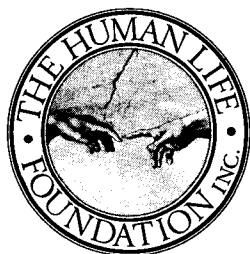


# the HUMAN LIFE REVIEW



WINTER 1998

*Featured in this issue:*

William Murchison on . . . . . Can We Clone Souls?

Nicholas Eberstadt on . . . . . World Population Implosion?

Faith Abbott on . . . . . No Bomb, No Book

Lynette Burrows on . . . . . Bring Back the Christians

Ellen Wilson Fielding on . . . . . "Rights" and Wrongs

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***Selective Humanism: The Legacy of Justice William Brennan***

Mary Ann Glendon & Eric W. Treene

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***Infanticide Chic: Professor Pinker's Peculiar Proposition***

Maria McFadden • James Nuechterlein • Michael Kelly

George McKenna • John Ellis • Joseph Farah

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*Also in this issue:*

Ray Kerrison • George Will • Maggie Gallagher • Paul Greenberg

Dr. James Le Fanu • *National Review* v. *Roe v. Wade*

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ABOUT THIS ISSUE . . .

. . . this winter we mark a tragic anniversary: 25 years ago, the Supreme Court created a legal “right” to abortion, and since then we have slaughtered well over a million preborn lives *every year*. Another tragedy: most Americans are still not clear on exactly what *Roe* permits, and would not support the ruling if they realized that it legalizes nothing less than abortion-on-demand at any time during the full nine months of a pregnancy.

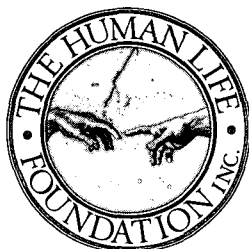
We are pleased to have Mary Ann Glendon and Eric Treene in this issue, writing about a major player in the *Roe* decision, the now-deceased Justice William Brennan. Glendon, the prominent Harvard law professor, author, and social critic, is also a member of several Pontifical councils, and headed the delegation of the Holy See to the Fourth UN Women’s Conference in Beijing. Her books include the most recent *A Nation Under Lawyers* (1996) and the important *Abortion and Divorce in Western Law* (1987), both published by Harvard University Press.

Our thanks go to Nicholas Eberstadt and *The Public Interest* for permission to reprint “World Population Implosion?” (p. 15). *The Public Interest* is a quarterly journal edited by Irving Kristol and Nathan Glazer, and published by National Affairs, Inc. For subscription information, write to 1112 16th Street NW, Suite 530, Washington, D.C. 20036.

We would like to thank the Washington Post Writers Group for giving us permission to reprint columns by George Will and Michael Kelly. Kelly’s “Arguing for Infanticide” appears in our special section, “Infanticide *Chic?*” In the same section, we have reprinted James Nuechterlein’s column from the January issue of *First Things*. A monthly journal on religion and public life, *First Things* is edited by Father Richard John Neuhaus and Mr. Nuechterlein. For subscription or advertising information, contact them at 156 Fifth Avenue, Suite 400, New York, NY 10010.

We would also like to thank the editors of *National Review* for giving us permission to reprint their devastating statement on *Roe*’s anniversary, “Dead Reckoning,” which is the very last item in this issue, but could well have been the first—*don’t miss it*. *National Review* can be contacted at 215 Lexington Avenue, New York, NY 10016.

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## INTRODUCTION

**T**his issue, which begins our twenty-fourth year of continuous publication (nobody is more surprised than we are that we've lasted this long!), faced us with a delightful dilemma: *How* should we begin it? We were sorely tempted to start right off with the article on the late Justice William Brennan, by Professor Mary Ann Glendon and Eric Treene—it's an honor to have the distinguished Author/Professor in our pages, and of course Justice Brennan, who might be called the "proximate cause" of *Roe v. Wade*, contributed greatly to this journal's *raison d'être*, we owe him the kind of attention Glendon and Treene give him here.

We also might have begun with our special section on *Infanticide Chic*: coming just 25 years after *Roe*, it's a stunning confirmation of the "slippery slope" predictions that were derided as "extremist" in 1973. But on reflection, we decided we had better set the stage a bit first, since we had just the right piece at hand to do exactly that. So we begin with our stalwart friend Mr. William Murchison, who reports on yet another vexed question: Dare we clone humans?

As you will see, this "new" controversy is indeed a fitting introduction to what follows; the arguments now being advanced *for* cloning humans hardly differ from those used to promote abortion—there are "hard cases" involved, and of course "compassionate" people want to help. Anyway, if "science" *can* do something, it must be right to do it? In reality, as Murchison puts it, "What we know is less than nothing" about the *soul* of the matter.

Murchison also introduces our next question as well: What ever happened to "over-population"? Back when *Roe* was conceived, the global-sized justification was that "we" couldn't possibly support so many babies—how aborting *our* future would de-populate China was never explained, but then such arguments defy logic. But as Mr. Nicholas Eberstadt makes clear, there has been a "dramatic reassessment" of over-population theory and—if the new projections turn out to be accurate, the looming disaster will be caused by *de*-population, which in fact is already well advanced in "our" Western world (once-fecund Italians now have the world's *lowest* birth rate!).

As you will see, Eberstadt tells you a great deal more as well. Indeed, we'd call his article a model of what a "research" paper *can* be (but usually *isn't*), not only crammed with pertinent information but also written for the reader—too often scholarly papers seem to be directed at the author himself? He also stays factually calm about things that may shock you, such as that—if current UN "projections" prove accurate—within some 50 years "developed" countries (like

us) could have more people aged 75 to 85 than children ten and under. Meaning our current fears about Social Security would be over; there wouldn't *be* any.

After such a mind-boggling view, you may be ready to enjoy Faith Abbott's latest tale, even though it is hardly light-hearted stuff. As we write, the "guilty" plea of the so-called "Unabomber" Theodore Kaczynski is front-page news, while his cold-blooded crimes have largely faded from the reportage. But they will never fade from the mind *or* body of David Gelernter, who on a bright June morning in 1993 opened the book-package bomb "Ted" had mailed to him. The explosion split his life forever into two distinct before-and-after compartments. But in fact the bomb carried a surprise for the Unabomber too: his victim turned out to be a man of formidable intellect, and a gifted writer.

In short, the bomb not only failed to kill, as "Ted" intended, but also inspired a book that is in effect a literary celebration of everything the hate-driven Unabomber lived to destroy. It is titled, simply, *Drawing Life: Surviving the Unabomber*, which is utterly accurate—Gelernter *could* have drawn death from that package, and the book is the story of how he survived. It also projects the author's intact sense of humor: a talented artist, Gelernter can paint again despite the virtual loss of his drawing hand. Sounds like a powerful saga? It does to us: we got it all from what Faith gives you here—we haven't even *read* the whole book yet, but we will now, and we'd be surprised if you don't likewise.

Along the way, Gelernter (no doubt confident that he has the reader's attention?) gets off some good shots at what you might fairly call pet peeves, among them the pernicious effects of feminist ideology on American families. But such aggravation is by no means restricted to Americans, as our next article makes clear. Mrs. Lynette Burrows, our faithful and (*very*) English correspondent, lives in Cambridge, where she willy-nilly breathes the academic atmosphere in which such exotic ideologies thrive. But she also gets around: down to London frequently to take part in those inimitable BBC debate programs, up to Scotland for live confrontations, meanwhile dashing off columns for various papers, doing books (she recently updated her *Good Children*, a handbook for intelligent parents), and so on. Here, she stops to conquer some feminist myths about "equality" and even to defend our Promise Keepers (who have gained controversial notoriety over there too)—it's hard to describe all you will get in her sharply-drawn essay, but it certainly makes good reading.

As it happens, we follow with another unusual essay, this one from our long-time colleague Ellen Wilson Fielding, who ponders (of all things!) the "relationship between Democracy and humility"—don't dismay, she makes an excellent point, namely that the self-promotion it takes to get elected often distorts the politician's perception of what he ought to *do* with the power he's won. Which is to balance the "rights" our leaders love to dispense with the duties ordinary citizens must assume if those rights are to mean something more than the power of some over others. Sounds like the right argument for our rights-obsessed era?

## INTRODUCTION

Without doubt, the most fantastic “right” of all is the putative right to an abortion, for any female of any age at any time during the full nine months of her pregnancy—which is, *de facto*, what the Supreme Court ruled in *Roe v. Wade*, never mind that a majority of Americans still think that only “early” abortions were legalized. The putative author of that *fiat* was Justice Harry Blackmun, whose intellectual lights were notoriously dim—*Roe* owes much more to the Court’s then-dominant intellect, which belonged to Justice William Brennan. “By all accounts,” our next authors, Mary Ann Glendon and Eric Treene tell us, “William Brennan was a gifted and likable man.” How could this “avowed champion of the weak and vulnerable” (as our authors describe him) midwife the most deadly High Court decision since *Dred Scott*?

As you will see, Glendon and Treene search impressively for the answer—you will learn a great deal both about Justice Brennan and the way the Court works—but they end up having to admit that they remain baffled as to *why* Brennan, “remembered by so many for his personal warmth and compassion, became complicit in the slaughter of innocents.”

Some may consider the question too kindly put: Brennan surely *knew* what he was doing? But our authors are not at all vindictive. They consider the evidence most judiciously, and certainly give Brennan fair treatment, which makes their story that much more fascinating to read—you’re free to draw your own conclusions about what secrets Bill Brennan took to his grave.

Next comes our special section on “Infanticide *Chic*?”—a half-dozen pieces all wrestling with the question of whether or not the avatars of abortion *really* mean to justify the killing of *born* babies. Actually, we need not say a great deal about it here—Maria McFadden gives you the proper introduction (see page 77). But we would like to point out yet again that, whatever the *intentions* of Professor Steven Pinker and his ilk, their rhetoric never strays far from the fundamental “hard case” arguments used to “explain” the need for abortion, and then euthanasia, and now even cloning—Why *not* infanticide next?

However, we might add a few facts, for instance that Professor Pinker is a doctrinaire Darwinist who claims that our *minds* have “evolved” just like all “species” have, so it’s quite understandable that today’s teenager would have atavistic urges—“left-overs” from our Hunter-Gatherer forebears—to smother her “surplus” baby. Funny: when Darwinists explain the “How” they employ the late Carl Sagan’s mantra “billions and billions of years”—given that much time, *anything* is possible—but our putative Hunter-Gatherer ancestors are hardly remote enough to account for such convenient explanations? Especially when such “cognitive science” seems to have evolved mainly in the mind of Professor Pinker himself—a twice-married non-parent (he’s “chosen” to remain childless) academic just over 40 years old? As it happens, Maria called Pinker to ask if we could reprint his entire *Times* piece—we thought you should judge for yourself—he replied that, well, er, he wouldn’t want that unless he could “add to it,”

## THE HUMAN LIFE REVIEW

and he was too *busy*. So we can't give you what he published in the nation's most widely-distributed Sunday newspaper.

As Maria notes, Professor George McKenna wrote his commentary at our request, and we were delighted that he focused on *why* the *Times* would run such a "provocative" piece. The answer, it seems, is that with the pro-abortion forces clearly in retreat, *expanding* the battlefield might help stem a rout? As McKenna adds, even cloning humans has been getting "favorable" treatment in the *Times*!

The other four articles in the section have all appeared elsewhere; in an ordinary issue, several might have appeared as appendices here, but in this case they all fit together, as you will see.

\* \* \* \* \*

Thus our appendices in this issue are a mere half dozen, but each of them adds something of importance. In *Appendix A*, our friend Ray Kerrison recounts a truly bizarre happening: Al Gore, Bill Clinton's anointed heir, telling "Weatherpersons" that the solution to Global Warming is . . . fewer children! As we write (see more below), the chances of Mr. Gore becoming the next president seem greatly increased, meaning that his now-merely-derisible notions could become serious policy problems. (We did have a good guffaw when Mr. Clinton dispatched "Mr. Global Warming" to up-state New York last January to comfort the victims of a devastating ice storm!)

In *Appendix B*, the celebrated Columnist George Will adds to the record of our "slippery slope" from abortion to infanticide. Obviously what he says bears directly on Professor Pinker's ideas about "evolutionary psychology," but Will sees *another* evolution too—one that is "tugging" us back from "the comforting premise of the abortion culture, that a fetus is nothing." In *Appendix C*, the subject is still another New York *Times* article, this one a recent Op-Ed piece that in effect claims that *marriage* causes more poverty than divorce. So we asked our friend Maggie Gallagher—who knows a thing or two about the subject—to comment for us, and what she has to say is very interesting indeed.

Next we have a powerful little essay (*Appendix D*) by Mr. Paul Greenberg, pondering what fellow-columnist George Will calls our "abortion culture"—Greenberg was in a courtroom while "highly civilized beings" argued the question "whether it should remain permissible" in Arkansas "to kill an almost delivered human baby" (i.e., a "partial birth" abortion ban)—it made him think a number of "irrelevant" thoughts, for instance whether or not some of history's greatest crimes have been committed by "highly civilized beings" who somehow allowed themselves to become dehumanized to the point that they "speak of fetal viability and fetal demise, not life and death."

As it happens, "fetal viability" describes what has fascinated Dr. James Le Fanu; in *Appendix E* he describes how, well into his medical career (and after delivering many babies himself) he began to see an "ineffable mystery" in what his embryology textbooks make into "a rather dreary subject" whereas in fact it's

## INTRODUCTION

amazing how “some cells know to go off” and do *this*, others *that*, organizing themselves irresistibly into a baby. This leads him into a discourse on a book which describes the “irreducibly complex” mystery of *all* cells, which leads the book’s author (a distinguished biochemist) to conclude that only “intelligent design” can explain it all. Here again, you may want to run out and get the book yourself (we *did*, it’s the best Who-Done-It we’ve read in ages!).

We end this issue (*Appendix F*) with an editorial from *National Review* “celebrating” the 25th anniversary of the Supreme Court’s *Roe v. Wade* decision. Editorials are of course not signed; they represent the opinion of the magazine, and for most of the years since 1973 *National Review* was the *only* serious journal that stood stoutly against *Roe* (just as its founding editor, William F. Buckley, Jr. was one of the few newspaper columnists to do so). But if our information is correct, this one was written by a young man barely born when the Court’s *fiat* came down; he thus personifies what the Justices *failed* to do, namely, mandate the “final solution” to the greatest moral issue since slavery.

As you can imagine, we would have liked to say a great deal more about the infamous decision in this issue. However, while quarterlies have great advantages (e.g., they are far more “permanent” than ordinary magazines), they suffer from too much “lead time”—ours is still printed in the old-fashioned way, with a “perfect” binding like a book, and so on—which means that it is quite impossible to cover current events. So when I began writing this, I expected to convey my regrets, and the promise to do more on *Roe* next time. It was much on my mind, because in fact I was finishing up on the very eve of *Roe*’s anniversary.

That night the media blared out what some instantly called “Sexgate” (or, to be more restrained, “the latest White House sex scandal”). For a moment we wondered how we could handle *that* in our slow-moving pages . . . but only for a moment. As we listened to the *details* of the scandal, we realized how blessed we were to be stuck with our snail’s pace handicap: the last thing in this world we want to do is write about those details, which do not belong in a journal such as this one. So we will leave all that to those who have the stomach for it. The whole thing should be over—and the whole world *sick* of it—by the time our next issue comes to you, with its accustomed good, clean stuff.

J. P. McFADDEN  
EDITOR



# Can We Clone Souls?

William Murchison

The most absorbing topic in this life continues to be—life itself. Life and what we do with it: live it, take it, multiply it, diminish it, whatever. Every option, rightly or wrongly, is on the modern table.

The possibilities for a journal calling itself the *Human Life Review* are correspondingly vast, if not infinite. Just how vast we learn from two stories recently advertised in the media. The two seem, on first glance, to be going in opposite directions. A closer look reveals this not to be the case at all.

Story Number One: It isn't just sheep and other farm animals we are likely to be cloning in the next century. It's people. Hmmm, well, that would certainly be interesting. Where had one read that the people part was strictly out—a non-starter, not even to be talked about seriously? Where one read it was just about everywhere. The idea—wasn't it?—was that moral and ethical objections to the genetic replication of human life would control the discussion. While we might clone sheep, as at Edinburgh's Roslin Institute, where this thing began, we certainly would exclude human life from such procedures.

So much for that fanciful notion, the *New York Times* relates ("On Cloning Humans, 'Never' Turns Swiftly Into 'Why Not,'" 12/12/97). Opposition to human cloning, actually written into law in California, and denounced initially in most venues, is fast on the wane. Given a little time to digest the matter, the *Times* tells us, many Americans are coming to view cloning as just further evidence of modern science's skill at twirling and adjusting life's varied knobs. If we can have *in vitro* fertilization and test tube babies; if sperm can be frozen for subsequent use and even implanted in lesbian would-be mothers; if fertility drugs, coupled with obstetrical-gynecological skills, can produce seven new babies who wind up on every magazine cover in America; if, perchance, corpses can be frozen for revival in some age to come—then what, pray, is the matter with cloning? Does not the cloning process merely build on science's various end-runs around conventional biology? It could certainly be said to do so, and indeed has been. What dramatic scientific development has ever been withheld from the public? This one is unlikely to prove the exception to the rule. So, then . . .

---

William Murchison, our contributing editor, is a nationally-syndicated columnist at the *Dallas Morning News* and a popular speaker on a wide range of current religious and cultural issues.

Story Number Two: We all remember the “population bomb,” whose reverberations Dr. Paul Ehrlich set off in 1968 with a best-selling book that played into all the anxieties of an almost terminally anxious era. What if we learned that, far from spilling over with superfluous human beings, the planet at mid-century may be starting actually to experience what has been called a “population implosion”? The assertion has not only been made, it has been backed up statistically. “Never,” writes Ben J. Wattenberg, in the *New York Times Magazine* (Nov. 23, 1997), “have birthrates fallen so far, so fast, so low, for so long all around the world.”

Statistics—numerals conjoined blandly with decimal points—normally bore normal people to death, but population statistics speak with electrifying effect.

The United Nations Population Division—without knowing of course what will actually happen—makes a plausible case for depopulation, commencing some 40 years from now. In the fall 1997 number of *The Public Interest*, the population expert Nicholas Eberstadt summarizes the matter: “The human population would reach its apogee around the year 2040 at somewhat over 7.7 billion—about one third more than the 5.8 billion thought to be alive today. Between 2040 and 2050, the world’s population would shrink by roughly 25 percent with each successive generation.” [*Mr. Eberstadt’s article, “World population implosion?,” is reprinted in this issue.*]

Until . . . until . . . ? Wait a minute on that one. The immediate point is the complexity of this life business. Or maybe the point is bigger yet. What if it is this?—that, in the face of so much complexity, the indicated human response is . . . humility. Which, as it happens, is the response, the sentiment, the virtue least on view in the 1990s.

**W**ait: *de*-population? Nothing of the sort was supposed to happen: not without another worldwide plague or a nuclear war (possibilities that the UN Population Division discounts, at least for statistical purposes). The Malthusian notion peddled by Paul Ehrlich and his acolytes was that our tired old world was running out of room, and we had better lay off the overcrowding.

Almost any American of a certain age—mine, say—could ratify the Ehrlichian conclusion by simply looking around. A homely example, then. When I attended the University of Texas, in Austin, in the early ’60s, enrollment was around 20,000: a huge number, I thought, anyway compared with the 5,000 or so who had gone there in my parents’ day. Still, I could cruise the main drag any day, almost any time, and find a vacant parking meter. Today’s University of Texas, in which I recently enrolled

a son, is the largest university in the country—almost 50,000. Hubbub and high-rise are the campus' distinguishing marks. Fortunately there are still parking places—at 2 a.m. A little of this can feed supposition that Travis County, Texas, let alone the world, is seriously overpopulated.

This sense of drowning in a sea of people has long communicated itself to the larger community, and even to more commonplace levels. "Who Are All These People, and Where Do They Come From?" was the title of a Junior League lecture my wife attended a few years back. All the attendees, she reported, seemed to think the question germane. Yes, where did all these people come from, and what were we going to do with them, other than step over them?

Control of population is, for many in our rapidly de-Christianizing era, the Great Commission. A kind of fixed idea has been implanted in many minds. It is that the world is a great Noah's ark, with room for only so many bodies. The underlying notion, which seems to have informed Parson Malthus' famous 18th century disquisition on population, is that too many mouths equals hunger. The notion is well-embedded, probably in human psychology.

A century after Malthus, Thomas Hardy wrote his famous novel, *Jude the Obscure*. Everyone who has read it remembers the shattering moment: Sue Bridehead entering the closet where her children sleep in order to awaken them, discovering that the oldest of the three has hanged himself and the younger siblings, including a baby.

A note has been left: "Done because we are too menny."

Or so "Little Jude" judged. Only the day before, his mother had informed this preternatural gloomy gus that she was about to have another baby. This went down poorly with the little hand-wringer. Why, the impoverished young family already had three children to feed! One more would merely increase the misery. Little Jude's reply, uttered amid what we think of as the coziness of late Victorian society, has a chilling familiarity: "I think that wherever children be born that are not wanted they should be killed directly, before their souls come to 'em, and not allowed to grow big and walk around."

Hardy, spinning his yarn in 1895, had opened a window into the coming century. He had identified an anxiety that would not go away. Little Jude had the population-control bug. He saw new mouths (including his own) not as blessing but as curse—a very 20th century way of seeing things. Someone in the novel calls Little Jude's crime "the outcome of new views of life. They seem to see all its terrors before they are old

enough to have staying power to resist them . . . it is the beginning of the coming universal wish not to live.”

An astute and prophetic observation. The wish not to live gains currency and strength. Abortion is part of it; euthanasia and “assisted suicide” constitute another facet. Population control is still another.

The desire—akin to Little Jude’s—to decide how many lives are enough, and who the favored few should be, is at the heart of the modern view of life. The population control debate is premised on the belief that we can know, scientifically, how many is too many and, further, using science (as well as compulsion) engineer that result.

Can we? Wattenberg notes the sheer number of the factors responsible for the coming population downturn: “urbanization . . . more education for women, legal abortion, higher incomes, unemployment yielding ‘lower’ incomes, greater acceptance of homosexuality, new aspirations for women, better contraception (including ‘morning-after pills,’ endorsed by new Food and Drug Administration guidelines), later marriage, difficulty conceiving at older ages, more divorce and vastly lower infant-mortality rates.”

Science might bring to the table its concerns about the population bomb, but Events took charge of the discussion, without blueprint, without design. The need for human modesty in the context of life and its wonders discloses itself at just this point. What makes us think we are in charge? would be the question.

But there is a more pungent question: Assuming we *had* designed and tailored the downturn, what would make us think of our solution as all-wise, all-knowing? Both Wattenberg and Eberstadt point to large problems that will attend the downturn, if it materializes as expected.

Eberstadt speaks of “a radical aging of the human population—a shift of a magnitude with no historical precedent.” We will end up, my fellow Americans, a nation of geezers, shuffling off to the shuffleboard court. Imagine first of all the effects on Social Security. With a declining birth-rate, how in the world are we going to guarantee the benefit checks to which present recipients are accustomed? Hint: We’re not. Something has to give, probably long before the middle of the century, when the ratio of active workers to beneficiaries reaches approximately 2:1 (versus 9:1 when Social Security was initiated, in 1935).

Wattenberg raises still other specters: “In the past 50 years in America, the population has doubled. That escalator of consumer demand won’t continue. American population in the next half century will probably grow much more slowly, perhaps by less than 30 percent, with most of the increase in the next 20 years.”

There is also the question, who does the work? Geezers, for entirely understandable reasons, are not much on toting that barge, lifting that bale: performing society's harder and more menial tasks, that is to say. Valet parking, landscaping, roofing, highway building, dish-washing, policing, fire-fighting, room-cleaning for hotels and motels, fighting for the native land—these are among the occupations society expects to fill through a steady infusion of young people into the job market. Absent those young people, society will be absent some services that presently are taken for granted; other services will be underserved. This is not likely to increase the sum of our national well-being.

**P**opulation growth is *bad*? Convenient it certainly is, not to mention indispensable in many ways. The theory has been that we either can or should control it: modulate, regulate, fine-tune. For an exercise in frustration, try beating this.

How many are too many? How many are enough? And not enough? A single goal like Zero Population Growth takes no account of such questions. While stalking the environmental demons said to have been loosed by overpopulation, we ignore the economic ones. In any case, ZPG, why? Who says zero is the right number?

I had said that contemplation of these matters should instill humility in ordinary humans. What do we know after all? Who says we have everything in life figured out, or can work up the answer quickly, given some notice?

Life—that word again—is too complex for manipulation and control. Just when we think we have it figured out, along comes the universe to sting us.

It will prove so with cloning, in all likelihood. The delicacy of this enterprise is hardly acknowledged by its fans. We can do it—goes the argument—hence we should. In which assertion there is no more modesty than in the assertion that the right birth rate is knowable.

The possibilities for cloning—for genetic interference with human life, that is to say—are infinite. Suppose John has a deadly disease. He needs an organ transplant. There is no obvious donor. We clone him, therefore. We “harvest” the organ—a hearty, American word, “harvest”—from the clone and all is well. Maybe.

Or Mary has a hereditary disease she might pass on to her children, were she to have any. We clone around that disease: baffle it, bid it keep far away.

What about this scenario? When Bob dies, we're likely to miss him—

his wit, his cooking skills, his conversation. To keep him going—him, or, well, whoever . . . it's off to the cloning factory.

How likely are such scenarios? It is difficult to say. We are at the front end of this business. We have science's assurance that the thing *could* work with humans, and that if it could, probably it will.

**L**et me pose an old-fashioned kind of question, one having nothing to do with the physical dangers likely to inhere in the breeding of humans. The question will indicate where I am going from here. John's organ donor, Mary's strong, strapping child, Bob redivivus—what are the assurances of a soul's entering into any or all of these beings and personalities?

Soul? A word with theological texture. What has theology to do with anything? This, as it happens, is a characteristic modern question, not least characteristic in the way it bears on our dealings with human life. A soul, in theological terms, is what animates human life: links it to the creator, grants it enduringness. Does it matter whether soul exists in the cloned body? It should. It ought to matter a good deal.

I raise the question not in order to posit an answer, yea or nay. I have no idea what the answer is. I also have a strong idea that no one else has the answer, and more than just a vague intuition that many plain do not care one way or another. Soul questions probably violate the separation of church and state, as presently understood by the U.S. Supreme Court and the American Civil Liberties Union. (There are other theological matters to raise, with regard to cloning, but this one just happens to serve present purposes better than the others.)

In the 20th century, human life questions have come unyoked from theology. Life exists, so far as secular society is concerned, in a vacuum: ours to create, ours to manipulate, even to dispose of entirely, without regrets.

The confidence with which we make assertions about life is born of our confidence that life can be talked about without careful reference to the ultimate questions—heaven, hell, or “the bourne from which no traveler returns.” If life has nothing to do with such questions, why, this can only feed our self-assurance. Yes, we can stipulate how many babies is enough babies, or too many, or not enough. And, further, what kind of babies we ought to have: A world of Albert Schweitzers and Mother Teresas—would not this be wonderful (if also, you know, just a little monochrome)?

What makes the cloning and population bomb stories so interesting in tandem is that they demonstrate the inadequacy of human attempts at manipulation.

You say inadequacy has not been proved, far less adduced, with respect to cloning? Not so. We are just at the front door of this matter, so to speak, and already worrisome scratchings and flutterings can be heard on the other side. The decision, for instance, concerning who decides. Someone has to—some human, that is—if the intention is to bypass God. Just who do we clone? And with what ends in view? The satisfaction of personal desires? Or does society, through its constituted authorities, have some say-so? Who says what kind of say-so, and on what pretext of legitimacy?

Deeper and deeper and deeper we plunge into this quicksand. Or *not* plunge as the case may be, preferring, with a sense of danger tingling in every nerve, to stand quietly on the bank, silently surveying the dense, dark tracts ahead, with their hint of the timeless and the awful.

We shall see, and probably rather soon. Such grounds for hope as we have, relate in part to “science’s” poor showing in the population argument. Here are these reams of studies, these thick reports from learned societies and interest groups; these speeches, charts, and graphs; these abiding assurances from the likes of Planned Parenthood that biological manipulation is no larger or more controversial a matter than, say, the magnification of megabytes. All this, and it turns out that we don’t know—we just don’t—how many people is the right number of people.

Not that Eberstadt and, especially Wattenberg, the populational popularizer, stand victorious amid their charts. The same *New York Times Magazine* that carried Wattenberg’s article ran furious letters a few weeks later attacking the whole premise of a population bomb. Time, no doubt, will tell. But are these furors really about probability—doom vs. non-doom?

