1972); *The New Morality: A Profile of America Youth in the Seventies* (New York: McGraw-Hill, 1974). Yankelovich discusses how the changing *ethos* has evolved to the present in *New Rules: Searching for Self-Fulfillment in a World Turned Upside Down* (New York: Random House, 1981).
5. At the experimental college of the SUNY system, Old Westbury, several of us, in defiance of the prevailing cult of openness and impulse-expression, founded the so-designated Disciplines College. See Michael Novak, "The Disciplines Curriculum at Old Westbury," *Soundings*, Summer 1969.
6. See William Ryan, *Blaming the Victim* (New York: Random House, 1972).
7. "... the invisible one today, surely, is not the jobless youth of the streets, or even the welfare mother, but the successful middle-class black with the stable family and ascendent career. He is rapidly becoming the majority of his race in this country. But as he succeeds, he is explained away. . ." George Gilder, *Visible Man: A True Story of Post-racist America* (New York: Basic Books, 1978), p. x.
8. James Q. Wilson and Richard J. Herrnstein, *Crime and Human Nature* (New York: Simon and Schuster, 1985), Chapter 18, "Race and Crime."
9. Wilson, "Crime and American Culture," p. 30.
10. Wilson, p. 35.

How the Constitution Disappeared

Lino A. Graglia

ATTORNEY GENERAL EDWIN MEESE's recent statement in a speech to the American Bar Association that judges should interpret the Constitution to mean what it was originally intended to mean probably did not strike most people as controversial. Nevertheless it brought forth immediate denunciation by a sitting Supreme Court Justice as "doctrinaire," "arrogant," and the product of "facile historicism." "It is a view," Justice William J. Brennan, Jr. said in a speech at Georgetown University, "that feigns self-effacing deference to the specific judgments of those who forged our original social compact," but that "in truth . . . is little more than arrogance cloaked as humility" because it is not possible to "gauge accurately the intent of the Framers on application of principle to specific, contemporary questions." The view is not only mistaken, but misguided, Justice Brennan continued, because it would require judges to "turn a blind eye to social progress and eschew adaptation of overarching principles to changes of social circumstance."

To state that judges should interpret the Constitution as intended by those who wrote and ratified it ("the Framers") is only to state the basic premise of our political-legal system that the function of judges is to apply, not to make, the law. Indeed, it would be difficult to say what interpretation of a law means if not to determine the intent of the law-maker. Justice Brennan's angry attack on the obvious as if it were disreputable, soon joined by the attacks of his colleague Justice John Paul Stevens and a legion of media commentators, makes evident that much is at stake in this debate on a seemingly esoteric matter of constitutional interpretation. What is at stake is nothing less than the question of how the country should be governed in regard to basic issues of social policy: whether such issues should be decided by elected representatives of the people, largely on a state-by-state basis, or, as has been the case for the last three decades, primarily by a majority of the nine Justices of

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the United States Supreme Court for the nation as a whole.

The modern era of constitutional law began with the Supreme Court's 1954 decision in *Brown v. Board of Education*, holding compulsory school racial segregation and, it soon appeared, all racial discrimination by government, unconstitutional. The undeniable rightness of the decision as a matter of social policy, in effect ending legally-imposed second-class citizenship for blacks, and its eventual acceptance by the public and ratification by Congress and the President in the 1964 Civil Rights Act, gained for the Court a status and prestige unprecedented in our history. The moral superiority of decision-making by judges to decision-making by mere "politicians" seemed evident. The result was to enable the Court to move from its historic role as a brake on social change to a very different role as the primary engine of such change.

In the years since *Brown*, nearly every fundamental change in domestic social policy has been brought about not by the decentralized democratic (or, more accurately, republican) process contemplated by the Constitution, but simply by the Court's decree. The Court has decided, on a national basis and often in opposition to the wishes of a majority of the American people, issues literally of life and death, as in its decisions invalidating virtually all restrictions on abortion and severely restricting the use of capital punishment. It has decided issues of public security and order, as in its decisions greatly expanding the protection of the criminally accused and limiting state power to control street demonstrations and vagrancy, and issues of public morality, as in the decisions disallowing most state controls of pornography, obscenity, and nudity. The Court has both prohibited the states from making provision for prayer in the schools and disallowed most forms of aid, state or federal, to religious schools. It has required that children be excluded from their neighborhood public schools and bused to more distant schools in order to increase school racial integration; ordered the reapportionment of state and federal legislatures on a "one-man-one-vote" basis; invalidated most of the law of libel and slander; and disallowed nearly all legal distinctions on the basis of sex, illegitimacy, and alienage. The list could easily be extended, but it should be clear that in terms of the issues that determine the nature and quality of life in a

society, the Supreme Court has become our most important institution of government.

Since his appointment to the Court by President Eisenhower in 1956, Justice Brennan has participated in all of the Court's major constitutional decisions, has consistently voted in favor of Court intervention in the political process, and often was a leader on the Court in reaching the decision to intervene. Indeed, he has ordinarily differed with the Court only in that he would often go even farther in disallowing political control of some issues; he would, for example, go farther than the Court has in disallowing state regulation of the distribution of pornographic material and he would prohibit capital punishment in all cases. If the Court has been our most important institution of government for the past three decades, Justice Brennan—although his name is probably unknown to the great majority of his fellow citizens—has surely been our most important government official. To argue that the Supreme Court should confine itself or be confined to interpreting the Constitution as written is to undermine the basis of this status and challenge the legitimacy of his life's work.

Constitutional law is as a practical matter the product of the exercise of the power of judicial review, the power of judges, and ultimately of Supreme Court Justices, to invalidate legislation and other acts of other officials and institutions of government as inconsistent with the Constitution. The central question presented by constitutional law—the only question the great variety of matters dealt with under that rubric have in common—is how, if at all, can such a power in the hands of national officials who are unelected and effectively hold office for life be justified in a system of government supposedly republican in form and federalist in organization? The power is not explicitly provided for in the Constitution and had no precedent in English law—where Parliament, not a court, is said to be supreme—which could well be taken as reason enough to assume that no such power had been granted. Alexander Hamilton argued for the power in *Federalist 78*, however, and Chief Justice John Marshall established it in *Marbury v. Madison* in 1803 on the ground that it is inherent in a written constitution that declares itself to be supreme law. The argument is hardly unanswerable—other nations have written constitutions without judicial review—but judicial

review limited to interpretation of the Constitution in accordance with the Framers' intent does obviate the problem of policy-making by judges.

Constitutional limitations on popular government are undoubtedly undemocratic, even if they were themselves democratically adopted by a super-majority, but the only function of judges in exercising judicial review on the basis of a written constitution with determinate meaning would be the entirely judicial one of enforcing the Constitution as they would any other law. The judges, Hamilton assured the ratifying states, would have neither "force nor will"; able to "take no active resolution whatever" in enforcing the Constitution, their power would be "next to nothing." "Judicial power," Marshall reiterated, "has no existence. Courts are mere instruments of the law, and can will nothing." The notion that a court has "power to overrule or control the action of the people's representatives," Justice Owen Roberts confirmed during the New Deal constitutional crisis, "is a misconception"; the Court's only function in a constitutional case is "to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former."

Even Justice Brennan purports to recognize what, as he notes, Alexander Bickel called "the counter-majoritarian difficulty" presented by judicial review. "Our commitment to self-governance in a representative democracy must be reconciled," Justice Brennan concedes, "with vesting in electorally unaccountable Justices the power to invalidate the expressed desires of representative bodies on the ground of inconsistency with higher law." Supreme Court Justices, he acknowledges at the beginning of his speech, echoing Judge Learned Hand, "are not platonic guardians appointed to wield authority according to their personal moral predilections." At several points he even seems to offer the standard justification for judicial review, that the judges merely interpret the written Constitution. He states, for example, that the duty of the judge is to "draw meaning from the text" and "remain faithful to the content" of the Constitution and that "the debate is really a debate about how to read the text, about constraints on what is legitimate interpretation." These statements are consistent with the remainder of his speech, however, only if reading or interpreting a document is considered indistinguishable from composing or rewriting it.

Unfortunately, however, the debate is not about how judges should read or interpret the text of the Constitution, but about whether that is what they should in fact confine themselves to doing in deciding constitutional cases. The view that the duty of judges is to read and interpret the Constitution—to attempt to determine what the Framers intended to say—is precisely the view that Justice Brennan seeks to rebut and derides as uninformed and misguided. The whole point of his speech is that judges should not be confined to that task, for so to confine them would be to give them much too limited a role in our system of government and leave us insufficiently protected from the dangers of majority rule.

Justice Brennan is far from alone today in his view of the proper role of judges in exercising judicial review and of the essential irrelevance of the Constitution to constitutional law. It is, indeed, the view taken by most contemporary constitutional-law scholars, who share the political ideology of the modern-era Supreme Court and see it as their professional duty to legitimize the fruits of that ideology. Because it has become increasingly difficult—in fact, impossible—to justify the Court’s controversial decisions as the result of constitutional interpretation, the bulk of modern constitutional-law scholarship consists of the invention and elaboration of “non-interpretivist” or “non-originalist” theories of judicial review—justifications for a judicial review that is not confined to constitutional interpretation in any sense that would effectively restrain judicial choice. Because the product of this review is nonetheless always called “constitutional law” and attributed in some way to the Constitution, the result is the paradox of non-interpretivist constitutional interpretation, constitutional law without the Constitution.

