

SYMPOSIUM

Where Do We Go from *Dobbs*?

This October we will hold our 20th Great Defender of Life dinner, and soon after commence celebrating our 50th anniversary year. We are grateful to have outlived *Roe*, but the question today is: Where does the pro-life movement go from here? While saving unborn babies from destruction remains our goal, how do we get there now that the Supreme Court has taken itself out of the fight? Our esteemed longtime contributor George McKenna considers the question in the following article, “Getting There,” to which nine Human Life Foundation Great Defenders of Life—Helen Alvaré, Carl Anderson, Gerard Bradley, Clarke Forsythe, Edward Mechmann, William Murchison, Marvin Olasky, David Quinn, and Wesley Smith—respond with comments on his proposal and ideas of their own..

Getting There

George McKenna

Several years ago, while attending a faculty-student party near the college where I taught, I was approached by one of my students, who told me she would be unable to attend my class on Monday because she was going into the hospital for a “routine abortion.” I was so taken aback by this that my only response was something along the lines of “oh.” Looking back on the encounter, I wonder about her motives for telling me this. Yes, I did take attendance in those days, but it would have been enough if she’d just told me that she’d be in the hospital for a day. Was she flaunting her independence from bourgeois values? Or, on the contrary, was she inviting me to talk her out of it? Either way, I was sorry afterwards that I didn’t take it up with her. I still am.

What enabled her to talk that way was *Roe v. Wade*, which made access to abortion part of the law of our land. She and others could bask in that normalization—nothing to see here, just a regular routine abortion. That rug was abruptly pulled out by *Dobbs v. Jackson Women’s Health Organization*. *Roe* has lost its iconic value because it is dead now and can never be resurrected.

The battle to save the lives of unborn children, however, is far from over. The Court struck down *Roe* not because the Court changed its mind about abortion but because it changed its mind about jurisdiction. It handed the question of legality over to the people of the several states. What

prolifers were hoping for was some kind of federal ban, one that would at least federalize Mississippi's ban on abortion after fifteen weeks—then, I suppose, whittle it down some more in a later case—or, optimally, go all the way, creating a national abortion ban from the time of a fetal heartbeat. What they got was neither of those outcomes, not because the Court majority offered any opinions about the morality of abortion (a topic they went out of their way to avoid) but because they could find no reference to abortion, direct or implied, in the U.S. Constitution. Ergo, being good Originalists, they concluded that abortion is largely, if not exclusively, a state concern.

The final say on the issue of abortion has now moved from the Supreme Court to fifty state legislatures, each permitted to shape its abortion laws in a manner agreeable to the majority of voters in the state. These changes are monumental. There has always been diversity between the states in structuring their abortion laws, but in case of controversy the final judgment was in the hands of the U.S. Supreme Court. That has now been taken away. State courts and state constitutions may ultimately figure in shaping the abortion laws at the state level, but the heavy lift will not be in courts but in the legislatures of the several states. The very language used in the debates will change from the language of lawyers to the language of legislators and the people who vote for them.

Do you want to hear how lawyers talk? Here is an exchange between Supreme Court Justice Clarence Thomas and Scott G. Stewart, Solicitor General of Mississippi, during the arguments in *Dobbs*:

Thomas: “If we don’t overrule *Casey* or *Roe*, do you have a standard that you propose other than the viability standard?”

Stewart: “It would be, your honor, a clarified version of the undue burden standard. It would emphasize, I think, as your Honor is alluding to, that no standard other than the rational basis review that applies to all laws will promote an administrable, workable, practicable, consistent jurisprudence that puts matters back with the people. I think anything heightened here is going to be problematic.”

This is lawyer talk, and without in any way disparaging it (law cases must be adjudicated in precise, technical language), it simply won’t work in the legislative arena, and certainly not on the stump where legislators and aspiring legislators meet their constituents. Prolifers need to campaign for and put into office like-minded men and women who speak the same kind of vernacular English that ordinary Americans speak, language that will motivate and inspire voters.

How do we do that? First, by being forthright in describing our goals. We believe that all human beings, of whatever age or physical condition, have

a right to be accepted into the world and to live out their lives until natural death, and we aim to do what we can to realize that goal. Sometimes that means we must use language that is blunt, even shocking. Not many years ago I heard a public debate between two candidates for public office where one was asked by the moderator whether late-term abortions could ever be justified. He replied, “Well, I think it’s terrible. If you go with what [my opponent] is saying, you can . . . rip the baby out of the womb of the mother just prior to the birth of the baby. Now you can say that that’s OK and [my opponent] can say that that’s OK—but it’s not OK with me.” The language was crude but accurate, as anyone who has read descriptions of late-term abortions knows. I had never before heard any politician talk like that. Perhaps it takes a political outsider, in this case Donald Trump, to throw it into the arena. It rattled Hillary Clinton, who accused him of “scare rhetoric,” but it may have helped bring to the polls voters who might otherwise have stayed at home because of qualms about Trump.

I hold no brief for Donald Trump. I hope he doesn’t win the inevitable primary, because he has lost the trust of many by his failure to call off a mob in time after the 2020 election; since then he has taken to blaming his loss on proliferators for failing to modify their “extreme” positions on abortion. That said, I still think his forthright denunciation of late-term abortion in the 2016 presidential election was the way pro-life politicians should talk in this new phase of the campaign. They need to get out of what political philosopher Patrick Deneen has called their “defensive crouch,” orally and physically making the life issue visible through marches and demonstrations in our nation’s towns, cities, and university campuses. Their model should be the early civil rights campaigns of Martin Luther King Jr. and other civil rights demonstrators in the 1950s and ’60s. After being arrested and jailed for holding street demonstrations banned by the authorities in Birmingham, Alabama, King was accused of hypocrisy because, after urging Southern authorities to obey the Supreme Court ruling that outlawed racial segregation, he was himself breaking a local law banning street demonstrations. In his now-famous Letter from Birmingham Jail in 1963, King explained that the difference is that the Supreme Court’s ban on racial segregation is a just law, whereas the municipal law banning demonstrations against segregation is an unjust law. “I would be the first,” he wrote, “to advocate obeying just laws.” But one has a moral responsibility to disobey unjust laws. “I would agree with Saint Augustine that ‘an unjust law is no law at all.’” In Martin Luther King’s case the unjust law was one that effectively prevented victims of racial segregation from publicizing their plight and demanding a remedy.

Regarding abortion, the unjust laws are those that give physicians or others the right to kill unborn children. King further developed his argument: A just law is a law “that uplifts the human personality,” while an unjust law “degrades personality.” The analogy to the abortion issue should be clear. Killing an unborn child degrades not only the person who did it but also those who facilitated and celebrated it as a “right.” They need to be publicly confronted and refuted just as the Southern racists were sixty years ago.

