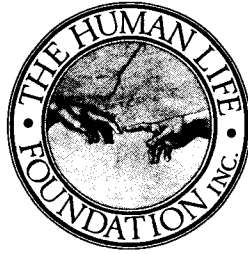


the HUMAN LIFE REVIEW



SUMMER 1987

Featured in this issue:

Henry J. Hyde on Welcoming the Stranger

Allan Bloom on Liberty, Equality, Sexuality

Will Herberg on Our Moral Crisis

Eugene V. Clark on AIDS: The Deadly Silence

Joan Frawley Desmond on . . . The Patient's Choice

Thomas Molnar on The Assault on the Family

Lewis Lehrman on The Declaration and
The Right to Life

Nancy Randolph Pearcey on . . . Feminist No More

Also in this issue:

Professor Patrick Derr on The Ethics of Surrogate Motherhood

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. . . FROM THE PUBLISHER

This, our 51st issue, is a good example of the kind of editorial “mix” we have maintained since we began publishing in early 1975: a combination of new, old, and recently published pieces that, put together, provide a certain theme and balance to each issue.

The truth is, we began doing it because we feared that we might not be able to *find* enough fresh material on our “life issues” to fill a quarterly that would average some 500 pages—and roughly a quarter-million words!—yearly. We were wrong. There has been much more fresh material than we could publish. But we’ve stuck to our old formula because we’re convinced it is effective journalism: many “old” articles ought to be brought back again, as we think you will agree when you read the essay written by the late Will Herberg almost twenty years ago.

It is reprinted from *The Intercollegiate Review*, an interesting magazine that deserves to be better known. It is available for a modest \$10 (for four issues) from the Intercollegiate Studies Institute Inc., 14 South Bryn Mawr Ave., Bryn Mawr, PA 19010.

Prof. Allan Bloom’s article is a good example (or so we thought when we selected it—his book is now a national bestseller) of something our readers might miss; it is excerpted from Bloom’s *The Closing of the American Mind*, published by Simon and Schuster (1230 Ave. of the Americas, New York, N.Y. 10020; \$18.95 a copy).

Two other articles are also reprinted from other journals which, if you have not seen them, we recommend to your attention. Monsignor Eugene Clark’s essay on the AIDS crisis first ran in *Crisis* (May, 1987), a lay Roman Catholic journal published by the Brownson Institute Inc., P.O. Box 1006, Notre Dame, IN 46556 (subscriptions \$19.95 per year). Lewis Lehrman’s article appeared in *The American Spectator* (April, 1987), published at 1101 North Highland Street, Arlington, VA 22210 (subscriptions \$24 per year).

We don’t know how much duplication of readership there may be among such journals—but we believe that *our* review has a unique readership (both here and abroad) which will appreciate knowing about them.

Full information about previous issues, bound volumes, microfilm copies, books available, etc., is printed on the inside back cover. Like this issue, it’s all good stuff, you’ll like it.

EDWARD A. CAPANO
Publisher

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INTRODUCTION

MR. HENRY HYDE IS well-known to our regular readers of this journal. Indeed, he may be the best-known member of the House of Representatives. Because of his principled and dramatic fight against abortion—his Hyde Amendment (banning federal abortion funding) remains the most symbolic victory in the long Abortion War—he is probably the *only* Congressman (except perhaps for a presidential candidate) who can draw an enthusiastic crowd in every state. And his listeners are never disappointed, as we think you will agree after reading our lead article, which is the text of his recent oration to an anti-abortion convention. We only wish you could have *heard* it: Mr. Hyde is a galvanizing speaker. His impressive *presence*, combined with his never-failing wit and humor, explain why he is often called the favorite Congressman not only of his admirers but also of his reasonable opponents.

He is also modest. For instance, he scarcely mentions here what may be the most historic legislation he has yet sponsored: the so-called “Superbill” initiated by President Reagan himself, which would extend the Hyde Amendment into a *permanent* ban on federal funding or support for abortion. More, the bill would in effect establish the *personhood* of the unborn—precisely what the High Court denied them in *Roe v. Wade*—by affirming that abortion kills “a living human being,” that *no* “right to abortion” is secured by the Constitution, and (in case anybody misses the point) “the Supreme Court erred in not recognizing the humanity of the unborn child.”

It has been called a Lincolnesque initiative by those who believe (as we do) that abortion’s true analogy in American history is slavery; it certainly sets a standard of presidential involvement in a *moral* issue unparalleled in our time. Paradoxically, the President’s bill was *not* initially supported by some who claim leadership status in the “Pro-life” movement. But of course Mr. Hyde’s own leadership—not to mention Mr. Reagan’s—remains unchallengeable among “grass-roots” anti-abortion voters. It is therefore no surprise that, as Hyde spoke, the President’s bill had already gained more congressional co-sponsors than any other anti-abortion measure ever has.

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As you read Hyde's eloquent words, none of this will surprise you. He is a master of *effective* politics because his vision soars far beyond the narrow confines of winning or losing *here*; he knows that victory comes hereafter—that Americans are right to mix their religion into politics, as in their transcendental good sense they always have.

In any case, Mr. Hyde obviously inspires *us*, as we've just demonstrated.

Next we provide another unusual treat. When we first read an excerpt from Professor Allan Bloom's new book *The Closing of the American Mind* we thought we'd stumbled on a gem many would never read—just the kind of thing our faithful readers would *want* to read. So we arranged to reprint it for you. Imagine our surprise when, just before we went to press, his book became the No. #1 Nonfiction Bestseller—we have the *New York Times*' word for it. If our good eye lags behind your own— if you've already read it—well, *re-read* this part, it bears a second pondering.

True, Mr. Bloom says little that is new: it's the *way* he says it that illuminates the awful dimensions of a "problem" all too familiar to most of us (certainly parents). And while Bloom carefully avoids injecting religion into his arguments, we were struck by his insistent use of old familiar terms—pagan, sinful, "examination" of conscience, virginity, even catechism—not to mention his question: "Is there perhaps really original sin?"

So we were not surprised to read (in the world-famed London *Economist*, May 16) a review which calls Bloom "quirky and a bit cantankerous in some of his views"—this after describing him as a "political philosopher [and] translator of Plato and Rousseau" whose book is "lucid and thoughtful" and even "brilliant"! We can well understand that "modern" critics would find Bloom's arguments, however cogent, most difficult to accept. Why, even Mr. Bloom cannot accept them, e.g., consider his own demurral: "I am not arguing here that the old family arrangements were good or that we should or could go back to them." Too late: he's already convinced us.

Of course, Mr. Bloom claims to do no more than argue from his own empirical evidence: after closely observing students at an elite university for many years, he concludes that we have arrived at a crisis point. Others predicted such a crisis long ago, few more accurately than the late Will Herberg. Shortly before he died (in 1977) we chanced to enjoy a last, long conversation with him on just such matters. A well-known writer, Herberg was an even better *talker*, and we certainly listened. He was a fascinating man (what used to be called a "character").

Well, shortly after reading Mr. Bloom we were catching up on other reading, and came upon a Herberg essay, first published almost 20 years ago—a

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young editor evidently reread it, was struck by its “prophetic” power, and decided to reprint it. We’re grateful that he did, and think you will be as well. If there exists a finer “companion piece” to complement Bloom’s best-selling discoveries, we haven’t seen it lately. Herberg might well have been thinking of Bloom, and *vice versa*. After you read both, we fear you will find Herberg’s concluding question chilling: “Is it ever really possible simply to regain what has once been lost?” *Oremus*.

It would seem that prayer is also the only currently-available cure for the AIDS crisis—which is yet *another* disaster brought on by the loss of what Herberg calls with beautiful simplicity “the tradition of the higher law and the higher reality”—the “standards” of the Old Morality. Certainly AIDS is the direct result of the New Morality? Yet most of us are too embarrassed to discuss it openly. The truth is too horrible: “In fact, the virus-turned-plague has only one source—sodomy.” That is the blunt contention of Monsignor Eugene Clark, who asks *why* nobody—certainly not “the media”—will speak the truth. His article is one some might prefer not to read, but if you begin reading it you will not put it down until you reach the final eloquent plea: “Homosexuals deserve the nation’s sympathy and the love of those who believe in the Gospel [but] we will not help them by cooperating in the burial of the truth.” Which is precisely what we Americans are doing: we are standing aside as a medical and *moral* disaster is turned into a *political* issue, all in the name of a “compassion” that *kills*. It is without doubt a great irony that at this critical historical moment, the nation’s chief *medical* official is the great champion of the political “right” of homosexuals to go on committing suicide—and to infect the general population as well—while he urges the “solution” of teaching sodomy to toddlers (so that, in due course, they too can attain “victim” status?).

We admire the good Monsignor’s fortitude: surely he will be vilified for “speaking out” (which is nowadays acceptable only when yours is the *accepted* opinion); certainly we will hear that he lacks “compassion,” that trendy universal solvent. Which will amuse those who know him—he’s the man to have when you need a good one, or a good priest, take our word for it.

The AIDS plague will also challenge not only the skills but also the dedication—the moral fibre—of the medical profession. But, says Joan Frawley Desmond, traditional medical ethics have already been badly shaken by another crisis: abortion, and the growing “cheapness of life” syndrome that has followed in its wake. Mrs. Desmond discusses it all quite calmly, given the ominous “trends” she describes. Surely Hippocrates wouldn’t recognize his old profession. Nor, we imagine, would he be pleased to know that his famous

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Oath, once sworn to by all doctors—and which specifically and emphatically rejected abortion—has now been tossed into the dustbin of history. As Mrs. Desmond makes clear, today's young doctors are taught that their "moral duty" is to make patients *feel* good, even if it kills them.

You will note that she quotes Walker Percy (as we did, in the last issue), whose latest novel *The Thanatos Syndrome* deals with doctors who "turn their backs on the oath of Hippocrates and kill millions of old useless people, unborn children, born malformed children, for the good of mankind." Percy's half-mad priest asks: "And do you know what you're going to end up doing? . . . You're going to end up killing the Jews." And as Mrs. Desmond concludes, "the Jewish holocaust has taught us that good intentions cannot protect the physician from those who would make him into a killer."

Well: up to this point we've covered a great deal of ground, on seemingly disparate matters. But are they? Ideas make history, and Professor Thomas Molnar (certainly a student of ideas in history) argues that there is in fact a common idea that links our current moral and social evils: that the *family* is the enemy of "progress." Thus the family has become the target of those who would construct a technological Brave New World, and "liberate" society from what must be the basic unit of *any* society. That, says Molnar, is what the Sexual Revolution is all about. And the reason why, for instance, our utopians are so fascinated by the prospect of "Mechanized life, mechanized leisure, mechanized sex [and] manufactured children." Of course such utopian schemes never *work*: humankind naturally forms itself into families, which forever resist extinction. But the utopians (Hitler was one, was he not?) can commit horrible crimes while *trying* to remake us—and available technology makes possible disasters previously unthinkable. It's a grim prospect. But of course if we *reject* such ideas, it won't happen.

A good place to start rejecting false ideas would be *in re* abortion. After all, abortion was still considered unthinkable "public policy" until just a few years ago, historically speaking. Indeed, it was generally considered an unspeakable crime, and doctors who performed abortions were prosecuted by the law and ostracized by the medical profession. *Roe v. Wade* changed all that. But *Roe* can be reversed, just as *Dred Scott* was. And Mr. Lewis Lehrman argues passionately that we *must* reverse it: that the "basic law" of our nation is not solely the Constitution but the Declaration of Independence as well. Abraham Lincoln made precisely that argument against slavery. So did the Founding Fathers when they affirmed that "the laws of nature and of nature's God" made "the Right to Life" self-evident and inalienable. Like slavery, abortion is an aberration that our Republic cannot long endure.

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All this certainly makes timely reading: as we write, the U.S. Senate is considering President Reagan's nomination of Judge Robert Bork to the Supreme Court. And Judge Bork has publicly stated his belief that the *Roe* decision was in fact unconstitutional. To be sure, Lehrman is making the moral case, but the legal case must also be made before the right to life can be restored. Far be it from us to prejudice the case by saying we fully expect that it *will* be?

We trust that you will find our final article almost light reading after all the weighty stuff preceeding it. Actually, Mrs. Nancy Pearcey is quite serious: she *used* to be a feminist, she explains, but she just can't manage it anymore, for the many and interesting reasons she supplies here. The point is, she tells a good *story*, and tells it well. She admits that she has become . . . well, a conservative—but insists that she's still looking for “a much more radical agenda” that will achieve “the full restoration of the home” even though “I'm not a traditionalist either.” As with Mr. Bloom, she's already convinced *us*: we look forward to her final chapter in due course.

* * * * *

After so many (and we'd say unusual) articles, we depart from our usual practice of providing several relevant appendices to give you just one. But Professor Patrick Derr provides a very *good* one—another fine article in itself—which not only complements Professor Molnar's warnings about the frightening “capabilities” of an *amoral* technology but also gives you a sane and sensible rundown on what the vexed question of “surrogate motherhood” is all about. We think you'll agree that it's about a great deal more than we imagined—the celebrated “Baby M” case is evidently just the first in what promises to become a long series of “hard cases” involving what Professor Derr calls “the very heart of our understanding of the human condition and of a human society.” In short, “science” can now perform wonders previously unimaginable. Yet the prevailing scientific “ethic” remains: If it *can* be done, it *should* be done. Professor Derr worries about that, suggesting how bad things will get if we don't adopt a *new* ethic. We suggest a currently-fashionable old one: “Just say no.”

J. P. MCFADDEN
Editor

A Bicentennial Reflection:

Welcoming the Stranger

Henry J. Hyde

THIS SUMMER WE ARE celebrating the 200th anniversary of the Constitutional Convention. I don't think there are any people in the United States more committed to the principles that truly animated the Founders and Framers than the people in this room.

And thank you for the tremendous work you've done, and will do, so that America becomes again what it was always meant to be: a community of hospitality and mutual responsibility where the dignity of human life under God is constitutionally and legally protected for everyone, regardless of age, race, or physical condition.

That is what the Right to Life movement stands for: we stand in defense of the basic moral insight on which the entire American experiment rests.

And that is something I'd like to think about with you tonight: the tenure of our project, and what this means for our commitment to it.

This is the 15th national Right to Life convention. Since we first met, almost 20 million of our children waiting to be born have been destroyed. Did that 20 million include the scientist who might have found a cure for cancer or AIDS, the American Mozart, the next Jackie Robinson or Mark Twain or Emily Dickinson? We will never know. That is one measure of the tragedy of the past fifteen years.

There has also been constitutional wreckage this last decade and a half. Scholars from left, right, and center are virtually unanimous in rejecting *Roe v. Wade* as shoddy jurisprudence. Yet in many of the opinion-molding sectors of our society, Mr. Justice Blackmun's decision has given the abortion liberty an absolute status afforded virtually no other activity in our republic.

Moreover, the public debate over the abortion liberty remains deeply misinformed, disinformed, and confused:

Henry J. Hyde is a United States Congressman from Illinois. This article is adapted from his address to the National Right to Life Convention in New Orleans (delivered June 20, 1987).

HENRY J. HYDE

- It is persistently said that life before birth is not “really” human life. Yet the entire burden of biological evidence developed since *Roe v. Wade* is in precisely the opposite direction.
- It is persistently said that *Roe v. Wade* “liberalized” abortion law. But, in fact, as constitutional scholar John T. Noonan, Jr. has argued, *Roe v. Wade* didn’t liberalize abortion law, it abolished abortion law.
- It is persistently said that *Roe* was a “liberal” decision against “conservative,” indeed “reactionary,” opposition. In fact, *Roe* broke a two hundred-year-long pattern in which Americans deliberately enlarged the community of those for whom we accept a common responsibility. Slaves were freed, women enfranchised, the elderly protected by Social Security, and the handicapped given easier access to public and private facilities: all in the name of expanding the community of those who are commonly protected and cared for. Then came *Roe v. Wade* which, with the stroke of Mr. Justice Blackmun’s pen and the acquiescence of six of his colleagues, abruptly declared an entire class of human beings beyond the pale, beyond the boundaries of our community of common concern. This was no “liberal” decision. *Roe*, not the Right to Life movement, represents the reactionary forces in our society and culture.
- It is still said that *Roe* only permits “first trimester abortions.” In fact, as we all knew then and as we know from bitter experience now, *Roe* allows abortions up to the moment of birth. The unborn have been summarily stripped of any legal protection since 1973.
- It is said that, whatever its philosophical deficiencies, *Roe* enjoys broad popular support. In fact, virtually every public opinion poll taken since 1973 shows a solid consensus *against* abortions of convenience, against abortion as a means of retroactive contraception.
- It is said that we in the Right to Life movement have been guilty of the logical fallacy of the “slippery slope,” in our arguments that *Roe* created a moral and cultural morass. One shouldn’t indulge the slippery slope analogy indiscriminately. But fifteen years after *Roe v. Wade*, when there is now open discussion of “harvesting” aborted fetal brain tissue and organs; when the begetting and nurturing of children like Baby M is considered a kind of commercial contract, the closest analogue to which is found in horse-breeding; when doc-

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tors and some “medical ethicists” agree that infanticide ought to be an available option if the newborn’s “quality of life” seems likely to be “insufficient”—in this situation, it is clear that we are not merely in danger of the slippery slope, we’re fast careening downward. We’re heading down to a modern form of barbarism for many reasons. But can there be any doubt that the culturally crucial push down the slope was given by *Roe*? The scandal of our age is organized medicine’s leadership in justifying the non-treatment of treatable handicapped newborns, and this was long before the dispute over Baby Doe regulations allowed infanticide to be classified as “post natal abortion.” The movement from birth control to death control—the progression from abortion to infanticide to euthanasia—has happened swiftly and almost imperceptibly. The organized medical profession has not protected human life—it has facilitated its wholesale destruction.

● It is argued that abortion is a private medical procedure, privileged by the confidentiality of the physician-patient relationship. The truth, as Father James Burtchaell puts it in his masterful book, *Rachel Weeping*, is far different: “Abortion . . . serves no one’s health, and is no medical matter—unless those words be stretched beyond their ordinary meanings. In perhaps 99 percent of present cases it is medical only in virtue of being performed by a physician. It is no more medical than the implantation of silicone in a hopeful lady’s bosom.”

● Finally, it is still argued, as in the 1984 presidential campaign, that abortion is a sectarian issue, the “imposition” of “Catholic doctrine” on a “pluralistic society.” At this 15th national Right to Life convention, may I, as a Catholic, respond to that bit of foolishness by citing a brief honor roll of those theologians and philosophers who have taken up scholarly cudgels against the abortion liberty: Paul Ramsey, Stanley Hauerwas, and Albert Outler among the Methodists; Richard Neuhaus and John Strietelmeier among the Lutherans; Harold Brown among Congregationalists; Baruch Brody, David Bleich, David Novak, and Hadley Arkes among Jews. I am proud to be in their company. So are we all.

Looking at this kind of public climate, in which basic facts remain confused, in which proponents of the abortion liberty are awarded a

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privileged status by the prestige press, in which it is impossible to conceive a candidate opposed in principle to *Roe* being nominated for president by the Democratic Party—looking at this situation, what can we say we have accomplished in these fifteen years of anguish and frustration?

First, and most importantly, we have kept the issue alive. The abortion liberty is *not* a settled question in the United States. Even our most bitter opponents recognize that, their unilateral declarations of victory notwithstanding. We are not going away. This issue is not going away. And in a political culture where most issues have a half-life of 48 hours, that is no mean accomplishment.

Second, we have had some modest legislative success. Thank you for the important and consistent support you have given the Hyde amendments. Without you, we could not have succeeded in keeping the abortion libertarians' hands out of the Federal treasury. And without these amendments, the Federal treasury would be treating abortion as the moral equivalent of a tonsillectomy. We now have pending in the House of Representatives—with a companion bill in the Senate sponsored by Sen. Gordon Humphrey (R., N.H.) and others—a bill (H.R. 1729) that will permanently prohibit federal funding of abortions, with the "life of the mother" exception, and also forbid the use of Title X family-planning funds to any organization that performs or provides referrals for abortion. This bill was initiated by President Reagan, and it now has 106 co-sponsors in the House. Our goal is 218 co-sponsors, and I hope you'll urge your Congressman and Senators to join us in this historic effort.

Third, we have made converts. Who would have thought, 15 years ago, that one of our most powerful spokesmen today would be Dr. Bernard Nathanson? Who will be the Bernard Nathanson of the 1990s? There will be one, you may rest assured. Please God, there will be dozens.

But beyond the conversion of major public figures, there are the individual lives you have touched. Yes, almost 20 million of our pre-born children have been destroyed. But how many have been saved because of your individual efforts and your corporate witness? There is some satisfaction, tinged, however, with bitterness and sorrow, in this.

Fourth, there is the size of our movement. Never forget that we are

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not playing to the galleries. We are witnesses to the truth. We are playing to the angels, and to Him who made the angels. If this movement was reduced, as another movement once was, to a dozen frightened people in a dark room, the cause would still be right, and the cause would go on. The truth of what we do is not measured by the numbers we gather on these and other occasions.