That more and more constitutional scholars, and now a Supreme Court Justice, should come to recognize and acknowledge that the Supreme Court’s constitutional decisions of recent decades cannot be justified on any other basis—that they are not in fact based on the Constitution—can be taken as a hopeful sign. Although the effort today in an increasing flood of books, articles, and speeches is to justify those decisions nonetheless, the inevitable failure of such efforts must, it would seem, eventually cause the enterprise to be abandoned and the fact that they cannot be justified in a system of self-government to be

also generally recognized and acknowledged. Justice Brennan has performed a public service by bringing this extremely important and little understood issue to greater public attention, conveniently summarizing the standard arguments for “non-interpretivist” or “non-originalist” review—i.e., what is popularly referred to as “judicial activism”—and stating his own position with unusual, even if not total, clarity and candor.

Defenders of judicial activism face the dilemma that, on the one hand, judicial policy-making cannot be defended as such in our system—the Justices, even Justice Brennan must concede, are not authorized to enact their “personal moral predilections” into law and must therefore claim that their decisions derive somehow from the Constitution. On the other hand, it happens that the Constitution is most ill-suited as a basis for substantial judicial policy-making by frequent judicial intervention in the political process in the name of protecting individual rights from majority rule. The central difficulty is that although the Constitution does create some individual rights, they are actually rather few, fairly well-defined, and rarely violated. The first task of the defender of judicial activism, therefore, is to dispose of the Constitution as unhelpful, inadequate, or irrelevant to contemporary needs. Reasons must be found why the Constitution cannot be taken to mean what it rather clearly is known to mean—especially when read, as all writings must be, in historical context—or, even better, to have any determinate meaning at all.

After disposing of the Constitution by depriving it of its historic meaning, the next task of defenders of judicial activism is to imagine a much more expansive, elevated, and abstract constitution that, having no specific meaning, can be made to mean anything and serve therefore as simply a mandate for judges to enact their versions of the public good. In response to the objection that the very thinly veiled system of government by judges thus achieved is obviously inconsistent with democracy, the argument is made that the value of democracy is easily overrated and its dangers many. The “very purpose of a Constitution,” as Justice Brennan states the standard argument, is to limit democracy by declaring “certain values transcendent, beyond the reach of temporary political majorities.” In any event, no real inconsistency with democracy is involved, the argument concludes, because the judges,

though unrestrained by the actual text of the Constitution, will continue to be restrained by its principles, the adaptation of which to changing circumstances is the true and indispensable function of judges. Justice Brennan's speech can serve as a textbook illustration of each of these moves.

Justice Brennan's attack on the notion of a constitution with a determinable historic meaning could hardly be more thorough. First of all, he finds that the Court's "sources of potential enlightenment" as to the intended meaning are often "sparse or ambiguous." Even more serious, the search for meaning is likely to be futile in any event because even the Framers, he believes, usually did not know what they meant: "Typically, all that can be gleaned is that the Framers themselves did not agree about the application or meaning of particular constitutional provisions, and hid their differences in cloaks of generality." Then there is the question of "whose intention is relevant—that of the drafters, the congressional disputants, or the ratifiers in the states?" Indeed, there is the most basic question of all, whether the very notion of intent makes sense, "whether the idea of an original intention is a coherent way of thinking about a jointly drafted document drawing its authority from a general assent of the states." It is almost as if the Constitution and its various provisions might have been drafted and adopted with no purpose at all. Finally, there is the problem that "our distance of two centuries cannot but work as a prism refracting all we perceive." For all these reasons, the idea that judicial review is legitimate only if faithful to the intent of the Framers can be held only by "persons who have no familiarity with the historical record."

Justice Brennan has still another, although it would seem unnecessary, nail to put in the coffin of the now demolished Constitution. Should any shred of constitutional meaning somehow survive the many obstacles he sees to finding it, he would accord it little or no value. The world of the Framers is "dead and gone," and it would not do, he believes, to hold the Constitution captive to the "anachronistic views of long-gone generations." "[A]ny static meaning" the Constitution "might have had" in that dead world must, therefore, be of dubious relevance today. In any event, "the genius of the Constitution rests," in his view, not in any such meaning but in "the adaptability of its great principles to cope with current problems and current needs," strange as it may

seem that a writing can be great apart from its meaning and solely by reason of its supposed ability to mean anything.

Most of Justice Brennan's objections regarding the difficulties of constitutional interpretation have some basis, but they could also be made in regard to interpretation of almost any law. For example, one can almost always wish for a clearer or more detailed legislative history, and it is always true that legislators cannot foresee and agree on every possible application of a law. If these difficulties made the effort to determine legislative intent futile, a system of written law would hardly be possible. In any event, from the premise of an unknowable or irrelevant Constitution, the conclusion should follow that judges have no basis or justification for declaring laws unconstitutional, not that they are therefore free to invalidate laws on some other basis and still claim to be interpreting the Constitution.

Most important, whatever the difficulties of legal interpretation, they have little or no relevance to actual constitutional decision-making by the Supreme Court because no issue of interpretation, no real dispute about the intended meaning of the Constitution, is ordinarily involved. For example, the Constitution contains no provision mentioning or apparently in any way referring to the authority of the states to regulate the practice of abortion. However one might undertake to defend the Court's abortion decisions, it does not seem possible to argue that they are the result of constitutional interpretation in any non-fanciful sense. As another example, although the Constitution does mention religion, no process that could be called interpretation permits one to go from the Constitution's protection of religious freedom from federal interference to the proposition that the states may not provide for prayer in the schools.

A constitution so devoid of ascertainable meaning or contemporary relevance would seem quite useless as a guide to the solution of any contemporary problem and certainly as a written law enforceable by judges. The judges might as well be told to enforce a document written in an unknown language or, more in keeping with Justice Brennan's view, in disappearing ink. Having effectively eliminated the actual Constitution, however, Justice Brennan proceeds to remedy the loss—judicial activism cannot proceed with no constitution at all—by imagin-

ing and substituting a much more impressive, inspiring, and usefully uncertain one.

The constitution of Justice Brennan's vision is undoubtedly a wonderful thing, one of "great" and "overarching" principles and "majestic generalities and ennobling pronouncements [that] are both luminous and obscure." It is nothing less grand than the embodiment of "the aspiration to social justice, brotherhood, and human dignity that brought this nation into being," "a sublime oration on the dignity of man," and "a sparkling vision of the supremacy of the human dignity of every individual." Justice Brennan accurately reflects current constitutional-law scholarship, here as throughout his speech, by seeing the Constitution as simply "the lodestar for our aspirations." It is a source of constant wonderment that scholars and judges of otherwise the most secular and rationalist turn of mind can grow mystical when discussing the Constitution.

The temptation is strong, of course, to dismiss Justice Brennan's rapturous statements as mere flights of poetic fancy or utopian ecstasy, obviously not meant as serious descriptions or explanations of the Constitution. The fact remains, however, that this view of the Constitution is the only justification offered by him, or other contemporary defenders of judicial activism, for the Court's assumption and exercise of enormous government power. Fanciful as it may seem, a constitution that is simply the embodiment of "our," or at least his, aspirations accurately describes the constitution he has been enforcing for nearly three decades to override the will of the people of this country on issue after issue. It cannot be too strongly emphasized, therefore, that the Constitution we actually have bears almost no relation to, and is often clearly irreconcilable with, the constitution of Justice Brennan's vision. No more is necessary to rebut all contemporary defenses of judicial activism than that a copy of the Constitution be kept close at hand to demonstrate that the defenders of judicial activism are invariably relying on something else.

Although it may come as something of a disappointment to some, an "aspiration for social justice, brotherhood, and human dignity" happens not to have been what brought this nation, or at least the government founded on the Constitution, into being. The convention to revise the Articles of Confederation was called and the Constitution was drafted

and ratified not to provide additional protections for human rights—on the contrary, the stronger national government created by the Constitution was correctly seen as a potential danger to human rights—but almost entirely for commercial purposes. The primary motivating force for the creation of a stronger national government was the felt need of a central authority to remove state-imposed obstacles to interstate trade. How little the Constitution had to do with aspirations for brotherhood or human dignity is perhaps most clearly seen in its several provisions regarding slavery. It provides, for example, that a slave was to be counted as three-fifths of a free person for purposes of representation and that slaves escaping to free states were nonetheless to be returned to their masters. It is not, as Justice Brennan would explain this, that part of the “egalitarianism in America has been more pretension than realized fact,” but that there was at the time the Constitution was adopted very little pretension to egalitarianism, as is illustrated by, for example, the widespread use of property qualifications for voting.

Given the original Constitution’s limited and mundane purposes, it is not surprising that it provides judges with little to work with for the purpose of advancing their personal notions of social justice. The Constitution is, first of all, a very short document—easily printed, with all twenty-seven Amendments and repealed matter, on fewer than twenty pages—and apparently quite simple and straightforward, not at all like a recondite tome in which many things may be found with sufficient study. The original Constitution is almost entirely devoted to outlining the structure of the national government and setting forth the sometimes complicated methods of selection, and the responsibilities, of members of the House of Representatives, Senators, the President, and Supreme Court Justices. It contains few provisions protecting individual rights from the national government—federalism, i.e., limited national power and a high degree of local autonomy, was considered the principal protection—and even fewer restrictions on the exercise of state power. As to the national government, criminal trials are to be by jury, treason is narrowly defined, the writ of habeas corpus is protected, and bills of attainder and ex-post-facto laws are prohibited. The prohibition of bills of attainder and ex-post-facto laws is repeated as to the states, which are also prohibited from discriminating against citizens of other states. Finally and by far the most important in terms of actual

challenges to state laws, the Framers, nicely illustrating their lack of egalitarian pretension, undertook to protect creditors from debtor-relief legislation by prohibiting the states from impairing contract rights.