Given this challenge, I can’t help wondering: Where is our civil rights movement? Where is our Martin Luther King, Jr.? There are more than 200 pro-life organizations in this country, ranging from Americans United for Life to Pro-Life Alliance of Gays and Lesbians, and I have great admiration for the ones I’m familiar with. But we lack a central command structure comparable to what King and his associates put into operation for two decades. We need a core of leaders to rethink our whole public face to see what works best in this new state-by-state environment. We need to cultivate straight talk in confronting pro-abortion politicians who occupy high office in many states. How many of us are willing to (politely, of course, always politely) get in the faces of those governors who have pushed for the passage of new laws permitting nine-month abortions? What kind of turnouts are there for peaceful demonstrations across the street from abortion clinics? How much outreach do pro-life groups have to the racial groups most victimized by abortion, particularly blacks? And churches—where are the churches on late-term abortions? I confess I have I found it difficult to get Catholic priests interested in talking about the subject of abortion from the pulpit. Martin Luther King had the same problem in the ’60s when it came to civil rights, as he complained in his Letter:

In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: “Those are social issues with which the gospel has no real concern.” And I have watched many churches commit themselves to a completely other-worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

Yet today King is celebrated everywhere, certainly in the churches. It’s like the scene in the movie *High Noon*, where all the townspeople came out to celebrate the marshal once the gunfight was over.

Our own fight is just beginning, and its locus is not going be in the courts; it will be in the state legislatures, the polling booths, the streets, and ultimately in the hearts of the people. It won’t be easy. And yet, despite all the advantages our opponents possess in wealth, connections, and media coverage, I do believe we are going to win. Here is why: Our opponents are holding a weak hand.

At least seven states now have abortion laws so radical that they permit abortion up to the moment of birth. Everyone knows that killing a nine-month “fetus” is killing a baby. Everyone has always known it, even before ultrasound. Other late-term abortions are performed earlier in pregnancy, but even at the beginning of the third trimester (24 weeks), babies in the womb have already developed most of their organ systems; the four chambers of the heart have already developed; the heart’s beating can be heard. Various external organs, from the nose to the toes, have appeared; so have the child’s fingernails. Yet in some states they can be killed during that last trimester.

These facts have the potential to become a public relations nightmare for the abortion industry and its supporters, which is why they always handle them with great verbal delicacy. In her debate with Trump, Hillary Clinton called the decision to get a late-term abortion “the most heartbreaking, painful decision.” How often have I heard this, or variants of it, from other abortion defenders! I am always puzzled. On the one hand they treat the unborn child as an “it,” something akin to a tumor that needs to be removed. But then they do all this hand-wringing over “its” removal. Is the unborn baby a thing, an “it,” or is it a human being? Or is it an “it” first, and later “it” becomes human? If so, how did that happen? What magic wand was waved over the thing to turn it into a child? Of course we know it was the same kid all along. It just grew. It grew by the very same process that will turn a helpless baby into a fourteen-year-old soccer player.

The case for late-term abortions, then, is flawed both logically and scientifically. As such, it is not a good card for abortion proponents to be holding. You would think they would want to get rid of it by offering some kind of compromise. A couple of facts might even be helpful to them if they took that route. Fact number one: Very few abortions (less than 6 percent) are performed in the third trimester, when the baby’s internal organs and external features have developed to the point where he or she could live outside the womb. Fact number two: A majority of Americans (61 percent in a 2020 AP-NORC poll) think abortion should be legal in the first trimester (though 65 percent think it should be illegal in the second trimester and 80 percent oppose it in the third trimester). The smart move, then, for a pro-abort lobbyist would be to say something like this: “OK, I acknowledge that most Americans oppose late-term abortions—but the majority of Americans support abortion in the first trimester. So let’s make a deal.” Thus, in the scenario I am imagining, there would be some haggling back and forth over how many weeks a child in the womb must reside there for her life to be spared. Ten? Twelve? Fifteen?

As you may know, that scenario, at least with the leaders of the abortion

movement, is highly unlikely. They don't want any chipping away of their abortion absolutes. If they took the deal I just laid out, they would have given away their "right" to second- and third-trimester abortions, and such a deal might eventually make early abortions negotiable. But there might be cooler heads in our fifty state legislatures—legislators who represent voters with honestly ambivalent feelings about abortion—who might be ready for some back-and-forth bargaining.

Should we engage? There is a logical case for shouting "No!" to any proposed compromise on the life issue. We are not talking about budgets and taxes now. We are talking about human life, and our scientifically backed premise is that human life begins when a heartbeat is detected. From that point on it must be protected, not bargained away because the baby was a couple weeks earlier than whatever agreed-upon week of pregnancy it was—a purely arbitrary number—that the legislators worked out to define the beginning of protected human life.

And yet there is this inconvenient political fact that is every bit as absolute as the scientific fact about the humanity of the unborn child. The political fact is that we don't have the votes to prevail—at least not now—in most of our state legislatures. I have cited the figure of 61 percent in a 2020 AP poll as the percentage of Americans who favor the right to first-trimester abortions, and a more recent development has reinforced that finding: Last August, voters in Kansas, a state often (but inaccurately) identified as conservative on abortion, voted "no" by 59 percent to 41 percent on a proposed amendment that would have removed permission to abort from the state constitution. Politics is the art of the possible, and right now it is not possible to get the outcome we want, the logical outcome. We can get only part of it, and come back later for the rest.

I mean to emphasize both parts of that last sentence. Since I invoked Martin Luther King, let me go back much further in time to another figure who had something to say about civil rights, and whose birthday is honored the month after King's: Abraham Lincoln. Even as a young man, long before he ran for high office, Lincoln was horrified by slavery after seeing a group of slaves chained together and pulled through the streets, as he said, like fish on a line. Later, running for the U.S. Senate against Stephen Douglas, he fiercely criticized the Supreme Court's 1857 *Dred Scott* decision, which had held that slaves could never claim rights as U.S. citizens. Finally, Lincoln presided over a nation that fought a four-year Civil War, culminating in his signing of an Emancipation Proclamation and, eventually, passage of the Thirteenth Amendment, which he called the "King's cure for all the evils."

Yet Lincoln has been much criticized by some scholars for hesitating and delaying in the fight against slavery. The issue in his quarrel with Douglas, they say, was not over Southern slavery per se, but only over whether slavery could be extended into the new territories. His Emancipation Proclamation, they say, was simply a war measure aimed at the enemy, the slave states, with no application to the four slave states that remained loyal to the Union. Those assertions, though accurate, miss a crucial point: Lincoln knew that he did not have the votes to do what he wanted to do, and what he eventually did.

In 1861, when he took office, not many people in this country outside of New England could even imagine the end of slavery in the American South. What would happen if the slaves were freed? How would the owners be compensated? Where would the freed blacks go, since white laborers wouldn't work alongside them and white-collar types didn't think they were fit for intellectual work? These and questions like them immediately surfaced whenever the topic of freedom was raised. There were plans—some even partially realized—for shipping the slaves back to Africa or the Caribbean. But turning them into American citizens? No, no, that was impossible, because the Old South would fight to the last man before allowing that to happen! Four years later slavery was abolished, and two years after that the former slaves were given the right to vote. Lincoln didn't live long enough to see the Thirteenth and Fourteenth Amendments ratified, but those amendments came about because of the momentum he achieved during his four years in office.