Much more to the point, they are about souls. When it comes to souls, the 20th century has announced radical agnosticism. The secular society neither knows nor can afford to care deeply about links to divinity. It is mouths the century cares about: mouths to be filled with food, and bodies to be washed and dressed and trundled off to school, and hands to be employed some day in the marketplace. Such judgments as we make in these matters we make on wholly practical grounds: who needs what. Souls? That’s for the theologians.

Exactly—as are life questions in general. Of course the soul question isn’t *just* for theologians—the full-time professionals, the regulars. The question concerns the religious community as a whole, and its place in a society deeply confused by its own skills and competencies.

Contraception and abortion have both proved dramatically effective in

controlling births—while stripping life of a dignity and nobility it formerly enjoyed. This loss of dignity makes moderns more and more nervous. So also must proud plans for engineering the births of *just* those people we want—and the non-birth of people we don't want (or at least suppose we don't).

On what was this lost dignity based? Was it not on the discrete connection of every life, every soul, to the God who created Life itself, and oversaw its purposes, and numbered the hair on every head, and knew when every sparrow fell to earth?

Such a God sought—seeks—humility on the part of His creatures, who, after all, are creatures: clay in the potter's strong fingers. "It is He that hath made us and not we ourselves," related the Psalmist, matter-of-factly.

There may in the past have been less meek and humble ages than ours, but they do not come readily to mind. What do we know about souls? Any of us? Their individual worth? The right number? The right composition? What we know is less than nothing. What we profess—without of course mentioning something so immaterial as a soul, something wholly beyond the province of science to prove—is our endless competence at the game called life. Life? We can do it. Piece of cake. Plug in the computer. Let's get started

There is just one trouble with this viewpoint: What we say we believe seems more and more the last thing, deep down, we want to believe.



*'We're on the brink of extinction and you have a headache.'*

THE SPECTATOR 29 November 1997



# World Population Implosion?

Nicholas Eberstadt

Over the past several years, some of the world's best demographers have begun a dramatic reassessment of the world's demographic future. They are now seriously proposing the possibility that the world's population rather than continuing to increase will in our lifetimes peak, and then commence an indefinite decline in the generations immediately ahead. This demographic scenario is implicitly reflected in, among other places, the United Nations Population Division's biennial compendium, *World Population Prospects*—the oldest, largest, and most intensive of various contemporary attempts to envision and outline likely future demographic trends. The forthcoming edition of that volume, *The 1996 Revision*, will include “low variant” projections that anticipate zero population growth for the world as a whole by the year 2040, and negative growth—that is to say, depopulation—thereafter.

Like two alternative projections (“medium” and “high”) also offered, this “low variant,” as previous editions of the study have explained, is “thought to provide reasonable and plausible future trends.” And the eventual global depopulation envisioned in these projections, one should emphasize, is not calamitous—it does not result from Malthusian, environmental, or any other variety of disaster. Just the contrary: This contemplated stabilization and ultimate decline of world population is assumed to occur under what *World Population Prospects* terms “conditions of orderly progress.” The UN Population Division's method, in fact, specifically posits that “catastrophes such as wars, famines or new epidemics” will not take place “during the projection period.”

The UN's new “low variant” projections do not, of course, provide a sure vision of the future. But they do offer a glimpse of one *particular*, and by no means fantastic, version of the future—a version, as yet, whose outlines have scarcely been described and whose ramifications have scarcely been pondered. At a time when all manner of potential “population problems” are regularly accorded official attention by national and international authorities, the neglect that has to date greeted the possibility of a long-term reduction of human numbers is all the more striking.

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In the following pages, we will survey the demographic contours of a world in which population has ceased to increase and examine some of the political, economic, and social implications that might flow from a global “population implosion” a few decades from now. (The new UN “low variant” projections will be our backdrop.) Unaccustomed as we may be to thinking about such a world, its advent might not be that far off. The UN projections in question imagine an indefinite demographic descent commencing just over 40 years from now—a time at which most of the earth’s current inhabitants will likely still be alive.

#### **The limits of population forecasting**

This is not, to be sure, the first time that population specialists or others have raised the prospect of long-term population decline. Some 60 years ago, expectations of an imminent depopulation were widespread in the Western world. In the 1930s, in fact, “the fear of population decline,” to use Michael S. Teitelbaum and Jay M. Winter’s phrase, was palpable in a number of European countries—or at least in their leading political and intellectual circles. We now know that those predictions of depopulation were far off the mark. Indeed, at the very time when they were supposed to be entering into permanent negative growth due to sub-replacement fertility—the decades of the 1950s and 1960s—Western countries actually turned out to be in the midst of a demographic surge driven by a post-war baby boom.

Thus a few general words of warning about demographic projections and forecasts are in order. The uninitiated sometimes invest unwarranted confidence in the capabilities of population sciences to chart accurately the demographic trends of tomorrow. Those more familiar with the disciplines in question entertain more modest hopes. The paradox of long-term demographic forecasting is that its methods combine superb technique with an almost complete lack of viable predictive theory.

Mathematical demography is an elegant and sophisticated construct; supplied with the necessary assumptions, it can generate detailed and internally consistent population projections. Those assumptions, unfortunately, are precisely the sticking point. For mathematical demography will easily demonstrate that, under non-catastrophic conditions, change and composition within any convened population will be dominated by fertility trends—but the population sciences offer no reliable framework for anticipating the fertility trends of the future.

In the modern era, the defining essence of fertility change has been the emergence and spread of sustained fertility decline. Yet the phenomenon

of secular fertility decline has posed unanswerable questions from the beginning. The first country in the world to embark upon long-term fertility decline did so in the late eighteenth century. That country, however, was not industrializing England, as modernization theories would lead us to expect, but rather France—then impoverished, overwhelmingly agrarian, predominantly illiterate, and, by appearances, devoutly Catholic. Charles Tilly of the New School for Social Research has described the dilemma that European fertility decline continues to pose to historians and social scientists: “The problem is that we have too many explanations which are individually plausible in general terms, which contradict each other to some degree, and which fail to fit some significant part of the facts.”

More modern fertility trends have proved no less nettlesome. Despite the almost overwhelming availability of information on social and economic conditions in contemporary industrial societies, demographers were unable to foresee either the transnational postwar baby boom or the subsequent shift to a sub-replacement fertility regimen in every country belonging to the Organization of Economic Cooperation and Development (OECD). As for developing countries, demographers have been unable to forecast either the onset of fertility decline or the trajectory that fertility change follows once it begins.

Complicating any effort at long-range population projections are two additional and highly inconvenient details: Population theory offers no reliable indications as to how far “normal” fertility levels may fall—or whether fertility regimens will tend to converge toward net replacement after a pronounced swing away from it.

For better or worse, our only recourse in addressing these issues is to consult the empirical record. From that record, we know that the fertility level of a fairly large population under “conditions of orderly progress” can be very low indeed: Eastern Germany’s post-unification fertility level, if continued, would be less than one birth per woman *per lifetime*. By the same token, we now know that a country’s fertility can drop swiftly and dramatically once the process of secular fertility decline begins: Between the early 1960s and the early 1990s, for example, Thailand’s estimated “total fertility rate” (TFR) plunged from over six births per woman per lifetime to less than two. We know further that sub-replacement fertility can characterize fairly poor contemporary societies—China, Cuba, and possibly Sri Lanka, among others. Finally, we know that fertility levels can remain below replacement for prolonged periods. Japan, for example, entered into sub-replacement fertility over 40 years ago and has been

gradually moving further away from net replacement for the past quarter century. All these particulars, however, furnish precious little guidance for long-range forecasts of population totals for any given country, much less the world as a whole.

Let us be clear: Demographic techniques are reasonably accurate for some kinds of forecasts. Under ordinary conditions, for example, they are rather good at predicting how many people from a current cohort will be alive a given number of years hence. (This insight is the basis of the modern life-insurance industry.) But no one has yet devised a sound technique for estimating the unborn in advance—and no one is likely to do so, so long as parental preferences determine human fertility patterns.

#### **The “low variant” model**

Now, back to the UN “low variant” projections. Since all population projections faithfully and mechanically reflect the assumptions embodied within them, it is worth examining the particular set of assumptions that bring us to the verge of a permanent depopulation 40-odd years from today.

The UN “low variant” model takes estimates of the world’s current population composition (by country, age, and sex) and calculates hypothetical future populations based on three separate sorts of assumptions: migration, mortality, and fertility. For the period 1995 to 2000, the model envisions a net migration of about 1.6 million people a year to the “more developed regions” (meaning the OECD countries of the early 1990s, Eastern Europe, and the predominantly European portions of the former Soviet Union) from the “less developed regions” (everyone else); this stream gradually diminishes, ceasing altogether in 2025. These assumptions are clearly arbitrary; there is no particular reason to think they will be correct. However, given their magnitude, these assumptions exert only a slight influence on population trends for the “more developed regions”—and, of course, none at all on trends for the world as a whole.

With respect to mortality, the UN model assumes that life expectancy at birth will rise in the “more developed regions” from roughly 75 today to 81 in the year 2050. For the “less developed regions,” life expectancy is assumed to increase from the current estimated level of 64 to 76 by 2050; in the “least developed countries” (a sub-grouping composed mainly of sub-Saharan countries), it is seen as rising from 52 to 72. By the benchmarks of the immediate past, such improvements in longevity seem feasible—and perhaps even modest. In the 55 years between 1995 and 2050, life expectancy at birth for the world as a whole is posited to rise by

12 years (from about 65 to about 77); by contrast, in the 45 years between 1950 and 1995, global life expectancy is thought to have risen by about 20 years (from about 45 to about 65).

The model's most important assumptions concern future fertility trends. By the UN's estimate, total fertility rates for the "more developed regions" averaged about 1.7 in the early 1990s; the "low variant" assumes these to have fallen to about 1.5 today, and estimates that they will stabilize in another decade at about 1.4 (roughly, the level currently characteristic of the nations of the European Union). For the "less developed regions," TFRs averaged perhaps 3.3 in the early 1990s; these are seen as having fallen just below three today, declining further to about two in 2020, and to about 1.6 in 2050. (For the "least developed countries," where the average number of births per woman per lifetime in the 1990s is estimated to have exceeded five, TFRs are posited to drop below four by 2010, below three by 2020, and below two by 2035.)

Another way to look at these fertility assumptions is from the vantage point of net replacement. In the "more developed regions," the "net reproduction rate" (NRR) is already down to about 0.7—*meaning that the next generation, under present patterns of childbearing and survival, would be about 30 percent smaller than the current one.* The UN "low variant" assumes that the NRR will stay close to its current level for the next half-century, registering just under 0.7 in 2050. The "less developed regions," in this vision, fall below replacement around 2010; the "least developed" sub-grouping fall below replacement around 2030. For the world as a whole, the NRR today is placed at over 1.2; global sub-replacement commences around 2010, and, by 2050, it is stipulated to be 0.74—or about the same as the NRR for today's industrial democracies.

What is one to make of these postulated fertility trends? One way to assess them is in historical perspective. Over the next half-century, the "low variant" model proposes a decline in TFRs of roughly 0.3 for the "more developed regions" and of about 1.5 for the "less developed regions." By contrast, over the 40 years between the early 1950s and the early 1990s, actual TFRs dropped by an average of about 1.1 in the "more developed regions" and by nearly three in the diverse amalgam of countries within the "less developed regions."

As we have already seen, there is no possible way of telling today whether or not these hypothetical "low variant" fertility trends will eventually come to pass. Against the mirror of recent history, however, the assumptions of fertility decline built into this particular population model look neither terribly radical nor especially heroic.

### The arithmetic of depopulation

The arithmetic consequence of this bundle of assumptions—none of them outlandish—is a world in which population crests and then declines forever thereafter. By these particular computations, the human population would reach its apogee around the year 2040 at somewhat over 7.7 billion—about one-third more than the 5.8 billion thought to be alive today. Between 2040 and 2050, the world's population would fall by about 85 million. From then on, world population would shrink by roughly 25 percent with each successive generation.

Negative rates of “natural increase”—death rates higher than birth rates—would characterize the “more developed regions” as early as the year 2000, although thanks to modest net immigration, absolute population totals for these regions would not begin to fall until after 2005. For the “less developed regions,” a negative natural increase would begin around the year 2045. Despite sub-replacement fertility in today's “least developed countries,” population growth would continue for a decade or so beyond 2050. This would be due to “demographic momentum”—in other words, the fact that rising cohorts contained absolutely larger numbers of women of childbearing age would outweigh the fact that the fertility rate for these new cohorts was dropping.

The trends that would result in an ultimate global population decline would also bring about a significant redistribution of world population. In

**TABLE 1**  
**World's Most Populous Countries, 1950-2050 (Millions)**

<u>1950</u>		<u>1995</u>		<u>UN “low variant” projections for 2050</u>	
China	555	China	1,222	India	1,231
India	358	India	929	China	1,198
USSR	180	USA	267	Pakistan	306
USA	152	Indonesia	197	Nigeria	279
Japan	84	Brazil	159	USA	272
Indonesia	80	Russian Fed.	148	Indonesia	251
Pakistan	72	Pakistan	136	Brazil	188
Brazil	53	Japan	125	Bangladesh	178
UK	51	Bangladesh	118	Ethiopia	176
W. Germany	50	Nigeria	112	Zaire	146
Italy	47	Mexico	91	Iran	143
France	42	Germany	82	Mexico	127

Note: 1950 reading adjusted to account for actual historical boundaries.  
Source: United Nations Population Division

1995, the ratio of population between “less developed” and “more developed” regions stood at about four to one; in 2050, by these projections, it would be seven to one. The balance of population would shift dramatically not only between given countries but even between entire continents. In 1995, for example, the estimated populations of Europe (including Russia) and Africa (including Egypt and the Maghreb states) were almost exactly equal. In 2050, by these projections, Africans would outnumber Europeans by over three to one.

In the world of negative population growth, the profile of the most populous countries would also look rather different from the rankings with which we have become familiar. Only half the largest countries of 1950 would remain on the list for the year 2050. Nigeria, which did not even make the list for 1950, will be the world’s fourth largest country in 2050—just edging out the United States. New additions to the big 12 between now and the year 2050, by these computations, would include Ethiopia, Zaire, and Iran. Whereas six of the 12 largest countries in 1950, and four in 1995, come from the “more developed regions,” as currently defined, one—the United States—so qualifies by these projections in 2050. Just how demographically negligible the current industrial democracies would be in this version of the year 2050 may be illustrated with a single comparison: Not a single European state—including Russia—could match the Philippines in total population. Other things being equal—and admittedly, in world politics they seldom are—these trends presage a tremendous shift in the balance of global power.

These same demographic forces of longer lives and falling fertility would also inexorably pave the way for a radical aging of the human population—a shift of a magnitude with no historical precedent. Around 1900, the median age of the world’s population may have been about 20 years—not far from what it had been in all earlier eras. Over the second half of the twentieth century, the median age for the world’s population rose somewhat: By 1995, it reached about 25 years. By the year 2050, in this “low variant” world, the median age would be over 42.

In the “less developed regions,” the median age would almost double between 1995 and 2050, jumping from 23 years to 41 years. To put this in perspective, it would mean that the “average” population from these regions would be more aged than the “greyest” populations in the world today. (In Germany and Japan, for example, median age is currently just under 40.) But the “more developed regions” of 2050 would be older still. In 2050, the median age in this area would exceed 51. In some countries,

of course, the population would be even more aged: Japan's median age would be 53; Germany's, 55; Italy's 58.

This tremendous and rather sudden aging process would have subsidiary implications. For the world as a whole the number of children would sharply decline while there would be a population boom among the elderly (or let us say, groups *currently* considered elderly). In 1950, children under the age of five composed just under one-seventh of the global population. Today, they make up about one-ninth of the total. In 2050, by these projections, they would account for less than one-twentieth. Conversely, persons 65 and over made up about 5 percent of the world's population in 1950 and perhaps 6.5 percent in 1995; they would account for over 18 percent of the total in 2050. Where there were two and one-half young children for every older person in the world in 1950, there would, by 2050, be almost four persons 65 or over for every child. In the "less developed regions," there would be three times as many older people as young children; in the "more developed regions," the ratio would be eight to one. In Italy, which serves in these projections as the extreme instance of demographic aging, barely 2 percent of the population in 2050 would be under the age of five, but more than 40 percent would be 65 or older.

This dramatic worldwide aging would especially affect the female population. For the first time in the modern era, and possibly the first time in human experience, "women of reproductive ages" would no longer constitute the norm for humanity. In 1995, an estimated 51 percent of all women on earth were between the ages of 15 and 49. (These are designated as the childbearing years by the conventions of contemporary demography—imprecisely, but not unreasonably.) Although accurate global counts are obviously not available for earlier periods (or even today), demographic technique suggests that one-half or more of the women alive at any given time may have been within those same childbearing years. Under "low variant" assumptions, however, by the year 2050 over 55 percent of the world's women will be outside the childbearing years. In the "more developed regions," nearly two-thirds of all women would not be "of reproductive age."

Finally, consider those between the ages of 15 and 24—the vigorous and exuberant adolescents and young adults who influence fashions and style, exemplify physical beauty, and happen to do most of the actual fighting in times of war. In the "low variant" version of the future, the size of this youthful group shrinks significantly in both relative and absolute terms. In the world as a whole, there would be 100 million fewer youths in 2050 than there were in 1995. While they had comprised 18 percent of the world's population in 1995, they would account for less than 12 percent by 2050.



“More developed regions” would be especially without young people: Less than 9 percent of their population would be 15 to 24 years of age. In fact, barely one-half as many young people would be living in these countries as live there today.

It is perhaps difficult to picture exactly how population decline would affect the routines of daily life, or social dynamics, or economic patterns, or the operations of government. Yet a number of issues present themselves immediately—along with a number of still unanswerable questions.

For example, the UN “low variant” projections envision a growth in human numbers between 1995 and 2050 of just under 2 billion; 1.4 billion of this presumed increase is accounted for by the group 60 years of age and older. A significant fraction of the world’s population would, in this vision, be septuagenarians, octogenarians, and nonagenarians; in results calculated for some of the “more developed” countries, in fact, persons between the ages of 75 and 85 would outnumber those between the ages of 0 and 10.

Such a gerontological drift raises basic questions about the health of the societies of this particular future. Would a depopulating planet be a planet of wheelchairs—of increasingly infirm senior citizens whose escalating demands for medical services and care seriously burden the rest of society? Or would the revolution in longevity be accompanied by a revolution in health that effectively extended the boundaries of middle age—and thereby the scope for active, vigorous, and productive existence?

To address such questions, we might begin by examining the available research on health and aging. That literature, as it happens, is inconclusive—or more precisely, it points in opposite and mutually exclusive directions. According to one school of thought, the risk of illness and mortality changes are inversely related: Longer lives mean worse health for the survivors. The other school holds that improvements in life expectancy translate into greater life expectancy free from disability, even for persons in their seventies and early eighties.

Reviewing the points of controversy in these studies, one is inevitably struck by the mischievous ambiguity of the term “healthy life.” “Mortality” is easy to define and thus (in theory) to measure; not so with “health,” which has many gradations and is subjective anyway. It is possible, and indeed likely, that existing data on self-perceived health status are confounded by the higher expectations of those who are better off: In the United States and elsewhere, despite physical evidence to the contrary, more affluent and better educated people often seem more inclined than their less well off peers to rate their own health as unsatisfactory.

The international data, however, would seem to support the argument that improvements in “disability-free” life expectancy occur nearly as rapidly as improvements in life expectancy itself—at least for the population under 85 years of age and so long as “disability” is carefully and objectively defined. Indeed, proper health habits and appropriate medical help can already offer the great majority of persons the possibility of active and independent life well into their eighties. To this extent, anxieties about the coming of an era of dependent invalids would appear to be misplaced.

At the same time, we should remember that the quality of life for older persons may at times hinge upon discrete, but expensive, medical treatments. Insofar as such services would be more available in rich countries than in poor ones, even in the year 2050, differences in the health status of the elderly might in the future provide the same sort of summary index of “development” that the infant mortality rate is today taken to offer.

#### **Economic performance**

In the 1930s, when the specter of “depopulation” haunted Western intellectuals, many of the most eminent economists of the day—including Alvin Hansen, Roy Harrod, John Maynard Keynes, Gunnar Myrdal, and Joan Robinson—argued that low fertility and stagnant or declining population could compromise economic performance. By stifling demand, sluggish or negative population growth could exacerbate, or even precipitate, “underconsumption”—and a crisis of unemployment. At the very least, low fertility would press down the investment rate or slow the allocation of new labor into promising and productive areas.

With the benefit of hindsight, most of these arguments now look surprisingly weak. Depression-era economists were too ready to explain that great international slump—which was essentially non-demographic in nature—in terms of the fertility patterns and population trends of the day. (Ironically, barely a generation later eminent economists were attributing those same ills to overly rapid rates of population growth.) And the economists of the 1930s underestimated the role international trade might play in linking (and thus expanding) markets and in stimulating a productivity-enhancing division of labor, regardless of the population trends in a given country at a given time.

A careful review of the empirical record suggests that demographic forces, whatever their nature, need be no more than at most a secondary factor in overall economic performance. This empirical record suggests further that well thought-out public policies, in tandem with suitable private arrangements, can capitalize upon the potential opportunities inherent in a country’s

population trends. In fact, during the modern era nations have prospered even in the wake of seemingly calamitous "population problems." West Germany, Taiwan, and South Korea each flourished economically after their sudden, forced, and tumultuous absorption of millions of refugees; Japan enjoyed rapid and sustained development after World War II even though life expectancy for its men had been driven down to neolithic levels as a result of the war.

By comparison with such trials, the demographic challenges posed by gradual population aging, and eventual population decline, look decidedly modest. Indeed, there are reasons to be guardedly optimistic about the macroeconomic consequences of these trends. Surveying America's demographic prospects, for example, Harvard economist David M. Cutler and his colleagues have made the point that prolonged sub-replacement fertility would actually somewhat lower the country's investment needs and increase its living standards (consumption levels) since so much less capital would be required by new entrants into the labor force. Although expenditures on the care and support of the elderly would naturally rise, these costs would, in Cutler and his colleagues' reckoning, be substantially offset by a reduced need to spend on the young. In all, they conclude, the optimal savings rate in the middle of the next century would probably be slightly lower than the optimal savings rate today.

The demographics of depopulation, however, might well pose one major and heretofore novel economic problem for societies of the future: the education and training of the workforce. In a world where nearly one-half of the population was living to the age of 80 or beyond, the ordinary person's "economically active life expectancy" could quite conceivably be as much as 50 years—or more. Given the arithmetic of sustained below-replacement fertility, moreover, it is not difficult to imagine circumstances half a century hence in which the majority of a country's workers were over the age of 50.

If future educational systems operated by today's principles, most people at work would have received their final formal training over a generation previously; they would be functioning with the knowledge and techniques of an increasingly distant past. One should not overstate the problem: On-the-job training, refresher courses, and the like are already familiar features of the modern workplace. The age-structure changes that negative population growth would bring, however, would considerably intensify the mismatch between an educational system designed to train people when they are young and the desire of workers to enjoy a long and worthwhile career in an increasingly complex economy.

Newly embodied knowledge and newly applied techniques have been a driving force behind material advance in our century. If they are to serve the same role in the coming century, and if the coming century proves to be a time of pervasive population decline, the institutions and routines of higher education will probably have to be fundamentally reexamined and recast.

#### **Pressures on the welfare state**

The possible cessation and decline of population growth in coming decades may pose no insuperable macroeconomic problems to future generations, but it stands to create enormous difficulties for the state. In a world like that imagined in the UN's "low variant" projections, governments would be subject to intense budgetary and political pressure to overhaul their welfare systems. Negative population growth would especially threaten the central feature of the modern welfare state: the nation-wide, tax-financed, pay-as-you-go pension program. Weighed down by unalleviable demographic burdens, it is in fact hard to imagine how these programs could remain viable.

The government-run Social Security and pension programs in virtually all of today's industrial democracies finance their operations by taxing today's workers to fund today's retirees. Since these systems were established in periods of relatively high fertility and relatively rapid population growth, pay-as-you-go pension systems had the political allure of promising generous benefits on the cheap. In an unguarded moment 30 years ago, Nobel Laureate Paul Samuelson captured the reasoning undergirding this approach to public finance:

The beauty about social insurance is that it is actuarially unsound. Everyone who reaches retirement age is given benefit privileges that far exceed anything he has paid in. . . . Social Security is squarely based on what has been called the eighth wonder of the world—compound interest. A growing nation is the greatest Ponzi game ever contrived. And that is a fact, not a paradox.

With below-replacement fertility and increasing longevity, however, the arithmetic of pay-as-you-go retirement programs changes unforgivingly. As the ratio of employees to retirees falls, a universal pay-as-you-go retirement system has only three options for preventing bankruptcy: reduce pension benefits; raise taxes; restrict eligibility. There are no alternatives.

As Carolyn Weaver of the American Enterprise Institute persuasively demonstrated a decade ago, demographic forces had already brought social insurance programs throughout the Western world to the verge of crisis by the 1980s. By that time, Social Security payroll taxes alone exceeded 20

percent in a number of Western countries and exceeded 30 percent in at least one of them (Netherlands); unfunded liabilities nevertheless continued to mount. But when Weaver was writing, there were almost six persons of working age (as the years 15 to 64 are customarily designated) for every person of retirement age (65 and older) in the "more developed regions." With zero, and then negative, population growth, those ratios would fall precipitously.

The dimensions of that decline are reflected in projected "dependency ratios," for the number of persons 65 and older per 100 persons between the ages of 15 and 64. In 1995, under the current crisis of the Western welfare state, that dependency ratio comes out to roughly 20—meaning that there are now about five people of working age for every person of retirement age. In 2050, by these projections, the dependency ratio in today's Western democracies would be above 50: The ratio of people 15 to 64 to people 65 and over would be less than two to one. In some countries, these projected ratios for the year 2050 would be still higher: 60 for Germany; 64 for Japan; and an amazing 80 for Italy where there would be only 125 persons in the 15 to 64 group for every 100 senior citizens.

Although populations in the "less developed regions" would not, in these projections, be so very "grey," those countries would likely be less capable of maintaining state-based pay-as-you-go retirement systems in the year 2050 than OECD countries are today. For one thing, the dependency ratio of elderly to working-age population would be higher for the "less developed regions," on average, than it is in any OECD country today. For another, the "less developed regions" half a century hence may not, on average, be nearly as affluent as the OECD countries are today. The calculations of the economic historian Angus Maddison suggest that, even after adjusting for international differences in purchasing power of local currencies, per capita GDP for what the UN terms "less developed regions" was about one-fifth of the "more developed countries" per capita GDP in the early 1990s—and less than one-sixth of the OECD countries. If these regions should enjoy long-term per capita growth rates of 3 percent a year for the next half-century, their average output level would still be nearly 40 percent lower than OECD's today. (To get a sense of what this would mean, think of financing Western Europe's pension burden in the coming decade out of Western European incomes from the late 1960s.)

Already the actuarial status of state-run retirement systems in most OECD countries appears unsustainable. In the United States, according to calculations by economists at the OECD, the net present value of the unfunded deficit in our Social Security system amounts to only 23 percent of GDP.

I say “only” because the unweighted average of that deficit for the 20 OECD countries examined came to 95 percent of GDP. Even were the implicit social contract underlying these systems gutted—by, for example, restricting pension eligibility to cover less than a third of the retirement-age population—over half of these pension systems would still remain underfunded for the foreseeable future.

These OECD calculations, of course, pertain to the net present value of government pension systems today—when people of working age outnumber the retirement-age groups by roughly five to one. In 2050—if the ratio of working-age to retirement populations were indeed two to one, or less—the net present value of the deficit in state pension systems as they are currently constituted would be vastly greater.

As an abstract conjecture, it is possible that societies under such circumstances could keep their pre-existing Social Security systems intact—if they were willing to forswear publicly financing practically anything else and to sacrifice a good measure of future economic growth as well. But free electorates today would never opt willingly for such a choice, and it seems highly unlikely that they would do so tomorrow. Under the demographic constraints envisioned in the UN’s “low variant” projections, the mounting pressures would likely generate political momentum for a transition to an actuarially viable pension system.

One aspect of such a restructuring would likely be later general retirement ages, as populations made greater productive use of their extended active life spans. No less significant, such a restructuring would almost necessarily presuppose a change from pay-as-you-go financing to self-financing of retirement benefits by individuals over the course of their own lives. Though such a change could involve a full privatization of social insurance, it is also possible to imagine the reformed pension systems operating under the aegis of government. Even under government supervision, however, it is hard to see how self-financed pensions (which explicitly acknowledge the beneficiary’s creation of his or her retirement account) could lend themselves as readily to redistributive or other non-market objectives as pay-as-you-go arrangements have done. Declining population growth thus might not suppress the appetite of the state, but it might well check the voting public’s willingness to feed it.