But our persistence and our size—dare I say, our growth?—do mean something important: they mean that America has not become tone deaf to the song we have been singing these past fifteen years. Ours is not a society impervious to the moral cause we are urging. There are ears to hear, and some of them are hearing. It means something that our call to conscience is heard. It means that the United States has not become indifferent to human suffering. It means that enough of us care. And from that caring, we take hope.

But our hope is not in immediate victory. Were the Court to reverse *Roe v. Wade* tomorrow and return us to the *status quo ante* 1973, the argument we press would by no means be settled. We would have fifty arguments on our hands. Some of those we might well win, and quickly. Others would be far more difficult. We are going to have to work on these questions in and out of season. And so, with or without the abortion liberty as defined by *Roe*, we are in for a long haul of it. What themes should we be urging in the next years, as the argument continues, and the cause remains so very urgent?

We should, in the first place, learn from international politics: we should practice *linkage*. By that I mean that the question of the right to life is the central thread in a larger tapestry. (Note well please—I did not say “seamless garment”!) That larger tapestry is the American experiment. America has never been simply a mechanical set of arrangements for governance. America, as the great John Courtney Murray taught, is an experiment. And this American experiment is more than an experiment in self-government. It is an experiment in public virtue.

The most important question we face at this bicentennial of the Constitution is not whether we are functionally able to govern ourselves (and believe me, after several months on the Iran-Nicaragua committee, I can tell you that’s an open and serious question). No, the most basic issue is whether we are building the community of character and virtue

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necessary to support *any* effort at self-government. In a kingdom, it can be enough that the king is virtuous. In a democratic republic, virtuous citizens gathered into a community of character are essential.

In the context of our care and concern for the right to life, this question of public virtue and the building of a community of character involves the moral issue of hospitality.

Hospitality to the stranger is a basic theme in Jewish and Christian ethics. In the Jewish Scripture, Abraham's hospitality to strangers is part of the miraculous process by which the great and surprising gift of his son, Isaac, is given. In the Christian Scripture, in the Gospel of St. Luke, the hospitality to the stranger shown by two downcast disciples talking on the road to Emmaus after the crucifixion of Jesus is the occasion by which the disciples discover the miracle that God has worked in the risen Lord. The rule of St. Benedict, the foundation of Western monasticism, enjoins the monks to "welcome the stranger as you would welcome Christ."

In our American context, and in the context of this convention, hospitality as a key public virtue is—or should be—a central issue. The public virtue of hospitality has been grievously violated by the abortion liberty. Americans have traditionally been a welcoming people. Virtually everyone in this room is here because his or her parents, grandparents, or great-grandparents were welcomed to these shores as to a new home of freedom and opportunity. Think back on last summer's rededication of the Statue of Liberty, and the words of Emma Lazarus that we heard so often: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the lonely, tempest-tossed to me. I lift my lamp beside the golden door."

Some would call this hokum. I would call it a far more accurate portrait of the American experience, and a far more truthful definition of the American experiment, than the cold, inhospitable, and unwelcoming jurisprudence of Mr. Justice Blackmun and *Roe v. Wade*. We have been a hospitable people. We are today, as tens of thousands of refugees will remind us. We could be a hospitable and welcoming society tomorrow, in a more inclusive way, were we to recognize that the abortion liberty in *Roe v. Wade* violates our traditions of hospitality.

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Stanley Hauerwas of Duke University, a stalwart defender of the right to life and one of America's most eminent moral theologians, has written eloquently of this virtue of hospitality, of its meaning for our cause, and of its implications for building a community of character in America. He speaks of Christians, but his words are true for all of those gathered in this convention:

Christians are . . . trained to be the kind of people who are ready to receive and welcome children in the world. . . . The Christian prohibition of abortion is but the negative side of their positive commitment to welcome new life into their community . . .

It is, of course, true that children will often be conceived and born under less than ideal conditions, but the church lives as a community which assumes that we live in an age which is always dangerous. That we live in such a time is all the more reason we must be the kind of community that can receive children into our midst. Just as we need to be virtuous, not because virtue pays, but because we cannot afford to be without virtue where it does not pay; so we must be people open to a new life. . . . From the world's perspective, the birth of a child represents but another drain on our material and psychological resources: children, after all, take up much of the energy that we could use in making the world a better place and our society a more just one. But from the Christian perspective, the birth of a child represents nothing less than our commitment that God will not have this world "bettered" through the destruction of life.

And, may I add, every little baby is not just a tiny new mouth—it is a new pair of hands too.

The American heritage of hospitality is one reflection of the moral claim that undergirds this experiment in freedom: Jefferson's claim, put with clarion simplicity in the Declaration of Independence, that "all men are created equal." In the long view of human history, that claim and the hospitality that flows from it are the exceptions, not the norms. In the long view of history, America is just that: an experiment against the grain.

There is nothing guaranteed about the American proposition. Abraham Lincoln described the Civil War as a great test to determine whether a nation "so conceived and so dedicated" could "long endure." But the testing, Lincoln knew, did not end at Appomattox Court House. Every American generation must respond to that test. That is what self-government in a community of public virtue means: a constant, never-ending test of our character as a people and a civilization.

In this sense, every American is a founder; every American is a framer. We can look back, as we should, with deep gratitude to the fifty-five

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remarkable men gathered in a steamy Philadelphia room in 1787. We can marvel at the ingenuity and wisdom with which they devised the world's longest-standing instrument of governance—and free governance, at that.

But the bicentennial of the Constitution is a moment to look ahead as well as to look back. Hindsight can provide insight and foresight. And we need foresight and wisdom and compassion and a reclamation of the tradition of hospitality as we continue the American experiment those brave men launched.

There are many grave threats to our beloved America. We live in a world bitterly divided between the forces of liberty and a deadly modern tyranny. We live in a world that has become a global political arena—a world in which what happens on the tiny island of Vanuatu in the far Pacific can ultimately make a difference to the future of my home in Bensenville, Illinois. In such a world America has grave responsibilities for protecting and enhancing liberty in the world.

All of these external threats and dilemmas are real. But there are also internal threats to the future of the American experiment. These threats have to do with who we are, not with what we have.

If democracy and the future of this home of freedom demand a virtuous citizenry; if our democratic experiment is an ongoing test of public virtue and our capacity to build a community of character; and if the boundaries of our public hospitality are one index of our public virtue and our character, then the abortion liberty—this terrible shredding of the fabric of our hospitality, this deliberate fracturing of the community of the commonly protected—must be reversed if America is to endure and prosper.

What we are doing now, as a society, is deeply unworthy of us. It is unworthy of our heritage of hospitality to the weak, the poor, the stranger in our midst. It is unworthy of men and women committed to Jefferson's proposition. At the most profound level of our national experience, we are demeaning ourselves as a democratic people.

And so we must do better, and we must do differently. We must reclaim the heritage of public hospitality. We must become again a people capable of welcoming new life, weak life, dependent life, into our midst—and *cherishing it*. We must stop destroying our children waiting to be born. But we shall only stop when we have rediscovered

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that heritage of hospitality for ourselves.

This is not a task measured in months or even years. It is ongoing. It will continue after *Roe v. Wade* becomes a tragic curiosity in our legal textbooks—and that day, my friends, will come. The task we have taken on—this renewing of the American experiment by rediscovering the heritage of hospitality—demands people, leaders, who have assumed responsibility for the long haul, and who can do that because they know what is most urgent in the present moment. That is who you are. Isn't it remarkable that God wanted you to be born at this time and in this place? Not St. Francis of Assisi, not St. Catherine of Siena, not St. Ignatius Loyola—but you?

And he has paid us the terrible compliment of taking us seriously—so what we do is important!

The problem of “theodicy”—Why does God let the world go on the way it is, with all this pain and suffering and evil and anguish?—has bothered sensitive spirits throughout the ages. The Jewish tradition, which knows much about suffering, often addresses the quandary of God and evil through a story, rather than a doctrine. At any moment in history, according to the classic story, the world is preserved because of the actions of 36 just men. Their goodness preserves the world. But they do not know that this is the task which the Lord has given them.

The Jewish story of the just men who preserve the world is a metaphor, I believe, for our movement. The issue here isn't the preservation of the world, but the possibility of American democracy in a situation in which the unborn have been stripped of legal protection. How does the experiment go on? It cannot go on forever amidst this cruel inhospitality. But one reason it has a chance, just now, is because of the just men and women of the Right to Life movement. We know that we have been given a task. We know that we cannot, and will not, lay it down. What we may not realize, and what we must know in this season of the Constitution's bicentennial, is how much the future of the American experiment rests with us. And so, as Sam Levenson has told us, we must believe that each newborn child arrives on earth with a message to deliver to mankind. Clenched in his little fist is some particle of yet unrevealed truth—some missing clue which may solve the enigma of man's destiny. He has a limited amount of time to fulfill his

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mission and he will never get a second chance—nor will we.

He may be our last hope.

He must be treated as top-sacred.

And so, we are the party of true freedom, which, as Lord Acton taught, is not a matter of doing what you like, but of having the right to do what you ought.

Liberty, Equality, Sexuality

Allan Bloom

CONTRARY TO THE POPULAR PREJUDICE that America is a nation of unintellectual and anti-intellectual people, where ideas are at best means to ends, this country is actually nothing but a great stage on which theories have been played out as tragedy and comedy. Our story is the majestic and triumphant march of two principles, the principles of freedom and equality, which give meaning to all that we have done or are doing. Everything that happens among us is a consequence of one or both of our principles—a triumph over some opposition to them, a discovery of a fresh meaning in them, a dispute about which of the two has primacy, and so forth.

Now we have arrived at one of the ultimate acts in our drama, the informing and the reforming of our most intimate private lives by our two principles. Sex and its consequences—love, marriage, and family—have finally become the theme of our national project. And perhaps nowhere is the drama being played out with greater poignancy than among the privileged young, the students at our better colleges and universities.

The change in sexual relations, which now provide an unending challenge to human ingenuity, came over us in two successive waves in the last two decades. The first was the sexual revolution; the second, feminism. The sexual revolution marched under the banner of freedom; feminism under that of equality. Although they went arm in arm for a while, their differences eventually put them at odds with each other, as Tocqueville said freedom and equality would always be.

This is manifest in the squabble over pornography, which pits liberated sexual desire against feminist resentment about stereotyping. We are presented with the amusing spectacle of pornography, clad in armor borrowed from the heroic struggles for freedom of speech, and using Miltonic rhetoric, doing battle with feminism, newly draped in the

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robes of communal morality, using arguments associated with conservatives who defend traditional sex roles, and also defying an authoritative tradition in which it was taboo to suggest any connection between what a person reads or sees and his sexual practices. In the background stand the liberals, wringing their hands in confusion because they wish to favor both sides and cannot.

The sexual revolution presented itself as a bold affirmation of the senses and of undeniable natural impulse against our puritanical heritage, society's conventions and repressions, bolstered by biblical myths of original sin. From the early 60's on, there was a gradual testing of the limits on sexual expression, and they soon melted away (where they had not already disappeared without anybody's having noticed). The disapproval of parents and teachers of youngsters' sleeping or living together was easily overcome. The moral inhibitions, the fear of disease, the risk of pregnancy, the family and social consequences of premarital sexual intercourse and the difficulty of finding places in which to have it—everything that stood in the way suddenly was no longer there. Students, particularly the girls, were no longer ashamed to give public evidence of sexual attraction or of its fulfillment. The kind of cohabitations that were dangerous in the 20's, and risqué or bohemian in the 30's and 40's, became as normal as (previously) membership in the Girl Scouts.

I say "particularly the girls" because young men were always supposed to be eager for immediate gratification, whereas young women, inspired by modesty, were supposed to resist it. It was, indeed, a modification or phasing out of female modesty, now defined as mere convention or habit, that made the new arrangements possible.

The immediate promise of the sexual revolution was, simply, happiness understood as the release, in a great continuous Bacchanalia, of energies that had been stored up over millennia during the dark night of repression. However, the lion roaring behind the door of the closet turned out, when the door was opened, to be a little domesticated cat. In fact, seen from a long historical perspective, the sexual revolution might be interpreted as the recognition that sexual passion is no longer dangerous in us, and that it is safer to give it free course than to risk rebellion by restraining it. I once asked a class how it could be that not too long ago parents would have said to wayward daughters, "Never

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darken our door again," whereas now they rarely protest when boy-friends sleep over in their homes. A very nice, very normal, young woman responded, "Because it's no big deal." That says it all. This passionlessness is the most striking effect, or revelation, of the sexual revolution, and it makes the younger generation more or less incomprehensible to its elders.

In all this, the sexual revolution was precisely what it said it was—a liberation. But some of the harshness of nature asserted itself beneath the shattered conventions: the young were more apt to profit from the revolution than the old, the beautiful than the ugly. Formerly, a veil of discretion had had the effect of making these raw and ill-distributed natural advantages less important in life and marriage. But now there was little attempt to apply egalitarian justice in these matters (along the lines, say, of the older Athenian women in Aristophanes' *The Assembly of Women*, who, because of their very repulsiveness, have a right to enjoy handsome young men before beautiful young women do). The undemocratic aspects of free sex were compensated for in our harmless and mildly ridiculous way: "Beauty is in the eye of the beholder" was preached more vigorously than formerly; the cosmetics industry had a big boom; and education and therapy in the style of Masters and Johnson, promising great orgasms to every subscriber, became common. My favorite was a course in sex for the elderly offered in a local YMCA and advertised over the radio with the slogan "Use it or Lose It." These were the days when pornography slipped its leash.

Feminism, by contrast, to the extent that it presented itself as a liberation, was much more a liberation from nature than from convention or society. Therefore, it was grimmer, unerotic, more of an abstract project; it required not so much the abolition of law as the institution of law, along with political activism. Instinct did not suffice. The negative sentiment of imprisonment was there, but what was wanted in its place was unclear. The programmatic language shifted from terms like "living naturally" (with references to very definite bodily functions) to vaguer terms such as "self-definition," "self-fulfillment," "establishing priorities," "fashioning a life-style," etc.

Although feminism sees the position of women as flowing from nurture and not nature, the movement is not founded on nature. Its crucial

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contention is that biology should not be destiny, and biology is surely natural. And as for the contention that women's roles were always determined by human relations of domination, like those underlying slavery, the least that can be said about this thesis is that it would not seem to be confirmed by the bodily desires of all concerned, as was the sexual revolution. What is certain is that feminism has brought with it an unrelenting process of consciousness-raising and -changing. This process begins in what is probably a permanent human inclination, and is surely a modern one—the longing for the unlimited, the unconstrained—and ends, as do many modern movements that seek abstract justice, in forgetting nature and using force to refashion human beings to secure that justice.

Feminism is in accord with and encourages many elements of the sexual revolution, but uses them to different ends. A woman who can easily satisfy her desires and does not invest her emotions in exclusive relationships is also thereby liberated from the psychological tyranny of men, to do “more important things.” Feminism has thus acted as a depressant on the Bacchanalian mood of the sexual revolution. Just as smoking and drinking overcame puritanical condemnation only to find themselves, after a brief moment of freedom, under equally moralistic attacks in the name not of God but of health and safety, so sex had a short day in the sun before it had to be reined in to accommodate the feminist sensibility. As a people, we are good not at gratifying ourselves but at delaying gratification for the sake of projects which promise future good. In this case the project is to overcome what is variously called male dominance, machismo, phallocracy, patriarchy, etc.—a set of arrangements to which men and their female collaborators still seem very attached, inasmuch as so many machines of war must be mounted against them.

Male sexual passion has become sinful again, because it culminates in “sexism.” Women, it is said, are made into objects, they are raped by their husbands as well as by strangers, they are sexually harassed by professors and employers at school and at work. All these crimes must be legislated against and punished. What sensitive male can avoid realizing how dangerous his sexual passion is? Is there perhaps really original sin? Men, it turns out, had failed to read the fine print in the Emancipation Proclamation.

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The new interference with sexual desire is more comprehensive, more intense, more difficult to escape than the older conventions, the grip of which was so recently relaxed. The July 14 of the sexual revolution was really only a day between the overthrow of the *ancien régime* and the onset of the Terror. The new reign of virtue, accompanied by relentless propaganda on radio and television and in the press, has its own catechism, inducing an examination of the conscience and the inmost sentiments for traces of possessiveness, jealousy, protectiveness—all those things men used to feel for women. There are, of course, a multitude of properly indignant censors equipped with loudspeakers and inquisitional tribunals.

Central to the feminist project, as to the sexual revolution, is the suppression of modesty. But the sexual revolution wanted modesty out of the way so that men and women could get together bodily, while feminism wants them to be easily able to get along separately.

In the old dispensation, modesty was *the* female virtue, because it governed the powerful desire that related men to women, providing a gratification in harmony with the procreation and rearing of children, the risk and responsibility of which fell naturally—that is, biologically—on women. Although modesty impeded sexual intercourse, its result was to make such gratification central to a serious life and to enhance the delicate interplay between the sexes, in which acquiescence of the will is as important as possession of the body. Diminution or suppression of modesty certainly makes it easier to attain the end of desire—which was the intention of the sexual revolution—but it also dismantles the structure of involvement and attachment, reducing sex to the thing-in-itself. This is where feminism enters.

Female modesty extends sexual differentiation from the sexual act to the whole of life. It makes men and women always men and women. The consciousness of directedness toward one another, with all the attendant attractions and inhibitions, informs every common deed. As long as modesty operates, men and women together are never just lawyers or pilots together. They have something else in common—ultimate ends or, as we now say, “life goals.” Is winning this case or landing this plane what is most important, or is it love and family? As lawyers or pilots, men and women are the same, subservient to the one goal. As lovers or parents they are very different, but inwardly related by shar-

ing the naturally given end of continuing the species. Modesty is a constant reminder of their peculiar relatedness and its outer forms and inner sentiments, which impede the self's free creation or capitalism's technical division of labor. It is a voice constantly repeating that a man and a woman have work to do together that is far different from that found in the marketplace, and of far greater importance.

This is why modesty was the first sacrifice demanded by Socrates in Plato's *Republic* for the establishment of a city where women would have the same education, live the same lives, and do the same jobs as men. If the difference between men and women is not to determine their ends, if it is not to be more significant than the difference between bald men and men with hair, then, says Socrates, they must strip and exercise naked together just as Greek men do.

With some qualifications, those of today's feminists who know of this passage in Plato praise it. They look upon it as prescient, for it culminates in an absolute liberation of women from the subjection of marriage and childbearing and -rearing, which become no more important than any other necessary but momentary biological event. Socrates provides birth control, abortion, and day-care centers, as well as marriages that last a day or a night and have as their only end the production of sound new citizens to replenish the city's stock, cared for by the city. He even adds infanticide to the list of conveniences available.

Socrates' radicalism extends to the relation of parent and child. The citizens are not to know their own children, for, if they were to love them above others, then the means that brought them into being, the intercourse of this man and this woman, would be judged to be of special significance. Then we would be back to the private family and the kinds of relatedness peculiar to it.

Socrates' proposal especially refers to one of the most problematic cases for those who seek equal treatment for women—the military. These citizens are warriors, and he argues that just as women can be liberated from subjection to men and take their places alongside them, men must be liberated from their special concern for women. A man must have no more compunction about killing the advancing female enemy than the male, and he must be no more protective of the heroine fighting on his right side than of the hero on his left.

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Equal opportunity, then, and equal risk. The only concern is the common good, and the only relationship is to the community, bypassing the intermediate relationships that tend to take on a life of their own and were formerly thought to have natural roots in sexual attraction and love of one's own children. If that common good should disappear, the only alternative for the individual is a return to pure individuality, pure isolation.

In this light we can discern the outlines of what has been going on recently among us. Conservatives who have been heartened by the latest developments within the women's movement are mistaken if they think that the movement and they are on common ground. Certainly both sides are against pornography. But the feminists are against it because it is a reminiscence of the old love relationship, which involved differentiated sexual roles—roles now interpreted as bondage and domination. Pornography caters to and encourages the longing men have for women, and its unrestrained satisfaction. This is what feminist anti-pornographers are against, not the debasement of sentiment or the threat to the family. And that is why they exempt homosexual pornography from censorship, for it is by definition not an accomplice to the male-female tyranny and even helps to undermine it.

Actually, feminists favor the demystifying role of pornography, which unmask the true exploitative nature of the old relationships as, for Marxists, capitalism exposed the true nature of feudal relationships. The feminists' purpose is not, however, to remystify the worn-out systems but to push on toward the realm of freedom. They are sure that love in the old way is dead, and they are now wiping up the last desperate, untutored, semi-criminal traces of a kind of desire that no longer has a place in the world.

It is, in short, one thing to want to prevent women from being ravished and brutalized because modesty and purity should be respected and women's weakness protected by responsible males; but it is quite another thing to protect them from male desire altogether so that they can live as they please. Feminism makes use of conservative moralism to further its own ends. This is akin to, and actually part of, the fatal old alliance between traditional conservatives and Marxists, which has had such far-reaching effects for more than a century. The two had nothing in common but their hatred of capitalism, the conservatives

looking back to the revival of throne and altar in the various European nations, and to piety, the Marxists looking forward to the universal, homogeneous society and to freedom—reactionaries and progressives united against the present, feeding off the inner contradictions of the bourgeoisie.