The first eight of the first ten Amendments to the Constitution, the Bill of Rights adopted in 1791, provide additional protections of individual rights, but only against the federal government, not the states, and these, too, are fewer than seems to be generally imagined and certainly fewer than is typical of later declarations of rights, such as the United Nations Charter. In terms of substantive rights, the First Amendment prohibits Congress from establishing or restricting the free exercise of religion—the main purpose of which was to leave matters of religion to the states—and from abridging the freedom of speech, press, or assembly. In addition, a clause of the Fifth Amendment prohibits the taking of private property without just compensation; the Second Amendment, rarely mentioned by rights enthusiasts, grants a right to bear arms; and the Third Amendment, of little apparent contemporary significance, protects against the forced quartering of troops in private homes. The Seventh Amendment, requiring jury trials in civil cases involving more than twenty dollars, is hard to see today as other than an unnecessary inconvenience. The remaining provisions (search and seizure, grand-jury indictment, double jeopardy, privilege against self-incrimination, due process, jury trial, right to counsel and to confront adverse witnesses, and cruel and unusual punishment) are related to criminal procedure.

Additional protections of individual rights are provided by the post-Civil War Amendments. The Thirteenth Amendment prohibits slavery and the Fifteenth prohibits denial of the right to vote on grounds of race. The great bulk of constitutional litigation concerns state law and nearly all of that litigation purports to be based on a single sentence of the Fourteenth Amendment and, indeed, on one or the other of two pairs of words, “due process” and “equal protection.” If the Constitution is the embodiment of our aspirations, it must have become so very largely because of those four words. The clear historic purpose of the Fourteenth Amendment, however, was to provide federal protection against certain state discriminations on the basis of race, historically our uniquely intractable problem, but not otherwise to change fundamen-

tally the constitutional scheme. Finally, the Nineteenth Amendment protects the right to vote from denial on grounds of sex, and the Twenty-seventh from denial on grounds of age for persons over eighteen.

The Constitution's protections of individual rights are not only few but also, when read in historical context, fairly clear and definite. State and federal legislators, all of whom are American citizens living in America and generally at least as devoted as judges to American values, have, therefore, little occasion or desire to violate the Constitution. The result is that the enactment of a clearly unconstitutional law is an extremely rare occurrence; the clearest example in our history perhaps is a 1933 Minnesota debtor-relief statute plainly prohibited by the contract clause, although, as it happens, the Supreme Court upheld it by a five-to-four decision. If judicial review were actually confined to enforcing the Constitution as written, it would be a much less potent force than the judicial review argued for and practiced by Justice Brennan.

The Constitution is undoubtedly a great document, the foundation of one of the freest and most prosperous nations in history. It does not detract from that greatness to point out that it is not, however, what Justice Brennan would make of it, a compendium of majestic generalities and ennobling pronouncements luminous and obscure; indeed, its greatness and durability surely derive in large part from the fact that the Framers' aims were much more specific and limited. Far from intending to compose an oration to human dignity, the Framers would have considered that they had failed in their effort to specify and limit the power of the national government if the effect of the Constitution should be to transfer the focus of human-rights concerns from the state to the national level. The Framers' solution to the problem of protecting human freedom and dignity was to preserve as much as possible, consistent with national commerce and defense requirements, a system of decentralized democratic decision-making, with the regulation of social conditions and personal relations left to the states. Justice Brennan's solution, virtually unlimited Supreme Court power to decide basic social issues for the nation as a whole, effectively disenfranchising the people of each state as to those issues, is directly contrary to the constitutional scheme.

Judicial review on the basis of a constitution divorced from historical meaning and viewed, instead, as simply “the lodestar for our aspirations” is obviously a prescription for policy-making by judges. It should therefore be defended, if at all, as such, free of obfuscating references to “interpretation” of the Constitution. The only real question it presents is, why should the American people prefer to have important social-policy issues decided for the whole nation by the Supreme Court—a committee of nine lawyers unelected to and essentially unremovable from office—rather than by the decentralized democratic process? Justice Brennan’s answer to this question is, in essence, why not? The argument that judicial interpretation of the Constitution in accordance with the Framers’ intent is essential for “depoliticization of the judiciary,” he points out, has its own “political underpinnings”; it “in effect establishes a presumption of resolving textual ambiguities against the claim of constitutional right,” which involves “a choice no less political than any other.”

Justice Brennan is certainly correct that the presumption of constitutionality accorded to challenged acts of government officials has a political basis, but it is surprising that he should find “far from clear what justifies such a presumption.” What justifies it is the basic premise of democratic government that public-policy issues are ordinarily to be decided through the electoral process, not by unelected judges; that constitutional restrictions on representative government—even if, unlike judge-made restrictions, they were once democratically adopted—are the exception, not the rule. To refuse to assume the validity of the acts of the electorally responsible officials and institutions of government is to refuse to assume the validity of representative self-government. It has, therefore, from the beginning been considered the bedrock of constitutional litigation that one who would have a court invalidate an act of the political branches must assume the burden of showing its inconsistency with the Constitution, ordinarily a most difficult task. By reversing the presumption of constitutionality, Justice Brennan would simply reject political decision-making as the norm and require elected representatives to justify their policy choices to the satisfaction of Supreme Court Justices, presumably by showing that those choices contribute to the Justices’ notion of social progress.

Justice Brennan would justify the judicial supremacy he favors on

the not entirely consistent grounds that, on the one hand, the Justices are the true voice of the people and, on the other, that the people are in any event not always to be trusted. "When Justices interpret the Constitution," Justice Brennan assures us, "they speak for their community, not for themselves alone" and "with full consciousness that it is, in a very real sense, the community's interpretation that is sought." Apart from the fact that no question of constitutional interpretation is in fact involved in most "constitutional" cases—the judges do not really decide cases by studying the words "due process" or "equal protection"—the community is, of course, fully capable of speaking for itself through the representatives it elects and maintains in office for that purpose. Justice Brennan does not explain why he thinks the community needs or wants unelected judges to speak for it instead or why the judges can be expected better to reflect or express the community's views.

The actual effect of most judicial rulings of unconstitutionality is, of course, not to implement, but to frustrate the community's views. For example, Justice Brennan would disallow capital punishment as constitutionally prohibited despite not only the fact that it is repeatedly provided for in the Constitution, but also the fact that it is favored by a large majority of the American people. In some cases, however, he explains, a Justice may perceive the community's "interpretation of the text to have departed so far from its essential meaning" that he "is bound, by a larger constitutional duty to the community, to expose the departure and point toward a different path." On capital punishment, Justice Brennan hopes to "embody a community striving for human dignity for all, although perhaps not yet arrived." Interpreting an aspirational constitution apparently requires prescience as well as a high degree of self-confidence.

The foundation of all defenses of judicial activism, however, is not any fanciful notion that the judges are the true voice of the people, but on the contrary, the conviction that the people, and their elected representatives, should not be permitted to have the last word. Rarely has this conviction, common among our intellectual elite, been expressed with more certainty than in Justice Brennan's speech. Judicial acceptance of the "predominant contemporary authority of the

elected branches of government” must be rejected, he argues, for the same reason he rejects judicial acceptance of the “transcendent historical authority of the Framers.” That reason, it now appears, is not so much that original intent is unknowable or irrelevant as that its acceptance as authoritative would be inconsistent with his notion of “proper judicial interpretation” of the Constitution because it would leave judges with too little to do. “Faith in the majoritarian process,” like fidelity to original intent, is objectionable, he is frank to admit, simply because it “counsels restraint.” It would, he points out, lead the Court generally to “stay its hand” where “invalidation of a legislature’s substantive policy choice” is involved. Justice Brennan’s confidence that his university audience shared his suspicion of democracy and distrust of his fellow citizens was such as to put beyond need of argument the unacceptability of a counsel of restraint by Supreme Court Justices in deciding basic issues of social policy.

Legislative supremacy in policy-making is derided by Justice Brennan as the “unabashed enshrinement of majority will.” “Faith in democracy is one thing,” he warns, but “blind faith quite another.” “The view that all matters of substantive policy should be resolved through the majoritarian process has appeal,” he concedes, but only “under some circumstances,” and even as so qualified “it ultimately will not do.” It will not do because the majority is simply not to be trusted: to accept the mere approval of “a majority of the legislative body, fairly elected,” as dispositive of public-policy issues would be to “permit the imposition of a social-caste system or wholesale confiscation of property,” a situation “our Constitution could not abide.” How a people so bereft of good sense, toleration, and foresight as to adopt such policies could have adopted the Constitution in the first place is not explained. Justice Brennan seems to forget that if the Constitution prohibits such things—indeed, if it is an oration to human dignity, as he maintains—it must be because the American people have made it so and therefore, it would seem, can be trusted. It cannot be Justice Brennan’s position that political wisdom died with the Framers and that we are therefore fortunate to have their policy judgments to restrain us; he rejects those judgments as unknowable or irrelevant. Like other defenders of judicial activism, however, he seems to view the Constitution not as an actual document produced by actual people but as a metaphysical entity from an extra-

terrestrial source of greater authority than the mere wishes of a majority of the American people, which source, fortunately, is in effective communication with Supreme Court Justices.