#### **From blood ties to elective affinities?**

Nearly 40 years ago, Jean Fourastié, the French sociologist, wrote a vivid and penetrating essay on how family and social life changes under the influence of the modern decline in mortality. The revolution in survival

chances, he asserted, had transformed marriage from a binding but temporary contract to a much lengthier, and possibly more tenuous, commitment; it had reduced old age from an almost mystical status to a common and often pitiable physical condition; and it had all but banished the procession of death and suffering that had previously conditioned all family life. Fourastié also noted that the modern revolution in mortality schedules had totally altered the ordinary person's chances of participating in "intellectual life" (which he took to begin at age 12) and "independent life" (which commenced, in his view, around age 20). The scope for "creative intellectual life," he observed, had been hugely expanded by improvements in survival chances: By his calculations, modern man could expect to experience between three and six times as many years of life in his forties and fifties (which Fourastié designated the peak period of creativity) as the "traditional man" of the seventeenth century. (This vast extension of "creative intellectual life," I would add, may have contributed to modern economic growth, which has been so strongly driven by applied advances in knowledge.)

If a revolution in mortality has already recast social rhythms and relations within the family, a revolution in fertility may have a similar impact in the future. More specifically, the magnitudes of the fertility declines envisioned in the UN's "low variant" projections would set the stage for a world never before inhabited: *a world in which the only biological relatives for many people—perhaps most people—will be their ancestors.*

Paradoxically, the great reduction in fertility witnessed in Western societies over the past two centuries has been accompanied by a parallel reduction in childlessness. In the modern world, as the demographer Laurent Toulemon has observed, "very few couples remain childless voluntarily." Under the modern regimen of sub-replacement fertility, it seems, very few parents seek a third child, but almost everyone chooses to have that first baby if they can.

Under such circumstances, prolonged bouts of fertility far below the replacement level would profoundly alter the composition of the typical family. Consider the possibilities for Italy, currently the country with the world's lowest fertility level. At the moment, Italy's TFR is estimated to be less than 1.2; the UN's "low variant" projections anticipate the continuation of this pattern to the year 2050. If Italy's current fertility regimen is extended for two generations, the Italian family will be completely redefined. For, in that future world, under reasonable assumptions about the incidence of childlessness and larger families, almost three-fifths of the

nation's children will have no siblings, cousins, aunts, or uncles; they will have only parents, grandparents, and perhaps great-grandparents. Under those same assumptions, less than 5 percent of Italy's children would have both siblings *and* cousins.

Italy's position today is at an extreme within the fertility continuum among contemporary nations. But projecting the fertility rates for the entire European Union forward two generations only slightly alters the Italian scenario: About 40 percent of those European children would have no collateral blood relatives; less than one-sixth would have a brother or a sister and a cousin. Families in the "less developed regions" in the year 2050 would not have moved so far in this direction. But they would in time: Within another generation or two, a family consisting of siblings, cousins, uncles, and aunts would be anomalous throughout the entire world.

While it is possible to describe this new typology of the family, it is almost impossible today to imagine what it would portend. Throughout the remembered human experience, the family has been the primary and indispensable instrument for socializing a people. In the family, the individual found extended bonds of obligation and reciprocal resources—including emotional resources—upon which he could draw. Under the demographic projections considered here, all that would change momentarily. For many people, "family" would be understood as a unit that does not include any biological contemporaries or peers.

How will each person's little tribe be formed in such a future? Who will we play with, learn from, love unthinkingly, and fight with ferociously, knowing all the while that we can do these things because we are linked together by an indissoluble common tie? If "family," to paraphrase Robert Frost, "are the people who must take you when no one else will," and blood relatives one's own age are no longer the norm, who then will take us in?

The nuclear family may have marked a radical departure from previous sorts of family arrangements. But, as we have just seen, the nuclear family does not begin to approach the limits of social atomization that may await us in a depopulating world. Difficult as the implications of these changes may be to comprehend today, we may yet manage to assess them very carefully. For it is not impossible that we will eventually experience them firsthand.



## No Bomb, No Book

Faith Abbott

His first thought on that early June morning in 1993 was that “bombs must be going off all over campus this morning.” He had just pulled the plastic zip cord on a book package; white smoke had billowed out, and then there had been a blinding flash. It had happened on the campus of Yale University, where David Gelernter was, and is again, a professor of computer science.

“It was a strange thought,” he writes in his book *Drawing Life: Surviving the Unabomber*, “but I assumed that I had to be part of a large-scale event. It didn’t occur to me that I could possibly have been singled out as a target. I was not in a murder-prone line of work; I had no personal enemies . . .”

His next thought, upon realizing that he couldn’t see out of his right eye, was that he should go down the hall to his office bathroom and wash his eye out, since it might have been sprayed with “something destructive.” When he reached the bathroom he was “bleeding buckets” so he went to the stairs at the the corner of the building. Breathing with difficulty, in pain and “royally annoyed” he made his way down the five flights to level ground, aiming for the nearby health clinic. Once outside, he understood that he was in bad shape, possibly dying, and the thought came: “You have just, out of the blue, been gravely hurt and all bets are off.” At the same time, he worried that he would have to cancel his appointments for the *whole* day.

Such are the “normal” thoughts one has, I gather, when one is in shock.

When he reached the clinic, his blood pressure measured zero. “They told me later that it was lucky I had decided to walk and not wait for a ride, because I would likely have bled to death otherwise.” But it had been a difficult walk. When he looked down at his right hand he saw the bones sticking out in all directions and the skin crumpled like papers. Yet somehow he managed to push through the heavy doors of the infirmary and get around the corner to the walk-in clinic. It was hard to talk, but he managed to tell someone his name and that a mail bomb in his office had done the damage. Here is a partial listing of the damage: severely injured right eye,

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most of right hand gone; left hand badly broken; deep wounds in chest and right leg.

My chief surgeon was attempting to save a piece of my hand by reupholstering the blown-up right edge with skin from somewhere else. . . . He had been able to locate more bits and pieces of my wrist than he had anticipated, and had pieced them together into a thing that sort of looked like a wrist in the sense that a plastic car model assembled by a very young child sort of looks like a car.

Professor Gelernter (pronounced “Geh-lair-en-ter”) fared better than Humpty Dumpty: he was put back together again, over a long period of time (his wife was with him during nearly all his waking hours of the six weeks in the hospital) though without some of the pieces he had used for his drawing, painting, writing and piano-playing—the things he cared most about, and for which he needed his right hand. (He’d gone into computer science at a time when he wanted a trade, “a way to make a living doing something of practical, nuts-and-bolts value.”) At the time of the bombing his two sons were three and six years old: he’d just got the older boy a softball and first baseball mitt for his birthday, and he’d been looking forward to the first time they would go out together and toss a ball around.

When he came home from the hospital, it was mid-August. His right hand was bandaged and splinted with metal rods sticking out “like toothpicks in a baked potato.” In the hospital, he had worn an eye patch: by now the damaged eye was stable but he didn’t want to take the patch off right away—he dreaded the “half-blurred view” from the uncovered eye. However, he says, “the elastic of the patch gives you a headache eventually—probably that’s why pirates are always in such a bad mood.”

He will never again be able to cut food with a knife, or tie his shoelaces. And, he says, “It’s hard to wash your hands when you are down to only one.”

After more surgeries and therapies, Gelernter learned to use his *left* hand, and the prosthetic devices fitted to the remains of his right hand enabled him to write, paint and type again. But he will never get back a normal right hand or eye, and his chest will always look “like a gouged-out construction site”: yet he writes that in some ways he is “better than before” and “the nation can recover, too.”

Which is what his book is really about.

Here is how he puts it (and this is printed on the back of the book’s dust jacket):

One morning in June 1993 I was almost killed by a mail bomb. The FBI arrived that sunny day to comb through the wreckage of my office as I lay on an operating table and surgeons struggled to reassemble me. A man who has been blown

up by a bomb is a mess, and it's much harder to put things back together than smash them up: a truism but important, and a theme of this story. The FBI needed to sift the evidence in hopes of catching the criminal, as eventually it did. From my point of view the twentieth century is the crime scene, and I found as I struggled to regain my balance and get my bearings that I needed to hunt through it.

He couldn't do much "hunting" while flat on his back in the hospital, both hands in splints, and unable to see because, with big dressings on his right eye, he couldn't wear his glasses. But when he got home *he* was hunted. Within minutes of his arrival, the phones began ringing and the fax machine whirring. (There were, he says, about twelve phone calls *per hour* around the clock.) All this made him realize that he'd suddenly become ("unwantedly") a *celebrity*. At first he was dazed by the sheer volume of phone calls and faxes; he couldn't take it all in. But when he began to *hear* the messages and *read* the faxes, a story began to emerge: the intensity of the media barrage was a "perverse experience" that caused him to reflect upon other perversities in American life within the last two decades.

This reflection, wrote the reviewer for the *New York Times*, "has produced a rueful, acid-etched, wise and moving memoir that, strange as it may seem, is funny and entertaining as well." Even stranger, this weighty book has only 159 pages.

There was a time, Gelernter says, when headline writers could write unselfconsciously about "Uncle Sam"—an indication that Americans felt a sort of intimacy and identity with their nation. "When you are trying to figure out how a society thinks and feels, words are the surest route to the truth," he says before quoting from a 1937 *Life* magazine News item about New York police foiling a robbery. One picture showed the two dead bandits lying in the street where police had dropped them—the cops had spotted the criminals lurking, and guessed what was coming. "Neatest trap of the year," said *Life*. Says Gelernter: "Two dead bandits, neat trap, *good news*. For violent criminals this long-ago society bristled with contempt. It did not tolerate violent criminals. It was judgmental." And now Tolerance is good, Judgmental is bad.

Where does our national perversity come from, he wondered? "Our 'don't be judgmental' perversity, our trafficking with murderers, our morally disastrous unwillingness to draw a sharp, hard line between good and evil?"

He thinks the "don't be judgmental" perversity originates with intellectuals. In essence, "intellectuals trade in ideas and have close ties to the modern university. . . . It's hardly surprising that intellectuals should oppose the making of judgments. In their world, tolerance is a cardinal virtue. In

fact it comes pretty close to being the only virtue. Tolerance is good in itself." In his view there was a coup, silent and in slow-motion, that succeeded in replacing one American elite with another. The old elite was practical-minded, distrustful of "grand abstractions," and traditionalist about family values. The new elite is composed of intellectuals and those trained by them; it is guided by reason and ideas rather than experience or common sense. By the 1960s this new elite had become well-entrenched in all the prestigious universities, which were eventually transformed. By the 1990s, the new elite was setting the tone of the nation.

He knows that his claim is big and sweeping, and may sound far-fetched, but "you see the evidence everywhere of rule by Intellectualized Elite." And he asks us to contemplate some "interesting intellectual crowds from the past." Such as the poets, painters, writers and salon-keepers around the young Picasso in 1905 Paris. Some were Bohemians, but others were true-blue intellectuals "with theories to sell and ideas to put over." Or the Trotskyists around *Partisan Review* in 1930s New York, and the 1950s Paris intellectuals like Sartre, Simone de Beauvoir, Genet and Beckett. None of these groups "looked with fondness" on organized religion, the military, social constraints on sexual behavior, traditional sex roles and family structures, formality or fancy dress, good manners, or authority in general. Intellectuals have had these tendencies back into the 18th century, but "illegitimacy didn't zoom up in 1905 Paris. No legal assault on public displays of religion took place in 1930s America. Nor did divorce rates explode, sexual constraints crack wide open, or vulgarity become normal in popular culture."

"None of these things happened *until the intelligentsia took over*. And *then* they happened."

To illustrate what it means for a society to be "intellectualized," Gelernter gives this example: David Letterman, interviewing Kevin Kline, asks a question about one of the actor's movies in which, Letterman says, "You play a Frenchman." Then he quickly corrects that to "French *person*." Letterman (shouldn't that be "Letter*person*"?) is not, so far as Gelernter knows, an intellectual "but he is part of the intellectualized elite and talks its language. We nearly all do nowadays."

He goes on to say that the notion "man" in "Frenchman" and "his" in "everyone took his seat" excludes females is ridiculous, and the intelligentsia knows it—"Or *knew* it. But in today's schoolroom the facts are suppressed on principle." Let's assume, he suggests, that the indeterminate "man" and "he" reflected male dominance originally: "Things had been otherwise for a long time when Eudora Welty wrote, in her 1984 memoirs, that 'It is

always vaunting, of course, to imagine yourself inside another person, but it is what a story writer does in every piece of work; it is his first step, and his last too.” Then Gelernter quotes from E.B. White, whom he greatly admires, who wrote in the final 1979 edition of *The Elements of Style*: “He has lost all suggestion of maleness in these circumstances. It has no pejorative connotation; it is never incorrect.”

But, says Gelernter, the intelligentsia had a point to make and decided to wipe these usages out “(There is no conspiracy at work, just a congenial, like-minded group of decision makers.) ‘He’ had to be ‘he or she,’ ‘mankind’ had to be ‘humankind’ and so forth. These words were repeated endlessly and in time—surprise!—they caught on.”

Okay, fine, humor them, he says—“who cares?” But (and this next part is very good about writing in general; I have it posted on my bulletin board, and quote it probably at my own peril):

But good prose had been wobbly on its feet to begin with, and this new decree was a punch in the guts. There is no stylistic rule more basic than “shed excess baggage, so you don’t slow down the camel train. If you care about good writing you omit words that add no meaning, and prefer shorter to longer ones that mean the same thing. When your prose is lugging freight that has nothing to do with the topic and is only put there to register your support of feminism, the outcome is not merely ugly but ludicrous. It reads as if it were plastered with bumper stickers.

Then back to David Letterman and Kevin Kline: Kline is a male, and even if one had the “nonsensical idea” that “Frenchman” means only a French male, Kline’s character is nevertheless a Frenchman. “But after decades of elite babbling, ‘man’ is radioactive. Letterman uses the suffix and the moment it is out of his mouth, drops it instinctively, as if he had reached for a sandwich and come up with a rattlesnake. This is what it means for society to be intellectualized.”

Mr. Gelernter mentions three groups with whom he was destined to spend more time than he ever had before: lawmen, medical personnel and reporters. His respect for the first two shot up, and he says a few reporters “are an honor to know.” But between lawmen and reporters on the whole it is impossible not to notice this difference: “Most lawmen seem to hate criminals, and most reporters couldn’t care less.” On the November 16 *Booknotes* TV program, he told host Brian Lamb that it seemed lawmen actually cared about the moral dimensions of crime: “I got a clear feeling from the FBI men I dealt with that they hated crime and they wanted to catch criminals. It mattered to them: They saw criminals as evil and not as curiosities.” Whereas the reporters who crossed his path “mostly wanted to

discharge their crime-related moral duties by lavishing smarmy pity on the victim, like a maiden aunt deploying damp kisses. Reporters have developed a remarkable gift for making you feel dirty."

David Gelernter has a great deal to say about "victimhood." I wonder (although I can guess) what he thinks about the Louise Woodward case? The press here, and the folks back in England, had much smarmy pity for the young *au pair* girl: she was portrayed as Victim. The dead infant was just a footnote. The New Jersey teenager who brutally killed the neighbor-kid who came to the door with candy (to raise money for his school) was himself a "victim" of sexual abuse . . .

I think Gelernter would applaud Renee Katz, a woman who in 1979 was a senior at the prestigious High School of Music and Art, here in New York City. She had a fine soprano voice and played flute and piano. As she stood on a subway platform waiting for her train to school, on a sunny June morning that year, an unseen hand pushed her to the tracks. Renee escaped death by rolling to her left as the train rushed in, but her right hand was sliced off. I heard the news on the radio just as I was leaving home for a special Mother-Daughter luncheon for my daughter's Senior class. In New York, news gets around fast: it was a very subdued luncheon.

**J**ust recently Renee Katz was back in the news: in mid-November the New York *Times* reported "Once a Victim, She Is Seeking New Spotlight." After the subway disaster, Renee had had 16 hours of microsurgery; the right hand was reattached, but she would never again play the piano or flute. Or shake hands with it. "I grew up very fast," she told the *Times*' interviewer about the injury that turned her life upside down, "but I've learned to use the insights that I gained, and not just feel that life cheated me. I try not to think that way. It doesn't solve anything." She got on with her life, and now at 36 she is a cabaret performer. She lives in Queens, where she grew up, and—since her recovery—has worked as an occupational therapist at a school in Long Island, though she won't say *where* because "That guy who did this to me is still out there."

Sometimes she tells her therapy patients about her accident, but only if she feels they can learn something from it: "Some people can't hear about it . . . they're too involved in their own pain. And you can never say to them, 'I know how you feel,' because as a therapist, you don't know. What a good therapist knows is how to listen."

Professor Gelernter had good therapists, but his pursuant media didn't know how to listen. He tells about a "big New York TV personality" who had her staff fax him a stream of letters. Since he (just out of the hospital)

was not responsive, the Personality sent him a fax “over her own exalted signature.” She simply couldn’t *imagine* what he was going through, but was determined—it was her “duty”—to make sure that for once the *victims* were heard—“the victims deserve a chance to speak!” Gelernter faxed back a response “politely explaining (you start seething only when the same thing has happened again and again) why a person might not want to be dumped in the ‘victim’ basket.”

People kept saying to Gelernter “I can’t imagine what you’re going through,” and he says there’s nothing mean or callous about it—it isn’t like calling someone “victim”—but the phrase demonstrates something interesting about modern America. People used to sympathize in such terms as “I *can* imagine what you must be going through.” But sympathy, after all, means suffering-along-with. “Not many people,” he says, “have been blown up by a mail bomb, but every adult has had experiences that give him emotional purchase on other people’s misfortunes. But in modern America, victimhood is sacred. Literally sacred: set apart. When you approach the sacred victim, protocol requires *not* that you treat him as a fellow man but that you proclaim and honor his set-apartness.” As Gelernter said on *Booknotes*, the relentless repetition of the word “victim” was surprising, discouraging and saddening. The media presses victimhood on those who don’t *want* it, not caring—or understanding—that “We don’t give up our identity to revel in how tough we’ve had it.”

So Renee Katz refused to be frozen in time as “victim”—she refused to exploit her notoriety as “the First Subway-Pushing Victim” (“First” was added after there were so many more, just as the nearly-killed “Central Park Jogger” is not “the First”). She and David Gelernter are both survivors, but that’s not their identity, either. To say that they have “got on with their lives” is a gross understatement.

Before the bombing, David Gelernter had been working on a paper about Moses for the journal *Conservative Judaism* whose editor was a rabbi known for his remarkable scholarship. They had never met, but the rabbi visited him first in the hospital and then at home. During the first visit the rabbi asked how Gelernter was doing and then mentioned, “casually,” that “when they catch this guy I would string him up on the green.” (Then they talked about Biblical literature.) The rabbi wasn’t entirely serious, Gelernter says, about proposing a public hanging, but he wasn’t quite kidding, either: “The comment put him in a different moral world from the sleazeball reporters who plagued me.” A man wants to act, not be acted upon: Self-pity is “a pile of bricks on your chest, and your real friends help you heave it off.

. . . When you encourage a man to see himself as a victim of *anything*—crime, poverty, bigotry, bad luck—you are piling bricks on his chest.” He wonders how we, as a nation, can logically justify being in favor of self-pity and against smoking, but he thinks that the inconsistency may be another symptom of our blindness to all things spiritual. “Our fanatic drive to crush and eradicate every threat to our physical well-being has a sad air of compulsive busywork about it—we are the Lady Macbeth society, obsessively washing our hands to cleanse ourselves of sin, perfecting and *purifying* our bodies (no barest trace of ‘chemicals’ allowed!), as if that will cure our sick souls.”

If, he says, you browse through the New Age section of your local bookstore, you’ll see how spiritual needs are now being met in other ways. There are books on spiritual healing, nature worship, Bill Moyers and the Power of Myth, “bonding” movements, and so on—all a makeshift simulation of religion: “People are groping in the dark.” And “You will discover an amazing accomplishment: that in our missionary zeal we have even succeeded in taking religion out of religion.”

(Just before Christmas, a new book hit the stores: *Fitness Is Religion: Keep the Faith*, by one Ray Kybartas, who is Madonna’s trainer. You know *which* Madonna. Exercise leads to salvation because it keeps body and soul together, or something like that. Madonna says “Exercise is like church.”)

**T**hus, Gelernter goes on, when a visitor says “let’s go get those bastards and string ’em up” he is inviting you to put your injury to use—“to do something *to make the world better*, because when you string up a murderer you do make the world better, don’t you?” That’s one less murderer, he says, though he also says he is not addressing the question of capital punishment “and the Rabbi wasn’t, either.” But later in the book Gelernter *does* address that question: “I have always believed in the death penalty for murderers, and I still do.”

To his mind, the issue is how soon we forget the dead: “It’s hard for us to go on caring beyond a day or two, maybe a few weeks at the outside. But we show our respect for the dead, *and proclaim the value of human life*, by taking the trouble to execute murderers.” [Italics mine.]

About *vengeance*, Gelernter says “The families are chained down with grief forever . . . if an execution relieves them even in the slightest, and I think it does, then we ought to do it—and if you want to call that vengeance, fine. I call it plain decency. Another word for it is justice.”

Here, he says about the Unabomber, is a man who murdered three people



in the most cowardly way conceivable: “His life’s work was to take the nation by the collar and spit in its face.” A man who “flicks away lives the way you flick ants off a picnic table.”

If outraged justice doesn’t grab us like a fist from the inside and force us to kill a man like that we might as well face it, the dignity of human life means nothing to us anymore; it means nothing, zero.

David Gelernter, his “victim,” would sentence the Unabomber to death. Not for what he did to *him*—his own injuries, he says, don’t constitute a capital crime. For what he *could* have done to his sons and his wife he would strangle him with his bare hands “if I had the hands left.”

During the six weeks in the hospital, Gelernter didn’t worry about his own safety but he did worry about his family’s safety at home. Remember, at that time no one—including the FBI—knew anything about who the bomber was or *where he lived*: he could have been right there in New Haven. Policemen were posted around their home, mainly in the front, but Gelernter’s “sensitive and too-imaginative” older son worried about the sliding doors leading out to the deck in back. Their lot has a large perimeter and the “defensive line” was full of holes, “and how far can you reassure a worried child that he is safe and all is well when his father has just been blown up by a bomb?”

The bomb that injured Professor Charles Epstein had been sent to his Berkeley, California home; had his teenage daughter been in the kitchen, where he opened the package, she would have been hurt and maybe killed. “So we had to worry; we had no choice, because we knew our criminal to be a man who would not scruple to murder children.”

If, Gelernter says, the bomber should repent, and beg forgiveness of the dead men’s families, and would tell us how he plans to spend the whole rest of his life pleading with us to hate the vileness and evil he embodied—and to love, protect and defend life—and would tell us how he sees that he deserves to die, why “Then and only then I’d commute his sentence; not on the grounds that his lawyers slithered through some hole or other.”

As the English would say: “Not bloody likely.” But if he *did* repent and would spend the rest of his days pleading with the world to hate evil, to hate what he stood for and what he did? Then, Gelernter says, “Yes, I would relent and commute his sentence. I would have to.”

Now we all know the identity of the bomber: as I write this, Theodore J. Kaczynski is on trial, and the papers have had photographs of his hut being transported from Montana to Sacramento, where defense lawyers

will use it to try to prove that he is mentally ill. What the FBI and David Gelernter didn't know, for a long time, was why Gelernter had been marked for that 1993 attack. As he wrote, when that book bag exploded he dazedly wondered if *all New Haven* was under attack: it didn't occur to him that he, personally, could have been a "tempting target." But he thinks he got the answer when he was "favored" with a personal note from "Hut Man" in the summer of 1995. It had been two years since Gelernter and Professor Epstein had—on the same day—opened their deadly packages. When Kaczynski struck next, in 1994, he killed his target. This "personal note," Gelernter says, was the guy's "first outing" in several years and "I am the only target ever to rate *apres*-bomb fan mail from Saint John of Montana." To what did he owe the honor, he wondered? Well, the instant he glanced at the letter, "the answer leaped out." The bomber referred to the epilogue of Gelernter's book *Mirror Worlds*—as we later learned, Kaczynski had a grudge against technology. ("He used a typewriter and rode a bus—go figure; but the machines he loved best are the ones that kill people.") Gelernter guesses that he'd originally picked him out, with no idea of who he was "aside from some guy who worked with computers." Then the bomber discovered, from the *Mirror Worlds*' epilogue "that he had succeeded in locating one of the very few persons in the field who doesn't *like* computers." (Gelernter has explained that he isn't really *against* technology—in general it's done a lot of good—but it's also brought about harm.)

Anyway, after Unabomber/Hut Man read *Mirror Worlds*' epilogue (Gelernter thinks) he felt foolish: "A man hates above all to look like a fool. To be loathed is one thing: to imagine people laughing at you is another, for many people far worse." His "hunch" is that the bomber pictured the world laughing at him, and this made him furious. In his letter he taunted Gelernter for being "dumb enough" to open an unexpected package; and his "prayer" was "May the Lord strike you dead, or better yet may I strike you dead and the Lord merely grant me the necessary skill with explosives."

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It was David Gelernter's disgust at the press that sent him "crashing through cultural swamplands" searching for an answer to the all-important question: "What has gone wrong with this country?" The story is complicated, he says, but most complex of all is the underlying question: Are we better off today, or were things better (on balance) at mid-century, before the Cultural Revolution?

He thinks it's the *question* that's important, and says we can't take it up without considering the most fundamental difference between 1950 America and today—relations between man and woman, parent and child. A year or so ago an acquaintance "informed" him (intending it just as an observation) that he, David, was "an extreme right-winger" because he believed that society is better off if mothers stay home and rear their children. Gelernter was "flabbergasted" by the idea that his belief about motherhood made him an extreme right-winger, but in thinking it over he had to concede that it probably did. In 1950, he says, you'd have been hard put to find any Democrat or Republican who did *not* endorse traditional motherhood: now, though some elected officials might believe it, to *say* so would be to commit political suicide. Nor is it that Americans used just to believe in traditional motherhood—they believed in it strongly. But Gelernter claims that "Nowhere else have we wiped the slate clean so decisively inside of two generations. Whether you like the change or not, it is so dramatic it demands explanation. You cannot account for it unless you accept that a revolution has taken place. You might like the revolution or not, but there is no way to deny the fact of it."

**H**e writes about a museum in Peoria that staged a show of "Dick and Jane" readers. Throngs came, the show was held over, and—said the Public Affairs Director—"Any time we had people crying in the galleries we knew they were looking at Dick and Jane pictures." Gelernter says this was an odd scene for an art-and-science museum "where rocks and paintings don't ordinarily get that sort of rise." Especially strange because (as the experts point out) in those "retrograde" Dick and Jane books "mother cheerfully does the housework. Father wears a suit to work and on weekends mows the grass and washes the car."

The experts were stumped about all these people getting misty-eyed over the old '40s and '50s Dick and Jane books, until they realized that everyone feels nostalgic about his childhood. Gelernter says that '50s nostalgia is a fad, but that this is true, too: "People cry when they think about that lost era because, in many ways, life was better then."

The Motherhood Revolution, he says, was led not by mothers who needed money to put bread on the table, but by female intellectuals who chose to work because they had interesting jobs and "set no great store by the rearing of children." His wife, an architect, quit her job to rear their boys. Had she stayed on the job, Gelernter says, she would have been a superb architect, or could have done beautifully as a surgeon "or most anything else." But "rearing two children and adding emotional wholeness to the world is

an achievement that is incomparably more important than any surgeon's or artist's or scientist's . . ."

He adds "Some of my best friends (honest to God) are working mothers, or working mothers-to-be. I wouldn't hurt them for the world; how they live is none of my business and I don't begrudge them their high standing with *Sesame Street* and their fellow citizens." (Gelernter calls *Sesame Street* "that obnoxious flagship of elite child-rearing, about mothers in every conceivable line of work but homemaking.") What angers him is the housewife's "low standing" and what angers him *most* is when a working mother like the First Lady (remember her famous remark about not staying home to bake cookies?) condescends to women like his grandmothers and his mother and his wife. Though not every career woman is "snide and condescending," too often the most prominent ones *are*.

What sets his mother and his wife apart from these "arrogant, preening women" is "not less strength or brains but more character":

The axioms of modern feminism are insulting to the very people I have the greatest duty and desire to defend, and it should be obvious to anyone, whether he likes my position or hates it, that it would be gutless and contemptible of me not to fight modern feminism tooth and nail, as hard as I can, however little I may accomplish. And I teach my boys to do the same.

