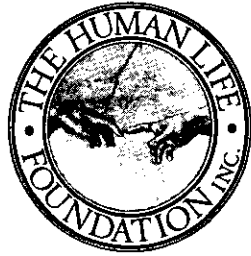


the HUMAN LIFE REVIEW



SPRING 1990

Featured in this issue:

Faith Abbott onThe Abortionist as Craftsman
Leon R. Kass on.....Death with Dignity
Francis Canavan on.....From Frog to Prince
Richard Neuhaus onBioethics & the Holocaust
Thomas Molnar onGrowing Up in East Europe
Frank Zepezauer onMilitary Moms
Brian Robertson onThe Once-Blessed Event
John Wauck onThoroughly Modern Marriage

Also in this issue:

Charles Krauthammer • Jacob Weisberg • Patrick Buchanan
Anna Quindlen • A letter by "An Anonymous Teenager"
Nat Hentoff • Thomas Sowell • Joseph Sobran

Published by:

The Human Life Foundation, Inc.
New York, N.Y.

Vol. XVI, No. 2

\$5.00 a copy

... FROM THE PUBLISHER

With this issue, we welcome Faith Abbott, our longtime Managing Editor, as our new Contributing Editor, a “promotion” Faith celebrates with the lead article in this issue. Our new Managing Editor is Maria McFadden, who returns (she worked here briefly after graduating from Holy Cross College) with several years experience at other notable journals. Most recently she was Managing Editor of *First Things* (see below), and before that of *This World*; previously she worked at the *Partisan Review* and The Center for Democracy at Boston University—all experience that makes Maria most welcome too.

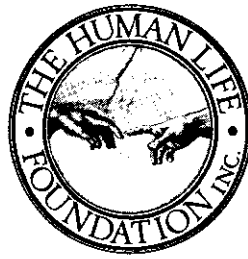
The article by Dr. Leon R. Kass (“Death with Dignity & the Sanctity of Life”) first appeared in *Commentary* magazine (March, 1990) and we thank Dr. Kass for his kind permission to reprint it here. We think it is not only an impressive but also an important article, and note that *Commentary* regularly runs excellent pieces that go beyond its special interest in Jewish affairs. A monthly, it is published by the American Jewish Committee (and available at \$39 a year, address 165 East 56 Street, New York, NY 10022).

The also impressive “Bioethics and the Holocaust” by Richard John Neuhaus appeared in the first issue of the new monthly *First Things* (March, 1990), of which Pastor Neuhaus is Editor-in-Chief. We thank him as well for his kind permission, and are delighted to recommend highly his *First Things*, which he describes as “A Monthly Journal of Religion and Public Life” (it is published by The Institute on Religion and Public Life, 156 Fifth Avenue, New York, NY 10010, and costs only \$24 a year—try it, you’ll like it).

Finally, you will find information about back issues, bound volumes, etc., on the inside back cover.

EDWARD A. CAPANO
Publisher

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Published by THE HUMAN LIFE FOUNDATION, INC. Editorial Office, Room 840, 150 E. 35th St., N.Y., N.Y. 10016. The editors will consider all manuscripts submitted, but assume no responsibility for unsolicited material. Editorial and subscription inquiries, and requests for reprint permission, should be sent directly to the editorial office. Subscription price: \$20 per year; Canada and foreign \$25 (U.S. currency).

Vol. XVI, No. 2. ©1990 by THE HUMAN LIFE FOUNDATION, INC., New York, N.Y.
Printed in the U.S.A.

INTRODUCTION

George Bernard Shaw's *The Doctor's Dilemma* was a very funny play, and most of the fun was at the expense of the medical men who, Shaw pointed out, had considerable interest in your pocketbook as well as your health; for instance, he said, your appendix might be worth nothing to you, but it could be worth a hundred pounds to your doctor. It seemed a daring theme at the time, but were it staged today, it would probably cause much louder protests—who doubts that doctors enjoy a special kind of immunity from criticism, especially from their peers? They are, after all, “Scientists,” and thus command the kind of deference once given to priests.

This has certainly been the case *in re* abortion, which is regularly described as a “private” matter between “a woman and her doctor”—the perception is, that the medical man is the more noble partner, helping the woman make her “decision” with scientific impartiality, and so on. But what if the noble fellow *likes* aborting babies—not to mention coveting the healthy fees that come with aborting the really “hard case” ones?

That is the subject tackled by our Faith Abbott in her lead article. She read of a California doctor who not only thrives on doing the latest and toughest “terminations,” but who also takes pride in the skills (and the steady nerves?) required. Says Dr. James McMahon: “There’s a great deal of craft to this procedure.” Indeed, it has become his specialty—his “choice” is doing abortions.

In her accustomed style, Abbott doesn’t stop with just *one* such specimen, but ranges far and wide to dig out more fascinating stories about practitioners of the specialty. For instance, whereas Dr. McMahon gave up delivering babies to abort them, a well-known New York doctor somehow does both, even though he calls un-deliveries “the true downside” of his work because “the procedure is so unpleasant.” Faith has the knack of stringing such vignettes together into the kind of article *readers* enjoy (you keep wondering where she *finds* it all), and we think you will enjoy this one yourself, right on through to a final paragraph you won’t quickly forget.

Perhaps we should make clear that we are by no means anti-doctor; we merely like to consider their merits one at a time. And we find Dr. Leon Kass

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to be a most admirable man, both as a thinker and writer. Here, he writes precisely about those issues that most concern us: the “sanctity of life,” and how it relates to “death with dignity”—which has become a kind of fad among those who consider suffering as somehow disgraceful, and quite unnecessary as well. We’d call Dr. Kass’s arguments eloquent, and his sources (including the biblical ones) impeccable. In short, he provides an entire article you are unlikely to forget; long as it is, you may wish it were longer still. The good doctor has much to tell us, and we hope to have more from him in due course.

Next our faithful colleague Francis Canavan weighs in with a short but *strong* piece. His thesis is straightforward: those who seek “a middle ground” on abortion won’t find it—there *is* none—and worse, those who seek it end up supporting abortions, at least early ones (which are of course the vast majority). The real question, Canavan argues, is “about the worth we recognize in human life simply as such.” So, as you will see, Canavan is just the man to follow after Dr. Kass.

As it happens, he also provides just the right preface for Pastor Richard John Neuhaus, who takes on another emotionally-charged subject: What is the connection between “Bioethics” and Hitler’s Holocaust? As a practical matter, of course, this involves comparing what we (but not necessarily Pastor Neuhaus) regularly call the abortion holocaust—a comparison that many Jews think is, well, at best unthinkable, at worst outrageous. But Neuhaus makes a critical point: “We should not grant Hitler a posthumous victory by succumbing to doctrines of historical or technological inevitability”—the “banality of evil” should remind us that we are all capable of committing the sins of the Nazis, if we succeed in rationalizing them as *different*. For instance, as *humane* (Malcolm Muggeridge was right in calling the abortion-euthanasia craze the Humane Holocaust?).

At this point we think you will be ready for our traditional change of pace. This time, the enjoyment is provided by our old friend Thomas Molnar, a man who not only can, but *has* written about almost everything, in numerous languages (including his native Hungarian). By chance, Molnar grew up in Transylvania, when it symbolized the kind of “ethnic” problems that have long plagued much of Europe—as well as other continents, including our own. Well, the sudden collapse of The Evil Empire has brought those same problems into the limelight again, not least in Transylvania, where Romanians are still suppressing Hungarians and their culture. So Molnar’s charming memoir of his youth turns out to be just the thing to help us understand the latest news, and of course remind us that *plus ça change, plus c’est la même chose* (friend Tom was a French professor too).

Ready for more problems? Mr. Frank Zepezauer, a frequent contributor to these pages, tackles one that our political leaders refuse to face: *women* and the military life are *not* compatible—an army cannot be an Equal Opportunity Employer. And the more Feminists achieve their “unisex” goals, the more

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women servicepersons suffer. But then, as the acid-tongued newsletter *catholic eye* once put it, "The essence of liberalism is the denial of what everyone knows is true"—and American "liberals" do indeed claim that we can do what no other army in history has done—or even *tried* to do. Well, Zepezauer supplies some *details* of the disaster. None of them are really surprising—all should have been expected—the only surprise is, that even the Top Brass refuses to admit what's happening, and in fact has "gone along" to get along with their political masters. Things have got so bad that the *latest* craze is to put women into combat. And, Zepezauer argues, it all could have been avoided if the military had insisted on sticking to its basic mission, which is to defend our nation—including a nation's basic social unit, the *family*—from attack. Whereas what's happened is, the military has in effect invaded the family, with ruinous consequences. Again, we expect to have more on this subject in coming issues.

Our colleague Brian Robertson also writes about family matters, specifically the "modern" notion that the birth of a child in a family has come to seem more like "an intolerable burden" than "The Blessed Event" we once called it. Things have got so bad that the West German *government* has taken to paying for splashy magazine ads extolling the joys of parenthood (one headline: "Kids Bring More Spice to Life").

Somehow, says Mr. Robertson, we've got the idea of "pregnancy as an illness," to be remedied like any other illness, employing surgery (abortion) when needed, and so on. Such a mind-set obviously makes it difficult to make healthy families, without which (*cf.* Mr. Zepezauer) you can't have healthy nations—which has driven the worried Germans to employ Madison Avenue types to at least slow the frightening demographic trends. We think you'll find it not only interesting but also good background for our final regular article, by another colleague, Mr. John Wauck.

We struggled over the right title for Wauck's piece, finally settling for "Thoroughly Modern Marriage"—it by no means suggests all that you will find in what amounts to a good-sized essay, but it does sum up the problem: we've forgotten the *purpose* of marriage. And so we don't seem to notice that, having made it easily disposable, the nation is now littered with the debris of broken-down marriages.

It's an interesting point: with our infinite appetite for poll results and "studies" of every "problem," we already *know* that divorce wreaks havoc on families, especially on children, and increasingly (since "No Fault" divorce laws) on *women*—yet most Feminists continue to support a system that ends up making men the big winners, not least financially. And *nobody* would dare suggest that—just maybe—divorce itself is, er, a *bad* thing in itself. Consider only the psychology involved, says Wauck: "If you know your spouse is a permanent part of your life, you have a vested interest in maintaining the peace, lest the marriage become intolerable." But if it *isn't* "forever," then why "put up with disappointment"? The statistics show that, nowadays, about half of all American

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couples decide *not* to put up with such disappointments, real or imagined. We don't know what they would make of what Wauck has to say—it's all a bit late for them, but we think you'll find it most interesting.

* * * * *

We begin our usual appendices section with something unusual: a *cartoon*, by Mr. Paul Rigby (The Elder), depicting New York's Gov. Mario Cuomo in Hades—even non-New Yorkers must have read about the now-famous “Will Mario Go to Hell” controversy? It all began when a local Catholic bishop said Cuomo “risked going straight to Hell” for his pro-abortion actions. We'll explain all about the *two* Messrs. Rigby below, but now back to *Appendix A*, in which Columnist Charles Krauthammer discusses, of all people, Gov. Cuomo again. Mr. Krauthammer is hardly known as a partisan of things Catholic, but he makes some very interesting points about the “religious” aspects of the abortion debate, and the strange behavior of some fellow “liberals” when that “single issue” conflicts with their vaunted tolerance.

Likewise, Columnist Jacob Weisberg is certainly not a “pro-lifer,” but that doesn't stop him from having fun (in *Appendix B*) with politicians—including Cuomo—who perform gymnastic wonders in the “Abortion Olympics” he describes. Then our friend Pat Buchanan (*Appendix C*) contrasts the abortion stand of the Governor of Idaho with that of the King of Belgium—Pat sees a *big* difference. *Appendix D* is also about abortion: New York *Times* Columnist Anna Quindlen argues, *a la* Father Canavan, that there *is* no middle ground, and she's *for* it.

The next item (*Appendix E*) is, we'd say, a sad one, being a *cri de coeur* from a highschool girl who's actually had an abortion, and very much wants all of us to assure her that, after all, she did the right thing, even though she admits “I still get upset when I see babies” and “I still cry at odd moments” and “I don't think I'll ever forget what it felt like to kill a part of me”—as we say, a sad story. *Appendix F*, by the redoubtable Nat Hentoff (well known to our regular readers), provides some chilling realities about what The Issue has done to the American Civil Liberties Union, that great defender of freedom of *born* individuals—clearly abortion tramples on ideological convictions, however rigid.

We conclude with two items that are not on our regular beat—you know, *not* about abortion. In *Appendix G*, Columnist (and Hard Thinker) Thomas Sowell says some very sensible things about the current controversy over “censorship” of “art,” etc.—trouble is, Sowell's good sense seems lost even on our President. We think you'll appreciate his point. And we'll be *darned* if you don't enjoy our finale (*Appendix H*): good old Joe Sobran, even funnier than usual, on the laughable notion of “Animal Rights.”

Now about our cartoons (*three* this time, meaning three times more than

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ever before): New York City's two tabloids both have cartoonists named Rigby—indeed, both are named Paul Rigby, they are father and son. Paul the Elder who signs himself just “Rigby,” moved from the *Post* to the *Daily News*. His *Post* replacement was Paul the Younger, who now signs his work “Bay Rigby.” Both do very funny stuff and, given the competition between the two papers, they sometimes hit the same subject the same day. There is even some similarity in style—all very amusing *and* stylish, and we thought you'd enjoy seeing some samples (both men graciously allowed us to reprint them here). On page 108, Paul the Elder has fun with the “Will Mario Cuomo Go to Hell?” story; on page 127, young Paul also handles Cuomo's continuing troubles with local Catholic bishops, and then, on our last page, he “illustrates” a local story about a claimed Sperm Bank . . . ah, mixup. We hope you find all of them as funny as we did, and we will be on the lookout for more such art for coming issues, which we trust you eagerly await.

J. P. McFADDEN
EDITOR

The Abortionist as Craftsman

Faith Abbott

⁶⁶ **T**HERE'S A GREAT DEAL OF CRAFT to this procedure," says Dr. James McMahon of Los Angeles. He performs abortions, and has a real passion for his work. While there are some doctors who consider abortion "a necessary evil" and some who perform abortions only as "a last resort," there are now specialists in abortions *of last resort*—the very late-term ones. When the demand for legal abortion was propagandized as "a basic constitutional right" many obstetrician/gynecologists decided to make abortion their specialty, and within that specialty there emerged another field of expertise: abortions of the *worst* kind.

So it seems that within a relatively short time, "pregnancy terminators" have evolved into abortionists who are not only craftsmen but also heroes.

How had they first become known as "heroes"? Well, back in 1985, the *New York Times Magazine* (Aug. 11) ran a cover story titled "The Abortion Conflict: What It Does to One Doctor." Joseph Sobran wrote about it in this journal (Fall, 1985); his title was "The Abortionist as Hero." He begins:

The abortionist has been the forgotten man in the abortion controversy, even though many states have been paying him handsomely for his services. The word "abortion" has been rendered almost bland by repetition, but the word "abortionist" still has moral voltage: it reminds us that there is a real live man doing something to the unborn child. . . . To refer to this man is to concretize what the pro-abortion forces would prefer to keep abstract. And the associations of the word remain grim.

Sobran explains that, until recently, pro-abortionists had tried to keep the abortionist himself offstage, but their strategy appeared to be changing: why shouldn't the abortionist be brought out of the closet and portrayed as a star? They knew the always-sympathetic media would be helpful: once these doctors "came out" they would be targeted by *anti*-abortion forces, attacked in print and possibly (literally) in person by fanatics. If they didn't become martyrs (literally), doctors who persevered despite suffering for their "conviction" that abortion serves "a moral need" *could* certainly be glorified as heroes.

I reread Sobran's article after I'd read about Dr. McMahon in

Faith Abbott, our former Managing Editor, is now a Contributing Editor.

the Los Angeles *Times Magazine* (Feb. 7) in an article titled "The Abortions of Last Resort." (Subhead: "The Question of Ending Pregnancy in Its Later Stages May Be the Most Anguishing of the Entire Abortion Debate.") McMahon is a very out-of-the-closet doctor.

At age 51, he is, we're told, one of the relatively few doctors in this country specializing in abortions up to 24 weeks into a pregnancy—almost six months—and he has "in dire circumstances" done them just six weeks short of due-date. The "abortions of last resort" make up about one third of the 1,200 abortions he does each year. It pays to be a specialist in this field: for the easiest and earliest abortions, Dr. McMahon charges \$500 (more than double the rate asked at most clinics) and \$8,000 for the most complicated procedures. He employs two staff doctors, but there's a long apprenticeship—he doesn't allow doctors to work for him until they have performed *at least* 600 abortions: "Frankly," he says, "I don't think I was any good at all until I had done 3,000 or 4,000." (He does not mention any mishaps during his long apprenticeship.)

About abortion in general, McMahon says: "That's my specialty . . . that's my expertise. That's my passion." This one-time Altar Boy "who still attends Mass occasionally" performed his first abortion in 1972, when California was one of the few states where women could easily get a legal abortion. Fascinated by the technical aspects of the procedure, he began gradually to specialize in it, abandoning plans for a family practice that would have included obstetrics: "I feel that you can't do both. You do a delivery, and then you do a late abortion. . . . I couldn't take the emotional roller-coaster ride." What about his conscience and his "religious beliefs?" Well, he says, *both* have "answered the basic questions" that arise from late abortions: "I've always been a classic liberal. I believe in freedom in its broadest sense. . . . I frankly think the soul or personage comes in when the fetus is accepted by the mother."

There is a rather blurry photograph of the doctor, standing in his waiting room (which is also blurry). We are told that the doctor isn't afraid to be photographed even though he is "keenly aware that the morbid realities of his medical specialty would make him an especially good target for the militants of the anti-abortion movement." But McMahon is not worried, because they can't *find* him. He doesn't advertise in the Yellow Pages; he agreed to be interviewed for the article on the condition that the name and exact location of his two offices not be used. His surgical center has been

outfitted with “hidden, Israeli-made steel shutters that drop over his plate-glass windows at the flip of a switch.” It’s not clear just how women *do* find him, but find him they do—from as far away as Kansas City, Philadelphia, even the Philippines.

The place for “the abortions of last resort” sounds almost *like* a resort:

From the busy street, it is easy to miss the little building hidden behind a high stucco wall and a locked gate. Its courtyard is a sculpture garden, where the soothing burble of a fountain smothers the din of the Santa Monica Freeway. Inside, the pastel-washed waiting room could be the lobby of a fancy small hotel. Vivaldi and Chopin play softly from hidden speakers; tropical fish make neon streaks in an oversized tank.

(Note: even the speakers are hidden.)

A few days after I’d read about Dr. McMahon, I found myself stalled near the checkout at D’Agostino’s supermarket, looking at the tabloids and magazines that are always displayed where women in slow-moving lines are the most vulnerable; and there, I saw, was the February issue of *New York Woman*. Among other topics listed on its cover (“Gay Women on Their Own Terms”; “Baryshnikov’s Perpetual Motion”) was: “What a Gynecologist Thinks.” (Another attack on women’s vulnerability?) I leafed through the magazine and found that article, which was titled: “The Gynecologist” (“Why does he do it? Does he think about sex when he does it? What’s his opinion of the women he does it to? And everything else you’ve ever wanted to know.”) I suspected that in the “and everything else you’ve ever wanted to know” part there might be something about abortion, so—for professional reasons, of course—I plopped *New York Woman* in the cart (atop my President’s Choice Decadent Chocolate Chip Cookies) and went home to read all about the popular Dr. Thomas Kerenyi of famous Mount Sinai Hospital here on Manhattan’s Fifth Avenue.

I was still thinking about Dr. McMahon when I read about Dr. Kerenyi. “A Tale of Two Doctors” began to write itself in the back of my mind. Would the two heroes differ on abortion? Yes, up to a point: Dr. McMahon had given up obstetrics because delivering babies *and* aborting them was too much of a roller-coaster ride; Dr. Kerenyi somehow puts up with it, even though he thinks of abortion as “the true downside” of his work—especially the second-trimester ones, where “the procedure is so unpleasant.” But he’d be a hypocrite, he says, if he refused to do abortions: he believes

that abortion is a legitimate part of medicine and should be performed by skilled physicians “in the mainstream of practice”—and you have to take the good with the bad—a woman’s right to make decisions about her own body is absolute. Every child should be a planned one.

Dr. Kerenyi came to America from his native Hungary in 1956. In medical school at Cornell, he ruled out internal medicine (too “cerebral”) and psychiatry (“all talk, no action”) and decided on surgery, within which ob/gyn was his “obvious” choice:

The instant gratification of obstetrics, the variety, the dynamic sense of things moving on, all of it plays well to his restlessness. It also revs his ego: He believes his personal intervention really makes a difference in people’s lives. That feeling of power helps to compensate for a lifetime of interrupted sleep.

Furthermore, he likes *women*, and “New York women particularly appeal to him, because they’re assertive about their right to information.”

Many ob/gyns, when they reach his age (he *looks* fortyish) think about retiring from the “ob” part, which involves all those erratic hours; they want more time with their own families, etc. But those things don’t bother Kerenyi so much as other things like senseless hospital rules, burdensome paperwork, and the spectre of malpractice suits. He remembers, from his residency, the traumatic results of illegal abortions; now he is “aggravated” because “he sees the pendulum swinging back, the antiabortion forces gaining ground.” In the late 1970s, when he was head of obstetrics at Mount Sinai, he insisted on a designated area for performing abortions—away from the labor floor—so women coping with the pain of ending up with “nothing” wouldn’t hear new mothers “cooing to their babies on the other side of the curtain.” Nevertheless, it strikes him as a ridiculous and unnecessary euphemism that today the abortion unit at Mount Sinai is known as the Pregnancy Interruption Service. He fears that this unit will eventually begin to disappear “until, of course, the daughter or niece of someone on the Mount Sinai staff needs an abortion, and suddenly there will be a protest: Why can’t we do it here?” If his private patients come to Mount Sinai for their deliveries, then why, he wonders, shouldn’t they be able to come for their abortions as well?

You can’t help but like Dr. Kerenyi’s looks: there’s a full page picture of him, at his desk in his Park Avenue office; there is another full-page picture of him examining the very pregnant part of a woman.

"On an average day, Dr. Kerenyi is visited by twenty-five to thirty patients." He's busy, all right. In articles about doctors, there is usually, near the beginning, a description of the doctor's surroundings (as in the article about Dr. McMahon)—his pleasant, cheerful office; his desk with photos of his children—and of the doctor as he goes-into-action on "a typical day." One of Dr. Kerenyi's associates will do abortions "only when absolutely necessary" within the first trimester: another does only *early* second-trimester abortions, so Dr. Kerenyi "gets stuck with the worst ones." He's got a *bad* one today, and it makes him *angry*: it's a teenager who is almost 23 weeks pregnant—one more week and, by law, she'd have to go to term. This kid, the doctor thinks, is putting her life in jeopardy because of "sheer ignorance"—hers, her parents', *someone's*. But on the other hand, why should she be forced to have a baby "when she is still a child herself"?

This anger, however, is *useful* because "it helps him to keep focused, for the same reason McEnroe singles out a judge to abuse—it gets the adrenalin pumping, it hones his performance to a knife edge." But that seems a wrong metaphor: this doctor's performance requires not a knife but forceps. "He doesn't think about what he's doing while he's doing it, or he'd get up and walk out of the room." Instead,

He's thinking: *you're taking an airplane apart*. With forceps and the strength of his arms he pulls, removing the fetus piece by piece, ticking them off to himself as he goes, the lungs, the bowels, the limbs, *this is an airplane and you're a mechanic*, his hands tired from squeezing and pulling, now just the big one, the head, he's got it, he expels his breath in one loud sigh, it's almost over . . .

It is not surprising that Dr. Kerenyi considers these late abortions to be "a grim and distressing business." He waxes nostalgic: "Once upon a time"—when the prostaglandin induction method was in vogue—"they were much more elegant." (*Elegant*?) In those days, the doctor simply injected the patient with saline or the prostaglandin drug and left, while the woman proceeded to go through from six to twenty-four hours of labor, after which she would "expel the fetus." For the nurses, left there to handle the patient and dispose of the aborted remains, it was not "elegant." Nor was it elegant for the woman who, after all the pain, might actually *see* the product: a dead baby. But this procedure offered the *doctor* "relative noninvolvement": one doctor told researchers that he still uses the

“noninvolvement” method because “Killing a baby is not a way I want to think about myself.”

Evidently lots of people have trouble thinking about “the procedure.” That Los Angeles *Times* article mentioned University of California researchers who, in 1979, surveyed some 250 second-trimester abortions and the reactions of doctors, patients, and even nurses. Here’s the description of what the “elegant” method produced:

The woman who went through a prostaglandin amnio abortion had a long and painful experience, which made it generally impossible for her to turn away from the reality of her choice. . . . Most of the amnio subjects described the product of labor as a “baby” and . . . found the unremitting quality of the labor pain more difficult than childbirth. Anger at the attending physician for being unavailable was prominent.

And the nurses? Well, six years ago several hospitals in the San Francisco Bay area began limiting second-trimester abortions because nurses were refusing “to attend the procedures.” The aborted fetuses, they said, looked too much like the “preemies” they were attending elsewhere.

The article informs us that these days the most frequently used second-trimester abortion procedure (less traumatic for women, the bloodiest and most unpleasant for the doctor) is dilation and evacuation, which is more comfortably referred to as the D & E. A day or so before this surgery, the woman’s cervix is dilated: she is under light anaesthesia for the actual procedure and so has little sense of what is going on as the fetus is dismembered inside her and pulled out with forceps (*pretend you’re an airplane mechanic*). Or, as *New York Woman* puts it (paraphrasing Dr. Kerenyi): “Fifteen minutes or so of Demerol-induced oblivion and that’s it.” This method has been called a “Godsend” for the patient: for the doctor, it is—well, “grim and distressing.”

The woman may go into post-abortion trauma later; the doctor—even one skilled in fantasizing—may suffer *immediate* post-abortion trauma: the cause of death for an aborted fetus sounds like a pathologist’s report on an accident or violent-crime victim, as Dr. Steven F. Seidman wrote in this journal (*Winter*, 1989):

The cause of death? Multiple blunt instrument trauma to the body, profound blood loss, massive intra-cranial hemorrhage and depressed skull fracture, laceration of the liver, ruptured spleen, lung collapse, profound shock.

By the way, *New York Woman* knew its readers would be happy to learn that for Dr. Kerenyi “Making love has not been a problem:

his instincts take over; he doesn't have to keep thinking *body parts*." Or airplane parts either, presumably.

But now back to Dr. McMahon, that clever craftsman, who "as more and more doctors are withdrawing from doing abortions" has "forged ahead, developing new techniques." He calls one such technique the "intrauterine cranial decompression," explaining that "I want to deal with the head last, because that's the biggest problem." Rather than dismembering the fetus and pulling the parts out with forceps, he *arranges* it so he can remove it feet-first. Before the skull emerges he "collapses" it by inserting a special instrument that extracts the fluid; by keeping the fetus intact he "runs less risk of internal injury to the woman." I was telling my husband about that and it reminded him of something he'd clipped from *The Economist* last November:

A single quotation can help to give the Nazis' tone. Before they had discovered the virtues of Zyklon-B cyanide gas, they used the exhaust gas from lorries to kill their victims. A technical report of June 1942 read: "Since October 1941 . . . 97,000 were processed in the three trucks in use *without any faults appearing in the vehicles*." [Emphasis mine.]

After Dr. McMahon told his interviewer that he wanted to deal with the head last, because that's the biggest problem, he added this: "From my point of view, the fetus is a potential problem to the patient." So—in this Tale of Two Doctors—we have one who thinks about airplane parts and another who takes pride in demolishing the "problem" while keeping the vehicle intact.

"Science," we read in the Los Angeles *Times Magazine*, "has come far enough to leave some doctors increasingly leery of later abortions," and the article mentions one prominent doctor who has suggested that physicians "voluntarily" limit themselves to doing abortions no later than 22 weeks. Phillip Stubblefield, chief of ob/gyn at Maine Medical Center in Portland, and a former President of the National Abortion Federation ("an organization of providers") admits that he "personally" finds it difficult and painful to do an abortion in the latter part of the second trimester: "There is the feeling that one is close to viability, and this is something that at some point is wrong."

That point, Daniel Callahan believes, lies somewhere in the second trimester, between 12 and 24 weeks. Callahan is director of the Hastings Center, a New York medical-ethical research institute. He is also quoted in that article: "As much as I would prefer to avert my moral gaze," he writes, "a late abortion forces me to confront

the reality of abortion and my own incompletely suppressed doubts.” And he “suspects” that:

for all but a small minority of those who, like myself, count themselves on the pro-choice side in the abortion debate, the matter of late abortions cannot help triggering distress. It stretches our commitment to the breaking point . . . at some point, the fetus does gain moral standing, and at that point its rights take precedence over the right of a woman to destroy it.

But Anne Walshe, the “blunt-spoken” administrator of a Manhattan abortion clinic (she won’t say which one, just that it does as many as 16,000 abortions a year, of which at *least* half are performed during the second trimester) shows little patience for the idea that a late abortion somehow poses a more difficult moral judgment: “What’s the difference? Abortion is abortion.”

“What is it like for you, performing abortions?” Sue Nathanson asked the doctor when they were scheduling hers. She had noticed the baby picture on his desk. Said the doctor: “Before I had my son I didn’t think about it very much. I just learned how to perform them and carried out the procedure. But now that I have my son, it’s gotten harder for me. The unborn child seems more real. But my job is to help my patient, and it’s the woman who is my patient.”

Sue Nathanson—psychologist, wife of a lawyer, mother of three children—is the author of a book about her post-abortion trauma, *Soul Crisis*. The various research groups who are trying to prove that *if* there is such a thing as post-abortion syndrome it is *curable* would do well to read her book. So would Dr. McMahon.

I wonder what Sue Nathanson would make of his “frankly thinking” that “the soul or personage comes in when the fetus is accepted by the mother”? She does not bother with the word “fetus”: she knew that she was “physically and psychologically merged with another life” from “the beginning.” In fact, “I knew exactly when I conceived this child-not-to-be. It was that Tuesday . . .”

So it seems her post-abortion trauma really began *before* the abortion. And she was *doubly* traumatized when she had a tubal ligation; she had scheduled this for as soon as possible after the abortion, because she was afraid that if she had another unplanned pregnancy “the awesome, primal power of the longing to have a baby would combine with a yearning to fill the void created by the loss of my fourth child.” She knew she could not again choose to bear “the suffering that accompanied my abortion.” Though she had made “the best, most rational choice I could” she was unprepared for “the anguish

to which the sudden, surgical loss of my fertility would give rise.”