The social-caste system feared by Justice Brennan would probably be prohibited by the post-Civil War Amendments, without undue stretching, and confiscation of property by the national government—though not by the states—would be prohibited by the just-compensation clause of the Fifth Amendment. (These constitutional provisions, it may be noted in passing, would operate as impediments to such policies, providing grounds for opposing arguments, even if they were not judicially enforceable.) The real protection against such fears, however—and columnist Anthony Lewis's similar fear that without activist judicial review Oregon might establish the Reverend Sun Myung Moon's Unification Church as the official state religion—is simply the good sense of the American people. No extraordinary degree of confidence in that good sense is necessary in order to believe that these and similarly outrageous policies that are invariably offered as providing an unanswerable justification for judicial activism are so unlikely to be adopted as not to be a matter of serious concern. If they should be a matter of concern nonetheless—if, for example, it is truly feared that the people of some state might establish a church and believed that no state should be free to do so—the appropriate response would be the adoption of a constitutional amendment further limiting self-government in the relevant respects. To grant judges an unlimited power to rewrite the Constitution, Justice Brennan's recommended response, would be to avoid largely imaginary dangers of democratic misgovernment by creating a certainty of judicial misgovernment.

Judicial activism is not necessary to protect us from state-established churches, favored by almost no one, but it does operate to deprive the people of each state of the right to decide for themselves such real issues as whether provision should be made for prayer in the public schools. In any event, the issue presented by contemporary judicial activism is not whether majority rule is entirely trustworthy—all government power is obviously dangerous—or even whether certain specific constitutional limitations on majority rule might not be justifiable; the issue is whether freewheeling policy-making by Supreme

Court Justices, totally centralized and undemocratic, is more trustworthy than majority rule.

Defenders of judicial activism invariably match their skepticism about democratic policy-making with a firm belief in the possibility and desirability of policy-making on the basis of principle. To free judicial review from the constraint of a constitution with a determinate meaning is not to permit unrestrained judicial policy-making in constitutional cases, it is argued, for the judges will continue to be constrained by the Constitution's principles, which, like the smile of the Cheshire cat, somehow survive the disappearance of the Constitution's text. According to this argument, judicial activism amounts to nothing more than the adaptation and application of these basic principles to changing circumstances, a necessary task if the Constitution is to remain a "living document" and a contributor rather than an obstacle to the national welfare. Thus, judicial activism is necessary in Justice Brennan's view, as already noted, if we are not to "turn a blind eye to social progress and eschew adaptation of overarching principles to changes of social circumstance" and because the genius of the Constitution rests not in what, if anything, the Framers actually intended to provide, but in the "adaptability of its great principles to cope with current problems and current needs."

The argument that judges are constrained by constitutional principles, even though not by the constitutional text, bears no relation to reality. In the first place, it is not possible to formulate useful constitutional principles apart from or beyond the Constitution's actual provisions. The Constitution protects certain interests to a certain extent, from which fact the only principle to be derived is that the Constitution does just that. An even more basic fallacy is the argument's assumption that the solution of social problems lies in the discovery, adaptation, and application of pre-existing principles to new situations. Difficult problems of social choice arise, however, not because of some failure to discern or adapt an applicable principle, but only because we have many principles, many interests we regard as legitimate, and they inevitably come into conflict. Some interests have to be sacrificed or compromised if other interests are to be protected—for example, public demonstrations will have to be regulated at some point in the interest of maintaining public order—and there is no authoritatively established

principle, rule, or generality that resolves the conflict. If there were such a principle, the conflict would not present a serious problem, but would be a matter that has already been decided or that anyone can decide who can read and reason. Value judgments have to be made to solve real policy issues, and the meaning of self-government is that they are to be made in accordance with the collective judgment of those who will have to live with the results.

There is also very little basis for Justice Brennan's apparent belief that judicial review confined to the Constitution as written would somehow be incompatible with social progress—unless social progress is simply defined as the enactment of his views. The Constitution does contain several provisions that we would probably be better off without, for example, the Seventh Amendment's requirement of a jury trial in federal civil cases involving more than twenty dollars and the Twenty-second Amendment's limitation of Presidents to two terms. Apart from the fact, however, that the Constitution, of course, provides procedures for its amendment—it can be updated if necessary without the Court's help—judicial activism has not generally served to alleviate the undesirable effects of such provisions. In any event, the Constitution's restrictions on self-government are, as already noted, relatively few and rarely such as a legislature might seek to avoid. Rarely if ever will adaptation of the Constitution's overarching principles, if any, be necessary in order to permit a legislature to implement its views of social progress.

Indeed, on the basis of our actual constitutional history—which includes the Supreme Court's disastrous decision that Congress could not prohibit the extension of slavery and, after the Civil War that decision helped to bring on, the decision that Congress could not prohibit racial segregation in public places—it is possible to believe that social progress might go more smoothly without the Court's supposed adaptations of principles. If the Constitution can be said to have an overarching principle, the principle of federalism, of decision-making on most social-policy issues at the state level, is surely the best candidate, and that principle is not adapted or updated but violated by the Court's assertion of power to decide such issues. Far from keeping the Constitution a "living document," judicial activism threatens its demise.

Whatever merit Justice Brennan's justifications for judicial activism might have in theory, they do not seem relevant to the judicial activism actually practiced by the Supreme Court for the past three decades. It would be very difficult to justify the Court's major constitutional decisions during this period, and particularly its most controversial decisions, on any of the grounds Justice Brennan suggests. It would not seem possible to argue, for example, that the Justices spoke for the community, not for themselves, in reaching their decisions on abortion, busing, criminal procedure, and prayer in the schools. Nor does it seem that any of those decisions can be justified as providing a needed protection from a possible excess of democracy, as merely delaying effectuation of the aberrational enthusiasms of "temporary political majorities" until they could return to their senses. Judicial review may, as Chief Justice Harlan Fiske Stone put this standard rationalization, provide the people with an opportunity for a "sober second thought," but no amount of thought or experience is likely to change the view of the vast majority of the American people that, for example, their children should not be excluded from their neighborhood public schools because of their race or that no new protections of the criminally accused should be invented with the effect of preventing the conviction and punishment of the clearly guilty.

Finally, the contribution of most of the Court's constitutional decisions of recent decades to social progress—for example, its decision that California may not prohibit the parading of vulgarity in its courthouses or that Oklahoma may not impose a higher minimum drinking age on men than on women—is at best debatable. Very few of these decisions, it seems, could be used to illustrate the adaptation of overarching constitutional principles or transcendent constitutional values to changing circumstances. They could probably more easily be used to illustrate that, rather than helping us to cope with current problems and current needs, the Court's constitutional decisions have often been the cause of those problems and needs.

Whatever the merits of the Supreme Court's constitutional decisions of the past three decades, they have as to the issues decided deprived us of perhaps the most essential element of human dignity Justice Brennan is concerned to protect, the right of self-government, which necessarily includes the right to make what others might consider mistakes. It is

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not the critics of judicial activism but the activist judges who can more properly be charged with being doctrinaire and arrogant, for it is they who presume to know the answers to difficult questions of social policy and to believe that they provide a needed protection from government by the misguided or ignorant. An opponent of judicial activism need not claim to know the answer to so difficult a question of social policy as, say, the extent, if any, to which abortion should be restricted to know that it is shameful in a supposedly democratic country that such a question should be answered for all of us by unelected and unaccountable government officials who have no special competence to do so.

English-Speaking Justice

George Parkin Grant

ENGLISH-SPEAKING CONTRACTUALISM LIES before us in the majority decision of the U.S. Supreme Court in "Roe vs. Wade." In that decision their highest court ruled that no state has the right to pass legislation which would prevent a citizen from receiving an abortion during the first six months of pregnancy. In that decision one can hear what is being spoken about justice in such modern liberalism more clearly than in academic books which can be so construed as to skim questions when the theory cuts. Theories of justice are inescapably defined in the necessities of legal decision.

Mr. Justice Blackmun begins his majority decision from the principle that the allocation of rights from within the constitution cannot be decided in terms of any knowledge of what is good. Under the constitution, rights are prior to any account of good. Appropriately he quotes Mr. Justice Holmes to this effect, who, more than any judge enucleated the principle that the constitution was based on the acceptance of moral pluralism in society, and that the pluralism was finally justified because we must be properly agnostic about any claim to knowledge of moral good. It was his influence in this fundamental step towards a purely contractual interpretation of their constitution that has above all enshrined him in American liberal hagiography.¹ In the decision, Blackmun interprets rights under the constitution as concerned with the ordering of conflicting claims between "persons" and legislatures. The members of the legislature may have been persuaded by conceptions of goodness in passing the law in question. However, this is not germane to a judge's responsibility, which is to adjudicate between the rights of the mother and those of the legislature. He adjudicates that the particular law infringes the prior right of the mother to control her own body in the first six months of pregnancy. The individual who would seem to

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have the greatest interest in the litigation, because his or her life or death is at stake—namely the particular foetus and indeed all future U.S. foetuses—is said by the judge not to be a party to the litigation. He states that foetuses up to six months are not persons, and as non-persons can have no status in the litigation.

The decision then speaks modern liberalism in its pure contractual form: right prior to good; a foundational contract protecting individual rights; the neutrality of the state concerning moral “values”; social pluralism supported by and supporting this neutrality. Indeed the decision has been greeted as an example of the nobility of American contractarian institutions and political ideology, because the right of an individual “person” is defended in the decision against the power of a majority in a legislature.