Of course fundamentalists and feminists can collaborate to pass local ordinances banning smut, but the feminists do so to demonstrate their political clout in furthering their campaign against “bourgeois rights,” which are, sad to say, enjoyed by people who want to see dirty movies or buy equipment to act out comically distorted fantasies. It is doubtful whether the fundamentalists gain much from this deal, because it guarantees the victory of a surging moral force that is “anti-family and anti-life.”

Similarly, some conservatives are heartened by recent feminist discussion about the differences between men and women and about the special fulfillment of “parenting.” These were, it is true, forbidden subjects at earlier stages of the movement, when equal rights was the primary theme. But this discussion has really only been made possible by the success of those earlier stages. A feminine nature or self may indeed be conceded now, but it has been definitely shaken loose from its teleological moorings. The feminine nature is not held to be in any reciprocal relation to the male nature, and they do not define one another. Women do have different physical structures, but they can make them what they will—without paying a price. The feminine nature is a mystery to be worked out on its own, which can now be done because the male claim to it has been overcome.

The fact that there is today a more affirmative disposition toward childbearing does not imply that there is any natural impulse or compulsion to establish anything like a traditional fatherhood to complement motherhood. The children are to be had on the female’s terms, with or without fathers, who are not to get in the way of the mother’s free development. Children have always been, and still are, more the mother’s anyway. Ninety percent or more of children of divorced parents stay with their mothers, whose preeminent stake in children has been enhanced by feminist demands—and by a consequent easy rationalization of male irresponsibility. So we have reproduction without family as its necessary implication—if family includes the presence

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of a male who has any kind of definite function. The return to motherhood as a feminist ideal is only because feminism has triumphed over the family as it was once known, and women's freedom will not be limited by it. None of this means returning to "family values" or even bodes particularly well for the family as an institution, although it does mean that women have become freer to come to terms with the complexity of their situation.

By now the exhilaration of liberation has evaporated, for it is unclear what exactly was liberated or whether new and more onerous responsibilities have not been placed on us. And this is where I come back to today's university students, for whom everything is new. They are not sure what they feel for one another, and are without guidance about what to do with whatever they may feel.

The students of whom I am speaking are aware of all the sexual alternatives, and have been so from very early on in their lives, and they believe that all sexual acts are licit which do not involve real harm to others. They do not think they should feel guilt or shame about sex. They have had sex education in school, of "the biological facts, let-them-decide-the-values-for-themselves" variety, if not "the options-and-orientations" variety. They have lived in a world where the most explicit discussions and depictions of sex are all around them. They have had little fear of venereal disease; although it remains to be seen what effect AIDS will have, the wave of publicity about herpes a couple of years ago had almost no discernible psychological fallout. Birth-control devices and ready abortion have been available to them since puberty.

For the great majority, sexual intercourse was a normal part of their lives prior to college, and there was no fear of social stigma or even much parental opposition. Girls have had less supervision in their relations with boys than at any time in history. They are not precisely pagan, but there is an easy familiarity with each others' bodies and less inhibition about using their own for a broad range of erotic purposes. There is no special value placed on virginity in oneself or in one's partners. It is expected that there were others before and, incredibly to older folks, this does not seem to bother them, even though it provides a ground for predictions about the future. They are not promiscuous or given to orgies or casual sex, as it used to be understood. In general,

they have one connection at a time, but most have had several serially. They are used to coed dormitories.

Many live together, almost always without expectation of marriage. It is just a convenient arrangement. They are not couples in the sense of having simulacra of marriage or a way of life different from that of other students not at present so attached. They are roommates, which is what they call themselves, with sex and utilities included in the rent. Every single obstacle to sexual relationships between young unmarried persons having disappeared, these relationships have become routine. To strangers from another planet, what would be the most striking thing is that sexual passion no longer includes the illusion of eternity.

Men and women are now used to living in exactly the same way and studying exactly the same things and having exactly the same career expectations. No man would think of ridiculing a female premed or prelaw student, or believe that these are fields not proper for women, or assert that a woman should put family before career. The law schools and medical schools are full of women, in numbers that are beginning to approach their proportion in the general population. There is very little ideology or militant feminism in most of the women, because they do not need it. The strident voices are present, and they get attention in the university newspapers and in student governments; but, again, the battle here has been won. Women students do not generally feel discriminated against or despised for their professional aspirations. The economy will absorb them, and they have rising expectations. They do not need the protection of the National Organization for Women. Sex no longer has any political agenda in universities except among homosexuals, who are not yet quite satisfied with their situation. But the fact that there is an open homosexual presence, with rights at least formally recognized by the authorities and almost all students, tells us much about current university life.

Students today understandably believe that they are the beneficiaries of progress. They have a certain benign contempt for their parents, particularly for their poor mothers, who were sexually inexperienced and had no profession to be taken as seriously as their fathers'. Superior sexual experience was always one of the palpable advantages that parents and teachers had over youngsters who were eager to penetrate the

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mysteries of life. But this is no longer the case, nor do students believe it to be so. They quietly smile at professors who try to shock them or talk explicitly about the facts of life in the way once so effective in enticing more innocent generations of students. Freud and D.H. Lawrence are very old hat. Better not to try.

Even less do students expect to learn anything about their situation from old literature, which, from the Garden of Eden on, made coupling a very dark and complicated business. On reflection, today's students wonder what all the fuss was about. Many think their older brothers and sisters discovered sex, as we now know it to be, in the 60's. In a course on Rousseau's *Confessions*, my students were astounded to learn that he had lived with a woman out of wedlock in the 18th century. Where could he have gotten the idea?

There are, of course, works of literature which affect a generation profoundly but have no interest at all for the next generation because their central themes prove ephemeral, whereas the greatest literature addresses the permanent problems of man. Ibsen's *Ghosts*, for example, lost all its force for young people when syphilis ceased to be a threat. As Aristotle teaches, pity for the plight of others requires the possibility that the same thing could happen to us. Now, however, the same things that used to happen to people, at least in the relations between the sexes, do not happen to students any more. And one must begin to wonder whether there is any permanent literature for them, because they do not believe that there are permanent problems. Anna Karenina and Madame Bovary are adulteresses, but the cosmos no longer rebels at their deed. Anna's only son today would probably have been awarded to her in the amicable divorce arrangements of the Karenins. All the romantic novels with their depictions of highly differentiated men and women, their steamy, sublimated sensuality, and their insistence on the sacredness of the marriage bond just do not speak to any reality that concerns today's young people. Neither do Romeo and Juliet with their struggle against parental opposition, Othello and his jealousy, or Miranda's carefully guarded innocence. St. Augustine, a seminarian told me, had sexual hang-ups. And let us not speak of the Bible, whose every No is now a Yes. With the possible exception of Oedipus, they are all gone, and they departed in the company of modesty.

When young people today have crushing problems in what used to be called sexual relationships, they cannot trace them back to any moral ambiguity in man's sexual nature. That, after all, was what was erroneously done in the past.

The best point of entry into the very special world of isolation or separateness inhabited by today's students is the astonishing fact that they usually do not, in what were once called love affairs, say, "I love you," and never, "I'll always love you." One student told me that of course he says "I love you" to girlfriends, "when we are breaking up." It is the clean and easy break—no damage, no fault—at which they are adept. This is understood to be morality, respect for the other person's freedom.

Perhaps young people do not say "I love you" because they are honest. They do not experience love—too familiar with sex to confuse it with love, too preoccupied with their own fates to be victimized by love's mad self-forgetting, the last of the genuine fanaticisms. Then there is distaste for love's fatal historical baggage—sex roles, making women into possessions and objects without respect for their self-determination. Young people today are afraid of making *commitments*, and the point is that love is commitment, and much more.

When marriage occurs it does not usually seem to result from a decision and a conscious will to take on its responsibilities. The couple have lived together for a long time, and by an almost imperceptible process, they find themselves married, as much out of convenience as passion, as much negatively as positively (not really expecting to do much better, since they have looked around and seen how imperfect all fits seem to be). Among the educated, marriage these days seems to be acquired, as Macaulay said about the British empire, in a fit of absent-mindedness.

Part of the inability to make sexual commitments results from an ideology of the feelings. Young people are always telling me such reasonable things about jealousy and possessiveness and even their dreams about the future. But as to dreams about the future with a partner, they have none. That would be to impose a rigid, authoritarian pattern on the future, which should emerge spontaneously. This means they can foresee no future, or that the one they would naturally foresee is forbidden them, by current piety, as sexist. Similarly, why should a man or a woman be jealous if his or her partner has sexual relations with

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someone else? A serious person today does not want to force the feelings of others. The same goes for possessiveness.

When I hear such things, all so sensible and in harmony with a liberal society, I feel that I am in the presence of robots. This ideology only works for people who have had no experience of the feelings, have never loved, have been abstracted from the texture of life. These prodigies of reason need never fear Othello's fate. Kill for love! What can that mean?

It may very well be that their *apatheia* is a suppression of feeling, anxiety about getting hurt. But it might also be the real thing. Having digested the incompatibility of ends, people may have developed a new kind of soul. None of the sexual possibilities students have actualized was unknown to me. But their lack of passion, of hope, of despair, of a sense of the twinship of love and death—the lack of all this is incomprehensible to me. When I see a young couple who have lived together throughout their college years leave each other with a handshake and move out into life, I am struck dumb.

Students do not date any more. Dating was the petrified skeleton of courtship. They live in herds or packs with no more sexual differentiation than any herds have when not in heat. Human beings can, of course, engage in sexual intercourse at any time. But today there are none of the conventions invented by civilization to take the place of heat, to guide mating, and perhaps to channel it. Nobody is sure who is to make the advances, whether there are to be a pursuer and a pursued, what the event is to mean. They have to improvise, for roles are banned, and a man pays a high price for misjudging his partner's attitude. The act takes place but it does not separate the couple from the flock, to which they immediately return as they were before, undifferentiated.

It is easier for men to get gratification than it used to be, and many men have the advantage of being pursued. Certainly they do not have to make all kinds of efforts and pay all kinds of attention, as men once did. There is an easy familiarity. But at least some of these advantages for men are offset by nervousness about their sexual performance. In the past a man could hope to be admired for what he brought; now he can be pretty sure that he is being compared and judged, which is

daunting. And certain aspects of the undeniably male biology can make it difficult for him to perform and cause him to prefer being the one to express the desire.

Women are still pleased by their freedom and their capacity to chart an independent course for themselves. But they frequently suspect that they are being used, that in the long run they may need men more than men need them, and that they cannot expect much from the feckless contemporary male. They despise what men used to think women had to offer (that is partly why it is now offered so freely), but they are dogged by doubt whether men are very impressed by what they are now offering instead. Distrust suffuses the apparently easy commerce between the sexes. There is an awful lot of breaking up, surely disagreeable, though nothing earth-shaking. Exam time is a great moment for students to separate. They are under too much stress and too busy to put up with much trouble from a relationship.

“Relationships,” not love affairs, are what they have. Love suggests something wonderful, exciting, positive, and firmly seated in the passions. A relationship is gray, amorphous, suggestive of a project, without a given content, and tentative. You work at a relationship, whereas love takes care of itself. In a relationship the difficulties come first, and there is a search for common ground. Love presents illusions of perfection to the imagination and is forgetful of all the natural fissures in human connection. About relationships there is ceaseless anxious talk, the kind one cannot help overhearing in student hangouts or restaurants frequented by men and women who are “involved” with one another, the kind of obsessive prattle so marvelously captured in old Nichols and May routines or Woody Allen films.

The reliance on relationships is a self-delusion because it is founded on an inner contradiction. Relations between the sexes have always been difficult, and that is why so much of our literature is about men and women quarreling. There is certainly legitimate ground to doubt their suitability for each other, given the spectrum—from the harem to Plato’s *Republic*—of imaginable and actually existing relations between them. That man is not made to be alone is all very well, but who is made to live with him?

This is why men and women hesitate before marriage, and courtship was thought necessary to find out whether the couple was compatible,

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and perhaps to give them basic training in compatibility. No one wanted to be stuck forever with an impossible partner. But, for all that, they knew pretty much what they wanted from one another. The question was whether they could get it (whereas our question today tends to be what is wanted). A man was to make a living and protect his wife and children, and a woman was to provide for the domestic economy, particularly in caring for husband and children. The arrangement implicit in marriage, even if it was only conventional, told those who entered into it what to expect and what the satisfactions were supposed to be. Very simply, the family was a sort of miniature body politic in which the husband's will was the will of the whole. The woman could influence her husband's will, and that will was supposed to be informed by love of wife and children.

Now all of this has simply disintegrated. It does not exist, nor is it considered good that it should. But nothing certain has taken its place. Neither men nor women have any idea what they are getting into any more, or, rather, they have reason to fear the worst. There are two equal wills, and no mediating principle to link them and no tribunal of last resort. What is more, neither of the wills is certain of itself. This is where the "ordering of priorities" comes in, particularly with women, who have not yet decided which comes first, career or children. People are no longer raised to think they ought to regard marriage as the primary goal and responsibility, and their uncertainty is mightily reinforced by the divorce statistics, which imply that putting all of one's psychological eggs in the marriage basket is a poor risk.

The inharmoniousness of final ends finds its most concrete expression in the female career, which is now precisely the same as the male career. There are two equal careers in almost every household composed of educated persons under thirty-five. And those careers are not mere means to family ends. They are personal fulfillments. In this nomadic country it is more than likely that one of the partners will be forced, or have the opportunity, to take a job in a city other than the one where his or her spouse works. What to do? They can stay together with one partner sacrificing his career to the other, they can commute, or they can separate. None of these solutions is satisfactory. More important, what is going to happen is unpredictable. Is it the marriage or the career that will count most? Women's careers today are qualita-

tively different from what they were up to twenty years ago, and such conflict is now inevitable. The result is that both marriage and career are devalued.

I am not arguing here that the old family arrangements were good or that we should or could go back to them. I am only insisting that we not cloud our vision to such an extent that we believe that there are viable substitutes for them just because we want or need them or think we have devised them. All our reforms have helped to do is to strip the teeth of our gears, which can therefore no longer mesh. They spin idly, side by side, unable to set the social machine in motion. It is at this exercise in futility that young people must look when thinking about their future.

Women are pleased by their successes, their new opportunities, their agenda, their moral superiority. But underneath everything lies the more or less conscious awareness that they are still dual beings by nature, capable of doing most things men do and also wanting to have children. They may hope otherwise, but they fully expect to pursue careers, to have to pursue careers, while caring for children alone. And what they expect and plan for is likely to happen.

The men have none of the current ideological advantages of the women, but they can opt out without too much cost. In their relations with women they have little to say; convinced of the injustice of the old order, for which they were responsible, and practically incapable of changing the direction of the juggernaut, they wait to hear what is wanted. They want relationships, but they anticipate a huge investment of emotional energy that is just as likely as not to end in bankruptcy. They try to adjust, but they are ready to take off in an instant.

Meanwhile, one of the strongest, oldest motives for marriage is no longer operative. Men can now easily enjoy the sex that previously could only be had in marriage. It is strange that the tireddest and stupidest bromide mothers and fathers preached to their daughters—"He won't respect you or marry you if you give him what he wants too easily"—turns out to be the truest and most probing analysis of the current situation. Women can say they do not care, that they want men to have the right motives or none at all, but everyone, and they best of all, knows that they are being, at most, only half-truthful with themselves.

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This, then, is the campus sexual scene in a world shaped by the extension of the principle of freedom through the sexual revolution and the extension of the principle of equality through feminism. Relativism in theory and lack of relatedness in practice make students unable to think about or look into their futures, and they shrivel up within the confines of the present and the material *I*. They are willing to mutter the prescribed catechism, the substitute for thought, which promises them salvation, but there is little faith. As a very intelligent student said to me, "We are all obsessively going to the well, but we always come up dry."

What Is the Moral Crisis Of Our Time?

Will Herberg

EVERY AGE HAS ITS OWN CHALLENGE to morality, and the character of this challenge may well come to serve as a significant indication of the spirit of the times. What is the character of the challenge to morality that our age offers? Everyone seems to agree that we find ourselves in a moral crisis of an aggravated kind. But what is the nature of this crisis? What shall we make of it? What is its meaning and portent? And how deep is it, how far does it go? These are some of the questions I should like to raise and discuss.

The moral crisis of our time cannot, it seems to me, be identified merely with the widespread violation of accepted moral standards, for which our time is held to be notorious. There has never been any lack of that at any time; and comparisons often prove quite misleading. No—the moral crisis of our time goes deeper, and is much more difficult to define and account for. Briefly, I should say that the moral crisis of our time consists primarily not in the widespread violation of accepted moral standards—again I ask, when has any age been free of that?—but in the repudiation of those very moral standards themselves. And this, indeed, is our time’s challenge to morality; not so much the all-too-frequent breakdown of a moral code, but the fact that today there seems to be no moral code to break down.

Sexual “irregularity” among young people has always been common enough, though it was only in recent years that a combination of sociological factors has extended it as a possibility to young women of the middle classes. There is, no doubt, a marked increase in premarital sexual activity to be found among the younger generation on the college campuses; but however disturbing this may be, it is not the real moral problem involved. The real moral problem, the real challenge to

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morality, is provided not by the girl who goes along, but by the girl who shrugs her shoulders and says: "Well, so what? What's so bad about sleeping around? It's natural, and it's lots of fun, too."

Cheating may or may not be more widespread on the college campuses of this country today; it is certainly not new. The student who cheats and knows that he is doing wrong is a moral problem, of course; but much more profound is the challenge to morality flung out by the student who cheats and says: "What's so bad about cheating? It gets you ahead, doesn't it?"

Fraud or near-fraud in the mass media of communication is something we have learned to expect and protect ourselves against. But what can we do with the attitude that shrugged off the deceptions practiced with official connivance over TV some years ago by a young professor of honoured name, with an indifferent, "Well, so what if it was all fixed in advance? It was a good show, wasn't it?"

I could multiply illustrations to the same effect from every sphere of contemporary life; but the point, I think, has been made. It is my belief that the really serious threat to morality in our time consists not in the multiplying violations of an accepted moral code, but in the fact that the very notion of morality or moral code seems to be itself losing its meaning for increasing numbers of men and women in our society. It is here that we find a breakdown of morality in a radical sense, in a sense almost without precedent in our western history. To violate moral standards while at the same time acknowledging their authority is one thing; to lose all sense of the moral claim, to repudiate all moral authority and every moral standard as such, is something far more serious. It is this loss of the moral sense, I would suggest to you, that constitutes the real challenge to morality in our time.

It is difficult to discover the sources of this kind of moral anarchy that is coming to pervade our culture; it is difficult even to distinguish between cause and effect. But one thing we may notice: in every one of the typical cases I have mentioned, there appears to be not merely a repudiation of morality as such, but a repudiation of morality in favor of a way of life governed by a self-indulgent quest for pleasure and fun. Everything is justified by the "kicks" you get out of it. "Have fun" has become our parting injunction, replacing the long-obsolete "God be with you." In fact, if our time has retained from times past some sense

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of binding obligation in the conduct of life, it is just this obligation to “have fun.” If we have a morality at all, it is a “fun-morality”: to “have a good time” is, with many of our modern-minded people, as stern an obligation as serving God was to an old-time Calvinist. Not to be interested in having a “good time” condemns you as a neurotic with a “puritan conscience”—and what could be worse in the eyes of the moderns? Don’t think that this pursuit of “fun,” of a “good time,” is an easy matter. It often demands a single-minded pursuit of status, adjustment, and sociability so strenuous as to shame many an ascetic saint. Children are shown no mercy; whatever their gifts or predilections, they are dragooned very early into the “have fun” and “be a good fellow” competition of their elders. In fact, teenagers have become the favorite vehicles of status display for their parents: they are lavishly provided with money and other facilities for having a “good time,” and they are earnestly enjoined not to falter in this pursuit. It has become not uncommon for parents to supply their minor children with hard liquor and contraceptive devices when they go out to parties and other “fun” gatherings. In this kind of euphoric culture—where “feeling good” and “being sociable” are the pressing requirements—morality and moral codes in the older sense are obviously irrelevant.

Our emerging euphoric culture is closely connected with the affluence of our “affluent society.” Until very recently, our country, and the rest of the Western world very largely, operated as dynamic production-minded societies driven on by need and scarcity. An ethic of duty, character, hard work, and achievement dominated the culture—that celebrated “Protestant ethic” that is in such bad repute today. Within the past generation, however, a profound change has been taking place in this country and in the more Americanized parts of Western Europe: the older “inner-directed” culture (to use David Riesman’s terminology) is being rapidly replaced by a new “other-directed” culture under an economy of plenty, preoccupied with consumption, leisure, and enjoyment. Our current “fun”-morality is obviously an expression of this emerging “other-directed” culture. Affluence brings with it moral problems more perplexing than those that poverty breeds.