Lincoln didn't have the votes at first, but within four years he found them. In the meantime he took what he could—before coming back later for the rest. That sentence—both parts of it—is the sum of my argument. We do not yet have the votes to wipe out the infanticide unleashed by *Roe v. Wade*, but we have enough to make a start. About a dozen states have already implemented near-total bans on abortion, and other states' restrictions on it are still tied up in courts. We need to continue that legal fight (yes, there is still a place for lawyer talk) while making our case to the people who elect the lawmakers in thirty-plus states. We should thank the Supreme Court for making it possible to bring our case to the people. At the very least, it has stirred the waters, given new life to the controversy. Nobody, even its supporters, can talk about a “routine abortion” anymore.

What Lincoln instinctively knew, we must remember: Lawmaking is not a static but a dynamic process; events can change people's minds, as can the way events are interpreted. Lincoln didn't have the votes at the beginning, but in the end he did. His speeches played no small role in completely

reorienting people's minds to the best way of defending and promoting the common good of our nation. Martin Luther King Jr. did the same. So can we.
—George McKenna is professor emeritus of political science at City College of New York.

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Helen Alvaré

As a family law professor, one of the trends I (and others) have observed is the vaulting of adults' rights over those of children. Legal abortion is a preeminent example of this. Reversing this ordering must be part of a post-*Dobbs* solution. It's an aspect of a human rights/civil rights strategy for children—one which I wholeheartedly endorse—as described by George McKenna.

The late Professor Don Browning—a leading divinity and family scholar at the University of Chicago—used to say that American family law puts adults “at the front door” of the law, and children “at the back door.” By this he meant that the law preferences adults' interests and desires by satisfying them as demanded, and then thinks later about how to handle the harm these wreak upon children.

To wit: no-fault divorce, followed by decades of handwringing about how to help children of divorce. Maybe legally mandated pre-divorce parent-education on how to handle children post-divorce? Maybe special counselors? Or what about assisted reproductive technologies involving “donor” gametes or embryos, such that the resulting children are separated from their biological mother or father or both? Maybe laws allowing these children at majority age to contact these parents (so long as the parents too, at the time of their donation, have agreed to be contacted)? Maybe just let them hunt around on 23andMe to find their genetic relatives? Maybe encourage them to pour out their souls on the Anonymous.org website to feel better in a community of similarly-situated folks?

Now it is true that abortion is not often thought of as part of family law, prey to the trends affecting it, but it is. It is about parent-child relations—the heart of family law. And the willingness to allow abortion most certainly partakes of the trend to valorize adults' interests over children's.

How to approach abortion then, considering this national predilection, in a post-*Dobbs* era? I think there might be two human-rights themes that could assist. First, propose that Americans soul-search their responsibility for children beginning when they make them. For example, the vast majority of aborted children are conceived in a nonmarital relationship in which the couple often know—outright or sub rosa—that they are not in a solid position to welcome a child. They just met, or they have no plans for any stable future together let alone marriage, and/or they feel it would be

financially impossible to care for another person. Sex is procreative. It points to tomorrow whether we keep that in mind or not. Children's life situations begin with the situation of their parents at the moment of their conception. Prolifers thus should be asking them whether it's fair for adults to proceed to make children when they have no earthly intention of taking care of them, and might even be tempted to kill them.

It will undoubtedly be a challenge to promote this theme at a time when abortion advocates are (if this is even possible) declaring more full-throatedly than ever that abortion is nothing more than one in a set of women's rights to freedom from restraints on their economic and social desires. The *Dobbs* dissenting justices sounded this theme from beginning to end, to the exclusion of any mention of or empathy with the humanity of the unborn child. It is also the battle cry of abortion advocates coast to coast, as if there is no life to consider on the business end of the abortion instruments. We need to flip the script. Women and men are capable of thinking in advance about their actions. They are capable of taking responsibility for them. Why shouldn't those on whom vulnerable unborn children completely depend think first about what is due those children? Like every human being, women and men are first "chosen" to care for the vulnerable, not first choosers with the power of life or death over another.

A second human-rights'-themed approach is to ask Americans to soul-search their use of technology to "manage" their lives. The fear of technology as a force that devours its inventors is well-known and should be applied here. Americans are both excited and queasy about the seemingly relentless march of AI, fearful of what ChatGPT will do to young people's ability to think and write, and engaged in a love/hate relationship with the medical technologies promising to extend our lives past 100 years.

So what about abortion? Including, increasingly, abortion by pill, brought to you by America's leading multi-billion-dollar pharmaceutical companies to use in the privacy of your own home? We are rightly suspicious of inventing the means of our own destruction; abortion—like the nuclear bomb, like endlessly distracting social media, like suicide drugs—should be considered in this orbit.

Americans remain sensitive to a straight-out civil rights/human rights argument. On some days we may think we are more of an economy than a culture, but our compassionate response to everything from the murder of George Floyd to the women of #MeToo tells me that we still have ears for our fellow human beings, including both the unborn and their mothers.

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Carl A. Anderson

For nearly five decades the *Human Life Review* has been *the* place where pro-life leaders have explored the intellectual, cultural, and social context of the right to life movement. Such is the case with Professor George McKenna's excellent article "Getting There." He offers an important starting point as we think through the challenges that await us in the years ahead.

Prof. McKenna recognizes the need for a post-*Roe* communication strategy and recommends a new "language" for "legislators and the people who vote for them." This is especially true if we are to reach those Americans conflicted about abortion—who support legalization in limited circumstances but consider themselves "pro-choice" because they are for some choice. They support abortion out of concern for women's welfare. And because they self-identify as pro-choice, they often find strong pro-life language off-putting. Reaching them will be key to future legislative success. How to do so effectively is a complex question and one we need to address.

Prof. McKenna offers the example of Donald Trump as someone whose language "may have helped bring to the polls voters who might otherwise have stayed at home." I suggest we also consider the example of an earlier president. During his eight years in office, Ronald Reagan oversaw the transformation of the Republican Party into a truly national pro-life party. His Administration inaugurated many pro-life initiatives, such as the Mexico City policy. His annual meetings with national pro-life leaders helped review pro-life policies. He helped frame pro-life as a national issue by speaking about abortion on many occasions including in the State of the Union Address and in his 1984 HLR essay "Abortion and the Conscience of the Nation."

Many have observed that the Reagan revolution was built on compromise (see, for example, former senator Phil Gramm, *Wall Street Journal*, 2/22/23). I saw something different while working with him on pro-life initiatives. Reagan was uncompromisingly pro-life in principle. At the same time, he willingly moved forward in incremental ways to advance pro-life policies. He once addressed the March for Life—which he did from the White House on four occasions—referring to the "*long* march for life" in which we were engaged. He knew we needed sustainable communications and sustainable policies if we were to make sustainable converts to our cause. We knew that we needed inspired leaders capable of attracting ever-greater numbers of supporters on the long road back from *Roe v. Wade*.