Nevertheless, however “liberal” this decision may seem at the surface, it raises a cup of poison to the lips of liberalism. The poison is presented in the unthought ontology. In negating the right to existence for foetuses of less than six months, the judge has to say what such foetuses are not. They are not persons. But whatever else may be said of mothers and foetuses, it cannot be denied that they are of the same species. Pregnant women do not give birth to cats. Also it is a fact that the foetus is not merely a part of the mother because it is genetically unique “ab initio.”² In adjudicating for the right of the mother to choose whether another member of her species lives or dies, the judge is required to make an ontological distinction between members of the same species. The mother is a person; the foetus is not. In deciding what is due in justice to beings of the same species, he bases such differing dueeness on ontology. By calling the distinction ontological I mean simply that the knowledge which the judge has about mothers and foetuses is not scientific. To call certain beings “persons” is not a scientific statement. But once ontological affirmation is made the basis for denying the most elementary right of traditional justice to members of our species, ontological questioning cannot be silenced at this point. Because such a distinction between members of the same species has been made, the decision unavoidably opens up the whole question of what our species is. What is it about any members of our species which makes the liberal rights of justice their due? The judge unwittingly looses the terrible question: has the long tradition of liberal right any

support in what human beings in fact are? Is this a question that in the modern era can be truthfully answered in the positive? Or does it hand the cup of poison to our liberalism?

This universal question is laid before us in the more particular questions arising from the decision. If foetuses are not persons, why should not the state decide that a week old, a two year old, a seventy or eighty year old is not a person “in the whole sense”? On what basis do we draw the line? Why are the retarded, the criminal or the mentally ill persons? What is it which divides adults from foetuses when the latter have only to cross the bridge of time to catch up with the former? Is the decision saying that what makes an individual a person, and therefore the possessor of rights, is the ability to calculate and assent to contracts? Why are beings so valuable as to require rights, just because they are capable of this calculation? What has happened to the stern demands of equal justice when it sacrifices the right to existence of the inarticulate to the convenience of the articulate? But thought cannot rest in these particular questionings about justice. Through them we are given the fundamental questions. What is it, if anything, about human beings that makes the rights of equal justice their due? What is it about human beings that makes it good that they should have such rights? What is it about any of us that makes our just due fuller than that of stones or flies or chickens or bears? Yet because the decision will not allow the question to remain silent, and yet sounds an ambiguous note as to how it would be answered in terms of our contemporary liberalism, the decision “Commends th’ ingredients of our poison’d chalice/ To our own lips.”

The need to justify modern liberal justice has been kept in the wings of our English-speaking drama by our power and the strengths of our tradition. In such events as the decision on abortion it begins to walk upon the stage. To put the matter simply: if “species” is an historical concept and we are a species whose origin and existence can be explained in terms of mechanical necessity and chance, living on a planet which also can be explained in such terms, what requires us to live together according to the principles of equal justice?

For the last centuries a civilisational contradiction has moved our western lives. Our greatest intellectual endeavour—the new co-

penetration of “logos” and “techne”—affirmed at its heart that in understanding anything we know it as ruled by necessity and chance. This affirmation entailed the elimination of the ancient notion of good from the understanding of anything. At the same time, our day-to-day organisation was in the main directed by a conception of justice formulated in relation to the ancient science, in which the notion of good was essential to the understanding of what is. This civilisational contradiction arose from the attempt of the articulate to hold together what was given them in modern science with a content of justice which had been developed out of an older account of what is.

¶ It must be emphasised that what is at stake in this contradiction is not only the foundations of justice, but more importantly its content. Many academics in many disciplines have described the difference between the ancient and modern conceptions of justice as if it were essentially concerned with differing accounts of the human situation. The view of traditional philosophy and religion is that justice is the overriding order which we do not measure and define, but in terms of which we are measured and defined. The view of modern thought is that justice is a way which we choose in freedom, both individually and publicly, once we have taken our fate into our own hands, and know that we are responsible for what happens. This description of the difference has indeed some use for looking at the history of our race—useful both to those who welcome and those who deplore the change of view. Nevertheless, concentration on differing “world views” dims the awareness of what has been at stake concerning justice in recent western history. This dimming takes place in the hardly conscious assumption that while there has been change as to what can be known in philosophy, and change in the prevalence of religious belief among the educated, the basic content of justice in our societies will somehow remain the same. The theoretical differences in “world views” are turned over to the domain of “objective” scholarship, and this scholarship is carried out in protected private provinces anaesthetised from any touch with what is happening to the content of justice in the heat of the world. To feel the cutting edge of what is at stake in differing foundations of justice it is necessary to touch those foundations as they are manifested in the very context of justice.

The civilisational contradiction which beset Europe did not arise from the question whether there is justice, but what justice is. Obviously any possible society must have some system of organisation to which the name "justice" can be given. The contradiction arose because human beings held onto certain aspects of justice which they had found in the ancient account of good, even after they no longer considered that that account of good helped them to understand the way things are. The content of justice was largely given them from its foundations in the Bible (and the classical philosophy which the early Christians thought necessary for understanding the Bible), while they understood the world increasingly in terms of modern technological science.

The desire to have both what was given in the new knowledge, and what was given us about justice in the religious and philosophical traditions, produced many conscious and unconscious attempts at practical and theoretical reconciliations. It is these attempts which make it not inaccurate to call the early centuries of modern liberal Europe the era of secularised Christianity. It is an often repeated platitude that thinkers such as Locke and Rousseau, Kant and Marx were secularised Christians. (Of the last name it is perhaps better to apply the not so different label—secularised Jew.) The reason why an academic such as Professor Rawls has been singled out for attention in this writing is as an example of how late that civilisational contradiction has survived in the sheltered intellectual life of the English-speaking peoples.

Indeed the appropriateness of calling modern contractualism "secularised Christianity" may be seen in the difference between modern contractualism and the conventionalism of the ancient world. Although the dominant tradition of the ancient world was that justice belonged to the order of things, there was a continuing minority report that justice was simply a man-made convention. But what so startlingly distinguishes this ancient conventionalism from our contractualism is that those who advocated it most clearly also taught that the highest life required retirement from politics. According to Lucretius, the wise man knows that the best life is one of isolation from the dynamism of public life. The dominant contractualist teachers of the modern world have advocated an intense concern with political action. We are called to the supremacy of the practical life in which we must struggle to establish

the just contract of equality. When one asks what had been the chief new public intellectual influence between ancient and modern philosophy, the answer must be western Christianity, with its insistence on the primacy of charity and its implications for equality. Modern contractualism's determined political activism relates it to its seedbed in western Christianity. Here again one comes upon that undefined primal affirmation which has been spoken of as concerned with "will," and which is prior both to technological science and to revolution.

This public contradiction was not first brought into the light of day in the English-speaking world. It was exposed in the writings of Nietzsche. The Germans had received modern ways and thought later than the French or the English and therefore in a form more explicitly divided from the traditional thought. In their philosophy these modern assumptions are most uncompromisingly brought into the light of day. Nietzsche's writings may be singled out as a Rubicon, because more than a hundred years ago he laid down with incomparable lucidity that which is now publicly open: what is given about the whole in technological science cannot be thought together with what is given us concerning justice and truth, reverence and beauty, from our tradition. He does not turn his ridicule primarily against what has been handed to us in Christian revelation and ancient philosophy. What was given there has simply been killed as given, and all that we need to understand is why it was once thought alive. His greatest ridicule is reserved for those who want to maintain a content to "justice" and "truth" and "goodness" out of the corpse that they helped to make a corpse. These are the intellectual democrats who adopt modern thought while picking and choosing among the ethical "norms" from a dead past. Justice as equality and fairness is that bit of Christian instinct which survives the death of God. As he puts it: "The masses blink and say: 'We are all equal.—Man is but man, before God—we are all equal.' Before God! But now this God has died."

Particularly since Hume, the English moralists had pointed out that moral rules were useful conventions, but had also assumed that the core of English justice was convenient. Hume's "monkish virtues"—the parts of the tradition which did not suit the new bourgeoisie—could be shown to be inconvenient; but the heart of the tradition could be main-

tained and extended in the interests of property and liberty. It could be freed from its justification in terms of eternity, and its rigour could be refurbished by some under the pseudo-eternity of a timeless social contract. But Nietzsche makes clear that if the “justice” of liberty and equality is only conventional, we may find in the course of an ever changing history that such content is not convenient. He always puts the word “justice” in quotation marks to show that he does not imply its traditional content, and that its content will vary through the flux of history. The English moralists had not discovered that realm of beings we moderns call “history”, and therefore they did not understand the dominance of historicism over all other statements. Their social contract was indeed a last effort to avoid that dominance, while they increasingly accepted the ways of thought that led ineluctably to historicism. The justice of liberty and equality came forth from rationalists who did not think “historically.” For whom is such justice convenient when we know that the old rationalism can no longer be thought as “true”?

However, it is Kant who is singled out by Nietzsche as the clearest expression of this secularised Christianity. Kant’s thought is the consummate expression of wanting it both ways. Having understood what is told us about nature in our science, and having understood that we will and make our own history, he turned away from the consequence of those recognitions by enfolding them in the higher affirmation that morality is the one fact of reason, and we are commanded to obedience. According to Nietzsche, he limited autonomy by obedience. Because this comfortable anaesthetising from the full consequences of the modern was carried out so brilliantly in the critical system, Nietzsche calls Kant “the great delayer.” Kant persuaded generations of intellectuals to the happy conclusion that they could keep both the assumptions of technological secularism and the absolutes of the old morality. He allowed them the comfort of continuing to live in the civilisational contradiction of accepting both the will to make one’s own life and the old content of justice. He delayed them from knowing that there are no moral facts, but only the moral interpretation of facts, and that these interpretations can be explained as arising from the historical vicissitudes of the instincts. Moral interpretations are what we call our “values,” and these are what our wills impose upon the facts.