The “fun”-morality of our time is also closely connected with the new stress on sociability and adjustment so characteristic of our society,

for nothing can so spoil “having a good time” as a taste for solitude and a dislike of being adjusted. But the sociability and adjustment so prized by our euphoric society are of a very curious kind. It is a “non-involved sociability,” and an adjustment that swallows up both the so-called conformist and the so-called non-conformist—the junior executive in his “gray flannel suit” and the beatnik in his leather jacket. It is with this kind of “non-involved” sociability that we are particularly concerned at this point.

I am sure you all remember those horrifying stories coming from New York and other big cities, of women being attacked, raped, and sometimes throttled to death, while dozens of people looked on, none of them sufficiently “involved” to phone the police from the security of their apartments. These were all respectable middle-class folk, friendly and sociable, all sharing the “liberal” outlook for which New York is so celebrated. One of the cases reported in the press is particularly interesting. A young woman was being attacked at the foot of the stairs in the hallway of a building in the Bronx. A number of men came out at the first landing to see what was going on. They saw, and they returned to their own business—which was, believe it or not, passing resolutions on world peace and racial justice! You see, they were the executive committee of one of the best known “liberal” organizations in the city. They were all deeply interested in the welfare of their fellow-men—in the abstract, at a distance, by way of passing a resolution or making a speech. The more humanitarianism in the abstract, apparently, the less humanity in the concrete. . . . This kind of “non-involved sociability” is as much part of our euphoric mass culture as the “fun” we are always enjoined to be having. The euphoric way of life requires sociability, but it views with embarrassment and distaste any kind of serious personal involvement; that would spoil everything.

But the moral crisis of our time has even deeper roots than these comparatively recent developments I have been describing. The moral crisis of our time, let me remind you, consists not so much in the violation of standards generally accepted as in the attrition, to the point of irrelevance, of these very standards themselves. Violation of moral standards there has always been aplenty in every age, but until modern times the standards themselves were not questioned; or, more accu-

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rately, it was never questioned that there were such standards: this was taken for granted by the very ones who violated them, who, therefore, even in their violation, paid tribute to their authority. In the modern world, for the first time, at least on a mass scale, the very possibility of such standards has been thrown into question, and with it all essential distinctions between right and wrong. Today's culture comes very close to becoming a non-moral, normless culture.

What has been happening? Something that runs deep in our history and gives our culture its characteristically "modernistic" tone. It is the transformation of the very concept of truth, upon which the whole spiritual structure of a society may be said to depend. Until the dawn of modernity, truth was conceived of as something anchored in objective and transcendental reality, and the whole of man's intellectual and moral life was built upon this foundation. In very early times, truth had been seen as embodied in ancestral tradition and ancestral wisdom, the "wisdom of the fathers." But when this was challenged, as it was by the sophists during the breakdown of the older Greek culture, it was reestablished on an even firmer foundation by the philosophers. Such, I imagine, was the essential task that Plato set for himself, and with Plato, all of the subsequent Greek philosophy of whatever school. The philosophers sought to ground the truth, in its objectivity and transcendence, on the rational nature of things. The Hebrew prophets sought the truth in the revealed word of God. But despite the difference between the two approaches, basic and irreconcilable as they are at some points, Greek philosopher and Hebrew prophet were at one at least on this, that the truth by which man lived was something ultimately independent of him, beyond and above him, expressing itself in norms and standards to which he must conform if he was to live a truly human life.

It was precisely this conviction about truth that was first challenged with the emergence of modernity. It was challenged on one level by the rise of relativism. What sense did it make to speak of truth in the old way when truth was so relative, so obviously man-made and culture-made, varying (as Pascal had put it) with the degree of latitude, or (in the later vocabulary) with the psychological conditioning and cultural pattern? This kind of relativism was full of contradictions, to be sure, and flew in the face of the best evidence, but it appealed to the modern

mind, which was rapidly losing all sense of transcendence. Relativism, of a kind more radical and persuasive than the Greeks had ever dreamed of, soon came to dominate the advanced thought of the West, and increasingly also the convictions and the feelings of the common man. In this kind of cultural climate, the dissolution of moral standards, in the sense in which Greek philosophy and Hebraic religion had understood them, was only a matter of time.

But if relativism began the process, it was the triumph of technology that carried it to its disastrous completion. We are not yet in a position to grasp fully what the accelerated and unfettered expansion of technology has done to human life in the past three hundred years. But we can at least begin to assess its major impact upon the consciousness of the West, and that is the *exaltation of power over truth as the object of man's intellectual and moral quest*. From the earliest times, the object of the knowledge-seeking enterprise had been *truth*—the truth of reason for the philosopher, the truth of revelation for the man of biblical faith—but truth as something to apprehend *intellectually* and live by *morally*. Now, however, some time in the sixteenth or seventeenth century, perhaps, a new conviction arose, constituting a radical subversion of the older view. The whole tradition of the West—that “knowledge is *truth*”—was overturned, and replaced by the new, militantly proclaimed creed, “Knowledge is *power!*”—first, power of man over nature; then power of man over man. This shift from truth to power marks the full scope of the revolution effected by the technological spirit at the very dawn of modernity.

The evacuation of moral standards soon came to aggravate the effects of technology. Nearly a hundred years ago, Jacob Burckhardt, the great historian who so well discerned the ominous outlines of the twentieth century, pointed out with great penetration: “When men lose their sense of established standards, they inevitably fall victim to the urge for pleasure or power.” This “urge for pleasure or power” defines as nothing else can the pseudo-ethic of our time.

The technological spirit exalting power, and the ideological relativism that destroys the authority of all moral norms, have cooperated to undermine the older foundations of morality, in fact, the very meaning of morality itself. Human problems are increasingly seen as technologi-

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cal problems, to be dealt with by adjustment and manipulation; the test is always how it satisfies desires or enlarges power, not conformity to a truth beyond man's control. In fact, the belief seems to have emerged that there is nothing beyond man's desires, nothing beyond man's power. His "values" are his to make or unmake, the only criterion being satisfaction and power. Pleasure and power have taken over, and the bitch-goddess Success, which William James so scornfully denounced, has come into her own. This is the moral crisis of our time in all its amplitude.

Some twenty years ago, in a happier day, Bertrand Russell raised a question that we are still far from being able to answer:

There are certain old conceptions [he said] which represent man's belief in the limits of human power; of these, the two chief are God and truth. . . . Such conceptions tend to melt away; even if not specifically negated, they lose importance and are retained only superficially. . . . What then?

Traditionally, through centuries and millennia, the limits upon pleasure and power had been set by the "higher law," a law beyond all human manipulation and control. And this "higher law" was understood to emanate from that which was ultimate in the universe, God for the Hebrews, Reason for the Greeks. The entire spiritual structure of the Western world was built upon these convictions. With these convictions so rapidly losing their appeal to the modern mind, nothing has been left but the indulgence of pleasure, the anarchy of power, and the chaos of "self-created values." The moral crisis of our time is, at bottom, a metaphysical and religious crisis.

It is hardly surprising, though it is painfully ironical, that man's success in his frantic search for pleasure and power has brought with it the gravest threat to his humanity. Without grounding his being in something beyond, man cannot preserve his humanness. At the very moment when Algernon Charles Swinburne, echoing the new modernity, was singing "Glory to Man in the highest, the Maker and Master of All," forces were coming to a head that were to drive Western man, through unimaginable disasters, to a point where his very survival would come into question. But even more than physical survival, it is the survival of man in his humanness that is becoming problematic.

I wish I had a more cheerful report to present to you. I wish I could offer a word of reassurance, and tell you that the moral crisis of our

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time is merely a surface phenomenon, an interim thing, transitional between the old and the new. I wish I could report that I have discovered, as some observers claim to have done, the fundamentals of a “new” morality already emerging out of the shattered ruins of the old. I wish I could announce these things; but I can’t, since I am simply not able to see things that way. The contextualism and situationalism so eagerly espoused by exponents of the “new morality” have their point, of course, but allow them to be carried away by their own logic, and you end up in either moral platitudes or moral anarchy. They do not offer a way out.

Situationalism, especially, seems to offer a strong appeal to the philosophical and theological champions of the “new morality,” and therefore deserves closer attention. Its fundamental insight, shared by the contextualists in a weaker form, is that one must make his moral decisions not in the abstract, or in obedience to some eternal code of law forced upon him from the outside. I must respond *here and now*, not then and there; in *this* my situation, not in terms of some other—and if my response is to be genuine and authentic, it must be made with true inwardness, as *my* response, not in imitation of someone else’s. The one “rule” of situational ethics would appear to be: “Respond from *within* your situation, and respond authentically, with the wholeness of being.” After all, has not Saint Augustine counseled us: “Love [God], and do what you will”?

But while this situationalist principle, rooted in a profound existential insight, is, in itself, quite valid, it is hardly enough to rescue the man who acts on it from moral chaos and ethical arbitrariness. For there is not the slightest hint in the situationalist principle as to content, positive or negative. The worst abominations of a Hitler or a Stalin may meet the demand of authenticity as well as the finest act of heroism or charity. Sartre himself tells the story of the young man in Paris under the Nazi occupation who came to consult him about a dilemma in which he found himself. The young man, it appears, did not know what to do—to join the Nazis in collaboration, and thus gain a secure position for himself and his family; or to go into the underground Resistance, and thus bring himself and his family into the direst peril. And what did Sartre, who was himself at the time in the Resistance, say to him? By

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his own account, Sartre told the young man that the important thing was not which of the two ways he chose; the important thing was that he choose his way with inwardness and authenticity. A philosophy that can say this, but cannot and will not say anything more, may be able to create something new, but not a new *morality*!

Or take another case. The barbarous vandals, many of them teenagers, who invaded the magnificent Spanish Stairs in Rome some time ago, and gleefully fouled up the world-famous work of art in a nihilistic protest against beauty and culture, may well have been acting out of their inner authenticity as much as the anonymous builders who, four centuries ago, created that magnificent structure. In fact, that's exactly what they claimed. Yet is there anyone bold enough to maintain that the two courses—creating and defiling—are morally on the same level if only one acts in either case with true inwardness?

No, authenticity may be a primary quality of a moral response, but it cannot be all there is to it. Unless *some* principle, some standard, *transcending* the particular context or situation, is somehow operative *in* the context or situation, nothing but moral chaos and capriciousness can result. No human ethic is possible that is not itself grounded in a higher law and a higher reality beyond human manipulation or control. In the depths of our tradition, we find this higher reality to be, for the Hebrews, God, for the Greeks, Reason; and the higher law derived therefrom, the divine or the natural law. But, as Russell notes, in our time these foundation-conceptions "tend to melt away," and we are left with no grounding or anchorage. A contextual or situational ethic will not save us; rather, in accentuated form, it points to that which we are to be saved *from*.

For it is the humanity of man that is at stake. The humanity of man—our wisdom and our suffering ought to have taught us—is ultimately grounded in that which is *above* and *beyond* man, or the pride and power of man. To realize this profound truth is to realize the full depth and measure of the moral crisis of our time. How to revalidate the moral life in a culture in which the very idea of a moral law binding on man because it is grounded in what is beyond man, has been eroded almost to nullity: this, rather than any particular problem of personal or social morality, no matter how acute or how urgent, seems to me to be the moral dilemma of our time and culture—a dilemma in

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which we are caught, and from which we, as yet, see no way of escape. Real standards come in and through tradition. “Only he who has the tradition has the standards,” the old Greek poet Theognis was wont to say. We have lost, we are losing, the tradition—the tradition of the higher law and the higher reality—and are therefore also losing our standards. Is it ever really possible simply to regain what has once been lost? We do not know. That is our problem, our plight, and our task.

The Deadly Silence: AIDS and Social Censorship

Eugene V. Clark

WE ARE AN AMAZING NATION. Almost daily we are blessed with media analysts who fear nothing and will always tell us the unvarnished truth. Nor do we lightly ridicule the media's sacred cows. Defamation waits anyone who speaks impiously of, for instance, the Nobel Prize, clubbing seals, Black African governments, Planned Parenthood, anti-Fascists, etc.

With such imperial powers, commentators are tempted now and again to don the Emperor's clothes.

Consider one example. *U.S. News & World Report*, no partisan publication, printed (January 12, 1987) a cover story on AIDS. It exposed the fearful statistics. 29,000 Americans infected, with between 1.5 and 4 million carrying the virus at the end of 1986; by 1991, 179,000 will have died, with 91,000 dying. In twenty years, "a significant portion of our nation may be incapacitated." Dying, that is. AIDS is 100 percent lethal.

With all that, the writers in *U.S. News* danced as close as they dared to the unmentionable fact that promiscuous sodomy is the root cause, not of the untraceable virus, but of incubating the virus into a plague.

U.S. News posed the question bravely. "What causes AIDS?" Answer: "AIDS is caused by a virus usually known as human immuno deficiency virus or HIV." No one laughed. The naked Emperor stared us down. No one in the media dares ask the obvious next question: And how did the HIV get into the bloodstreams of homosexuals who in turn sent it via bisexuals, into the bloodstreams of heterosexuals on a plague level?

Remember that these writers are the same men and women who will track apartheid into hidden unconscious prejudice; who will track a

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national policy to a casual remark of Nancy Reagan; who can trace an anti-Sandinista dollar in and out of Switzerland, Zaire, and the Cayman Islands; who pursue the causes of any social horror—discrimination, censorship, anti-Semitism, fascism—right into the ganglia of the miscreants. But our major publications and the networks are satisfied to trace the “cause” of this major death-dealing plague to a dumb, hitherto quiescent virus, not to any human action.

The closest the media come to mentioning real causes is to state that AIDS victims are 65 percent homosexual, 25 percent users of contaminated needles, and 4 percent heterosexual, with 3 percent transfusion victims. The unthinking might conclude that AIDS is a disease that comes, with unfair emphases, from many sources—two kinds of sex, one needle and one operation. In fact, the virus-turned-plague has only one source—sodomy. Heterosexuals are infected only from homosexuals, or from heterosexuals infected by bisexuals, the latter transmission being impossible without a previous homosexual encounter. Despite the millions of words that have been written on AIDS this simple fact is rarely stated.

What restrains the pens and stops the tongues of a news industry that otherwise revels in its fearlessness? It is time to speculate. Speculation is forced upon those who see an exception to the strongly stated ideal of intellectual integrity among American newspeople. Why this exception?

The accepted wisdom seems to be this. Talking morals may lead to a renewed popular condemnation of sodomy which, in turn, may become a vicious discrimination against homosexuals. Since the fury of a public facing death for themselves and their children may not be containable, let us never, never raise the question of the morality or ethics of sodomy and its *sequellae*. We may start a train of events leading to a fascism based on public health and on to the lynching of homosexuals.

Two nervous adjuncts strengthen the case. First, everyone can see an awkward parallel in the insouciant exiling of smokers from elevators, restaurants and the like, with little regard for the rights of smokers. Second, religious people, in the secular myth ever ready for more burnings at the stake, may use the terrible consequences of this particular moral failure (sodomy) to reassert faith by the sword.

The merry fascism of the anti-smoking drive—always for the good of the people, whether or not *they* know what is good for them—needs no

comment. Anti-smoking loses its real punch once this parallel becomes clear. Soon anti-tobacco activists will be coming out of the trenches with their hands high.

But the religious factor is real and more complex. The homosexual trust, very powerful indeed, and its libertarian protectors are generally and reasonably angry with institutional religion which condemns sodomy as a serious sin. But the fact is that religion has been anything but aggressive on this question. Overwhelmingly, traditional moralists do not want AIDS victims or high-risk homosexuals to lose their jobs or housing. They support programs to care for the lonely victims and have tolerated demands for research disproportionate to all other health research. Catholics first, and many other religious groups, quickly joined in the compassionate care of dying AIDS victims. By and large, the homosexual community has done little for the victims, but that has not decreased religious commitment and generosity.

The reaction of religious persons to AIDS victims is not important to homosexual activist tacticians. What bothers them is their suspicion that believers in the Ten Commandments, rattled by the sexual revolution, are now regrouping and saying to themselves, "Ha! We were right all along. Sexual promiscuity *is* wrong, and homosexual practice is heading us toward Sodom and Gomorrah." In dirty talk among themselves, homosexuals say that religious people across the nation rejoice in the extermination of homosexuals as a display of God's anger against sinners. Such a mind exists perhaps among a few fevered fundamentalists and cocktail-party wise guys. But homosexual activists will not relinquish the rhetorical weapon of anticipated persecution.

It may be important to say here that Christians and Jews, in contemplating any sin, do not pass judgment on the guilt of individuals. That is exclusively God's province. The media choose not to understand this. Maybe they cannot.

It is a critical distinction. To equate the objective wrongness of any act with personal guilt is an error that paralyzes moral reflection. Personal guilt is established in the unfathomable relationship between God and a human person. If we accuse anyone of moral guilt, we err. We act *ultra vires*. But we can and should discuss the objective moral meaning of any significant act, in this case the protection of some or

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exploitation of others in a plague situation. This can be done without pretending to know any individual's guilt.

Annoyance that religious believers may be strengthened in their moral convictions runs deep in many circles today. It revealed itself in the *U.S. News* piece. The only allusion to a moral dimension in the spreading of HIV was this: "As in those (Dark Ages) now there are calls for quarantines—social exile—especially from the religious right, whose members see AIDS as God's rough justice for the sin of homosexuality." In eleven pages, that was the only reference to Christianity's contribution to the question. Nor was there a reference to any moral or ethical question that practicing homosexuals, bisexuals or dying AIDS victims might address in so grave a situation. Remember that this article appeared in one of our three leading news weeklies that handily discuss the ethics and moral stature of political leaders, C.E.O.'s, pressure groups, Sandinistas and *contras*, and many others, as if readers were begging for their moral and ethical judgments.

The terror of any editor today seems to be that through a careless phrase, he or she might appear to consider a religious view of AIDS as less dangerous than AIDS itself. To be safe, writers must avoid anything like a moral or ethical approach to AIDS. If the dread subject must be raised, let someone else handle it. And try not to think of how one deals with smoking.

Is this censorship? No, it would be said, only the condition for survival in the world of publishing. But of course it *is* censorship, however voluntarily submitted to.

This raises another question for religious believers. Why is it that people who do care about morality and who are mandated to love homosexuals (and probably do) do not speak more precisely about AIDS as a moral and ethical problem? The question invites reflection on the plight of religious spokesmen in our time.

Mainline Christians, accustomed to a marginal role in public life, do not often enter the major debates. There are two unhappy results of this. First, the debates engage the views of only half the nation. For example, the exchange between rationalist evolutionists and fundamentalist creationists should have been joined by intellectual Christians with informed views on both evolution and the meaning of the Bible. As it took place, the debate was perfect for the media, but the fault for

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that lies in good measure with thoughtful Christians who were lethargic about addressing a tired question.

A second and more disturbing result of this marginality is the dilution of moral commentary in general. Today Christians and Jews of traditional conviction often fall silent on moral issues that affect individuals. They speak volubly enough on community morals, but rarely speak at all of individual morality. The reason is clear. Moral norms for individuals suggest moral authority and discipline, both unacceptable to many.

Consider the weak Judeo-Christian response to the reality of AIDS and the anger of homosexuals.

Has any minority reaction ever silenced logical discussion as effectively as the current fury of the homosexual community? If, conscious of that anger, most media commentators have said everything they can about AIDS except to mention its cause, mainline religious commentators have not said much more. Writers in the religious press and spokesmen for the Church have concentrated on good works toward the dying victims. But that sympathetic response cannot excuse religious writers if they too bury the truth.

It is a classic red herring and harmful to homosexuals to speak of the plague of death-dealing AIDS as if it were equally a problem of heterosexuals or even drug users. This is the rhetoric of the media and of public health officials. Surely, they know this is not the case. They know that there would be no AIDS threat in this nation if it were not for homosexual acts performed voluntarily and promiscuously by so many. Who has spoken or written this central fact? Have our moral theologians and bishops? Homosexuals did not, of course, invent the deadly *viri* that are normally kept at bay by the wonderful balance of created life. But the imbalance that led to AIDS in this country (and soon in the world) was not caused by mysterious developments in Africa and Haiti. The plague (not the virus) was caused by the promiscuous performance of an essentially unsanitary sexual act. I use the words carefully. Such activity continues to be the source of the plague. Does any thoughtful religious person think that homosexuals are helped by clouding that fact?

In recent decades, many homosexuals quietly dismissed the cautions

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of nearly every culture and the strictures of the Judeo-Christian revelation against the homosexual act. Homosexuals dealt with morality in their own way. Then nature reacted to the violation of its ageless requirement that healthy organisms be protected from noxious elements. Research has not yet pinpointed the chemistry of AIDS, but it is glaringly clear what activity brought about and daily expands the base of the plague. It is the act of sodomy. Without promiscuous sodomy, the plague would cease to be fueled and would die back, slowly and perhaps painfully, but it would die back.

A similar paragraph can be written about heterosexual promiscuity. Forbidden by Judeo-Christian morality, sleeping around is now also proscribed by diseases that emerged after the wisdom of nature and her Creator were dismissed by many.