In today's post-*Roe* environment, we need to show a generation that cannot conceive of a world without abortion, abortion-free environments where

abortion is unthinkable and where *that* new normal is accepted and happily so. And in jurisdictions that insist on maintaining the legal regime of *Roe* by legislation we need to continue our moral resistance, speaking out on the evil of abortion and continuing to rescue as many as we can through compassionate alternatives. This means increasing community support for women so that they can see a viable path forward. Today, that path is lit by the loving care offered by thousands of pro-life pregnancy resource centers. We need to do a better job telling their stories and, in this way, help convince those conflicted regarding abortion that the true welfare of women consists in choosing life for their child.

Our nation learned the hard lesson that it could not exist half slave and half free. There are many lessons from that experience for us today. One of the most important will be one of the hardest to implement. It concerns our political leaders. Just as in the case of racial segregation, politicians who promote abortion should be judged unfit for public office and rejected by voters. It is time to see abortion as it truly is—not only as a paramount issue but as a disqualifying issue. Justice for the more than 60 million victims of abortion since *Roe v. Wade* demands nothing less. The true tragedy of *Roe* was not that it failed to understand the Supreme Court's role in our federal system, but that it failed to recognize and respect the humanity of the pre-born child.

In 1967, the Reverend Martin Luther King, Jr. published *Where Do We Go from Here: Chaos or Community?* His book challenged Americans to overcome racial division and injustice. But his further concern was about a potential change in tactics: “In recent months several people have said to me: ‘Since violence is the new cry, isn’t there a danger that you will lose touch with the people in the ghetto and be out of step with the times if you don’t change your views on nonviolence?’ To which he replied, “My answer is always the same.... If every[one] in the United States turns to violence, I will choose to be the one lone voice preaching that this is the wrong way.” He went on: “With every ounce of our energy we must continue to rid our nation of the incubus of racial injustice. But we need not in the process relinquish our privilege and obligation to love.”

I do not for one moment suggest that it is the pro-life movement that is tempted to violence. To the contrary, for more than half a century I have witnessed a movement committed to loving both mother and child. It is this compassionate courage to love that continues to sustain our movement and its leaders. As we work to rid our nation of the incubus of abortion, love will be decisive in bringing healing to the lives of women, their children, and our nation.

Today, post-*Roe* America also faces a choice between chaos or community.

We will continue to build true communities in America—communities of life. For a time, there may be a stark contrast in many places, but ultimately, we will get there.

—*Carl A. Anderson is past Supreme Knight of the Knights of Columbus and a former Special Assistant to President Ronald Reagan; he also served for nearly a decade on the U.S. Commission for Civil Rights.*

Gerard V. Bradley

George McKenna writes that the pro-life movement today should model itself after “the early civil rights campaigns of Martin Luther King Jr. and other civil rights demonstrators in the 1950s and ’60s.” So, he asks: “Where is *our* Martin Luther King Jr.?” McKenna observes that there “are more than 200 pro-life organizations in this country . . . But we lack a central command structure comparable to what King and his associates put into operation for two decades.”

I do not know enough about the civil rights movement to judge whether it actually had a “central command structure.” Maybe it did. I am pretty sure, though, that the pro-life movement after *Dobbs* is not going to develop one as a matter of fact. And I doubt that it needs one.

Why not as a matter of fact?

There are many routes to legally protecting the lives of unborn children, from the moment of conception. It is impossible to say with certainty—or even with much confidence—which is *the* most promising way to go. A constitutional amendment recognizing the personhood of the unborn? National legislation under section five of the Fourteenth Amendment to the same effect? Could there be another climactic Supreme Court decision in the offing, one which holds that the word “person” in the Amendment includes every human being, born and unborn?

Or is it more promising to pursue pro-life legislation in each of the fifty states? What about the various state supreme courts, which have emerged since *Dobbs* as key battlegrounds in so many red states? Even where pro-life legislators do the right thing (as they did last summer in Indiana), judges have annulled their efforts by injunction. Which litigation strategies are most likely to succeed in a given state? Which political tactics are likely to yield up state judges who are willing to protect the unborn?

Going down any of these paths naturally raises the question: how best to get the ball rolling? And which “compromises”—better, but not yet fully

just abortion regulations—should be supported along the way? Which political alliances should be cultivated, and which shunned?

People can and do reasonably disagree about such matters, even after fully airing their opinions and earnestly seeking to find common ground. Indeed, I have been party to more pro-life lawyers’ “summits” and “consultations” over the last forty years than I can recall. Dedicated, smart, open-minded attorneys sat across the table from each other and argued the question: What is the best strategy for getting the Supreme Court to reverse *Roe*?

We never could agree. It turns out that the answer was: Elect Donald Trump President. No one saw it coming.

Besides, even *after* the prize of legally protecting human life from conception is obtained, there would be many strategic and tactical choices to make and no certainty about which to make. Say that there is a constitutional amendment or Supreme Court decision fully establishing that the unborn have an equal right to life. We should then expect many states (California? New York?) to hold fast to their ways—just as so many Southern states did after the *Brown* case held that segregated schools were unconstitutional. What would be the best way to quiet these pro-abortion rebellions?

George McKenna knows all of this, of course. What he proposes is a strategic concentration of forces, on the view that anything less won’t do the job: *If* pro-life Americans do not adopt one path to achieving equality for all, *then* they are going to fail. Success requires a “central command structure,” sufficient to identify a unified course of action and possessed of the soft power (if you will) necessary to enforce compliance with it.

This proposition deserves to be taken seriously, especially because one so eminent and prudent as George McKenna asserts it. For myself, I plead the lawyer’s *dubitante*. My strong suspicion, however, is that no such overarching structure is needed.

Why not?

In defense of my plea, I summon evidence from the last fifty years. Americans since 1973 accomplished something that no other society in the world has. Everywhere else on Planet Earth where abortion sunk its tentacles into a legal culture, it never let go. Our law and our cultural elites swallowed abortion hook, line, and sinker with *Roe v. Wade*. But the American people kept alive a vibrant grassroots pro-life culture and accompanying political-legal movement. They succeeded in reversing *Roe*. They have not nearly succeeded in their stated goal of ending abortion. But they persevered, and thrived, and succeeded where no other people did. They did so without anything like a “central command structure.” It is not apparent why the various pro-life forces cannot go forward on the same terms of cooperation as those of the past.

At least, the past half-century's experience should be enough to shift the burden of persuasion back to George McKenna, to explain why we cannot go back to the future.

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Clarke D. Forsythe

In last year's *Dobbs* decision, the Supreme Court clearly and directly shifted responsibility for the abortion issue from the Court to the American people. There is no evidence whatsoever that *any* justice, let alone a majority, is willing to revisit the *constitutionality* of abortion any time soon. So, for the foreseeable future, abortion will be a democratic issue in the broadest sense. The major challenge will be to *persuade* our fellow Americans that abortion should be prohibited.