If post-abortion and post-fertility trauma could be measured on the Richter Scale, hers was not a mere 5.5 rumble but a San Francisco earthquake: “My abortion shattered the frame that gave life its meaning.” She had expected aftershocks, but not of such magnitude; the depth of her sorrow and the intensity of her anguish drove her to the brink of suicide. Because much of her book comes from the private journal she kept, there is a lot in the present tense: she feels

indescribable guilt over having taken the life of my child, rage at myself for allowing this child to be stripped from my body, and a barely tolerable self-loathing for my mutilated and sterile body overtakes me in a great tidal wave. . . . The inner torment is so unbearable to me that the only peaceful state I can imagine is death . . . I can find no resting place. I have no inner center of peace and calm to which I can retreat. . . . There is only the anguish, the torment, the shredded remains of my annihilated child, my Self the murderer . . . I have chosen to annihilate a life I cherished, and now I want to annihilate myself . . . I am a Frankenstein who has transformed myself into a monster that will not die.

You don’t have to read far into the book to realize that Sue Nathanson was the worst possible candidate for an abortion. Not only was she already a mother, she was the most ecstatic, “nurturing” mother anyone could imagine: discomforts of pregnancy, pains of childbirth, sleepless nights—all the things most mothers just *accept* were positively and joyfully *embraced* by Nathanson. And few women have written such paeans of praise to *fertility*: how “filled with pride” she had always been about “my female body and its awesome power to produce life. . . . mothering, like hunger, is a primordial instinct that begins to function automatically at conception . . .” You want to yell: Stop! Don’t have the abortion!

So why did she have it? Well, Good Mother Sue was also a wife, and her husband made it “absolutely clear” that he didn’t want a fourth child. There were his health problems, and financial worries and it might actually *kill* him to take care of another child. Her “wish to have this unborn, though very alive, fourth child is so strong it is palpable.” But she could not “act upon my wish alone.” The baby was growing in *her* body, not Michael’s, and “this physical fact renders me all at once the judge, the jury, and the lawyers representing both sides. . . . I will keep that window in the firmament closed to my fourth child; I will not let it enter this world.”

But she was “committed to life, not death.” How could she find

a way to accept the loss of her fourth child, and then the abrupt loss of her fertility? How could she live with herself “after choosing to deny life to the fourth child I had already begun to protect and nurture?”—and how, she wondered, can women, who are by nature the protectors and nurturers of the unborn, “commit infanticide and still live with themselves?”

A “Soul-Crisis,” she explains, is her name for “an experience that consists of much more than an intense emotional reaction to loss and trauma. It involves the shattering of one’s beliefs about oneself and one’s life into fragments that cannot be put back together again in exactly the same way.”

Getting put back together again involved a long, tortuous and torturous process. Eventually Nathanson the psychotherapist had to take charge of Nathanson the grieving mother, to bring about a reconciliation. What was essential was to discover new concepts. If the perpetrator and the victim were to coexist in one body, what had to be seen and understood was “the terrible choice of abortion” as *sacrifice* rather than *murder*.

The “psychological path to wholeness” did have a “spiritual” element: not God, but goddesses—the Sumerian ones, the Great Mother Goddess, the Moon Goddess (it seems the “growing literature” about Goddess-based religion and its symbols is very “in” these days)—and Nathanson claims her research into ancient mythology and rituals somehow helped her to “wrest meaning from suffering.” And also to become a more effective psychotherapist: many of her clients have also had abortions and suffer psychological hang-ups about being murderers.

Soul Crisis is not a How-To book about recovering from post-abortion trauma: it’s about “the psychological tasks” Sue Nathanson faced in “working with my suffering” and “completing the work of restoration” which took “years of psychological effort” on her part. The book’s subtitle is *One Woman’s Journey through Abortion to Renewal*. But basically, *Soul Crisis* is the story of Sue Nathanson’s struggle to coexist with her forever-absent but ever-present fourth child, whom she never lets the reader forget: its ghostlike presence fills the entire book.

When you read about “beleaguered” abortionists as heroes and late-term abortionists as craftsmen, and ob/gyns who turn into airplane mechanics when they do abortions, you tend to wonder if there are any abortionists who turn back into *doctors*—the old-fashioned

healing kind, whose concern for their patients extends into the future—who might even advise *against* a medical procedure that could adversely affect the patient's mental stability. There are doctors who will perform abortions only if the life of the mother is in danger: are there any who will not do them to save the mother's sanity? If there *are* any such doctors, it's a pity Sue Nathanson didn't have one.

But of course soul-crises are not the concern of abortionists. Give craftsman-abortionist McMahon credit, though: he believes in the existence of the *soul*. It's what "comes in" when the fetus is accepted by the mother. Now since his "expertise" is in "the abortions of last resort," the late ones, his patients are (presumably) women who have been, for whatever reason, carrying non-accepted, soul-less, non-persons for many weeks. But what if Dr. McMahon, with all his tools ready and his patient on the table, were suddenly to be confronted by a woman announcing: "I have just accepted this fetus!" Would the doctor then "frankly think" that the fetus had instantaneously turned into a baby (with a soul?) Would he then put his tools away? (And if so, would he give his patient a refund?)

Back at Mt. Sinai Hospital, it is Friday and Dr. Kerenyi wants to speed up his last delivery so he can get out of town for the weekend. But his patient doesn't want him to increase the IV drip because she knows that Pitocin-induced contractions are more painful than normal ones, and so she asks for only the most gradual increase of the drug. The doctor is irritated, but thinks it's not fair to tell her this is silly—can't you suffer one little hour for me? He offered her an option, and so he can't refuse her choice. Even if he thinks she's making the wrong decision, he has to remind himself that *he* is not the one who's feeling what she's feeling. "He can't know what she's going through. . . . For that, he will always be grateful."

With late-term abortions, one big worry is that the baby will *survive*. This can get the doctor into a lot of trouble. But it doesn't happen as often as it used to, and anyway Dr. James McMahon, that master craftsman, doesn't have to worry: his method ensures that there will be no "live birth." And as he goes in with his three-millimeter instrument to collapse the baby's skull, McMahon feels no pain—physical *or* moral. Perhaps the ex-Altar Boy too will always be grateful for that. Then again, perhaps not.

Death With Dignity & the Sanctity of Life

Leon R. Kass

“CALL NO MAN HAPPY until he is dead.” With these deliberately paradoxical words, the ancient Athenian sage Solon reminds the self-satisfied Croesus of the perils of fortune and the need to see the end of a life before pronouncing on its happiness. Even the richest man on earth has little control over his fate. The unpredictability of human life is an old story; many a once-flourishing life has ended in years of debility, dependence, and disgrace. But today, it seems, the problems of the ends of lives are more acute, a consequence, ironically, of successful—or partly successful—human efforts to do battle with fortune and, in particular, to roll back medically the causes of death. While many look forward to further triumphs in the war against mortality, others here and now want to exercise greater control over the end of life, by electing death to avoid the burdens of lingering on. The failures resulting from the fight against fate are to be resolved by taking fate still further into our own hands.

This is no joking matter. Nor are the questions it raises academic. They emerge, insistently and urgently, from poignant human situations, occurring daily in hospitals and nursing homes, as patients and families and physicians are compelled to decide matters of life and death, often in the face only of unattractive, even horrible, alternatives. Shall I allow the doctors to put a feeding tube into my eighty-five-year-old mother, who is unable to swallow as a result of a stroke? Now that it is inserted and she is not recovering, may I have it removed? When would it be right to remove a respirator, forgo renal dialysis, bypass life-saving surgery, or omit giving antibiotics for pneumonia? When in the course of my own progressive dementia will it be right for my children to put me into a home or for me to ask my doctor or my wife or my daughter for a lethal injection? When, if ever, should I as a physician or husband or son accede to—or be forgiven for acceding to—such a request?

These dilemmas can be multiplied indefinitely, and their human

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significance is hard to capture in words. For one thing, posing them as well-defined problems to be solved abstracts from the full human picture, and ignores such matters as the relations between the generations, the meaning of old age, attitudes toward mortality, religious faith, economic resources, and the like. Also, speech does not begin to convey the anguish and heartache felt by those who concretely confront such terrible decisions, nor can it do much to aid and comfort them. No amount of philosophizing is going to substitute for discernment, compassion, courage, sobriety, tact, thoughtfulness, or prudence, all needed on the spot.

Yet the attitudes, sentiments, and judgments of human agents on the spot are influenced, often unwittingly, by speech and opinion, and by the terms in which we formulate our concerns. Some speech may illuminate, other speech may distort; some terms may be more or less appropriate to the matter at hand. About death and dying, once subjects treated with decorous or superstitious silence, there is today an abundance of talk—not to say indecorous chatter. Moreover, this talk frequently proceeds under the aegis of certain increasingly accepted terminologies, which are, in my view, both questionable in themselves and dangerous in their influence. As a result, we are producing a recipe for disaster: urgent difficulties, great human anguish, and high emotions, stirred up with inadequate thinking. We have no choice but to reflect on our speech and terminology.

Let me illustrate the power—and the possible mischief—of one notion currently in vogue: the notion of rights. It is now fashionable, in many aspects of public life, to demand what one wants or needs as a matter of rights. How to do the right thing gets translated into a right to get or do your own thing. Thus, roughly two decades ago, faced with the unwelcome fact of excessive medical efforts to forestall death, people asserted and won a right to refuse life-prolonging treatment found to be useless or burdensome. This was, in fact, a reaffirmation of the right to life, liberty, and the pursuit of happiness, even in the face of imminent death. It enabled dying patients to live as they wished, free of unwelcome intrusions, and to let death come when it would. Today, the demand has been raised: we find people asserting a “right to die,” grounded not in objective conditions regarding prognosis or the uselessness of treatment, but in the supremacy of choice itself. In the name of choice people claim the right to choose to cease to be choosing beings. From such a right to refuse not only treatment but life itself—from a right to become dead—

it is then a small step to the right to be *made* dead: from my right to die will follow your duty to assist me in dying, i.e., to become the agent of my death, if I am not able, or do not wish, to kill myself. And, thanks to our egalitarian tendencies, it will continue to be an easy step to extend all these rights even to those who are incapable of claiming or exercising them for themselves, with proxies empowered to exercise a right to demand death for the comatose.¹ No one bothers very much about where these putative rights come from or what makes them right, and simple reflection will show that many of them are incoherent.

Comparable mischief can, of course, be done beginning with the notion of duty. From the acknowledged human duty not to shed innocent blood follows the public duty to protect life against those who would threaten it. This gets extended to a duty to preserve life in the face of disease or other non-human dangers to life. This gets extended to a duty to prolong life whenever possible, regardless of the condition of that life or the wishes of its bearer. This gets extended to an unconditional duty never to let death happen, if it is in one's power to do so. This position, sometimes alleged—I think mistakenly—to be entailed by belief in the “sanctity of life,” could even make obligatory a search for the conquest of death altogether, through research on aging. Do we have such duties? On what do they rest? And can such a duty to prevent death—or a right to life—be squared with a right to be made dead? Is not this intransigent language of rights and duties unsuitable for finding the best course of action, in these terribly ambiguous and weighty matters? We must try to become more thoughtful about the terms we use and the questions we pose.

Toward this end I wish to explore here the relation between two other powerful notions, both prominent in the discussions regarding the end of life: death with dignity, and the sanctity of life. Both convey elevated, indeed lofty, ideas: what, after all, could be higher than human dignity, unless it were something sacred? As a result, each phrase often functions as a slogan or a rallying cry, though seldom with any regard for its meaning or ground. In the current debates about euthanasia, we are often told that these notions pull in opposite directions. Upholding death with dignity might mean taking actions that would seem to deny the sanctity of life. Conversely, unswervingly upholding the sanctity of life might mean denying to some a dignified death. This implied opposition is, for many of us,

very disquieting. The dilemmas themselves are bad enough. Much worse is it to contemplate that human dignity and sanctity might be opposed, and that we may be forced to choose between them.²

The confrontation between upholders of death with dignity and upholders of the sanctity of life is in fact nothing new. Two decades ago, the contest was over the termination of treatment and letting die. Today and tomorrow, the issue is and will be assisted suicide, mercy killing, so-called active euthanasia. On the extremes stand the same opponents, many of whom—I think mistakenly—think the issues are the same. Many who now oppose mercy killing or voluntary euthanasia then opposed termination of treatment, thinking it equivalent to killing. Those who today back mercy killing in fact agree: if it is permissible to choose death by letting die, they argue, why not also by active steps to hasten, humanely, the desired death? Failing to distinguish between letting die and making dead (by failing to distinguish between intentions and deeds, causes and results, goals and outcomes), both sides polarize the debate, opposing not only one another but also those in the uncomfortable middle. For them, it is *either* sanctity of life *or* death with dignity: one must choose.

I do not accept this polarization. Indeed, in the rest of this essay I mean to suggest the following. First, human dignity and the sanctity of life are not only compatible, but, if rightly understood, go hand in hand. Second, death with dignity, rightly understood, has largely to do with exercising the humanity that makes life possible, often to the very end, and very little to do with medical procedures or the causes of death. Third, the sanctity-and-dignity of life is entirely compatible with letting die but not with deliberately killing. Finally, the practice of euthanasia will not promote human dignity, and our rush to embrace it will in fact only accelerate the various tendencies in our society that undermine not only dignified conduct but even decent human relations.

The Sanctity of Life (and Human Dignity)

What exactly is meant by the sanctity of life? This turns out to be difficult to say. In the strictest sense, sanctity of life would mean that life is *in itself* something holy or sacred, transcendent, set apart—like God Himself. Or, again, focusing on our responses to the sacred, it would mean that life is something before which we stand (or should stand) with reverence, awe, and grave respect—because it is beyond us and unfathomable. In more modest but also more practical terms,

to regard life as sacred means that it should not be violated, opposed, or destroyed, and, positively, that it should be protected, defended, and preserved. Despite their differences, these various formulations agree in this: that "sacredness," whatever it is, inheres in life itself, and that life, *by its very being*, calls forth an appropriate human response, whether of veneration or restraint. To say that sacredness is something that can be conferred or ascribed—by solely human agreement or decision is to miss the point entirely.

I have made a modest and so far unsuccessful effort to trace the origin of the sanctity-of-life doctrine in our own Judeo-Christian traditions. To the best of my knowledge, the phrase "sanctity of life" does not occur either in the Hebrew Bible or in the New Testament. Life as such is not said to be holy (*qâdosh*), as is, for example, the Sabbath. The Jewish people are said to be a holy people, and they are enjoined to be holy as God is holy. True, traditional Judaism places great emphasis on preserving human life—even the holy Sabbath may be violated to save a life, implying to some that a human life is more to be revered than the Sabbath—yet the duty to preserve one's life is not unconditional: to cite only one example, a Jew should accept martyrdom rather than commit idolatry, adultery, or murder.

As murder is the most direct assault on human life and the most explicit denial of its sanctity, perhaps we gain some access to the meaning of the sanctity of life by thinking about why murder is proscribed. If we would uncover the ground of restraint against murder, perhaps we could learn something of the nature of the sanctity of life, and, perhaps, too, of its relation to human dignity. As a result, we might be in a better position to consider the propriety of letting die, of euthanasia, and of other activities advocated by the adherents of "death with dignity."

Why is killing another human being wrong? Can the prospective victim's request to be killed nullify the wrongness of such killing, or, what is more, make such killing right? Alternatively, are there specifiable states or conditions of a human being's life that would justify—or excuse—someone else's directly and intentionally making him dead, even *without* request? The first question asks about murder, the second and third ask whether assisting suicide and mercy killing (so-called active euthanasia) can and should be morally distinguished from murder. The answers regarding assisting suicide and euthanasia will depend on the answer regarding murder, that is, on the *reasons* it is wrong.³

Why is murder wrong? The laws against murder are, of course, socially useful. Though murders still occur, despite the proscriptive law and the threat of punishment, civil society is possible only because people generally accept and abide by the reasonableness of this rule. In exchange for society's protection of one's own life against those who might otherwise take it away, each member of society sacrifices, in principle, his (natural) right to the lives of all others. Civil society requires peace, and civil peace depends absolutely on the widespread adherence to the maxim, "Thou shalt not murder." This usefulness of the taboo against murder is sometimes offered as the basis of its goodness: killing is bad because it makes life unsafe and society impossible.

But this alone cannot account for the taboo against murder. In fact, the goodness of civil society is itself predicated upon the goodness of human life, which society is instituted to defend and foster. Civil society exists to defend the goods implicit in the taboo against murder, at least as much as the taboo against murder is useful in preserving civil society.

However valuable any life may be to society, each life is primarily and preeminently valued by the person whose life it is. Individuals strive to stay alive, both consciously and unconsciously. The living body, quite on its own, bends every effort to maintain its living existence. The built-in impulses toward self-preservation and individual well-being that penetrate our consciousness, say, as hunger or fear of death, are manifestations of a deep-seated and powerful will-to-live. These thoughts might suggest that murder is wrong because it opposes this will-to-live, because it deprives another of life against his will, because it kills someone who does not *want* to die. This sort of reason would explain why suicide—self-willed self-killing—might be right, while murder—killing an innocent person against his will—would always be wrong.

Let us consider this view more closely. Certainly, there are some invasions or "violations" of another's body that are made innocent by consent. Blows struck in a boxing match or on the football field do not constitute assault; conversely, an unwelcome kiss from a stranger, because it is an unconsented touching, constitutes a battery, actionable at law. In these cases, the willingness or unwillingness of the "victim" alone determines the rightness or wrongness of the bodily blows. Similar arguments are today used to explain the wrongness of rape: it is "against our wills," a violation not (as we once thought)

of womanliness or chastity or nature but of freedom, autonomy, personal self-determination. If consent excuses—or even justifies—these “attacks” on the body of another, might not consent excuse—or justify—the ultimate, i.e., lethal, attack, turning murder into mere (unwrongful) homicide? A person can be murdered only if he personally does not want to be dead.

There is something obviously troublesome about this way of thinking about crimes against persons. Indeed, the most abominable practices, proscribed in virtually all societies, are *not* excused by consent. Incest, even between consenting adults, is still incest; cannibalism would not become merely *delicatessen* if the victim freely gave permission; ownership of human beings, voluntarily accepted, would still be slavery. The violation of the other is independent of the state of the will (in fact, both of victim and perpetrator).

The question can be put this way: is the life of another human being to be respected only because that person (or society) *deems* or *wills* it respectable, or is it to be respected because it *is in itself* respectable? If the former, then human worth depends solely on agreement or human will; since will confers dignity, will can take it away, and a permission to violate nullifies the violation. If the latter, then one can never be freed from the obligation to respect human life by a request to do so, say, from someone who no longer values his own life.

This latter view squares best with our intuitions. We are not entitled to dismember the corpse of a suicide nor may we kill innocently those consumed by self-hatred. According to our law, killing the willing, the unwilling, and the non-willing (e.g., infants, the comatose) are all equally murder. Beneath the human will, indeed, the *ground* of human will, is something that commands respect and restraint, willy-nilly. We are to abstain from killing because of something respectable about human beings as such. But what is it?

In Western societies, moral notions trace back to biblical religion. The bedrock of Jewish and Christian morality is the Ten Commandments. “Thou shalt not murder”—the sixth commandment—heads up the so-called second table, which enunciates (negatively) duties toward one’s fellow man. From this fact, some people have argued that murder is wrong solely because God said so. After all, that He had to legislate against it might imply that human beings on their own did not know that it was bad or wrong. And even were they to intuit *that* murder is wrong, they might never be able to

answer, if challenged, *why* it is wrong; this human inability to supply the reason would threaten the power of the taboo. Thus, so the argument goes, God's will supplies the missing reason for the human rule.

This argument is not satisfactory. True, divine authority elevates the standing and force of the commandments. But it does not follow that they "make sense" only because God willed them. Pagans yesterday believed and atheists today still believe that murder is wrong. In fact, the entire second table of the Decalogue is said to propound not so much divine law as natural law, law suitable for man as man, not only for Jew or Christian.

The Bible itself provides evidence in support of this interpretation, at least about murder. In reporting the first murder, committed by Cain upon his brother Abel before there was any given or known law against it, Abel's blood is said to cry out from the earth in protest against his brother's deed. (The crime, it seems, was a crime against blood and life, not against will, human or divine.) And Cain's denial of knowledge ("Am I my brother's keeper?") seems a clear indication of guilt: if there were nothing wrong with murder, why hide one's responsibility? A "proto-religious" dread accompanies the encounter with death, especially violent death.

But the best evidence comes shortly afterward, in the story of the covenant with Noah: the first law against murder is explicitly promulgated for all mankind united, well before there are Jews or Christians or Muslims. This passage is worth looking at in some detail because, unlike the enunciation of the sixth commandment, it offers a specific reason why murder is wrong.⁴

The prohibition of murder is part of the new order following the Flood. Before the Flood, human beings lived in the absence of law or civil society. The result appears to be something like what Hobbes called the state of nature characterized as a condition of war of each against all. Might alone makes right, and no one is safe. The Flood washes out human life in its natural state; immediately after the Flood, some form of law and justice is instituted, and nascent civil society is founded.

At the forefront of the new order is a newly articulated respect for human life,⁵ expressed in the announcement of the punishment for homicide:

Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made He man. [Genesis 9:6]

Like law in general, this cardinal law combines speech and force. The threat of capital punishment stands as a deterrent to murder and hence provides a motive for obedience. But the measure of the punishment is instructive. By equating a life for a life—*no more* than a life for a life, and the life only of the murderer, not also of his wife and children—the threatened punishment implicitly teaches the *equal* worth of each human life. Such equality can be grounded only in the equal *humanity* of each human being. Against our own native self-preference, and against our tendency to overvalue what is our own, blood-for-blood conveys the message of universality and equality.

But murder is to be avoided not only to avoid the punishment. That may be a motive, which speaks to our fears; but there is also a reason, which speaks to our minds and our loftier sentiments. The fundamental reason that makes murder wrong—and that even justifies punishing it homicidally!—is man's divine-like status.⁶ Not the other fellow's unwillingness to be killed, not even (or only) our desire to avoid sharing his fate, but *his*—any man's—*very being* requires that we respect his life. Human life is to be respected more than animal life, because man is more than an animal; man is said to be god-like. Please note that the *truth* of the Bible's assertion does *not* rest on biblical authority: man's more-than-animal status is in fact performatively proved whenever human beings quit the state of nature and set up life under such a law. The law which establishes that men are to be law-abiding both insists on, and thereby demonstrates the truth of, the superiority of man.

How is man God-like? Genesis 1—where it is first said that man is created in God's image—introduces us to the divine *activities* and *powers*: (1) God speaks, commands, names, and blesses; (2) God makes and makes freely; (3) God looks at and beholds the world; (4) God is concerned with the goodness or perfection of things; (5) God addresses solicitously other living creatures. In short: God exercises speech and reason, freedom in doing and making, and the powers of contemplation, judgment, and care.

Doubters may wonder whether this is truly the case about God—after all, it is only on biblical authority that we regard God as possessing these powers and activities. But it is certain that we human beings have them, and that they lift us above the plane of a merely animal existence. Human beings, alone among the earthly creatures, speak, plan, create, contemplate, and judge. Human beings, alone among

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the creatures, can articulate a future goal and bring it into being by their own purposive conduct. Human beings, alone among the creatures, can think about the whole, marvel at its articulated order, and feel awe in beholding its grandeur and in pondering the mystery of its source.

A complementary, preeminently moral, gloss on the “image of God” is provided—quite explicitly—in Genesis 3, at the end of the so-called second creation story:

Now the man is become *like one of us* knowing good and bad. . . . [3:22; emphasis added]⁷

Human beings, unlike the other animals, distinguish good and bad, have opinions and care about their difference, and constitute their whole life in the light of this distinction. Animals may suffer good and bad, but they have no notion of either. Indeed, the very pronouncement, “Murder is bad,” constitutes proof of *this* god-like quality of human beings.

In sum, man has special standing because he shares in reason, freedom, judgment, and moral concern, and, as a result, lives a life freighted with moral self-consciousness. Speech and freedom are used, among other things, to promulgate moral rules and to pass moral judgments, first among which is that murder is to be punished in kind because it violates the dignity of such a moral being. We note a crucial implication. To put it simply: the *sanctity* of human life rests absolutely on the *dignity*—the god-like-ness—of human beings.

Yet man is, at most, only *godly*; he is not God or a god. To be an image is also to be *different* from that of which one is an image. Man is, at most, a *mere* likeness of God. With us, the seemingly godly powers and concerns described above occur conjoined with our animality. We are also flesh and blood—no less than the other animals. God’s image is tied to blood, which is the life.

The point is crucial, and stands apart from the text that teaches it: everything high about human life—thinking, judging, loving, willing, acting—depends absolutely on everything low—metabolism, digestion, respiration, circulation, excretion. In the case of human beings, “divinity” needs blood—or “mere” life—to sustain itself. And because of what it holds up, human blood—that is, human life—deserves special respect, beyond what is owed to life as such: the low ceases to be the low. (Modern physiological evidence could be adduced in support

of this thesis: in human beings, posture, gestalt, respiration, sexuality, and fetal and infant developments, among other things, all show the marks of the co-presence of rationality.) The biblical text elegantly mirrors this truth about its subject, subtly merging both high and low: though the *reason* given for punishing murder concerns man's *godliness*, the *injunction* itself concerns man's *blood*. Respect the god-like; do not shed its blood! Respect for anything *human* requires respecting *everything* human, requires respecting *human being* as such.

We have found, I believe, what we were searching for: a reason immanent in the nature of things for finding fault with taking human life, apart from the needs of society or the will of the victim. The wanton spilling of human blood is a violation and a desecration, not only of our laws and wills but of being itself.

We have also found the ground for repudiating the opposition between the sanctity of life and human dignity. Each rests on the other. Or, rather, they are mutually implicated, as inseparable as the concave and the convex. Those who seek to pull them apart are, I submit, also engaged in wanton, albeit intellectual, violence.

Unfortunately, the matter cannot simply rest here. Though the principle seems well established, there is a difficulty, raised in fact by the text itself. How can one assert the inviolability of human life and, in the same breath, insist that human beings deliberately *take* human life to punish those who shed human blood?⁸ There are, it seems, sometimes good reasons for shedding human blood, notwithstanding that man is in God's image. We have admitted the dangerous principle: humanity, to uphold the dignity of the human, must sometimes shed human blood.

Bringing this new principle to the case of euthanasia, we face the following challenge to the prior, and more fundamental, principle, shed no human blood: what are we to think when the continuing circulation of human blood no longer holds up anything very high, when it holds up little more—or even *no* more—than metabolism, digestion, respiration, circulation, and excretion? What if human godliness appears to be humiliated by the degradation of Alzheimer's disease or paraplegia or rampant malignancy? And what if it is the well-considered aspiration of the "godlike" to put an end to the humiliation of that very godliness, to halt the mockery that various severe debilities make of a *human* life? Are there here to be found

other exceptions to our rule against murder, in which the dignity of a human life can (only?) be respected by ending it?

The first thing to observe, of course, is that the cases of euthanasia (or suicide) and capital punishment are vastly different. One cannot by an act of euthanasia deter or correct or obtain justice from the “violator” of human dignity; senility and terminal illness are of natural origin and can be blamed on no human agent. To be precise, these evils may in their result undermine human dignity, but, lacking malevolent intention, cannot be said to insult it or deny it. They are reasons for sadness, not *indignation*, unless one believes, as the tyrant does, that the cosmos owes him good and not evil and exists to satisfy his every wish. Moreover, one does not come to the defense of diminished human dignity by finishing the job, by annihilating the victims. Human dignity would be no more vindicated by euthanizing patients with Alzheimer’s disease than it would be by executing as polluted the victims of rape.

Nevertheless, the question persists, and an affirmative answer remains the point of departure for the active euthanasia movement. Many who fly the banner of “death with dignity” insist that it centrally includes the option of active euthanasia, especially when requested. In order to respond more adequately to this challenge, we need first a more careful inquiry into “death with dignity.”

Death with Dignity

The phrase “death with dignity,” whatever it means precisely, certainly implies that there are more and less dignified ways to die. The demand for death with dignity arises only because more and more people are encountering in others and fearing for themselves or their loved ones the deaths of the less dignified sort. This point is indisputable. The possibility of dying with dignity can be diminished or undermined by many things, for example, by coma or senility or madness, by unbearable pain or extensive paralysis, by isolation, by institutionalization or destitution, by sudden death, as well as by excessive or impersonal medical interventions directed toward the postponement of death. It is the impediments connected with modern medicine that increasingly arouse indignation, and the demand for death with dignity pleads for the removal of these “unnatural” obstacles.

More generally, the demand for autonomy and the cry for dignity are asserted against a medicalization and institutionalization of the end of life that robs the old and the incurable of most of their autonomy

and dignity: intubated and electrified, with bizarre mechanical companions, confined and immobile, helpless and regimented, once proud and independent people find themselves cast in the roles of passive, obedient, highly disciplined children. Death with dignity means, in the first instance, the removal of these added indignities and dehumanizations of the end of life.

One can sympathize with this concern. Yet even if successful, efforts to remove these obstacles would not yet produce a death with dignity. For one thing, not all obstacles to dignity are artificial and externally imposed. Infirmary and incompetence, dementia and immobility—all of them of natural origins—greatly limit human possibility, and for many of us they will be sooner or later unavoidable, the products of inevitable bodily or mental decay. Second, there is nothing of human dignity in the process of dying itself—only in the way we face it: at its best, death with complete dignity will always be compromised by the extinction of dignified humanity; it is, I suspect, a death-denying culture's anger about dying and mortality that expresses itself in the partly oxymoronic and unreasonable demand for dignity in death. Third, insofar as we seek better health and longer life, insofar as we turn to doctors to help us get better, we necessarily and voluntarily compromise our dignity: being a patient rather than an agent is, humanly speaking, undignified. All people, especially the old, willingly, if unknowingly, accept a whole stable of indignities simply by seeking medical assistance. The really proud people refuse altogether to submit to doctors and hospitals. It is well to be reminded of these limits on our ability to roll back the indignities that assault the dying, so that we might acquire more realistic expectations about just how much dignity a "death-with-dignity" campaign can provide.