After reading the escalating projections of death among homosexuals, among the innocent wives of promiscuous bisexual men, and among babies born deformed and dying, why are Jews and Christians reluctant to ask the homosexual community to rethink its destructive practice? Does homosexual preference stand irresistible against their own group suicide? And where are the moralists? Persistent sodomy kills friends, wives, babies, and pathetic prostitutes. Does this not involve objective moral questions homosexuals must deal with? Do thoughtful Christians and Jews serve them well in not urging these thoughts upon them?

There *is* a body of Judeo-Christian thought regarding homosexuality. Sodomy is not a birthright. Like adultery and running a red light, it is a voluntary act. And like them it has consequences.

The obscurantism of homosexual activists and the relative silence of Christians and Jews are not made worse by the number of victims. But it is important to know that we are just at the beginning of a plague that could become genocidal. We know that the killer *viri* have entered our society through and because of promiscuous sodomy; they are transmitted only by sexual contact or dirty needles or contaminated blood. All heterosexual victims can trace their illness back to a homosexual source. But—and this is the latest horror—these facts do not mean that the *viri*, multiplying geometrically, will continue to confine themselves to a sexual transmission belt. Public health officials are well aware of this hideous potential.

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With determination and some gusto we told alcoholics, drug-abusers, air and water polluters, and smokers that only abstention from their health destroying habits would allow nature to restore health. We gave them honest sympathy, but we did not deceive them. It is unlikely that expensive research will cure AIDS any more than it did venereal disease, of which there is a richer variety today than before penicillin. The manufacturers of condoms will now add to the lies, despite the fact that the protection they market provides much the same odds as Russian roulette. An active homosexual will be infected in August instead of July. Predictably, the facts are not deterring manufacturers, advertisers or publishers.

The truth is writ large. *Every AIDS victim diagnosed in 1982 and 1983 is now dead.* Soon those of 1984 will be dead—all of them. The only way to protect the next class of potential victims, of whatever year, is homosexual abstinence. Only sodomy is the primary cause of AIDS. Was a moral imperative for abstinence ever clearer? Neither accusations against others nor “promising research,” any more than “safe sex,” will save thousands, perhaps hundreds of thousands, in the next class. Only homosexual abstinence in 1987 will save them.

Other sticky moral questions arise and need careful reflection. Since AIDS kills 100 percent of its victims, does a known HIV carrier have a right to marry? A right to sexual acts with another person, knowing it is more than probable that he or she will transmit the lethal virus? We forbid marriage of first cousins for the safety and health of progeny. But we have yet even to ask the question: May a known AIDS carrier be allowed to acquire a right to sexual intercourse with a non-infected person or sire an infected baby? Will the AIDS carrier enjoy the protection of civil rights in bringing about the death of spouse and child? Perhaps of contributing to genocide? If so, why do we still ban marriage of first cousins?

Denouncing the heterosexual community, hospitals, Congress and Mother Teresa are ways for homosexuals and their protectors to run away from the truth, away from the law of God that thou shalt not kill—not even for sex. Christians and Jews must enter the public debate and say that sodomy, even for unbelievers, is wrong, profoundly wrong, because it ineluctably punishes practitioners and threatens millions of innocents with a terrible death.

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If we do not say this, who will?

Homosexuals deserve the nation's sympathy and the love of those who believe in the Gospel and all the help they need in this exceedingly difficult decision. But we will not help them by cooperating in the burial of the truth.

The Medical Profession and Patient-Choice

Joan Frawley Desmond

A FRIEND OF MINE was recently confronted with a threatened miscarriage. Her gynecologist, worried about the possibility of a dangerous ectopic pregnancy, urged a “D & C” (dilation and curettage). My friend questioned his counsel; afraid she might end a normal pregnancy, she asked for a delay until blood tests confirmed her status.

Her physician seemed surprised: “So this is a wanted pregnancy?”—explaining that many of his patients did not care if they accidentally aborted their unborn child. But once he understood her willingness to undergo some medical risk during her pregnancy, he revised his own position, counseling bed rest until he had the test results.

My friend’s story could be adopted as a perfect case study for an ethics class at a typical American medical college—but not for the reasons some might think. The gynecologist’s flexible response to the patient’s desires and values would be highlighted: he would be applauded for demonstrating sensitivity, rather than paternalism, in the patient-physician dialogue concerning treatment.

And what about the gynecologist’s original decision to summarily end a normal pregnancy? The class might not even discuss this point. First, abortion is presented as a reasonable “therapeutic intervention” when the threat of an ectopic pregnancy exists. Second, an ethical evaluation of abortion itself would be unproductive, because abortion is considered to be a “loggerheads issue”—it incites too much emotion and controversy for civilized moral discourse.

My friend’s experience with her gynecologist reflects the changing face of the American medical profession. Particularly among the more recent graduates of U.S. medical schools, the altruistic commitment to the promotion and protection of human life and health, symbolized by the Hippocratic Oath, is being eroded.

Supplanting the long-held assumption of the physician’s “utmost respect for human life . . . even under threat” is a dangerous new code

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of ethics that finds its legitimacy in affirming the patient's subjective values and carrying out his wishes—even if the demands sometimes contradict the physician's position and threaten his integrity. Indeed, in a culture that now accepts ethical relativism as a given, the traditional understanding of the physician's moral duty is increasingly viewed as a merely personal position, not an objective good.

Advanced in the name of the patient's right to privacy—and applauded by those physicians who resist “outsider” scrutiny of their medical judgment—this new code is breaking down barriers against active euthanasia. Invariably it will threaten the lives of disabled, poor, and aging Americans. They will no longer be able to expect their physician's principled resistance to the anti-life arguments of powerful economic or political groups.

This evolving code of ethics in American medical schools and teaching hospitals gives increased priority to the patient's *feelings*, especially regarding life-sustaining treatment. At the same time, while young physicians are encouraged to develop problem-solving skills for confronting moral dilemmas posed by medical innovation, they are rarely taught Judeo-Christian ethics as a framework for discussion. Instead, they are urged to probe the patient's values and design a course of treatment in accordance with them. Those who resist this approach are described as “paternalistic.”

The reader might already be a bit confused. After all, isn't ethics concerned with distinguishing right from wrong, especially in life and death matters? And don't professional codes of ethics necessarily affirm certain concrete moral and social values as integral to the proper exercise of professional competence?

Well, yes and no. The informal teaching of ethics at a typical U.S. medical school focuses on clinical interviewing techniques, the law, and respect and compassion for the patient. The most ambitious teaching hospitals seek to develop the student's intellectual sophistication and openness, helping him to explore his own values, increase his tolerance for patients' beliefs, identify classic moral problems, and argue for a particular course of treatment without arrogance or vitriolism.

So far so good. In these enlightened times, hardly anyone would oppose informed consent and compassion in physician-patient relations. But what about the untidy problems of handicapped newborns, the

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comatose elderly, or AIDS victims? How can physicians be ethically scrupulous in treatment decisions affecting the weakest members of society? Compassion and sensitivity should be important elements of the physician's *behavior* toward his patients. But they are not ethical principles. They cannot provide the philosophical ammunition needed to resist attacks on human lives deemed worthless by some standards. Indeed, such attacks may themselves be couched in terms of compassion for the weak and the suffering.

Compassion, confidentiality, informed consent, "sensitivity" to the patients' desires—and the law—may not be enough to protect the moral integrity of the medical profession. But the young doctor is rarely inculcated with a more profound understanding of his moral duty. If anything, his adherence to an objective moral system would be viewed by his colleagues as arrogant and unproductive. In a culture shot through with ethical relativism, in a country where abortion on demand is the law, in a profession that no longer insists on a uniform respect for human life at every stage, future physicians are rarely encouraged to develop or defend unfashionable principles that could get them into trouble with patients, fellow doctors, or the law. The short-sighted might defend this approach as the most practical course of action in a litigious, pluralistic society. History teaches us other lessons.

From the time of Hippocrates, medical ethicists and professional codes of ethics clearly understood that the physicians' arts could be used for good or ill, to cure or to kill. Accordingly, an acceptance of objective truths regarding natural law, and a commitment to fundamental moral principles, were accepted as basic to good medicine. The Hippocratic Oath included this promise:

I will use treatment to help the sick according to my ability and judgment but never with a view to injury or wrong doing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course. Similarly, I will not give a woman a pessary to cause abortion. But I will keep pure and holy both my life and my art.

The oath was not interpreted as a vow to sustain life at any cost. Hippocrates explained that

. . . it is necessary to learn accurately . . . what malady is protracted and fatal, which is protracted and likely to end in recovery . . . One who has knowledge of these matters will know whom he ought to treat, as well as the time and method of treatment.

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Hippocrates addressed a number of important issues and distinctions in his writings. But the critical injunction to do no injury represented a profound turning point for physicians of the ancient world. As the anthropologist Margaret Mead later explained in a 1961 personal communication to Maurcie Levine, M.D., an Ohio psychiatrist:

For the first time in our tradition, there was a complete separation between killing and curing. Throughout the primitive world the doctor and the sorcerer tended to be the same person. . . . He who had the power to cure would necessarily be able to kill.

With the Greeks, the distinction was made clear. One profession, the followers of Aesclepius, were to be dedicated completely to life under all circumstances, regardless of rank, age, or intellect—the life of a slave, the life of the Emperor, the life of a foreign man, the life of a defective child. . . . This is a priceless possession which we cannot afford to tarnish, but society is always attempting to make the physician into a killer.

The battle has continued from the fifth century B.C. to our contemporary world. Social, political, and economic forces still conspire to subvert the physicians' altruistic commitment to the art of curing. Sometimes those forces have succeeded. The most notorious examples in 20th century history include the use of psychiatric hospitals to torture and punish Soviet dissidents, and the cooption of German medicine by the Nazi regime, which advanced the practices of euthanasia and human experimentation to further its racist agenda.

We know quite a bit about Germany during the 1930s and 1940s. The atrocities and the Dr. Mengeles have been exposed and denounced. (Nazi Germany seems to provoke moral judgments from even the most ardent proponents of ethical relativism.) But there has been little public discussion about the role German medicine played in paving the way for the destruction of whole classes of "undesirables."

Recently, however, several new histories have outlined the crucial changes that began in German medicine and law during the Weimar Republic and bore fruit during the Nazi period. Books such as Dr. Frederic Wertham's *A Sign for Cain* suggest that when prominent secular physicians of the Weimar Republic rejected the moral principles contained in the Hippocratic Oath as unworkable (and even as uncharitable), they began to encourage a highly subjective, and increasingly hostile approach to the handicapped and the aging infirm.

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Later, during the Nazi era, the destruction of the physicians' professional code of ethics left their art exposed to the abuse of power. After Hitler was defeated, some of Germany's most renowned physicians were cited for war crimes, such as the killing of retarded children, selecting candidates for extermination, and active euthanasia.

After the war, European and U.S. physicians sought to rehabilitate the medical profession's code of ethics. In 1948 the General Assembly of the World Medical Association in Geneva adopted "The Doctor's Oath." Also known as The Declaration of Geneva, the oath included Hippocrates' basic principles assuring respect for human life and the "laws of humanity." As the trials for war crimes continued, several passages of the oath seemed especially necessary:

I will not permit considerations of religion, nationality, race, party politics, or social standing to intervene between my duty and my patient;

I will maintain the utmost respect for human life, from the time of conception, even under threat;

I will not use my medical knowledge contrary to the laws of humanity.

Within thirty years, at least one of these pledges—the most crucial one—would be abandoned. Until the 1970s, abortion was described and denounced in medical textbooks as the killing of innocent human life. In 1973 the U.S. Supreme Court made abortion legal. The shock waves reverberated throughout American society, but the medical community, in some ways, was hit the hardest.

A 1970 editorial in *California Medicine* correctly anticipated the impact of legalized abortion on the medical profession:

The reverence for each and every human life has always been a keystone of Western medicine and is the ethic which has caused physicians to preserve, protect, repair, prolong and enhance every human life which comes under their surveillance. This traditional ethic is still clearly dominant, but there is much to suggest that it is being eroded at the core and may eventually be abandoned. . . . Abortion is being accepted by society as moral, right and even necessary.

Some physicians protested the advent of legalized abortion. Indeed, many hospitals and doctors were sued for refusing to counsel abortions or perform them. But from 1973 to 1976, civil hospitals that did not agree with the law were forced to perform abortions. Anti-abortion medical school applicants encountered widespread discrimination. As legal scholar John T. Noonan, Jr. wryly noted in *Private Choice: Abortion in America in the Seventies*: "It was not evident that a medical

profession could exist which was half devoted to the care of the unborn as patients and half devoted to elective abortion as a social good.”

But if some doctors risked their careers to oppose legalized abortion, many applauded the new law. Some were motivated by financial greed. Some, favoring the goals of sexual liberation or radical feminism, backed the law for ideological reasons. Some linked legalized abortion with the war on poverty. Some, as Noonan explained,

wanted to be free to practice their profession as they chose without interference from the community. Abortion was a medical procedure. Therefore its use should be decided by doctors. Ethical standards imposed by law were an infringement of independence. Self-interest in independence merged, usually unconsciously, in a concern for patients—that is, for the women who wanted abortions. The physician in favor of abortion saw himself as unnecessarily confined in responding to women who depended on him.

This position characterized the profession’s dominant approach to abortion. The change did not happen overnight. But today in most medical schools and teaching hospitals, abortion is mildly described as a “therapeutic medical intervention.” Students are pressured to adopt this disinterested approach. If they still refuse to perform abortions, they must bow out and allow less fastidious colleagues to do the job.

“There is very active suppression of any dialogue on the subject,” said one young doctor, who told me of a troubling incident at his prestigious medical school. The students heard the awe-inspiring life story of a woman with a debilitating blood disease. “She had tremendous dignity. She was clearly a remarkable individual,” he recalled. “But after she finished talking, the physician advised us that when a fetus was shown to have this disease, the best thing to do was to terminate the pregnancy. Her story was irrelevant, and abortion was described as the right thing to do medically.”

Argument’s justifying the physician’s (and patient’s) independence from community standards regarding abortion set the tone for contemporary medical ethics. These days, ethicists at medical schools—those that even bother to have an ethics elective—seem to be more concerned with *who* chooses the treatment, rather than *what* is chosen. Of course, when all treatment options are morally acceptable, the emphasis on patient-choice is appropriate. But what happens when one course of action threatens the life of the patient or an innocent third-party? The answer is that the physician may still feel duty-bound to implement the

patient's wishes—or bow out without a protest.

This shift to a “patient-centered” practice of medicine has produced positive changes in patient-physician relations. The average patient is better informed about treatment options. Doctors have become more sensitive about informed consent to medical experimentation (unless the subject is an aborted fetus). Overly aggressive, and even inhumane, use of medical technology to prolong life has been checked.

Unfortunately, the dangers posed by this trend far outweigh the gains. Already, physicians themselves are losing control over treatment decisions. In the most dramatic right-to-die cases, patients (or their relatives) are forcing unwilling doctors and hospitals to engage in active euthanasia. Noting this ominous trend, Father William Smith, a Catholic moral theologian and medical-ethics professor, warned an audience of physicians at a 1986 lecture:

In the new ethic, patient choice (autonomy) is much more important than best interest (beneficence). This is the complete triumph of procedural ethics (mechanisms and modalities of consent) over substantive ethics (the oath and promise first to do no harm). The . . . physician is reduced to a committed facilitator—committed to carrying out the patient's preferences regardless of the outcome of the preferential choice.

Curiously, many physicians perceive no threat. They continue to applaud court decisions that uphold patient autonomy—even when a fellow physician is forced to violate his conscience, or a hospital to violate its operating standards. On June 24, after the New Jersey Supreme Court broadened the patient's right to refuse life-sustaining treatment, a lawyer for the American College of Physicians told the *New York Times*: “This was just what we asked for.” Never mind that the court ruled against a New Jersey nursing home, which refused to withdraw a feeding tube from a comatose patient.

Other segments of the American population see the threat more clearly. After the New Jersey Supreme Court ruling, a spokeswoman for the United Handicapped Federation denounced the decision “which appears to justify death on the basis of a severe disability. It is active euthanasia.”

Despite the good intentions of most physicians, despite the euphemisms that mask the immoral use of their arts, it is not so difficult to see where this dangerous road will lead. Without much of a fuss, the medi-

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cal profession appears willing to adopt the role of technical facilitator in a new, more humane society that will eradicate suffering in nursing homes while producing genetically perfect children in the womb or the laboratory.

Given the moral confusion that has overtaken so many Americans, perhaps it is too much to expect our doctors to cling to the moral principles of bygone days. The problem is: the patient-choice ethic will ultimately be no less coercive than the pro-choice position proved to be. Physicians who expect to simply bow out from untidy moral disputes with patients may discover that they can't disengage. In time—just as so many American physicians became brutalized by legalized abortion—they will callously begin to call euthanasia “therapeutic medical intervention.”

Such scenarios may seem overly dramatic. But since 1973, the medical profession has already lost an awareness of Hippocrates' vital distinction between the doctor and the sorcerer. This year, the American novelist Walker Percy (who is also an accredited physician) published his futuristic *The Thanatos Syndrome*, which contains an urgent message for American doctors.

In *The Thanatos Syndrome*, the medical profession is widely engaged in euthanasia, routinely killing the aging infirm and handicapped infants. In the course of the novel, a half-mad priest rails at the central character, a physician:

You are a member of the first generation of doctors in the history of medicine to turn their backs on the oath of Hippocrates and kill millions of old useless people, unborn children, born malformed children, for the good of mankind—and to do so without a single murmur from one of you. Not a single letter of protest in the august *New England Journal of Medicine*. And do you know what you're going to end up doing? . . . You're going to end up killing the Jews.

Percy does not accuse the medical profession of intending to advance another Holocaust. But the Jewish Holocaust has taught us that good intentions cannot protect the physician from those who would make him into a killer.

The Target Is the Family

Thomas Molnar

IT WOULD BE DIFFICULT TO CHRONICLE the “sexual politicalization” of the family during the past few decades without calling attention also to two other, related, phenomena: the general eroticization of society (with the rise of pornography as a byproduct) and the inexorable mechanization of human relations thanks to the triumph of technology. And it is difficult to decide which is more catastrophic: the rise of super-Sodoms in our cities (where basically-decent civilizations used to exist) or the intrusion of technology and the mechanistic forms of thought in the intimacy of human and family relations, from birth—in fact pre-birth—to death.¹ But we can chronicle the sexual-moral degeneracy—others call it liberation—practically year after year.

There was a time, following the Second World War, when in literature, the arts, politics, and education the accent was on “sincerity,” even on the “transparency” in human relations. What people meant by it, and thinkers like Sartre glorified, was the affirmation of the self as the source of values, and the abolition of secrets (non-public matters) embodied in institutions. “No more secret diplomacy!” trumpeted the founders of the United Nations; “No more marriage—free sexual relations!” demanded some in the name of a new morality.

Those were also the times of enthusiasm for Simone de Beauvoir’s *The Second Sex*, a kind of feminist manifesto with supposedly philosophical underpinnings. Free love and no marriage had also been the slogan in the early years of the Soviet Union. But very soon after, a re-moralization of sexual legislation followed. In the post-1945 years, the baby-boom was perhaps the last sexual-moral event still within legitimate and legal limits; what came next belongs to our chronicle.

Divorce *en masse* was the first symptom that the new hedonism had turned on its natural target, the family. It is by now such a universal phenomenon that it seems almost respectable. Yet, a quote from *The Economist* (February 21, 1987) is enough to make us stop: “In the

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United States in 1960-80 there was a huge rise in post-pill premarital sex. The birth-rate fell by 42%, the divorce rate doubled. . . . Fewer than one American family in ten fits the old Norman Rockwell image of dad at the office, mom in the kitchen, and tiny tots or school kids at home.”

True, the institution of the family has at all times undergone changes. There was the “extended” v. the “nuclear” family; in ancient Rome, the father had absolute rights over his children, including that of exposing them at birth or killing them later; in medieval times very young sons of noble families were sent to other lords to do service; the new shape of bourgeois apartments in the eighteenth and nineteenth centuries suggested a relative isolation of children from adults, and so on, all having repercussions on the family. But at no time was the family as such attacked and ridiculed. When, at the beginning of this century, André Gide exclaimed: “Families, I hate you!” it was attributed, correctly, to his extravagantly self-conscious (and homosexual) artist’s temperament. Gide had been brought up by his mother, grandmother, and two spinster aunts.

The legalization and social acceptance (which comes first?) of divorce logically led to experiments with “trial marriages.” One can see from this (and from the rest of the items in our chronicle) that sexual morality has its own inherent logic, and that social phenomena never appear in isolation from the other phenomena to which this logic points. Those naive observers, not to mention the planners and ideologues, who argue that, for example, the birth-control pill has had nothing to do with the decomposition of the family, are either in bad faith or really blinded by their single-issue cause to the unavoidable chain reaction. Or, if you wish, the domino theory. Trial marriage, pioneered in Sweden, was of course nothing else than girl-and-boy living together, although the use of the word “marriage” was a case of vice paying tribute to virtue. The difference between it and ordinary extra-marital love affairs consists in the fact that the former became socially accepted, while the latter was secret. The openness, one might say the quasi-public character, of the “trial marriage” has had important consequences and ramifications.