Because of the brilliance of Kant's delaying tactics, men were held from seeing that justice as equality was a secularised survival of an archaic Christianity, and the absolute commands were simply the man-made "values" of an era we have transcended.

Nietzsche was the first to make clear the argument that there is no reason to continue to live in that civilisational contradiction. Societies will always need legal systems—call them systems of "justice" if you like the word. Once we have recognised what we can now will to create through our technology, why should we limit such creation by basing our systems of "justice" on presuppositions which have been shown to be archaic by the very coming to be of technology? As we move into a society where we will be able to shape not only non-human nature but humanity itself, why should we limit that shaping by doctrines of equal rights which come out of a world view that "history" has swept away. Does not the production of quality of life require a legal system which gives new range to the rights of the creative and the dynamic? Why should that range be limited by the rights of the weak, the uncreative and the immature? Why should the liberation of women to quality of life be limited by restraints on abortion, particularly when we know that the foetuses are only the product of necessity and chance? Once we have recognised "history" as the imposing of our wills on an accidental world, does not "justice" take on a new content?³

Against this attack on our "values," our liberalism so belongs to the flesh and bones of our institutions that it cannot be threatened by something as remote as ontological questioning. The explicit statements of the American constitution guard their system of justice; the British constitution guards the same shape of rights in a less explicit but in a more deeply rooted way. These living forces of allegiance protect the common sense of practical men against the follies of ideologues. Anyway, did not the English-speaking peoples win the wars against the Germans, and win them in the name of liberalism, against the very "philosophy" that is said to assail that liberalism?

It is also argued that the very greatness of American pluralism, founded upon the contract, is that out of it have come forth continuous religious revivals which produce that moral sustenance necessary to the justice of their society. Is it not a reason for confidence that in the

election of 1976 the two candidates competed in allegiance to the traditions of religion, and that there is a renewed interest in religion among the young in the contractual society? Where is the atheism of the right in the United States? Does not the greatness of the American constitution lie in the fact that the general outlines of social cooperation are laid down and maintained by a secular contract, while within those general rules the resources of religious faith can flourish, as long as such faiths do not transgress that general outline? The greatness of the system is that the tolerance of pluralism is combined with the strength of religion. God has not died, as European intellectuals believed; it is just that our differing apprehensions of deity require that the rules of the game are not defined in terms of any of them. The rules of the game are defined in terms of the calculation of worldly self-interest; beyond that, citizens may seek the eternal as they see fit.

Indeed, any sane individual must be glad that we face the unique event of technology within a long legal and political tradition founded on the conception of justice as requiring liberty and equality. When we compare what is happening to multitudes in Asia who live the event of technology from out of ancient and great traditions, but without a comparable sense of individual right, we may count ourselves fortunate to live within our tradition. Asian people often have great advantages over us in the continuing strength of rite; our advantage is in the continuing strength of right. Also our liberalism came from the meeting of Christian tradition with an early form of modern thought, so that our very unthinking confidence in that liberalism has often saved us from modern political plagues which have been devastating in other western societies. At the practical level it is imprudent indeed to speak against the principles, if not the details, of those legal institutions which guard our justice.⁴

Nevertheless, it must be stated that our justice now moves to a lowered content of equal liberty. The chief cause of this is that our justice is being played out within a destiny more comprehensive than itself. A quick name for this is "technology." I mean by that word the endeavour which summons forth everything (both human and non-human) to give its reasons, and through the summoning forth of those reasons turns the world into potential raw material, at the disposal of

our “creative” wills.⁵ The definition is circular in the sense that what is “creatively” willed is further expansion of that union of knowing and making given in the linguistic union of “techne,” and “logos.” Similar but cruder: it has been said that communism and contractual capitalism are predicates of the subject technology. They are ways in which our more comprehensive destiny is lived out. But clearly that technological destiny has its own dynamic conveniences, which easily sweep away our tradition of justice, if the latter gets in the way. The “creative” in their corporations have been told for many generations that justice is only a convenience. In carrying out the dynamic convenience of technology, why should they not seek a “justice” which is congruent with those conveniences, and gradually sacrifice the principles of liberty and equality when they conflict with the greater conveniences? What is it about other human beings that should stand in the way of such convenience? The tendency of the majority to get together to insist on a contract guaranteeing justice to them against the “creative” strong continues indeed to have some limiting power. Its power is, however, itself limited by the fact that the majority of that majority see in the very technological endeavour the hope for their realisation of “the primary goods,” and therefore will often not stand up for the traditional justice when it is inconvenient to that technological endeavour. The majority of the acquiescent think they need the organisers to provide “the primary goods” more than they need justice.

In such a situation, equality in “primary goods” for a majority in the heartlands of the empire is likely; but it will be an equality which excludes liberal justice for those who are inconvenient to the “creative.” It will exclude liberal justice from those who are too weak to enforce contracts—the imprisoned, the mentally unstable, the unborn, the aged, the defeated and sometimes even the morally unconfirming. The price for large scale equality under the direction of the “creative” will be injustice for the very weak. It will be a kind of massive “equality” in “primary goods,” outside a concern for justice. As Huey Long put it: “When fascism comes to America, it will come in the name of democracy.” We move to such a friendly and smooth faced organisation that it will not be recognised for what it is. This lack of recognition is seen clearly when the President of France says he is working for “an advanced liberal society,” just as he is pushing forward laws for the

mass destruction of the unborn. What he must mean by liberal is the society organised for the human conveniences which fit the conveniences of technology.

As justice is conceived as the external convenience of contract, it obviously has less and less to do with the good ordering of the inward life. Among the majority in North America, inward life then comes to be ordered around the pursuit of “primary goods,” and/or is taken in terms of a loose popular Freudianism, mediated to the masses by the vast array of social technicians.⁶ But it is dangerous to mock socially the fact of contradiction. The modern account of “the self” is at one with the Nietzschean account. This unity was explicitly avowed by Freud. With its affirmation of the instrumentality of reason, how can it result in a conception of “justice” similar to that of our tradition? In such a situation, the majorities in the heartlands of the empires may be able to insist on certain external equalities. But as justice is conceived as founded upon contract, and as having nothing to do with the harmony of the inward life, will it be able to sustain the inconveniences of public liberty?

In the western tradition it was believed that the acting out of justice in human relationships was the essential way in which human beings are opened to eternity. Inward and outward justice were considered to be mutually interdependent, in the sense that the inward openness to eternity depended on just practice, and just practice depended on that inward openness to eternity. When public justice is conceived as conventional and contractual, the division between inward and outward is so widened as to prevent any such mutual interdependence. Both openness to eternity and practical justice are weakened in that separation. A. N. Whitehead’s shallow dictum that religion is what we do with our solitude aptly expresses that modern separation. It is a destructive half-truth because it makes our solitude narcissistic, and blunts our cutting edge in public justice.

Above all, we do not correctly envisage what is happening when we take our situation simply as new practical difficulties for liberalism, arising from the need to control technologies, themselves external to that liberalism. Such an understanding of our situation prevents us from becoming aware that our contractual liberalism is not independent of

the assumptions of technology in any way that allows it to be the means of transcending those technologies. Our situation is rather that the assumptions underlying contractual liberalism and underlying technology both come from the same matrix of modern thought, from which can arise no reason why the justice of liberty is due to all human beings, irrespective of convenience. In so far as the contemporary systems of liberal practice hold onto the content of free and equal justice, it is because they still rely on older sources which are more and more made unthinkable in the very realisation of technology. When contractual liberals hold within their thoughts remnants of secularised Christianity or Judaism, these remnants, if made conscious, must be known as unthinkable in terms of what is given in the modern. How, in modern thought, can we find positive answers to the questions: (i) what is it about human beings that makes liberty and equality their due? (ii) why is justice what we are fitted for, when it is not convenient? Why is it our good? The inability of contractual liberals (or indeed Marxists) to answer these questions is the terrifying darkness which has fallen upon modern justice.

Therefore, to those of us who for varying reasons cannot but trust the lineaments of liberal justice, and who somehow have been told that some such justice is due to all human beings and that its living out is, above all, what we are fitted for—to those of such trust comes the call from that darkness to understand how justice can be thought together with what has been discovered of truth in the coming to be of technology. The great theoretical achievements of the modern era have been quantum physics, the biology of evolutionism, and the modern logic. (All other modern theoretical claims, particularly those in the human sciences, remain as no more than provisional, or even can be known as simply expressions of that oblivion of eternity which has characterised the coming to be of technology.) These are the undoubtable core of truth which has come out of technology, and they cry out to be thought in harmony with the conception of justice as what we are fitted for.

The danger of this darkness is easily belittled by our impoverished use of the word “thought.” This word is generally used as if it meant an activity necessary to scientists when they come up against a difficulty in their research, or some vague unease beyond calculation when we

worry about our existence. Thought is steadfast attention to the whole. The darkness is fearful, because what is at stake is whether anything is good. In the pretechnological era, the central western account of justice clarified the claim that justice is what we are fitted for. It clarified why justice is to render each human being their due, and why what was due to all human beings was “beyond all bargains and without an alternative.” That account of justice was written down most carefully and most beautifully in “The Republic” of Plato. For those of us who are Christians, the substance of our belief is that the perfect living out of that justice is unfolded in the Gospels. Why the darkness which enshrouds justice is so dense—even for those who think that what is given in “The Republic” concerning good stands forth as true—is because that truth cannot be thought in unity with what is given in modern science concerning necessity and chance. The darkness is not simply the obscurity of living by that account of justice in the practical tumult of the technological society. Nor is it the impossibility of that account coming to terms with much of the folly of modernity, e.g. the belief that there is a division between “facts” and “values”; nor the difficulty of thinking its truth in the presence of historicism. Rather it is that this account has not been thought in unity with the greatest theoretical enterprises of the modern world.