Homemakers, Gelernter says, do it out of love. Some don't need the second income, some do, but every one of them could improve her standing in society by taking a job. So "today you can see these stubborn women for what they are, the moral backbone of the country. . . . A country with this kind of backbone can't be such a terrible place and is probably capable of weathering anything, in the end."

We've come a long way from Dick and Jane, when Mother was home with the kids and Father was doing all those Daddy things; when Dick and Jane were safe in the womb and safe at home. Nowadays Mother may indeed be home with her children, but Father (the biological father of some but not all) is not; we read in the papers that he is "nowhere to be found." Stable, nuclear families still exist but it seems that in the greater New York City area "nuclear" means explosive and violent, for what's happening with increasing frequency is that Mother has a live-in or ex-boyfriend who has a low tolerance for a crying baby so he kills it, while the mother is out buying groceries (or drugs). Sometimes the mother is present, and helps with the killing. In a recent Brooklyn case, the mother (and she *testified* to this) held her young daughter's hands while the boyfriend strangled the child; then she helped dispose of the body.

Last December the New York *Post* ran a "Special Report" titled *Children, Murder and the Boyfriend Problem*. Numerous recent case histories were listed and, says the *Post*, "The story has become horrifyingly familiar: a young child, living with his mother in a cramped apartment, is beaten within an inch of his life—or, in the worst cases, meets an untimely death at the hands of Mommy's boyfriend/ex-husband/live-in."

A 1993 British study by the Family Education Trust, using data on documented cases of child abuse and neglect between 1982 and 1988, found a high degree of correlation between child abuse and the marital status of the parents. "The bottom line," comments the *Post*, is this: "The safest environment for a child, bar none, is a stable home with both biological parents living together. Alter those circumstances, and things get drastically more dangerous."

Specifically, the British study found that—compared with a stable nuclear family—the incidence of abuse was 33 times higher when the mother was living with a boyfriend not related to the child. And even when the live-in boyfriend was the biological father of the children, the chances of abuse were still 20 times more likely.

Patrick Fagan, director of family programs at the Washington-based Heritage Foundation, says that "The mix of poverty, lack of education, children and cohabitation is an incubator for violence." And he has a theory about the paucity of systematic analysis of the Boyfriend Problem: "It is extremely politically incorrect to suggest that living together might not be the best of situations." A Heritage Foundation study shows that child-abuse cases reported to the U.S. Department of Health and Human Services throughout the 1980s rose along with the general acceptance of cohabitation. Reports the *Post*: "This runs counter to the doctrinaire feminist viewpoint that marriage is an institution of male oppression and violence. Logically, the decline in marriage and rise of divorce and cohabitation in the last few decades should have led to a decline in violence against women and children."

("Should have"—shades of David Gelernter's belief that the "intellectual elite" have abandoned common sense?)

David Blankenhorn, president of the New York-based Institute for American Values, and author of *Fatherless America*, is quoted in the *Post*'s Report: "To bring up the boyfriend problem seems too much like you're passing judgment on the sexual behavior of single mothers." But, comments the *Post*, "The boyfriend problem . . . is directly related to the looser social structure of 1960s America. Cohabitation without marriage

has only become a mainstream 'lifestyle' choice in the past 30 years. . . . The social sanction that has been given to this kind of 'lifestyle' is not very long in duration. It can be reversed." Blankenhorn points out that it wasn't all *that* long ago that a woman living "without benefit of matrimony" was considered an "unfit mother" in the eyes of the law. The *Post* says that it's probably too much to expect that the law will do a 180-degree turn anytime soon. "But attitudes can change, and bureaucracies can change as well. . . . the only long-term relief is likely to come from the wider society. Americans are a determined people; if they can be made to see the scope of a previously hidden problem, the resulting change can be dramatic." (A bubble of optimism here?)

The *Post*'s Special Report concludes with this: "A return of the stigma that was once associated with living together without benefit of marriage would be a step in the right direction. . . . But until the larger society decides that living together . . . is socially unacceptable, it seems all but inevitable that children will go on hurting—and go on dying."

It's hard to believe that there could be a return of that or any "stigma" in a society that prides itself on being progressive, politically correct, tolerant and non-judgmental. But David Gelernter, who refused to be stuck in victimhood, also refuses to give in to despair; and these words of his should be on a lot of bulletin boards:

Things are bad and are, on the whole, getting worse . . . yet American culture and the American nation have strengths that are unparalleled in history; no other culture so fundamentally strong, generous and big-hearted has ever existed, and you can count on Americans coming through in the end.

I wish "Ted" J. Kaczynski, Unabomber, could read that. He might tear his hair and gnash his teeth. Among the papers investigators found in his Montana "hut" were journals in which he described, in clinical detail, the results of each of his "experiments"—how disappointed he was when a bomb failed to kill someone and how happy he was when a bomb succeeded. He not only failed to kill David Gelernter: he gave him a new life and a message of hope. The great irony is that we'd never have *heard* the message—nor had the truly remarkable (and most *readable*) book in which Professor Gelernter conveys it—but for the devilish intentions of his would-be assassin. No bomb, no book. As the author would, I'm sure, agree: the Almighty can bring good from evil.

# Bring Back the Christians

Lynette Burrows

I don't want to be controversial, but it seems to me that women have made a complete mess of the so-called equality they have been given in the last 35 years. Given the fact that the most significant "right" they have acquired during this period has been the right to dispose of their unwanted babies, one could argue that they have comprehensively misused this freedom and, moreover, have shown themselves to be unworthy of it. However, this is not quite the argument I have in mind here.

Rather, I want to argue that women were ostentatiously given a few social baubles (that did not amount to anything or they would never have been given them) plus the right to do what certain powerful interests wanted them to do. Our present condition of social malaise can be pretty well blamed upon these significant changes and the consequences to which they inadvertently gave rise.

Any century dominated by war is bound to suffer from social dislocation. This century opened with a sort of golden age which continues to look that way even when sceptics try to tell us that every age looks back on a previous one as having been "golden." This is not true, and it is as desperate a claim as the similar one that every great art-form is unappreciated in its own day but comes to be valued in time by a grateful public. This is usually invoked to support unloved and hideous artworks of the type which will, unfortunately, continue to be seen like that, no matter how much time passes.

In the same way, nobody writing at the end of the twentieth century is going to glow with pride at the many and varied improvements which have been made on the technical front this century when, in our own societies, these have been accompanied by unprecedented levels of personal and communal breakdown and decrepitude. It becomes bathetic to dwell on achievements which seem to have brought so little happiness and fulfilment to the recipients.

This is very different from the state of affairs described by the leading article in *The Times* of London in December, 1899, which marked the passing of the Nineteenth Century. On an occasion such as this, the writer has to be very careful of what he says. Truth and realism are an absolute

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necessity if he is to maintain credibility, since readers will be particularly alert to self-delusion or complacency.

**I**n this case, whilst acknowledging the poverty and crime of the earlier part of the century, and the social unrest which accompanied bad working and living conditions, the Editor soberly commended the efforts made by intelligent and public-spirited people to bring about change and improvement. He cited the significant drop in the infant mortality rate and the comparable decline in poverty, crime and vagrancy. He welcomed the introduction of universal education, and insurance to protect people from unexpected disaster. He commended as an improvement the fact that more than ninety percent of married women were able to stay at home to rear their children. The humane and civilised measures he cited which had brought about these things included forbidding women, or children under twelve, to do certain jobs which were too heavy or dangerous for their physical strength.

The resulting labour shortage in certain industries which relied upon cheap and plentiful labour, meant that employers had to compete for men's labour, and the average wage rose to levels which were sufficient to support a family, without the woman having to work as well. Women went back home in droves, to care for their children and keep a watchful eye on their communities—leaving the way clear for feminists who had never read anything earlier than Gloria Steinem to claim that they had never had the opportunity to work.

Altogether, the article was about as different as could be imagined from the ones which will be written here, and probably in America too, in the next few years. They were looking back on a century when men and women had made a concerted effort to bring about change, without the ability to bribe the objects of their attentions with state benefits or welfare. It had to be done on the basis of a credible argument and a faith in God, and it worked beyond what we would believe possible today.

For our part, we are looking back on a century where war first broke the social order; and then commerce came on stream to break the moral one. It is very true—though it has become a rather overdone cliché—that all you need for evil to triumph is for good men to do nothing. The difference between us and the Victorians is not that they were better people and we are worse; it is that they believed in something worthwhile and acted to protect and assert it, and we don't. That is to say, we probably believe in very much the same things but we have lost the confidence to maintain them publicly.



That is where the spirit of the age comes in: ours is essentially timid and easily embarrassed, despite making a great show of confident self-assertion. The things we are encouraged to be assertive about—sexual preferences and intimacies of the bedroom and bathroom for example—actually don't matter. It is like a person monumentally announcing the time of day. No amount of manner can make up for the lack of matter. On the other hand, we are warned to be "non-judgemental" about almost everything that matters, which is essentially a shopkeeper's philosophy: "The customer is always right" is good for business but simply won't do as a philosophy on which to run society, as we are beginning to discover.

It is in the nature of business to operate within the parameters set up by society and to take advantage of everything which is open to it, in order to better its position. This makes it competitive and efficient, which is in everyone's interest in the long run. However, the other part of the equation, society's parameters, is vastly more important and must *lead*, not reflect what business wants.

Commerce began to feel free to lay siege to women at the advent of the first World War. Before then businesses had had a fairly bad time: ordered to introduce working practices and safety procedures for the benefit of their employees; instructed about whom they could and could not employ; warned not to use or to profit from slavery wherever it operated, caricatured and pilloried as greedy and ruthless, and definitely not accepted in polite society until they had earned their philanthropic spurs. They had learnt to be respectful of society's values as expressed by a thousand personalities more charismatic than themselves.

The war changed all that. The government needed women to work in the factories whilst the war was on, so it went in for grand campaigns to persuade them that it was both necessary and good for them.

After the Great War, many of the bulls were gone, and a melancholy spirit pervaded that expressed itself in silliness and indifference. Then came the Depression, and by this time morality was a luxury which government could not afford. To it, as to us until very recently, the panacea for poverty was fewer children. That dreadful woman Marie Stopes, whom the Victorians would have transported to Australia and the Medievals would probably have burnt as a witch, was allowed to flourish. (She was an avowed eugenicist, thought Hitler was wonderful and never spoke to her only son again after he married a girl who wore spectacles!)

It was not initially the ordinary working woman who welcomed Marie Stopes' attention at all. They knew she was bad news for the family, and

there were demonstrations against her in many places. They knew—and they were probably the last people for seventy-odd years to recognise it—that what she meant by “family planning” was fewer people of *their* ilk cluttering up the earth. But in time the combination of necessity and propaganda forced them to accept her methods in keeping their families below replacement level; thus paving the way for the mass immigration which became necessary after World War II.

However, mass immigration brought with it its own problems; not to industry which needed its labour, but to communities and to officials who had to ensure that this work-force grafted on to society did not become distinguished by too many problems. Until this time, the 1950s, “family planning” was confined to married women, and even the divorced and separated were excluded; but following a government campaign in the West Indies to recruit workers for the London Underground and bus services, steps were taken to change this.

Clinics were set up by Helen Brook and her brother Caspar in London, and their target clients at this time were the West Indian girls who came from a tradition where having several children before getting married was common. Helen Brook recorded in an interview in 1984 that, after consultation with the Colonial Office, the West Indian High Commission and other bodies, it was decided that facilities should be put in place to ensure that this did not happen here.

**I**n no time at all, “family planning” was turned into “birth control” and was available to whoever wanted it, regardless of whether they were married or not or, in time, whether they were even over the legal age for sexual relations. Its avowed purpose was, of course, to ensure that no “unwanted” children were conceived, let alone born, and it has failed so spectacularly that no one can quite believe it. The illegitimacy rate is now well over 30%, the abortion rate is over 100,000 a year and sexually transmitted disease has reached epidemic proportion, particularly but not exclusively in those areas obliquely termed “inner city,” where the original prime-target clientele reside.

All this is distressing enough, and the cold statistics reflect a huge amount of personal misery and a society whose morals are “out of joint.” Still worse, though, is the strange, not to say perverse, mechanism whereby a large-scale social experiment which fails is never actually accounted a failure by its supporters, but is rather seen as having never been properly tried—“more of the same” is always advocated as a means of containing increasingly-negative indicators, rather than a firm and principled change of tack.

We have seen this process play out very many times in this theoretical age of ours, with the prototype being the demise of the Soviet Empire: Communism didn't fail, we are told, it was just never tried! In the end, the power to continue with these disastrous experiments has to be firmly taken out of the hands of the zealots with a stake in the status quo, and given to those with less to lose, either financially or in terms of their power and prestige.

The trouble is that once morality has been displaced as a commonly-held set of beliefs upheld by society, it effectively ceases to mean anything at all. As Dr. Johnson pointed out two hundred years ago, if a man tells you his morality is "personal" rather than accepted, count your spoons before he leaves your house since his personal variety might just include helping himself to them. Thus the idea of the absolute value of the family unit did not long survive the demolition of the *taboo* about sex before marriage.

Here again the driving force has been women influenced by the philosophy of feminism, who saw easy divorce as a means of "empowering" themselves by being independent of a husband. Unfortunately for the credibility of this theory, the vast majority of divorced women with children at home go on to be a charge on the rest of society, until some other man takes them aboard.

So now the social scene includes large numbers of fatherless, dysfunctional families, living on the State and producing children who even those on the Left acknowledge as being severely disadvantaged. Indeed, so great are the problems associated with fatherlessness and dependence that a whole industry has grown up which is parasitic upon the condition. Social workers have a difficult job to do and they are not loved, even when they do it well. However, it must be said that they do have an interest in preserving the number of people who need them, and it would not be surprising if they were unwilling even to try anything that might decrease the number of their dependent client-group.

Their power has not only increased as the size of the problem has increased, but their ideological bent has also ensured that few ordinary people feel inclined to join them in their work. The radical, anti-family ethic which still pervades the profession has enhanced their position and reinforced their relative power as the only people prepared to do the job. In September of last year, a senior Social Services manager, writing in the social-workers magazine *Community Care*, said he had been "stunned" to discover how few young social workers wanted to enter the fraught area of child-care.

In reply, a colleague said that he must have been the only man in his position in England not to have known that, since the passing of the Children Act 1989, with its provision that children in care can virtually do as they like, no sane person would want to enter this area, preferring instead the relatively tranquil waters of handicap or old-age.

Thus, a philosophy enshrined in an Act has been the means by which the profession which implements the Act has been denuded of recruits to the profession. Far from being dismayed by this turn of events, however, those activists with a definite agenda in view have used the difficulty in recruiting people to their profession as a reason for encouraging alternative family-groupings for children; in particular those including homosexuals.

This is simply incredible in view of the pejorative view taken by officialdom of everything which might produce an adverse effect on health. Indeed, the fact that one of a couple who propose themselves as foster-carers is a *smoker* is quite sufficient to make them inadmissible.

Homosexuality, on the other hand, is not considered even potentially dangerous despite the number of child-abuse cases coming to court in the last few years, involving homosexuals employed by the social-services department. The scale of the problem was described as "staggering" by one of the police chiefs involved in the ongoing inquiry into fourteen separate areas of the country. Yet an official report commissioned by the Secretary of State for Health and published last November concerning "The Safeguards for children living away from home," does not mention the word "homosexual" even once in its 230 pages.

**T**his peculiar, almost mystical blindness, is echoed by all who discuss the subject at present and causes the *Daily Telegraph*, which is by no means politically correct in these matters, to illustrate their page of comment on the report, with a photo of a distressed little *girl*.

"Paedophile" is, fortuitously for homosexuals, a non-gender specific word, and this is used to disguise the fact that all the cases currently under investigation, and all thirteen men who have been jailed so far for hundreds of paedophile offences against children in their care, have been homosexual.

Such blindness, wilful or otherwise, has been shown by social scientists before now. A lecture on child-abuse at the London School of Economics early last year by two scientists, Margo Daly and Martin Wilson, drew attention to the fact that in every society across the world, children are at far greater relative risk from step-parents than from natural parents. They referred to a recent review of child-abuse drawn up by social-services

officials, which listed 89 different risk factors—and paternity was not mentioned! The Home Office in Britain does not even record the difference between parents and step-parents in the household when collating statistics on crimes against children. As Daly and Wilson put it, “It is remarkable that almost two decades of intensive child-abuse research elapsed before anyone asked whether step-parent households are really more dangerous than genetic-parent households.”

Remarkable it might be; but it figures, as you say over there. If you are *anti*-traditional family, you want to do everything you can to discredit it. Anything which indicates that it has advantages must be glossed, so that others cannot see the truth. The same process is currently at work on homosexual involvement with children. It is apparent that it is inherently dangerous, even on the shrouded evidence available to us because, as one of the convicted men said himself, “A man often does not admit even to himself that he is a paedophile.”

There are interesting parallels here between the way feminism has hijacked the morals of women with the way the politics of “gay rights” has commandeered the morality of individual homosexuals. The rank and file of these groups have been swamped by the activists who speak on their behalf with an essentially amoral, selfish voice.

They have been encouraged, if not pressurised, into acting as if they have no responsibility to uphold the morality by which everyone has to live. They are urged to deny their duty to try and be moral beings and are encouraged to think of themselves as uniquely entitled to do whatever they want. They demand tolerance from other people and yet are extremely intolerant of those who do not approve of their lifestyle; their demand for mildness and charity is one-sided.

Women too are constantly offered a distorted image of themselves by a media that seems to be in the grip of a manic desire to make women other than they are. They are encouraged to see themselves as aggressive, physically tough and amoral by films like “*Thelma & Louise*” which assume them to be foolish and incapable on the domestic front but tigers when it came to beating the men at their own game. *Thelma and Louise* were, however, incapable of moral action in defence of their rights. Their foul-mouthed intemperance was a carbon-copy of the worst of men, and represented two people without a single serious virtue.

What was ironic is that no one seemed to make the connection that the word “virtue” has an essentially masculine connotation, and involves taking personal responsibility for moral action. The Director unconsciously

illustrated the truth of the word by portraying the two vacuous girls as having the vices of both sexes and the virtues of neither.

In the same way, we have over here the recently-released film on Oscar Wilde which glorifies his activities as a homosexual and underplays the fact that what most sickened the court at his trial was the evidence of his paedophile activities amongst poor, destitute boys from the East End of London. Men too can feel pity for the poor and abused, and the blithe assumption that such pity and concern should be sidelined if it gets in the way of sexual passion is fundamentally insulting, to whomever it is applied. These are not edifying role models to offer people in any circumstances, and are presumptuous as well as crass.

**T**hat human beings are sinful, or if you prefer it, fallible creatures has never been in doubt. What is different about our present approach is that it is so doomed to failure and to reaction that it is, quite literally, decadent. It is heading for the pit and that is all. The various ills that we are allowing will live to haunt us in terms of increased violence and disorder and, inevitably, a savage backlash will develop against them. If they were *harmless*, then we could all afford to turn a blind eye as we are doing. But they are demonstrably *not* harmless, so there will be a price to pay. It is the realisation of this which is causing many people to rouse themselves at last to take action.

Of course the Promise Keepers cause hilarity; rather as people must have laughed to see the early Christians praying and singing in the face of the wild beasts in the Coliseum. We have got rather out of the habit of seeing large groups of people standing up for something which is not purely material and it is certainly not fashionable. It strikes us as genuinely shocking—which is quite an achievement in our un-shockable age.

Rather wonderful too; imagine being able to shock some of those hard-faced feminists simply by saying you intend to keep your promises to your family and to society. It just goes to show that as long as men concentrated on making money and enjoying themselves, they were no threat to the women's movement. But the moment they start talking morality and God and the sacrifice on Calvary, the women back off in horror like Draculas seeing the sun come up.

I must confess that I rather wish the Promise Keepers would dispense with the choking sobs and the convulsive hugging, but perhaps that has been exaggerated over here by those who wish to affright the Anglo Saxon sensibility. Their hearts are in the right place and, more importantly, their heads are working again. Bless them; they are like the cavalry appearing

over the horizon, raising a cheer from the besieged people and waking the sentries asleep over their weapons. Like all controversy, it tends to loosen the bonds of embarrassment which so inhibit expression of the truth.

Come to think of it, maybe that's what lies behind the almost ritualised shows of emotion by the Promise Keepers. They are practising with tears, so as not to frighten the horses, something that one day will emerge as a real cleansing fire. We have lived for so long with that ghastly creation of the women's movement, New Man, that it will be a real pleasure to see the genuine article again, standing guardian over the family and sending the interlopers packing.

They won't be alone either. Not only are there millions of other people like them who have not yet plucked up courage to declare against the enemy, but the spirit of the age is on the side of the bold. Once we have got used to people talking nonsense at the top of their voices we are far more likely to listen with appreciation to anyone who talks sense, even if they do it in similar dramatic terms. This must be the significance of the many groups of "muscular Christians" who are now asserting themselves. The medium may be the same but the message is changing and this is inevitable.

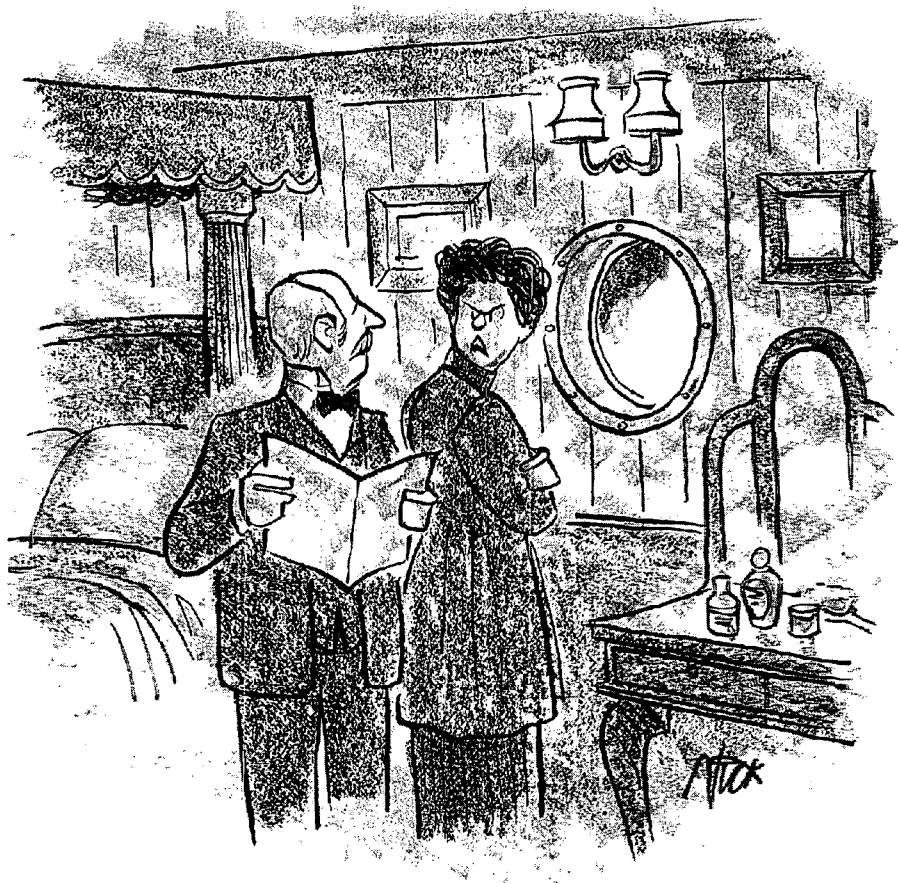
The trouble is that there is more than one way of solving any problem, and every despot has earned the gratitude of millions by solving at least some of his country's problems—even if he then went on to create more. Our germinating problems will cry out for a solution one day and that is the point at which the way the people have been educated will be significant.

We have raised the temperature at which society operates by means of the intemperance of our popular culture. We have widened enormously what it is possible to comment upon in personal relations and there is almost nothing that is too gross or intimate to make the cover of magazines read by young people scarcely out of childhood. This lack of restraint is, in political terms, harmlessly deployed at the moment, largely in the service of the sex industry and entertainment. However, the learned brutality and intemperance with which we express ourselves lies at the disposal of any problem-solvers who may one day come upon the scene.

And therein lies the danger. The head of steam which has been built up could easily be released in more than one direction—that is precisely why we should welcome the Promise Keepers, and all other Christians, doing all they can to educate people in the God-given morality which does *not* change.

LYNETTE BURROWS

The afore-mentioned Samuel Johnson, who seems to have anticipated every problem we have, remarked that it was no more possible for a man who knew no religion, to seek its help when he was in difficulty, than it was possible for a man unlearned in mathematics to invoke *its* help when his business failed. Hence the urgency. Next time, it is likely to be the Christians, or at least those who think like Christians; or the barbarians. Again.



*'Ring for the steward, Gervase. There's an enormous iceberg blocking our view.'*

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## “Rights” and Wrongs

*Ellen Wilson Fielding*

Lately I have been considering the relationship between democracy and humility—or the lack thereof. A recent *Washington Post* (Sept. 10, 1997) carried a story about a Midwestern Republican representative who had co-sponsored the bill awarding Mother Teresa a Congressional Medal. He would like to have traveled to Calcutta for her funeral, since he greatly admired her, we are told. But he has been seeing quite a bit of the outgoing Miss America in recent months, and promised to be in Atlantic City for this year’s Miss America contest, held the same day. Will he soon be planning a wedding for himself and Miss America? Perhaps. Oh, by the way, he split up with his wife of nine years several months ago.

This is a small, unimportant story, gossip with no particular political reverberations. But coming as it did the week after the worldwide mass mourning for Princess Diana, and juxtaposed with Mother Teresa’s passing, it brought together questions about whom and what we are encouraged to admire.

This congressman, about whom I know nothing more, is presumably one of the “good guys” as regards a pro-life voting record (although then again, he may not be). He said he was greatly moved by the experience of praying with Mother Teresa in the Capitol building (and certainly that is an earthshaking image!). For all I know, he and Miss America may share a deep spiritual rapport. Yet the rather sparse details of this gossipy little item suggest a certain superficiality, perhaps a tendency to be too easily satisfied with himself.

But if so, what of it? He is probably law-abiding, and may be an exemplary representative of his constituents. In any case, there are lots like him, in Congress as in every other branch of life: their name is Legion.

But the question arises: aside from true crooks and egomaniacs, who else can be expected to run for political office in a democracy? Consider what it takes to compete in an election. You have to believe you could do a better job campaigning, devising legislation and representing your constituents than anyone else available. You have to make speeches and television ads informing voters of all your good points and why your

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opponents are vastly inferior. You have to commission campaign literature that is embarrassingly encomiastic, and that makes claims for your performance as a spouse and parent that your loved ones may find mildly astonishing. You have to think you are capable of rendering the Republic a service so great that it excuses the sacrifices your family is making to take up your slack, put up with your absences, and sacrifice some of their own privacy and autonomy.

What kind of person thinks he is that important? As voters have often sensed, someone willing to fight his way up politically over many years of publicity, criticism and job insecurity is likely to have at least a touch of the megalomaniacal about him. That is why the illusion of being urged or forced or pushed into public service is so popular in campaign lore.

But in a democracy, there is no alternative, unless you rely, like the ancient Athenians, on some sort of lottery system of public service, similar to the current jury system. American politicians win elections by arguing that they will be better at their job than the opponent. They also stress a sense of fellow feeling with their constituents which is meant to flatter and woo them. They bring up cultural, ethnic and geographic links, show themselves engaged in activities popular among the voters in their district, attempt to be an Everyman who will excel through appealing natural characteristics like empathy and the ability to communicate.

But then, the People's Will is likely to be as lacking in humility as the people's representative. Equal rights is the contemporary alternative to a pre-democratic world of social privilege and preferential treatment for favored classes. By means of enforcing equal rights we aim to uphold the principle of human equality. There are no longer separate, legally distinct categories of slaves, serfs, clerics or nobles, each with jealously guarded privileges and unique duties. Whatever our difference in wealth, health, education or natural gifts, we are all citizens with similar legal duties and legal claims upon us. Barring a dwindling few exceptions (such as the dormant military draft), this parity applies even to matters of gender.

Since arrogance generally derives from a perception of our superiority, we should all, it seems, be less inclined toward arrogant feelings and behavior. We should all be, if not "humble," with its unctuous Uriah Heep connotations of simulated inferiority, then comfortably recumbent in the lazily-swaying intermediate category of healthy self-esteem. "I'm O.K.—You're O.K." should represent, not just the strict logical reality of our legal situation, but the relaxed tenor of our social relationships.