One is legalization. The words “companion” and “live-in girlfriend” have joined the accepted daily terminology, and our sociologically-

inspired courts take this acceptance increasingly into consideration. In France, cohabitation without marriage has distinct tax advantages over the situation of married couples (and, of course, the birthrate is falling for the same reasons as in this country). Trial marriages are temporary arrangements, not to be given permanence through the presence of a child. Such a presence would be an obstacle to establishing a new, then a third, cohabitation, etc. The approaching legalization of what used to be a *liaison amoureuse* raised its head with the “palimony” suits brought by ex-mistresses. Thus another door has been opened through which the family can be attacked.

The other consequence of trial marriage has to do with the new ethos. It is increasingly frequent that a daughter brings to her parents’ home for a weekend her latest paramour from college or party, and that the mother asks the question: “Shall I make the bed for the two of you?” For the sociological observer this is a research datum in the family’s “evolution,” but what does it do to the family and its members? It banalizes the ties of family love by demonstrating the gratuitousness of the family when the central intimate act can be performed, without a serious and lasting commitment, without love and institutional safeguards—yet in the family environment. Even the breakfast table next morning is trivialized by the presence of the passing guest, who is not really a guest but a client.

It is important to dwell on this aspect of cohabitation because women are at its center. Regardless of what progressive sociologists, psychologists, sexologists, and other savants may say, the woman is the foundation element of society, and consequently of the family. Women are by nature monogamous (*pace* everybody), and while man (son, husband, lover) is centrifugal in relation to the household, women keep order in the physical and moral sense. They give the home that undefinable tone we are all aware of, their ethical and behavioral standards determine the do’s and don’ts. On them depends, as much as on the institutions of the outside world, the moral state and social integrity of society. The latter’s decomposition and collapse usually depend on the norms that women no longer preserve. Men are always allowed a greater latitude in these respects, but when women begin to yield on questions of moral *taste*, when they begin using foul words, when they

see no difference between decent and indecent behavior, society is doomed.²

Trial marriage and its variants, which emerged in the Fifties as sociological research data, and as such value-neutral, were the chief factors responsible for Feminism. It is untrue that the latter is a political or even an economic issue; it involves primarily the ideologization of sex. It causes social disintegration the way the "campus revolt" of the Sixties and Seventies by another falsely "oppressed minority" caused our universities to collapse as academic institutions.

Thus one may regard Feminism as a by-product of the technical invention of "safe sex" (the pill), which opened the door to the illusion of women's equality with men and men's sexual advantages. An entire ideology has crystallized around sexual equality. The cry "woman's right to her body" merely imitates man's actual right to do what he likes with *his* body, in the sense that he does not have to bother with consequences: he does not get pregnant, does not go through the hardships of pregnancy and birth, is not tied to the home by child care, is free to be promiscuous.

Women's envy for men's freedom (sexual advantages), voiced now hypocritically in the name of democratic equality, shines through a book by Elisabeth Badinter, wife of France's ex-minister of Justice (under Mitterand). Mme. Badinter, a kind of mini-Beauvoir, insists that full equality will be achieved only with the medical "advance" of transferring the embryo to the male body. From the pregnant father the child will be re-transferred to the mother's womb who then gives birth. We may see only horror and abjection in this cerebral speculation, but for Badinter it may be a form of penis envy: men too should be tied to woman's condition.³

Two of the main consequences of Feminism should be mentioned with special emphasis. One is abortion, which follows from the twisted argument that a woman has an absolute right to her body. This means correspondingly no right for the child to be born, nor for the family as such, nor for society or nation as a living whole. Yet society enters, from the moment of birth if not of conception, in various relationships with the new creature: protection, integration with a tradition, language, history, habits, the chain of the living, the dead, the not-yet-born. In exchange, society expects gradually to benefit from the new

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member: from his talents, loyalty, defense of common interests, and various other potential contributions. It is not a contract—as liberal theory has it—which means something revocable; it is integration with a living body. Socrates gave us the lesson that death is preferable to the fate of being rejected as an exile, an outlaw, an expatriate, a refugee.

The newborn, or the child *to* be born, is all this, a bundle of potentialities brought to fruition by the mother, the family, the environment, the nation, by historical awareness. How horrified I was when I read in *Newsweek* on a flight a few years ago this sentence in a woman's letter to the editor: "A fetus in the womb is as awful as a cancerous growth." Millenaries of normalcy gave way as a result of these few words, worse than which no guard in a Gulag or a torturer ever pronounced. For in a way the torturer respects the victim's body and, through the weak flesh, his soul. The letter-writer's words take us directly to the Hell of liquidated self-respect.

Nor is it the isolated statement of a single terrorist (a terrorist is a killer of unaware, defenseless people). Two years ago in Barcelona, in newly liberal-democratic Spain, three thousand women attended a rally at which three among them, pregnant women, mounted a podium, there to submit to abortion. After which the others signed a manifesto that they too would abort an unwanted baby. Laws in that country have since enacted the content of this pledge.

The other consequence of Feminism is "surrogate motherhood." The longing of sterile couples for a child is well-known, even though the recent *Instruction* from Rome explains that the child is not obtained as a right but as a gift, and that childless couples may adopt but not pay for it or acquire it through *in vitro* fertilization. Surrogate motherhood means that a woman's womb is assimilated to a sales outlet where a human being may be ordered and purchased as merchandise. The impersonalness of the transaction is underlined by the same woman-producer manufacturing more than one consumer item, expecting for each the current market price. At the other end of the bargain, if one may say it, there is the father, not a father by the flesh and spirit but by semen alone, the element he contributed in an isolated, masturbatory situation, that is without the benefit of love and spiritual-physical union with a woman.

The child itself—who may learn later that he was a laboratory product—has neither parents nor identity, he is merely a living proof of scientific progress. If he has talents, he would qualify as Alpha among the laboratory products of the *Brave New World*; if an average person, then Beta, and if worse, a Delta or Gamma. It is frightening to think of such “people” (?) let loose in what we still call the human race. There may be nothing wrong with their bodies or their intellects. Yet the fact that they were mechanically brought into existence, without the clear identity of father and mother, will tell on *their* moral identity, their quest for roots. For the “scientific” mind there is no problem here. A physician’s letter to the *New York Times* (February 19, 1987) suggests that it is easy to prevent an attachment from being formed between the surrogate mother and her baby: sedate her while in labor, and by the time she comes to the child has been delivered, removed, transferred to its new parents. Such an arrangement, Dr. H. Lehnhoff suggests, “could be made part of the contract.” The cold inhumanity of such “solutions” is mindboggling.

Significantly, the issue of surrogate motherhood, like feminist ideology itself, is shunted onto the wrong rails. Abortion advocate Daniel Maguire, an ex-priest and a professor at Marquette, opposes it on the sole ground that on such occasions a penurious woman is obliged to sell her services to one from a more prosperous class. Typically, Maguire does not consider the child itself as the poor victim *par excellence*. He prefers to apply the Marxist analysis.

This listing of twentieth-century sexual aberrations has generally followed the chronology of events. With homosexuality we must perforce leave this chronology. The aberrations so far listed are basically new in the annals of mankind, if for no other reason than the technological intervention which has made them possible and catapulted them to the status of world-wide sensations. Strangely, among the aberrations as such, homosexuality occupies the oldest status; if not the most respectable, it is at least less a datum of new research than a historical reality which always played a role, marginal but well-noticed, in human communities.

What our society has added to the homosexual phenomenon is shameless openness, therefore an immediate politicalization, a display

in the marketplace in the form of lobbies for legislation and parades in front of cathedrals. Homosexuals always existed, but those involved kept their condition secret as much as it was possible, not very differently from the way normal lovers hide, and in fact find an added piquancy in their secret status. It is perhaps the democratic-equalitarian bent of this epoch that encourages people to wash their more or less dirty linen in public, and to defile intimate things by discussing, analyzing and researching *ad nauseam*.

As in the case of Feminism—with which homosexuality, as a part of sexual politics, is symmetrical—the “gays” went public through the efforts of a handful of activists. The world had to notice, and society was supposed to have its nose rubbed in the dirt advertised as “injustice” to be corrected by revolutionary upheaval. It is hard to see where the injustice was situated on the social landscape; after all, nobody interfered with the life of homosexuals when their practices remained confined to private places.⁴ The root cause of the new publicity by and *for* sodomy was ideological, the will to destroy institutions by first ridiculing and caricaturing them, then dismantling them in their weakened, hardly-resisting condition. And, among institutions, the family is always the main target of the movements of social erosion. The confusion implanted in the minds of family members concerning the “sex roles” that father, mother, and children play—said to be conventional roles, not corresponding to their real but hidden sexual orientation—can be exploited in view of the unmasking of the family as a focus of hypocrisy. And what could be more damaging?

The objective is best achieved by setting up the “counter-family” as an alternative model. This means a homosexual family wherein the family’s natural functions are seen as a caricature: matrimonial identities become blurred, religious blessing a parody, the adoption of children a means of recruiting new sex objects. All this is made easier by the bad conscience of liberal institutions (legislatures, courts, social agencies) which cannot officially tell the licit from the illicit, and feel obliged to act *vis-a-vis* homosexual couples as if they had no eyes to see just who is standing before them, demanding new laws, new rights, a new morality.

In a brief decade, the gay revolution became successful beyond perhaps the ideologues’ wildest hopes. The media helped by endlessly

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reporting cases of child abuse, thus disqualifying indirectly the normal family too, and by printing stories of individual pederasts' liberation from the shackles of heterosexuality.⁵ Some churches and the Supreme Court, locked in the logic of their post-Christian liberalism, have gone along, or indeed lead the way. The Surgeon General, suddenly a strict medical scientist without regard to the obligatory ethical penumbra of his high office, insists on the total sexualization of schools in the name of that great idol, Relentless Information. Dartmouth College takes him at his word: incoming freshmen receive a sex kit with condoms and lubricants, plus a brochure describing how to do *it*: oral and anal sex, fisting, the works. Industry and television jump on the promising bandwagon of billion-dollar business by advertising condoms. In short, the liberal agenda: dismantled institutions, do-it-yourself morals, making money. They call it education for democracy.

The Gay parade is not the last on the timetable of sexual abomination. Incest is moving in through films, research data, and business (there are boutiques in San Francisco for this purpose). Legislation begins timidly to approve. After all, child abuse includes sex between father and daughter; why not decriminalize it? The preconditions are present: a very high police official in New York City told me, after he had watched the California incest-boutiques on television: "It is good that the stuff is aired. The public must be informed." The Surgeon General's policy. Not a word about repression. In the pervasive liberal climate neither the Surgeon General, nor Mr. Top Cop understand that "information" cuts two ways: indignation, yes, but also encouragement and imitation.

The many facets of the sexualization of society may camouflage its central thrust, the abolition of the family in the interest of the unity of global mankind where no private ties are tolerated and "transparency" is imposed on all. This permanent program of utopian literature, this flag of all collectivist regimes, stems from one of the most powerful passions of man: the equalization of all differences (except for those "more equal" than the rest) and social mechanization instead of freedom. In every age this passion emerges under new slogans: there are indeed puritanical utopias as well as sodomite ones. Or both, in which case the first provides the justification, the cold theory, while the

second does the recruiting. Put otherwise: the pimp and the prostitute.

Even as I write this, there are new reports of previously unimaginable and unimaginably obscene situations which describe starkly—“scientifically”—the actions that the law now authorizes or is about to authorize. As a seemingly insane society dictates what is permissible for lawyers, judges, and legislators to write into laws, one commentator remarks *a propos* surrogate motherhood, that the calculations which go into contracts between the parties “embarrass the social order.”

In what does this embarrassment consist? Two recent cases should be mentioned among the many that already crowd the courtrooms (but do not, it seems, offend the participants’ [“contractants”] consciences): A South African grandmother happily announces her implantation with her own daughter’s ova, fertilized *in vitro* by her son-in-law’s sperm, and her readiness to surrender the baby—*three* of the four “implantations” are now living in her womb—to her daughter. (Is this incest? A fusion of two roles, mother and grandmother? Both?) A surrogate mother under contract with a couple which has meanwhile divorced is told by them to abort. The prospective product is no longer needed, it is the case of built-in obsolescence. Not of a car, but of a living baby.

So let us ask again, before we are flooded by more such grotesque turns of bio-technology: what is ultimately at issue?

We are not dealing with mere legal cases isolated from each other. It is already clear that we face a relentless escalation, with the unraveling of a satanic logic that dissociates issue from issue so as to dismantle our sense of total horror. Basically, we are asked to invest our moral consent in the mass-production of living and human-shaped units destined to have no parents or family, no love or loyalty, but only the bio-behavioral rudiments for a directed existence. To be sure, *at this stage* of technology, the sperm is taken from a human, and a family is ready (?) to receive the bio-material for which it has contracted, and made a downpayment. But technology will be perfected; and the questions will arise: Why not artificial sperm and artificial uterus? And since no surrogate parents may come forward, why not super-orphanages under government auspices to lodge the little “alphas”?

Is this a Huxleyan fantasy? Not at all. The escalation from divorce and trial marriage to adoption by pederasts shows that reality again

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surpasses fiction, even science-fiction. Until such time as a few super-scientists (Huxley called them “World Comptrollers”) will suffice to run the laboratories where all “mankind” is chemically produced, ordinary you and I will have passions, interests, and motivations which meet other people’s motivations, interests, and passions. Man is terribly inventive when he is encouraged to play God, and that is exactly what bio-technology permits. In other words, the most horrendous combinations and permutations can arise from the precedents that we now witness. We cannot imagine them, any more than we could imagine the present situation even ten years ago.

It is not a question of a new civilization arising thanks to technological break-throughs, with a new morality to accompany it. Thinkers and historians of the past were able to project such perspectives and use such phrases as “morality must catch up with material progress” only because, from a time-distance, they thought they were facing an intriguing and romantic clash between incompatibles.

We know, exactly as Adam and Eve knew, the meaning of sin after that episode in Eden. The sin is using our freedom in one last act which ends all freedom. *This* side of that act there is a heavily-burdened human species oscillating forever between choices and decisions, stumbling innumerable times and straightening up, not infrequently beyond its own stature. Men cannot achieve utopia, nor even great happiness. But through free choice, they can achieve some satisfaction, joy, insight, the probing of limits. On the other side—“beyond good and evil” (also beyond choice?)—there is a guaranteed biological existence (for those not aborted), mechanically put together (*in vitro* fertilization) or taken apart (euthanasia). Every step is pre-programmed, human relations are sown together, interrupted, redirected, undone, according to mechanical interventions and technical devices. In the end, little robots come out of a machine mother, their only tie to a father-machine being a viscous material poured without love in a tube. Love is not an issue.

The irony is that all of it—feminism, gayism, abortion, test tubes—was part of the “sexual revolution.” The result is that sex is not free but frightening. Instead of Romeo and Juliet, glum contractants face each other; colleges—*in loco parentis*, what a joke!—focus on the mechanics of anal sex; boy and girl hold hands under the cloud of AIDS.

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Mechanized life, mechanized leisure, mechanized sex, tomorrow manufactured children. And the human condition in all this? Merely a stretch of time between a contracted birth and contracted death.

NOTES

1. The recent "Instruction on Respect for Human Life" calls sharp attention to this mechanization, namely the bio-technological manipulation of the child, the mother and the father.
2. In traditional societies (Athens, Middle East, Japan, France in the seventeenth century, etc.) the hetaira, the geisha, the courtesan were *outside* society although necessary and organic parts of it.
3. Feminism as a "cultural" phenomenon has made its appearance even in language textbooks at college. Textbooks are an ideal means of accrediting ideology in small steps, and particularly language books where the unwary student is defenseless *vis-a-vis* the presentation about foreign countries and customs. I have seen little drawings in such books which show a Jane-like wife going to the office in the morning, while her Dick-like husband stays home and does the household chores. The text mentions that not all couples have yet adopted this new arrangement, but that it is illustrative of the future.
4. In most societies, particularly Eastern and Latin, tolerance went much farther. In ancient Greece, at the Renaissance, in the France of the nineteenth century, homosexuality was widespread among artists and poets, that is among over-refined people. The majority, their nose close to the grindstone of daily life, had no leisure to think of this luxury.
5. In the New York *Times Magazine* (March 15, 1987) a husband and father of two relates how he had come to admit his penchant to his wife, how he left the family (the children were crying), how he moved in with a male friend—and how the whole thing is normal. In truth, the present function of the media is to turn the abject and immoral into matter-of-fact normalcy. They call it reporting on moral evolution.

The Declaration of Independence and The Right to Life

Lewis E. Lehrman

IF IT MIGHT BE SAID THAT Abraham Lincoln, the circuit court litigator, was the framer of the post-Civil War Constitution, then it may also be said that President Lincoln was his own John Marshall. For in any exegesis of Lincoln's rhetoric one discovers not the temperament of a lawyer but the jurisprudence of a lawgiver. Nor need one accept all of Lincoln, the apologist and evangelist of the Declaration of Independence, to declare certain truths indispensable to the triumph of the idea of the American Republic. Indeed, if the Lincoln of the great debates and the Gettysburg Address did not exist, I would want to invent him, if only to reappropriate for modern conservatives, once and for all, the first principles of the American Founding—the Declaration of Independence. For it is no exaggeration to say that the future of the world now depends upon the future of American conservatism—and, therefore, upon the true principles of the American Republic we would conserve. And these we can know only from a right reading of the American Constitution.

Today, in the great debate over the authentic Constitution, inaugurated by Attorney General Ed Meese, conservatives are faced with several unresolved but fundamental issues: Are the legal positivists and legal realists, heirs of Justice Oliver Wendell Holmes and Justice Charles Evans Hughes, right when they declare the American Constitution to be essentially what Supreme Court Justices or elected legislators say it to be—their rulings and statutes thus unappealable—even if such “law” plainly violates not only the organic law of the nation but also the law written in our hearts? Moreover, is it true, as historicists, relativists, and nihilists argue, that original intent—the actual meaning of the framers—is undiscoverable in the history of the Constitution, or even by a deep reading of the document itself? And, further, are strict

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text-based considerations now irrelevant, as “non-interpretivists” imply, when finding and applying the fundamental law of the land?

Or, on the other hand, are Jefferson, Madison, Washington, Adams, and Lincoln right when, affirming the Declaration and “the laws of nature and of nature’s God,” they “hold these truths to be self-evident, that all men are created equal”; and further that all men “are endowed by their Creator” with the inalienable right to life, and to liberty? And did the founders imply correctly that any law or judicial ruling which violates *these inalienable human rights* is, by its nature, unenforceable, indeed unconstitutional since, according to the Declaration of Independence—the congressional act which united the Colonies and legitimated independence—it is primarily “to secure these [inalienable human] rights” that “governments are instituted among men”; further, that governments hold only “just powers derived from the consent of the governed”; and finally, “that whenever any form of government becomes destructive of these ends [namely, the inalienable right to life and to liberty] it is the right of the people to alter or abolish it, and to institute new government . . .”? Indeed, even *the people* are here constrained in the Declaration of 1776 to consent only to a government of *just* powers and laws. In their absence, the people—dedicated to the proposition that all men are created equal and endowed by their Creator with inalienable rights—should institute new government.

These are the first principles of the American regime laid down by the founders at the birth of the republic on July 4, 1776; for not only Thomas Jefferson, but also James Madison, the father of the Constitution, held the Declaration to be, in their words, “the fundamental act of union.” That is to say, the Declaration is part of the organic law by which to interpret American constitutional principles and to discover the original intent of the framers. The implications of this fact are too often ignored by constitutional scholars who focus narrowly on the positive law of the great charter of 1787 and its subsequent amendments. Nevertheless, no one can deny that the Declaration was, and is, placed first in the *United States Code of Laws* (1940)—even ahead of the Constitution—and described therein as “organic law.” (See the position of the Declaration in *The Public Statutes at Large of the United States of America* 1-3, 1854; the *Federal and State Constitutions . . . and Other Organic Laws of the United States*, 1877; the *Revised Stat-*

utes of the United States 3-6, 1878; the United States Code XIX-XXII, 1940.)

Thus Lincoln was clear and correct when, in 1863, he said “four score and seven years ago”—that is, on July 4, 1776—“our Fathers brought forth a new nation. . . .” (He did not say three score and 14 years ago—or 1789.) When Lincoln emphatically called himself a conservative, it was the first principles of the Declaration, our “ancient faith,” which he sought to conserve, or rather restore in the Constitution of the United States. Accordingly, if it may now be said that the Fourteenth Amendment indirectly incorporated certain of the Bill of Rights, so too must it be affirmed that the first American Congresses, the original intent of the founders, and, moreover, the U.S. Code of Laws certainly incorporated the Declaration of Independence into the Constitution of the United States. Only, therefore, in light of the organic link between these documents might American conservatives fully illuminate the great constitutional and moral debates of the present moment.