The elections in 2022 made the shift in responsibility even clearer in the attempts at “direct democracy” through ballot initiatives involving abortion in six states: Kansas, Michigan, Kentucky, Vermont, California, and Montana. The people in those states voted and were the final decision-makers—what they decided was not blocked or overruled by any governmental entity, federal or state. Abortion advocates are planning more ballot initiatives in 2023 and 2024. They are hoping to short-circuit the legislative process in the states with “direct democracy,” aided by multi-million-dollar campaigns. In these contests as well as in more traditional state legislative battles, pro-life Americans will need to stretch and limber their democratic muscles to be effectively engaged.

As a long-time Lincoln scholar, Professor McKenna advocates a prudential approach that provides exactly what's needed after *Dobbs*. I would like to amplify his prudential approach with some additional proposals.

Some view abortion as a moral issue that simply should not be subject to majority vote or democratic decision-making. But the foundational principle of republican governmental theory in the Declaration of Independence and the *Federalist Papers* is that government rests on *the consent of the governed*. As Robert Reilly lays out in his book *America on Trial: A Defense of the Founding*, the morality of consent has been affirmed by natural law theorists at least since Francisco Suarez (1548-1617) and Robert Bellarmine (1542-1621). That moral principle was adopted by the American

people in the federal and state constitutions. Moreover, Lincoln elaborated on the importance of consent as the moral basis of government, used that principle to assail the contradiction of slavery, and returned to the theme in many speeches in the 1850s and during his presidency. The morality of consent did *not* mean that Lincoln believed that majority opinion was always right, as he laid out in his opposition to Senator Stephen Douglas' proposal for "popular sovereignty."

Since *Dobbs*, some pro-life advocates have yet to show a *democratic disposition* to appeal to the public. The absence of this disposition is demonstrated by an exclusive focus on rousing "the base," demanding complete prohibitions on abortion immediately in every state, and criticizing leaders who propose advancing less-than-complete prohibitions of abortion as an intermediate measure.

What is needed is a Lincolnian disposition to appeal to the public. Lincoln's example is uniquely important because he was experienced in discerning and navigating public opinion on the most divisive issue of his era—slavery. Because Lincoln understood the role of public opinion in our system of government, actively studied it, and appealed to citizens with respect, he developed finely tuned antennae for what was possible to achieve politically. Although he did *not* believe that majority opinion was always right, he understood that democracy moved on public opinion and determined what could be accomplished over the long term. As he said, "[I]n a government like ours, public sentiment is everything, determining what laws and decisions can and cannot be enforced." That understanding enabled him to effectively act, and, with time, even *change* public opinion, as he did during the Civil War with emancipation and with recruiting black troops into the Union Army.

The Lincoln scholar Harry Jaffa identified the judgment needed for achieving the highest degree of good possible in politics: "judge wisely as to what is and what is not within his power," select effective means to achieve the right goals, and avoid a permanent compromise that prevents "future statesmen from more perfectly attaining his goal when altered conditions bring more of that goal within the range of possibility."

Those who want a national ban *now* need to understand the virtues of federalism. The existence of a United States, either in 1787 or in 1866 (the year the Fourteenth Amendment was passed by Congress), depended upon preserving state sovereignty to some significant degree. First and foremost, federalism prevents tyranny and preserves freedom.

Each state is different, but strong public support is essential in every state to sustain and effectively enforce an abortion prohibition. Depending on the state and the existing obstacles (including public opinion), a 20-week or 15-week

or earlier gestation limit with rape and incest exceptions may establish a solid beachhead from which greater future protection of human life might be secured.

Although the intentional killing of the innocent unborn child is the gravest moral issue, abortion is not just about “the babies” and never has been. To explain why, the best primer available is Ryan Anderson and Alexandra DeSanctis’ book *Tearing Us Apart: How Abortion Harms Everything and Solves Nothing*. They understand that the public argument must be broadly stated to include *all* the ways in which abortion harms women, babies, and our society.

For the foreseeable future, abortion is a democratic issue, and therefore those promoting the cause for life must appeal to families, friends, and neighbors, blue states and red states, with *genuine respect and compassion*. Even a constitutional amendment—along the model of the Thirteenth Amendment that prohibited slavery—requires the approval of 38 states, which would prove impossible without dominant public support. The prudential lesson is this: Accept as much as you can get in the current context of existing obstacles and work over the long term for a greater good.

—Clarke D. Forsythe serves as Senior Counsel at Americans United for Life and is author of *Abuse of Discretion: The Inside Story of Roe v. Wade* (Encounter Books, 2014).

Edward Mechemann

George McKenna’s call to action is right on target for how the pro-life movement must move forward after the *Dobbs* decision. Certainly, lawyerly arguments will still be necessary in the battle in court over state constitutions. But McKenna is right that those arguments will not be good enough to convince people to treat unborn children with the dignity and equality that they deserve. To that end, McKenna rightly points to the civil rights movement of the 1950s and 1960s and even further back to Abraham Lincoln for inspiration.

But we need to look back even further, to the first civil rights movement—the battle for full legal equality for African Americans before the Civil War. This was most prominently the movement for abolition of slavery. But it also sought to eliminate invidious legal discrimination against African Americans that degraded them and denied them basic rights. This was not just a problem with the South. Many of the “free” states had laws that treated African Americans as unworthy of legal respect and protection.

The most infamous examples of these “black laws” were in the Midwest—Ohio, Indiana, and Illinois. Those states required an expensive bond before an African American could move into the state and production on demand of documents

proving their freedom. The “black laws” also denied the right to vote, to serve on juries, or to testify—the basic ways that people defend their legal rights.

Those states were not alone. Missouri was admitted to the Union with a constitution that directed its legislature to enact laws denying the right of any free black person to move into the state. Legal battles raged over whether African American sailors who arrived in Southern ports were “citizens” of the states, and thus entitled to protection under the federal constitutional Privileges and Immunities Clause. In the District of Columbia, free African Americans had to carry proof of their freedom or risk being arrested and sold into slavery. States that had eliminated slavery, like New York, still denied equal voting rights to “men of colour” in their constitutions.

These discriminatory laws denied full legal personhood to African Americans. Overturning them took decades and was only accomplished—at least in principle—with the passage of the Fourteenth and Fifteenth Amendments. Throughout that time, the principal argument against the laws was that they were radically inconsistent with the promise of natural equal rights in the Declaration of Independence. They appealed to a sense of fairness and humanity—echoing the words on the famous Wedgewood anti-slavery medalion, “Am I Not a Man and a Brother”?

By the time of MLK, the equality of African Americans in principle was not enough. They had to convince Americans to deliver on the “promissory note” of full legal equality promised in the Declaration. But their success would not have been possible if the first civil rights movement had not already obtained the necessary constitutional foundations for full legal personhood.