Only this is not the case. If it were the case, commentators would not

criticize the extreme litigiousness of American society, our jealous regard for equal treatment and our swiftness in pointing a finger of blame when we find someone else who has made out better than we have. Jesus' parable of the vineyard owner who rewarded latecoming laborers as well as he did those who had borne the heat of the noonday sun could not have been popular in any society, but least of all in our highly regulated and officially "fair" and egalitarian one, where preferential ideas like providing a living wage to a family man or succoring the widow and orphan clash with the official line that fairness equals identical treatment of individuals.

Affirmative action, with its preferential treatment of members of selected groups, seems to be an exception to this all-American egalitarianism. When affirmative action is argued in public, however, it is presented as a means of undoing the effects of past unequal treatment caused by slavery and racial or sexual discrimination. Language like "creating a level playing field" and "making up for past injustices" couches unequal treatment in terms of equality and equal rights, rather than in terms of special privileges or the claims of a natural or created aristocracy. Thus both classical and modern liberalism, whatever their political differences, worship at this shrine of equal rights, finding in it the only sure remedy for competing social claims and the quest for social justice.

But here we are, with our lawsuits and jealous rights talk, our female infiltration of the Citadel and VMI, our claims of sexual discrimination and racial discrimination, ageism and discrimination against the disabled. I don't deny that even in America people suffer hardships and human injustices every day, for these and many other reasons. But is our failure to achieve perfect equality of either treatment, opportunity or result the principal cause of all this clamoring, or is something else going on?

A preoccupation with equal treatment and equal rights is a sign of something which, if it cannot be called arrogance, may be experienced by others as something mighty close to it. It is marked by a jealous self-absorption and defensiveness. "I'm as good as anyone else" is far removed in tone and implication from "anyone else is as good as I am," though the equation should hold good both ways. "I've got my rights" lays such implicit stress on the "my." Perhaps our recognition of our fallen nature and the unlikelihood, to say the least, of perfect justice in this world makes us anxiously aware that the political philosophy of equal rights will in its strictest sense be an unobtainable ideal. Therefore we must fight to get our fair share of the rights that should be allocated to all, since it seems some will grab more than their fair share in this unsatisfactory world.

To receive our “rights”—as many and as often as possible—is to have our human value acknowledged by others. But we have no need to feel gratitude for receiving what rightfully belongs to us. There is no *reason* to feel gratitude, any more than we feel grateful when someone who owes us money pays us back. On the contrary, we may feel justified in our outrage at any delay in receiving our rights, or any suspicion that another person is getting more than his fair share—is getting, in fact, *our* rights.

That is one reason why members of minority groups and others who have historically experienced hostility or persecution react so militantly to the suggestion that affirmative action is not their right—is, instead, an injury to the rights of others. And that is one reason why, on the other hand, those who are harmed by affirmative action react so militantly in return. Rights are not seen as something one receives *gratis*, or something one earns. They are more like a belonging or an inheritance, but one which, in a world of conflicting or competing rights, you may have to go to court for, or demonstrate for, or lobby your congressman for.

We know quite well that rights often do conflict, especially the derivative ones that have multiplied like rabbits in this century, fertilized by each new dilemma, social mutation or scientific advance. (Do individuals have the right to be parents, or just couples? Just married couples? How about homosexual couples? Do cloned humans, or potential humans, have rights to self-determination? To parents? Do we all have rights to marriage? To sex, with or without marriage? Do we have rights to engage in very risky behavior? To intentionally outrage others? To be free of responsibility if all of the above lead to problems?)

We try to avoid this messy problem of rights that bump into each other by shouting down or explaining away other people’s rights. If I have a right to privacy then my fetus can’t have a right to life, or else I will be forced to think about when and under what circumstances acting upon my human rights is “right” and when it may be, well, wrong. If there are occasions when acting upon a right is wrong—so wrong that the law must protect others from the consequences of my action—then we are forced to consider what lies antecedent to rights. What lies above them or behind them or supports them? What standard lies beyond or outside of man, by which we may judge the limits and parameters of the Rights of Man?

Life has advanced in complexity, if in nothing else, from the time of the Declaration of Independence and the French Rights of Man. Though unsure of right and wrong, the public sphere has formed a consensus on mankind’s right to rights, even when it is uncertain which goods or activities fall into that category. And increasingly, when so much that was once

publicly accepted morality is carted off to the domain of the private, acting upon these accepted human rights is acknowledged to be, well, right.

If we are unwilling to acknowledge a public consensus on what is morally right and morally wrong, then at best we will be left only with a consensus on our list of rights. If people have a right to renounce their marriage vows—and it is not just an accommodation to human weakness, as Jesus interpreted the Mosaic allowance for divorce in a few cases—then it is difficult for us to say that the decision of any given couple to divorce is wrong. As Lincoln explained in a different context (when he opposed the slavery right in his debates with Stephen Douglas), we do not have a *right* to do *wrong*. He was arguing that therefore we cannot have a right to slavery; modernity turns the argument the other way around, claiming that whatever the law says we have a right *to* becomes *right*.

It is especially difficult to discriminate between legality and morality because, in the United States, the rule of law has retained its hold upon us as something we all feel bound by, but the traditional moral law has not. A great many Americans are religious by their own admission, most call themselves Christians without any hesitation, yet many of these accept lifestyles and baptize moral choices that would have appalled Christians in every preceding century of Christianity.

Thus these dubious moral choices have now become proliferating rights that surely it cannot be wrong to choose. One example is legalized abortion, which succeeded many other formerly-outlawed but recently-discovered “rights” in the early 70s. It represented the ultimate exercise in moral autonomy—the power to choose life or death. It was preceded by more modest rights like contraception, no-fault divorce, the flaunting of homosexual behavior and the like. But the abortion right upped the ante, it logically followed from the premise that human rights are a still largely-undiscovered country, where a *new* right is likely to be sighted at every turn.

This evolutionist view of human liberty—every day, in every way, we are getting freer and freer—can only follow if we are convinced that we can expand our universe of rights in such a way that they will not keep getting into each other’s way. This might be true if the universe of rights were like the universe described by physicists early in this century—ever expanding into emptier and emptier regions of space, so that we get farther and farther from one another and become less and less likely to impede one another.

In reality, as we know, we are bumping into each other at every turn. Divorcing parents upset children, and unbalance the resolution of other

married couples. Mothers pregnant with unwanted children cancel out those children's future and break the chain of generations that should proceed from parents to children to grandchildren. Baiters of traditional morality coarsen sensibilities and pull the rug out from under any common sense of sacred ground. Advocates and practitioners of euthanasia deal death blows to our understanding of the respect we owe to the dying and to the awful mystery of death, as well as the respect we owe to the mystery of ensouled humanity which, whatever its sins, should not be hustled out of life like cattle being driven into an *abattoir*.

**I** argued that we now treat our legal rights to do this or that as moral permission slips. That is still largely true, but here and there we can detect flinching, and movements of unease. That is the significance of Naomi Wolf, whose "Our Bodies, Our Souls" (*The New Republic*, October 16, 1995) marked this pro-abortion feminist's first shaky attempt at discriminating between the legal abortion right—always and everywhere to be defended—and the moral right to abortion, which is much clearer to her in some cases than in others.

This is also the significance of the wide support for a ban on partial-birth abortions, as well as the initial stunned reluctance of people to believe the procedure existed as described by anti-abortionists, in the numbers they claimed and for the often trivial reasons they exposed. The less definitive but still-troubled reaction to Jack Kevorkian's mounting death toll, and to the movement by some states to legalize his occupation, reveal American disquiet with our dizzyingly-undisciplined quest for human freedom and autonomy.

Well, what is the alternative? What is the path we can take to enable us to break this identification of what's right with what I am allowed to do? How far we have traveled from our ancestors—even those relatively recent ancestors who could speak almost nonchalantly of "the laws of nature and nature's God," or the ancestors of 135 years ago, who had no doubt that the horrors of the Civil War were a judgment on both North and South for the great original sin of our nation, slavery.

The Civil War era is a better example for us, since there was a great divide on whether the then-legal right to slavery was tantamount to a moral right. But aside from that enormous example, North and South were relatively united in morality and religion. We must hope that the solution to our current unequal tug of war between expanding freedoms and "the laws of nature and of nature's God" is not the violent one resorted to in the last century, and in the many and horrific world conflicts of this century.

There is a key, as I suggested earlier, in the arrogance and self-absorption engendered by relying on rights, jealously watching to see that no one is getting more than you, and fighting to hold onto whatever you've got. A woman pregnant with an unwanted child can either accept that child as her responsibility, however difficult or initially unwelcome, or view him as a threat to her right to live the life she wishes. If she is convinced that her rights are both her primary concern and the moral justification of the actions she takes to exercise them, she will see that unwanted child as a rival in a political game of musical chairs which not everyone can win. Only this and nothing more. Similarly with an unwanted spouse, an inconveniently infirm parent, or other people whose claims on us would imperil the kind of life we think would be our birthright in a natural state.

But isn't there a right to life, as we who oppose abortion argue? Isn't there a right to the free exercise of religion, and to a free press, and self-governance, and the like? Yes and no. If we see these purely as rights, we are restricting the meaning and message of these basic goods that just governments—a "Good Society"—must be zealous to preserve. To couch them in terms of basic goods that a government must not infringe upon, and must insure for its citizens despite the despoiling intentions of others, is to focus only on how the state must view the matter. All the state needs to know is that it cannot trespass in certain ways on its citizens' lives and behavior, and that it must safeguard certain zones of freedom in which the citizen is free to act.

**B**ut the individual is concerned to know why these zones are safeguarded, and why large arenas of freedom have been opened up to him. Recall that these basic freedoms (such as those spelled out in our Declaration—rights to life, liberty and the pursuit of happiness) are explicitly placed outside the state's authority to grant or rescind because they come from the Creator. They are not something owed to us, or something earned by us. They are gifts from the Creator, and we must assume they are given for certain purposes. They are not bestowed on us to forward our fulfillment in the sense that self-help books mean it, but to forward our fulfillment of the Creator's plans and intentions for us, for our own good.

If we remembered this underlying explanation of our human rights, we would demonstrate to a much greater degree three qualities in short supply: gratitude, shame, and humility. Gratitude, for what banks used to call "free gifts"; shame, for failing to use them as they were meant to be used; humility, for acknowledgement of our shortcomings and our undeservingness.

These human responses are necessary for sanity, because sane people perceive reality as it is. If we are deceiving ourselves radically about the foundation of our rights and the response that is required of us for them, then we are out of touch with reality. These qualities are also necessary for our self-preservation, as a people and in many cases individually. The health of our country, for example, is not enhanced by reducing the birth rate below replacement level, or making it easier for spouses to leave a marriage, leaving large numbers of children condemned to grow up with only a single harried parent. The physical and psychological well-being of the nation is not improved by using television, videos and movies to flash repeated images of destructive sexual behavior at children and teenagers.

And though proponents of eugenics may believe that euthanasia and therapeutic abortions for the handicapped and the senile and the dying will improve the nation's health, they are wrong. The illusion that we have the right to eliminate human lives after a cost-benefit analysis has been performed leaches away our understanding of the sacredness of human life. And the 20th century, with its gulags and Holocaust and mass murders, teaches us all too graphically what happens in societies that have lost their sense of the sacred.

**D**emocratic societies have proved less adept at preserving the sense of the sacred—by inculcating those responses of gratitude, shame and humility—than pre-democratic societies based on kingship. This is certainly not a call for monarchical government, which had plenty of its own problems. For example, it was not very successful in combatting cruelty, providing remedies for stupid and selfish rulers, or permitting enough freedom and mobility to develop new and better ways of doing things. In a fallen world there are plenty of defects to go around. In any case, belief in the only firm basis for hereditary kingship (as opposed to dictatorship)—the divine right of kings—is not something people in a democratic society can conjure up at will. Once the magic is gone, it is gone beyond our unilateral human ability to repair, as witness, for example, the state of the monarchy in contemporary Great Britain. For we have made an exchange: in return for not (publicly) thinking ourselves better than others, we do not have to think others are better than ourselves.

But daily practice in acknowledging that others, whether by birth or hard work or circumstance, are better than we are, makes it much easier for us to remember that all of us are inferior to and contingent upon God. In a world where people unselfconsciously bowed and knelt before members of certain classes of human beings, Milton's God did not look like a



tyrant and his Lucifer did not look like a freedom fighter. A nation which has cast off its duties to show reverence and obedience to social betters—such as the anointed of God—will be tempted by the same logic to chafe against its duties to God himself. There is a difference between the two, and emancipation from one set of duties does not logically require emancipation from the higher or more fundamental one. But the relationship is just close enough to resonate in the mind. The habit of reverence and obedience is unlikely to be grounded as firmly, because there is less occasion to practice it. As Louis de Bonald (a political scientist writing in the early decades after the French Revolution) noted in his book *On Divorce*, abandoning the hierarchical principle on the political level can have repercussions for religion and the family as well. He himself—a good monarchist and Catholic—linked democracy, Protestantism and divorce together.

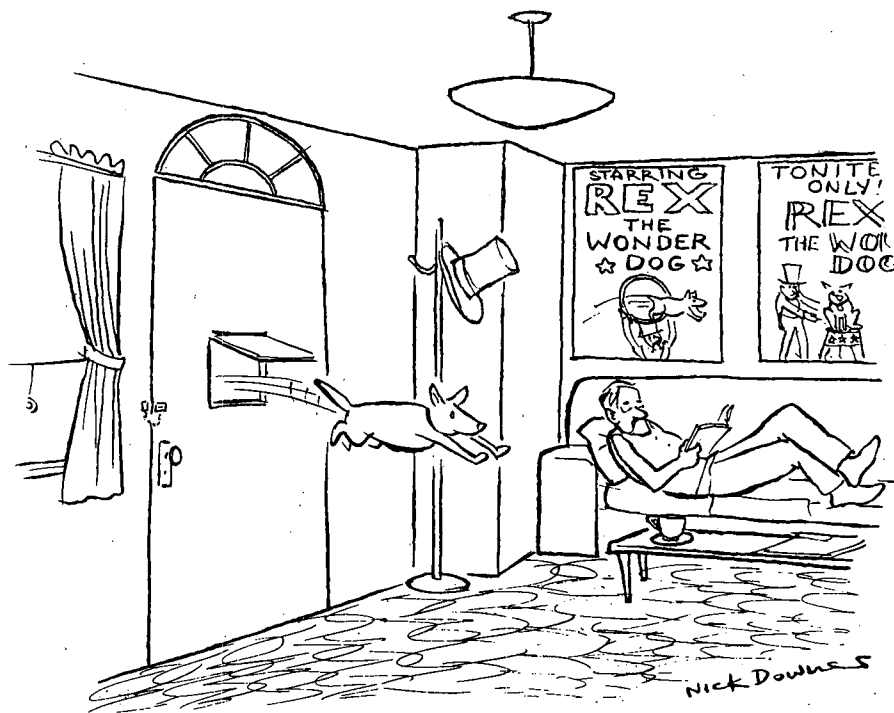
In a secular and democratic society fixated on egalitarianism and hostile to the idea of hierarchies and privilege, it will be difficult to focus people's attention on unpalatable duties and importunate authorities. As religious authors have noted, one of the best ways a parent can reconcile children to parental authority is to confess his own subservience to divine authority. "You have to obey me, but even I—a grown-up—have to obey God." The king who based his authority on divine right was burdened by the same divinity with special obligations of service to his people. The God who has given us life and liberty requires of us respect for others, and right conduct. And He not only has the right to require this of us, He is right to do so. At that level "right" and "rights" unite.

At our own level, discriminating between the two can be much more confusing. But we will only work our way deeper and deeper into confusion unless we admit that we are not lords of all we survey. Our happiness does not lie in beating back the claims of others, so that we may rest alone on a desert island of rights. We must find it in recognizing what we owe to others and to God, and in trying to pay back that debt not only with action, but with gratitude and humility. That is following the natural bent of our nature, as it was before it got bent out of shape by the Fall.

There is a kind of freedom in praising and thanking and attending to others that is quite unlike the tight rigidity required of the proud, the envious, and those covetous of their rights. We are likely to progress much farther in enlarging human freedom if we concentrate on recognizing the rights of others—to life, to respect, to gratitude, to support as they approach life's end—rather than hugging to ourselves our illusory right not to be responsible for them.

ELLEN WILSON FIELDING

If rights are a gift from God, a means by which we can flourish, then so are duties and responsibilities. They are not the shadow cast by our rights, or the price we pay for their enjoyment, but a positive good pointing us in the direction of our fullest development. We have a higher destiny than the mere enjoyment of rights, as important as they are and as difficult as they have been to secure throughout mankind's history. Rights are a means by which we distinguish ourselves from others and even fend others off. By accepting the claims of others, we entwine our lives and destinies with theirs, and resign a solitary state that can offer no lasting contentment.



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## Selective Humanism:

### **The Legacy of Justice William Brennan**

*Mary Ann Glendon  
& Eric W. Treene*

The death of Justice William Brennan in July 1997 was memorialized by a rich array of editorials, eulogies, and articles praising his personal warmth, charm, intellect, and his constitutional vision. President Clinton, speaking at his funeral, said: "We thank God for his life and his work; for Justice Brennan's America is America at its best. Today we recall his decency and grace . . . his humor and humility . . . and [his] stunning, almost inexplicable empathy. . . ." Other tributes spoke of "his big bear hugs," his "ready Irish grin," his "warmth and sunny disposition that often won over his far more conservative colleagues," and his "basic decency—consistent, sustained and undisputed—that often disarmed his opponents."

Several newspaper articles quoted Justice Souter's remarks in 1992 that "Quite simply, Justice Brennan is a man who loves. The Brennan mind . . . met its perfect match in the Brennan heart." Even those who disagreed with him expressed similar sentiments. Chief Justice Rehnquist remembered his "warm-hearted colleague." Judge Richard Posner, upon Brennan's retirement in 1990, called him a "warm, generous, and good-hearted person."

By all accounts, William Brennan was a gifted and likable man. Justice Brennan, however, was not an ordinary citizen. When a person is endowed with a formidable intellect and a position of great power, ultimately his life must be considered in light of what he did with those gifts. When we consider the career of William Brennan the Justice, it is fitting and proper to look past the warmth, empathy, and charm of William Brennan the man, and consider what he made of thirty-four years on the Supreme Court of the United States.

Was "Justice Brennan's America" truly, in President Clinton's words, "America at its best"? For those who believe that a civilized society must have as one of its fundamental precepts the preservation of the sanctity of

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life and the inherent dignity of every human being, a dark shadow broods over the Brennan legacy.

What makes the tale so tragic is that there is much in Justice Brennan's judicial vision that affirmed the value of human life and the inherent worth of every human person. President Clinton remarked that Justice Brennan "once said the role of the Constitution is the protection of the dignity of every human being, and he recognized that every individual has fundamental human rights that government cannot deny." Brennan was an avowed opponent of "the machinery of death," a term he used to describe the death penalty in the United States. His landmark opinion, *Goldberg v. Kelly* (1970), found a right to due process for individuals facing termination of welfare benefits, based on the idea that even though the government has the power to create and destroy programs like welfare, such programs must be applied evenhandedly and treat their beneficiaries as individuals.

His dedication to finding worth in all people went so far as to induce him to say, in a *Harvard Law Review* article denouncing the death penalty, that "even the vilest criminal remains a human being possessed of common human dignity." He went on to say that the death penalty "involves, by its very nature, an absolute denial of the executed person's humanity," and that the most significant attribute of the cruel and unusual methods of execution and torture that pockmark the history of civilization "is that they treat members of the human race as nonhumans, as objects to be hurt and then discarded."

Justice Brennan probably would have liked the label the *Washington Post's* Mary McGrory gave him in a remembrance—she called him a "raving humanist." He probably also would have appreciated the comments of American Bar Association President Jerome J. Shestack, who said that Brennan's legacy "enriches the human worth and dignity of all individuals." But Brennan's "raving humanism" did not extend to all humans, and not "all individuals" have had their "human worth and dignity" enriched by his work on the Court. For more than any other Justice—including Harry Blackmun—William Brennan is responsible for creating a constitutionally enshrined right to treat the unborn (to use his own words) "as nonhumans, as objects to be hurt and then discarded."

This is not the conventional wisdom. Brennan never officially authored an abortion decision, and his role in the abortion cases has been played down by some Court watchers. It is often surmised that Justice Brennan must have suffered personal anguish over *Roe v. Wade's* conflict with his Roman Catholic beliefs. Following his retirement from the bench in 1990,

Nina Totenberg, National Public Radio's Supreme Court reporter, wrote in the *Harvard Law Review* that while Brennan "consistently joined the pro-choice *Roe v. Wade* majority," her sense was that as a "devout Catholic who attends Mass every week . . . this has not always been easy, that it has required a good deal of introspection, and some courage too."

But Brennan was no passive bystander to the evolution of the most extreme abortion right in the Western world. He—not the insecure, less gifted Justice Blackmun—was the driving force behind the final version of *Roe v. Wade*, which Blackmun originally had planned as a cautious, narrow decision. A little-noted event reveals the extent of Brennan's role. Brennan's law clerks included *Roe* and its companion case, *Doe v. Bolton*, in the bound volume of Justice Brennan's decisions of the term, along with a footnote stating: "These cases are included with Justice Brennan's opinions for the October term 1972 because the opinions for the Court were substantially revised in response to suggestions made by Justice Brennan." It was Justice Brennan who was largely responsible for the expansion of the abortion regime outlined in *Roe* into a "fundamental" right to abortion on demand that was used during his tenure to strike down parental consent and notification laws, viability testing, informed consent requirements and numerous other legislative measures.

Ultimately, when one considers the life work of Justice Brennan, and the many areas of law—ranging from treatment of prisoners to welfare rights to the death penalty—in which he sought to interject his personal vision of compassion into the law, one cannot overlook his leading role in the development of the "machinery of death" in the United States that takes more than a million lives a year.

#### *Roe v. Wade*

Justice Brennan's influence on the Supreme Court's treatment of abortion predates the decision in *Roe*. When the Court was considering *Griswold v. Connecticut*, the 1965 case that struck down a law that banned the sale of contraceptive drugs and devices even to married couples, it was Justice Brennan who convinced Justice Douglas to base his opinion on marital privacy grounds rather than freedom of association, thus paving the way for the expansion of the new-found constitutional privacy right in *Roe*. Then, after *Roe* had been argued and assigned to Justice Blackmun—but before Blackmun circulated his first draft to the other Justices—Brennan was presented with his first opportunity to influence *Roe*'s author.

Brennan had been assigned the opinion in *Eisenstadt v. Baird* (1972), in which a majority of the Justices had voted to overturn the conviction of

activist Bill Baird for distributing contraceptive foam without a license after a Boston University lecture. Brennan used the decision to transform the marital couple's privacy right created in *Griswold* into a new individual right. And what is more, he slipped in language that, according to Woodward and Armstrong,<sup>1</sup> was intended to pave the way for abortion rights. Brennan wrote:

It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional makeup. If the right to privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.

This passage achieved two purposes. First, it expanded the privacy right in matters of procreation to single as well as married persons. Second, by using the phrase "to *bear* or beget a child" (when "to beget a child" was all that was necessary to reach the contraception issue being decided), Brennan prepared the way for *Roe* to recognize a privacy-based right to choose whether to terminate or to continue a pregnancy.

Woodward and Armstrong report that Brennan was worried when Justice Blackmun, along with Justice White, concurred in the result in *Eisenstadt* but did not join his opinion. Blackmun and White, noting that the issue before the court was whether unlicensed persons could distribute contraceptive foam, and further noting that there was no evidence in the record regarding the marital status of the woman to whom the defendant had given the foam, refused to join Brennan's expansive and unwarranted opinion.

Yet by the time the *Roe* decision was finally issued the following year, Brennan had managed to convince Blackmun to embrace *Eisenstadt* and use it as a foundation for the right to privacy. And Brennan's influence on Blackmun went even further. He persuaded Blackmun to transform *Roe* and its companion case, *Doe v. Bolton*, from what Blackmun intended to be narrow and modest decisions restricting the government's regulation of doctors into a breathtaking extension of the privacy idea and a comprehensive framework for an abortion license throughout the course of a pregnancy.

Blackmun's first draft of *Roe v. Wade*,<sup>2</sup> circulated in May 1972, was far from creating a sweeping right to an abortion. Blackmun's draft opinion would have overturned the Texas abortion statute (which prohibited abortions except to save the mother's life) on the grounds of unconstitutional vagueness. The draft opinion reasoned that the statute did not give doctors

sufficient notice of what risk of death to the mother would permit them to perform an abortion, and did not specify who was to make the medical judgment, the doctor or some reviewing body such as a peer review committee. The draft carefully pointed out that “[our] holding today does not imply that a State has no legitimate interest in the subject of abortions,” and also rejected “the argument of the appellants and of some of the *amici* that a pregnant woman has an unlimited right to do with her body as she pleases.”

Brennan fired off a memo to Justice Blackmun the next day, emphasizing the need to address “the core issue” in the abortion cases, which Blackmun’s “vagueness” analysis avoided. Brennan also noted: “My recollection of the voting on this and the Georgia case was that the Constitution required the invalidation of abortion statutes save to the extent they required an abortion to be performed by a licensed physician within some limited time after conception.” Justice Douglas also wrote a memo to Blackmun, joining Brennan’s call that the opinion address the “core issue.”

The following week, Blackmun circulated his draft opinion in *Doe v. Bolton*. The draft began by citing *Eisenstadt*, and used the language from *Eisenstadt* that Brennan had written with the pending abortion decisions in mind: “We agree that a woman’s interest in making the fundamental personal decision whether or not to bear an unwanted child is within the scope of personal rights protected by the Ninth and Fourteenth Amendments.”

However, Blackmun adopted a stance that was far more accommodating of the interest of the state in protecting fetal life and upholding medical standards. Blackmun flatly rejected the argument of the Appellants “that the woman’s right to make the decision is absolute—that Georgia has either no valid interest in regulating it, or no interest strong enough to support any limitation upon the woman’s sole determination.” Blackmun noted that “the pregnant woman cannot be isolated in her privacy” since she “carries an embryo, and, later a fetus.” Thus “The situation is inherently different from marital intimacy . . . or the right to procreate.”

While striking down portions of the Georgia law, Blackmun’s *Doe* draft would have left intact Georgia’s requirements that a doctor determine that an abortion—during *any* trimester of pregnancy—is necessary “based on his best medical judgment,” that the doctor reduce this conclusion to writing, and that the abortion be performed in a licensed hospital. Blackmun’s invitation for reasonable state regulation of abortion and protection of the unborn was still worlds away from Justice Brennan’s conception of the

abortion right.

In addition to the statements in his memo to Blackmun the week before, Brennan had written in a letter to Justice Douglas five months earlier that “the only restraint a State may constitutionally impose upon the woman’s individual decision is that the abortion must be performed by a licensed physician.”

Blackmun’s attempt to make *Roe* a narrow decision and to make *Doe* a balanced one that permitted meaningful state regulation of abortion did not last. Over the next seven months, in response to the concerns of several Justices, but largely because of the efforts of Justice Brennan, the opinions were transformed. *Roe* became a comprehensive framework for the abortion license. Blackmun’s attempts in *Doe* to recognize the interests of the states fell by the wayside. The *Doe* draft’s validation of Georgia’s requirement that abortions be performed in hospitals ultimately was dropped. Most significantly, the requirement that a doctor declare in writing that he found an abortion to be medically necessary, while still nominally a part of the final *Doe* opinion, was rendered a nullity by *Roe*’s clear pronouncement that the abortion decision is between a woman and her doctor during the first two trimesters.

After the drafts had been circulated, Chief Justice Burger pressed for a reargument of the cases, to permit Justices Powell and Rehnquist, who had joined the Court in January, but had not participated in the oral arguments, to participate. He ultimately prevailed, and the cases were put over until the next term. After reargument on October 11, 1972, the vote remained in favor of overturning the Georgia and Texas laws. Justice Blackmun subsequently circulated revised drafts of *Roe* and *Doe* to the other Justices.

While the revised *Roe* draft abandoned the “vagueness” approach and sought to base the decision on the right to privacy, Justice Brennan reportedly still had strong reservations. According to Woodward and Armstrong, he told his clerks “it doesn’t do it.” He was troubled by its emphasis on the right of doctors to practice medicine according to their medical judgment; he preferred that the focus be kept on women’s rights.

Another problem for Brennan was the opinion’s intertwining of the state interest in protecting women’s health with the state interest in the life of the fetus. He also worried about the opinion’s allowance of some regulation after viability. He realized that as medical advances led to earlier viability, the number of weeks available for abortion on demand would be diminished.