Adapting Lincoln’s words from his patient struggle for the inalienable right to liberty in the 1850s, we may now say that the “durable” moral issue of *our* age is the struggle for the inalienable right to life of the child-in-the-womb—and thus the right to life of all future generations. These are the penultimate stakes in the current controversy over how, once again, to interpret the inalienable human rights of the American founding. For the stakes could never be otherwise under a government characterized by “just powers.” Whether we resolve it immediately or not, the issue of abortion is now joined. And, like the unresolved issue six score years ago—i.e., of the positive right of property of the white man in a black slave, or, on the contrary, the inalienable right to liberty of the black man—this current issue, too, shall be resolved, either for the positive right to abortion of the “foetus” (a chattel); or, on the contrary, for the inalienable right to life of the child-about-to-be-born (a person). Only prudential and practical wisdom, combined with compelling circumstance and necessity, could have delayed the resolution of both historic issues in the true American Republic.

The enduring question is: Shall the actual meaning of the Constitution—the original intent of the founders, as revealed in the

document itself and illuminated by its history—prevail in all applications by the Supreme Court? Is this intent, the true meaning of the framers, too imprecise—thus unknowable—justifying the now trendy conclusion that the law can only be what Supreme Court Justices and legislators say it is? Surely it is correctly supposed under the American Constitution that all persons cannot be endowed both with the liberty to hold slaves and with the inalienable right to liberty; indeed, all persons cannot be endowed both with the liberty to take innocent life by abortion and with the inalienable right to life. Or is it now to be suggested that the law is only what the “sovereign” people vote it to be—no matter if judges, legislators, and the people decide and vote, say, for the permanent chattel right to dispose of property in the black man (“popular sovereignty”); or for the chattel right to dispose of property in the child-about-to-be-born (popular “pro-choice”).

But if judicial supremacy, or majority rule, or “popular sovereignty” leads to an extra-constitutional decision, an unnatural outcome, can there be no further appeal under the last best hope—the authentic Constitution of the United States? This question shall not finally be answered in the law schools, for in the struggle between the moral and natural law (the Declaration of Independence) and legal positivism (adventitious, judge-made law), Americans will soon have to choose in coming presidential and congressional elections. And there is no more important choice before us as a people. For, as a nation founded under God, ours is a house which, divided against itself, cannot stand. So, it should come as no surprise that we the people shall again have to answer the question put so poignantly by Abraham Lincoln to his fellow Americans and to Senator Stephen Douglas in the great debates of 1858 and later in 1860 at Cooper Union: When the issues of life and liberty are at stake, can it ever be right to do wrong?

In deciding what is to be done to resolve the issue of abortion, conservatives must never forget the compelling case for Lincoln’s conservatism, grounded as it was in the Declaration of Independence, the organic law of the American founding. Lincoln was, in fact, one of the most persuasive advocates of what the great legal historian, Edward S. Corwin, called the “higher law” principles of the American Constitution. This ancient doctrine suggested that the founding principles of the

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American regime, according to which the positive law of the Constitution ought to be interpreted, were first and best codified in the natural right doctrine of the Declaration of Independence. In this sense Lincoln was neither a radical nor a conservative. Instead he argued for *restoration* of the original principle of the American Republic—equality of all persons before the law—a principle to be carried out gradually and prudentially in due deference to countervailing circumstance and necessity. Such was Lincoln’s principled and prudential policy towards slavery. But today it must be said that Lincoln’s view of the self-evident truths of the Declaration is a minority position—among liberals *and* conservatives—confronting as it does a prevailing consensus of relativism in the courts, the legislature, and the law schools. The elite consensus may best be summed up in the words of my friend, Benno Schmidt, former dean of Columbia Law School and now president of Yale, who in discussing this issue with me said, “American constitutional law is positive law, and the Declaration of Independence should have no standing in constitutional interpretation whatsoever.”

Ironically, contemporary legal theory, both conservative and liberal, tends to decide constitutional intent by reference to authorities substantially *outside* the four corners of the full text of the Constitution itself. In the one case, as with Attorney General Ed Meese (see his Dickinson College speech of 1985), one is carefully directed to find in the Declaration of Independence an *extrinsic* authority by which to determine the original intent of the framers of the Constitution; in the other case, as with Justice Harry Blackmun (see his opinion in *Roe v. Wade*), one is circuitously directed to discover an extrinsic authority for constitutional interpretation in the supervening extra-textual opinion of the Supreme Court Justices themselves.

But while the Supreme Court majority today has all but ignored it, there is another authoritative way to discover original intent, as Christopher Wolfe reminds us in his important book, *The Rise of Modern Judicial Review* (Basic Books, 1985). That way we can find in the work of Chief Justice Marshall, whose preeminent authority has been claimed not only by traditionalists who hold that the Supreme Court must always find the actual meaning of the law in the original intent of the framers, but also by judicial supremacists who hold that the judge

must and should legislate himself. But let us read, in *Osborne v. Bank of United States*, the words of Chief Justice Marshall himself: “Judicial power is never exercised for the purpose of giving effect . . . to the will of the judge; always for the purpose of giving effect to the will of the law”—law made by the legislator who draws his authority directly from the people. And further, he declares, “we [judges] must never forget that it is a Constitution we are expounding,” not the legislative opinions of judges. But in *Marbury v. Madison*, Marshall states: “It is emphatically the province and duty of the judicial department to say what the law is.”

Yet in *McCullough v. Maryland* he emphasizes that “where the law is not prohibitive” [i.e., where the law does not clearly prohibit a legislative action], for judges “to undertake . . . to inquire into the degree of [the law’s] necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.” The Chief Justice clearly held that the judicial department *is* circumscribed; and it *is* limited by legislative (or constitutional) intent. Moreover, Marshall’s legal reasoning and opinions show how and why, according to commonly accepted rules of judicial interpretation, the original intent of the framers of the Constitution can best be discovered “intrinsically.” That is to say, Justice Marshall used a substantially internal analysis of the actual document itself to find in its text the framers’ intent—carefully applying rational rules of legal construction which depend primarily upon the plain meaning of the words, the full context of the words, the relations of the words in the different parts of the Constitution, the subject matter with which the words of the law deal, and the obvious spirit or cause which gave rise to the law itself.

That the law, above all, is intended to do justice, whatever the rules of construction, is a first principle of Marshall’s jurisprudence which he makes clear in *Marbury v. Madison* by asking the fundamental question: “Can it be imagined that the law furnishes to the injured person no remedy?”—no matter how small, helpless, defenseless, or obscure the person. To this question Marshall rejoined: “It is not believed that any person whatever would attempt to maintain such a proposition.” Moreover, the fundamental principles of natural justice, suggested Marshall in *Ogden v. Saunders*, stemmed from the very principles of “the

framers of our constitution” who “were intimately acquainted with . . . the law of nature” because “the language they have used” in their writing and documents, such as the Declaration and the Constitution, “confirms this opinion.”

Thus, Marshall found it straightforward if sometimes painstaking to decide faithfully whether a law or act or judicial decision was unconstitutional. He enshrined his reasoning in the *Marbury* decision. Often cited by both judicial supremacists and legal positivists who reject natural law, Marshall in *Marbury* considers “the question, whether an act, repugnant to the Constitution, can become the law of the land. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.” And by what *principles* shall it be decided? To this question Marshall had an unequivocal answer. “That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness, is *the basis* [my emphasis] on which the whole American fabric is erected.” And, moreover, “the principles, therefore, so established are deemed fundamental.”

But why is Marshall so absolutely sure of “the basis” and “the principles” deemed fundamental to the Constitution—that is, to the “whole American fabric”? Because, in fact, Marshall draws the very words of this part of his opinion almost exactly from the Declaration of Independence itself—from its second paragraph, which reads, “It is the right of the people . . . to institute a new government laying its foundation on such principles . . . as to them shall seem most likely to effect their safety and happiness. . . .” But the phrase *such principles* must also refer to its antecedents, specified in the preceding paragraph of the Declaration, namely, the self-evident truths which hold that all men are created equal and endowed by their Creator with the inalienable right to life and to liberty.

The lawful basis of the American Republic is thus, in fact, found by Chief Justice Marshall in the very same organic law upheld by Abraham Lincoln, the Declaration of Independence. But, echoing Marshall, one must now ask: can it be supposed that the Declaration, the fundamental act of union, which provides the basis for the American people to establish constitutional government—can it truly be supposed that this explicit charter of the inalienable right to life is to be ignored by

Supreme Court Justices, legislators, Presidents, and law school professors? May it be reasonably supposed that an expressly stipulated right to life, as set forth in the Declaration and the Constitution, is to be set aside in favor of the conjured right to abortion in *Roe v. Wade*, a spurious right born exclusively of judicial supremacy with not a single trace of lawful authority, implicit or explicit, in the actual text or history of the Constitution itself?

Are we finally to suppose that the right to life of the child-about-to-be-born—an inalienable right, the *first* in the sequence of God-given rights warranted in the Declaration of Independence and also enumerated *first* among the basic positive rights to life, liberty, and property stipulated in the Fifth and Fourteenth Amendments of the Constitution—are we, against all reason and American history, to suppose that the right to life as set forth in the American Constitution may be lawfully eviscerated and amended by the Supreme Court of the United States with neither warrant nor amendment directly or indirectly from the American people whatsoever? Is it not a biological necessity, if it were not manifestly plain from the sequence of the actual words in the Declaration *and* in the constitutional amendments themselves, that liberty is made for life, not life for liberty? Is it to be reasonably supposed that the right to liberty is safe if the right to life is not first secured; and, further, is it to be maintained that human life “endowed by the Creator” commences in the second or third trimester and not at the very beginning of the child-in-the-womb?

Given the consequences of *Roe v. Wade*, can it thus be concluded that a well-intentioned but overreaching Supreme Court decision brought about a “coup” against the Constitution and the amendment-making authority of the American people? In the full light of the resulting holocaust, are we at last to suppose that legal positivists and judicial supremacists, even some conservative advocates of original intent and strict construction, all of whom cite Marshall, may properly abandon the Declaration of Independence, the lawful source of those inalienable human rights which are now, in the case of *Roe v. Wade*, issues of life and death—when not only the Founding Fathers but Chief Justice Marshall and President Lincoln find that certain American “principles . . . are deemed fundamental,” because they stem from the Declaration?

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Surely “it is not believed any person whatever would attempt to maintain such a proposition. . . .” Surely not Mr. Washington, Mr. Jefferson, Mr. Madison, Mr. Marshall, Mr. Lincoln—all of whom maintained for the Declaration.

Why I Am Not a Feminist (Any More)

Nancy R. Pearcey

I USED TO BE A FEMINIST.

About a year ago, I stopped using that term to describe myself. I now call myself a conservative. I still have to take a deep breath before I say that word, and I usually preface it with “neo.” But there it is.

I no longer feel at home with my feminist friends. While they enthuse over the latest strategy they’ve come up with to promote the feminist agenda in this or that institution, I find myself wondering—should I tell them?

“Neo-Conservative Comes Out of the Closet.” In a matter like this, I guess it’s best to make a clean chest of it and tell all. Let me tell you how, at least for this one neo-conservative, the feminist movement lost its credibility. And what I think should take its place.

The family I grew up in was the kind feminists love to hate: an overbearing, dominant father and a passive, self-effacing mother. My apologies to my parents, who will probably read this, but that is how they appeared to me as I was growing up. I hated the feminine role as I saw it played out between my parents. My goal was, naturally enough, to be like Dad—intelligent, energetic, tough.

By the time I entered university I was a pushover for feminism. I ate it up. I made a point of reading all the feminist “classics,” the key books that inspired the movement, like Betty Friedan’s *The Feminine Mystique* and Kate Millet’s *Sexual Politics*, and thought each one better than the one before.

Some years later I became a Christian, and a theologically conservative one at that. While working on a philosophy major at university, I saw that the Christian world view answered the basic philosophical questions better than any other system of thought. Initially that didn’t change my feminist sympathies much, though. I simply became a “Christian feminist,” teaching classes on “women’s issues” in the church and generally stirring things up. I even attended seminary,

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where I wrote papers on—you guessed it—feminist issues.

Then, in a fit of hormones, I got married. Though I never regretted doing so, I found myself embarrassed about it around my friends. Getting married said I had given up the Crusade to be an Independent Woman; it said I was weak, I needed a man. Not to worry, though; I treated my new spouse more as a permanent room-mate than as a, yuck, *husband*. Needless to say, trying to work out a marriage with an attitude like that made for some pretty unpleasant moments, which only confirmed for me all the rotten things feminism said about the male of the species.

Then, worse, I got pregnant. Motherhood—how utterly domestic. My protruding belly seemed to stand for everything I had until then disdained. It showed everyone who cared to look that I had capitulated to traditional femaleness.

It was then that a sense of responsibility finally overtook me. If I was going to have a kid, I was going to do it right. And it wasn't right for any child to have a mother with such an ambivalent, not to say negative, attitude. It wasn't fair to the child.

So I began to read everything I could find on childbirth and parenting. Gradually, some of what I read began to wangle its way into my opinionated mind. Those books on natural childbirth actually made having children sound like fun. And the ones on nursing nearly made me look forward to forming an "affectional bond" with my soon-to-be-born infant—nearly. I read and reread my stack of books, just to absorb this weird and unusual attitude toward parenthood.

Then my baby was born (at home with a midwife, of course), and my world turned upside down. I was unprepared for the intensity of the relationship between a mother and a newborn baby. No one else in the world depends so totally on you, both for love and for physical care. And when you meet those needs, no one appreciates you as much either. From the moment my little one was placed in my arms, I fell completely, hopelessly, in love.

Almost overnight, I found a great chasm separating me from my feminist friends, few of whom had children. At the same time, I suddenly realized that those dull little housewives who seem to know nothing except children and recipes actually possess a great wisdom.

Women I could never talk to before (whom I disdained to talk to, if the truth be told) now became my friends.

Until now, my interests had rarely overlapped with any of the women I knew who had entered into the “adult” world of work and family. I felt—and looked—like an overgrown college student. Having a baby did something strange to my self-image. It made me feel like, well, like a *woman*. Funny how that never happened when I was in the “woman’s” movement. The joys of motherhood was something feminism never told me about. What other things might there be in heaven and earth that were not contained in its philosophy?

I soon found out. When my child was a few months old, I confronted the issue of abortion in a serious way for the first time. After being pregnant myself, the arguments against abortion took on an emotional persuasiveness that heightened their logic. I *knew* my son was a person the moment he was born. If he had been born an hour earlier, he would still have been a person. And a day earlier, and a week earlier . . . there is no logical stopping point where we can say, *here* he became a person, but before that he was a blob of protoplasm.

When I finally came down on the pro-life side (it was a long time before I could say that word without flinching), the feminist movement lost another huge chunk of credibility for me. How could these women, who claimed to be concerned about *human* rights, so blatantly disregard the rights of little human beings developing within our own bodies? Admittedly, feminists deny that these *are* human beings; likely, they can also believe six impossible things before breakfast.

But there is more at stake in abortion than the rights of fetuses. Abortion places considerations of economics, or job, or schooling, or even personal preference above pregnancy, sending out a message that having a child is less important. Not only is this degrading to the baby, whose life is valued at less than these things; it also degrades one of the most fundamental female experiences, the experience of nurturing life. I resented the insensitivity of the abortion rhetoric to what I now knew to be one of the most life-changing experiences anyone can undergo. And I felt sorry for those women who bought into it.

On the personal and the ethical levels, feminism had let me down. I joined a tiny band of dissenters who call themselves Pro-Life Feminists, formed by women who have come to convictions similar to mine.

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These women are pro-life and promote a high view of family life, but continue to uphold the feminist agenda in other areas. After all, feminists are still making genuine gains for women in the political and economic spheres. Aren't they?

Well, perhaps not.

When nursing a newborn required that I sit down frequently during the day, I took advantage of the enforced leisure to read. I took on Solzhenitsyn's *Gulag Archipelago*. Tyranny, torture, unimaginable suffering—great stuff to read while nursing a baby. By the time my son was weaned, I had read all three volumes of Solzhenitsyn's gut-wrenching exposé of the prison system in the Soviet Union.

The *Gulag* changed not only my view of the Soviet Union, but also my view of politics right here at home. I saw that rapidly expanding statism here under our own noses has its logical conclusion in the kind of totalitarian system Solzhenitsyn was writing about. And what are feminists pushing for? More government intervention, more government control at every turn, apparently blind to the threat to our freedoms posed by the bureaucratic state.

Take comparable worth legislation. This popular feminist cause propels us a huge step forward in the direction of a state-controlled economy. In a free market, no one decides in advance the "worth" of a job and how much it should pay. We let the market decide. Which is to say, wages are set by individuals who negotiate and agree to contracts. Comparable worth legislation, on the other hand, sets up panels of "experts" to dictate how much each job should pay, overriding the millions of decisions made every day by private groups and individuals.

But, ironically, even the "experts" can't agree on what a job's value is. If we look at rating systems that have actually been enforced, they are all hopelessly contradictory. The whole project is inescapably subjective. Which means that in practice, government regulatory agencies will have the last word. The upshot is that government, through its regulatory agencies, will actually determine wages. It is hard to imagine a more radical attack on the free enterprise system.

Again, take welfare. Feminists consistently push for more benefits for more people, their biggest project at the moment being federally subsidized daycare, oblivious to the suicidal course the welfare state is on. Every time the government takes on a new program, it must raise taxes

in order to fund it. And every time it raises taxes, the extra bite it takes out of our income is enough to push marginal people over the edge into poverty—meaning *more* people go on welfare. Then government has to raise taxes again to support these people, which in turn pushes still more into poverty. The cycle is vicious.

Add to that the fact that government overspending on all these programs causes inflation, which likewise increases poverty by devaluing the money in our pockets, and it becomes clear that some day the whole deck of cards is going to collapse, as social security is already threatening to. The welfare state has begun to create the very problems it was supposed to solve.

Moreover, the larger government grows, the more it takes out of taxes just to pay its own bureaucrats—which means less of the money you and I pay into the system actually gets to the poor. Today, only a fraction of what the government spends for welfare finds its way into the hands of the poor. The major portion of it is eaten up by the bureaucracy.

Economically, big government simply doesn't make sense.

And politically, it is downright dangerous. The larger the government, the less freedom for the rest of us. Businesses, churches, charitable organizations, and other private groups are being strangled by endless regulations as government takes over more and more of the decision-making in society and leaves fewer and fewer areas for us to make our own decisions. The welfare state becomes the meddling state.

Feminists seem to be inspired by the old socialist view of government that has simply lost credibility for most Americans today. Socialism sounds fine in theory (“compassionate,” “cares for the poor”), but we've seen it lead in reality to a top-heavy, bureaucratic state which contributes to the very problems it was supposed to solve, while eating up our freedoms.

So there you have it. Whether considered personally and ethically, or politically and economically, feminism is passé. It raises a lot of the right questions, but offers all the wrong answers. About a year ago, I came to the point of decision. I decided that the wrong answers being promoted all too effectively by the feminist movement were harmful enough that I could not identify myself with it any longer.

The break wasn't as hard as I thought it would be. My husband had been bringing home subversive literature like *National Review* and *Commentary* for some time now, and I had begun to see that conservatives were not the sentimental sops I had taken them for. Indeed, a lot of the articles I was reading showed that conservatives were sharper and better-informed than most of the liberal writers I used to read. I don't mind joining the company of people like that. Conservatism has become intellectually respectable.

What now? Do I go over to the traditionalists? Well, no. Having once seen the validity of many of the feminists' concerns, I don't quite fit into the ranks of the traditionalists. Most anti-feminists are working out of a fifties mentality that fails to address the problems that gave rise to the feminist movement in the first place. Much of what originally inspired feminism was the loss of status and functions that women experienced in the wake of the Industrial Revolution. If we don't offer real solutions to this problem, feminism will continue to attract people to its false solutions.

Before industrialization, the home was the center of society, both socially and economically. A woman could raise a family and still take part in the other interesting activities of society because they took place in or near the home. She could teach, run a business or home industry, be a member of a guild, care for the sick, all within her home and its out-buildings. Moreover, with other adults in the household—extended family members, household help, apprentices to the home industry, not to mention her husband—child care was spread out, freeing a mother for a wider range of activities.

After the Industrial Revolution, the home was reduced from being the center of society and industry to being a passive adjunct to society. Women at home with children found themselves removed from activities they had once been a part of. Even the domestic industries—pickling, canning, spinning, weaving, candle dipping, soap making, etc.—which once required women to master a variety of skills, were taken out of the home and transferred to the factory to be managed by men. All that was left to the woman at home was basic housekeeping and care of young children.

While woman's role was being reduced, man's role was being enhanced by the development of a money economy. Whereas once

everyone in the family contributed to its survival by an exchange of mutual services, men now received wages for their work. By contrast, a woman's unpaid service now became conspicuous. Her role became associated with that of passive consumer, economically dependent on the wages of her husband.

Is it any wonder women became restless? In the process of modernization, what they gained in labor-saving devices (which was a genuine gain) was matched by a loss in opportunities and status. This is a real problem, and one we must seek to solve if we want to take the wind from the feminists' sails. The feminist solution, of course, is for women to leave home to regain their economic role and its attendant status and personal fulfillment. There wouldn't be any problem with that were it not for several little things: children. Women cannot follow men out to the workplace without leaving their children in the care of others. Most of us find that too high a price to pay (and if we don't, I suggest we should). The right to work should not override the right to raise our own children.