A death with positive dignity—which may turn out to be something rare, like a life with dignity—entails more than the absence of external indignities. Dignity in the face of death cannot be given or conferred from the outside but requires a dignity of soul in the human being who faces it. To understand the meaning of and prospects for death with dignity, we need first to think more about dignity itself, what it is.

Dignity is, to begin with, an undemocratic idea. The central notion, etymologically, both in English and in its Latin root (*dignitas*), is that of worthiness, elevation, honor, nobility, height—in short, of excellence or virtue. In all its meanings it is a term of distinction;

dignity is not something which, like a nose or a navel, is to be expected or found in every living human being. Dignity is, in principle, aristocratic.

It follows that dignity, thus understood, cannot be demanded or claimed; for it cannot be provided and it is not owed. One has no more *right* to dignity—and hence to dignity in death—than one has to beauty or courage or wisdom, desirable though these all may be.

One can, of course, seek to democratize the principle; one can argue that “excellence,” “being worthy,” is a property of all human beings, say, for example, in comparison with animals or plants, or with machines. This, I take it, is what is often meant by “*human* dignity.” This is also what is implied when one asserts that much of the terminal treatment of dying patients is dehumanizing, or that attachments to catheters, respirators, and suction tubes hide the countenance and thereby insult the dignity of the dying. I myself earlier argued that the special dignity of the human species, thus understood, is the ground of the sanctity of human life. Yet on further examination this universal attribution of dignity to human beings pays tribute more to human potentiality, to the *possibilities* for human excellence. *Full* dignity, or dignity properly so-called, would depend on the *realization* of these possibilities. *Among* human beings, there would still be, on any such material principle, distinctions to be made. If universal human dignity is grounded, for example, in the moral life, in that everyone faces and makes moral choices, dignity would seem to depend mainly on having a *good* moral life, that is, on choosing well. Is there not more dignity in the courageous than in the cowardly, in the moderate than in the self-indulgent, in the righteous than in the wicked?⁹

But courage, moderation, righteousness, and the other human virtues are not solely confined to the few. Many of us strive for them, with partial success, and still more of us do ourselves honor when we recognize and admire those people nobler and finer than ourselves. With proper models, proper rearing, and proper encouragement, many of us can be and act more in accord with our higher natures. In these ways, the openness to dignity can perhaps be democratized still further.

In truth, if we know how to look, we find evidence of human dignity all around us, in the valiant efforts ordinary people make to meet necessity, to combat adversity and disappointment, to provide for their children, to care for their parents, to help their neighbors,

to serve their country. Life provides numerous hard occasions that call for endurance and equanimity, generosity and kindness, courage and self-command. Adversity sometimes brings out the best in a man, and often shows best what he is made of. Confronting our own death—or the deaths of our beloved ones—provides an opportunity for the exercise of our humanity, for the great and small alike. Death with dignity, in its most important sense, would mean a dignified attitude and virtuous conduct in the face of death.

What would such a dignified facing of death require? First of all, it would require knowing that one is dying. One cannot attempt to settle accounts, make arrangements, complete projects, keep promises, or say farewell if one does not know the score. Second, it requires that one remain to some degree an agent rather than (just) a patient. One cannot make a good end of one's life if one is buffeted about by forces beyond one's control, if one is denied a decisive share in decisions about medical treatments, institutionalization, and the way to spend one's remaining time. Third, it requires the upkeep—as much as possible—of one's familial, social, and professional relationships and activities. One cannot function as an actor if one has been swept off the stage and been abandoned by the rest of the cast. It would also seem to require some direct, self-conscious confrontation, in the loneliness of one's soul, with the brute fact and meaning of nearing one's end. Even, or especially, as he must be passive to the forces of decay, the dignified human being can preserve and reaffirm his humanity by seeing clearly and without illusion.¹⁰ (It is for this reason, among others, that sudden and unexpected death, however painless, robs a man of the opportunity to have a dignified end.)

But as a dignified human life is not just a lonely project against an inevitable death, but a life whose meaning is entwined in human relationships, we must stress again the importance for a death with dignity—as for a life with dignity—of dignified human intercourse with all those around us. Who we are to ourselves is largely inseparable from who we are to and for others; thus, our own exercise of dignified humanity will depend crucially on continuing to receive respectful treatment from others. The manner in which we are addressed, what is said to us or in our presence, how our bodies are tended or our feelings regarded—in all these ways, our dignity in dying can be nourished and sustained. Dying people are all too easily reduced ahead of time to “thinghood” by those who cannot bear to deal

with the suffering or disability of those they love. Objectification and detachment are understandable defenses. Yet this withdrawal of contact, affection, and care is probably the greatest single cause of the dehumanization of dying. Death with dignity requires absolutely that the survivors treat the human being at all times as if full god-likeness remains, up to the very end.

It will, I hope, now be perfectly clear that death with dignity, understood as living dignifiedly in the face of death, is not a matter of pulling plugs or taking poison. To speak this way—and it is unfortunately common to speak this way¹¹—is to shrink still further the notion of human dignity, and thus heap still greater indignity upon the dying, beyond all the insults of illness and the medicalized bureaucratization of the end of life. If it really is death with dignity we are after, we must think in human and not technical terms. With these thoughts firmly in mind, we can turn in closing back to the matter of euthanasia.

Euthanasia: Undignified and Dangerous

Having followed the argument to this point, even a friendly reader might chide me as follows: “Well and good to think humanistically, but tough practical dilemmas arise, precisely about the use of techniques, and they must be addressed. Not everyone is so fortunate as to be able to die at home, in the company of a loving family, beyond the long reach of the medical-industrial complex. How should these technical decisions—about respirators and antibiotics and feeding tubes and, yes, even poison—be made, precisely in order to uphold human dignity and the sanctity of life that you say are so intermingled?” A fair question: I offer the following outline of an answer.

About treatment for the actually dying, there is in principle no difficulty. In my book, *Toward a More Natural Science*, I have argued for the primacy of easing pain and suffering, along with supporting and comforting speech, and, more to the point, the need to draw back from some efforts at prolongation of life that prolong or increase only the patient’s pain, discomfort, and suffering. Although I am mindful of the dangers and aware of the impossibility of writing explicit rules for ceasing treatment—hence the need for prudence—considerations of the individual’s health, activity, and state of mind must enter into decisions of *whether* and *how vigorously* to treat if the decision is indeed to be for the patient’s good. Ceasing treatment and allowing death to occur when (and if) it will, can, under some

circumstances, be quite compatible with the respect that life itself commands for itself. For life can be revered not only in its preservation, but also in the manner in which we allow a given life to reach its terminus.

What about so-called active euthanasia, the direct making dead of someone who is not yet dying or not dying “fast enough”? Elsewhere I have argued at great length against the practice of euthanasia *by physicians*, partly on the grounds of bad social consequences, but mainly on the grounds that killing patients—even those who ask for death—violates the inner meaning of the art of healing.¹² Powerful prudential arguments—unanswerable, in my view—have been advanced as to why legalized mercy killing would be a disastrous social policy, at least for the United States. But some will insist that social policy cannot remain deaf to cries for human dignity, and that dangers must be run to preserve a dignified death through euthanasia, at least where it is requested. As our theme here is dignity and sanctity, I will confine my answer to the question of euthanasia and human dignity.

Let us begin with voluntary euthanasia—the request for assistance in dying. To repeat: the claim here is that the choice for death, because a free act, affirms the dignity of free will against dumb necessity. Or, using my earlier formulation, is it not precisely dignified for the “god-like” to put a voluntary end to the humiliation of that very godliness?

In response, let me start with the following questions. Do the people who are actually contemplating euthanasia *for themselves*—as opposed to their proxies who lead the euthanasia movement—generally put their requests in these terms? Or are they not rather looking for a way to end their troubles and pains? One can *sympathize* with such a motive, out of compassion, but can one admire it, out of respect? Is it really *dignified* to seek to escape from troubles for oneself? Is there, to repeat, not more dignity in courage than in its absence?

Euthanasia for one’s own dignity is, at best, paradoxical, even self-contradictory: how can I honor myself by making myself nothing? Even if dignity were to consist solely in autonomy, is it not an embarrassment to claim that autonomy reaches its zenith precisely as it disappears? Voluntary euthanasia, in the name of *positive* dignity, does not make sense.

Acknowledging the paradox, some will still argue the cause of freedom on a more narrow ground: the prospect of euthanasia increases human freedom by increasing options. It is, of course, a long theoretical question whether human freedom is best understood—and best served—through the increase of possibilities. But as a practical matter, in the *present* case, I am certain that this view is mistaken. On the contrary, the opening up of this “option” of assisted suicide will greatly constrain human choice. For the choice for death is not one option among many, but an option to end all options. Socially, there will be great pressure on the aged and the vulnerable to exercise this option. Once there looms the legal alternative of euthanasia, it will plague and burden every decision made by any seriously ill elderly person—not to speak of their more powerful caretakers—even without the subtle hints and pressures applied to them by others.

And, thinking about others, is it dignified to ask or demand that someone else become my killer? It may be sad that one is unable to end one’s own life, but can it conduce to either party’s dignity to make the request? Consider its double meaning if made to a son or daughter: Do you love me so little as to force me to live on? Do you love me so little as to want me dead? What person in full possession of his own dignity would inflict such a duty on anyone he loved?

Of course, the whole thing could be made impersonal. No requests to family members, only to physicians. But precisely the same point applies: how can one demand care and humanity from one’s physician, and, at the same time, demand that he play the role of technical dispenser of death? To turn the matter over to non-physicians, that is, to technically-competent professional euthanizers, is, of course, completely to dehumanize the matter.¹³

Proponents of euthanasia do not understand human dignity, which, at best, they confuse with humaneness. One of their favorite arguments proves this point: why, they say, do we put animals out of their misery but insist on compelling fellow human beings to suffer to the bitter end? Why, if it is not a contradiction for the veterinarian, does the medical ethic absolutely rule out mercy killing? Is this not simply inhumane?

Perhaps inhumane, but not thereby inhuman. On the contrary, it is precisely because animals are not human that we must treat them (merely) humanely. We put dumb animals to sleep because they do not know that they are dying, because they can make nothing

of their misery or mortality, and, therefore, because they cannot live deliberately—i.e., humanly—in the face of their own suffering or dying. They cannot live out a fitting end. Compassion for their weakness and dumbness is our only appropriate emotion, and given our responsibility for their care and well-being, we do the only humane thing we can. But when a conscious human being asks us for death, by that very action he displays the presence of something that precludes our regarding him as a dumb animal. Humanity is owed humanity, not humaneness. Humanity is owed the bolstering of the human, even or especially in its dying moments, in resistance to the temptation to ignore its presence in the sight of suffering.

What humanity needs most in the face of evils is courage, the ability to stand against fear and pain and thoughts of nothingness. The deaths we most admire are those of people who, knowing that they are dying, face the fact frontally and act accordingly: they set their affairs in order, they arrange what could be final meetings with their loved ones, and yet, with strength of soul and a small reservoir of hope, they continue to live and work and love as much as they can for as long as they can. Because such conclusions of life require courage, they call for our encouragement—and for the many small speeches and deeds that shore up the human spirit against despair and defeat.

And what of non-voluntary euthanasia, for those too disabled to request it for themselves—the comatose, the senile, the psychotic: can this be said to be in the service of *their* human dignity? If dignity is, as the autonomy people say, tied crucially to consciousness and will, non-voluntary or “proxy-voluntary” euthanasia can never be a dignified act for the one euthanized. Indeed, it is precisely the absence of dignified humanity that invites the thought of active euthanasia in the first place.

Is it really true that such people are beneath all human dignity? I suppose it depends on the particulars. Many people in greatly reduced states still retain clear, even if partial, participation in human relations. They may respond to kind words or familiar music; they may keep up pride in their appearance or in the achievements of the grandchildren; they may take pleasure in reminiscences or simply in having someone who cares enough to be present; conversely, they may be irritated or hurt or sad, even appropriately so; and, even nearer bottom, they may be able to return a smile or a glance in response to a drink of water or a change of bedding or a bath. Because we really do

not know their inner life—what they feel and understand—we run the risk of robbing them of opportunities for dignity by treating them as if they had none. It does not follow from the fact that *we* would never willingly trade places with them that *they* have *nothing* left worth respecting.

But what, finally, about the very bottom of the line, say, people in a “persistent vegetative state,” unresponsive, contorted, with no evident ability to interact with the environment? What human dignity remains here? Why should we not treat such human beings as we (properly) treat dumb animals, and put them out of “their misery”¹⁴? I grant that one faces here the hardest case for the argument I am advancing. Yet one probably cannot be absolutely sure, even here, about the complete absence of inner life or awareness of their surroundings. In some cases, admittedly extremely rare, persons recover from profound coma (even with flat EEG); and they sometimes report having had partial yet vivid awareness of what was said and done to them, though they had given no external evidence of same. But beyond any restraint owing to ignorance, I would also myself be restrained by the human form, by *human blood*, and by what I owe to the full human life that this particular instance of humanity once lived. I would gladly stand aside and let die, say in the advent of pneumonia; I would do little beyond the minimum to sustain life; but I would not countenance the giving of lethal injections or the taking of other actions deliberately intending the patient’s death. Between only undignified courses of action, this strikes me as the least undignified—especially for myself.

I have no illusions that it is easy to live with a Karen Ann Quinlan or a Nancy Cruzan or the baby Linares. I think I sufficiently appreciate the anguish of their parents or their children, and the distortion of their lives and the lives of their families. I also know that, when hearts break and people can stand it no longer, mercy killing will happen, and I think we should be prepared to excuse it—as we generally do—when it occurs this way. But an excuse is not yet a justification, and very far from dignity.

What then should we conclude, as a matter of social policy? We should reject the counsel of those who, seeking to drive a wedge between human dignity and the sanctity of life, argue the need for active euthanasia, especially in the name of death with dignity. For it is precisely the setting of fixed limits on violating human life that makes possible our efforts at dignified relations with our fellow

men, especially when their neediness and disability try our patience. We will never be able to relate even decently to people if we are entitled always to consider that one option before us is to make them dead. Thus, when the advocates for euthanasia press us with the most heart-rending cases, we should be sympathetic but firm. Our response should be neither "Yes, for mercy's sake," nor "Murder! Unthinkable!" but "Sorry. No." Above all we must not allow ourselves to become self-deceived: we must never seek to relieve *our own* frustrations and bitterness over the lingering deaths of others by pretending that we can kill them to sustain *their dignity*.

Coda

The ancient Greeks knew about hubris and its tragic fate. We modern rationalists do not. We do not yet understand that the project for the conquest of death leads only to dehumanization, that any attempt to gain the tree of life by means of the tree of knowledge leads inevitably also to the hemlock, and that the utter rationalization of life under the banner of the will gives rise to a world in which the victors live long enough to finish life demented and without choice. The human curse is to discover only too late the evils latent in acquiring the goods we wish for.

Against the background of enormous medical success, terminal illness and incurable disease appear as failures and as affronts to human pride. We refuse to be caught resourceless. Thus, having adopted a largely technical approach to life and having medicalized so much of the end of life, we now are willing to contemplate a final technical solution for the evil of human finitude and for our own technical (but unavoidable) "failure," as well as for the degradations of life that are the unintended consequences of our technical successes. This is dangerous folly. People who care for autonomy and human dignity should try rather to reverse this dehumanization of the last stages of life, instead of giving dehumanization its final triumph by welcoming the desperate goodbye-to-all-that contained in one final plea for poison.

The present crisis that leads some to press for active euthanasia is really an opportunity to learn the limits of the medicalization of life and death and to recover an appreciation of living with and against mortality. It is an opportunity to remember and affirm that there remains a residual human wholeness—however precarious—that can be cared for even in the face of incurable and terminal

illness. Should we cave in, should we choose to become technical dispensers of death, we will not only be abandoning our loved ones and our duty to care; we will exacerbate the worst tendencies of modern life, embracing technicism and so-called humaneness where encouragement and humanity are both required and sorely lacking. On the other hand, should we hold fast, should we decline “the ethics of choice” and its deadly options, should we learn that finitude is no disgrace and that human dignity can be cared for to the very end, we may yet be able to stem the rising tide that threatens permanently to submerge the best hopes for human dignity.

NOTES

1. Precisely such a (constitutionally protected) right to become dead, claimed by proxies on behalf of a permanently comatose other, is being asserted in the *Cruzan* case, now under review by the United States Supreme Court.

2. Some people, in contrast, are delighted with this polarized framing of the question. For they see it as the conflict between a vigorous humanism and an anachronistic otherworldliness foisted upon the West by the Judeo-Christian tradition. For those who deny the sacred, it is desirable to represent the arguments against suicide or mercy killing (or abortion) as purely religious in character—there being in truth, on their view, nothing higher than human dignity. The chief proponent of the recent “Humane and Dignified Death Act” in California is reported to have said that he was seeking to “overturn the sanctity-of-life principle” in American law.

3. Not all taking of human life is murder. Self-defense, war, and capital punishment have been moral grounds used to justify homicide, and it is a rare moralist who would argue that it is never right to kill another human being. Without arguing about these exceptions, we confine our attention to murder, which is, by definition, unjust or wrongful killing. Everyone knows it to be wrong, immediately and without argument. Rarely do we ask ourselves why.

This is, of course, as it should be. The most important insights on which decent society rests—e.g., the taboos against incest, cannibalism, murder, and adultery—are too important to be imperiled by reason’s poor power to give them convincing defense. Such taboos might themselves be the incarnation of reason, even as they resist attempts to give them logical demonstrations; like the axioms of geometry, they might be at once incapable of proof and yet not in need of proof, i.e., self-evident to anyone not morally blind. What follows, then, is more a search for insight than an attempt at proof.

4. Non-religious readers may rightly express suspicion at my appeal to a biblical text for what I will claim is a universal or philosophical explanation of the taboo against murder. This suspicion will be further increased by the content of the text cited. Nevertheless, properly interpreted, I believe the teaching of the passage stands free of its especially biblical roots, and offers a profound insight into the ground of our respect for human life.

5. This respect for human life, and the self-conscious establishment of society on this premise, separates human beings from the rest of the animals. This separation is made emphatic by the institution of meat-eating (Genesis 9:1-4), permitted to men here for the first time. (One can, I believe, show that the permission to eat meat is a concession to human blood lust and voracity, not something cheerfully and happily endorsed.) Yet, curiously, even animal life must be treated with respect: the blood, which is identified as the life, cannot be eaten. Human life, as we shall see more clearly, is thus both continuous and discontinuous with animal life.

6. The second part of verse 6 seems to make two points: man is in the image of God (i.e., is god-like), and man was *made* thus by God. The decisive point is the first. Man’s creatureliness cannot be the reason for avoiding bloodshed; the animals too were made by God, yet permission to kill them for food has just been given. The full weight rests on man’s *being* “in the image of God.”

7. In the first creation story, Genesis 1-2:3, man is created straightaway in God’s likeness; in this second account, man is, to begin with, made of dust, and he *acquires* god-like qualities only at the end, and then only in transgressing.

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8. Does this mean that those who murder forfeit their claim to be humanly respected, because they implicitly have denied the humanity of their victim (and, thus, in principle, of their own—and all other—human life)? In other words, do men need to act in accordance with the self-knowledge of human godliness in order to be treated accordingly? Or, conversely, do we rather respect the humanity of murderers when we punish them, even capitally, treating them not as crazed or bestial but as responsible moral agents who accept the fair consequences of their deeds? Or is the capitalness of the punishment not a theoretical matter, but a practical one, intended mainly to deter by fear those whose self-love or will-to-power will not listen to reason? These are vexed questions, too complicated to sort out quickly, and, in any case, beyond the point of the present discussion. Yet the relevant difficulty persists.

9. This is not necessarily to say that one should treat other people, including those who eschew dignity, as if they lacked it. This is a separable question. It may be salutary to treat people on the basis of their capacities to live humanly, despite even great falling short or even willful self-degradation. Yet this would, in the moral sphere at least, require that we expect and demand of people that they behave worthily and that we hold them responsible for their own conduct.

10. The Homeric warriors, preoccupied with mortality and refusing to hide away in a corner waiting for death to catch them unawares, went boldly forward to meet it, armed only with their own prowess and large hearts; in facing death frontally, in the person of another similarly self-conscious hero, they wrested a human victory over blind necessity, even in defeat. On a much humbler scale, the same opportunity is open to anyone willing to look death in the face.

11. A perfect instance is the recent California Initiative. It proposed amending the name of the existing California statute from “Natural Death Act” to “Humane and Dignified Death Act,” but its only substantive change was to declare and provide for “the right of the terminally ill to voluntary, humane, and *dignified* doctor-assisted *aid in dying*,” “aid in dying” meaning “any medical procedure that will terminate the life of the qualified patient swiftly, painlessly, and humanely.” A (merely) natural death is to be made “dignified” by having it deliberately produced by (dignified) doctors.

12. “Neither for Love nor Money: Why Doctors Must Not Kill,” *Public Interest*, Winter 1989, pp. 25-46. (Reprinted in the Fall 1989 *Human Life Review*, pp. 93-115.)

13. For a chilling picture of the fully rationalized and technically managed death, see the account of the Park Lane Hospital for the Dying in Aldous Huxley’s *Brave New World*.

14. Once again we should be careful about our speech. It may be a great source of misery for *us* to see them in this state, but it is not at all clear that *they feel or have* misery. Precisely the ground for considering them beneath the human threshold is that nothing registers with them. This point is relevant to the “termination-of-feeding” cases, in which it is argued (in self-contradiction) that death by starvation is both humane and not in these instances cruel: someone who is too far gone to suffer from a death-by-starvation is, to begin with, not suffering at all.

From Frog to Prince

Francis Canavan

LATE LAST YEAR, in its December 22 number, *National Review* published two articles on abortion and the law by conservative writers William McGurn and Ernest van den Haag. Mr. McGurn may fairly be described as anti-abortion, but Professor van den Haag is a typical "moderate" who, in searching for a middle ground, effectively comes down in favor of abortion on demand during the first three months of pregnancy. That he can take this position is explainable by his being a conservative indeed, but a philosophical skeptic and an intellectual descendant of John Locke.

He begins his article with some perceptive remarks on the premises that determine people's attitudes toward the morality and legality of abortion. "In pagan antiquity," he says, "it was taken for granted that, except for slaves, people own themselves" and whatever they produce, including their newly-born children. The father of a family had the right to dispose of his infant children as he wished at their birth; if he did not receive them into his family, they died. *A fortiori*, he could have them aborted before birth. Christianity, however, brought in the belief that "persons possess but do not own themselves." Rather, they "belong to their creator, who alone is entitled to dispose of his creatures."

Ownership today is shifting back to the pagan conception of it. Secularists "believe that the decision on whether or not to carry the fetus to term belongs entirely to the mother" because she has produced it, "and therefore owns it and can dispose of it as she can of her own body." In this return to paganism, the seventeenth-century English philosopher, John Locke, played a remote but key transitional role.

As van den Haag accurately points out, "Locke, despite his strong emphasis on property rights, clung to religious tradition." For Locke, men were first and foremost God's property. He is the Supreme Proprietor, who owns all that He has made. Men therefore are obliged to respect each other's rights because every man is God's property and a violation of another's rights is trespass on that divine property.

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Nonetheless, although van den Haag does not mention it, Locke saw men, too, as essentially proprietors. Under God, they are owners of themselves and of what they have produced. As the idea of God faded out, in succeeding generations, from our intellectual inheritance from Locke, the individual as his (or, in the case of abortion, her) own supreme proprietor emerged in the consciousness of the post-Christian multitude. C.S. Lewis remarked on the same phenomenon in *The Screwtape Letters*: "Much of the modern resistance to chastity comes from men's belief that they 'own' their bodies—those vast and perilous estates, pulsating with the energy that made the worlds, in which they find themselves without their consent and from which they are ejected at the pleasure of Another."

But we are not yet sufficiently paganized to regard an infant after birth as simply a piece of property to be disposed of at its mother's, or both parents' will. A newborn baby is too visibly human, according to van den Haag, for even pro-abortionists to be comfortable with killing it. It becomes necessary, then, to dehumanize the child before birth, so that we can think of it as disposable property. We can do this if we concentrate on looking at it in its embryonic state, when it does not yet look human.

The human embryo, in van den Haag's words, "is pre-human, relating to the human baby as a larva does to a butterfly." It is certainly alive, but it is not yet human. It is only as it develops that it "acquires human characteristics, becomes a fetus, and is born as a baby." As an embryo, therefore, it "is as yet only potentially human and, at its beginning, pre-human."

Notice, next, what is smuggled into the argument. The embryo may be aborted because it "lacks the distinctly human characteristics that might entitle it to social protection on purely secular grounds." But how do we know that purely secular grounds (i.e., those that will satisfy a secularist) are the only grounds on which society may act, or that, even on purely secular grounds, society may not protect human life (or potentially human life, if you will) from its beginning? Because, van den Haag tells us, lacking a brain and a neural system, "the embryo cannot be aware of itself or of losing a future by not being allowed to develop," and therefore it "cannot in any meaningful sense own itself." Since it cannot own itself, "if it does not belong to God, it belongs to its parents." We are free to kill it because, in a society composed of Lockean proprietors, it does not qualify for membership.

Prof. van den Haag's argument will no doubt convince those who accept Locke's philosophy as the orthodoxy of Anglo-American liberal societies. Others may wonder to what extent a newborn baby is aware of itself, or of losing a future by not being allowed to develop, or in a meaningful sense owns itself—but let that pass for the moment. There is another and even more significant way in which van den Haag reveals himself, perhaps unconsciously, as a descendant of Locke.

He seems to accept without question or even hesitation Locke's empiricist and sensist theory of knowledge. Throughout his *Essay concerning Human Understanding*, Locke insists that we cannot know the substance and nature of anything. All we know is the impressions made on our senses by objects in the world outside us. All we know, therefore, is what things look (sound, feel, taste, and smell) like, but not what they *are*. Terms like human being, cat, dog, rose bush, pine tree, iron, or gold, are just names that we attach to clusters of sense impressions that resemble each other. We group them under such names for convenience in thinking and talking about them, but the names we give them are only names, and do not stand for what they really and substantially are.

Thus Locke says: "For though perhaps voluntary motion, with sense and reason, joined to a body of a certain shape, be the complex idea to which I, and others, annex the name man, and so be the nominal essence of the species so called; yet nobody will say that complex idea is the real essence and cause of all those operations which are to be found in any individual of that sort." In Locke's philosophy we do not know what a human being is, but only how he impinges on our senses.

Things are what they look like and so van den Haag can presume that a larva is not a butterfly. He explicated this proposition in a later issue of *National Review*, in replying to a letter of criticism from John Wauck (a Contributing Editor of this Review):

Mr. Wauck might want to remember that larvae are larvae, not butterflies, but *become* butterflies; tadpoles are not frogs, but *become* frogs; eggs are not chickens, but *become* chickens, all by virtue of their genes. But things are what they are, not what they become. That goes for concepts too.

Lying behind this statement, I cannot but suspect, is Locke's theory that things are only what they look like. It is a truism that living things with material bodies go through stages of development, in some of which they do not look at all like their later stages. Yet

all of the stages are the unfolding of the same individual of the same species. In fairy tales, a witch can turn a handsome young prince into a frog, and a beautiful young princess can turn him with a kiss back into a prince. But in the real world only tadpoles become frogs, and they do not "turn into" frogs as princes do in the fairy tales. What in fact happens is that the tadpole sprouts legs, a head, eyes, and a mouth, and becomes the frog it always was. Granted, we can say that, while it was a tadpole, it was only potentially a mature and fully developed frog. But it was potentially a frog because, whatever it is that makes a frog a frog, was already actually in the tadpole. Tadpoles do not turn into frogs because a princess kisses them, but because in the essential sense they already are frogs.

Similarly, a human zygote becomes an embryo, and the embryo becomes a baby, at which point van den Haag admits that it is human. But the process of change, even in appearance, does not stop there. The baby becomes a child who can walk and talk, the child becomes an adolescent, and the adolescent becomes the fully grown man or woman, who usually cannot be recognized in a photograph taken as a baby.

In this process of becoming, it is not only physical potentialities that develop. Babies, and even somewhat older children, are rational animals, but one would hardly know it from the way they act. Two- and three-year old children are the delightful little kids they so often are because they are full of life and unburdened by rationality. Yet we recognize them as members of a rational species because that is what, in the normal course of development, they will grow up to be.

Not only that, human potentialities can and often do achieve further actualization throughout a lifetime. Even when we grow old and (as I know only too well) become arthritic, we can grow in wisdom and grace as well as in age. In that sense, we can continue to become more and more fully human to the end of our lives. None of us came into existence fully actualized, but we can become ever more fully human.

The early embryo does not look like a human being because it is at that stage a microscopically small ball of undifferentiated cells. True enough, but the more significant fact is that these cells rapidly begin to differentiate themselves and move steadily toward becoming a living being composed of all the organs proper to human beings. Nor is this change imposed on the embryo from without, as a sculptor

shapes putty into a definite form. The change from embryo to baby, to child, to adult proceeds from an inner source that directs the growth of the embryo toward a more and more recognizable humanity. Why, then, does the embryo become more visibly human if not because it had the constituent element of humanity from the beginning?

It does it by virtue of its genes, says van den Haag. So be it. If genes are the whole explanation of why embryos become human beings, then genes must control and explain those characteristics that appear later and make us the self-owners who are entitled to social protection. But the genes are there from the beginning and, if they define humanity, then humanity is present from the very start of life.

There is no way of holding, as van den Haag does, that living things are not what they become, as if a thing turned into a simply different kind of thing. A larva does not look like a butterfly, but it “becomes” a butterfly because it is a butterfly at an early stage of its development, just as a tadpole is an early stage in the growth of a frog. The only way to miss that fact is to believe that things are what they look like, and that as they grow and change in appearance, they turn from one kind of thing into another kind of thing, known to be other because it looks different.

It is a relief to turn one’s attention from this sort of tergiversation to a clear, coolly dispassionate, and highly intelligent exposition of a view directly opposite to my own, but which I can admire for its ability to see the point. I refer to an editorial which appeared in *California Medicine*, the journal of the California Medical Association in September, 1970, and which has been reprinted in this Review every five years since then, the last time in its Winter 1990 number.