Brennan therefore produced a forty-eight-page memorandum of thoughts



and suggestions for revising the opinion. He was careful not to make the memorandum look like an alternative draft, fearing that Blackmun might think he was trying to steal the majority opinion. Woodward and Armstrong's sources inside the Court recounted that "The last thing Brennan wanted was to author the Court's abortion decision. He could imagine too vividly what the Catholic bishops would say."

The memo struck its mark: Blackmun sent the Justices a memo saying that he would include the revisions—including a switch from viability as the point permitting increased state regulation to the third trimester. But Blackmun switched back to viability at the urging of Justice Marshall, who wanted to increase the availability of abortion in rural areas where less sophisticated medical care placed viability at a point very near full-term. To win the vote of Chief Justice Burger, Blackmun added the provision that states may regulate abortion during the second trimester to preserve a woman's health. Blackmun also accommodated Justice Stewart's desire that the Court specify that the fetus is not a person within the meaning of the Fourteenth Amendment.

Douglas and Brennan continued to press for an approach in *Roe* that did not focus on viability. Brennan, in a December letter to Blackmun, wrote that "'Viability,' I have thought, is a concept that focuses upon the fetus rather than the woman." He implored Blackmun to make the pivotal moment the point at which abortion "becomes medically more complex," after which the state may act to preserve medical standards. Blackmun held to his draft, which found the state interest in preserving the life of viable babies "compelling." However, Brennan's disregard for viable unborn babies was soon to become the prevalent view.

#### Aborting Viable Fetuses

The promise of *Roe* that a state had a compelling interest in protecting viable fetal life soon eroded and Brennan's view that viability was problematic because it "focuses upon the fetus rather than the woman" soon became ascendant. In *Colautti v. Franklin* (1979), the Court struck down a provision of a Pennsylvania law that required a doctor to determine "based on his experience, judgment or professional competence" if there was "sufficient reason to believe the fetus may be viable"; if so, the doctor was to use the method of abortion most likely to save the life of the fetus, unless a different method were required to preserve the life or health of the mother. The court struck the provision down because it utilized the term "may be viable" rather than "is viable." *Colautti*'s repudiation of Pennsylvania's attempt to ensure that great care was taken that viable fetuses not be aborted

signaled a dramatic move away from *Roe*'s recognition of a legitimate—indeed, *Roe* said compelling—state interest in protecting viable babies.

Four years later, when the Court in *Planned Parenthood Ass'n v. Ashcroft* (1983) upheld a Missouri requirement that a second doctor attend all post-viability abortions and “take all reasonable steps in keeping with good medical practice . . . to preserve the life and health of the viable unborn child; provided that it does not pose an increased risk to the life or health of the mother,” Brennan joined a dissent by Justice Blackmun that complained that the second doctor would be superfluous when the method of abortion selected would necessarily kill the fetus.

But Brennan found himself in the majority three years later in *Thornburgh v. American College of Obstetricians and Gynecologists* (1986), which struck down a nearly identical second-physician requirement along with a requirement that an abortionist use the technique most likely to allow the baby to survive, unless this would threaten the mother's life or health. With *Thornburgh*, Brennan's view that the state interest in protecting fetal life deserves little consideration finally held sway.<sup>3</sup>

#### **Government Funding of Abortion**

Justice Brennan took the lead in arguing that a woman's right to an abortion was violated when the government refused to pay for abortions, writing a steady stream of dissents in which he was joined by Justices Blackmun and Marshall. While Brennan never succeeded in persuading a majority of the Justices that the Constitution required the government to pay for abortions, his dissents did succeed in one respect: Brennan's labeling of access to abortion as a “fundamental right” in these dissents eventually made its way into majority decisions.

The *Roe* majority was careful not to state outright that abortion was a fundamental right. Rather, *Roe* held that the fundamental right of privacy “is broad enough to cover the abortion decision” although “the right, nonetheless, is not absolute and is subject to some limitations; and that at some point the state interests as to protection of health, medical standards, pre-natal life, become dominant.”<sup>4</sup>

When the Court in *Poelker v. Doe* (1977) upheld St. Louis's prohibition on abortions in City-owned hospitals, Brennan authored a dissent that showed just how expansive his view of the abortion right was. He wrote: “Here the fundamental right of a woman freely to choose to terminate her pregnancy has been infringed by the city of St. Louis through a deliberate policy based on opposition to elective abortions on moral grounds by city officials.” Brennan contended that under *Roe* a state's “preference for normal

childbirth becomes compelling only at the end of the second trimester.” Thus he would have prohibited St. Louis from pursuing a preference for live births in its allocation of resources before that point.

Brennan wrote a dissent for the same triumvirate in *Beal v. Doe* (1977), issued the same day, in which a majority upheld Pennsylvania’s decision to fund therapeutic abortions through its Medicaid program, but not elective abortions. He wrote that “abortion and childbirth, when stripped of the sensitive moral arguments surrounding the abortion controversy, are simply two alternative medical methods of dealing with pregnancy.” Brennan argued that abortions must be funded since Medicaid requires payment for necessary services. He reasoned that if live births and therapeutic abortions were “necessary” procedures, and rendered elective abortions unnecessary, then it followed that elective abortions make live births and therapeutic abortions unnecessary (since the fetus will be dead and gone). Thus, he concluded, elective abortions must be paid for by the state on an equal basis with therapeutic abortions and live births, since “the procedures in each case constitute necessary medical treatment for the condition of pregnancy.” In the same paragraph containing this logic stream, Brennan made an unfortunate choice of words: he wrote that his exposition of why elective abortions must be considered medically necessary “highlights the violence done the congressional mandate by today’s decision.”

In a third case decided that day, *Maher v. Roe* (1977), Brennan argued in dissent that a Connecticut regulation funding live childbirths but not elective abortions “coerce[s] indigent pregnant women to bear children they would not otherwise choose to have” if the state would pay for abortion, and thus “constitutes an unconstitutional infringement of the fundamental right of pregnant women to be free to decide whether to have an abortion.” While Brennan stressed the fundamental right to choose, the majority in *Maher* was careful to note that “*Roe* did not declare an unqualified constitutional right to an abortion,” but rather a fundamental privacy right that “protects the woman from unduly burdensome interference with her freedom to decide whether to terminate her pregnancy.”

Brennan refined his argument that elective abortions are medically necessary in his dissent to *Harris v. McRae* (1980). In *McRae*, the Court upheld the constitutionality of the Hyde Amendment, which bars the use of Medicaid funds for abortions except in cases of rape, incest, or to save the life of the mother. Brennan, again writing for the Brennan-Marshall-Blackmun block and again calling the right to an abortion fundamental, repeated his claim that denying funds for abortion “coerce[s] indigent

pregnant women to bear children.” He once again said that abortion and childbirth “are simply two alternative medical methods of dealing with pregnancy.”

This time, Brennan added that “in every pregnancy, one of these two courses of treatment is medically necessary.” He thus not only made the *right* to an abortion fundamental, but he universalized the procedure itself, making it a natural part of the human experience. Brennan even had the moxie to call the Hyde Amendment “brutal”: “As a means of delivering health services, then, the Hyde Amendment is completely irrational. As a means of preventing abortions, it is concededly rational—brutally so.”

### The “Fundamental Right” to Abortion

Brennan’s insistence in the funding cases that the right to choose abortion is a fundamental constitutional right finally made its way into a majority opinion in *Akron v. Akron Center for Reproductive Health, Inc.* (1983). In *Akron*, the Court found that a woman’s “fundamental right to choose an abortion” precluded Ohio from implementing laws that many saw as reasonable attempts to reconcile a woman’s liberty with the interest of the state in protecting fetal life and upholding medical standards.

The Court then went on to strike down Ohio’s requirement that a minor under the age of fifteen seeking an abortion obtain the consent of one parent (or obtain an order from a judge if this was not possible); its informed consent provisions designed to ensure that a woman understood what an abortion entailed for her and her unborn child before exercising her choice; a 24-hour waiting period to help protect women from pressure to abort; a requirement that second-trimester abortions take place in a hospital; and regulations regarding the “human and sanitary” disposal of fetal remains. The same fundamental rights language was used three years later to strike down the Pennsylvania protections for viable fetuses in *Thornburgh*—along with an informed consent requirement, a reporting requirement intended to assist data gathering, and a requirement that the mother be informed of the father’s child-support responsibilities if she chose to keep the baby.

In sum, Justice Brennan rarely saw an abortion right of which he did not approve. He voted to strike down every parental consent requirement that was reviewed by the court during his tenure. He also vigorously opposed any form of parental notification, regardless of whether the statute provided for a judicial bypass procedure, to the very last. See *Ohio v. Akron Center for Reproductive Health* (1990); *Hodgson v. Missouri* (1990).

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Brennan also voted to strike down various informed consent provisions, waiting periods, requirements that second-trimester abortions be done in hospitals, and, as detailed above, every measure the Court ever considered that was designed to protect viable fetuses.

Justice Brennan said on several occasions that his personal moral and religious beliefs did not interfere with his legal decisions. As he stated in a National Public Radio interview in 1987, as a Justice he was merely “apply[ing] the Constitution as I saw that it should be applied.” But Justice Brennan’s jurisprudence was dependent on a personal vision of a Constitution whose values change as society’s values (as interpreted by judges) change. It was also a jurisprudence that believed in using the law as a tool to achieve social justice.

One wonders whether such a jurisprudence can be so easily detached from what one believes at one’s core. Justice Brennan confirms this suspicion with his own words. In an interview with one of his former law clerks in 1986, Brennan was asked “If the Constitution were being rewritten now and you were given the responsibility to decide whether there would be a right to abortion, what would you do”? His answer was this:

I would say that, in this society, nobody can dictate for everyone else what must be done with respect to the most intimate choices, family decisions, that individuals face. I would adhere to what we have said. And I don’t know that I could ever agree that the right to privacy that is protected by the Bill of Rights should not be a part of a fundamental charter of a civilized society.

To those who can imagine a civilized society without abortion, and to those who can imagine a polity whose fundamental charter protects the dignity of every human being, the career of Justice Brennan is troubling to contemplate. He was a man of many talents who often professed his dedication to human dignity. He was an avowed champion of the weak and vulnerable who was given the honor and responsibility of sitting for thirty-four years on the highest court in the land.

But somewhere along the line, no one knows how or why, he lost sight of the weakest and most vulnerable among us. Somehow this man, remembered by so many for his personal warmth and compassion, became complicit in the slaughter of innocents.

## NOTES

1. For their unique book about the inner workings of the Supreme Court, *The Brethren* (1979), Bob Woodward and Scott Armstrong drew on interviews with Supreme Court clerks, Justices’ memoranda and diaries, and other personal sources that enabled them to attribute thoughts, feelings and motivations to the Justices based on the Justices’ written reflections

and things the Justices told their clerks.

2. The draft opinions and memoranda quoted below are collected in B. Schwartz, *The Unpublished Opinions of the Burger Court* (Oxford University Press, 1988).
3. The tide, of course, ebbed as the make-up of the Court changed, and in *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989), the Court upheld a requirement that a physician test for viability before performing an abortion on an unborn child of twenty or more weeks of gestational age, and, if viable, an abortion may only be performed to save the life or health of the mother. The plurality wrote that although viability occurs at 23-24 weeks, there is a 4-week margin of error in determining gestational age. Thus, although this means that under the law some "tests will have been performed for what were in fact second-trimester abortions" the plurality found that the tests further the state's compelling interest in protecting viable fetuses. Justices Brennan and Marshall joined a dissent by Justice Blackmun that argued that this viability testing law increased the cost of a woman's right to choose and was thus invalid.

The sections of *Thornburgh* and *Akron* that were "inconsistent with *Roe*'s statement that the State has a legitimate interest in promoting the life or potential life of the unborn" were explicitly overruled by the Court in *Planned Parenthood v. Casey* (1992).

4. If one analyzes the decision carefully, though, *Roe* effectively created a fundamental right to abortion. The Court in *Roe* stated that the Fourteenth Amendment's "right of personal privacy includes the abortion decision." However, in another part of its opinion, it stated that only fundamental rights "are included in th[e] guarantee of personal privacy," so anyone willing to take the time to make a syllogism of the two statements would discover that the Court was indeed calling abortion a "fundamental right."



'You have the heartlessness of a man twice  
your age.'

THE SPECTATOR 30 August 1997

## Infanticide *Chic*?

The recent much-publicized cases of teenagers killing their newborns have invited a great deal of commentary; so, when I saw an article in the November 2 *New York Times Magazine*, “Why They Kill Their Newborns,” I wasn’t surprised. But what author Steven Pinker wrote was shocking, and made my blood run cold: Pinker introduces a new “choice” in *killing*, with a new name—“neonaticide.” He seeks to persuade us that the killing of newborns by their mothers is not so awful because, actually, it may be a product of “maternal wiring” left over from our days in hunter-gatherer societies.

While it is startling to read this in a mainstream newspaper, the debate about the “personhood” of infants is not new in academic circles. As Pinker mentions, Michael Tooley, a “moral” philosopher, has suggested that parents ought to have a set period of time after birth to decide whether their newborn should live or die. (Pinker is himself a professor of psychology at MIT.)

There has been no great reaction to Pinker’s article—perhaps because many don’t pay attention to the *New York Times Magazine* as they used to (see George McKenna’s comments). But we bring you here some important responses.

James Nuechterlein, editor of *First Things*, deftly summarizes Pinker’s piece for what it is: an “artful semantic evasion” of its own point—the promotion of infanticide. Michael Kelly also responded to Pinker (in the *Washington Post*, Nov. 6). His devastating column, “Arguing for Infanticide,” is reprinted next.

Professor George McKenna has written a penetrating analysis for us, putting Pinker’s words in the larger context of the partial-birth abortion debate (which, as you will see, has everything to do with it—the controversy caused the word “infanticide” to start plaguing the “choicers”). Next, two columnists, John Ellis of the Boston *Globe* and Joseph Farah of the Internet newspaper *WorldNetDaily.com*, express their shock and dismay at the lack of *response* to Pinker.

I wrote a letter to the *Times* immediately. I had to: right after reading, with increasing disgust, Pinker’s article, I was changing Anna Clare, my 11-month-old, and I thought with horror that she, a beautiful, laughing, wondrous baby, doesn’t qualify for personhood yet under these “moral” philosophers’ “criteria.” The *Times* printed one sentence of my letter, which began “The abortion culture is in a bind . . .”—as you will read on the following pages, that is the point—25 years after *Roe*, it is more obvious than ever that a fetus is a baby. But rather than admit that abortion is wrong (what would happen to our sexual “freedom”?), the *Times* has decided that it’s time to push *forward*: maybe, after all, it’s okay to kill babies, it worked for our caveperson ancestors.

Let’s hope we can kill the argument and protect our children.

MARIA McFADDEN  
EXECUTIVE EDITOR

# Infanticide for Beginners

James Nuechterlein

**I**t was the issue of abortion that taught me to be suspicious of the word “reform.” It was the early 1960s and all right-minded people were in favor of “abortion reform.” I assumed I should be too until it gradually dawned on me, slow learner that I was, that people speaking of abortion reform were speaking of making it easier to take human life. That made a powerful impression on me, and ever since I have been acutely aware of the ability of people of liberal persuasion, especially when it comes to life issues, to obscure what is actually going on through artful semantic evasion.

That art has, it seems, taken a great leap forward. In an article entitled “Why They Kill Their Newborns” in the *New York Times Magazine* (November 2, 1997), Steven Pinker, a professor of psychology at MIT, suggests we ought to lighten up about infanticide, and he begins the process of thought reform by eliminating the word “infanticide.” In its place he proposes two words: “neonaticide,” the killing of a child on the day of its birth, and “filicide,” the killing of a child at some later point. You see the advance. Who would not more lightheartedly engage in neonaticide or even filicide than something so off-putting—even, might one say, so *infra dig*—as infanticide?

Not that Professor Pinker, author of the recent and widely noticed *How the Mind Works* and currently a hot intellectual property, actually comes out in favor of infanticide, under whatever name. Indeed, he courageously affirms that “killing a baby is an immoral act” and adds that while we can try to understand what would bring a mother to such an act, “to understand is not necessarily to forgive.” But he then sets out on a mode of analysis that, forgive baby-killing or not, renders it not much more than a moral misdemeanor. Not much more, perhaps, than abortion.

Pinker’s point of departure is the recent spate of headlines regarding young women who, in a variety of circumstances, have killed, or left to die, their newborn babies. Such behavior, it turns out, is built into “the biological design of our parental emotions.” For us mammals, parental investment is a limited resource, one we must decide to allot either to

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James Nuechterlein is Editor of *First Things*, A Monthly Journal of Religion and Public Life. The above appeared in the January 1998 issue, as Nuechterlein’s regular “This Time” column, and is reprinted with permission (© 1998 Institute on Religion and Public Life; all rights reserved).



newborn or to current and future children. Human evolutionary history, with its record of high infant mortality, has taught us to make hard choices, including, where necessary, consigning the newborn weak to death. "We are all descendants of women who made the difficult decisions that allowed them to become grandmothers in that unforgiving world, and we inherited that brain circuitry that led to those decisions." My hard-wiring made me do it.

Well, not quite. Natural selection does not "push the buttons of behavior directly," but it does endow us "with emotions that coax us toward adaptive choices." Thus it is, Pinker says, that "a new mother will first coolly assess the infant and her current situation and only in the next few days begin to see it as a unique and wonderful individual." (To which Michael Kelly, writing in the *Washington Post*, responded: "Yes, that was my wife all over, cool as a cucumber as she assessed whether to keep her first-born child or toss him out the window.") Not that those who opt for defenestration don't feel bad about it. Anthropological students of neonaticidal women in hunter-gatherer societies, Pinker reports, "discover that the women see the death as an unavoidable tragedy, grieve at the time, and remember the child with pain all their lives."

It is not just new mothers, Pinker suggests, who come equipped with the brain circuitry to countenance neonaticide. How else explain the leniency with which, he says, society deals with first-day baby killers? "Prosecutors sometimes don't prosecute; juries rarely convict; those found guilty almost never go to jail." Such leniency, Pinker goes on—driving now to the heart of his modest proposal—"forces us to think the unthinkable and ask if we, like many societies and like the mothers themselves, are not completely sure whether a neonate is a full person."

Our problem is that while we need "a clear boundary to confer personhood on a human being and grant it a right to life," we have a most difficult time, as the abortion debate reveals, marking that boundary. Up till now, Pinker concedes, most everyone has agreed that the line must be drawn no later than birth. But "neonaticide forces us to examine even that boundary." "To a biologist," he cheerily informs us, "birth is as arbitrary a milestone as any other."

Moral philosophers instruct us, Pinker says, that a right to life must come from "morally significant qualities that we humans happen to possess." "One such trait is having a unique sequence of experiences that defines us as individuals and connects us to other people. Other traits include an ability to reflect upon ourselves as a continuous locus of consciousness, to form and savor plans for the future, to dread death, and to express the choice

not to die. And there's the rub: our immature neonates don't possess these traits any more than mice do." That being the case, Pinker reports, "several moral philosophers have concluded that neonates are not persons, and thus neonaticide should not be classified as murder." But most people, he concedes, flinch from following their brain circuitry to that logical endpoint.

"So how," Pinker wonders, "do you provide grounds for outlawing neonaticide?" The "facts," the reader by now is not surprised to learn, "don't make it easy." Some philosophers have argued, for example, "that people see neonates as so similar to older babies that you couldn't allow neonaticide without coarsening the way people treat children and other people in general." But again, "the facts say otherwise." Studies show, Pinker insists, "that neonaticidal women don't kill anyone but their newborns, and when they give birth later under better conditions, they can be devoted, loving mothers." So it is that "the baby killers turn out to be not moral monsters but nice, normal (and sometimes religious) young women."

By this point, Pinker's whole analysis would lead to the conclusion that neonaticide is not the "immoral act" he called it at the outset but rather, at worst, the "unavoidable tragedy" that the hunter-gatherer women endure. But at the brink, Pinker blinks. Just as the reader steels himself for a proposal for "infanticide reform," Pinker retreats to a dying fall. "We will probably never resolve" the dilemmas surrounding neonaticide, he lamely concludes. "We will most likely muddle through, keeping birth as a conspicuous legal boundary but showing mercy to the anguished girls who feel they had no choice but to run afoul of it." If I were one of those "anguished girls," I would feel justified in suing Pinker for breach of implied intellectual promise.

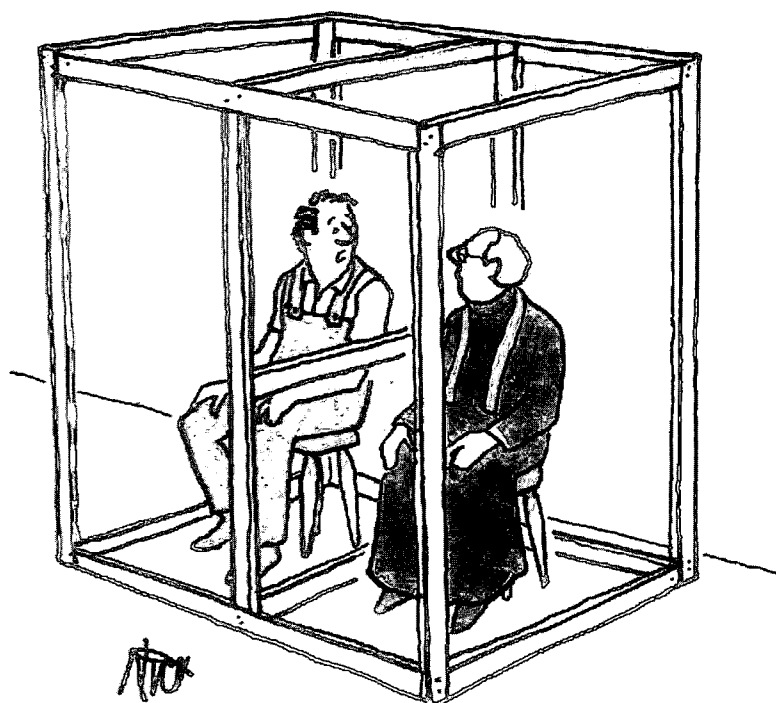
Just why Pinker pulls back from the brink one cannot tell. Perhaps because he recognizes that his argument has led him further than he originally intended. He wants to maintain a clear distinction between neonaticide and filicide. But consider the "morally significant traits" he invokes as necessary to a claim of a right to life: "a unique sequence of experiences that defines us as individuals and connects us to other people . . . an ability to reflect upon ourselves as a continuous locus of consciousness, to form and savor plans for the future, to dread death, and to express the choice not to die." Those are traits unavailable not just to mice and newborn babies, but to all people up to several years of age. From such a brink only a moral idiot would not pull back.

But no doubt future moral explorers will venture where Pinker, for now, fears to tread. That's the sort of thing that happens when you start

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“thinking the unthinkable.” Which is a good reason for people possessed of moral common sense politely to refuse invitations to such thought experiments.

Abortion on demand, neonaticide, filicide. Next thing you know—to echo Everett Dirksen in a different context—you’re talking real people.



*'Also, I've been neglecting my work ...'*

THE SPECTATOR 25 October 1997

WINTER 1998/81

# Arguing for Infanticide

Michael Kelly

Of all the arguments advanced against the legalization of abortion, the one that always struck me as the most questionable is the most consequential: that the widespread acceptance of abortion would lead to a profound moral shift in our culture, a great devaluing of human life. This seemed to me dubious on general principle: Projections of this sort almost always turn out to be wrong because they fail to grasp that, in matters of human behavior, there is not really any such thing as a trendline. People change to meet new realities and thereby change reality.

Thus, for the environmental hysterics of the 1970s, the nuclear freezers of the 1980s and the Peruvian budget doomsayers of the 1990s, the end that was nigh never came. So, with abortion, why should a tolerance for ending human life under one, very limited set of conditions necessarily lead to an acceptance of ending human life under other, broader terms?

This time, it seems, the pessimists were right. On Sunday, Nov. 2, an article in the New York Times, the closest thing we have to the voice of the intellectual establishment, came out for killing babies. I am afraid that I am sensationalizing only slightly. The article by Steven Pinker in the Times' Magazine did not go quite so far as to openly recommend the murder of infants, and printing the article did not constitute the Times' endorsement of the idea. But close enough, close enough.

What Pinker, a professor of psychology at the Massachusetts Institute of Technology, wrote and what the Times treated as a legitimate argument, was a thoroughly sympathetic treatment of this modest proposal: Mothers who kill their newborn infants should not be judged as harshly as people who take human life in its later stages because newborn infants are not persons in the full sense of the word, and therefore do not enjoy a right to life. Who says that life begins at birth?

"To a biologist, birth is as arbitrary a milestone as any other," Pinker breezily writes. "No, the right to life must come, the moral philosophers say, from morally significant traits that we humans happen to possess. One such trait is having a unique sequence of experiences that defines us as individuals and connects us to other people. Other traits include an ability

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Michael Kelly, former editor of the *New Republic*, is a senior writer at *National Journal*. The above appeared as an Op-Ed column in the *Washington Post* (November 6, 1997) and is reprinted here with permission (© 1997, Washington Post Writers Group).

to reflect upon ourselves as a continuous locus of consciousness, to form and savor plans for the future, to dread death and to express the choice not to die. And there's the rub: our immature neonates don't possess these traits any more than mice do."

Pinker notes that "several moral philosophers have concluded that neonates are not persons, and thus neonaticide should not be classified as murder," and he suggests his acceptance of this view, arguing that "the facts don't make it easy" to legitimately outlaw the killing of infants.

Pinker's casually authoritative mention of "the facts" is important. Because Pinker is no mere ranter from the crackpot fringe but a scientist. He is, in fact, a respected explicator of the entirely mainstream and currently hot theory of evolutionary psychology, and the author of "How the Mind Works," a just-published, doubtlessly seminal, exceedingly fat book on the subject.

How the mind works, says Pinker, is that people are more or less hard-wired to behave as they do by the cumulative effects of the human experience. First cousins to the old Marxist economic determinists, the evolutionary psychologists are behavioral determinists. They believe in a sort of Popeye's theory of human behavior: I do what I do because I yam what I yam because I wuz what I wuz.

This view is radical; it seeks to supplant both traditional Judeo-Christian morality and liberal humanism with a new "scientific" philosophy that denies the idea that all humans are possessed of a quality that sets them apart from the lower species, and that this quality gives humans the capacity and responsibility to choose freely between right and wrong. And it is monstrous. And, judging from the writings of Pinker and his fellow determinists on the subject of infanticide, it may be the most thoroughly dishonest construct anyone has ever attempted to pass off as science.

Pinker's argument was a euphemized one. The more blunt argument is made by Michael Tooley, a philosophy professor at the University of Colorado, whom Pinker quotes. In his 1972 essay "Abortion and Infanticide," Tooley makes what he calls "an extremely plausible answer" to the question: "What makes it morally permissible to destroy a baby, but wrong to kill an adult?" Simple enough: Personhood does not begin at birth. Rather, "an organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity."

Some would permit the killing of infants "up to the time an organism learned how to use certain expressions," but Tooley finds this cumbersome and would simply establish "some period of time, such as a week after

birth, as the interval during which infanticide will be permitted.”

And Tooley does not bother with Pinker’s pretense that what is under discussion here is only a rare act of desperation, the killing of an unwanted child by a frightened, troubled mother. No, no, no. If it is moral to kill a baby for one, it is moral for all. Indeed, the systematic, professionalized use of infanticide would be a great benefit to humanity. “Most people would prefer to raise children who do not suffer from gross deformities or from severe physical, emotional, or intellectual handicaps,” writes eugenicist Tooley. “If it could be shown that there is no moral objection to infanticide the happiness of society could be significantly and justifiably increased.”

To defend such an unnatural idea, the determinists argue that infanticide is in fact natural: In Pinker’s words, “it has been practiced and accepted in most cultures throughout history.” This surprising claim is critical to the argument that the act of a mother killing a child is a programmed response to signals that the child might not fare well in life (because of poverty, illegitimacy or other factors). And it is a lie.

In fact, although millions of mothers give birth every year under the sort of adverse conditions that Pinker says trigger the “natural” urge to kill the baby, infanticide is extremely rare in all modern societies, and is universally treated as a greatly aberrant act, the very definition of a moral horror. The only cultures that Pinker can point to in which infanticide is widely “practiced and accepted” are those that are outside the mores of Western civilization: ancient cultures and the remnants of ancient cultures today, tribal hunter-gatherer societies.

And so goes the entire argument, a great chain of dishonesty, palpable untruth piled upon palpable untruth. “A new mother,” asserts Pinker, “will first coolly assess the infant and her situation and only in the next few days begin to see it as a unique and wonderful individual.” Yes, that was my wife all over; cool as a cucumber as she assessed whether to keep her first-born child or toss him out the window. As George Orwell said once of another vast lie, “You have to be an intellectual to believe such nonsense. No ordinary man could be such a fool.”