Regarding the status of the unborn, we are now in a place comparable to the antebellum civil rights movement. No state grants unborn human beings full legal personhood and equal protection of the laws. Instead, there is a patchwork of laws that grant some elements of equality for unborn children, while denying them others. Some ban abortion at six weeks of life, while others do so at 20 weeks. Some provide protection from criminal assaults at any stage of pregnancy, while others do not. All recognize some inheritance rights, and all treat unborn children to some extent as patients who need health insurance or who are protected against medical malpractice.

But the states that have outlawed abortion from conception still recognize a right to abortion in medical emergencies even after the child is capable of life outside the womb. Many states and the federal government will pay for the abortion of a child conceived through a sexual assault. As tragic as those cases are for the mother, the innocent child is still being denied the equal right to life inherent in his or her humanity. And radically pro-abortion states basically hold that unborn children have no rights that born people are bound to respect.

So we must continue with the agenda that McKenna lays out of convincing our fellow citizens of the full humanity of unborn children and the injustice of denying them equal rights. Any law that recognizes any rights for the unborn is a movement in that direction.

That's our proactive agenda. But there also must be an active, assertive defense.

Pro-life organizations are under constant attack from pro-abortion legislatures and administrative agencies. Pregnancy centers incite their ire because they insist on treating unborn children and their mothers like real persons. Sidewalk counselors and prayer witnesses are targeted because they dare to speak the truth about the gross injustice of abortion. Religious hospitals are under constant regulatory pressure because they refuse to treat murder as if it were health care.

The pro-abortion fanaticism about eliminating dissent recalls the slave states' obsession with enforcing fugitive slave laws, hunting runaways, silencing debate in Congress, and censoring any abolitionist literature in the mails. They refused to compromise in any way with the idea that their disfavored class had any claim to equal treatment and dignity. The first civil rights movement fought back, and so must we. Our best defense is to push back hard at any attempt to oppress our institutions and activities.

Of course, we must be prudent and wily in our tactics. Compromises and half-measures will have to be accepted. But even the smallest victory is an important contribution to the ultimate goal of full legal recognition and equality for unborn children.

Like Abraham Lincoln, we are engaged in "the eternal struggle between these two principles—right and wrong." And like him, we are confident that "Wise councils may accelerate or mistakes delay it, but, sooner or later the victory is sure to come."

—*Edward Mechmann is an attorney and Director of Public Policy for the Archdiocese of New York.*

William Murchison

I agree with the eloquent and intellectually fertile George McKenna: "We do not yet have the votes to wipe out the infanticide unleashed by *Roe v. Wade*, but we have enough to make a start." From which it follows that we take what we can get in the way of legislated protections for unborn life: proceeding from gain to gain, win to win, until ...

Until, maybe—permit me to stick my nose in—we find ourselves bound

to take rueful note of a central reality about democracy and its functionings. That reality is the impossibility of ever conforming *demos*—we, the people, don't you know?—to a single viewpoint on anything under the sun.

A genuine democracy, like our own, is unruly—and, accordingly hard to rule. You just don't, and shouldn't try, really, to get everyone on the same page—where you couldn't keep 'em even if you succeeded for a moment. That's humans for you.

My brother McKenna correctly understands lawmaking as “a dynamic process.” Just as “events can change people's minds,” so work and dedication can bring them around as to the evil of exterminating life in the womb. He cites as a precedent the country's decisive move, in the 1860s, from unwillingness to attack chattel slavery to ratification of the 13th and 14th amendments, owing to “the momentum [President Lincoln] achieved during his four years in office.” Momentum generated, one could add, by war and the deaths of 750,000 Americans.

So. If we lower our heads, hitch up our pants, and vow, in the post-*Roe v. Wade* era of freedom from judicial interference with the right-to-life cause, we can leverage the weakness of the pro-abortion position on destruction of human life. And win. What we need, my brother declares, is a civil rights movement—our own Martin Luther King, Jr.

I would rejoice to think so. My reluctance to throw up my cap stems from two notable differences between the anti-slavery cause and the cause of preventing further slaughter of the unborn.

Reason 1: Slaves were visible persons. With faces, bodies, names; all the marks of realized life. Yes, yes—an unborn child has these, too. The problem is their out-of-sightness. Many don't care a rap for not-yet-ness. It doesn't arrest them in the way pictures or tales of toiling blacks arrested steadily accumulating numbers of Americans over many decades, not counting the civil rights era, with its white/black restroom signs and so forth.

Reason 2: This is the big one. Abortion and feminism are joined together at the hip. Performing the necessary acts—acts, plural—of surgery will be a long and painful task, if indeed it ever becomes approachable. *My* right to control *my* body is the signal affirmation of the women's rights movement. Nodding in agreement entails closing hearts and minds to biological truths, like, look, lady, what do you think you've got in there, a platter of spaghetti? Have you heard of pregnancy, meaning the production of life in the immemorial way every one of us got here originally? That the phrase “every one of us” should include those making the sophomoric claim to authority over personal birth processes shows you as well as anything else could the vapid-ity of modern moral reasonings.

A pregnant woman who says “my body, my choice” isn’t going to respond to rousing pro-life exhortations on the personhood of the unborn. It’s all, you see, about me. I’m not talking about the rare victims of rape or incest, or about women whose lives truly are at risk from their pregnancies. I’m talking about women whom the feminist cause—the cause of women’s “rights”—makes unlikely recipients of a civil rights message affirming the rights of those sometimes dismissed as mere “products of conception.”

Civil rights? Isn’t choice in the matter of abortion a fundamental civil right? Aren’t women an oppressed and put-down class on a par with blacks, pre- and post-Civil War? You make people do what they don’t want to do— toil in the fields or bear babies, maybe both—and you know what you are? You’re a slave-driver! Get lost! That’s the message we hear.

In the age of liberation moral suasion that points to personal restraint looks either laughable or loathsome. Which is why I fear a new civil rights movement, however morally correct, in behalf of the unborn is likely to enjoy limited prospects in the political/governmental universe.

What, then, could work? Moral renewal inside the vast community of America strikes me as the likeliest possibility; moral renewal of a sort larger and more compelling than political exertion, practiced for political reasons, aimed at political outcomes involving the exercise of power.

Abortion itself: That’s not the problem. I-want-to is the problem—running through the culture. Evaluations of right and wrong go unspoken, unheard. I want, I demand, is the key to it all.

What, then, I say, could work? I cannot imagine abortion, an immemorial “remedy” for perceived ills, personal or social, ever quite vanishing. However, I can see it succumbing in large degree—even among feminists—from a broad cultural change in moral perceptions; from the awakening of our long-slumbering perception that life is Good, and worthy of nourishment.

The “how” of such an enterprise is immense: a larger challenge than Dr. King, I think, ever encountered. He finished the uprooting of an already undermined and unworkable folk philosophy of race. In contrast, the moral truths by which the West once lived lie under heaps of earth. It will take persistent shoveling to uncover them—by ardent volunteers who understand their God-given power.

I sense the task has begun, due partly to widespread repulsion at the moral soot now enveloping us. Moral inquiry, serious, serious moral teaching—and, yes, the earnest prayers of God’s faithful. Such as that, it seems to me, beats a law or a court decision any day of the week.