The traditional ethic of Western civilization, which requires “reverence for each and every human life,” the editorial says, “is being eroded at its core and may eventually even be abandoned,” an eventuality that the medical profession should be prepared to accept. The controversy over abortion is but one aspect of this deeper ethical shift in our culture:

In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status, abortion is becoming accepted as moral, right, and even necessary. . . . Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially

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abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.

The above passage defines the real issue that confronts our society. It is not whether we can define or undefine the embryo as a person, whether it does or does not have a right to life that outweighs its mother's right to control her own body, still less whether the embryo can in "any meaningful sense own itself." The argument really is about the worth we recognize in human life simply as such. Will we relativize it, as the editorial suggests, to accomodate our concern with checking population growth, husbanding our resources, and preserving "the quality of life"? That move will lead us to judge who shall live and who shall die on purely utilitarian grounds. Or will we protect life simply because it is human and we are a human community that protects all its members precisely as human? That is the choice before us, and when we have seen through all the sophistry, it leaves us no middle ground.

The Way They Were, The Way We Are: Bioethics and the Holocaust

Richard John Neuhaus

TO INQUIRE INTO CONNECTIONS between the Holocaust and bioethical debates today assumes a hopeful estimate of the human capacity for reasonable discussion. Perhaps too hopeful. In the view of many, any suggestion that there may be analogies between the way they were and the way we are, between what they did and what we are doing and proposing to do, is simply intolerable. The very suspicion of such similarities is too painful to bear. As Eliot observes in *Murder in the Cathedral*, "Human kind cannot bear very much reality."

Reasonable discourse requires a measure of dispassion, a critical distancing of ourselves from our emotions, intentions, and interests. This is not easy for any of us, and the higher the stakes the more strongly are our defensive resources engaged. The stakes in the debates under discussion are very high indeed: Who shall live? Who shall die? Who does, and who does not, belong to the community for which we accept common responsibility? Most of us want to defend most particularly our intentions, our inward dispositions. We may acknowledge that we make mistakes, even that we have done the wrong thing, but we adamantly insist that we meant to do good. If we do not exercise care, reasonable discourse about right and wrong can easily be swamped by the language of intentionality.

Please note that I am here using the term "Holocaust" inclusively in order to cover the constellation of crimes against humanity that we associate with the Third Reich. Of course the term is often used to refer only to the genocide against the Jews. But in that limited sense the Holocaust has little relevance to bioethical debates today. Nobody of influence in our society, thank God, is proposing the elimination of Jews. Nor, we do well to remember, did the Nazis one day up and decide it would be a great idea to kill six million Jews, and millions of other "subhuman" human beings. The way to crimes against humanity was prepared by peculiar ways of thinking

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about humanity. As Richard Weaver famously insisted, "Ideas have consequences." The Holocaust was, in largest part, the consequence of ideas about human nature, human rights, the imperatives of history and scientific progress, the character of law, the bonds and obligations of political community. It is above all in the exploration of ideas that we can most usefully discuss the metaphors and analogies between then and now.

Please note also—and this must be said most emphatically—the present essay is an exploration and not an accusation. The purpose is to examine the value judgments and moral reasonings that inform current debates and practices, and to reflect on their similarities and dissimilarities with the Holocaust. If I suggest that a certain line of reasoning is disturbingly reminiscent of the Holocaust, I am not suggesting that those who think that way are morally equivalent to the perpetrators of the Holocaust. The stipulation throughout is that all the participants in current debates intend to do good and not evil.

The focus here is on ideas and their use as justifying rationales for doing this or that. The debates will continue and, if they are to be both civil and clarifying debates, it is important that we not impugn the motives of those with whom we disagree. Intentions are not everything, but neither are they nothing. The present examination is for each of us also a self-examination. It assumes that, as we believe ourselves to be capable of great good, we know we are also capable of great evil, our intentions notwithstanding. If that assumption is not shared, this discussion is, in the dismissive sense of the term, no more than an academic exercise. If we know in advance that we could not and will not commit crimes against humanity, the question posed by this essay has already been answered and we could stop right here.

One kind of reaction to the question posed is described by two participants in last year's National Institutes of Health panel on fetal transplantation. Their minority report (*This World*, Summer 1989) observes, "Another vindication of fetal research with aborted tissue was grounded on the assumption that our inward dispositions alone determine the ethical value of our behavior. Several senior research sponsors expressed to the Panel their indignation that the work to which they had dedicated years of good will could be considered exploitative. They resented having their integrity appraised by reference to anything but their good intentions." As we shall see, this very

insistence upon the sufficiency of intention has its counterpart in the experience of the Holocaust.

Our subject is the way they were and the way we are, what they did and what we are doing and proposing to do. The question is one of likenesses and unlikenesses, of similarities and dissimilarities, between then and now. A prior question concerns the very legitimacy of inquiring into comparisons between the Holocaust and present developments in bioethics. I believe that such an inquiry is not only legitimate but necessary. It is morally imperative that all of us who live after the Holocaust examine ourselves and our actions by reference to that moment of awesome truth.

The invocations of the Holocaust must be undertaken with most particular caution and clarity. For those of us in the West, the Holocaust is probably the only culturally available icon of absolute evil. Any "revisionist" efforts to deny or diminish the horror of the Holocaust are, quite rightly, deemed to be beyond the pale of responsible discourse. It is not only the so-called revisionists, however, who distort the Holocaust and its continuing pertinence. There are those who insist upon the uniqueness, the utter singularity, of the Holocaust in a manner that consigns it to the unusable past. If the Holocaust is like nothing else, it is relevant to nothing else.

As we must attend to similarities between then and now, we must also attend to dissimilarities. There are dangers in universalizing or generalizing the Holocaust in ways that obscure the historical particularity of the event and that obscure, as well, the particular ideas, decisions, actions, and attitudes that are the parts that make up the whole of what we call the Holocaust. We intend to honor the victims when we speak of the "six million" or the "ten million," but both killed and killers should, as much as possible, be recalled by name, for they had names. The Holocaust was not the abstraction we call a period of history but a succession of mornings and afternoons and evenings, much like this day. It was a tangled combination of innumerable actions and consequences, of careers and ambitions, of fears and loyalties, of flirtations with the unthinkable turning into the routines of the unexceptionable. To most of those involved, the icon of evil did not present itself whole. It happened an hour at a time, an equivocation at a time, a lie at a time, a decision at a time, a decision evaded at a time. There is great wisdom in Hannah Arendt's description of the Holocaust in terms of "the banality of evil."

A generalized Holocaust is deprived of its power to caution and instruct. A generalized Holocaust is a depersonalized Holocaust, replacing persons with statistics, with allegedly inexorable forces of history. Raskolnikov, the murderer in *Crime and Punishment*, well understood the uses of generalization. "Anyway, to hell with it! Let them [die]! That's how it should be, they say. It's essential, they say, that such a percentage should every year go—that way—to the devil—it's essential so that the others should be kept fresh and healthy and not be interfered with. A percentage! What fine words they use, to be sure! So soothing. Scientific. All you have to do is say 'percentage' and all your worries are over. Now, of course, if you used some other word—well, then perhaps it would make you feel a little uncomfortable."

The discussion at hand would be a failure were we not made to feel uncomfortable. The more subtle truth is that it would be an even greater failure were we made to feel more comfortable because we feel uncomfortable. Our discomfort testifies to our moral integrity, or so we like to think. The suspicion is not entirely unwarranted that the relatively new profession of bioethics was established to cater to our discomfort and thus to relieve our discomfort. There are things we would not do without professional permission; what is morally doubtful must be certified by expertly guided anguish. In connection with so many life-and-death questions today we hear much talk about difficult and anguishing decisions. Anguish, it seems, covers a multitude of sins. In pondering analogies with the Holocaust, we may be inclined to think that this is what distinguishes us from them: we know what we are doing, we recognize and openly discuss the potential risks and potential wrongs, and our decisions are accompanied by the prescribed quota of anguish.

Please do not misunderstand. The emergence of the profession of bioethics does testify to our culture's moral sensitivity. Maybe the profession has prevented and will prevent moral enormities that might otherwise be perpetrated. With respect to what was not thought before, or with respect to what was thought and thought to be unthinkable before, bioethics may be producing more preventions than permissions. I do not know, and I do not know if such a calculation is even possible. Would developments similar to those of the Holocaust be better kept at bay were there no discipline called bioethics? That is eminently debatable. Is professional bioethics in any sense an independent variable, so to speak, or simply the mistress of the "hard"

disciplines it is employed to serve? Again, I do not know, although I know and am encouraged by the fact that there are those in the field who are not indifferent to these questions about their work.

I am reliably informed that the most typical Jewish telegram reads: "Start worrying. Letter to follow." One does not have to be Jewish to recognize that worry and anguish can be signs of health. With respect to current and proposed medical and biological practices, the letter is arriving page by page and we know that there is a good deal to worry about. It is easy to be alarmist; it is easier still to deny that there is cause for alarm. I am convinced that there are unmistakable similarities between what they did then and what we are doing now. They too asked and answered the question, Who shall live and who shall die? And, Who belongs to the community entitled to our protection? Then and now, the subject at hand is killing, and letting die, and helping to die, and using the dead. Then and now, the goal is to produce healthier human beings and, perhaps, a better quality of human being.

It will not do to say that the difference is that our intentions are good while theirs were evil or that they were cruel and callous while we are sensitive and caring. Good intentions and delicate sensibilities are not moral arguments. Anyone familiar with the literature of the Holocaust knows all too well how its perpetrators invoked good intentions and evidences of moral sensitivity to justify their actions, both during and after the fact. We are inclined to dismiss such appeals as smarmy sentimentality and self-serving rationalization, and understandably so. But it is not always sufficiently clear on what grounds we so easily dismiss their justifications, thus denying any similarity between them and us. Sometimes we seem to be saying that we are not like them because we are not like them. Obviously, that tautology does not satisfy.

We earnestly say, "Never Again!" It would make no sense to say "Never Again!" unless we believed that it could happen again. With the cry "Never Again!" we aim to stir our society from the smug and irrational confidence that it cannot happen here. Of course then is not now, and there is not here, and they are not us. If or when it happens again, we will, to paraphrase Mr. Sinatra's song, do it our way. Since those who do it may continue to be in charge, since there may never be the equivalent of the Nuremberg trials, it will be called not Holocaust but Progress. We need never fear the charge of crimes against humanity so long as we hold the power

to define who does and who does not belong to “humanity.”

Emil Fackenheim has wisely said, “We must grant Hitler no posthumous victories.” It would seem to follow that we must not grant Hitler the posthumous victory of hiding from ourselves what we are capable of doing, what we may already be doing. Elie Wiesel has written, “If we forget, we are guilty, we are accomplices. . . . I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim.” The use of the first person plural, “we,” underscores the fact of moral agency, and moral responsibility. The Holocaust began in depersonalizing the victims and ended in depersonalizing the perpetrators. The decisions and actions that we are discussing here are not undertaken by the “logic of history,” nor by “medical science,” nor by “technological progress,” nor by “the imperatives of research.” They are undertaken by us, the first person plural composed of first persons singular. Moral agents have names. To seek escape in anonymity, to blame forces beyond our control for decisions within our control, is already to have granted Hitler a posthumous victory.

Samuel and Pearl Oliner recently published a book that, in my judgment, has not received the attention it deserves. *The Altruistic Personality* is based upon in-depth interviews with hundreds of people who, at great risk to their own lives and the lives of their families, rescued Jews from the Holocaust. The Oliners ask what distinguished the rescuers from the overwhelming majority of people who averted their eyes from what was happening, or were actively complicit in what afterwards were called crimes against humanity. Their conclusion is that the rescuers were distinguished not by their educational level, nor by their political views, nor by any other number of variables that might be supposed. They were not even distinguished by their attitudes toward Jews as such.

They were different in two critical respects. They typically had strong ties to communities that espoused rather straightforward and unsophisticated understandings of right and wrong. And they uniformly had an unquenchable sense of personal moral agency. One after another, they told the Oliners that they could not have lived with themselves—and, many added, they could not have answered to God—if they had not done what they had done.

They had been told that what was happening was not their responsibility, that an entirely new situation demanded anguishing

decisions that could no longer be avoided, that scientific and historical necessity required a rethinking of familiar values, that traditional views had to give way to the inexorable course of progress, that short-term sacrifices of customary ways was the price of long-term advancement, and that, in any event, people wiser than themselves had thought these things through with great care, and who were they to challenge the experts and those in authority? All this they were told, and all this they refused to believe. They refused to surrender their knowledge of moral agency. As many would still say today, they refused to surrender their souls. They refused to grant Hitler that victory.

In the debate over abortion there has been much discussion surrounding "the seamless garment" as a metaphor for the so-called "life issues." I will not here enter that debate, except to note that evil, like good, does seem to weave a pattern. We are considering here the finished pattern that we call the Holocaust. The finished product may not be seamless, there are disruptions and disjunctions here and there, but the end result is of a piece. And so it is with current debates in bioethics.

Consider, for instance, the NIH panel on fetal transplantation. The majority report is touchingly eager in its insistence that fetal transplantation should be and can be separated from the question of abortion. Commenting on the statement of Elie Wiesel cited above, the minority report says: "Wiesel is saying that even by acquiescent silence after the fact we can sign on as parties to a deed already done. But what we are considering here is no mere *post mortem* silence, no simple averting of the gaze after the fact. We are considering an institutional partnership, federally sponsored and financed, whereby the bodily remains of abortion victims become a regularly supplied medical commodity."

The minority makes a convincing case, I believe, that the majority deludes itself if it really thinks that the question of fetal transplants can be isolated from the question of how the fetuses are obtained. The minority report, written by James Bopp and James Burtchaell, points out that fetal transplantation would almost certainly increase the number of abortions, compound the collusion between medical healing and medicalized killing, and prepare the way for other steps that would not only parallel but replicate actions associated with the Holocaust. In an important sense, this minority report is saying nothing new. Dr. Johnson famously observed that mankind needs

less to be instructed than to be reminded. In this instance, we need to be reminded of the War Crimes Trial in Nuremberg known as "The Medical Case."

That trial produced the Nuremberg Code of 1946 that began to provide protection for human subjects of research and inspired, in due course, the Declarations of Helsinki in 1964 and 1975. The minority report observes, "Without Nuremberg and its judgment the world's conscience might never have gazed head on at the intrinsic depravity of the doctor's defense. . . . The insight of Nuremberg taught us that when we take possession of others, when their bodies are forcibly delivered up to be used as we wish, then no antecedent good will and no subsequent scientific yield will absolve us from having been confederates in their oppression. . . . The Nazi doctors had learned the ethic of their profession: that a physician may not relieve one human being's affliction at the cost of another fellow human's suffering. But they contrived to believe that if an associate had already done the subjugating and they then did the healing-oriented research, they could divide the responsibility down the middle. The tribunal and the world judged otherwise—and condemned the researchers for it all."

The chief defendant at Nuremberg, the notorious Dr. Karl Brandt, had once hoped to join Dr. Albert Schweitzer in his humanitarian work in Africa. He testified to the court of his great anguish in having to do things in the "interests of the community" when confronted by the "hard necessity" of finding ways to protect the population against death and epidemics. Toward that end, the State, the "law of the land," gave him permission to experiment on human subjects at his disposal. Dr. Brandt declared, "There is no prohibition against daring to progress."

We should not avoid asking ourselves the painfully obvious question: Do we now think that the judgment at Nuremberg was in error? Was the "doctor's defense" right after all? Should the Dr. Brandts of the Holocaust have been acquitted? There are many today who seem to be answering those questions in the affirmative, at least by implication. More commonly, they condemn what the doctors did then while approving what the doctors do now, without addressing the differences between then and now in principle, actual practice, or justifying rationale. When challenged on the similarities between then and now, many of our contemporaries are reflexively offended by the suggestion that such a comparison might even be thought worthy of consideration.

A rabbinical dictum has it that we should “place fences around the law.” The idea is that restraints and prohibitions should be in place to prevent us from reaching, or at least impede our progress toward, the point of absolute and damning transgression. There should at least be safety rails around the abyss. Perhaps the best that our culture can provide are signposts warning against the danger ahead. The judgment at Nuremberg was such a signpost. It is no longer secure. Perhaps the signpost has been taken down. The Hippocratic Oath was another such signpost. It was. Leon Kass of the University of Chicago has written persuasively about the ominous implications in current revisions of and, in effect, abandonments of the Hippocratic Oath in medical schools today. When the fences and the safety rails have been removed, when the signposts have been changed or taken down, what reason is there to believe that people in our time will not do what was done then? The confidence that they will not, it is to be feared, is based on little more than sentimental naivete and the unseemly *hubris* of our assumed moral superiority to “them.”

But now, it may be objected, the introduction of the issue of fetal transplants and its connection with abortion has turned the discussion toward a subject that some would prefer to avoid, namely abortion. It is said that the important debates in bioethics must move “beyond” the question of abortion. The abortion debate is weary, and we have no doubt all been wearied by it. What that is new could possibly be said in the abortion debate? Perhaps nothing. But again we are reminded of Dr. Johnson’s axiom that we have more need to be reminded than to be instructed—or than to be engaged by “new insights.” Whether by inherent logic or by historical accident, almost every controverted question in bioethics is entangled with the question of abortion. Again and again, we discover that we cannot go around, but must once more go through, the abortion debate. Before us are questions about who shall live and who shall die; questions about killing, letting die, helping to die, and using the dead; questions about what or who belongs to the community of legal protection—and when a “what” becomes a “who,” and when, at the end of life, a “who” becomes a “what.”

Even if some of the great questions that occupy bioethics might theoretically be isolated from the question of abortion, they seldom can be in cultural and political fact. Whether by inherent logic or by historical accident, the abortion debate has become the magnet to which all the other life-and-death debates are attached. We can

try to pull them away from that debate, but they are inexorably drawn back to it. Leaving aside for the moment the prochoice arguments in favor of the abortion liberty, it is clear that great science-based industries, trajectories of medical experimentation, and perhaps the profession of bioethics itself rest in large part upon the settlement articulated in *Roe v. Wade* and related decisions. It is equally clear that that settlement is today no longer settled. In ways even more relentless and entangled than at present, arguments about what we insist are “other” questions will be emerging from and returning to the question of abortion. A measure of moral clarity and societal consensus can only be achieved on the far side of the abortion debate, and that far side is not yet within sight.

Those who support the abortion liberty are understandably outraged when their opponents compare the more than 25 million abortions since *Roe v. Wade* with the Holocaust. And it must be noted that the Holocaust is often invoked recklessly and unfeelingly by anti-abortionists, as though it were simply another convenient stick with which to beat the opposition. In such cases, the only culturally available icon of absolute evil—a precious thing for any culture to possess—is dangerously debased. At the same time, however, we must ask: *If* one believes that 25 million abortions are equivalent to 25 million instances of the taking of innocent human life, does not the analogy with the Holocaust become more appropriate? Perhaps even inevitable? The cultural and political reality is that millions of Americans, a majority of Americans, believe that abortion is precisely that—the taking of an innocent human life. The same Americans are not in agreement on what that perception of reality should mean in terms of abortion law, but, if we believe in a society governed by democratic discourse and decision, that perception of reality and the consideration of its legal ramifications cannot be ruled out of order.

One of the lawyers who prosecuted the Nazis in the war crimes trials explained how people could have acted so savagely: “There is only one step to take. You may not think it possible to take it; but I assure you that men I thought decent men did take it. You have only to decide that one group of human beings have lost human rights.” But, the objection is heard, such an observation is irrelevant to our discussion of bioethics and the Holocaust. In abortion, in fetal transplants, in embryo experimentation, in new methods of fertilization, in withdrawing food and water from the comatose—in all these instances, we may want to object, we are not dealing

with “human beings.” But we must ask whether such an objection is not touchingly naive. It assumes one favored outcome of the debate that is still underway over who or what is a human being. It will not do to employ the dubious rhetorical device of declaring that the other party must be wrong because I am right.

“There is only one step to take,” the prosecutor said. In the case of the debates in which we are now embroiled, I suspect that step was in the adoption of the idea of “quality of life” as an indicator of who is and who is not to count as a human being. Then they spoke of *lebensunwertes Leben*, life that is not worthy of life. It is by no means clear to many thoughtful people how we, in principle or in practice, distinguish *lebensunwertes Leben* from a “quality of life index.” But, we insist, it *should be* clear. After all, in the Holocaust they were killing actual human beings, people who were undeniably, not just potentially or marginally, *real people with real rights*. But, once again, it seems that we are found to be begging the question. It is exactly the point that they *did* deny what we take to be undeniable. Similarly, with respect to issues such as abortion, fetal experimentation, and euthanasia, many today deny what an earlier generation and, it would seem, most Americans today take to be undeniable.

That Jews, gypsies, homosexuals, Slavs, and others were not human beings in the “full meaning of the term” (*Roe v. Wade*) was the doctrine of the Third Reich. Such people were clearly not included in the community of legal rights, protections, and entitlements. Such was the law of the land; such was the view of those who were declared to be “the best and the brightest” of that society. Who was to say that they were wrong? A relatively few daring souls, such as Pastor Dietrich Bonhoeffer, said they were wrong, and paid with their lives. They said the Nazis were wrong on the basis of clear reason, civilizational tradition (remember the fences and signposts), and biblical faith.

And the rescuers studied by the Oliners said they were wrong, and acted courageously on that conviction. Some of them explained their actions in terms similar to those articulated by the Bonhoeffers. Many others, it seems, acted because that is the way they had been taught to act; they could not act differently and still be themselves. Others seem to have acted instinctively, intuitively. They had, one might say, a nose for evil. They were a small minority, acting outside the law and against the law, in a society that acknowledged no law

other than the fiat of the State. It requires no great leap of creative imagination to see the parallels, at least with respect to their social placement and psychology, between the rescuers then and the anti-abortion efforts such as Operation Rescue now.

I have written elsewhere about what I believe is accurately described as "the return to eugenics" (*Commentary*, July 1988). By that phrase I mean to include most of the controverted issues in bioethics—from fetal farming and harvesting to infanticide and assisted suicide. We tell ourselves that these issues are raised by medical and technological advances, and so we seek to reduce our sense of moral agency and responsibility. We are closer to the truth, I believe, if we acknowledge that the debates in which we are embroiled are the products of moral, cultural, and political change.

Christopher Lasch has recently and insightfully written about "the engineering of the good life" (*This World*, Summer 1989). He notes that there are no longer freak shows at carnivals and county fairs. The reason for that, we tell ourselves, is that as a society we have become more sensitive to the handicapped, or, as we are tutored to say, "the differently advantaged." Lasch suspects that this may be a convenient self-deception. The reason there are no more freak shows, he suggests, is that we have become a society that has no place for freaks.

At Nuremberg the prosecution argued that the killing programs unfolded from one another, that the genocide of the six-millionth Jew was somehow unleashed by the morphine overdose given the first harelipped child. Judgment at Nuremberg was premised upon the now frequently derided notion of the slippery slope. Those who deride and dismiss that metaphor are, I believe, rejecting the commonsensical observation that one thing is connected with another, and one thing frequently leads to another. If we give ourselves permission to do one thing, we are inescapably inviting the question about permission to do the next thing. Most current debates in bioethics have less to do with technological progress than with moral permissions. In largest part, the profession of bioethics is the Permissions Office of contemporary medical and biological science. Bioethicists are permitted to give out permission slips, with the understanding that, after due and anguished deliberation, permission will not be denied. It is the bold bioethicist who dares to say, and continues to say, No. As he or she may quickly discover, the profession leaves such sensitive souls behind as the discussion moves on to the next thing.

It is easy to be alarmist; it is easier to deny the reason for alarm. We say we know the difference between questionable human life and undeniable human life, while it is evident to all but the willfully blind that lives once thought to be undeniably human are now thrown into question. Again, the awesome step was taken with *Roe v. Wade*. In the lethal illogic of that decision, it might be suggested, we encountered our first harelippped child. The late Paul Ramsey tirelessly reminded us that we should not give ourselves a principle of permission to do what we want if the same principle permits the doing of what we abhor. A principle established by the scrupulous is no longer the exclusive property of the scrupulous. It is public and it is entrenched in practice, there to be exploited by others who view our abhorrence as no more than irrational squeamishness.

We think of the Holocaust as a rampage of irrationality, but as we tend to overlook the banality of evil so also we overlook the rationality of evil. Consider a recent and acclaimed work in this area, *Science and the Unborn* by Clifford Grobstein. Dr. Grobstein is by no means a man of evil intention. On the contrary, he is a biologist and embryologist of distinction who, we are assured by noted bioethicists, possesses exquisitely attuned ethical sensitivities. Grobstein knows that a great weakness of the prochoice argument in the abortion debate is that it downplayed or dismissed concern about what it is, or who it is, that is being terminated in abortion. The American people, he recognizes, insist that that concern not be treated lightly.

As a scientist, Grobstein acknowledges that even the zygote, and of course the embryo, is "human to the core." If abortion policy and policies that permit non-therapeutic experiments with the unborn are to be stabilized, they must be, he says, both rational and sensitive to the views of "a moral society." Religious beliefs opposed to what Dr. Grobstein proposes are deemed by him to be irrational, especially if they are Roman Catholic or fundamentalist (he tends to conflate the two). Therefore a rational policy must finally be devised and implemented by experts in national and local commissions. Their task, says Grobstein, is one of "status assignment" with respect to who is and who is not to be treated as a person with rights. Not all who are given status assignment as human beings are also given "protective status assignment." It depends on how they come out when measured by an index of "quality of life."

Those who are in charge of assigning status can also reassign status. Grobstein is primarily concerned about the treatment and uses of the unborn, but he acknowledges that his approach also has clear implications for the reassignment of the born, especially the elderly and the gravely handicapped. Nonetheless, he assures us that "in the short term" the application of the approach he advocates can be limited to the early stages of life. It is important to note that the lethal use of the embryo, for example, does not diminish its human status, according to Grobstein. On the contrary, its human dignity is enhanced by its sacrifice of its life for the betterment of humanity through, for example, medical experiments and fertilization procedures.

A key component in Grobstein's argument is deserving of most particular attention. He acknowledges that even the "preembryo" has "biological membership in the human community" and must be respected for its "profound potential" to become "an individual in the fullest sense, an undeniable person." Then this: Such respect is appropriate "so long as [the unborn] has a reasonable probability of continuing development to become an infant and then an adult." But note: "The situation is transformed if, for whatever reason, a particular preembryo has no reasonable prospect of developing further." And why does it have no reasonable prospect of developing further? The answer is very simple: Because we have decided to terminate it. We have not deprived it of its potential life because, by virtue of our decision, it had no potential life. In that case, Grobstein writes, the unborn "need only be assessed and valued for its then-existing properties without reference to what it might have become in a normal human life history."

The doctrine being propounded could not be more clear: With respect to human dignity and human rights, the reality is what we define it to be. There are no prior rights that are there for us to respect. Rights are created by our assignment of rights. Grobstein explicitly states that the idea of "unalienable rights" endowed by Nature and Nature's God can have no place in bioethical discussions. As philosophers might put it, the objects of abortion, medical experimentation, and other measures have no ontological status. They may have a social-political status if we choose to assign them such status. They are what we agree to say they are. And the "we" who do the agreeing are, when it comes down to it, the experts who are capable of making rational definitions untainted by the

religious and other prejudices of what Grobstein calls "the frozen past."

Clifford Grobstein and his argument are in the mainstream of current bioethical debates. We know they are in the mainstream because those who define the mainstream (e.g., Daniel Callahan and Richard McCormick) say they are in the mainstream. We might have chosen for illustrative purposes any number of other books or articles. It is not accurate to say that the argument advanced by Clifford Grobstein and others is reminiscent of the Nazi doctors. In critical respects, it is a replication of the argument advanced by the Nazi doctors. Those who remember remember where they heard this kind of reasoning before. Dr. Karl Brandt and his colleagues argued this way almost fifty years ago. At Nuremberg the civilized world rejected their argument. Now it seems that we are reconsidering that rejection. The suspicion may not be entirely unwarranted that, to the degree that we are reconsidering, we are the less civilized. I emphasize that the point here is not that abortion, embryo experiments, and other practices are morally equivalent to what was done in the Holocaust. There are many and important differences, and distinctions must be made. My point is simply that some justifying arguments for such practices today are very much like the arguments employed in the Holocaust, and that is reason for deepest concern.

In addressing connections between the Holocaust and contemporary bioethical debates, I have tried to limit myself to similar habits of mind and patterns of reasoning. There are many other analogies that might have been mentioned, each of them worthy of an essay in its own right. For instance, the euphemized vocabulary of death, by which we employ language that conceals from ourselves and others what we are doing and what we are proposing to do. For another instance, the high stakes of wealth, power, and prestige that have been invested in current and developing technology and practice. And there is much else that is much like the Holocaust, but enough already.

I do not wish to end on a note suggesting despair. We should not grant Hitler a posthumous victory by succumbing to doctrines of historical or technological inevitability. Then is not now, and there is not here, and they are not us. The banality of evil speaks of the everydayness of evil, of decisions made day by day, on days no doubt much like this day. And remembering the banality of evil

can remind us also of the banality of virtue. Virtue, as Aristotle tells us, is a matter of habits, and, as Dr. Johnson tells us, a matter of remembering. Our time is not so new as we sometimes like to think. Demystified of the techniques and the professional jargon, the hard questions facing us today are, at their heart, the questions faced by the prophets of old. Who is my neighbor? To whom am I neighbor? Recognizing this truth does not give us the answer to all our bioethical disputes, but it does keep before us the questions that we are answering.

The broken fences around the law can be repaired, and new fences can be erected. The safety rail surrounding the abyss can be strengthened. The signposts of Hippocrates and Nuremberg can be retrieved and refurbished. These things can be done; we cannot know whether they will be done. I confess that I draw encouragement from the way in which, in the last seventeen years, a democratic people, opposing almost every establishment of the society, has refused to acquiesce in the lethal illogic of *Roe v. Wade*. But there is still a very long way to go. Every step we take is shadowed by the Holocaust. The way they were is, in important respects, ominously like the way we are. But that past need not be our future. The very fact that there is a public discussion about contemporary bioethics and the Holocaust may be taken as a sign of determination that that not be our future.

Never again? We simply do not know. We do not need to know. Eliot had it right: "For us, there is only the trying. The rest is not our business."

Growing Up in East Europe

Thomas Molnar

THIS CENTURY HAS PRODUCED such upheavals that it is not difficult to find in its course intriguing lives that other, quieter periods regarded as ordinary. I admit, and this has nothing to do with modesty or the lack of it, that my own life keeps intriguing me, and by this I mean that at the start one could have no inkling of its later course. In fact, every decade brought something entirely unexpected; history repeatedly interfered and enforced new directions.