## Tough Talk on “Neonaticide”

George McKenna

I don't read the *New York Times Magazine* much anymore. It's gotten so full of color splashes and jazzy little boxes and sidebars that it gives me vertigo. I always mean to read it, since I paid for it, but I just don't get around to it. It goes into a wicker basket for a while with the other newspapers, and then out the door. The town collects it.

But not long ago a friend caused me to rescue a November issue from my basket when she told me about an article by Steven Pinker, a psychology professor at Massachusetts Institute of Technology. The piece was called, “Why They Kill Their Newborns,” and it argues that we shouldn't be too shocked when young women like Amy Grossberg and Melissa Drexler drown their newborn infants in toilets or throw them into garbage cans, because it's sort of natural to do that. It's unfortunate, of course. “Nothing melts our heart like a helpless baby.” And, yes, “killing a baby is an immoral act.” But we humans are hard-wired to kill our newborns when necessary; that's what mothers did in ages past during famines, and the tough-minded women who did it survived and passed on their tough genes to us.

Indeed, we wouldn't be here if they didn't do it. “We are all descendants of women who made the difficult decisions that allowed them to become grandmothers in that unforgiving world, and we inherited that brain circuitry that led to those decisions.”

Let's follow the argument. Killing newborn infants is immoral but not unnatural because the genes that trigger certain kinds of infanticide are necessary for long-term survival of the race. So it is *rational*—rational, at least, if we think in centuries. But if it is rational, how can it be bad? If its result has been the survival of the race, isn't that good? So, wait a minute now . . . maybe it was good back then but bad now? Pinker is aware, of course, that Amy Grossberg and Melissa Drexler were not suffering from famine; one of them was at her school prom at the time. The two of them, then, must be murderers, because genes don't force middle-class suburbanites to kill their children. Is that the drift of the argument?

No, that's not it at all. The argument, rather, is that Amy Grossberg and

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Melissa Drexler *may* not have killed actual, fully-human children. What they killed were “neonates,” newly-born children. Like “fetuses,” neonates aren’t really persons. What defines us as human is certain kinds of mental activity, including “an ability to reflect upon ourselves as a continuous locus of consciousness, to form and savor plans for the future, to dread death and to express the choice not to die.” At least that’s what he says certain “moral philosophers” have concluded, and he doesn’t seem to find anything wrong with their conclusion.

I was troubled when I read this. It seemed to me to be raising the bar awfully high. I reflected that on a bad day I have trouble meeting some of these criteria, and I shuddered to think what might happen if they were ever used as a test of personhood for the residents of our nation’s nursing homes, asylums, and city shelters.

Then I remembered that there was something strangely familiar about these criteria. A few years ago I published an article in *Atlantic Monthly* (later reprinted in this journal) in which I suggested that abortion defenders resort to euphemisms—they talk about their “procedure” because they have a bad conscience about dealing death to unborn human beings. The response was, well, spirited. Back came more than 500 letters, and running through most of them was a common theme: “Fetuses aren’t human!” One correspondent compared them to “mice, cockroaches, bacteria, and viruses.” Another, more along the lines of Pinker, said that they are not *fully* human because they don’t have “ideas, passions, desires, hopes, memories, expectations, intentions.”

Here again are those elevated tests, only applied to unborn children. Pinker wants them applied to the already-born. And when they are applied, “neonates,” like fetuses, flunk.

**T**he fact that the *Times* published such an article seems puzzling at first, since it lends so much aid and comfort to the *Times*’ arch-enemies, right-to-lifers. Since *Roe v. Wade* in 1973, prolife spokesmen have been making the “slippery slope” argument: if you deny personhood to the unborn, you will soon be doing it to the already-born. “Nonsense,” scoffed the pro-choicers. “There’s a bright line between born and unborn. Unborn is inside, born is outside. Unborn is part of a woman, or at least intruding on her space; born is out of her.” Now comes Professor Pinker, moving the line right into the nursery, between older babies, who can “reflect upon [themselves] as a continuous locus of consciousness, to form and savor plans for the future, to dread death and to express the choice not to die,” and neonates, who can’t do all that stuff.



And when does that mental activity start? At a year, two years, three, three-and-a-half, four? Now the slope is *really* slippery, and absolutely seamless. As Michael Kelly, once himself a *Times* writer, noted in the *Washington Post* a few days after Pinker's piece appeared, his argument seems to confirm the most pessimistic predictions of the right-to-lifers, predictions Kelly himself had once dismissed as implausible. Shocked and angered by the article, Kelly called it "monstrous."

That caused Pinker to write an indignant letter back to the *Post* calling Kelly's critique "grossly irresponsible." I said infanticide was "immoral," Pinker wrote. All he was trying to do, he explained, was to help readers understand why society is more forgiving of those who kill neonates than it is of killers of older children. It all has to do with "nature." It is "natural" in some circumstances for mothers to kill newborns, and at some level we all sense that. Quoting from his article, he reiterated: "Nature does not dictate what we should accept or how we should live our lives . . . Science and morality are separate spheres of reasoning."

Let's talk about morality and nature, and the place to start is the word *immoral*. So degraded has our ethical language become that the word today means something like "naughty." Moreover, it has taken on a largely sexual connotation, and that usually means naughty but nice. ("Lover, it's immoral/But why quarrel with our bliss/When two lips of coral want to kiss?") To say, then, that killing your newborn child is "immoral" is like saying, "you really shouldn't do that."

But Pinker's admonition is even softer. It says: "You really shouldn't do that, but I understand. Mind you, I don't say 'forgive.' But I do understand, because, after all, it's only natural." To pretend, as Pinker does, that the word "natural" has no ethical resonance, that our modes of thinking about nature and about ethics belong in totally "separate spheres," is to ignore a long tradition in Western thought. The two spheres have been regularly leaking into each other since the ancient Greeks struggled over *physis* and *nomos*. The leakage continues today.

To call someone's behavior "unnatural" is to invite a punch in the nose, or at least a complaint to the U.S. Commission on Civil Rights. Indeed, I suspect that the division between ethical and "natural" is probably not entirely air-tight in Pinker's own mind. What outrages him most about Kelly's *Washington Post* critique is Kelly's characterization of his argument as "monstrous." (Pinker refers to it more than once, even accusing Kelly of calling *him* a monster.) What "monstrous" means is "out of the ordinary course of nature."

Nobody likes to be out of the ordinary course of nature, because nature is more than a scientific fact; nature is a value. And for some, who don't have any other around, nature is a god. That, I think, more than anything, helps us understand where Pinker is coming from. Take all the weasel phrases out of his argument, all the lines on the order of, "Oh, I know it's immoral," and the argument comes to this: Mother Nature has decreed that newborns sometimes have to be sacrificed, and we humans probably wouldn't be here if Mother's decree weren't followed. Yes, newborns are cute, but they aren't quite human. Killing them is immoral according to the norms of our society. But what are these man-made laws compared to the Eternal Laws of Nature, laws that protect the long-run survival of the Race?

It is, truly, a monstrous argument. But why should the New York *Times* want to publish it? As we say, it appears to bear out the scariest predictions of right-to-lifers. Maybe the editors published it simply because they thought it was interesting—isn't that enough of an answer? Not quite, because that just puts off answering the real question. In recent years the *Times* has become a highly tendentious newspaper. It has an agenda, and high on that agenda is the protection and expansion of "abortion rights." So we have to come back to *why* the *Times*' editors might have considered this article so interesting. Why would they want to publish a piece that clearly flirts with infanticide and thus gives right-to-lifers the chance to say, "I told you so"?

I will try out my own, purely speculative, answer. My hypothesis is that the *Times*, which Kelly rightly characterizes as "the closest thing we have to the voice of the intellectual establishment," is trying a new tack in the abortion debate: tough talk.

Until now, it has been all compassion. Compassion, which Rousseau defined as our "innate repugnance at seeing a fellow creature suffer," is a sentiment that has fueled many public crusades in America, from prison reform and abolition in the nineteenth century to the civil rights and anti-war movements in this century. But no movement has played more skillfully on the public's heartstrings than the abortion movement. From the outset of the controversy it has conjured up images of women suffering and dying from illegal "back alley" abortions.

They claimed that thousands of women died each year before *Roe v. Wade*, from botched abortions done by amateurs, or by self-administered ones. (Their emblem was the coat hanger.) The claims, we know, were wildly at variance with the facts. Ninety percent of illegal abortions were

done by licensed physicians, not grannies, and the number of women who died was not in the thousands; in 1972, the year before *Roe*, it was 39. (Today there may be many more women getting killed and maimed from legal abortions—performed by cash-up-front butchers—than there were from doctors before *Roe*.)

Anyway, facts didn't matter; didn't matter to the abortion movement, which simply made up numbers, and didn't matter to reporters, who gullibly passed them along to the public. What mattered was the big picture, the image of women as victims of antiquated laws, heartless politicians, meddling clerics.

Whenever opponents of abortion tried to counter this with talk of the victims of abortions, it never seemed to work. "They aren't babies!," the pro-choicers shouted. "They are fetuses, embryos, zygotes, ova, blobs of tissue, parasites, products of conception." (In a burst of lyricism, one described them as "the fertilized entrails of women.")

But then something unexpected happened. In 1994, pro-life groups began circulating some clinical-looking drawings. Arranged in a panel, they showed what at first appears to be a breach delivery. But when the baby, pulled by forceps, is nearly out, a pair of hands is seen jabbing a scissors into the back of the baby's head. In the last panel the baby is dangling from the vagina, arms limp, and a tube, inserted into the head wound, is sucking out his brains. When I first saw this I angrily pushed it away, thinking it was the work of some nutty fringe group; things like that don't happen in America. I soon discovered, however, that it was being distributed by the not-nutty National Right to Life Committee, and that what it depicted was an actual procedure; indeed the accuracy of the drawings was conceded by one of the doctors who pioneered in the procedure.

Within a year these drawings, much enlarged, had shown up on the floor of the House of Representatives. Abortion defenders were hysterical. They had done everything they could to prevent them from being shown, even requiring a special vote. Who could blame them? These were horrible pictures. They depicted something obscene and unspeakable being done to babies about to be born—and it was happening not in some benighted country far away but right here in the United States. Now the pro-choice spokesman, who had always sought our compassion for "victims," had to defend a procedure that looked very much like an act of infanticide.

It could not even be honestly discussed without evoking horror. For the *New York Times* it was literally unspeakable. It referred to it only in strange elliptical language: it was "a certain kind of late-term abortion," a "rarely

used procedure,” “a procedure known technically as D and X.” As for the pictures themselves, mainstream news channels for the most part refused to carry them, but they started leaking to the public (or at least some publics) through various backchannels.

Attempts were made to “answer” the pictures. The procedure was “rarely used,” said the *Times*, maybe a few hundred cases a year. Then a reporter from a New Jersey paper found 1500 cases in her state alone, and the abortion lobbyist who was the source of the *Times*’ low figure later admitted that he had “lied through my teeth.” Another defense was that it was used only in cases of deformed babies (Betty Friedan called them “monsters”), as if that made a difference. But doctors who performed the procedure admitted that it was commonly used on healthy babies of healthy mothers. Another fib: the babies weren’t really killed by the procedure itself but by the anesthesia given to the mothers; this was promptly and indignantly denied by the American College of Anesthesiologists. Then there was the “health of the mother”: Bill Clinton suggested that mothers would be “ripped to shreds” if forced to bear hydrocephalic babies. Obstetricians knew that this was nonsense, that the cranial size of babies can be reduced without killing them. In the end, even the normally pro-choice American Medical Association weighed in, saying that partial-birth abortion is not an accepted medical procedure.

When even pro-choice Senator Daniel P. Moynihan, much respected by the *Times*, called the procedure “too close to infanticide,” then possibly something gave way in the editorial offices. “Maybe,” maybe somebody thought—a lot of maybes here—“maybe it is infanticide. So what?” Now I will try to map out where the thinking went from there.

- *Major premise*: Infanticide is the murder of a newly-born human being. Therefore, if partial-birth abortion is infanticide, it follows that partial-birth abortion is murder.

- *Policy implications*: Since civilized societies don’t tolerate murder, if partial-birth abortion is murder it should be banned. However, if we go along with a ban, it will open the door to further abortion restrictions, and the next thing you know all abortion rights will disappear. Therefore, we cannot agree to ban partial-birth abortion.

- *Editorial ruminations*: But the facts are pushing us very hard toward the conclusion that Moynihan may be right: abortion is indeed very close to infanticide, if it isn’t already there. So maybe the best way out is to take a harder look at that major premise. Does infanticide really kill a full-fledged human being? Hasn’t Professor Pinker said something about this? Do we have his number?

The reason so many sensitive pro-choice people have been in denial about partial-birth abortion is that it screams out for our compassion, our “innate repugnance at seeing a fellow-creature suffer.” A nurse who testified at a congressional hearing on partial-birth abortion was in tears as she related what she saw at a clinic: “The doctor delivered the baby’s body and arms, everything but his little head. The baby’s body was moving. His little fingers were clasping together.” When the doctors inserted the scissors into the baby’s head, “the baby’s arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall.”

The people in the command-posts of our culture are very compassionate; some of them can’t bear to think of animals being slaughtered. So how can they handle *this*?

The only way I can think of is to find somebody with scientific credentials who can blur the line between “neonates” and real persons. Somebody who can talk tough. American social thought generally tends toward compassion for the weak, but there are counter-currents. Social Darwinism at the close of the 19th century stressed the need to be tough, and the “tough” tradition continued to develop in the early decades of this century. William Graham Sumner was tough in the 1880s when he said that the best thing to do for a bum sleeping on the sidewalk in mid-winter is to make sure he stays there; let Nature reclaim him. Justice Oliver Wendell Holmes was tough in 1927 when he allowed the State of Virginia to forcibly sterilize a “feeble-minded” woman. “It is better for all the world,” Holmes wrote, “if instead of waiting to execute degenerate offspring, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.”

For a time, this kind of language went out of vogue in American intellectual circles, but the controversy over partial-birth abortion may revive it, if only as a last-ditch defense against the charge of infanticide.

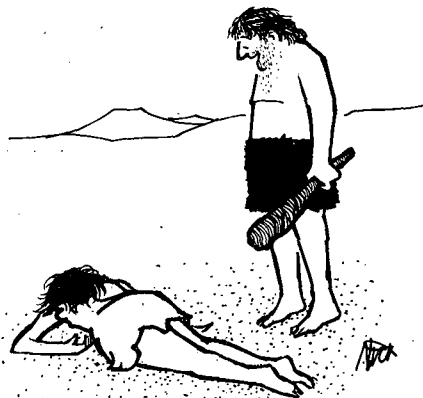
What’s the big deal about infanticide? It has “been practiced and accepted in most cultures throughout history,” Pinker says. He understands how sentimental we are. “Nothing melts the heart like a helpless baby.” But we probably wouldn’t be here today if mothers hadn’t made some hard decisions. Pinker knows how to talk tough, and his tough talk, as we have seen, would toughen the standard for full membership in the human race.

Perhaps there will be more such talk in the pages of the *Times*. In reference to human cloning, for example, a recent *Times* article claimed that procedures that seem shocking and outrageous soon get accepted and even welcomed.

GEORGE MCKENNA

Maybe that will happen in the case of infanticide. If it does, it ought to lift the siege over partial-birth abortion. A heavier burden of proof would be now loaded on its opponents; they would now have to show not just that the procedure kills infants, but that "neonates" really deserve to be called human.

This would be a victory for the pro-choice side. But does anyone, even someone determined to protect "abortion rights," want to win that kind of victory? At that price?



*'You don't have to answer right away, but  
promise me you'll think about it.'*

THE SPECTATOR 5 October 1996

## It's OK to kill babies? And that's fit to print?

*John Ellis*

**"I**t was," said my brother-in-law, "the single most disturbing piece I've read in a newspaper in a long, long time."

My brother-in-law is given to hyperbole on occasion, but not this time. The piece in question appeared in the Nov. 2 edition of *The New York Times Sunday Magazine*. Therein, one Steven Pinker, professor of psychology at the Massachusetts Institute of Technology, basically argued that the indefensible—baby-killing—was not indefensible.

Pinker is the author of *"How the Mind Works,"* a newly published and supposedly seminal work on the theory of evolutionary psychology. He is a man of stature in his academic field and enjoys the respect and admiration of his colleagues. His piece ran in the most prestigious newspaper in the world. His views on infanticide, apparently, are no longer considered outside the mainstream.

We're a long way down a wrong road. The reaction to Pinker's rationalization of infanticide was a deafening silence. Only Michael Kelly, former editor of *The New Republic* and now a weekly columnist for *The Washington Post*, raised his voice in protest. A Lexus/Nexus search of commentary in the days and weeks following publication of Pinker's piece revealed "no matches," because no one, apparently, deemed it worthy of discussion.

Kelly bluntly summarized Pinker's view of infanticide in his *Washington Post* column of Nov. 6: "Mothers who kill their newborn infants should not be judged as harshly as people who take human life in its later stages because newborn infants are not persons in the full sense of the word, and therefore do not enjoy a right to life." As Kelly rightly points out, Pinker breaks new ground here, arguing that life does not necessarily begin at birth.

This is a very radical argument. Just how radical becomes more clear the deeper one delves into Pinker's essay. "To a biologist," Pinker writes, "birth is as arbitrary a milestone as any other. . . . The right to life must come, the moral philosophers say, from morally significant traits that we humans happen to possess. One such trait is having a unique sequence of experiences that define us as individuals and connect us to other people. Other traits include an ability to reflect upon ourselves as a continuous

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locus of consciousness, to form and savor plans for the future, to dread death, and to express the choice not to die. And there's the rub: Our immature neonates don't possess these traits any more than mice do."

Pinker goes on to point out that "several moral philosophers have concluded that neonates are not persons, and thus neonaticide should not be classified as murder." As Kelly rightly points out in his withering critique, Pinker basically concurs with these "moral" philosophers. Says Pinker: "The facts don't make it easy" to legitimately outlaw the killing of infants.

This is incredible stuff. To argue that "the facts don't make it easy" to outlaw legitimately the killing of infants is profoundly troubling on almost every level. And yet, there it was, in the paper of record for your Sunday morning reading pleasure.

More incredible was the deafening silence that followed the column. Imagine for a moment that a distinguished MIT professor had written a piece in the The New York Times Sunday Magazine arguing that doctors who perform partial-birth abortions should be arrested on charges of second-degree murder. A majority of Americans believe partial-birth abortion is morally proximate to murder, and not without reason.

Such an article, in the unlikely event of its publication, would have caused an uproar. The editors of the magazine would have been inundated with faxes, letters, e-mails, and phone calls. Subscriptions would have been canceled in protest. Newspaper columns would have been written expressing outrage and consternation. Liberal commentators would have scolded the Times for even allowing such "right-wing hate-mongering" to be included in its pages. West 43rd Street (home of the Times) would have been under siege.

But publish an article that basically advocates the decriminalization of infanticide, and the media world yawns before moving blithely on to the next thing. The right-to-life movement has long argued that once society adapts to the idea of aborting fetuses, it would soon entertain the idea of killing infants.

This argument used to be thought specious, a non sequitur, doom-saying of the overworked imagination. Judging from Pinker's article and the subsequent media reaction, it must now be regarded as true.



## Of babies and mice

*Joseph Farah*

Sometimes I have to pinch myself and ask what country I'm living in. Is this really the end of the 20th century? With all the wisdom of the ages to draw upon, how have we become so lost?

The last time I got this feeling was after reading a ghoulish, post-Halloween New York Times Magazine article by Steven Pinker, a professor of psychology at the Massachusetts Institute of Technology. I'm still recovering from the shock. And I'm amazed that there hasn't been, in the weeks following the Nov. 2 publication of this piece in the nation's newspaper of record, more outspoken reaction.

Pinker's contention is that infanticide is not necessarily wrong. That's right. You heard me correctly. An MIT scholar, writing in the New York Times, is advocating that we open our minds to the legalization of child sacrifice here in America.

"To a biologist, birth is as arbitrary a milestone as any other," he writes.

Babies aren't really people, he says, because they don't have "an ability to reflect upon (themselves) as a continuous locus of consciousness, to form and savor plans for the future, to dread death and to express the choice not to die. And there's the rub: Our immature neonates don't possess these traits any more than mice do."

Thus, Pinker argues that those who kill a newborn should not be punished as severely as those who kill older children. I'm not joking.

"Several moral philosophers have concluded that neonates (infants) are not persons, and thus neo-naticide (killing an infant) should not be classified as murder," he explains.

So what are the ramifications of such a position—such a realization? Pinker thinks we should move as a society toward a moral code in which, "A new mother will first coolly assess the infant and her situation," and then decide whether the baby lives or dies.

Now, is Pinker a lone crackpot the New York Times found under some rock simply to provoke controversy? Not at all. He's got allies. He is at the cutting-edge of a movement. His position is an illustration of the slippery slope upon which the entire pro-abortion philosophy rests ever so

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precariously.

Michael Tooley, a philosophy professor at the University of Colorado, also argues in favor of infanticide. He thinks there should be "some period of time, such as a week after birth, as the interval during which infanticide will be permitted." Others in this school of thought say parents should be able to kill their children "up to the time the (baby) learns to use certain expressions."

Tooley would particularly target those children "suffering from severe physical, emotional, or intellectual handicaps." Sacrificing such babies on the altar of expediency would mean "the happiness of society could be significantly and justifiably increased."

Remember how happy we were all going to be when we eliminated unwanted children through abortion? A panacea was on the horizon, we were told. Utopia was around the corner. Poverty would be eliminated.

Is it any wonder we have kids ditching babies in high school restrooms when moral midgets like Tooley and Pinker are laying an intellectual and philosophical groundwork for them as pioneers?

But what's this all about, anyway? Why is the New York Times providing a platform for such a bizarre point of view? And why now? I'll tell you why.

A debate about abortion has been raging in this country for more than 25 years. Until very recently, the pro-abortion side argued that we really didn't know if it was a life inside that womb. It was an intellectually and scientifically bankrupt claim when it was first made, but recently—thanks to ultrasound and other neo-natal technology, it has become a total sham.

So the ground shifted. The goal remained the same—the extinction of unwanted human life. But a new argument was needed—particularly with tough debates ahead such as late-term "partial-birth abortions."

I don't believe this is a debate Pinker, Tooley, et al. expect to win in the next six months. Instead, they are laying the foundation for a new pro-death social movement of the future. They are, like their pro-abortion predecessors, chipping away at our nation's moral standards. After enough doubts have been raised in people's minds, a court case will follow. And just like that, children's inalienable right to life, liberty and the pursuit of happiness will be null and void.

Pay attention. The debate is being waged now. The seeds of a movement are being planted. Once again, the value of life is about to be reduced. Am I the only one fearful for the fate of our nation and world if we continue down this road?

## APPENDIX A

*[The following column appeared in the New York Post on October 5, 1997, and is reprinted here with permission. Mr. Kerrison's columns are not syndicated.]*

### **Gore's bizarre Rx for global warming—Fewer kids**

*Ray Kerrison*

Ever since he vaulted into national prominence as vice president, Al Gore has said so many strange things that it raises the question whether he is an uncertified wacko. The suspicion took on new meaning last week when Gore lectured more than 100 weather forecasters at the White House on such climatological horrors as global warming, greenhouse gases and glacial melt.

"You're in the business of saving lives," he told the startled weather-guessers. "Thank you for your profoundly important work. Thank you for your leadership." Who would ever have believed it? Al Roker, Mr. G., Sam Champion, Nick Gregory and all those other TV meteorological babblers are lifesavers, right up there with doctors, nurses and Mother Teresa.

They sure fooled me.

After that warmup, Gore really rocked 'em. He made the bizarre claim that Third World countries were threatening the safety of the planet by having too many children. He said they were to blame, in part, for the phenomenon of global warming—the alleged slow rise in the earth's average temperature over the past 100 years.

Gore then offered the solution: cut population growth in those countries by encouraging birth control and abortion.

Not even Jay Leno, the "Tonight Show" host, could believe his ears. "Did you hear what the vice president said?" he asked his audience incredulously. "That people are heating up the world by having too much sex?"

The veep's advice, "Slow down."

It's not the first time Gore has stunned audiences.

Last year, he stopped the country in its tracks with a spellbinding story of how his sister died from lung cancer in 1984, adding, "Until I draw my last breath, I will pour my heart and soul in the course of protecting our children from the dangers of smoking."

It was then disclosed that as late as four years after his sister's death, Gore was not only still taking money from the tobacco lobby and growing tobacco on the family farm, but actually had boasted about it.

"I've hoed it, I've chopped it, I've shredded it, spiked it, put it in the barn and stripped it and sold it," he told an audience in 1988.

You have to admit that's weird stuff. Does he live in a fantasy land?

Gore wrote a book about the environment, claiming that the most dangerous invention in the history of mankind was the automobile.

If he had his way, we'd all be driving around in a horse-and-buggy and

## APPENDIX A

traveling interstate by stagecoach.

There is no end to Gore's problems. In the funny-money scandal investigation, the vice president was hopelessly afflicted with amnesia, unable to remember dozens of fund-raising calls from his office.

He went to a Buddhist temple in California, jammed with monks and nuns who'd taken poverty vows, and had no idea it was a fund-raising event. The poor soul doesn't know what's going on under his own nose.

As a result, the shadow of a special prosecutor now hangs over his head. To add to his concerns, his poll ratings have plunged alarmingly.

But his nutty pitch to the weather forecasters was startling.

In the first place, there is no scientific proof that the earth is threatened by warming temperatures. It is, at this point, a theory only, with opposing views in the scientific community.

In fact, global temperatures have risen by only one-half to one degree in the past 100 years. Few people outside Al Gore are losing sleep over it.

Gore's real obsession is that world population is out of control—a hoary fiction first promulgated in the 18th century by Thomas Malthus, the English economist and sociologist. Doomsayers have been echoing his fears ever since. Gore is just the latest to jump aboard the bandwagon.

"The developing countries still have very, very large families," he said ominously. One way to fix it, he suggested, was through the "availability of birth control information and culturally appropriate and acceptable techniques."

He said an additional factor was "the empowerment of women—socially, politically and in the context of the family to participate in the decisions about childbearing."

In a word—abortion. It is a fundamental plank of the Clinton administration that abortion is an important part of the overall approach to population control.

It's one thing for the vice president to be loopy about cars and phone calls, something else to be the arbiter of world family planning.

Who is this arrogant, white elitist in Washington to presume to lecture the millions in Africa, Asia and South America about how many children they should have? Who is he to hold aloft an unproven premise, then accuse the developing nations of endangering the world by having children?

What does the Rev. Jesse Jackson have to say about the vice president condemning his brothers and sisters in Africa for their child-bearing ways?

Who is Al Gore to play God? In the beginning, God commanded man and woman "be fertile and multiply; fill the earth and subdue it."

Gore knows better. He told the forecasters, "We're actually beginning to experience some good news around the world with the beginnings of a stabilization of world population."

What God started, Gore is going to finish.

Only a wacko would dare to suggest that a woman giving birth to a baby made in God's image and likeness is a threat to the safety of planet earth.

## APPENDIX B

*[The following syndicated column appeared in the New York Post (November 9, 1997) and is reprinted here with the Post's headline and subhead (as with most columns, these vary from paper to paper). It is reprinted here with permission (© 1997, The Washington Post Writers Group).]*

### **From Abortion to Infanticide**

*Science and philosophy debunk claims that the fetus is nothing*

*George Will*

Ho-hum. It is becoming the sort of story that no longer rates much notice as news. The New York Times accorded it seven paragraphs at the bottom of an inside page, beneath this headline:

*Girl, 15, Accused of Letting*

*Her Daughter Drown at Birth*

This is another case of a newborn baby consigned to the garbage, like the one whose brief life began and ended in a Delaware motel room last November, when the baby's parents, both college students, were away from their campuses. The Times story concerns another baby that was born and died in a bathroom, like the one in New Jersey whose birth and brief life recently interrupted, but only for a matter of minutes, the mother's prom.

This most recent (that we know of) instance of infanticide occurred in Queens. The Times reports that "Ms. Martinez told investigators she gave birth while sitting on the toilet. Ms. Martinez told them that she let the baby fall into the water, where her daughter cried for several seconds while her arms and legs flailed."

Judith Martinez has been arraigned on murder charges, as has the New Jersey prom mother and both parents in the Delaware case. These should make for interesting trials, given that: If, as soon as the baby's skull appeared, Martinez had opened a hole in the skull and extracted the brains, the most she could be charged with is practicing medicine (specifically, a partial-birth abortion) without a license.

New York, New Jersey and Delaware must distinguish the salient differences between the kind of infanticide their state laws proscribe and the kind President Clinton protects with his vetoes of the ban on partial-birth abortions. Meanwhile, California's Supreme Court has given the nation fresh food for thought about legal and moral issues pertaining to very young life.