This is a great darkness, because it appears certain that rational beings cannot get out of the darkness by accepting either truth and rejecting the other. It is folly simply to return to the ancient account of justice as if the discoveries of the modern science of nature had not been made. It is folly to take the ancient account of justice as simply of antiquarian interest, because without any knowledge of justice as what we are fitted for, we will move into the future with a “justice” which is terrifying in its potentialities for mad inhumanity of action. The purpose of this writing has been to show the truth of the second of these propositions. In the darkness one should not return as if the discoveries of modern science had not taken place; nor should one give up the question of what it means to say that justice is what we are fitted for; and yet who has been able to think the two together? For those of us who are lucky enough to know that we have been told that justice is what we are fitted for, this is not a practical darkness, but simply a theoretical one. For those who do not believe that they have been so

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told it is both a practical and theoretical darkness which leads to an ever greater oblivion of eternity.

In the task of lightening the darkness which surrounds justice in our era, we of the English-speaking world have one advantage and one great disadvantage. The advantage is practical: the old and settled legal institutions which still bring forth loyalty from many of the best practical people. The disadvantage is that we have been so long disinterested or even contemptuous of that very thought about the whole which is now required. No other great western tradition has shown such lack of interest in thought, and in the institutions necessary to its possibility. We now pay the price for our long tradition of taking the goods of practical confidence and competence as self-sufficiently the highest goods. In what is left of those secular institutions which should serve the purpose of sustaining such thought—that is, our current institutions of higher learning—there is little encouragement to what might transcend the technically competent, and what is called “philosophy” is generally little more than analytical competence. Analytical logistics plus historicist scholarship plus even rigorous science do not when added up equal philosophy. When added together they are not capable of producing that thought which is required if justice is to be taken out of the darkness which surrounds it in the technological era. This lack of tradition of thought is one reason why it is improbable that the transcendence of justice over technology will be lived among English-speaking people.

APPENDIX A

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Dear Bob, You Should Stand Alone

William F. Buckley Jr.

Politics deals in hyperbole, but it is one thing to expect hyperbole, another to become so cynical about its exercise as to decline even to notice it, which brings us to Sen. Bob Packwood, R-Ore.

I have here a “Dear Friend” money-raising letter from the senator, the first half of which is devoted to denouncing a kook-anti-Semitic outfit called Aryan Nations, which apparently threatened to kill Sen. Packwood in retaliation for his support of Israel. If Aryan Nations is going to kill every legislator who supports Israel, we’re going to have the greatest massacre in the history of legislatures. And if Aryan Nations goes on to kill every American who supports Israel, why, that will reduce the population of the United States about as a first strike by the Soviet Union would reduce it. So Sen. Packwood wants to publicize threats against him by mad dogs, OK.

But before you know it, the senator commits a little elision. All of a sudden he is talking about anti-abortion groups, some of which have rated him as a principal target in the forthcoming elections. Here is the connective tissue between the Jew-haters and the anti-abortion folks, as executed by Sen. Bob, whose letter goes out under the banner, “Dear Bob, You Do Not Stand Alone.”

“. . . somewhere, some kid who has never known a Jew (where are such kids kept? In the Smithsonian?) and doesn’t understand the Holocaust, sits in the dark of the night and listens to this filth. And to that kid, their message may make sense. Kids like that don’t get messages just from the Aryan Nations or other radical groups. They also hear from those who use these groups’ tactics. . . . For example, because I support the right of a woman to make a choice about whether or not she wants to have an abortion, some extreme right-wing groups have labeled me ‘Senator Death’ and targeted me for political destruction. . . . In their literature they describe me—and all pro-choice people—as having ‘the blood of millions of innocent human lives on your hands.’ And it troubles me that the same kid who listens to the message of the Aryan Nations will listen to this message as well. . . . They all show a totalitarian inability to hear both sides of an issue.” They are “intolerant” and “intolerable.”

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Now Sen. Packwood is here saying that it is intolerable talk, not to be distinguished from that of genocide-for-Jews talk, to say that abortion results in the death of innocent people.

Talk about moral deafness—which the senator is ostensibly deploring. If one believes that a fetus is entitled to the protection of the law, which position was the near-unanimous position of the state legislatures up until 1973, how else does one reason, then, that abortion results in the death of innocents? Sen. Packwood, like so many others who favor the right of abortion, is himself flagrantly guilty of what he charges the opposition with being guilty of: failing to understand the arguments of the anti-abortionists. If one holds that an unborn child has rights apart from those of the child's mother, then there is no possible conclusion other than that the abortion of that child is a bloody violation of human rights.

Highly civilized people believe that the mother ought to have that right. But the opposing position has got to adopt the syllogistic imperative: You can't oppose abortion without concluding what the anti-abortion people conclude. Just as you cannot believe in human rights without concluding that anyone who believes in, or countenances, the slaughter of Jews is, to put it gently, an inconsistent believer in human rights.

Sen. Packwood is engaged in the disreputable exercise of polemical sleight of hand by suggesting that the kind of people who oppose abortion are the same kind of people who believe in genocide. It would seem to me that whether abortion is right or wrong, those who oppose it on the grounds that a biological entity minus one day old is more nearly alike to an entity plus one day old is much more likely to respect the universal right to live of all people, irrespective of race or creed, than those who have trained themselves to believe that infanticide is a term only applicable to those who extinguish one-day-old life, before which anything the mother wishes is A-OK.

The abortion issue to one side, what hurts is the brute-mauling of the civility of democratic discourse. Oppose abortion and single out—the democratic way—those who disagree as political enemies. That is OK to do if you disagree with your senator on economic policies, right-to-work, aid to the contras, whatever; but if it's abortion, you are the kind of guy who listens curiously, patiently, ardently, to aberrant Jew-killers.

APPENDIX B

[This article is reprinted from the book *Pro-Life Feminism: Different Voices*, published by Life Cycle Books Ltd., Toronto. (©1985 by Life Cycle Books Ltd.)]

A Plea for Changes in the Workplace

Nancy Randolph Pearcey

The press is doing its best to cast abortion as a New Right issue. A recent example is the attempted exposé of the financial connection between the Right-to-Life movement and the New Right in Connie Paige's *The Right-To-Lifers*.¹ Yet the defense of the unborn is properly seen as a civil rights issue, and growing numbers of liberals, with their traditional concern for civil rights, are coming to a pro-life position. One such group are the pro-life feminists.

"Pro-life *what—?*" is most people's first response. The group known as Feminists for Life of America was organized by women compelled to leave the National Organization for Women (NOW) for their outspoken opposition to abortion. Although they promote women's rights, they do not believe those rights include the decision of life or death over the unborn. They acknowledge the difficulties of unexpected pregnancy, but they propose alternative solutions.

Industrialization and Women

Abortion has assumed a central position in the agenda of the mainstream women's movement largely because of the high price women pay to bear children. Although the intrinsic rewards of rearing children are great, women also pay a price in terms of loss of education, economic, social, and cultural opportunities. To understand why this occurs, we must examine the very structure of industrialized society. By removing work from the home, the industrial revolution created a gap between the private sphere of the home and the public sphere of business, politics, finance, and academia. As a result, women who stay home to care for young children are isolated from the major functions of society.

This becomes clearer if we compare ourselves with pre-industrial societies, including Western culture into the 18th century. When work was performed in or near the home, the result was an integration of life and labor which allowed all women to be involved in economically productive work. A woman was able to participate in a business or craft alongside her husband as she managed her household. She was not excluded from contact with the outside world, for the world came into her home in the form of customers, business contacts, clients, patients, students and apprentices.² Such interplay of a family with society allowed a man to enjoy greater balance as well, his role

as husband and father integrating with his role as work partner and job foreman.³ Child care was not restricted to mothers, but was shared by fathers and members of the extended family, permitting “everyone to do some of everything.”

Most of the functions once performed in the home—from education to food preservation, from home industries to health care—have been turned over to big industry to be directed by (male) experts. In the words of Dorothy Sayers,

. . . men took over women’s jobs by transferring them from the home to the factory. The mediaeval woman had effective power and a measure of real (though not political) equality, for she had control of many industries—spinning, weaving, baking, brewing, distilling, perfumery, preserving, pickling—in which she worked with head as well as hands, in command of her own domestic staff . . . but modern civilisation has taken all these pleasant and profitable activities out of the home, where the women looked after them, and handed them over to big industry, to be directed and organized by men at the head of large factories. Even the dairy-maid in her simple bonnet has gone, to be replaced by a male mechanic in charge of a mechanical milking plant.⁴

As the home was stripped of many of its functions, women at home were squeezed out of most of their traditional occupations. They no longer needed to know a variety of skills related to areas such as food processing and textile manufacture; the only major tasks left to them were childcare and housework.

At the same time that they were suffering a tremendous narrowing of the scope of their activities, women were left with sole responsibility for the household. As industries left the home, husbands and the childless were forced to follow. Women then had to actually *perform* many tasks they had once *directed* in a managerial position over an extended family and servants, who were no longer there. In short, women were caught from two sides: as the home was impoverished, housework acquired the monotony it is known for today; yet, with no one to share household tasks and childcare, women were not free to leave home to regain their former occupations.⁵

When the home ceased to be the center of production, women found themselves removed from the mainstream of society. Work and home became polarized by gender: work was no longer the family industry but the “father’s job”; home was reduced from being the center of society to being “woman’s place.”