It began already when I was five. In those late 1920s, the catastrophic state of the German economy, which had repercussions all over East-Central Europe, forced my father (we lived in my native city, Budapest) to give up his modest job as an official in a cooperative food-distribution center, and move across the border to Rumania, more precisely to a border town on the western edge of Transylvania. The latter province, which used to be the jewel, a little Switzerland, of Greater Hungary, had been given to Rumania, a traditional enemy of the Magyars, by the Treaty of Trianon in 1920, the year before I was born. So our move to Transylvania was ill-received by my mother, a Hungarian patriot, who for the following eleven years (after which we moved back to Budapest, which is not part of this story) did not learn one single word of Rumanian, and kept instilling in me, her only child, the love of Hungary's flag, national anthem, and literature. Thus I began living a kind of double existence: Rumanian language in school, many Rumanian professors, yet a Magyar home and mostly Magyar friends.

I must say that this situation did not lead to any kind of "dividedness"—loss of identity, as psychologists would say today—or fragmentation of a tender soul, or what have you. It is only fair to say that, if anything, I found the situation interesting, with my real sentiments at times hidden, and a critical eye cast, as I was growing up, on both worlds, Hungarian and Rumanian. I even learned at an early date what *prejudice* was: not the bad-bad thing we are supposed to believe in our world of hypocrisy, but a way of protecting communal identity: the "other" had to prove he was better than

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previously assumed. It was, for example, a delightful surprise when I met and befriended a Rumanian, therefore greco-orthodox, clergyman with courteous manners and a delicate soul who explained things I never knew to the 13-year old little student locked in his Magyar feelings. What spiced this encounter was the surrounding: in the “elbow” of the Carpathians where the Szekelys live around the city of Brasso (where in 1987 a worker revolt broke out against Ceausescu); the Szekely population is perhaps the most fiery Magyar of them all. But Brasso was at the time, and still is, Rumanian.

Another, this time incredible, surprise was my passing the “little baccalaureate” when I was 14, a series of extremely difficult examinations leading from fourth grade to fifth. (In Rumania, the school system was modelled after the French with its sharp selectivity of talent and knowledge over against the average and the mediocre, while in Hungary the hardly less strict and selective German system prevailed). The high point was the history exam. All exams were oral—far more trying than written ones—because Bucharest sent out examiners with the tacit intention of failing as many Magyar children as possible.

My examiner was known to be ferocious, or, as I look back, a Rumanian patriot. And horror of horrors, he decided to grill me in Hungarian history, which we were not supposed even to know, let alone to describe as human. I shall never forget that full half-hour of torture, precisely because I knew my country’s history—thanks to my mother. The child’s dilemma: if I know the answers, the examiner will be angry; if I pretend I do not know, he is justified in failing me. I chose the first option; I got the best grade—which should have been a proof that Rumanians were human, but that’s not how I interpreted it at the time.

The idea I wish to convey is that life in a divided province and even more sharply divided town of some 80,000—a third Hungarian, a third Jewish, a third Rumanian—was full of challenge, of rapprochements and antipathies, of marked identities and also bridges built across barriers which nevertheless remained. Rumanians, for the adolescent I was (*we* were I should say, because my circle of friends formed a phalanx-like unity), were occupiers, culturally inferior, a “Balkanic” people on the edges of Europe. I spent a summer, at the age of nine, on the Rumanian Black Sea coast. I played with Rumanian children, as I did in my hometown and during other summers too. Yet the wall remained. It was built even higher at the Black Sea summer resort, Techir-Ghiol, a purely Turkish name, which

reminded me (together with many other signs) that this is already Asia, thus alien, even suspect. This was true of religious affiliations also. The dividing lines were as sharply drawn as those of nationality. Catholic, Jewish, and Rumanian boys lived in very different worlds, and if you read news reports about events in Rumania attentively, you discover between the lines that this has not changed at all.

Yet, such are growing boys, that we were not intellectually aware of these differences, except when adults spoke about them around the dinner table. Otherwise we lived in our own world, which was the "whole world," and in which things, events, and people were as natural as nature itself. The outside world made its appearance, however, although we did not understand its significance. I must have been thirteen or fourteen when posters announced a meeting of local marxists, under the leadership of a lawyer, Mr. Tarnowski. The poster did not say a word about marxism, but we understood because it was whispered that Tarnowski and his friends were communists, and so illegal in Rumania, a province of which, Bessarabia, uncomfortably bordered on the Soviet Union. With two friends—I don't even remember for what reason—I attended that meeting. I remember nothing from the speeches, but I do remember "The Internationale," which was sung at the end. In closing, Tarnowski made it clear that a "red dawn" is not late in arising.

A year or two later, I heard from a Rumanian friend that an uncle of his was accompanying a delegation from the foreign ministry to London and Paris—for us, a trip into the infinite beyond—to inquire what those two super-powers, England and France, were planning to do against the rising power of Hitler. Well, they were reassured in both capitals that Hitler was soon to get married, settle down, and abandon his plans of conquest. Such rumors from East and West were immensely far from us; we were still looking at the sport pages of newspapers. The war was five years away.

As Hungarian boys, we had our attention focused on our Rumanian professors. It was obvious that few of them liked us—they even disliked pronouncing our Magyar names—and they became positively hostile when we spoke Hungarian outside the classroom. Let me explain the setting. Our town was not so large, but before the first World War it served as a famous cultural center, with two or three brilliant newspapers and magazines. It was also the place where the country's greatest poet, Endre Ady, had lived for a while, and had a well-known love affair. But when the Rumanians took over

it became just another frontier town, marginalized by geography. On the other hand, being a frontier town, it was heavily garrisoned by the Rumanian army, and of course Bucharest intended to "Rumanize" the Magyar population. The professors I speak of were the natural agents of this policy. In this way, school also turned into a many-sided adventure, with tensions, resistance, likes and dislikes, all based not on ideology but on nationality.

One such "adventure" happened when a well-known politician was murdered in Bucharest in 1935. The immediate effect on us—he was murdered by a group of university students—was the government's decision to stringently enforce the wearing of student uniforms—a good thing at the time in many countries, because it abolished some clear signs of wealth and poverty in the classroom—and the further order that we were not to be seen on the main street between six and eight in the evening, the time of the "corso" with its flirtations between boys and girls. Classes were of course not coeducational, an excellent thing because it means a better concentration on studies by both sexes, and preserves that little mystery which conditions their relationship in a healthy social environment.

In fact, I came to see later what I did not understand then: how well we were *morally* protected, although we lived in an open society with all necessary freedoms. When I now read that the Rumanian, Hungarian, etc. regimes were "fascistic" between the two world wars, I find it to be a tragic misunderstanding of the term and of reality. This is not the place to discuss politics, but perhaps eye witnesses may be trusted as much as far-away "experts" in political science, fifty years after the events. First of all, we *liked* our uniforms, and did not mind too much the veto on our evening promenades on the Main Street. Either we took the risk of going there in "civilian" dress (an adventure in itself), or we chose darker streets and parks where we met girls, or at least admired them from a distance—and that too was adventurous. But I can say without risk of contradiction that in that Balkanic, for me "semi-Asian" and hostile nation, there was never any threat of drugs, or a gay agenda, or ideological feminism, or abortion. These things simply did not exist; I had to live in a democratic system even to hear about them as public issues, let alone nation-killing realities.

Immorality did exist, I know, in many forms. We were open-eyed youngsters: our language was not exactly chaste. But these things just did not exist at the public level because neither newspapers

nor radio would go against the public taste and the standards set by governments. Abortion came to Rumania under Ceaulescu, who encouraged it among minorities, until he forbade it, not because of moral considerations but in order to increase the Rumanian population. (Childless individuals had to pay an additional tax.)

What moderated youthful urges was, as always and everywhere among human beings, the moral guidelines set from time immemorial, and enforced by tradition—concretely, by parents, preachers, professors, and public opinion. Many relationships between boy and girl stopped at certain lines because both knew that the young lady could not possibly face the tragedy and the scandal, either of having a child or of aborting. There was an invisible but absolute veto. What would have been sacrificed was too precious: honesty, reputation, standards, ultimately happiness. Whoever would have argued, at school or tribunal, for “a woman’s right to control her own body,” much less teenage abortion without parental consent, would have been ostracized—driven out of society—perhaps declared insane.

None of the moral problems that youth face today in the mostly-degenerate western societies was even heard about at the time—because, I am convinced, there was no television, etc. which, with the excuse of a people’s “right to be informed,” publicizes and encourages, not to say compels, the adoption of the worst imaginable behavior. It was in this respect a marvelously balanced society, and our town in western Transylvania was a microcosm of it. And in this respect there was no difference between the two countries in which I traveled back and forth. In the Europe of the time, the center of life and culture, of fashion and art, was Paris (as it still is). Bucharest was called “little Paris,” but of course not by Hungarians, who were orientated toward Budapest and Vienna, the two centers of the defunct Austro-Hungarian empire. Every year we spent at least a month with relatives in Budapest, and my mother never ceased regarding our life in Rumania as a period of exile. But for me it was somewhat different.

My home, after all, was where my friends were. They divided neatly into two groups. In the first, we discussed soccer, girls, and our likes and dislikes of professors. In the other, we created, at about age 12, a kind of study circle, with two objectives: the study of science, and the pursuit of liberal arts—history, literature, even philosophy. I remember one morning when four of us, the more “intellectual” of the group, decided to skip school, and went to

the town library instead! There, for the first time and awestruck, I checked out Kant's *Critique of Pure Reason*. All I did was hold it in my hand, and reverently leaf through its pages. There was no time and no knowledge for more. But it was a memorable day!

The yearly trips to Budapest were exciting because we crossed the borders. Our Hungarian passport made us welcome on the Hungarian side, but turned us into victims on the Rumanian side, where customs officials made us leave the train and went through our bags for three to four hours in search of forbidden items. It was a nuisance and a scary one, although my father had a regular permit to remain in Rumania (it had to be renewed annually). It meant an envelope with a thousand Lei that I carried to the local chief of the *Siguranta* (not yet called *Securitate* as in communist times) who took it for granted that he was thus bribed by foreigners. In Bucharest, there was more than this annual tribute: a secretary of state in one of the ministries was regularly given a New Year present of two cases of champagne, although the permit was automatically renewed.

Well, this was life, and I learned early its realities. The central reality was the classroom where (I speak now of the eight years that the *lycée* required) there were a dozen subjects to be learned, all obligatory, no such thing as electives. We took it with absolute seriousness because every boy's prestige depended on two things: his intellectual performance *and* physical prowess at sports. The two were in perfect balance, yet brains and knowledge had the edge over muscle. School, however, was only one side of a triangle; the other two were family and church. The three worked in unison, no divergent messages, no competition from other sources. There *were* of course other sources and influences, and some of us sometimes followed them. But we all knew where the center of gravity was situated. I do not want to say that it was a "moral" way of life: we were no saints. But what are called today "values" and to which mere lip service is paid, were for us matter-of-fact realities that society and its institutions made sure we would observe. What was the secret of it all? When I look back, and still today, I have no doubt about the "secret": a training in obeying authority. The word these days is ugly, calling forth mockery and political accusation. No matter. To obey meant not a militia leader's barking or an arsenal of punishments, it was something like this: my mother and father told me to sit straight at the table, to click my heels when introduced, to eat with my right hand, to shake hands in a forceful manner,

to answer clearly when talked to. And these warnings were not mere “don’t do that darling”; a slap on the face immediately followed if I disobeyed. I still bless my mother’s hands in remembering those slaps, they still guide me through life, and each time I shake someone’s hand I remember my mother’s voice: “You must learn to be a man!”

School and churchmen gave similar lessons. We knew we must earn their approval, because they did not naturally love us the way our parents did. The other day I happened to read Bell Telephone’s demagogic little poster, showing the hands of children and the slogan “We help them reach their dreams!” What preposterous nonsense, not to mention a false and empty promise: What right does Bell Telephone have to help (how?) my child reach his dream (what dream? why is that Bell Telephone’s business?). We were not fed on phony promises, yet I know that we were a satisfied lot, playing, swimming, hiking, going to dance schools, flirting with girls, and writing them romantic poetry we tried to send through ingeniously-found intermediaries. Our friends beyond school age, as old as 24 (unimaginably respectable for a 12 year old!), went even farther, and this created a sensation. Two of them, we learned one day, were going to fight a duel with swords over the governess of I no longer remember what family. Nor do I remember the nature of the insult, but I can never forget our excitement over the duel itself, and about who would win. They met in the nearby woods, early in the morning, and by noon everybody knew and enjoyed the fact that the more affable and modest (also the weaker physically) of the two had wounded the other, whom nobody liked: a loudmouth, with hanging moustaches, a typical false hero. Such were our big news, and memorable events, as when the apothecary’s son failed his admission exam to the university.

Parental and other authority was the stabilizing framework. But I think there was another one too. This is the early 1930s, a frontier town somewhere in East Europe. Hardly any motor cars, but lots of horse or cattle-drawn wagons. The streets and squares, even in midtown, had a definite smell: of animals, manure, chicken, pigs, wood, and things generally available at open-air markets—meat, butter, milk, cheese, fruit, vegetables—all of it unpacked, wonderfully unhygienic, sold in a sheet of newspaper. Nature was not trimmed and manicured. Everywhere colors, smells, often wild country as soon as you left the town boundaries. This animal element certainly contributed to our feelings of well-being. So did history. Our town,

still called after a medieval fortress, had been a stronghold in the wars against the Turks, who were for us what “Redskins” were for American children, back in the good old days when speaking of race did not send you to court. Thus there was, close to where I lived, a “Turkish cemetery” where, we assumed, not Christians but Moslems used to be buried. There were old tombstones surrounded by a low wall, and they were ideal places to defend ourselves against the “enemy,” that is children of the same age but living two blocks away. Epic battles in the wildly-grown grass, guards keeping the fortress, while others worked out the strategy. The firemen’s children were the chief enemy, with flags to which they pledged allegiance just as we did to ours—all in great secrecy.

This explains why, next to Robinson Crusoe, Gulliver, and Don Quixote, our heroes were Leatherstocking and Huck Finn, and most of all the characters of Karl May and Jules Verne, less known to American children. We died a thousand deaths with Michael Strogoff (Verne), were scalped by Winnetou (May), and navigated on the Mississippi with Twain. *The Critique of Pure Reason* obviously came later. As also the first talkies, the actors who visited our theatre, the famous singers and violinists, occasionally some famous scholar from the famous West—French, German or Italian—who, having lectured in Budapest, took a sidetrip to the provincial town. As we grew up, these things interested us more and more, and during my sojourns in Budapest I began to explore bookstores for philosophy, literature and history, so as to impress my friends in the study circle. Names like Darwin, Goethe, Eddington, Plato, and St. Augustine began to circulate among us, and also geographical names culled in class and made real through stamp collections. The sense of time and place, so immensely important for budding minds, was instilled in school, as was also etymology and, generally, the love of words and meanings. Only decades later, at the University of Brussels, did I understand how much I had received, almost unnoticed, in those years at the *lycée*.

Those years also helped me to take, much later, the full measure of the communist years, in both Rumania and Hungary. My reasoning was quite simple, and later proved correct: the decency, the knowledge, the talents, the western orientation, could not just vanish under Rakosi’s and Ceausescu’s brutal decrees and persecution. I realized, in other words, the great, the admirable, the blessed ability of people to hide under terribly adverse circumstances, for decades, even centuries

if need be. I knew, in short, what the Kremlin leaders did not: that "communist man" could never become a reality, only a bloody myth. And that people will emerge from the horror practically unaffected in their inner being, which I prefer to call *soul*. In my home town, in the entire Transylvania, which I last saw exactly fifty years ago, the children now beginning to go to school are the same as we were then. The streets and parks will be cleansed of blood and propaganda, the Turkish cemetery will see other children playing at war, and Hungarians and Rumanians will be just as suspicious of each other. The flowers will timidly bloom in the city parks, boys and girls will rendezvous across (why not?) national barriers, the public library, perhaps not thoroughly purged by Securitate, will still possess the Kant volume I reverently held in my hand.

The story would not be complete without this postscript. We moved back to Budapest when I was 16, after exactly eleven years. One could smell the coming war in the air. It became harder to be a Magyar in Rumania, although the new prime minister in Bucharest, Octavian Goga, a fine *littérateur*, was an admirer of the Hungarian poet Endre Ady, mentioned above. But literature and politics did not mix.

In Budapest I went to a new school, a German-type *gymnasium* rather than the French *lycée* with, appropriately, accent on German and Italian rather than French, and of course on Magyar history, as anti-Rumanian as *vice versa*. But with just as much Latin, geography, language, literature, psychology, philosophy, and art. New friends too, curious of how it was over there, across the border. The same institutions, insofar as keeping youth within the lines of sanity and morality. Many deviated, of course, but at least they knew from what they deviated, they were not floating through life without guideposts.

The change therefore was by no means a trauma, but I had to memorize dozens of poems, dates in history, and read other Latin authors than I had read in the franco-rumanian curriculum. My French professor favored me since I knew so much more French than my new classmates. All in all, I profited from both systems and both environments. They provided good lessons in the multiplicity of cultures and traditions. It is my own fault that I did not become particularly tolerant, because they both taught me the difference between good and evil—and the difficulty of following the former.

Military Moms and the Battle of the Family

Frank Zepezauer

THE APPEARANCE LAST YEAR of Brian Mitchell's *Weak Link: The Feminization of the American Military*¹ renewed the debate about women's role in the armed forces. It began over the question of whether women should be integrated into all military units but combat ones. It now focuses on the question raised by the combat-exclusion rule, which gender integrationists attack as an affront to female dignity and gender equality. Thus the feminist lobby's final push—or is it *putsch*?—aims at what has become the “last male bastion.”

Mitchell argues that this bastion should remain male. A former infantry officer with first-hand experience of the gender-equality quarrel, he thus confronts a socio-political power his former superiors have often appeased. Some of the Top Brass co-operated with the integration experiment, either out of egalitarian conviction, or misplaced chivalry. Others went along because they were following orders.

They kept silent even when carefully-compiled evidence revealed what the Russians and Israelis has long ago discovered in actual warfare: that in spite of the praiseworthy performance of some exceptional women, a gender-integrated Army suffers severely in impaired efficiency and morale. For that reason Mitchell dedicates his book to “the many thousands of military men who know the truth but are under orders to think and say the right things and not to notice that the Emperor has no clothes.”

What the Emperor—along with the general public—has not been permitted to notice includes an under-publicized flare up at Korea's 38th parallel, where an alarming number of female soldiers deserted their posts; a double standard that allows lower physical qualifications for females, and the suppression of a three-year Army study which documented the limitations of females in the majority of Military Occupational Specialties.

Because such data contribute to the women-in-combat debate, those chapters in Mitchell's book which discuss them have attracted the most attention. Consequently, another chapter, “From Here to Maternity,” has received little comment even though its data may

Frank Zepezauer, a regular contributor, is rapidly becoming an expert on Feminism (see his “Lesbian Sabotage” in our Summer, 1989 issue).

have even more serious implications. An account of how the military was maneuvered into endorsing the radical definition of the family, it needs a closer look.

Such an examination requires remembering what “the family” once meant: a father and a mother joined in marriage, creating by vow and blood our basic social unit. In the various extensions of this unit—to a community of relatives, or a clan, or a nation—it often meant more. In the various misfortunes that separated fathers, mothers or children from a surviving “broken” family, it often meant less. But more or less both took their meaning from a nucleus that established a universal norm. Not any more. Today, we increasingly accept a new definition established by individual choice, making “the family” whatever co-habiting individuals say it is.

How we got from a universal family norm to a divisive family pluralism within two decades is now the subject of worried commentary. Mitchell’s chapter shows the process at work in the U.S. military. “From Here to Maternity” explains how an institution once dedicated to the protection of the family was turned into an instrument for revolutionizing its meaning and purpose.

The prologue to his report on the 1970/1990 military began three decades earlier when the World War II and Cold War manpower shortages generated a fundamental change. Prior to 1940 our fighting forces recruited only unmarried men free of cumbersome dependents. An enlisted man could marry but could not re-enlist. Officers, however, were expected to establish families which would conform not only to the military but to the national model of duty, service and deeply rooted community. Soldiers in the ranks might remain bachelors, but they were reminded by their officers’ code of family commitment what they were fighting for.

After 1941 those traditions changed, and have never changed back. World War II required the recruitment of married men. The Cold War kept them in the service, where they and their dependents made increasing claims on the military budget. In 1942, Public Law 77-490 extended medical benefits to pregnant military wives, and in 1952 to their children. By 1965 the army was opening its first day-care centers, and uniformed personnel were for the first time outnumbered by dependents, who now enjoyed benefits still unknown to the non-military population.

Even so, the change from mostly-single to mostly-married enlisted

men helped to maintain the father/mother family norm. The early-stage welfarism that assisted dependents kept alive an almost obsolete family-wage policy which adjusted income to household size. For these reasons, the traditional family prospered on military bases, which had more children, more stay-at-home mothers, and fewer divorces than their civilian counterparts.

That relatively brief period of family stability also changed, leaving us in fretful debate about whether we could stop further damage. It is at this point that Mitchell's "From Here to Maternity" picks up the report of the military's contribution to family disintegration. His story begins in 1971, with the rapid increase in female personnel generated by hostility to conscription, worry about an apparent shortage of qualified males, and bi-partisan deference to the feminist lobby.

Within the military itself, feminists achieved influence by means of a series of small steps, advancing into its cultural center like native-born guerrillas. Each step put military leaders into a novel situation in which they usually "accommodated," a word Mitchell employs repeatedly with incremental irony. Prior to 1973, for example, enlisted men married civilians. Then they began to marry female soldiers and sailors with such frequency that by the late eighties there were 45,000 "dual service" couples. This high intra-service marriage rate generated a new kind of logistics problem: how to manage husband/wife transfers, a task eventually involving a special unit of full time co-ordinators. They didn't always succeed. Thus many fathers and mothers were forced to separate from their families, adding to already-heavy stresses that helped military marriages catch up with the civilian divorce rate.

The complications of transfer made up only part of the problem created by gender integration. The other part developed when the military extended pregnancy and maternity benefits from soldiers' wives to soldiers themselves. At any given time, between seven to fifteen percent of all female service members are pregnant. Their condition accounts for the majority of female hours lost to medical disability and to early departure from service, both of which are already on average higher for women than men *without* considering pregnancy. Even committed gender integrationists deplored the situation, adding their support to a long-standing policy to discharge pregnant soldiers. It remained in effect until the judiciary delivered one of its quasi-legislative *fiats*: in 1976 a federal court ruled that discharging pregnant Marines was an unconstitutional violation of the 5th

amendment guarantee of due process. By defining pregnancy as a "temporary disability" the court could then find invidious discrimination in a policy that had allowed other disabled Marines to remain in the service. Mitchell believes that Defense Department policy makers could have challenged the decision. Instead they "accomodated"—leaving the services with an ever-growing squalling mess.

Now forced to deal with pregnant service women, the brass struggled with disagreeable options. One was to encourage the departure of expectant mothers, a policy which would however accelerate the already-high rate of female attrition, and provoke ever-watchful civil libertarians. Another was to provide abortions, their preferred choice since, whatever its moral implications, it solved at one stroke a problem vexatious to all parties. This option nevertheless put them at odds with conservatives still strong enough at the time to put through a Hyde Amendment which cut off federal funding of abortions. Even so, the military continued to favor this alternative, offering no impediment to the one third of all pregnant service women who used private funds to abort their children.

The third option was to subsidize pregnancies by maintaining the active status of maternal servicewomen, allowing them, for example, unquestioned access to military hospitals for their "temporary disability." It also meant bending an old rule against "self-imposed disability" which was now applied to all personnel *except* pregnant females. Not infrequently the cost extended beyond the brief pre-delivery hospital visit. The services, for example, had to grant six weeks paid leave to expectant mothers, a costly loss of on-duty time since it could not be charged to a service woman's leave account. The military thus incurred additional expenses not only for a kind of leave which discriminated on behalf of pregnant service members but also for other obligations. In spite of vehement feminist denials, pregnancy can affect a worker's performance, and a difficult pregnancy can take her off the job entirely or put her into a military hospital, leaving behind a vacancy which could not be filled since she remained on "active" duty. Her work must therefore be taken up by the remaining personnel, most of them men who, Mitchell says, often have to fill in at other times when inadequate female muscle must be augmented by already-busy male muscle. Such incidents heated up the simmering male resentment that Mitchell reports—it was also provoked by incessant

lectures on feminist ideology, now a basic part of indoctrination for both enlisted men and officers.

Once a servicewoman gives birth, she requires maternity leave which may be protracted, not only by her own condition but by her child's. On return to duty she suffers greater distractions and claims on her energy. She must prove she has secured adequate child care in case of a sudden evacuation, but must report for duty with or without it even if she risks the welfare of her children. The dilemmas such requirements impose probably contributed to the derelictions of the soldier/mothers in the Korean border incident.

Solutions to such dilemmas often fall more heavily on the children, who may suffer irregular and inadequate supervision. Their needs add to the clamor for day-care facilities that now take ever greater chunks out of the military budget—\$80 million in a year Mitchell cites. Child care thus diverts money from other services such as chapels, libraries, theatres, recreation centers, and other supplementary facilities which help to boost morale. All that remains, it appears, is to cancel Bob Hope's annual Christmas tour to our men overseas and replace him with Mr. Rogers touring the nurseries to symbolize the conflicting images the military now projects: not only the ultimate guardian of our women and children but also their surrogate husband and baby sitter.

Reality has in fact caught up with hyperbolic humor, for if many women are now in effect marrying the state, many others are marrying the military, adding another meaning to the term "military wife." And the newest meaning dumps on the services the most serious of the problems which maternity has generated. All the costly obligations which a child-bearing wife or servicewoman imposes on the taxpayer might nevertheless remain tolerable, even worthwhile, if such subsidies helped to sustain the traditional father/mother family. Unfortunately, in an increasing number of cases, they achieved the exact opposite by helping to support and encourage out-of-wedlock births. Once again, the military came to this point by accommodating a series of strategic steps without apparently recognizing where they would lead.

Defense Department officials had to cope with maternal servicewomen who had lost husbands or had never married them. Each of these situations had plagued the services from the beginning of gender integration. Prior to 1970 single parents, female *or* male, were often involuntarily discharged. But, as Mitchell puts it, "only because

the services were forced to protect service women from factors aggravating female attrition did they adopt the present policy of tolerating some 50,000 service members who are single parents.” Moreover, their toleration compounded the deception that provokes much of the controlled anger a reader picks up in Mitchell’s voice. He saw “deliberate deceit,” for example, in data-juggling which only reported that “more than three quarters of the military sole parents are male” without disclosing that they had lumped custodial and non-custodial parents together.

However, when the services focused on single parents who actually took care of children, a different reality was exposed. The Navy and Air Force, for example, discovered that Navy women “were eight times more likely and Air Force women five times more likely as Navy and Air Force men to be single parents.” They also discovered that the ratio of male to female single parents went down as the number of women in the services increased. Today the Air Force, with women at not quite 14 percent of its personnel, estimates that half of its single parents are men and half are women, making Air Force women more than six times more likely to be single parents. A survey of 11,000 Marines (13% female) at Twenty Nine Palms, California, found that female Marines were 14 times more likely to be single parents.

Since the publication of Mitchell’s book, other studies have confirmed the data he quoted, showing that what he considered bad enough was getting worse. A study of 789 active-duty pregnancies in the San Diego area, conducted by a Navy nurse, Commander Judy Glenn, showed that 41 percent of these women were single. Of this group 80 percent were located in the bottom enlisted ranks, *had chosen to remain single after child birth*, and had opted to remain in the service [my emphasis]. They also presented the services with problems Mitchell did not mention. Since 12 percent of these single mothers also suffered from chlamydia, a venereal disease, their sexual activity brought costs to the Navy which compounded the costs of their “mostly unplanned” pregnancies. The San Jose *Mercury* reported that the Navy brass were “stunned” and were now describing pregnancies as their biggest single readiness problem.²

A Rand Corporation study discovered that “although the number of custodial single parent families in the Army has risen only slightly in recent years, such families are increasingly female headed. Whereas only one out of four such families was headed by a female in 1979,

by 1985 the fraction was almost half. In addition, while the number of single parent Army households headed by men actually declined between 1979 and 1985, from almost 8900 to less than 6900, the number of such households headed by women rose from 4100 to over 5800”³ The report gave as one of the causes for this trend the fact that divorced women account for an increasing fraction of female enlisted: currently 27 percent of all women in the Army are divorced compared to only eight percent of the men. The report speculated about the career choices of divorced single mothers and by implication to never-married mothers:

The Rand researchers suggest that divorced women may find a strong incentive to remain in the Army pending possible future remarriage . . . [because] economic incentives—stable employment, health care, school for children—may encourage them to re-enter.”

A segment of the Jan. 15, 1990 NBC Evening News illustrates the tangled problems spun out by military pregnancies. It reported that an unmarried Air Force woman had been denied access to a top security position on grounds of “irresponsibility” inferred from her three aborted pregnancies. The Air Force believed that anyone assigned to sensitive operations should be able to keep personal affairs from interfering with official duty. Three “accidents” in spite of presumable careful contraception did not fit its idea of good judgment. The outraged servicewoman took her case to feminist groups and the media, and won sympathetic prime-time coverage for what was presented as a blatant form of sex discrimination. Although the Air Force punished unmarried fathers with equal severity, discrimination occurred, she argued, because it was harder to identify male offenders, while females supplied conspicuous evidence of their infraction. The NBC report ended with the comment that neither the Navy nor the Army imposed such sanctions on unmarried pregnancy—aborted or brought to term—because such a policy denied them too many qualified personnel.

From such reports, and Mitchell’s chapter “From Here to Maternity,” we can hazard some conclusions about the Defense Department’s family policy. It rests on two fundamental positions: pmissiveness and accommodation. The military winks at most forms of sexual behavior, and takes no official notice of marital or parental status. Note that all parties involved with the thrice-aborted airwoman avoided a term which Mitchell used in his book: “sexual immorality.” Note also that the feminist lobby was powerful enough to embarrass the

Air Force on national television for undertaking an action which was considered "neanderthal," a favorite feminist pejorative which has been frequently applied to Mitchell himself. They thus emphasized a point they make frequently: that what a woman does in private is her own business, regardless of the consequences, and regardless of who might have to pay for it.