That court has held that Mikayla Snyder, who is 3 years old, can sue her mother Naomi's former employer for injuries (including permanent damage to Mikayla's brain and nervous system) that she, Mikayla, received four years ago. That is, she can sue for damages for injuries received in utero when her mother, as a result of the employer's negligence, breathed carbon monoxide in amounts toxic to both mother and daughter.

## APPENDIX B

Or toxic to mother and fetus. Or toxic to (in language preferred by some pro-abortion advocates) mother and “fetal material.”

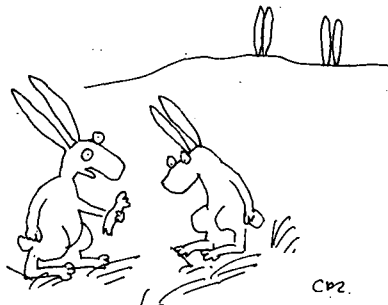
By its ruling, the court unanimously abandoned a prior doctrine that only the mother could seek compensation for workplace injuries because a fetus is “inseparable” from its mother. The court’s new ruling turns on a physiological fact:

“Biologically, fetal and maternal injury have no necessary relationship. The processes of fetal growth and development are radically different from the normal physiological processes of a mature human. Whether a toxin or other agent will cause congenital defects in the developing embryo or fetus depends heavily not on whether the mother is herself injured, but on the exact stage of the embryo or fetus’s development at the time of exposure, as well as on the degree to which maternal exposure results in embryonic or fetal exposure.”

However, physiological facts can contribute to philosophical conclusions. Since 1872 California law has held that “a child conceived, but not yet born, is deemed an existing person, so far as necessary for the child’s interests in the event of subsequent birth.” Now California’s court has said this: Although it is “tautologically true” that a fetus is “inseparable” from its mother, the fetus is legally distinguishable. It seems to have, in the logic of the law, attributes of a *person*.

Verily, it has the attributes of an American person, because it can have a lawyer, retroactively. The appellate attorney for Naomi and Mikayla Snyder, Paige Leslie Wickland, told the Los Angeles Times that the court’s change of law might be explained by the fact that now three of the court’s seven justices are women: “This may be an example of women having a different perspective on issues that concern children and the family.”

If it is true that women are especially disposed to think about the fetus as a distinguishable and injurable person, that is full of potential for a rethinking of abortion policy. However, serious conclusions about the moral significance of physiological facts cannot be mere sentiments contingent upon gender. Rather, such conclusions must be grounded in philosophy informed by science. Today science and philosophy are tugging law away from the comforting premise of the abortion culture, that a fetus is nothing.



*'It's a Lucky Rabbit's Foot.  
Lucky it's not mine!'*

THE SPECTATOR 29 November 1997

## APPENDIX C

[Maggie Gallagher is a nationally-syndicated columnist, and the author of *The Abolition of Marriage* (Regnery Publishing, 1996), which established her credentials as an expert witness on the effects of divorce. That is why we asked her to comment on an Op-Ed piece in the *New York Times* (October 28, 1997). Herewith her reply.]

### Splitting Is the Difference

Maggie Gallagher

For most serious academics, the question of whether or not children are hurt by our high rates of divorce and illegitimacy has been answered. The social-science literature is now replete with instances of family scholars who—though in the late seventies and early eighties they viewed high rates of divorce and illegitimacy with optimism—now express concern about the growing number of single-parent families. Paul Amato, whose earlier work is often cited by the dwindling band of determinedly-optimistic advocates of “family change,” is the latest example of such a scholarly change-of-heart. In his just-published book, *A Generation at Risk* (written with Alan Booth), Amato concludes, after a careful review of the literature, that “the rise in marital disruption, although beneficial to some children, has, in balance, been detrimental to children. Furthermore, if the threshold of marital unhappiness required to trigger a divorce continues to decline, then outcomes for children of divorced parents may become more problematic in the future.”

Of all the various ways that their parents’ divorce or failure to marry hurts children, one of the worst and most well-established is financially: on average, children raised by single parents endure a lower standard of living, and far higher rates of poverty, than do children whose parents get and stay married.

Which is why I, along with many other participants in the so-called family debate, was so surprised to wake up one morning and read on the Op-Ed pages of the *New York Times*, the extraordinary statement by two academics to the effect that “marriage has fewer benefits and some surprising costs to people living in poverty” (*When the Marriage Penalty Is Marriage*, October 28).

The article, written by Stephanie Coontz and Donna Franklin, states: “According to the Census Bureau, even if we reunited every single child in the United States with both biological parents, a move that would clearly not be healthy for children in many instances, two-thirds of the children who are poor today would still be poor, because their fathers and mothers do not earn enough to lift them out of poverty.” In the inaugural issue of the Institute for American Values newsletter, *Propositions*, my colleague David Blankenhorn sought to pin down the Census Bureau study of which Coontz and Franklin speak. “I spoke to information analysts in the Bureau’s marriage and family statistics branch, its income and poverty statistics branch, and its Public Information Office, and they were all mystified,” he writes. “For starters, the Census Bureau does not even attempt

#### APPENDIX C

to collect information on the earnings of the non-resident fathers of children in mother-headed households. Moreover, even if they had this information, such a dramatically speculative conclusion—if one thing were to happen, then another thing would be true—is completely outside the purposes, competence, tradition, and methodology of the Census Bureau.”

Furthermore, he points out, Ms. Franklin’s own new book, *Ensuring Inequality*, contains extensive evidence that the decline of marriage has played a major role in the impoverishment of black children. Though she is pessimistic about the possibility of ever reviving a marriage culture, she nonetheless cites as part of “the mounting evidence against the desirability of single parenting” that political, cultural and demographic forces “increased the number of births to younger, unmarried black women, thereby boosting the proportion of all births occurring outside of marriage. These out-of-wedlock births then contributed to the exponential growth of black mother-only families in succeeding decades. It is now clear that increased childbearing among younger black women has widened the social and economic divisions within the black community by generating an ever-larger proportion of black children born into poverty.” Franklin’s conclusions are not surprising: though some scholarly debate remains about the relative effects of, say, divorce and marital quality on the psychological well-being of children, the fact that intact marriages provide economic protection for children is uncontested by serious scholars (and, I suspect, single mothers).

Consider just a few pieces of evidence: in 1990, the median income for unwed mothers was \$8,337, almost half that of divorced mothers, and less than one-fourth the income of married mothers.

Overall, Sara McLanahan and Gary Sandefur attest in their 1994 book *Growing Up with A Single Parent*, divorce lowers the average child’s standard of living by one-third, and for children who were not poor to begin with, by half.

When it comes to deep and enduring poverty, the benefits of marriage are even larger. A child born outside of marriage is thirty times more likely to live in persistent poverty than a child whose parents got and stayed married, according to research published by Columbia University’s National Center for Children in Poverty. Overall, 60 percent of children whose mothers never married will be poor for most of their childhoods, compared to just two percent of children in intact families. Some married parents—particularly recent immigrants with little education—are poor. Family disintegration is certainly not the only cause of child poverty. But overall, as Robert Lehrman of the Urban Institute (hardly a right-wing hotbed) concluded in a 1996 study (cited by Blankenhorn), it is an important one: “The results [of the study] show that the 1971-1989 trend away from marriage among parents accounted for nearly half the increase in income inequality among children and for the entire rise in child poverty rates. Thus, despite the lower earnings of today’s unmarried men, raising the proportion of mothers who are married would substantially reduce child poverty in the U.S.”

Lehrman’s analysis does not take into account the well-established fact that



one reason unmarried fathers make so little money is that bachelors earn less, on average, than married men. In fact, research that University of Chicago Prof. Linda Waite and I detail in our forthcoming book, *The Case for Marriage*, suggests that married men in this country earn as much as 30% more than comparable bachelors, which makes a wife as great a boost to a man's earning power as the college degree.

Overall, as Prof. Norval Glenn of the University of Texas put it (in a letter responding to Coontz and Franklin's Op-Ed), "The proposition that the increase in single parenthood has contributed substantially to family poverty is supported by evidence from a variety of kinds of studies, including sophisticated causal modeling. This evidence is about as nearly conclusive as the support for any social science proposition ever is. If public policy should not be based on this evidence, it probably should not be based on any social scientific data."

Coontz and Franklin do have a point: the fathers of many children born out of wedlock don't necessarily look like good husband material. Certainly no-one is suggesting that marrying, say, an unemployed drug dealer is a good idea, even if one is pregnant by him.

But in a culture which values marriage highly, and understands the importance of fathers, women would be more likely to take the necessary steps to postpone pregnancy until they are grown up, educated, and married to good family men. Similarly, in such a world women might evaluate dates not just on their ability to provide a night's entertainment but as the possible fathers and husbands they might become, which could encourage young men to act like the kind of people such women approve of.

In such a world, when a single woman does find herself pregnant with a child, she might push harder (and find more social support from others) for marriage in cases where the character of the man and the relationship makes marriage appropriate—or consider adoption more often, when marriage seems like a bad bet.

Also, in a culture where the importance of marriage is taken for granted, both men and women would seek divorce or separation only for serious cause. As Amato and Booth's latest book indicates, two-thirds of current divorces are taking place in relatively low-conflict marriages, where divorce certainly leaves children emotionally as well as financially worse off.

What is it that makes contemporary marriage more stressful, or makes contemporary spouses so less tolerant of marital stress that we hurry ourselves and our children to the divorce court so often? How do we reduce illegitimacy without encouraging abortion? How can church, community, family and public policy help stabilize and support the marriage bond?

These are important questions that have yet to be definitely answered. But if we care about our children's future—or America's—we will have to put aside the jesuitical distractions and admit that they are the questions that need to be asked, *and* answered.

## APPENDIX D

*[The following syndicated column first appeared in the Washington Times on October 15, 1997. Mr. Greenberg is also the editorial page editor of the Arkansas Democrat-Gazette in Little Rock. (Copyright 1997, Los Angeles Times Syndicate. Reprinted by permission.)]*

### **Heard on a perfectly normal morning**

*Paul Greenberg*

On a muggy Thursday morning, I am sitting on the third floor of the federal courthouse in Little Rock, listening to highly civilized beings discuss whether it should remain permissible in the state to kill an almost delivered human baby.

No one puts it that way.

This is a court of law. Authorized counsel pose questions; licensed practitioners offer answers. Available statistics are analyzed. Terminology is explored: Is the subject under discussion partial-birth abortion or dilation-and-extraction? What do the medical textbooks say? The legal statutes?

The witnesses and advocates discuss hydrocephaly and amniocentesis, the advantages and disadvantages of removing the fetus in part or intact, and to what purpose.

The participants speak of fetal viability and fetal demise, not life and death.

When the phrase "irreparable harm," is used, it may refer to what threatens the abortionists, not the human life at stake.

No operating theater could be as sterile as this hearing. Due process is observed. The exhibits are properly numbered, everyone's papers are in order. The American flag is in its proper place, off to one side of the magistrate's bench, as if furled. A clerk stares fixedly at her computer screen. The blood-red curtains along the side of the courtroom have been closed, admitting no natural light.

The only sounds are those of professionals expounding, papers shuffling, the wheels of the law grinding.

No one weeps.

Max Weber explained it. Who better than a German sociologist to foresee how efficient bureaucracy would prove, how effective at suppressing inconvenient emotions? To quote Weber:

"When fully developed, bureaucracy stands . . . under the principle of *sine ira et studio* (without scorn and bias). Its specific nature which is welcomed by capitalism develops the more perfectly the more bureaucracy is 'dehumanized,' the more completely it succeeds in eliminating from official business love, hatred, and all purely personal elements which escape calculation. This is the specific nature of bureaucracy and it is appraised as its special virtue."

Those words were written in 1916, long before abortion became a recognized, routine branch of the Healing Arts. At the time, if you can imagine it, abortion was widely considered a crime.

Now, for just a moment in 1997, the mundane mesh of bureaucracy parts.

One of the expert witnesses, Dr. Kathi Aultman of Orange Park, Fla., explains she no longer does abortions. She used to. She never thought overmuch about what it was she was destroying. Actually, she found it fascinating, how all the expelled parts fit together into a tiny, perfect being. Amazing. She would go down to pathology and section them—the little hearts and livers and lungs.

But one day Dr. Aultman read an article comparing the abortion industry with the Holocaust.

“Personally,” she testifies, “I had a hard time understanding how the German doctors could do what they did during the war.” Now it became clear: “Any time you take a group of people and consider them nonhuman, you can do anything to them. It wasn’t until I had my own baby and then read that article that I understood how the German doctors could do what they did.”

Label any group *Untermenschen*, define them as subhuman, make them unpersons, declare them chattel, and they can be disposed of without qualm. They’re not even human. “All of a sudden,” Dr. Aultman testifies, “I saw what happened to me during training.”

In the best and shortest book about the Holocaust that I know, “*The Cunning of History*” by Richard Rubenstein, the author explains that bureaucracy proved a far more efficient instrument of the Final Solution than any conscious evil:

“Law and order prevailed. . . . The hoodlums were banished. Only then was it possible to contemplate the extermination of millions. A machinery was set up that was devoid of both love and hatred. It was only possible to overcome the moral barrier that had in the past prevented the systematic riddance of surplus populations when the project was taken out of the hands of bullies and hoodlums and delegated to bureaucrats.”

Back in an American courtroom in 1997, the testimony continues. The niceties are observed, the machine operates on schedule. Another doctor who performs some 60 abortions a month, month after month, testifies that he opposes criminal abortion and favors the legal kind. The criminal element, he explains, needs to be kept out of it. Yes, abortion requires well-trained professionals.

“The fully developed bureaucratic mechanism,” Max Weber wrote, “compares with other organizations exactly as does the machine with the non-mechanical modes of organization. Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs—these are raised to the optimum point in the strictly bureaucratic organization.”

But sometimes a cog slips, retrogresses, malfunctions. Sometime in the 1980s, Kathi Aultman became a mother. Raised a Methodist, she had successfully made the transition to atheism, but in 1983, she backslid and became a Christian. It happens. The programming occasionally fails, begins to develop weak spots, and atavistic emotions re-emerge.

Max Weber defined modernity as secularization, rationalization and the demystification of the world. In the case of K. Aultman, the process called

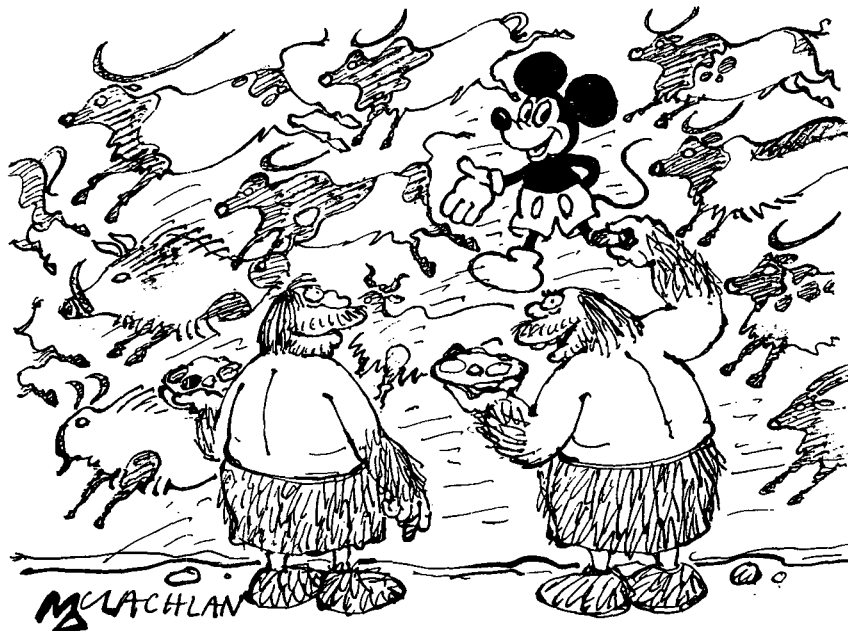
APPENDIX D

modernity had not completely taken. The “purely personal” elements that bureaucracy was designed to eliminate returned. As in a flashback. (“All of a sudden, I saw what happened to me during training.”)

The trial recesses. Reporters and lawyers stand, stretch, make small talk. “You’re very emotional about this,” one of the lawyers notices. After all, it’s only a matter of law, only a matter of life and death.

I leave the courtroom, take the elevator down, walk past the color portraits of Bill Clinton and Al Gore in the shabby lobby, past the metal detectors, past the old, unnoticed brass plate in the shadows that says “In God We Trust.”

Outside, in the warm, fetid air, all is normal, all is correct. No one screams. Pedestrians wait for the light before crossing. It could be any provincial capital on a slow day shortly before noon. In the 1940s, there was a sleepy town in Poland called Oswiecim that nobody much beyond it had ever heard of. The Germans called it Auschwitz.



*‘Wonder what they’ll make of this in a few thousand years!’*

THE SPECTATOR 3 May 1997

## APPENDIX E

*[The following article first appeared in the London Catholic Herald (October 3, 1997) and is reprinted here with the author's permission. Dr. Le Fanu is a generally-recognized expert on a wide range of medical and scientific matters, and a frequent contributor to both professional and journalistic publications (e.g., the London Telegraph group, Britain's leading newspapers). The book he writes about—Darwin's Black Box by Michael J. Behe (Free Press/Simon & Schuster Inc., 1996)—is available in bookstores or from the publisher.]*

### A sense of wonder

*Dr. James Le Fanu*

When I was a youthful medical student in the 1970s and the time came to deliver my first baby, I was naturally apprehensive despite the presence of a large, friendly and very experienced West Indian midwife who guided me at every step.

Luckily everything went smoothly, or as smoothly as these things can go, until the moment of the delivery itself when the midwife exclaimed in a loud voice: "Goodness, gracious me!" For a moment I was alarmed. What could she mean? What was so unusual about this baby to elicit such a reaction? I need not have worried as I soon realised, after we had done a few more deliveries together, that this was the way she greeted every baby on its arrival into the world. She seemed genuinely astonished at the wonder of each and every new-born child.

For some reason, the echoes of "goodness, gracious me" stayed with me and, a decade later, I had a rather similar reaction. I cannot recall the precise reason for taking down from my bookshelf the embryology textbook from my student days but it was presumably to check some fact or other.

I had always thought embryology to be a rather dreary subject which, for examination purposes, had required little more than the memorisation of the several stages of development and when they occurred. But now, rereading my text book, somehow everything appeared in a very different light, suffused as it were by a sense of the ineffable mystery.

How do some cells know to go off to form the placenta while the remainder in a dazzling display of origami reorganise themselves into a three-dimensional structure with a front and a back, a left and right side? What forces could create from within the foetus the organs and the limbs, the nerves and blood vessels? Like my midwife of fond memory I could only mutter "Goodness, gracious me!"

Though the facts of embryology had not changed, my interpretation certainly had—but why? Embryology, like all the biological sciences is, primarily descriptive—recording the changes in the early embryo as they are seen down the microscope. But, with greater intellectual maturity, one naturally wants to know more, in particular the mechanisms by which these events occur. But here one comes up against a hard core of inscrutability, the realisation that not only are

## APPENDIX E

these things unknown, but their complexity is such that they are unknowable.

This fundamental limitation of biology struck me as a revelation and soon it seemed that everywhere I looked, whatever aspect of biology I examined, at its centre lay the same hard core of inscrutability.

How different from the common belief—encouraged by the staggering success of science in the 20th century—that the steady accumulation of scientific knowledge is continually narrowing the gaps in our understanding of the natural world and that, inevitably, at some undefined moment in the future all will become clear. For scientists this must be the case, for the alternative, that perhaps some things may be inexplicable—introduces an element of metaphysics which is unacceptable to the rational mind.

But any dispassionate interpretation of developments in biology particularly over the past 40 years, suggests the reverse has happened—the more we learn, the wider the gaps in our knowledge have become. Whereas, in the past, the cell was perceived as simply the building block of nature, now everything about it—its information systems, its ability to make proteins and renew itself—have been found to be dauntingly complex.

This clearly poses a challenge to the scientific world view—or at least the rationalistic atheistic scientism that has been, and continues to be so, influential.

Michael Behe, Professor of Chemistry at Lehigh University in Pennsylvania—and a Catholic—masterfully presents the argument in a recent book, *Darwin's Black Box*. For Behe the only possible interpretation of biological systems is that beyond a certain point they become “irreducibly complex” as they involve the interaction of too many different—and highly complex—components, each of which by itself can serve no purpose.

Consider, for example, the blood clotting system. The blood, as it circulates through the veins and arteries, must have two quite contradictory properties. Clearly it must be fluid if it is to flow but it must also have the ability to form a clot instantaneously as otherwise the most trivial of cuts would cause death from exsanguination.

The clot material is called fibrinogen because it makes the fibre that forms the clot. First, however, fibrinogen which floats around dissolved in the blood must be changed into its active form, fibrin, by another protein called thrombin. But before this can happen thrombin must itself be transformed from its inactive form, prothrombin, by another factor, and that factor by another factor and back and back the cascade goes involving 28 separate proteins and enzymes.

The essence of this system is one of weights and balances in which each component acts as a check on another and is itself checked in turn. All 28 factors are necessary as if just one is missing—as occurs in haemophilia—the ability to clot is lost. Thus the clotting system could not have emerged from anything simpler, because anything simpler would simply not have worked.

Behe poses the question as to what the chances are of the many genes involved in the production of these clotting factors coming together in the way

they do. "Such an event would not be expected to happen even if the universe's ten billion year life were compressed into a single second and relived every second for ten billion years." The precise numbers are not important: the scale of improbability shows we are dealing with a system of "irreducible complexity." The only alternative to such improbability is that the clotting system must have been designed or created—hence there must be a designer.

Behe's writing is lucid, its scientific content fully referenced and his logic unassailable. I wrote to express my appreciation and he kindly replied enclosing, at my request, the reviews of his book as I was interested to gauge the response of the scientific community.

His arguments are variously dismissed as a "blind alley," "a confusing and untestable farrago of contradictory ideas" and "muddled, ignorant and unfairly slanted attacks on scientific explanations." As Behe's book is none of these things such a vituperative and defensive reaction offers an interesting commentary on just how fragile scientism has become.

The intellectual tide is turning and soon, perhaps, it will become commonplace to reflect on the ineffable mysteries of the natural world and exclaim "Goodness, gracious me!"



*'They're turning out scripts for sitcoms these days.'*

## APPENDIX F

*[The following editorial appeared in the January 26, 1998, issue of National Review, "commemorating" the 25th anniversary of the U.S. Supreme Court's Roe v. Wade decision. It is reprinted here with permission (© 1998, National Review Inc.).]*

### Dead Reckoning

*National Review*

A quarter-century has passed since the Supreme Court struck down the laws of every state in the nation, in the name of a constitutional right to abortion it had just discovered. In *Roe v. Wade*, the Court prohibited any regulation of abortion in the first trimester, allowed only regulations pertaining to the health of the mother in the second, and mandated that any regulation in the third make an exception for maternal health. In the companion case of *Doe v. Bolton*, the Court insisted on the broadest definition of health—economic, familial, emotional. Legal scholar Mary Ann Glendon describes the result as the most radical pro-abortion policy in the democratic world. It permits abortion at any stage of pregnancy, for any reason or for no reason. It has licensed the killing of some 35 million members of the human family so far.

The abortion regime was born in lies. In Britain (and in California, pre-*Roe*), the abortion lobby deceptively promoted legal revisions to allow "therapeutic" abortions—and then defined every abortion as "therapeutic." The abortion lobby lied about Jane Roe, claiming her pregnancy resulted from a gang rape. It lied about the number of back-alley abortions. Justice Blackmun relied on fictitious history to argue, in *Roe*, that abortion had never been a common-law crime.

The abortion regime is also sustained by lies. Its supporters constantly lie about the radicalism of *Roe*: even now, most Americans who "agree with *Roe v. Wade*" in polls think that it left third-term abortions illegal and restricted second-term abortions. They have lied about the frequency and "medical necessity" of partial-birth abortion. Then there are the euphemisms: "terminating a pregnancy," abortion "providers," "products of conception." "The fetus is only a potential human being"—as if it might as easily become an elk. "It should be between a woman and her doctor"—the latter an abortionist who has never met the woman before and who has a financial interest in her decision. This movement cannot speak the truth.

*Roe*'s supporters said at the time that the widespread availability of abortion would lead to fewer unwanted pregnancies, hence less child abuse; it has not. They said that fewer women would die from back-alley abortions; the post-1940s decline in the number of women who died from abortions, the result of antibiotics, actually slowed after *Roe*—probably because the total number of abortions rose. They said it would reduce illegitimacy and child poverty, predictions that now seem like grim jokes.

Pro-lifers were, alas, more prescient. They claimed the West had started down



the slippery slope of a progressive devaluation of human life. After the unborn would come the elderly and the infirm—more burdens to others; more obstacles to others' goals; probably better off dead, like “unwanted children.” And so now we are debating whether to allow euthanasia, whether to create embryos for experimental purposes, whether to permit the killing of infants about to leave the womb.

And what greater claim on our protection, after all, does that infant have a moment *after* birth? He still lacks the attributes of “personhood”—rationality, autonomy, rich interactions—that pro-abortion philosophers consider the preconditions of a right to life. The argument boils down to this assertion: If we want to eliminate you and you cannot stop us, we are justified in doing it. Might makes right. Among intellectuals, infanticide is in the first phase of a movement from the unthinkable to the arguable to the debatable to the acceptable.

Everything abortion touches, it corrupts. It has corrupted family life. In the war between the sexes, abortion tilts the playing field toward predatory males, giving them another excuse for abandoning their offspring: She *chose* to carry the child; let her pay for her choice. Our law now says, in effect, that fatherhood has no meaning, and we are shocked that some men have learned that lesson too well. It has corrupted the Supreme Court, which has protected the abortion license even while tacitly admitting its lack of constitutional grounding. If the courts can invent such a right, unmoored in the text, tradition, or logic of the Constitution, then they can do almost anything; and so they have done. The law on everything from free speech to biotechnology has been distorted to accommodate abortionism. And abortion has deeply corrupted the practice of medicine, transforming healers into killers.

Most of all, perhaps, it has corrupted liberalism. For all its flaws, liberalism could until the early Seventies claim a proud history of standing up for the powerless and downtrodden, of expanding the definition of the community for whom we pledge protection, of resisting the idea that might makes right. The Democratic Party has casually abandoned that legacy. Liberals' commitment to civil rights, it turns out, ends when the constituency in question can offer neither votes nor revenues.

Abortion-on-demand has, however, also called into being in America a pro-life movement comprising millions of ordinary citizens. Their largely unsung efforts to help pregnant women in distress have prevented countless abortions. And their political witness has helped maintain a pro-life ethic that has stopped millions more. The conversions of conscience have almost all been to the pro-life side—Bernard Nathanson, Nat Hentoff, Elizabeth Fox-Genovese. The conversions of convenience have mostly gone the other way, mainly politicians who wanted to get ahead in the Democratic Party—Jesse Jackson, Dick Gephardt. The fight against abortion has resulted in unprecedented dialogue and cooperation between Catholics and Protestants, first on moral values and now increasingly on theological ones. It has helped transform the Republican Party from a preserve

APPENDIX F

of elite WASPs into a populist and conservative party.

True, few politicians of either party—with honorable exceptions like Henry Hyde, Chris Smith, Jesse Helms, Bob Casey, Charles Canady, and Rick Santorum—have provided leadership in the struggle. Not because opposition to abortion is unpopular—throughout the *Roe* era, 70 per cent of the public has supported laws that would prohibit 90 per cent of abortions—but because politicians, and even more the consultants and journalists and big-money donors to whom they listen, tend to move in elite circles where accepting abortion is de rigueur and pro-life advocacy at best an offense against good taste. Since everyone they know favors legal abortion, they understandably conclude that everyone does. But there is progress even here. The pro-abortion intellectual front is crumbling. Supporters of the license increasingly concede that what they support is, indeed, the taking of human life. Pro-lifers, their convictions rooted in firmer soil, have not had to make reciprocal concessions.

There can be little doubt that, left to the normal workings of democracy, abortion laws would generally be protective of infants in the womb. The main obstacle on our path to a society where every child is welcomed in life and protected in law, then, remains what it has always been: the Supreme Court. There abortionism is well entrenched; and last year the Court appeared to slam the door on the legal possibility of a congressional override of its decisions on abortion or anything else. By defining a practice at odds with our deep and settled moral convictions as part of the fundamental law of the land, the Supreme Court has created a slow-motion constitutional crisis. This is what comes of courting death.



*'Just what I wanted.'*

THE SPECTATOR 20/27 December 1997

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