William Murchison, a former syndicated columnist, is a senior editor of the Human Life Review. He will soon finish his book on moral restoration in our time.

Marvin Olasky

George McKenna says Lincoln’s “speeches played no small role in completely reorienting people’s minds to the best way of defending and promoting the common good of our nation. Martin Luther King Jr. did the same.” Regarding abortion, McKenna concludes, “So can we.” I hope so, but I’d add one word: “Maybe.”

The “maybe” is because though King had a high bar over which to leap, ours is even higher. A crucial difference: King had nationally prominent journalists on his side, with newspapers, magazines, and television networks amplifying his message, but the national press has been highly pro-abortion for a long time. I’ve seen no evidence of change since the 1995 survey of nationally prominent journalists conducted by Stanley Rothman and Amy E. Black. They found 97 percent agreeing that “it is a woman’s right to decide whether or not to have an abortion,” and 84 percent agreeing strongly.

What *Boston Globe* legal reporter Ethan Bronner acknowledged in 1990 still seems true: “Opposing abortion, in the eyes of most journalists . . . is not a legitimate, civilized position in our society.” I haven’t seen any widespread media polling since the *Dobbs* decision, but comments last June, as tracked by the Media Research Center, include: “devastating . . . dark day . . . rigged Court . . . highly politicized . . . legal chaos . . . legal wild west . . . legal civil war.”

In 1954 ABC, CBS, NBC, *Time*, the *New York Times*, and so on did not characterize *Brown v. Board of Education* that way. Later, they gave King favorable publicity. They supported the 1964 Civil Rights Act. In January 2023, CNN’s Nia-Malika Henderson complained about “the so-called pro-life movement.” Did any network reporters in the 1960s complain about “the so-called civil rights movement”?

Instead of equating the drive to protect the unborn with the abolitionist or civil rights movements, leading journalists over the years have said the pro-life movement is trying to enslave women. *Time* in 1989 quoted an unnamed *Chicago Tribune* reporter as saying, “To me, the struggle for abortion rights is as important to women as the struggle against slavery.” (Many more examples from the 1960s to the 1980s are in my book *The Press and Abortion, 1838-1988*.)

After *Dobbs*, the bizarre “pro-life is proslavery” meme continued. MSNBC host Joy Reid said, “More than 100 million women—and queer folks with uteruses too—woke up to another day in America, basically as state property in the more than 20 fully or partially Republican-controlled states that the Supreme Court’s conservative majority unleashed to literally take physical control of half the population.” Literally.

So, McKenna's good plan will be stymied by journalistic opposition unless we can circumvent the biases at the top. I have no easy solution to offer here, but I hope that over time biblical objectivity—an accurate look at the reality of God's creations both worldwide and in the womb—will win out over existential subjectivity. I believe that's possible because of both God's mercy and what McKenna points out: that abortion advocates “are holding a weak hand.”

The weakness of that hand is apparent in the reaction when people see even an 8-week-old unborn child: They say, “that's a baby.” Starting in 1839, Drs. Hugh Hodge and Stephen Tracy, and then pro-life female physicians Anna French, Rachel Gleason, Prudence Saur, Mary Hood, and many others, presented word pictures of human life “from the moment of conception, as modern science has abundantly proven.” A century after Hodge's verbal descriptions of fetal anatomy, one of the most popular exhibits at the 1939 World's Fair in New York City featured sculptures of unborn children's development month by month.

People stood in line for hours “with wonder on their faces” to see what before had been invisible, as historian Rose Holz has recounted: “Neither rain nor shine stopped the crowds from coming; nor did the occasional stampede.” The sculptures combined scientific accuracy with artistic beauty to depict development as a romance beginning with conception and unfolding all the way to birth.

In 1965 an unborn child appeared on the cover of *Life* magazine. In 1984 Dr. Bernard Nathanson used an early ultrasound machine to show in *The Silent Scream* a child being aborted. Ultrasound imaging, now 3D and 4D, has been worth more than a thousand words in changing the hearts of some who were contemplating abortion. The pro-abortion Guttmacher Institute complains that the requirement in some states to show a mother what's happening in her womb is “a veiled attempt to personify the fetus and dissuade an individual from obtaining an abortion.”

Well, sure. That fear among abortion advocates is a GPS to guide the pro-life movement over the next decade. Keep showing pictures and ultrasound videos. Publish them, post them, stream them, beam them, do whatever it takes to get around the big media blackouts.

—*Marvin Olasky is co-author of The Story of Abortion in America (Crossway, 2023).*

David Quinn

Here in Ireland, the pro-life movement took great heart from the *Dobbs v. Jackson Women's Health* ruling. Readers may recall that in 2018, Ireland held a referendum on abortion and voted by a two-to-one margin to repeal the very strong protection the Irish Constitution afforded the unborn. Morale was understandably low following this defeat, and we wondered if there was a way back. Then along came the decision of the U.S. Supreme Court.

What this showed us was that through patience and very hard work the tide could begin to be turned back. *Roe v. Wade* had seemed set in stone. A partial repeal seemed the most proliferators could hope for. To see it totally overturned was incredible.

Ireland's pro-life amendment lasted from 1983 until 2018, which is to say, for 35 years. From the day it was inserted into the Constitution by the Irish people, pro-choice forces worked very hard to overturn it, with the full backing of the media. Eventually they got there.

As we can see, the work of overturning landmark decisions and votes can take decades. *Roe v. Wade* lasted for nearly half a century. But as George McKenna observes, the fight in America has now been returned to each of the 50 states, and voters in those states vary widely in what kind of restrictions on abortion they want to see implemented, running the gamut from strong protection for the unborn to no protection at all.

If the overturning of *Roe v. Wade* was mainly a battle for the Supreme Court and only secondly a battle for public opinion, the next stage is very much a campaign to win over hearts and minds. And that will not be at all easy, because abortion has become so embedded in our culture.

Ireland is a sobering reminder of that. Though our law prior to 2018 prohibited abortion except where the life of the mother was in danger, several thousand Irish women still travelled to England each year for terminations. The overall rate of abortion was still low by American or British standards (about one in twelve pregnancies ended in abortion, compared with one in four or five in the U.S. and the UK), but it was becoming normalized all the same.

That's because abortion was seen by many people as a necessity if they were to enjoy a sex life free of any unchosen or unwanted commitments. The Irish in this regard did not differ from any other Western nation—the miracle is that we kept the pro-life amendment in place for so long and saved so many lives because of it.

But now we face the same problem as America; namely, how to persuade public opinion that abortion should not be part of modern life, and that the vision of “autonomy” we have been sold is destructive not only of the unborn,

but of the wider society as well.

What we need is a social revolution in what people see as “the good life.” In reality, continuing high divorce, a declining marriage rate, growing loneliness, widespread abortion, and (on the horizon) widespread euthanasia hardly seem to qualify.

Today we are faced with a rapidly aging population. What are we going to think in a few short decades when we look around and see how many of us are over the age of 65, and how few of us, relatively speaking, are young?