According to the rules which apparently now apply for military personnel, sexual behavior should be private and consensual: off-duty, off-base and out of sight. If it's non-consensual, the authorities will continue to come down hard against rape and increasingly against "sexual harassment," which can mean anything from coercing sexual favors to criticizing feminist ideology. "Fraternization," the social mixing of the ranks, still violates the code of conduct, but, apart from egregious embarrassments, has won a reluctant tolerance which Mitchell says has softened discipline.

The ban against homosexuals remains, but it is apparently more vigorously enforced against men than against women. The Navy, for example, forced the resignation of a highly-qualified gay midshipman, yet the services in general seem ambivalent toward female homosexuals who may in fact outnumber their male counterparts. Lesbians face discharge for blatant behavior but remain undisturbed if they stay in the closet, even when their proclivities are recognized. Mitchell confirms the rumors about heavy lesbian concentrations in the old Women's Army Corps, who formed a homosexual underground which has continued into the gender-integrated military. He speculates that suspicious commanders nevertheless tolerate this kind of homosexuality because masculinized women often make good soldiers and, he naively adds, they don't have children.

As for sexual activity that procreates illegitimate children—by far the most costly and family-threatening—military leaders remain officially indifferent. They arrived at that point by accommodating to each step that moved them closer to the radical definition of the family. No particular step seemed to threaten the ancient domestic order whose multi-millennial duration stifled doubts about its invulnerability. Why complain when road builders carve away a mountain a bucketful at a time? And why complain when supposedly idealistic reformers nibble away at the family to build a road to a better future?

Thus it was a small step from single to married soldiers, from

childless to child-bearing military families, from moderately-assisted to heavily-subsidized households, from civilian to military wives, from widowed to divorced—and then to never-married—mothers. The changes escaped our notice because they were obscured by never-changing language. A soldier was a soldier, and a mother was a mother, and a family was a family.

Yet behind this semantic consistency the definition of the family was turned upside down. Twenty years ago it meant a father and a mother in a marriage. Today it means any woman and her children in or out of marriage or in defiance of marriage altogether. That possibility was always implicit in the anti-family campaign, nourished by radicals who never believed in the legitimacy principle to begin with—who saw it, in fact, as the root of all “patriarchal” evil. Thus as military policy finally accommodated itself to illegitimacy by accident, it was forced by perverse logic to accommodate illegitimacy by choice.

It doesn’t matter that few women actually make such a choice, and that fewer still openly defend it as a new woman’s right. What matters is that the choice is now honored by *de facto* public policy. It was not, however, established by well-informed public debate. Can any of us recall when we argued about whether a woman had the *right* to deliberately establish a fatherless family? Instead, as with the woman-in-combat issue, it has been insinuated into policy through a series of judicial and bureaucratic decisions and then presented to the public as an accomplished fact.

Even if we were to debate the merits of “elective single motherhood,” we would soon discover that many women have already made such a revolutionary choice, have suffered little social stigma or legal impediment, and now claim government recognition of their “alternate family.” They expect to get it not only in civilian life but also in the military where “accommodation” to radical initiatives has become established policy.

We have therefore declared women equal to men in the market place and in the military barracks. But in the home, we have declared fathers subordinate to mothers—nothing more than an option left solely to women. The choice ethic thus invades still more traditional territory. It bestowed upon women the right to determine whether a “fetus” may become a child. It now bestows upon them the right to determine whether a “sperm donor” may become a father.

This prospect opens up the deeper issues of male motivation introduced

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by George Gilder twenty years ago. Brian Mitchell has re-examined them from the perspective of recent history in the U.S. military. What he reports proves Gilder a prophet or, it appears, a Cassandra. For today relatively few people explore the question he put in *Sexual Suicide*: why should men fight in the workplace or on the battlefield for “home and family” when, according to now-widely-accepted radical theory, a “family” is whatever a woman says it is, and a “home” is essentially a woman’s place?

NOTES

1. Brian Mitchell, *Weak Link, The Feminization of the American Army* (Washington D.C. Regnery Gateway Inc. 1989).
2. San Jose *Mercury* 8/15/89.
3. Peter A. Morrison et al., *Families in the Army: Looking Ahead*, R-3691A Santa Monica, CA; Rand, 1989.

Don't Plan On It

Brian Robertson

“KIDS BRING MORE SPICE TO LIFE” reads the double-page advertisement in Germany’s glossy *Der Spiegel* magazine. It shows a picture of an adoring mother watching her young daughter, as the little girl takes her first solo ride on a bicycle. The West German government placed the ad to encourage young couples to have more children. Germany’s birth-dearth is particularly severe; families average only 1.3 children, well below replacement rate (which is roughly 2.2). It is a good measure of contemporary attitudes that young couples need to be reminded that children are not necessarily an intolerable burden.

The idea of pregnancy as an illness and children as a burden now runs through much of the discussion about parenthood. That analogy is not as odd as it may sound. Just as with other illnesses, we speak of preventative measures (contraceptives), remedies once you have come down with it (abortion), or, if it has progressed too far to remedy, at least alleviating as much of the pain and suffering as we can for those who are afflicted (child-care). The ad in *Der Spiegel* raises the interesting possibility that children can add something positive to their parent’s lives, even if it’s only a little excitement.

“What do you do when someone tells you you’re pregnant? You cry. And you deny it.” That’s how a high school junior (who chose to remain anonymous) described her own experience in an open “Letter to Teens” in the *Washington Post*. It’s strange that she should universalize her feelings, as if it were a common reaction. But perhaps it’s not surprising: for many “modern” American women, pregnancy is becoming a traumatic experience, at odds with their goals and ambitions. Not so long ago, parents anticipated the birth of a child as “the Blessed Event.” What is it that accounts for our modern preoccupation with the burdens rather than the blessings of children?

Well, there’s a clue in the phrase itself. Bringing new life into the world was not called “a Blessed Event” but “*the* Blessed Event,” not an unexpected bonus to a marriage but the very aim of the union

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from the beginning. It was planned parenthood, but certainly not in the ridiculous sense in which that phrase is used by the organization of the same name—as if it were planned like a party or a picnic, something you can arrange down to the most minute details of time and circumstance. It was planned in the more general and more certain sense of something natural that is anticipated.

These days, the emphasis is on the sacrifice and hardship that we must accept when we decide to become parents. In a recent issue of *New York Woman*, Winifred Gallagher, responding to the news that she is expecting twins, provides a good example of this suffering-martyr attitude:

The worst thing about the situation was that it was . . . *not fair*. I had a plan for my life and twins were not part of it! I addressed my intimates: Could anyone deny twins would jeopardize my health, work, sex life, budget, waistline? Sabotage my American Express-commercial fantasy of a future of understated fame and fortune, travel and romance? If anything, their reactions suggested I was being overly sanguine. My best friend, a doughty Bostonian who knows how to put a good face on things, actually buried her head in her hands.

For many, children are no longer regarded as the inevitable product of marriage but as an option that depends upon the aspirations of one or both parents, calculated into their lives with the same materialistic criteria as any other personal aspirations: work, sex-life, travel, budget, etc. Children are just one possible component in a long agenda of self-actualization, and since every Self is fulfilled in a different way, they may or may not be on the list. If they're not, it's easy to see why pregnancy would be regarded as a disease: it's an unwanted intrusion that prevents a woman from fulfilling herself by debilitating her. It serves no real purpose but to interfere in her plans.

Unless, of course, she changes her plans. Once she decided against an abortion, Mrs. Gallagher was pleasantly surprised by the positive aspects of what she terms "losing control":

I realized that on the road to self-determination, I'd stopped regarding unexpected developments, obstacles, even failures, as parts of life and started seeing them as symptoms of bad management. . . . I've been pried loose from a blindingly boring self-absorption masquerading as independence. I've even become more sparing with cheap advice since having my nose rubbed in the fact that certain things in life are not ours to determine—our parents and cultures, births and deaths, strengths and weaknesses, loves and hates.

Just writing this down makes a control freak like me nervous, but these days, rather than always trying to grab the tiger by the tail, I simply surrender to it, sometimes.

BRIAN ROBERTSON

When children are put in the position of having to compete with a new VCR, or a trip to the Bahamas, it's not difficult to understand why they rarely win out. The minute you decide that children are a sort of consumer choice—that *you* will determine the time, place, and circumstances of having children—you have taken on an unmanageable burden. If having a child is relegated to the level of a *decision*, it becomes, by definition, the most serious decision one can make, with the most irrevocable consequences. And we all tend to avoid that type of decision (the type we will have to live with, in this case literally).

But what if it's not up to us? Most people today take for granted the desirability of "family planning," regardless of their feelings about abortion. Unnoticed is the direct correlation between the prevalence of a "family planning" mentality and so-called *unplanned* pregnancies; the more we attempt to strictly control procreation, and separate the possibility of pregnancy from sexual activity, the more frustrated we become when our regulation of the natural order fails. Before the notion of "family planning," few spoke of unplanned pregnancies or accidental children. When more was left to Providence, we intrinsically understood the beauty and wonder of joyfully accepting the unexpected. But with our ever-increasing ability to satisfy our every material desire (and our ever-increasing wish to do so) we have come to see the contradiction of those desires as an unmitigated disaster. This dreary egotism erodes commitments to family and community, all of which entail some subordination of the individual will for the greater good. The problem is, we can no longer conceive of any greater good than our own "plans," which goes a long way toward explaining why western nations are having such trouble merely replacing themselves.

This doesn't apply to the third world, of course, where contraception and abortion are not so widely practiced. That bothers syndicated columnist Ellen Goodman:

The darkest tales of the environment usually come to us in neatly labeled scientific packages. The Greenhouse Effect. The Hole in the Ozone. The Destruction of the Rain Forest. Air Pollution. Water Pollution. These headlines reek of chemistry and technology.

But rarely do we see one entitled The People Problem. People, the growing number of us, seem at times mysteriously absent from the public discussion of the state of the Earth.

Ms. Goodman feels that we face a choice not only between children

and our personal “fulfillment,” but also between children and the environment! In the new liberal ideal, the interests of “persons” must not take precedence over the “rights” of animals, and the “rights” of the environment. Since feminists who favor abortion on demand must oppose the maternal instinct to protect the rights of their own children, that instinct finds expression in the fight to protect the “rights” of non-human entities (which can be anthropomorphized without any attendant personal responsibility). At war with their own biological nature, they feel the need to embrace some sort of “natural” ethic, which keeps their minds off some of the more monstrous aspects of their social agenda.

The ability to bear children is an unpleasant reminder to feminists that, regardless of their own plans, there is another plan that mandates their role as bearers and nurturers of the race. Abortion is *the* symbolic issue for feminists because it serves as a confirmation of their victory over a cruel Natural Order which has conspired to keep them from social power and influence by binding them to a role which they see as outdated. But their nascent awareness that *they* have been the losers, both psychologically and financially, of the Sexual Revolution they championed is affecting their confidence. They recognize that their biology is on a collision-course with the political and business opportunities that they associate with their advancement as a gender. This has led to causing the great anxiety and confusion that is apparent even in their most impassioned defences of “reproductive rights,” i.e., abortion.

This phenomenon is most apparent among the youngest members of the feminist movement, who have grown up in a generation which attaches no particular stigma to abortion and pre-marital sex, even considers them birthrights of citizenship. Thus they are unaware of the peculiar boundaries of rhetorical etiquette that developed when these “rights” were not so firmly established, in which the abortion lobby avoided terms that were evocative of regret, pain, despair, and selfishness when justifying abortion. Certain things just weren’t said, no matter how deeply they were felt. Things such as those that the young girl in the “Letter to Teens” says so movingly:

There I was with a child those people would have killed for, and I was throwing it away. What a waste. What a sick, sad, disgusting waste.

I would go out and see a baby and imagine it was mine, and I’d start to cry. Those babies are all going to become people, but mine was going

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to be disposed of before it even had a chance. . . . So I had the abortion. The most physically and emotionally painful experience of my life, it also was probably the wisest thing I ever did. Or at least I tell myself that... I'm going on with my life, but I don't think I'll ever forget what it felt like to kill a part of me. I still get upset when I see babies. I still cry at odd moments when I am reminded of it.

A new honesty is breaking down the old taboos, perhaps because this generation senses, despite a continuing belief in "reproductive rights," etc., that something is deeply wrong. The feminist promises of liberation and empowerment ring hollow, but they're not sure what rings true (certainly not the old-fashioned and outdated ideals of chastity and motherhood). In a recent "My Turn" column in *Newsweek*, Kim Flodin gives vent to her contradictory feelings about joining in pro-abortion demonstrations, despite the fact that she feels "inextricably linked" with the movement:

Though I understand its necessity, I hate the sloganeering. I hate it because I cannot reduce my complicated set of emotions to the bold-face type of a placard. For the most part I have put the abortions behind me. Although the decisions were wrenching ones, I am not troubled now by the fact that I had the abortions. And I don't worry that PID-induced infertility may be the price I'll end up paying if I try to become pregnant. I can say, despite the blood and the grief, I'd do it all over again—even though it makes me immeasurably sad and I still choke a little when I remember the dream boy on the beach.

Dr. Koop, call your office. The former Surgeon General dismissed as "anecdotal" all evidence that women suffer from lasting emotional distress due to abortion. But what other kind of evidence is there when it comes to emotions than the testimony of those who experience them? The idea that emotional distress can be measured with scientific precision is absurd. It is clear that Ms. Flodin doesn't buy the currently-fashionable "no regrets" ideal of her sister feminists.

My abortions were thrust upon me by my carelessness and what almost seems to be anachronistic biological laws. People make bad decisions for which they should not have to pay with their whole lives, and no one can legislate biology. I was pregnant, I carried two unborn children and I chose, for completely selfish reasons, to deny them life so that I could better my own. It may not sound catchy, but it's the only way I know how to say it. Now how the hell am I going to put all of that onto a poster?

While Ms. Flodin may object to the vulgarity of condensing her personal reasons for having an abortion into a political slogan, her real problem is not conciseness, but rather the fact that the term "pro-choice" reflects none of the "blood and the grief," the sadness,

the “carelessness,” the “completely selfish reasons,” that *her* choice entailed. After all, “Deny Your Child Its Life to Better Your Own,” or “Be Selfish, Have an Abortion” are not that hard to fit onto a poster. But as Flodin says, they aren’t “catchy,” which is why she understands the “necessity” of more appealing (and less truthful) slogans like “Women for Choice.”

After the litany of reasons why her abortions have brought her pain and grief, Ms. Flodin concludes by asserting that they were obtained to “better” her life. One might be entitled to ask whether the perceived inconvenience she avoided by disposing of her babies was worth the real distress it obviously caused her. Torn between what she is told is the politically-correct and enlightened position of equal rights for women, and her own “complicated set of emotions,” she is “immeasurably sad” about her abortions. She feels she was forced into them by “what almost seems to be anachronistic biological laws.” But of course biological laws can never become anachronistic.

Not so with ideologies. Feminism has attempted to combine the claim of a distinctively superior feminine psychology (a personally directed approach to problems, as distinguished from masculine “ideological” thinking) with an outright surrender to traditionally masculine standards of success (political influence, earning capacity, etc.). It has hit a brick wall in its inability to “reform” nature. Feminists wish to assert the superiority of their outlook on the world, while abolishing the very qualities that make them females. Feminist doctrine views earning capacity and political power as the sole measures of women’s social position relative to men. This doctrine was expressed in a document of the U.S. Commission on Civil Rights in 1981, *Child Care and Equal Opportunity for Women*, which states:

Women’s traditional role—and in particular their responsibility for child care—constitutes a significant barrier to equal opportunity.

This leaves women in the position of either abandoning their responsibility for child care, or redefining what they mean by equal opportunity. It would appear from the declining birth rate and the increasingly negative view of pregnancy in our cultural discourse, that they are choosing the former option. But there are encouraging signs that young women are becoming dissatisfied with the *status quo*, and willing to re-examine the emotional and economic benefits of being mothers and housewives (as compared with those of being

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competitive in the workforce). It has proved very difficult to maintain the viability of motherhood as a thriving institution in a society which judges it as a personal choice, no more or less important than career goals or material ambitions. Any program which aims to restore the vitality of the Family must begin with the notion that parenthood is the aim of every union, and children the central concern of every family. We will know we're on the right track when the birth of a child is again commonly celebrated as "the Blessed Event."

Thoroughly Modern Marriage

John Wauck

A recent issue of *Vanity Fair* features a remarkable article on movie-star Jessica Lange which illuminates the current state of modern marriage. Ms. Lange is obviously grieved by what she calls the "displacement of the family":

I think that it's not only what's wrong with men. It's what's wrong with women, what's wrong with children. I think that's what's wrong with civilization in America—the family's become disposable. You know, if you don't like your wife, you can get rid of her; if you don't like your husband for a day, you can get rid of him.

Not bad, you say. Gently, the interviewer reminds Ms. Lange that, while raising her love-child by Mikhail Baryshnikov, she now lives with the playwright Sam Shepherd, to whom she is not married: "But you yourself have resisted conventionalizing your family situation." Ms. Lange is unfazed:

I think marriage is about your commitment to the other person. It has absolutely nothing to do with some government decree. The legality of it means absolutely nothing to me whatsoever. That's not going to make people live their lives together and be responsible to each other.

The remarkable thing is that she's right. Her view is perfectly consistent and reasonable. Why *do* people insist upon government recognition for promises they don't have to keep? Why not just live together?

After all, what is marriage? As an event, it is a passage through a particular more-or-less-formal ceremony involving a mutual commitment which turns a man and woman into a husband and a wife. As a social institution, it is much more difficult to define.

A strictly operational definition is elusive, for the things done by married people are done by unmarried people as well. Living together and being "in love" are not unique to married couples. Moreover, the institution of marriage encompasses nearly all manner of behavior. You can be married without being in love, without living together—even while having sexual relations and conceiving children with other people. It does not seem particularly helpful

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for our purposes, but it seems the one thing that married people do that unmarried people do not do is get married. But why?

Although popular views of marriage have varied, genuinely new ideas about it are rare. In the sixteenth century, Martin Bucer, the Reformer of Strasbourg, had already articulated the thoroughly modern view, unimproved upon since, that "the most proper and highest end of marriage is the communicating of all duties, both divine and humane, each to other, with utmost benevolence and affection." Marriage, in other words, is sharing between two people. He advocated divorce by mutual consent. John Milton, another early advocate of divorce, said that God made marriage "for the apt and cheerful conversation of man with woman, to comfort and refresh him against the evil of solitary life," and elsewhere insisted that "meet and happy conversation is the chiefest and noblest end of marriage."

All of which is very nice, to be sure, but why would people bother to "marry" if sharing, companionship, conversation, comfort, communication—in short, intersexual friendship—is all they want? Why are there solemn promises and a ceremony of initiation? Any definition of this peculiar form of friendship must grapple with the institution's distinguishing features: life-long commitment and child-raising.

We still pay lip-service to permanence when, in the customary marriage vow, we promise fidelity "till death do us part." Those who favor divorce must either believe that this vow is mere rhetoric or endorse lying, for, by definition, it is not possible to retract a life-long commitment. A retractable lifetime commitment is simply *not* a lifetime commitment; it is a commitment until I decide not to be committed—i.e., not much of a commitment.

Comparing marital fidelity to civic loyalty, G.K. Chesterton noted that marriage creates a special sort of *polis*:

. . . the marriage vow is marked among ordinary oaths of allegiance by the fact that the allegiance is also a choice. The man is not only a citizen of the city, but also the founder and builder of the city. He is not only a soldier serving the colours, but he has himself artistically selected and combined the colours. . . . If it be admissible to ask him to be true to the commonwealth that has made him, it is at least not more illiberal to ask him to be true to the commonwealth he has himself made.

Is it too much to ask that men not make promises that they do not mean to live by? If you don't intend to bind yourself permanently, you don't have to pretend.

Why then does the marriage ceremony retain its appeal? What is so attractive about “matrimony” that leads men to seek its halo for their relationships? It is not simply that children are involved. Children are a reason for our attentive concern for the family, but not the source of our admiration for the institution of marriage; children, after all, can result from disreputable fornication. The real source is the commitment—the daring vow of fidelity for better or for worse, for richer or poorer, in sickness and in health, which isn’t particularly daring now that it’s empty rhetoric.

But if the ongoing urge to take the marriage vow is somewhat mysterious, even more so is the recourse to divorce. The most peculiar thing about divorce is its on-and-off reverence for ceremony. Every activity of “married life”—except the marriage ceremony, which is ordinarily reserved for those who haven’t already been through it—is open to all who care to participate. As Chesterton puts it, “Any man in modern London may have a hundred wives if he does not call them wives; or rather, if he does not go through certain more or less mystical ceremonies in order to assert that they are wives.” Moreover, he continues, “The fashion of divorce . . . might be summed up as a most illogical and fanatical appetite for getting married in churches. It is as if a man should practice polygamy out of sheer greed for wedding cake.” The unique advantage of divorce over simple separation is the opportunity to go through the marriage ceremony again. Thus Chesterton could claim, “the divorce controversy is not really a controversy about divorce. It is a controversy about re-marriage; or rather about whether it is marriage at all.” The difference between a “broken marriage” and divorce is not in dispositions—both couples are angry or disenchanted with each other—but in the ability to marry again.

The desire for remarriage is a desire to enjoy the respect we give to a lifelong loyalty in the very act of switching sides—breaking and making the very same promise in the very same breath. It proclaims the significance of one ceremony while disavowing the significance of a prior, identical ceremony. As Chesterton quipped, the medieval Europeans “knew that it is not the habit that makes the monk. They were not so superstitious as those moderns who think it is the veil that makes the bride.”

The superstition seems to be catching. The executive director of the Lambda Legal Defense and Education Fund (a gay-rights group) claims that marriage “triggers a universe of rights, privileges and

presumptions.” But of course it only does so if it has a specific character of its own. If marriage is only what two people say it is, then it triggers only the rights, privileges and presumptions that two people want it to trigger—maybe many, maybe few. By its very open-ended nature, it demands no definite reverence from society.

Of course, in today’s society, we have already accepted the premise that marriage is not defined by nature. Indeed, the argument for gay “marriage” is not unlike the argument for “remarriage” after divorce. Both gay and divorced people seek the benefit of marriage even though the achievement of their goal makes “marriage” something other than the immemorial institution that people intuitively respect. Is it just the name “marriage” that homosexuals want? That is certainly all they will get, because they simply cannot enter that ancient institution which nations and churches have protected. Like the acceptance of divorce, the widespread acceptance of gay marriage will simply compromise the respect that people have for marriage. Those who disapprove of infidelity and sodomy cannot be won over by calling bigamy “remarriage,” or by calling more-or-less monogamous sodomy “marriage”; marriage will simply mean less.

Why don’t more people think like Jessica Lange? Not recognizing the binding power or divine authority of the marriage ceremony, she has no need of it—she’ll bind herself, thank you.

All of which recalls the amusingly candid discussion of divorce in the Gospel of St. Matthew:

“What therefore God has joined together, let no man put asunder. . . . And I say to you, that whoever puts away his wife, except for immorality, and marries another, commits adultery; and he who marries a woman who has been put away commits adultery.”

And his disciples said to him, “If this be the case between men and women, then it would be better not to marry.” (Matthew 19:6-10)

At least the disciples were honest. And they had a point. Why would any sane person—knowing the vicissitudes of human existence, and just how bad the worst can be—bind himself permanently to another human being “for better or worse”? Sounds suicidal. In fact, although many won’t admit it, we have taken the disciples’ advice: it does seem better not to marry under the conditions that Christ describes; so we don’t.

Statistics show that today a higher proportion of people “marry” than ever before. The biggest single issue of a consumer magazine

in history was a recent issue of the bi-monthly *Brides*. Over 1,000 pages long, it sold some 600,000 copies, at \$5 per copy. Weddings are fashionable—even Hugh Hefner and the homosexuals want in.

Yet, as Maggie Gallagher argues in *Enemies of Eros*, to legalize divorce is to outlaw marriage; for, when divorce is legal, you simply cannot enter a relationship (a true marriage) that will guarantee another person's lifelong obligation to you—even when that is what you claim to be doing. As Francis Canavan has written, "the American divorce culture does not allow young people to marry in the sense of making a binding, lifelong commitment to each other, does not support them in the facsimile of marriage into which they do enter, and encourages them to break it up when the going gets tough."

Is marriage, then, for all its seeming popularity, in fact quite rare—in certain societies perhaps an endangered species? The economist Joseph Schumpeter answered the same question back in 1942 in his magnum opus *Capitalism, Socialism, and Democracy*.

The marriage rate proves nothing because the term Marriage covers as many sociological meanings as does the term Property, and the kind of alliance that used to be formed by the marriage contract may completely die out without any change in the legal construction or in the frequency of the contract.

In other words, the fundamental change in our legal construction may have already been made; further developments in marriage behavior (cohabitation, "gay marriage," etc.) may be elaborations of a principle that was accepted long ago—accepted, perhaps, with the legalization of divorce, which has been the fundamental alteration of Western marriage. Indeed, it marked the emergence of two institutions—both called "marriage"—one indissoluble and one not, one marking the beginning of a family and the other striking a one-on-one bargain. And while one has flourished, the other has faded.

To say that marriage is "indissoluble" is not to say, as some may think, that divorce should not be allowed but rather that it doesn't really happen; it means that, in essence, divorce is a legal fiction to protect one from charges of abandonment and bigamy. The marital bond is "indissoluble" because it simply does not dissolve.

In 1610, the Anglican divine Edmund Bunny argued, in his tract *Of Divorce*, that marriage is made of more than the bonds between spouses, and that divorce can sever only the conjugal relation between spouses. He contended that divorce does not dissolve the complex ties that actually constitute a marriage, ties he saw as including

not only the spouses but God Himself. Even without bringing God into the picture, a marriage is not just a relationship between two people; it is essentially broader than that. When we marry we enlist not only in a marriage but also in a family, and no piece of paper or legal decree can erase the living bonds that make a family.

Just as child-bearing alters who you are (now and always, like it or not, you are junior's father) so marriage permanently alters who you are. As the moral philosopher William May puts it: "A spouse can no more become an ex-spouse than a father can become an ex-father or a mother an ex-mother." In fact, the relation between the parents is made most clearly permanent through the children: like it or not, your wife is always the mother of your child; this relatedness will never disappear.

We didn't choose our identity to begin with—as we help forge the identity of our parents, so our parents largely determine "who" we are—but in marriage we are given a chance to choose who will determine our identity for life. The momentous character of marriage stems from this free, conscious choice that irrevocably changes who we are. To marry is to embark on a voyage that changes our identity, making us no longer just a man but both someone's husband and, at least in principle, someone's father.

Though the relationship between spouses is the fruit of love, within the family as a whole it is mostly the other way around. Within families, relatedness precedes love; parents and children and siblings are related before they even know each other. Although he is speaking of lovers, what Roger Scruton writes in *Sexual Desire* about the desire that arises from "destiny" may also apply *mutatis mutandis* to the love within families:

. . . the love which responds to destiny grows, in a sense, from nothing. No quality, no achievement, no virtue in the object need inspire the first movements of regard. It is enough that he is there, another warm human body, trapped beside me in the predicament that is ours. What need there be, in this, of friendship or esteem? And what is erotic love, if not just such a response to an inflicted destiny—the destiny of desire?

We find ourselves "trapped" together in families, "victims" of a proximity and relatedness that makes desire, or rather love and care, inescapable; like it or not, we are "bound" to love our own. One of the reasons why children are so shocked by divorce, even in obviously strained marriages, is that they are used to violent words and actions—either between siblings or between themselves and their

parents—that have no effect on relationships; no matter what has been said or how anger has raged, the relationship remains. When the fisticuffs cease and the dust settles, when the pants are back up and the bottom stops stinging, your brother is still your brother, and Mom is still Mom. It's only natural that children should see other family relationships as similarly inviolable—especially their parents' union, since it is the source of all the others.

Thus, especially for the child, divorce brings chaos. Is the old Dad, the one who loved Mom, the real one, or is the real Dad the one who's now looking for another woman? And the inevitable question arises: does this “new” parent, who no longer loves the spouse he loved before, still love the child he used to love? After all, if you can switch wives, why can't you switch children? Family identity is triangular. It is the father who makes the mother be Mom, just as she has made him Dad, and both together define and are defined by their children. Divorce denies the permanence of the relation that has made us who we are—it lifts the anchor of identity.

Moreover, a person is made not just of ineradicable biology but also of intangibles like personal history, a home, and humor. Thus it is only natural that spouses are often unable or unwilling to accept divorce: nights spent waiting by the phone, a craving to know about the other's new life—having thoroughly internalized the other's voice, views, and concerns, they cannot shake them easily. For such spouses, in practice, divorce has changed nothing. And the same is true of children. Even ten years later, some children refuse to admit that the marriage is over.

Reflecting on his own divorce, the novelist Pat Conroy has observed that “Every divorce is the death of a small civilization.” Because members of families exist in relation to other persons, when those relations are destroyed and the people who define our personal lives are not simply absent but openly hostile, when that “civilization” has been razed, the person (father, mother, son, daughter) is exiled to a sort of limbo, and life can seem to have come to a halt—a living death. In a recent study of divorce, a 66-year-old divorcé confessed, “What I miss most is watching my daughter grow up. . . . It's gone. It will never come back. That's what I regret most. It's like death, only worse. In a death, a person is gone and fades away. But not in a divorce.”

If the permanence of marital bonds is most obvious through children, we can now see why so many modern marriages do not confer a

new identity: we have defined marriage in such a way that children are accidental rather than essential to marriage. No longer necessarily the beginning of a family, the union of husband and wife is thus no longer the implicit acceptance of motherhood and fatherhood.

Sadly, children of divorce often say they won't have children of their own until they're absolutely "sure that their marriage is working." The problem with this strategy is that children are a crucial part of what makes most "working" marriages. Another recent study quotes a young woman who learned this lesson the hard way, when her parents divorced after twenty years of marriage: "People marry in order to have children, and parenthood is what holds a marriage together. When the children are grown and gone, marriage no longer has a reason for being and couples will then drift apart and the marriage will slowly die. If couples stay together even after their last child leaves home, then they are truly in love and they are the lucky few."