Against the backdrop of this historical sketch, it becomes evident that feminism is not a protest against conditions intrinsic to motherhood or the family *per se*, as some opponents believe. If we assume that the role of women remained stable over long periods of time, it is difficult “to explain why, in the early 19th century, it suddenly became onerous.”⁶ The women’s move-

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ment is rather a response to a great reduction in the opportunities open to women, and grows out of a genuine need among women for a more balanced involvement in both family and society.

Bridging the Gap

The gap between the private sphere of home and the public sphere of business and culture is difficult to bridge. Workplaces, educational institutions, and many cultural activities are not set up to allow women (or men) to participate and still have their children close by; neither are most work or educational programs designed to be performed at home. Thus neither mothers nor fathers are able to integrate their work with their parenting responsibilities, as they did in pre-industrial societies. Ideals such as both parents of young children working part-time to share financial and childcare responsibilities remain no more than ideals for most people because part-time positions are scarce, the salaries shamefully low, and benefits non-existent. Companies have also been reluctant to experiment with job-sharing, flex-time, and other variations on the forty-hour week which might help parents juggle commitments. As a result, most fathers are forced to work full-time, becoming virtually weekend parents, and mothers must either follow suit or choose full-time parenting.

Whichever choice she makes, a mother pays a price. If her husband earns enough so that she can stay home, she must give up her career or educational goals; her prior education or job experience may seem wasted; age-segregation in many cultural activities precludes her taking her children along to conferences, concerts, volunteer activities, etc., forcing her to give up those, too, unless she can afford a sitter; and, of course, there is frequently financial strain from the loss of her income. Even the woman deeply committed to being home to raise her children may find, when thus isolated from the mainstream of society, that she falls prey to the nameless depression which Betty Friedan documented so well in *The Feminine Mystique*.

Many women today are literally frightened by the prospect of losing the salary, status and fulfillment they derive from their jobs, and hurry back to work after brief maternity leaves. And, of course, many women also join the work force because they need to contribute to the family sustenance. Yet in the work force, most women face largely low-pay, low-status jobs, childcare expenses, the anguish of leaving children in the care of others, and the double burden of job and housework.

In pre-industrial societies, women did not have to choose between work and childrearing. They were able to "have it all," as the slogan goes. In light of the difficult choices a woman faces today when she becomes a mother, it is understandable why "control over reproduction" has become a central issue

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to the women's movement. As a society, we have begun to accept abortion as a solution for the woman with conflicts between childcare and school, job or whatever. These conflicts, however, are rooted in the historic and economic developments which have created the gap isolating mothers from society. Abortion ignores the cause and treats the symptom: instead of suggesting a way out of the isolation mothers face, it offers a way out of motherhood.

Accepting abortion is a short-term solution which only delays the implementation of real reforms. What women need is not the quick expedient of abortion; they need community support to allow them to experience pregnancy, birth, and parenthood with dignity. They need fathers more involved in childrearing, decent maternity and paternity leaves, the active assistance of supportive institutions such as churches, freedom from the isolation of nuclear family living, institutions flexible to the needs of families, part-time work with decent salaries, work adapted to performance at home, respect and support for mothers coming back into the work force, and good part-time education and job training.⁷

Those of us who work to stop abortion can only provide genuine solutions if we address the *cause* of distress pregnancies, finding ways to reintegrate work and home. This is not to deny that some women have abortions for other reasons; nor is it to suggest that parenthood should not involve sacrifice—it always will, just as it will always offer great satisfaction in return. But we must make ourselves aware of the pressures women face which are unique to our age. Pro-life feminists have rallied to presenting the ethical arguments against abortion, and to supporting women in crisis pregnancies.

We must now go a step further and address ourselves to changing those structures of modern society which make childrearing costly and thus make abortion seem an attractive alternative.

NOTES

1. See the review of *The Right-to-Lifers* by Juli Loesch in *Sisterlife*, Newsletter of Feminists for Life of America, December, 1983, pp. 3-4.
2. Alice S. Rossi, "Equality Between the Sexes: An Immodest Proposal," *Readings on the Changing Family* (New Jersey: Prentice-Hall, 1973), p. 145.
3. Ross P. Scherer, "The American Family in the Midst of Socio-Economic Technological Change," *Family Relationships and the Church*, Oscar E. Feucht, editor (St. Louis: Concordia, 1970), p. 140
4. Dorothy L. Sayers, "Are Women Human?" *A Matter of Eternity* (Grand Rapids, MI: William B. Eerdmans Publishing Co., 1973), pp. 42-43 and 24.
5. This development as it occurred in North America is very thoroughly traced in Nancy F. Cott, *The Bounds of Womanhood* (New Haven: Yale University Press, 1977).
6. William L. O'Neill, *The Woman Movement* (Chicago: Quadrangle Books, 1969), p. 17.
7. Some reference books for women choosing to work from their home are: Marjorie McVicar and Julia F. Craig, *Minding My Own Business* (New York: Richard Marek Publishers, 1981); Arlene Rose Cardozo, *Woman At Home* (Garden City, NJ: Doubleday, 1976); Jeremy Joan Hewes, *Worksteads, Living and Working in the Same Place* (Garden City, NJ: Doubleday, 1981); Marian Behr and Wendy Lazar, *Women Working Home* (Norward, NJ: WWH Press, 1981).

APPENDIX C

[The following syndicated column was released February 23, 1986, and is reprinted here with permission (©1986 by the Chicago Tribune).]

Abortion counseling has its nightmares

Bob Greene

We have all read columns about abortion—both pro and con. We have all heard the argument on both sides.

This is a little different.

“I was a counselor at an abortion clinic for a year and a half,” she said. “Before the girls and women had their abortions, they had to have a session with me.”

She is 28 now; she was 25 when she was an abortion counselor.

“At the time, the question about abortion was clearcut. Yes or no. You were either in favor of it, or you weren’t.

“So I would see all of these girls and women every day, and they had all come to the clinic because they were seeking abortions. And I would talk to them.”

She said that her whole frame of mind became: Abortions are the answer to pregnancy.

“Then one night I was walking through a grocery store,” she said. “I saw a young mother with her baby riding in the grocery cart. And my first thought was: ‘How can that lady do that?’ Meaning how can that lady have had a baby? At that point, I realized that something was seriously wrong.”

It had already started getting to her at work. “I would hear the same stories over and over again from these girls and women. All day, every day. It got to the point where I started thinking: ‘How much of this can I take?’ It was like I was running the girls and women through like cattle through a chute. They’d talk to me and then they’d go have their abortions.

“Let me be clear about something—I still favor abortions in some instances. If there are valid medical reasons for an abortion, or if a woman has been raped . . . certain cases like that.

“But I kept hearing the same reasons. ‘I can’t afford it.’ ‘I just don’t want it.’ ‘I’m too young.’ That was my job, listening to stories like that. And it never seemed to end.

“I’d go in in the morning. We had about 30 girls and women a day coming in for abortions. I’d start to explain the procedure, and most of them would start crying. I’d ask them if they were being pressured into it. Some said yes.

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So in cases like that, you wouldn't let them go through. Because you weren't supposed to let them have an abortion if they were being pressured into it.

"But two days later they'd be back. And they'd have the abortion.

"I remember a man and woman sitting in my office. They were a happily married couple. And as I was asking the woman the basic questions, she started crying. She said, 'I want this baby. I want this baby.' Her husband said, 'No, no.' They left the clinic. But two days later they were back, and she went through with the abortion. I was in the recovery area where she was resting after the abortion. She thanked me for what I had said two days earlier. What was she feeling? I'll never know."

Many of the girls and women who came to the clinic, she said, were repeaters. "There were other counselors, but sometimes I'd counsel the same girl. She'd had an abortion six months earlier, and now she was back. One girl I counseled was having her fourth abortion. I said to her, 'Do you realize what you're doing to yourself?' And her boyfriend jumped up and yelled at me, 'If she doesn't want to do birth control, she doesn't have to. Don't tell her what to do!'"

Even now, the former counselor is reluctant to say that she is against abortion. "There are no answers," she said. "I care about the girls. I don't want them to try to do it themselves with a coathanger, or kill themselves over it. I can't be anti-abortion because I don't want these girls to hurt themselves over it."

During her time as an abortion counselor, she was living with her parents. Her father had been laid off, so the income she was bringing in was important. "My father said, 'Don't let it get to you. It's not you that's having the abortion.' But mentally I was having 180 abortions a week."

One time she had been counseling a teenage girl. "Let's say her name was Vickie. I had been talking to her for a long time, calling her by her first name, Vickie. At the end of the counseling session she started crying, and she hugged me. And then . . . I called her by the wrong name. Say if her name was Vickie, I called her Jane. And she said, 'That's not my name.' But it was hard for me to remember. There were so many every day.

"I'd have nightmares every night. In my nightmares, I'd be seeing the girls and women, and they would be piling up in my office because I wasn't moving them to the operating rooms fast enough. A voice would be saying, 'Come on, the doctors are waiting. The doctors are waiting.' And I couldn't get through them [counsel them] fast enough. There would be one after another after another after another. Finally I would wake up, and it would stop.

"But then I'd have to go to work again. And eventually I knew it was time

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to leave the clinic. It just kept going on and on every day. I got the feeling that it was never going to end. I'd hope that someday it was going stop somewhere, but it never stopped. Every day there were more girls and women waiting for their abortions. And I realized that it wasn't going to stop. It was never going to end."

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