George McKenna argues that, going forward, the pro-life movement needs to model itself on the civil rights movement, taking inspiration from what Martin Luther King did. He is correct that there needs to be a very broad-based, well-coordinated campaign by pro-life groups statewide and nationwide guided by good, high-profile leaders who will win over hearts and minds so that the law will move, bit by bit, in a more pro-life direction.

I think this may happen in the manner envisaged by John Paul II in his great encyclical *Evangelium Vitae*. He argued that moving from a “culture of death” to a “culture of life” would most likely occur only incrementally. Recognizing this, he said that Catholic politicians could in good conscience vote in favor of laws that permitted abortion so long as the imperfect new law they were supporting was replacing a worse one.

But strange as it may seem, the challenge before Martin Luther King was actually easier than the one facing the pro-life movement today. Bringing about racial equality did require a social and legal revolution, but persuading the public that their vision of the good life is drastically misguided will take even more work.

Ultimately, I think the pro-life movement will prevail only when society itself reaches the point when it can no longer deny the wreckage caused by our extreme individualism, and that point may arrive only when the demographic crisis comes into plain view.

Society might, of course, greet this crisis fatalistically and continue on its present course; or, viewing the results extreme individualism has wrought may prompt an overdue reassessment and a pro-natal social revolution in which we start to turn our backs on abortion both collectively and individually.

The job of the pro-life movement in the meantime is to nudge public opinion in that direction and develop and sell a vision of what a pro-natal society looks like.

—*David Quinn is a columnist with the Irish Independent and the Irish Catholic and the founder and director of the Iona Institute in Dublin.*

Wesley J. Smith

Overturing *Roe v. Wade* was a major historical victory for the pro-life movement. In bringing the country to this portentous moment, proliferers acted in the grand tradition of social activism that has been a hallmark of the American experience.

But that does not mean the overall task of creating a more humane union is accomplished. Nor should this unquestionable achievement be celebrated simply as a matter of “winning.” Obviously, the final victory is not yet “won.” Moreover, the strategic questions with which the pro-life movement grapples are not properly framed as matters of winning or losing, but instead, of saving as many lives as possible.

With abortion now returned to the states, this will be both easier and more difficult to accomplish, depending upon location. With *Roe* gone, some states have restricted abortion access and undoubtedly saved lives. But other states are so radicalized that they have enacted laws or constitutional amendments establishing a fundamental right to abortion through the ninth month. California even will pay the expenses of women who travel there from out of state to terminate their pregnancies.

Nearly fifty years of judicially enforced legalization has corrupted American culture and desensitized many among us to the sheer brutality of abortion. Indeed, more than half the country believes that abortion should be legal at least in the early months of pregnancy, to protect the wellbeing of the mother or to prevent babies with disabilities or serious medical conditions from being born.

Changing those cultural attitudes is going to be an effort measured in decades—just as overturning *Roe v. Wade* was. And make no mistake; until the culture becomes more humane, the dream of some proliferers to enact a national abortion prohibition will remain only that. A national law unsupported by a majority of the people would be impossible to sustain even if it could be enacted.

So the immediate question becomes how to create a culture of life in which people act righteously regardless of legalities. Part of the effort will, of course, entail hard political and cultural lifting. Nothing new there. The pro-life movement has been engaged in those efforts for more than 50 years.

But that can't be all. Changing times require new advocacy approaches. The pro-life movement needs to lead by example. Here are three areas of activism that can help accomplish this important goal.

Help Make the Choice of Birth Easier: During the *Roe* hegemony, the pro-life movement developed pregnancy resource centers to assist women in crisis.

These clinics of compassion provide free pregnancy tests, ultrasound scans, and other means of supporting women in the choice to give birth. Belying the canard that proliferators only care about children before they are born, most of these support facilities also help with things like diapers, social services, and post-natal education. Increasing these efforts will both benefit the clients of these centers and help overcome the lies the media tell their audience and readers about the motives and actions of the pro-life movement generally.

But more is required. This is a time for creative thinking and a willingness to think outside the usual political and philosophical boxes. Americans United for Life has already launched such a project by publishing a white paper arguing that childbirth should be free for every mother in the country (<https://aul.org/wp-content/uploads/2023/01/Make-Birth-Free-White-Paper.pdf>). The proposal needs to be debated and perhaps honed. But in opening so boldly, AUL jump-started a vital conversation about how best to promote a culture of life that the entire country will be able to coalesce around, regardless of individual views about the legality of abortion.

Increase Commitment to Oppose Assisted Suicide: The pro-life movement opposes assisted suicide as a matter of principle. But I have noticed that it has often not invested the same levels of energy and commitment in opposing that death agenda as it has historically invested in abortion. It's time for the movement generally to up its game in this area of societal contention.

The stakes involve more than the potential victims of assisted suicide as commonly framed. Studies have now shown that advocacy for—and legalization of—assisted suicide for the terminally ill exacerbates the suicide crisis the United States currently faces. This makes sense. Assisted suicide advocacy promotes suicide as an answer to the problem of human suffering. Thus, by thwarting the assisted suicide movement, we can not only save the lives of those currently targeted by the movement from premature death, but also potentially save others who face existential crises that do not involve health or disability.

And here's a truth that some may find hard to swallow. Fighting the spread of assisted suicide will require the pro-life movement to work in concert with those—like disability rights activists and organized medical associations—that may not hold pro-life views on abortion. This doesn't mean downplaying the importance of abortion. But it will—particularly in politically progressive states—require temporarily setting those fundamental differences aside toward the end of defeating the assisted suicide agenda that is profoundly toxic to everyone in existential despair.

Protect Medical Conscience: Protecting the right of doctors and other medical professionals to refuse complicity in abortion and assisted suicide is an-

other important means of saving lives. This will require energetic political organizing. Medical conscience is under unprecedented threat today as the Biden administration, political progressives, the bioethics movement, and establishment medicine are working overtime to distort professional ethics and require doctors, nurses, pharmacists, and others to be complicit in life-taking actions, either by compelled participation or by providing referrals to doctors they know to be willing to abort or prescribe death. Maintaining the right to say no will not only save the lives of patients directly affected, but allow these conscientious medical professionals to communicate a powerful life-proclaiming message that certain actions are wrong regardless of legality.

Finally, to be effective in these and other efforts that will need to be undertaken, proliferers will have to work to change the movement's (largely but not totally false) popular reputation as angry into one recognized as steeped in love. This means increasing the movement's commitment to nonviolence, turning the other cheek, walking the extra mile, and loving adversaries—even (perhaps better stated, particularly) when proliferers are faced with slanderous attacks and unfair characterizations. This is not only morally correct, but it is a practical necessity. If proliferers are to have any hope of leading the culture into greater humanity, they will have to conduct themselves in a way that makes people want to follow.

—*Wesley J. Smith is chairman of the Discovery Institute's Center on Human Exceptionalism and author of Culture of Death: The Age of "Do Harm" Medicine.*