On the other hand, we can't simply tell women to stay home and leave it at that. We have to face the fact that the home is no longer what it used to be, and that it no longer offers the same kind of fulfillment to women it once did. For years sociologists have been either applauding or bemoaning the shrinking role of the modern family. But so far, few have challenged it. Why not? Why not seek to reverse the trend toward stripping the home of all its major functions? Why not seek to make it a center of economic social activity once more?

We don't have to throw out modern conveniences and do all our own sewing and baking again (although we *can*: that's one way women who enjoy baking and handicrafts can contribute economically to the household). A broader solution for people like myself who *don't* particularly enjoy the domestic arts is to use the tools of modern technology to bring into the home the kind of work we *do* like doing, and might otherwise leave home to do.

Not every skill is adaptable to being performed at home, but more are than we normally think. A large number of jobs can be returned to the home if we are motivated enough to restructure them. I know of women who have done things as diverse as giving music lessons, running a beauty salon in a spare room, taking in work as a legal or

medical secretary, making and selling crafts, doing free-lance writing and editing, selling educational toys, working as a commercial artist, sewing and tailoring, and teaching neighborhood classes on everything from French to preventive health care. Personal computers are making a vast new variety of jobs accessible to the home-based worker.

Mothers who work at home enjoy the best of both worlds. They are able to bring in an income, while choosing their own hours depending on the number and ages of their children. They avoid most of the incidental costs of an outside job, like travel, work clothes, and—most of all—child care. They develop skills toward a fuller career when their children grow older, and yet, while their children are still young, they are not compromising the quality of their parenting.

Home-based work is one of the few ways women can *really* “have it all,” working part-time in a field they enjoy while still raising their own children. Feminists have done no better than Freud in figuring out what women really want. They have consistently exalted women’s right to enter the workforce and be away from their children, even though it means the weakening of family bonds and the horrendous growth of the state. As a young mother myself, I say, “Thanks, but no thanks.” I love my work, but I want the intimacy and constancy of the parent-child bond that is only possible when parents care for their own children.

The re-creation of home industries might even lure some men back to the home. You say it can’t be done? A handful of my own acquaintances have created home-based work for themselves: one has a printing press in the basement, another a carpenter’s shop in the garage, another, a pastor, does his personal counselling in his home. Join a personal computer club and you will be surprised to discover how many men are taking work home from the office these days and doing it at home on a computer terminal. I even know of one man who left a prestigious position as a doctor in a big-city hospital and set up a family practice in his refurbished garage, while his wife keeps the books.

Who knows, we might find husbands and wives discovering the kind of closeness we now often find between husband and secretary—the closeness of working together toward a common goal. And we don’t have to stop there. We can also reassume responsibility for educating

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our own children and join the fast-growing movement of homeschoolers. We can bring charity back to home, where they say it begins, and care for the poor and the sick within the family circle. We can bring in single people, like the aunts and uncles of old who were rarely lonely since they usually lived in households. We can bring back home-based health care, a growing trend in medicine today anyway. And we can bring religious ministries back to the home, instead of leaving worship and moral training to the churches.

With a vision of family life like this, what women *wouldn't* find fulfilling and challenging work within the home? As the home once again becomes the place where crucial functions of society are carried out, it will regain the esteem it has sadly lost—and with it, women's role will regain status. It is a sociological truth that in cultures where the tasks women do are seen as essential to society and its survival, they enjoy high status; in societies where women's tasks are seen as peripheral, they have low status. Applied to our own culture, it should come as no surprise that as the major social functions came to be carried out in institutions outside the home, women at home lost esteem. If we reverse that trend, women will win the respect they are so desperately seeking—*without* having to sacrifice their family relationships to do it.

I am no longer a feminist. But I'm not a traditionalist either. The home of the fifties—the “ideal” that most anti-feminists harken back to—had already been stripped of most of its erstwhile functions. Where is the political group that will take on a much more radical agenda than either feminism or traditionalism: the full restoration of the home?

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[We were greatly impressed when we received the following essay from our friend (and occasional contributor) Professor Derr: in fact, we had no idea that the technologies he describes were either so many or so far “advanced”—what he has to say certainly adds new dimensions to Professor Molnar’s article, and to much else that we have published here. We think you will find it most unusual reading. Professor Derr teaches Philosophy at Clark University in Worcester, Mass., and is Associate Director of the New England Center for Philosophy and Public Affairs as well as a board member of the Value of Life Committee (Brighton, Mass.).—Ed.]

The Ethics of Surrogate Motherhood

Patrick G. Derr

Is surrogate motherhood, and particularly surrogate motherhood by enforceable contract, ethically questionable? Is it socially destructive? Should it be supported or opposed by those concerned to protect human dignity and social justice?

The ethical issues—and even policy issues—raised by surrogate mothering are inextricably connected to a larger set of fundamental issues about reproduction, sexuality, the family, and personal freedom. These foundational issues—which lie at the very heart of our understanding of the human condition and of a human society—have been brilliantly articulated in the recent Vatican *Instruction* regarding human reproduction.¹ But I do not mean to consider here either those foundational issues or the *Instruction*. Rather, taking note that the issue is now before the legislatures or high courts of a growing number of states, I will attempt to offer some suggestions about the ways in which a free and decent people might constructively *evaluate* the practice of surrogate motherhood, and, more particularly, of contracted motherhood-for-hire. So let us first consider (in order) the technological, social, and historical contexts of surrogate motherhood, before considering whether certain aspects of surrogate parenting ought to be morally troubling even to citizens and public officials who do not take seriously the deeper criticisms explored in the Vatican *Instruction*.

From a moral or sociological, or even a technological point of view, an adequate evaluation of surrogate motherhood must be sensitive to a pair of contextual considerations. First, it must be sensitive to the fact that surrogate parenting techniques are just one element of a much broader technological revolution which involves an entire panoply of reproductive technologies. Second, it must be sensitive to the need to consider surrogate parenthood as a

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social practice, and not just as an isolated (and insulated) personal choice. And, as I shall suggest, it might also be usefully informed by a third, historical, consideration of the sources of infertility.²

The Technological Context

The broader revolution in technologies of which surrogate parenting techniques are a part can be conveniently organized into seven distinct families of technologies. They are:

- Gamete Collection Technologies; these include techniques to collect and store sperm (from the intended social father, or from a relative of his, or from an anonymous donor, or from Shockley's "Genius Sperm Donors," or perhaps from other celebrity *Übermenschen*). These also include techniques to collect ova (from the intended social mother, or from a relative of hers, or from an anonymous donor, or any other woman).
- Gamete Selection and Modification Technologies; these include techniques to separate androgenic (male-producing) and gynogenic (female-producing) sperm for the purpose of controlling the child's gender. These will also include emerging and envisioned techniques for modifying the gamete cells for therapeutic purposes—for example, to correct a fragile-X or trisomy defect. And eventually, these seem likely to include techniques for gamete "enhancement"—that is, for the addition or substitution of especially desired genetic traits (such as green eyes or tall stature).
- Gamete transfer technologies; these techniques, which are necessary adjuncts to all the other families of technologies, include techniques for moving sperm and ova to and from various bodily organs or laboratory containers. Artificial insemination, low tubal ovum transfer, and gamete intrafallopian tube transfers are representative techniques.
- Fertilization technologies; these include *in vitro* fertilization techniques. These also include a range of medical and surgical techniques which facilitate or relocate *in vivo* fertilization.
- Gestation technologies; these include techniques to permit *in vivo* gestation with a surrogate. They will include developing technologies for gestating human beings *in vitro*—that is, in mechanical wombs. And eventually, most likely as the spin-off of current developments in veterinary medicine, these will include techniques for *xeno*-gestation—that is, for gestating human babies in other animal species.
- Embryo manipulation technologies; these include techniques to collect developing human embryos from the uterus or fallopian tubes of pregnant women, or to implant such embryos into the uterus of other women. They include techniques, such as freezing, for the long-term storage of viable

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human embryos. And they seem likely eventually to include techniques for selecting or genetically altering human embryos.

● Asexual reproductive technologies; these techniques, which are likely to be developed in veterinary medicine (where they promise enormous humanitarian benefits) would permit the reproduction of potentially unlimited numbers of genetically identical individuals. For example, they would make it possible to create a division of marines, each a genetically exact copy of William Stern or Daniel Maguire.

All of these new reproductive technologies, together with others I have omitted, or that are not yet imagined, form the context in which surrogate parenting must finally be understood and evaluated. Like surrogate parenting, most of these technologies are here now. They are today's clinical realities, not tomorrow's fantasies. Together with surrogate parenting, these technologies constitute the "biological revolution" which so urgently requires a careful social evaluation.

Already, in 1987, we can collect sperm from Arnold, ova from Betty, process those sperm to assure male offspring, use gamete intrafallopian transfer to accomplish fertilization in Carol, collect the resulting embryo and insert it into Dianna, and then, months later, sell the child to adoptive parents Edward and Francine. It is time for society to ask whether children ought to have two fathers and four mothers.

The Social Context

As the moral philosopher R. F. Harrod pointed out in his discussion of the moral evaluation of lying:

There are certain acts which when performed on n similar occasions have consequences more than n times as great as those resulting from one performance. . . . generalizing the act yields a different balance of advantages from the sum of the balances of advantage issuing from each individual act. For example, it may well happen that the loss of confidence due to a million lies uttered within certain limits of time and space is much more than a million times as great as the loss due to any one in particular. Consequently, even if on each and every occasion it can be shown that there is a gain of advantage (the avoidance of direct pain, let us say, exceeding the disadvantages due to the consequential loss of confidence), yet in the sum of all cases the disadvantage due to the aggregate loss of confidence might be far greater than the sum of pain caused by truth-telling.³

Harrod's point was taken nicely to heart by Sisella Bok in her analysis of the ethical status of lying in public and private life. As Bok shows, lies which may seem *individually* to be innocuous, justifiable, or even positively good, may nevertheless—when properly evaluated as a part of a larger social practice—turn out to be socially destructive and morally unjustifiable.⁴

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There is a methodological lesson here. If we really hope, as an open and democratic society, to take a careful moral measure of the practice of surrogate parenting, it is *imperative* that we also take Harrod's point to heart. As Bok stepped back from the individual white lie to consider the *social practice* of lying, so we must step back from the individual surrogate arrangement to consider the social practice of surrogate parenting.

The Historical Context

As we do step back to consider the practice of surrogate parenting, it will be worth attending to a bit of the history of the present infertility problem. It is frequently claimed that one in seven couples is now infertile. *If* that is so (and the evidence is very thin), it may be especially worth remembering that much, perhaps *most*, of our present infertility is the result of our too-eager rush to embrace other reproductive technologies *without* adequately considering their consequences.

We may never know how many tens of thousands of women are now infertile as a consequence of chronic inflammatory disease associated with an intrauterine device. We may never know how many tens of thousands more are infertile due to the after-effects of oral contraceptives. Nor are we likely to know how many tens of thousands have been rendered infertile by venereal diseases consequent upon adolescent promiscuity. But we do know, and we ought to remember, that the bio-reproductive experts were completely wrong in their facile assurances that these things were perfectly safe.

It is also worth remembering that the biological technicians who now advertise surrogate parenting as a cure for infertility are, in very large part, the same biological technicians who earlier advertised the very same things that have caused infertility.

Morally Troubling Aspects

Surrogate parenting ought to be morally troubling even to citizens and public officials who reject a Roman Catholic view of the person and the family, or who do not take seriously the moral analysis of surrogate motherhood developed in the recent Vatican *Instruction*. Surrogate parenting is so riddled with morally troubling features that it does not need sophisticated argument to find cause for worry. Here are seven reasons why I believe we ought to worry.

Worry 1: there are some 18,000 children in New York City who are adoptable wards of the state of New York. It is troubling that the couples now hiring surrogate mothers are so caught up in a constricted vision of a brand-new, undamaged, unused, perfect-in-every-way *white* baby that they cannot find it in their hearts to accept a yellow baby, or a brown or black baby, or a

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handicapped baby, or an older baby.⁵ That kind of narcissism is not, I think, irrelevant to a moral evaluation of the status of people's desire for a family. It is not the kind of attitude which the police power of the state ought appropriately be used to protect. And neither does it bode well for the child: rigid and stereotypical parental expectations are strongly associated with the risk of eventual child abuse.⁶

Worry 2: Mary Beth Whitehead was to be paid about \$1.30 an hour for the use of her body.⁷ An infertility center which writes four surrogate contracts a week will gross about \$2,000,000 a year in brokers' fees, which comes to about \$1000 per working hour. It is morally troubling that the lawyer sitting in the office is paid 769 times more, on an hourly basis, than the woman who carries the child and who bears all the risks of pregnancy. But that is the *least* inequitable case. A surrogate who miscarries at sixteen weeks will receive, under the typical arrangement, only about 35 cents an hour for her trouble. So in this case, the lawyer makes almost 3,000 times more, on an hourly basis.

Worry 3: one seriously doubts that the rich are going to rent their bodies to the poor. And *poor* infertile couples do not have \$25,000 to \$35,000 to buy a baby or hire a surrogate. *Rich* infertile couples do. As a consequence, the practice of surrogate parenting will not cure infertility; it will simply transfer infertility from the rich to the poor. It will enable the rich to have their children *without* bearing the risks of pregnancy or suffering the consequences of infertility. But it leaves the poor with all the risks of their own pregnancies, and all the consequences of their own infertility, while adding to those burdens the risks of surrogate pregnancies for the wealthy. This aggregate transfer of risks and harms is, I think, morally troublesome.

Worry 4: as a society, we have judged the prospect of selling human beings to be so distasteful, and so offensive to the dignity of the human person, that we have banned it outright. Indeed, confronted with a federal judiciary system which insisted upon treating some human persons as mere chattel property, this nation fought a civil war to settle the question. It does not matter whether you are competent or not, whether you give informed consent or not, whether you are free or not: you cannot own a human person—not even *yourself*. Hence, *a fortiori*, you cannot sell, lease, rent, or *give* a human person—not even yourself. A human person is not an object of chattel property. But what, really, is a surrogate mother contract about? If it is *not* a contract to buy a child, why does the mother receive \$10,000 for a live-birth, but only \$1,000 for a miscarriage? If *not* to take possession of a child, for what reason did the Sterns hire Mary Beth Whitehead? And if the legal proceedings between the

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Sterns and the Whiteheads did *not* revolve around “Baby M,” what were they about?

Worry 5: suppose, contrary to the facts but *ex arguendo*, that the thing which the surrogate mother carries and delivers is not a child. Suppose that, as our Supreme Court claimed in *Roe v. Wade*, it is just a part of the mother. Then surrogate contracts are still morally offensive and socially destructive, for the same reasons that contracts to sell kidneys or corneas are morally offensive and socially destructive. The sale of body parts is intolerable in part because it offends the integrity of the human person. But it is intolerable as well because of the social abuse which must inevitably attend it: only the rich will buy organs, only the poor will sell them. I believe that the rich already take too much from the poor. I am profoundly troubled by the prospect of a practice which would let them take even more.⁸

Worry 6: suppose, contrary to the facts but *ex arguendo*, that the thing which the surrogate mother carries and delivers is neither a child nor a part of herself. Suppose that she simply sells a “personal service”—that, as one columnist so ungracefully put it, she rents her organs. This would still be morally troubling and socially destructive. Prostitution is banned, in part, because it offends the dignity of the human person to permit certain citizens to rent other citizens’ reproductive organs by the minute or hour. Sexual harassment is offensive for the related reason that access to social goods (income, jobs, education, etc.) ought never to depend upon permitting another to use one’s body or one’s person. Surrogate contracts *do* make social goods (income, etc.) contingent upon the use of a woman’s body and person. And if surrogate contracts *are* merely “organ rentals,” we must ask ourselves why it is less offensive and exploitative to rent such organs by the month than by the minute.

Worry 7: finally, a worry about the possible future applications of surrogate technology. We already use eggs from one woman to make a baby which will be carried by a second woman for an eventual delivery to a third woman. In these surrogate arrangements, the child has no genetic relation to either its intended social mother or its gestational, “surrogate” mother. There is no medical or legal impediment against—and there is tremendous economic incentive for—finding the cheapest such “gestational” surrogates. And here (as with television assemblers, asbestos miners, or banana pickers) that can only mean third world surrogates. Technically, it is quite simple: individuals or couples who are infertile or who do not wish to be inconvenienced by a pregnancy can have their little embryos made here in the states, then flown (flash-frozen, of course) to India or Guatemala or Swaziland, where poor third-world women will rent their bodies for just one or two cents an hour.

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I find that an extremely troubling prospect indeed.⁹

A Policy Proposal

The socially destructive consequences of surrogate parenting would be best prevented, and can only be adequately prevented, by banning surrogate parenthood contracts altogether. Perhaps, as a nation, we could then direct our biomedical research to the elimination (and not just relocation) of infertility. Perhaps then we could direct our social energies to the elimination of the prejudices which make non-white or handicapped or older babies unadoptable. And perhaps then, thinking of the unborn as well as the born, we might reflect more deeply upon the meaning of the claim, embedded not only in our religious traditions but in the Thirteenth Amendment to the Constitution, that no human being is ever, in any context, for any purpose, or at any stage of development, licitly treated as a piece of personal property.

NOTES

1. *Instruction on Respect for Human Life in Its Origins and on the Dignity of Procreation: Replies to Certain Questions of the Day*, The Congregation for the Doctrine of the Faith (Joseph Cardinal Ratzinger, Prefect), Vatican City: 10 March 1987. The complete text of the document was reprinted in the *New York Times* for Wednesday, 11 March 1987.

2. Parts of this essay were delivered by the author in a debate sponsored by the Institute for American Values (Dudley, MA) 1 April 1987. The opposing speakers were Dr. Maurice Mahoney, Yale School of Medicine; Dr. Lisa Newton, Fairfield University; and Noel Keane, the Infertility Center of New York. This article profited from the suggestions of my colleague, Professor Walter Wright.

3. R. F. Harrod, "Utilitarianism Revised," *Mind*, Vol. 45 (1936), pages 137-156. Reprinted in *Lying: Moral Choice in Public and Private Life*, Sissela Bok (New York: Vintage Books, 1979) at pages 293-301.

4. Harrod's point is really rather simple: an adequate evaluation of the moral status and social consequences of tax evasion, for example, must look to the *social practice* of such evasion—not just to one or several isolated (and insulated) cases.

5. And note that the issue of having one's "own" baby is *not* at work here. The intended social mother is almost *never* genetically related to the contracted baby. And the intended social father is often not the sperm donor. What is frequently at stake, then, is not a desire for one's "own" baby, but a desire for one's own *kind* of baby. And in this society, the kind of people who can afford \$25,000 babies tend to be very white.

6. See, for example, *The Plight of the Children*, Edward Lenoski, M.D., (Toronto: Life Cycle Books, 1981), pages 1 and 7. With respect to children born of surrogate arrangements, this is no idle worry: see "Surrogate's Baby Born With Deformities Rejected by All," *Los Angeles Times* (22 January 1983) 1-17.

7. Judging from the media reports, and from such reports as can be found in the legal and medical literature, a fee of \$7,500 to \$10,000 (often contingent upon delivery of a live baby) is typical of current contracts.

8. In the *Stern v. Whitehead* case, the Sterns' excellent attorney (a divorce and child custody specialist) was at pains to emphasize that the Sterns' income was only \$10,000 greater than the Whiteheads'. What this means is: in one calendar year, during which Mrs. Stern temporarily suspended her medical practice, and during which Mr. Stern paid \$10,000 to the Whiteheads, and during which Mr. Whitehead managed to find employment, and during which Mrs. Whitehead received \$10,000 for her baby—in that one calendar year, the Sterns' *taxable* income (exclusive of IRA contributions, Keogh contributions, tax-sheltered investment income, and mortgage interest payments) was "only" "approximately" \$10,000 more than the Whiteheads' income!

But why, according to this same lawyer, would the Sterns be better able to provide for Baby M? Because Mr. and Mrs. Stern can look forward to taxable annual earnings of about \$150,000 per year, while the Whiteheads can anticipate taxable annual earnings of only \$15,000 to \$25,000 per year!

9. Other troubling aspects of surrogate parenting are discussed in: George Annas, "The Baby Broker Boon," *Hastings Center Report* (June 1986) 30-31; George Annas, "Contracts to Bear a Child: Compassion or

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Commercialism," *Hastings Center Report* (April 1981) 23-24; and Herbert Krimmel, "The Case against Surrogate Parenting," *Hastings Center Report* (October 1983) 35-39.

Surrogate parenting is defended in: John Robertson, "Surrogate Mothers: Not So Novel After All," *Hastings Center Report* (October 1983) 28-34; and Iwan Davies, "Contracts to Bear Children," *Journal of Medical Ethics* (Vol. 11, 1985) 61-65.

Judge Sorkow's "Baby M" decision is criticized by Hadley Arkes, "Judge Sorkow May Have Overstepped His Bounds," *Wall Street Journal*, 9 April 1987.

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