The old unified view of marriage-family-babies occasionally crops up, sometimes in unlikely places: "I would love to have a child," confides Madonna to *Rolling Stone* magazine, "But you've got to have a family first"—not just marriage but "family" before child. But we have largely abandoned the idea that married love is about babies. And if sex is not about babies, then why should we reserve it for marriage? (Obviously, our society can no longer think of a good answer to that question.)

Because marriage is about sexual union, marriage is about families. The radical new identity that marriage gives to spouses derives from its relation with the new persons (babies) that will create a family, and is expressed in marital sexuality that is open to these new persons. If we do not think that marriage is essentially the charter for a new family, it is because we think that the marital relationship is not essentially about babies—either because the procreative act need not be "marital," or because the "marital act" need not be procreative.

Modern "marriage" doesn't necessarily involve the new persons that make it a radically-altering institution, a family. This is perhaps why the Roman Catholic Church does not recognize as marriages those arrangements between people who, capable of having children, have no intention of doing so. Such marriages are incapable of accomplishing the radical change that turns man and woman into husband and wife. They have not changed; they remain two individuals living together.

Their marriage fails to forge a true union of persons, a failure that is essential to the modern view of marriage as merely a contract between two distinct persons, expressed so clearly by the Supreme Court in *Eisenstadt v. Baird*: "The marital couple is not an independent entity . . . but an association of two individuals." (Didn't a Higher Authority say that in marriage a man and a woman are "no longer two, but one flesh"?) In the Court's view, marriage does not alter the individual; to say I am someone's husband is to say nothing more than that I have entered "an association of two individuals." The "marital couple" as such has no rights of its own.

Commenting on contemporary marriage law, Harvard's Laurence Tribe notes that "Such 'exercises of family rights and responsibilities' as remain prove to be individual powers to resist governmental determination of who shall be born, with whom one shall live and what values shall be transmitted."

Thus the real definition of modern marriage is simply domestic partnership. Already some insurance and rent-control laws recognize homosexual relationships as "families." And of course if homosexual couples are families, then unmarried heterosexual couples are too. Last year the city of Denver abolished a zoning law that prevented unmarried couples from living in certain "family" neighborhoods. New York City's rent-control law speaks of "two adult lifetime partners whose relationship is long-term and characterized by an emotional and financial commitment and interdependence" (you understand, only those "lifetime" partnerships that are also "long-term" qualify). And why does the law stop at two? What is unfamiliar about a *ménage à trois*? Is a harem a family? Indeed, by this new standard, what housing arrangements aren't families?

There is a great deal of talk these days about the right of "privacy," especially with regard to legislation about families and sex. The Canadian philosopher George Parkin Grant sees in this fad a dissatisfaction with our rationalistic, contractual view of the world, an attempt to escape into a world governed by the less mechanical laws and demands of "love":

. . . is not the present retreat into the private realm not only a recognition of the impotence of the individual, but also a desire to leave the aridity of a realm where all relations are contractual, and to seek the comfort of the private where the supracontractual is possible? For example, the contemporary insistence on sexual life as the chief palliative of our existence is clearly more than a proper acceptance of sexuality after nineteenth century repressions. It is also a hunger and thirst for ecstatic relations which transcend the contractual.

In a sense, marriage is “supracontractual.” The nature of marital obligations comes from the nature of marriage itself, not from mutual consent as in other contracts; the consent that makes marriage accepts but does not invent the terms of the obligation. “To remake marriage as a personal contract, with conditions and terms,” writes Roger Scruton, “is in fact to abolish it.” For if we ourselves define the terms of marriage, then it has been emptied of any distinctive content; for any given couple, “marriage” is whatever they decide it will be.

Marriage cannot be completely negotiable. Can spouses decide which parental obligations are to be binding? Can they freely decide, for instance, that they will clothe but not feed their first child, if it is a girl? Are the obligations of parents toward children merely artificial social conventions, arbitrary rules to provide for the convenient handling of infants, or are they essential to the very nature of the relationship? And how can a natural institution (parenthood) be built upon a purely conventional one (marriage)? Is there, in short, a natural law that applies to marriage and family?

Some contractarians would say no, both in practice and in theory. Rousseau, the author of *The Social Contract*, abandoned his children and refused to have sexual relations with his long-suffering wife. His obligations within his marriage and family were whatever he said they were. The phenomena of abortion, polygamy, and child abandonment show that the human sense of obligation in family affairs is a variable thing. In this country, abortion, which was once a horrifying crime, is now committed more than 4,000 times a day.

The interesting thing, as always, is how what’s bred in the bone will out. While we have succumbed to contractual ways of thinking and ordering our lives, we remain, as our behavior consistently demonstrates, non-contractual beings. Thus, even while building it, we kick against the contractual order.

We thirst for marriage as an idealized, non-contractual commitment of love, but the perfectly modern marriage, emptied of its supracontractual content (perhaps it even includes a pre-nuptial agreement), only aggravates our thirst. We flee to marriage as a haven from the plague of contractualism, but we bring the disease with us, and so are unhappy in our marriages.

Both advocates and critics of divorce have often used political analogies between contractarian government and contractarian marriage to argue their respective cases. Though they disagree vehemently about both politics and divorce, the debaters agree on one thing:

whether they are for or against divorce, they agree that divorce is somehow analogous to democracy and revolution. Thus, it is fitting that the home of democratic revolution has always been the world leader in divorce. A century ago, between 1890 and 1910, the U.S. divorce rate was already twice that of any other Western nation.

According to the analogy, one's attitude toward divorce depends on one's attitude toward "democracy." Thus, in France, the chief propagandist behind Louis XVIII's abolition of divorce in 1816, the Vicomte de Bonald, condemned divorce as "veritable domestic democracy." And Lenin, writing in 1916 on the eve of the Russian Revolution, would claim "one cannot be a democrat and a socialist without demanding full freedom of divorce, for the absence of such freedom is an additional burden on the oppressed sex, woman."

Writing in 1643 to attack Parliament's recent rebellion against Charles I, Henry Ferne, bishop of Chester, claimed that rebellion against a sovereign was illegitimate because it was similar to divorce: it was "as if, in matrimony . . . the parties should agree, on such and such neglected duties, to part asunder."

Conversely, in *The Doctrine and Discipline of Divorce* (1644), Milton argued in favor of divorce precisely because it was similar to political rebellion:

He who marries intends as little to conspire his own ruine, as he that swears Allegiance: and as a whole people is in proportion to an ill Government, so is one man to an ill marriage. If they against any authority, Covnant, or Statute, may . . . save not only their lives but honest liberties from unworthy bondage as well may he against any private Covnant, which hee never enter'd to his mischief, redeem himself from unsupportable disturbances to honest peace and just contentment."

The true import of Milton's thesis was not lost on Caleb Fleming, an Anglican divine writing a century later. In *The Oeconomy of the Sexes* (1751), he wrote that Milton really means "unless the wife be found affable and courteous, every way suitable to their [husband's] genius and disposition, she is to be discarded." Indeed, Milton was simply arguing for the right to be happy: you marry to be content, and if marriage fails to please you, then you can ignore your marital promises. Of course, this makes nonsense of the traditional marriage vows which, far from promising happiness, demand fidelity precisely in the face of unhappiness—"in sickness and in health" and "for better or worse."

As might be expected, John Locke thought that marriage could

be “determinable, either by consent, or at a certain time, or under certain conditions, as well as any other voluntary compacts, there being no necessity in the nature of the thing, nor to the ends of it, that it should always be for life.” Caleb Fleming objected strongly that in fact there was something “in the nature of the thing” that distinguished it from “other voluntary compacts”: marriage, he said, “relates to persons, and their inseparable union, which are not things in commerce.” In other words, spouses give each other not fungible goods or services, but themselves. What’s more, marriage relates not only to the “inseparable union” of persons but also to their creation. (Fleming’s point recalls an ancient Kenyan tradition, whereby only things are counted; to count human beings is considered extremely *gauche*. Asked how many children he has, the traditional Kenyan will name them rather than supply a number.)

Though the popular perception of divorce is somewhat different from Locke’s, the analogy with business contracts has become plain enough. The French playwright Charles Albert Demustier, shortly after the French legalized divorce on demand in 1792, wrote a play *Le Divorce: Comédie en deux actes, en vers*:

What a fine institution this divorce is! Couples take each other, leave each other and take each other again when they like. Just like contracts, or sales, or exchanges . . .

Which brings up an anomaly of our contractual world: prostitution is still illegal. The Supreme Court has rejected the opinion, originally held in *Lochner*, that the state must not interfere in private business contracts. Yet the “freedom of contract” ideal still lives and indeed flourishes in the realm of sex, where the “right of privacy” is said to protect consensual sexual activity. Thus, one can’t help wondering: Doesn’t a prostitute have a right to do what she wants with her own body? And can’t she set her own conditions for sexual activity with others? Isn’t that what happens in every marriage?

And what exactly *is* the difference between the modern marriage “contract” and the deal made in prostitution? Duration is not necessarily a distinguishing feature. One can imagine hiring a prostitute for an extended period—at least as long as some “marriages.” The difference between a night and a decade (an exaggeration—the average length of marriage in the U.S. is now considerably less than a decade) is merely quantitative, but the difference between a while and forever is qualitative. Nor does affection distinguish contractarian marriage

from prostitution. Besides the obvious lack of affection in many marriages, men may become intimate with prostitutes, and prostitutes may have affection for their customers, without changing the fact that they are involved in prostitution, not marriage. And children? Modern society does not recognize children as essential to marriage; you can “marry” without any intention of having children. What’s more, many married men fail to support their children; and even if a man supports the child of a prostitute it doesn’t mean that she has become his wife.

It was Immanuel Kant who took the contractual model of marriage to its logical extreme, claiming that marriage was a life-time contract for the mutual use of the genitals. Ultimately, and particularly when combined with children-neutral definitions of marriage, the contractual marriage envisioned by Kant, Locke and Milton is but one more form of prostitution. In return for company, protection, and support, the woman—half whore, half geisha—offers privileged sexual rights and female companionship. Has modern marriage become nothing but a harem of one?

Can it be that legalized divorce dissolves not only marriages but also the very concept of marriage? Even though Ireland’s law against divorce lingers as a reminder, it is easy to forget that there was a time when divorce did not exist in the West, or that, until recently, divorce (even when legal) was quite rare.

The original justification for divorce had little to do with radical individualism or contractarian views of marriage. It was straight from the New Testament which, while generally prohibiting divorce, seems to allow it in *causa fornicationis*—in case of “fornication.” There were, however, two obvious difficulties with this apparent exception. First, the early Christians did not practice what seems to have been allowed. Second, the exception allowing for divorce (*excepta causa fornicationis*), taken literally, makes no sense. By definition, a wife cannot commit “fornication”; only the unmarried fornicate, and they don’t need divorce. It now seems, however, that the Hebrew expression behind the Latin and Greek texts functioned as a legal term to describe “marriages” that were invalid, chiefly those between close relatives: the partners in such a “marriage” being legally incapable of marriage, their life together was, in rabbinical terms, not marriage but “fornication.”

Assuming that *fornicationis* referred to adultery, the original Protestant

reformers, Luther and Calvin, allowed divorce in that case. This made sense because, according to the Old Testament, an adulteress was supposed to be stoned to death. As Calvin observed, "Today it is the perverted indulgence of magistrates that makes it necessary for men to divorce their impure wives, inasmuch as there is no punishment for adultery." In other words, when adultery isn't punished with death, the adulteress should be considered dead as far as marriage is concerned. The notion that adultery dissolves marriage has the effect of creating "automatic divorce": if your spouse commits adultery, then you are no longer married. But, as Lancelot Andrewes, Bishop of Ely, noted in 1610, adultery cannot *ipso facto* dissolve a marriage because if this were the case, any reconciliation between the spouses after adultery would require remarriage, which no one seriously maintains. Divorce for adultery raises the larger problem of divorce for "matrimonial fault," which seems to make marriage the world's most peculiar contract by implying that, if you violate this contract, then you are no longer bound by it; the promise evaporates in its very violation: if you don't respect the vow, then you don't have to. Thus, in a sense, divorce for "matrimonial fault" simply ratifies infidelity. You can free yourself from the duty to be faithful to your wife by cheating on her.

Soon after the Reformation, scriptural criteria began to be set aside in order to allow divorce for a wider variety of matrimonial faults. Already by 1531, Ulrich Zwingli was allowing his followers in Zurich to divorce for reason of long absence, leprosy, "whoreishness," and insanity. Sticking somewhat closer to scripture, particularly the example of the Old Testament patriarchs and the injunction in Genesis to "be fruitful and multiply," John of Leyden introduced polygamy to his ill-fated community in Münster in 1534. The following year he introduced divorce. By the next century, John Milton was able to blithely dismiss the arguments against divorce as "resting on the meere element of the Text."

Eager to treat marriage as a "civil" rather than "sacramental" matter, the Protestant reformers opened marriage law to secular reasoning, which eventually produced secular justifications for divorce.

Over the centuries, the striking thing about the secular justifications for divorce has been their consistent wrongheadedness. The eighteenth-century French philosophes contended that legal divorce would increase population (then a plus), regenerate morality, reduce prostitution, and enhance happiness and harmony within family life. Condorcet

argued that indissolubility increases the likelihood of adultery and hence illegitimacy. (Hidden in this reasoning is the facile notion that if you stop calling infidelity "adultery," illegitimacy will vanish.)

Montesquieu claimed that, in the Roman Republic (it was said that there divorce was allowed but never practiced), "nothing contributed more to mutual affection than the ability to divorce; a husband and wife were led patiently to tolerate domestic difficulties, knowing that they were able to put an end to them"—demonstrating perhaps that most human beings neither think nor behave as French philosophes imagine they do. Divorce was even going to bring "happiness." At the French national assembly in 1790, Pierre-Francois Gossin told his revolutionary comrades that "after having made man again free and happy in public life, it remains for you to assure his liberty and happiness in private life."

Well, has life in countries with divorce been notably happier than life in lands without it? France's revolutionary experiment with divorce on demand was repealed in 1816. Here in the United States, South Carolina was without divorce between 1878 and 1949. Was life in South Carolina notably worse than life in Georgia? Has life been grimmer in Italy and Spain, where the citizens dwelt without divorce until 1970 and 1981 respectively, than in Sweden and Denmark, where divorce has long been legal?

Though divorce is now common, it has not become easier, especially on the children of divorced parents. The recent study *Second Chances*, by psychologist Judith Wallerstein (whose counseling service deals with more divorcing families than any other agency in the U.S.), reports that, even five years after divorce, more than a third of the children in the study were "clinically depressed." In fact, Wallerstein reports an increasing number of "troubled, even suicidal" children, among whom a preoccupation with death is not uncommon (the suicide rate among children from broken homes is 24 times the normal rate). Although parents often believe that divorce will improve life for the children, only one child in ten experienced "relief" when his parents divorced. Even in the most troubled homes, children rarely look forward to divorce. In Wallerstein's study, many simply refused to believe that a divorce was taking place for over a year. She recounts the story of one eight-year-old boy who, when asked what his three biggest wishes were, replied: "I want to die. . . . If I were dead, I'd be in heaven. My Dad would be there. My Mom

would be there. And we'd live in the same house."

Many children in Wallerstein's study were disruptive in school, where they demonstrated poor learning and sociability. Though 85% of their peers attended college, barely half of the children from divorced families did; one third dropped out of high school or college. They had trouble sleeping. More than half of the children in the study (a middle/upper-middle-class sample) witnessed physical violence between their parents. Interestingly, Wallerstein notes that "violent behavior"—which she says has increased rather than declined of late—"most often occurs in the presence of children." There is also a much higher crime rate among children from broken homes.

During divorce, she reports, parents put children "on hold," depriving them of "discipline, playtime, physical care, and emotional support." The parents' own problems take precedence over the needs of the children. Children do not perceive divorce as a "second chance" to have their lives, relationships, family, and world restructured. Even though the "indissolubility" of marriage is now treated as virtually an alien myth, many children are extremely censorious of divorcing parents—especially the parent who initiates the divorce.

Whatever it may offer one or both of the parents, remarriage after divorce rarely makes life more pleasant for the children. Many children seem to be more comfortable with warring parents than with missing parents. In Wallerstein's study, half of the children whose mothers remarried claim that they don't feel welcome in their new "families." Most of them felt rejected by at least one of their parents, as if they were psycho-economic baggage left over from a bad trip—the wreckage from the crash.

Divorce doesn't seem to be much easier on women. Half of the women in Wallerstein's study were still "intensely angry" after ten years. Every woman over 40 at the time of the divorce remained unmarried. Lenore Weitzman's study found that, after divorce, the average man was 73% richer, while his wife was 42% poorer. The different effect of divorce on men and women, especially later in life, is obvious in the bottom line: dating services offer half-price membership for men willing to date women over 50.

Only one divorce in Wallerstein's study was mutually sought, and every man who sought a divorce had another woman waiting. G.K. Chesterton once observed that the most tragic situations in marriage were tragedies not of marriage but of sex, which were just as likely to occur in a "modern romance in which marriage

was not mentioned at all.” When we speak of divorce, Chesterton noted, we tend to forget that “in the realm of reality and not romance, it is commonly a case of breaking hearts as well as breaking promises”—something that divorce does nothing to remedy:

experience will tell us . . . that it very seldom is a separation by mutual consent; . . . the consent very seldom is sincerely and spontaneously mutual. By far the commonest problem [is that] one party wishes to end the partnership and the other does not. And of that emotional situation you can make nothing but a tragedy, whichever way you turn it. With or without marriage, with or without divorce, with or without any arrangements that anybody can suggest or imagine, it remains a tragedy.

Although men since Zwingli’s successor in Zurich, Heinrich Bullinger, have spoken of divorce as a “medicyn of man, and for amendment of wedlock,” divorce is only a remedy for marriage breakdown in the way that death is a remedy for cancer. The proper medical analogy for divorce is euthanasia. As the solution for failing health and failing marriages, which are evil precisely because they lead to worse evils like death and broken homes, mercy killing and divorce offer to finish the job: bring on death, break the home. Divorce solemnizes failure by making it total and—as far as possible—permanent. As cures for bad health and a bad marriage, modern society offers no health and no marriage.

By allowing remarriage, divorce may sometimes allow relief for loneliness, but it remedies none of the worst problems in a collapsing marriage, precisely because it reproduces or aggravates most of them. Only love and fidelity can protect against the failure of love and the estrangement of family members.

The arguments against divorce which are surfacing now in the research of social scientists like Wallerstein and Wietzman were anticipated long ago, and the current state of affairs seems to vindicate all the old critics.

With half of all marriages currently projected to end in divorce, the idea of marriage as a breakable contract rather than a holy sacrament has proven unworkable everywhere. Unless marriage is permanent and sacred, it becomes an increasingly vulnerable and embattled institution that collapses before every temptation and crisis. . . . Without a religious foundation, embracing all the essentials of Catholic teaching, neither marriage nor civilization, neither capitalism nor democracy, can long survive in the modern world.

The words belong to George Gilder (not a Catholic), from an article published several years ago in *Crisis* magazine. The 1910 edition

of *The Catholic Encyclopedia* includes an entry on divorce. It takes for granted most of the recent "revelations" about the consequences of divorce. According to the encyclopedia, the children of divorce "almost always suffer grave and varied disadvantages," and after divorce, a middle-aged woman is likely to spend the rest of her life alone in straitened circumstances. The encyclopedia also mentions some no-less-obvious consequences of divorce that receive less comment. It claims, for instance, that the acceptance of divorce lowers the ideal of conjugal fidelity. Contrary to the perennially popular view—maintained during the Reformation, the French Revolution, and the 1960s—that, by making marriage less onerous, easy divorce would encourage marriage rather than cohabitation, the encyclopedia asserts that, by severing the "association in the popular consciousness between sexual intercourse and the enduring union of one man with one woman," divorce provides an ideal climate for fornication. (And, one might add, homosexuality, which it also encourages by depriving boys of fathers, the absence of which figures prominently in the psychological profile of many homosexuals.) Moreover, the possibility of divorce as a "remedy" for mistakes removes a disincentive to ill-considered marriages. Finally, "when there is no hope of another marriage, the offences that justify separation are less likely to be provoked or committed."

Criticism of divorce was never restricted to religious "reactionaries." Horace Greeley wrote in the *New York Tribune* on Dec. 18, 1852: "Marriage indissoluble may be an imperfect test of honorable and pure affection—as all things human are imperfect—but it is the best man can devise, and its overthrow would result in a general profligacy and corruption such as this country has never known."

Certainly, one need not be blind to unhappy marriages to oppose divorce: "While I do not dream of suggesting that there are only happy marriages," Chesterton presciently observed before England liberalized its divorce law, "there will quite certainly . . . be a very large number of unhappy and unjust divorces."

Rather surprisingly, the eighteenth-century agnostic philosopher David Hume claimed to possess three "unanswerable objections" to readily-available divorce: first, its deleterious effects on children; second, the greater happiness of marriages if divorce were not available; third, the enhanced stability of marital unions that are "entire and total," since the slightest possibility of separate interests inevitably entails "endless quarrels and suspicions." If you know your spouse

is a permanent part of your life, you have a vested interest in maintaining the peace, lest the marriage become intolerable. But the person who marries only for the time being is not inclined to put up with disappointment; while the continuance of marriage remains an open question, he is constantly haunted by the thought that unsatisfying situations need not persist. He is constantly encouraged to ask himself if the union is worthwhile. Who can doubt that, at one point or another in a long marriage, it will not seem so?

In a society overrun with fornication (the source of many abortions), illegitimacy, broken marriages (over half of today's unions), impoverished and lonely divorcées, and suicidal teenagers, the wisdom of Hume's position is becoming ever more apparent. Yet no one seems willing to draw the obvious conclusions that the benefits of legal divorce are illusory, and old Ireland is right.



THE HUMAN LIFE REVIEW

This editorial cartoon by *Rigby* appeared in the *New York Daily News* on Jan. 25, and is reprinted here with Mr. Rigby's permission.

APPENDIX A

[The following column appeared in the Washington Post on March 23, 1990, and is reprinted here with permission (©1990 Washington Post Writer's Group.)]

Cuomo, Taney and The Bishops

Charles Krauthammer

In 1857, Chief Justice Roger B. Taney handed down the Dred Scott decision upholding and extending slavery. Taney's opinion was, it is generally agreed, "the worst constitutional decision of the 19th century" (the words are Robert Bork's). Yet there is a curious and little known fact about Judge Taney. More than 30 years earlier he had freed his own slaves. Today, therefore, we would say that while he was "personally" opposed to slavery he did not want to "impose" his views on others.

The Taney contradiction—privately opposed to but publicly tolerant of some widespread social practice—is the preferred position on abortion of pro-choice Catholic politicians today. This view does not sit well with the Catholic Church. It holds, quite plausibly, that the Taney position is as morally incoherent when applied to abortion as it was when applied to slavery.

At the center of the debate is New York Gov. Cuomo, who personally believes that abortion is sinful but as governor has supported no abortion restrictions, indeed has advocated state funding of abortions for poor women. For this, one New York bishop has said that Cuomo is in danger of losing his soul and going to hell. Another New York bishop barred Cuomo from any church function in his diocese (later modified as a ban on discussing abortion at any church function). Cardinal John O'Connor of New York has backed up his two bishops, continuing the argument he started with Cuomo in 1984 over whether it is possible to have it both ways, Taney-like, on abortion.

Liberal commentary has rushed into the breach to argue not so much the merits of the issue, but the propriety of the bishops' getting involved in the first place. The claim is that these clerical admonitions constitute an assault on the separation of church and state, a denial of religious pluralism, a form of religious tyranny. These prelates, writes Arthur Schlesinger, "seem to be doing their best to verify the fears long cherished by . . . a succession of anti-Catholic demagogues that the Roman Catholic Church would try to overrule the American democratic process."

This idea of overruling is outright nonsense. The Catholic Church is in no way compelling anyone to do anything, let alone interdicting the will of the majority. If it does manage to persuade a majority of Americans that abortion is wrong and ought to be banned, how is that different from any other group persuading a democratic majority to ban, say, polygamy or drug-taking?

As for the "threats" to Cuomo, they are entirely self-imposed. The force of the bishops' moral appeal derives exclusively from Cuomo's own freely offered

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profession that “I am a governor, I am a Democrat, but I am a Catholic first—my soul is more important to me than my body.” Unlike President Kennedy, Cuomo is more than a nominal Catholic. His profession of faith makes him subject, voluntarily, to the teachings of his church. For the church to which he voluntarily adheres to repeat to him its position on abortion as well as the penalties the Church believes are due those who violate it is hardly an act of imposition. It is an act of religious teaching that Cuomo himself invites when he says, “I—and many others like me—are eager for enlightenment, eager to learn new and better ways to manifest respect for the deep reverence for life that is our religion and our instinct.”

The other liberal complaint is that since the Catholic position on abortion is religiously derived, if it ultimately becomes law, that constitutes an imposition of religion. This argument is nonsense too. Under American concepts of political pluralism, it makes no difference from where a belief comes. Whether it comes from church teaching, inner conviction or some trash novel, the legitimacy of any belief rests ultimately on its content, not on its origin. It is absurd to hold that a pro-abortion position derived from, say, Paul Ehrlich's overpopulation doomsday scenario is legitimate, but an anti-abortion position derived from scripture is a violation of the First Amendment. The provenance of an opinion has nothing to do with its legitimacy as a contender for public opinion—and as candidate for becoming public law.

Moreover, it is particularly hypocritical for liberals to profess outrage at the involvement of the Catholic Church in this political issue when, only a few decades ago, much of the civil rights and antiwar movements were run out of the churches. When Martin Luther King Jr. invoked scripture in support of his vision of racial equality and when the American Catholic bishops invoked Augustine in their pastoral letter opposing nuclear deterrence, not a liberal in the land protested that this constituted a violation of the separation of church and state.

To his credit, Cuomo does not join the liberal chorus in denying the prelates a right to speak as they wish on abortion. Not so for many of his backers. When it suits their political purposes they approve, they demand, that the church stand up for right. When it does not suit them, Schlesinger comes forward to warn darkly that such outspokenness risks stirring up anti-Catholic bigotry.

On the face of it, I would say that it already has.

APPENDIX B

[The following appeared in *The New Republic*, Feb. 12, 1990 (under the headline "Political gymnasts go for the gold") and is reprinted here with permission (©1990 by *The New Republic, Inc.*).]

Abortion Olympics

Jacob Weisberg

Abortion is a fine test of a politician's skill. Because it is a question of conscience with two clear, opposing positions, there's hardly a hedge to hide behind. Basically, you're on one side or the other. Even George Bush hasn't found a good way to split the difference on this one yet. But every candidate knows that as soon as you pick a side, you engender a brood of implacable foes who will stop at nothing to defeat you.

Back when the right to abortion remained pre-emptively secure under *Roe v. Wade*, a quiet anti-abortion stance seemed the safest bet to many candidates. Since *Webster*, however, with the reproductive rights lobby mobilized and the pro-life line suddenly passé, passive pro-choice seems the shrewder stance in most states. But the search for the perfect pose continues. Herewith, a guide to the season's most popular moves:

The Mario Cuomo Freestyle: By cultivating his reputation as a troubled man of conscience, searching his soul for guidance on this deeply complex, profoundly painful issue, Cuomo eludes the flak that ordinary politicians catch for trying to have it both ways. With his trademark bows in the direction of Aquinas, More, and Galileo, Cuomo frequently introduces new subtleties and microscopic adjustments to the already vexed position that he believes abortion wrong but that a woman should have the right to choose. The Governor, who's up for re-election this year, is the Dorothy Hamill of abortion figure skating, whose perfect political "10" is a benchmark for candidates who hope to glide smoothly over the issue's thin ice. He has many imitators but no equals.

Lately, however, the champ has been running into trouble. When he tried mincing new distinctions about abortion in early January, the *New York Times* headlined its story "CUOMO'S REMARKS ON ABORTION CONFUSE BOTH SIDES." In a section of his January State of the State message, Cuomo advocated abstinence, contraception, and adoption in place of what he called the "tragedy" of abortion, but also seemed to endorse "pro-chastity" programs that do not condone contraception. As pro-life state Senator James H. Donovan told the *New York Times*, "To me, there's a contradiction in there somewhere. You and I probably couldn't get away with it, but the Governor has this way of being able to say a lot of things at the same time." *TNR judges' composite score: 9.6.*

The Silber Straddle: Newcomer John Silber won high marks for originality when he performed a complex floor exercise in his debut as a Democratic (for

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the moment) candidate for the Massachusetts Governorship. In a *Times* op-ed headlined "DON'T ROLL BACK 'ROE'"), Silber maintained that he was neither pro-life nor pro-choice. Abortion is "homicide," but in certain cases it is analogous to "justifiable homicide." At this point Silber became confused and tripped over a pommel horse. Justifiable homicides take place in self-defense or in war. If the fetus is a human being, he or she is by definition an innocent noncombatant. But the energetic moral philosopher from Boston University did not lose heart. He jumped back up and resumed his routine. States should have every right to restrict abortions, but they *oughtn't* to restrict them—more than they already have, that is. "This is an issue that cries out for toleration," he wrote. Did he mean obfuscation? *Composite score: 4.2.*

The Gephardt backstroke: Currently the most popular style in speed swimming, it gets its name from the Missouri Representative who wowed spectators during the 1988 Presidential Games with his world record in the 100-meter Iowa event. Gephardt, who supported a constitutional amendment banning abortion as he dived from the block, was pro-choice by the time he reached the end of the pool. (He explained his achievement by saying that although he remains personally opposed to abortion, efforts to ban it "weren't going anywhere.") The technique is now favored by both parties. Republican Dave Emery, who is running to recapture his old congressional seat from Maine, has used it to good effect in the state championships. Despite his down-the-line pro-life voting record when he was in Congress from 1975 to 1983, including co-sponsorship of the "Congressional Human Life Amendment," he unhesitatingly swam to support publicly funded abortions last month, pre-empting a primary challenge based on the choice issue. "I would strongly argue that what I owe the public most of all is intellectual honesty. I make no apology whatsoever for the fact that the learning and growing process of time . . . has brought me to a different conclusion than I would have held a decade ago," he said, according to *The Abortion Report*. Steroids are suspected. *Composite score: 6.6.*

The Schaefer Slalom: Named for Maryland's William Donald Schaefer, the snow-spraying Governor who says there is "no room to fudge" on the issue of abortion but refuses to own up to what his position is. Though he promised to extend state funding for poor women seeking abortions when he first made the jump from Baltimore's City Hall to Annapolis in 1987, Schaefer never acted. He has been skiing downhill ever since, hinting that he has personal qualms about abortion but otherwise offering no clues. Schaefer may attempt a Cuomo later this year, but with the Maryland General Assembly bitterly divided, he isn't likely to try anything dramatic. "I will take a stand when I'm ready. Not when the press wants me to," he said recently. *Composite score: 7.0.*

The Mormon Liftoff: This pole vault technique recognizes the achievement of the elders of the Church of Jesus Christ of Latter-day Saints, who adjust doctrine according to spectacular leaps of divine revelation. (One such revelation

instructed the Church fathers to scrap the doctrine of plural marriage soon after the U.S. Supreme Court voided it in 1878.) Anthony Celebrezze, the Democratic attorney general of Ohio, performed a stunning Mormon in the Midwestern regional trials, when he propelled himself from an “abortion is murder” position clear over to support for Medicaid abortions ten days before declaring as a candidate for Governor. “We must allow the women of Ohio to make their own decisions on abortion,” he said. “I believe Ohio cannot turn the clock back 20 years on the question of abortion.” Amazingly, Celebrezze landed on his feet. As a concluding flourish he brazened out charges of opportunism, denying that political reasons had *anything* to do with his switch or the timing of his announcement. *Composite Score: 9.1 (Silver Medal)*.

The Hartigan Plunge: Illinois Attorney General Neil Hartigan blew away the competition with this contortion off the springboard in late 1989. On the verge of a Supreme Court hearing on an Illinois law intended to regulate abortion clinics out of existence, Hartigan—who transformed himself from a pro-lifer into a pro-choicer in time to run for Governor—settled the case out of court to the satisfaction of the clinics and the ACLU. Hartigan executed this somersault with great poise despite its high degree of difficulty. Points off for touching the bottom of the pool. *Composite score 8.4*.

The John Brock Headlock: The heartbreak of the quarterfinals in Greco-Roman wrestling was the round in which Kentucky Democratic Senate candidate John Brock attempted this grip on himself. Explicating his position, Brock told reporters he was personally opposed to abortion, but that he also opposed overturning *Roe v. Wade*. He stipulated that he *opposed* Medicaid abortions, except to save the mother’s life. “I have to represent Kentuckians in Washington if I’m elected—not necessarily the views of John Brock all the time.” He seemed headed for victory. But then something happened: Brock lost his grasp. “That’s not a final statement on it,” he said as he collapsed on the mat. “That’s where I’m leaning at this time.” *Disqualification*.

The Coleman Centrifuge: Brock’s collapse recalled Marshall Coleman’s tragic injury in the finals of the 16-lb. hammer throw during the 1989 Virginia Open. Once pro-choice, Coleman said he became pro-life when he found out how many abortions were taking place after the Supreme Court decided *Roe v. Wade* in 1973 (a few hundred thousand murders are fine, but if you’re talking about millions, hey, wait a minute). When that didn’t wash, Coleman spun around again, saying further restrictions on abortion just weren’t going to pass in Virginia. When asked whether he’d sign such legislation if it did pass, the dizzy Coleman bonked the iron into his head, handing Doug Wilder a bye. *Forfeiture*.

The Miller Two-in-One: This virtuoso maneuver is synonymous with the name of Iowa decathlete Tom Miller, who leads the field for the state’s Democratic Gubernatorial nomination. A Catholic who has long favored a constitutional amendment to ban abortion, Miller now says that if he’s elected he won’t push any restrictions except parental notification. His argument is that

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so long as *Roe* was in effect, he never had to confront the hard reality of actually prohibiting abortions. Now, though he remains personally opposed, he has realized that the issue is too divisive. Some suggest that though Miller is stressing his opposition to restrictions while he runs against Democrats, he'll remind voters of his deeply held personal opposition to abortion once again when he faces Republican Terry Branstad in the November finals. If Miller pulls this off, he'll rate a 10 for sure, with an inside shot at the Gold Medal. But the race is his to lose.

APPENDIX C

[The following column appeared in the *New York Post* (April 7, 1990) and is reprinted here with the author's permission.]

Sellout—& courage—on abortion

Patrick J. Buchanan

Surely, the governor of Idaho could not have imagined he would one day be contrasted with the king of Belgium.

Yet, it is certain he will be. Both Cecil Andrus and King Baudouin are “pro-life”; both believe an unborn child is a human being, that to put it to death through abortion is to kill the innocent.

And, in the past fortnight, both were presented historic bills that would test their convictions, and define their careers.

The bill the Idaho legislature sent Gov. Andrus severely restricted abortions. Agonizing for days, Andrus vetoed it.

King Baudouin was presented a bill to end his nation's ban on abortions. Refusing to sign, he risked his throne rather than accept complicity in so great a crime.

Even his critics must concede Baudouin is in the tradition of Thomas More, lord chancellor, who yielded his office, and his life, rather than accede to King Henry VIII's demand he condone the divorce from Catherine of Aragon, and the marriage to Anne Boleyn.

The sadness of Cecil Andrus is that, like Esau, he sold out for so little. Unlike Mario Cuomo, whose tergiversations on abortion may yet yield him a Democratic nomination, Andrus isn't going anywhere.

A cabinet officer under Jimmy Carter, an old face, he could have capped his career as moral hero to a great cause. Had he signed, and led the state's challenge into the Supreme Court, win or lose, men would have said that, in his time of testing, Cecil Andrus was a profile in courage.

Where More won the admiration of the ages, all Andrus got was a pat on his old bald pate from Tom Wicker.

Not only in a moral, but in a secular, sense, abortion will be seen by history as an issue greater than slavery.

Consider the West today. From the Atlantic to the Urals, the once-Christian nations of Europe are depopulating themselves. The peoples from whom America sprang are committing ethnic suicide. Germany in 1937 had more people than East and West Germany today; and the birth rate of both Germanys is falling.

In America, one in three pregnancies ends in abortion. If only the children aborted since *Roe v. Wade* were alive, we Americans would be 25 million more. A California of new life!

While the ethnic groups whose energy built America are busy aborting

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themselves, Asia, Africa and Latin America are exploding. If the future belongs to the young, the world belongs to the black, brown and yellow peoples of the earth.

In a short letter in Thursday's New York *Times*, one Mark Davis framed well the depth of our division.

Perplexed that a priest, Father William Murphy, defended the right of Catholics to see their moral convictions written into law, Davis warned that "Father Murphy feeds the bigoted fears of yesteryear. Too many still believe that the conscience of a Catholic legislator or political figure is bound to the teachings of the Church, instead of independently serving the will or conscience of the body politic."

But was it not the "conscience of the body politic" that condoned the buying and selling of slaves, that looked upon Indians as a retarded race whose liquidation spelled progress, that gazed complacently on the murder-bombing of Dresden and Nagasaki?

Davis is offended that Catholics would "impose or foist by legislation a morality that is contrary to the conscientious beliefs of others who are equally religiously motivated."

But do not America's laws against segregation, prostitution and drugs reflect a "morality contrary to the conscientious beliefs of others"? How else describe the laws requiring Christian landlords to rent to homosexual couples?

The point of Davis' letter, and allied commentary, is that while it is permissible to base laws on ideas found in Margaret Sanger, Rachel Carson, Ralph Nader or Betty Friedan, it is no longer tolerable to root them in Matthew, Mark, Luke and John. Christians have become second-class citizens in a nation founded by Christians.

"Worst of all," Davis warns, "such beliefs provide a terrible justification for the disenfranchisement of the many Catholics who want to serve and have so much to give."

Translation: If you Catholics don't stop trying to impose your moral views, you may just lose for yourselves the services of your best and brightest, like Mario Cuomo and Teddy Kennedy.

Well, Mark, if that's the price we have to pay, we're just going to have to pay it.

APPENDIX D

[The following column appeared on the Op-Ed page of the New York Times on Sunday, Jan. 28 (Copyright ©1990 by the New York Times Company; reprinted by permission).]

A Time to Choose

Anna Quindlen

Art imitates life in the offices of the National Abortion Rights Action League and the National Right to Life Committee. At Naral, the prints and posters are mainly renderings of women. In the offices of Right to Life, the pictures are of babies. The issue of abortion is framed, quite literally, on the walls of their Washington headquarters: which comes first, the woman or the fetus?

Ask those on either side whether they are able to maintain a dialogue with the men and women on the other, and the blank look that greets the question is curiously similar. They have nothing to talk about. Each side has its supporting statistics, its medical experts, its horror stories. There is no overlap to their circles of belief. In a country built on consensus, this is an awesome fact.

Out in the world the political battle rages, and inside our homes we have had to frame our own compromises as the little sticks of our home pregnancy kits turned sky blue. Many polls on this issue show the same numbers. Around 40 percent of Americans support legal abortion under any circumstances. Another 40 percent or so support abortion only in cases of rape, incest, or a threat to the woman's life. Most of the remaining 20 percent are opposed; a small percentage are undecided.

Some support erodes in the face of hypotheticals. Many people are disturbed by abortions after the first trimester. Abortions for the purposes of sex selection are universally reviled, although no one seems to know anyone who has had one. People are statistically uncomfortable with the much ballyhooed abortion of convenience. Semantics alone make it sound like a pregnancy ended because a woman wanted a child who was a Leo, not a Capricorn.

Under our current laws we can assess what convenience means in our own lives. A woman who is expecting her fourth child in five years and whose husband has just left her can decide whether convenience is the right word to describe why she wants an abortion. The parents of a pregnant 14-year-old can decide if convenience is the right word for why they think an abortion is the answer for them, and for their daughter. Convenience is a deceptively simple word, and none of us lead simple lives.

Those people who believe that abortion is murder are morally obligated to oppose it. To say that that is imposing religious beliefs on others is absurd. We have long ago agreed as a society that killing innocent people is the worst of our crimes. The people who are convinced that abortion is the killing of a human being have no choice but to fight until they win, and talking to them in Washington the other day, it is clear that fight they will.

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But there are many of us who do not accept their premise. We believe that in fact it is possible to be a little bit pregnant, believe that there is something in there but that it is on its way to becoming a human being, not a human being itself. "Potential life," the only Supreme Court Justice who has ever been pregnant, Sandra Day O'Connor, once called it.

The state laws now being considered that suggest, through required counseling provisions and waiting periods, that women make such judgments frivolously are a disgrace. I believe we think hard about our choices.

But we have become complacent about thinking of them as personal choices. Now, with the Supreme Court inclined to chip away at the right of women to choose abortion, they have become political choices whether we like it or not. Who we choose in the voting booth could determine whether we will be permitted to choose at home.

It is possible to consider this issue without considering it personally, but that is a false construct, born of rhetoric and not of life. The abortions, and the wanted children, and the unwanted ones have irrevocably shaped the views of those people who lead on both sides of this issue. And they have shaped our own views, too.

Twenty years ago I thought about this issue as a teen-ager, and came to the conclusion that abortion should be legal because my friends and I might come to need it. And for almost 20 years I, and millions of women like me, got to live with that certainty. Now many of us see the issue as parents. I know what pregnancy is like, and what parenthood is like, too. And if, some day, my daughter should find herself pregnant and unfit or unwilling to have a child of her own, I refuse to allow my country to treat her like a criminal.

We have been thoughtful people about considering all the complexities of this issue. But the time of the middle ground is over, not only for the lobbyists and the leaders, but for all of us, too. Today, on the issue of choice, it is time for us to choose it, or lose it.

APPENDIX E

[The following letter was written by a junior at Yorktown High School in Arlington, Virginia, and appeared in both the school newspaper and the Washington Post on February 16, 1990. It is reprinted here with the author's permission.]

A Letter to Teens

Anonymous

More than 1 million teenagers get pregnant each year. By age 18, nearly one quarter will have experienced a first pregnancy. More than 4 in 10 girls will have become pregnant by the time they reach the age of 20. Within the following two years around 31 percent will have become pregnant again, according to Susan Tew, spokesperson for the Alan Guttmacher Institute in New York.

But these statistics don't apply to me or you, right? They're talking about those girls from the city who start having babies when they turn 12 and are on welfare with their fourth kid on the way when they are 17, right? Girls from around here don't get pregnant, at least not nice girls, right?

If you do hear about someone being pregnant, the word "slut" pops up in the conversation, doesn't it? But the average girl with a nice, normal relationship with her boyfriend never gets pregnant, does she?

Let me tell you something—you're wrong. If you let yourself believe otherwise, you're playing with your life.

I watched all the movies in health class, and I read all the books. In fact, I'm among the better informed in my class.

When my boyfriend and I had sex last March, I went on the Pill immediately. Then in June, my prescription ran out; I never bothered to refill it. It was a hassle, and I hated having to remember to swallow a pill each night. I didn't substitute another method of birth control for it; I just stopped.

For the next seven months, I had unprotected sex on a regular basis. Sometimes I thought about the danger in that, but it never seemed particularly real.

Maybe right now you're thinking how stupid I was. Well, so am I. But I used to hear stories about people having unprotected sex, and I would think how irresponsible that was, and then that night I would go out with my boyfriend and do the same thing. Pregnancy was something that happened to other people, not to me.

In November, I missed a period. Other little signs followed, and I began to worry. I wasn't too concerned though, because I still thought it couldn't happen to me. Even on the morning I skipped classes to get a pregnancy test, I wasn't very worried. I returned to school with a carefree mind, sure the test was negative.

Home for lunch, I phoned the doctor for the results. I still remember being

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on hold while the nurse called the lab—I was thinking about how happy my boyfriend would be when we found out everything was okay. The nurse told me my test result. Positive.

What do you do when someone tells you you're pregnant? You cry. And you deny it. I called the doctor back twice to reconfirm the results.

Then you begin to think. Thinking was the hardest part, because I began to think of things I didn't want to deal with. There is so much to work out—what to do, who to talk to. You want to tell your friends, but you're so afraid of telling the wrong person. (Fortunately, my boyfriend was wonderful.)

I decided to have an abortion. It sounds simple, doesn't it? It's not. I kept thinking about all the couples in the world who desperately want children, but can't conceive. Adoptions take years and years. There I was, with a child those people would have killed for, and I was throwing it away. What a waste. What a sick, sad, disgusting waste.

I would go out and see a baby and imagine it was mine, and I'd start to cry. Those babies are all going to become people, but mine was going to be disposed of before it even had a chance.

I thought about adoption, but it just wasn't realistic. More than anything else in the world, I wanted to have that baby and give it away, but I couldn't. I'm 16 years old, and I cannot have a baby.

So I had the abortion. The most physically and emotionally painful experience of my life, it also was probably the wisest thing I ever did. Or at least I tell myself that.

My boyfriend and I broke up soon afterward. Although he had been incredibly supportive while we dealt with this, afterward we fell apart. We were a constant reminder to each other of what had happened. I don't think teen relationships are too good at withstanding that.

I'm going on with my life, but I don't think I'll ever forget what it felt like to kill a part of me. I still get upset when I see babies. I still cry at odd moments when I am reminded of it. I'm back on the Pill. I'm not having sex, and I don't think I'll want to for a long time. If there is one thing I'm sure of, it's that I will never have unprotected sex again. There is no way I would chance going through that again. Now I know it can happen.

This isn't an isolated incident. This happens to girls every day. Not just the girls you'd think of either—it can happen to anyone. I could be the girl sitting across from you in math class. I could be your best friend or your girlfriend. Or I could be you.

Maybe you should think about it.

APPENDIX F

[The following column appeared as a "Sweet Land of Liberty" column in the *Washington Post* on March 3, 1990, and is reprinted here with the author's permission.]

Two Cheers for the ACLU

Nat Hentoff

In the year of its 70th anniversary, the American Civil Liberties Union is flourishing. In part because of its most effective ever membership director—George Bush in the 1988 campaign—its card-carrying members have risen to more than 275,000, the ACLU's highest yet.

A new history of the ACLU, "In Defense of American Liberties," by one of its national board members, Samuel Walker, has received enthusiastic reviews. The *New York Times* critic said the book reminds us that "the ACLU remains a national treasure" because of its historic defense of unpopular views.

It is indeed a national treasure, but in some respects the organization is turning zealously majoritarian. There has been for instance, a change in the ACLU's priorities that has made abortion rights its most intense concern. This can be seen in the placement and fervor of pro-choice stories in the newsletters of many of its affiliates and in the ACLU's own membership publication, *Civil Liberties*. There are times when the ACLU seems to have become a subsidiary of the National Abortion Rights Action League.

On the national level, moreover, even opposition to the death penalty—long a primary concern—has been made subservient to abortion.

In its 1986-87 term, the Supreme Court reviewed the case of William Wayne Thompson, who was on death row in Oklahoma for having committed a murder when he was 15. Because Thompson had been so young, opponents of laws in those states that allowed the execution of juveniles thought this might be the case that would convince the court to overturn those laws.

Henry Schwarzschild, head of the ACLU's Capital Punishment Project, prepared a brief arguing that a 15-year-old is not as mentally, emotionally or morally capable as an adult of understanding the consequences of his acts. But the brief was never filed because Janet Benshoof, director of the ACLU's Reproductive Freedom Project, strenuously objected. Since she argues before the Supreme Court that teenage girls are mature enough to decide whether to have abortions—without having to inform or obtain the consent of their parents—Schwarzschild's argument would weaken hers.

A civil rights attorney told me, "I'm against parental consent and notification before an abortion, but if I have to choose, I'd much prefer to try to save a teenager from the electric chair."

And Charles Ogletree, former trial chief in the Washington, D.C., public defenders' office and now a Harvard Law School professor, said recently: "I was surprised and sorely disappointed that one of the most powerful advocates

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of children's rights caved in on so important an issue, particularly at a time when many states are grappling with it."

The ACLU, by the way, believes the privacy right that protects any decision a woman chooses to make about childbearing also extends to euthanasia—an increasingly popular position according to the polls. Accordingly, the ACLU provided the lawyer, William Colby, for the Cruzan family in this term's "right to die" case.

Colby dutifully noted in oral argument before the Supreme Court that due process would be a nice thing to have before the incompetent patient was killed. But the essence of his argument was that life-or-death decisions should essentially be made by the family.

The ACLU agrees, as it did in all but one case concerning severely handicapped infants. To the ACLU, Baby Does, though born, have no meaningful rights of their own to equal protection and due process. The parents' privacy rights must prevail against government intervention on behalf of the child—as if the infant were property.

The ACLU has become so near-absolutist regarding privacy that it opposes mandatory confidential reporting of the names of those infected with the AIDS virus so that their partners can be told if they're at risk. I asked ACLU Executive Director Ira Glasser about all the unprotected people who may be infected or may become infected because they don't know if their partners are. His answer was that all these unaware people do not pose a civil liberties issue because the government is not preventing anyone from being tested. People ought to know enough to be tested, and if they don't, too bad.

But now, the National Institutes of Health reports a rapid increase in tuberculosis, especially among those infected with the AIDS virus. And tuberculosis can be spread when an infected person coughs. Therefore, the NIH and the Center for Disease Control are urging the return of mandatory reporting of the names of anyone infected with TB so that others will know they might have been exposed.

The ACLU may well see this recommendation as yet another possible, covert invasion of privacy of those infected with AIDS as well as TB. In its 70th year, the ACLU has largely stopped testing itself. That is, it has stopped thinking of the bare possibility that it might at times have lost its way. Like many worthy organizations, the ACLU is becoming an icon to itself.

APPENDIX G

[The following syndicated column appeared in the New York Daily News on Mar. 30, and is reprinted here with permission (©1990 by the Scripps Howard News Service).]

Censorship cries mask attack on society

Thomas Sowell

If there is any contest for the most misused word in the English language, “censorship” ought to be the leading contender. The original censors in ancient Rome had the power to take censuses, assess taxes and punish people for their behavior. In modern times, censorship has come to mean preventing people from freely expressing themselves. None of these things is involved in new politicized definitions of “censorship.”

In political Newspeak, people who are perfectly free to say whatever they want to nevertheless claim that they are being “censored” if other people refuse to pay for their words, their music or their “art.” Such self-proclaimed victims of “censorship” go around yelling loudly that they are being silenced. Unfortunately, President Bush recently caved in to such propaganda by saying that he did not want federal subsidies to artists to be cut off when the art was obscene because that would be “censorship.”

No one had suggested that artists be punished. Sen. Jesse Helms and others simply wanted the taxpayers’ money to be withheld from supporting some so-called “art” whose clear purpose was to insult the public’s sense of decency. Pictures of a crucifix immersed in urine, photos depicting homosexuality and the placing of an American flag on a gallery floor for people to walk on were only some examples of such insults.

“Who is Jesse Helms to judge art?” was the battle cry of those who thought that taxpayers should be forced to pay to have their own noses rubbed into filth. That question makes no sense. If senators are incompetent to judge art, then they are incompetent to give the taxpayers’ money to subsidize it. No one questioned their competence when they began handing out millions of dollars in subsidies—only when they reconsidered that the money might be misspent.

The National Endowment for the Arts seems to be yet another government agency that sees its role as serving a special interest group rather than the public. Back in the 1970s when it was the National Endowment for the Arts and Humanities, I happened to serve on one of the committees that considered applications for government subsidies. I was amazed at what shallow and worthless stuff the taxpayers were being asked to support in the name of “scholarship.” Fortunately, there were a couple of other like-minded people on the committee and we committed the unpardonable sin: We did not vote to donate all the money that was available. I was never again asked to serve on any committee donating money.

The cry of “censorship” is raised even against private individuals and

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organizations when they don't go along with things that are said and done by those who demand not only freedom but also an audience. Recently, the Sam Goody record store chain decided not to sell the music of some group whose lyrics were considered too gross even by today's loose standards. "Censorship!" was the cry once more. "I have a right to say what I want to!" one musician declared indignantly. It never seemed to occur to him that other people also have rights—including the right not to touch his stuff.

These are not isolated episodes. They are skirmishes in a much larger war being waged for the hearts and minds of this society. The battle to break down the moral standards, the ideals and the morals of this country is being waged on a thousand fronts—from the elementary schools to the universities, from Hollywood to Broadway, from television news to the art galleries and from the courts to the Congress. This is not a conspiracy. There is simply a whole class of people who hate what this country stands for, who have contempt for its people and who exploit every opportunity to undermine its institutions and ideals. Any resistance, or even non-cooperation, with what they are trying to do is likely to be denounced as "censorship."

Double standards are common in this cultural war. A well-known lawyer for left-wing causes confessed to a talk-show host after he was off the air: "I am using the Constitution to destroy the Constitution." Ideologues with double standards have no qualms about censorship that advances their ideological agenda. Leading colleges and universities across this country are restricting and punishing free speech in the name of combating "homophobia" or criticism of any other specially protected groups or movements. The media doesn't call this censorship.

The media and the intelligentsia are partisans in the cultural war. One of the few things worse than being in a war is being in a war and not knowing it. When the President doesn't know it, the prospects don't look good.

APPENDIX H

[The following syndicated column was issued on March 1, 1990, and is reprinted here with permission (©1990 by Universal Press Syndicate).]

Unmasking 'Animal Rights'

Joseph Sobran

The animal-rights movement has arrived. It's in. Not just respectable, but downright chic. It's become the subject of an approving cover story in *The New Republic*. Any minute now it will appear in the Style section of *The Washington Post*.

Let's lay our cards on the table here. I love dogs. I like cats. I've never met a porpoise, but I'm sure they're as adorable as they seem on TV. I'd hate to see the whale, or any other notable species, become extinct. I've had mild qualms about eating ham ever since I read an article saying that pigs are highly intelligent animals which, given a chance, are as affectionate as dogs. I wince at the lobster tanks in swanky seafood restaurants. I marvel at spiders and don't like to kill them. All creatures great and small have their place, as far as I'm concerned.

But this isn't the whole story. I have mixed emotions about our animal friends. The other night I had a nightmare that a lion had broken out of the zoo and wandered into my house. I tried to make the kids get into their rooms and close the doors but they didn't take it seriously. (I have mixed emotions about them, too.) The lion, to give him his due, didn't cause any trouble, but he sort of took over the place, and it made me nervous.

I know lions are magnificent beasts and all that, but they stink. The male will let his mate bring home the bacon, as it were—usually some poor antelope. Then he eats as much as he wants. If he's really hungry, he may leave nothing for her and the cubs. They may all starve. Literally. He doesn't care.

I regard this sort of behavior as boorish and insensitive. It suggests a feeble commitment to family values. And suggests an even weaker commitment to the rights of antelopes.

And here, as I see it, is the crux. It's one thing to say we should be reasonably kind to the animals we encounter. Who could argue with that? But it's another thing to say they have "rights."

In the first place, they don't even claim rights for themselves. They certainly don't recognize each other's rights. So any rights they have would be exclusively man-made, at least until we could raise their consciousness, which might take millions of years.

That would put us, the human race, in the position of policing the entire animal kingdom, making sure they didn't violate each other's rights. After all, if they have rights, these are not just rights that inhibit us humans in our dealings with them, but rights against each other.

We could reduce our own work load by allowing each species to police itself,

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but we'd still have to protect weaker species against predators: the antelope against the lion, the rabbit against the fox, even (if we mean business) the fly against the spider.

If we succeeded, the predatory species would become extinct. This would be a pretty self-defeating victory for animal rights. One way around it might be to put the predators on a different diet, which it would be up to us to produce. We're talking about a lot of soybeans. Before we act rashly, we should commission a feasibility study from the Department of Agriculture.

And what if, after all our efforts, the spiders simply refused to live on tofu? Can we really blame them for that?

Or are we really serious about protecting the fly? A small incident may be illuminating. A visitor to my house once found me engrossed in a TV documentary showing a fight between a desert rat and a scorpion. "I always root for the mammal," I explained.

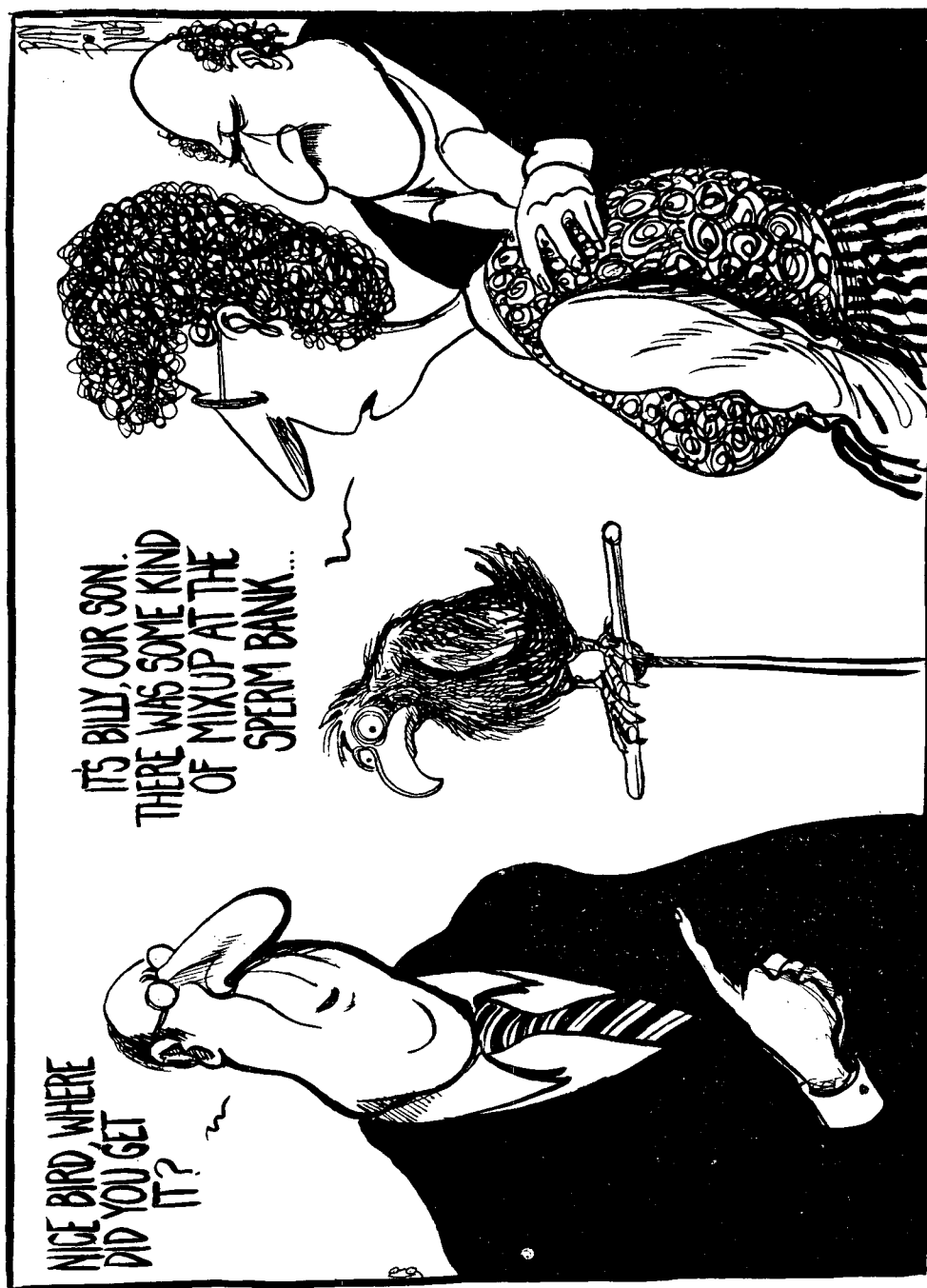
Before you condemn me, look into your own heart. Isn't this seemingly atavistic sympathy really behind the animals-rights movement? I think so. The whole movement is focused on mammals. They are felt to be "cuter," more like "us" in their intelligence, warm blood and, all too often, fur. Their pain and suffering are felt to matter more than those of other classes of animals.

The double standard is evident in the movement's assault on the tuna fishing industry. These people aren't upset about the slaughter of tens of thousands of tuna. The hell with the tuna. All they care about is a few dolphins, which whimper pathetically when they get caught in the net. If there was ever a case of the squeaky wheel getting the grease, this is it.

Let's call this movement by its right name: the mammal-rights movement. And before we cave in to its agenda, it owes us an explanation of why some animals are more equal than others.



This editorial cartoon by "Bay Rigby" appeared in the New York *Post* on Feb. 23, and is reprinted here with Mr. Rigby's permission.



This editorial cartoon by "Bay Rigby" appeared in the *New York Post* on March 10, and is reprinted here with Mr. Rigby's permission.

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