Abortion Politics 2008

Hadley Arkes

For reasons quite plausible, even to people on the pro-life side, Rudolph Giuliani persists in standing well ahead of the pack of the Republican candidates for president. He has sounded the traditional Republican themes: preserving the Bush tax cuts, seeking free-market solutions to problems such as medical care, and standing firm on the war in Iraq.

But there is in his campaign a sobering truth that cannot be evaded: The nomination and election of Rudy Giuliani would mark the end of the Republican party as the pro-life party in our politics. And that would be the case regardless of whether pro-lifers respond to his nomination by refusing to vote for Giuliani, forming a third party, or folding themselves into a coalition that succeeds in electing Giuliani.

I often meet, here in the East, conservatives of an old stripe: eager to vote for a Republican but repelled by what they have seen as a party in which the religious and the pro-lifers have a marked leverage. Are there enough of these voters to convert, say, New Jersey and Connecticut into Red States? There might be if the old-line conservatives see a massive defection from the party on the part of the pro-lifers. For that will be a sign that the party is becoming habitable again for people like themselves, who may come to define again its character.

What is engaged here is a truth about the nature of political parties that has gone remarkably unappreciated: Parties have the means of changing their own constituencies or their composition. By altering their appeals, they drive some groups out and bring others in. If a Republican party, reconstituted in this way, manages to win, the Republican establishment will readily draw the lesson that they can win convincingly without pro-lifers and their bundle of causes: the destruction of embryos in research, assisted suicide, the resistance to same-sex marriage. Indeed, a Republican party shorn of those people and their baggage may seem to offer a stronger, more durable majority than the party that eked out victories by narrow margins in 2000 and 2004.

Pro-lifer voters may subordinate their concerns and join the new coalition, but the lesson extracted will be the same: “The Republican party can win when the pro-life issue is thrust from the center to the periphery of the party’s concerns. Even the pro-lifers do not see themselves as one-issue voters; they will give primacy to other concerns as the crises before us make other issues indeed more urgent. They will content themselves with symbolic gestures or modest measures rationed out to them. For they know that, when their interest collides with others, the party will have to subordinate their concerns to nearly anything that seems more pressing.”

And, for all practical purposes, nearly any interest will trump the interests of the pro-life community.

For those concerned about the life issues, the choices offered by a Giuliani nomination are bleak. This melancholy state of things is deepened by the awareness that there are powerful considerations moving the pro-lifers toward accommodation. Since the days of Ronald Reagan, the Republican party has become, ever more clearly, the pro-life party in our politics. And, just as clearly, the “right to abortion,” with its theme of sexual liberation, has become the central peg on which the interests of the Democratic party have been arranged. Under these conditions, the pro-life movement has become bound up inescapably with the fate of the Republican party.

But the White House cannot be preserved for the Republicans—and the pro-life movement—without solving the problem of the war in Iraq. To this task Giuliani brings no military credentials, but he seems to have the tenacity to see the war through to victory and to bring the Republicans through as a party that need not apologize for a war that was undertaken for good reasons. Even the pro-lifers may recognize then that the war claims a certain precedence or preeminence in the issues now pressing. The pro-life issue may have to be submerged at this moment as a matter of high strategy, for the interests of the country and for the survival of the Republican party as the pro-life party.

For years now, the pro-life movement has followed a strategy of moving in incremental steps, unfolding a plan of principle with, to borrow a phrase from Lincoln, the object being to put abortion “in the course of ultimate extinction.” But a successful candidacy by Giuliani would subtly put in place a scheme whose tendency and object would be to put the pro-life movement itself on the course of ultimate extinction.

It is conceivable, then, that from the standpoint of the pro-lifers it might be better to lose to Hillary Clinton than to win with Rudy Giuliani. The Republican party left standing after the defeat would still be a pro-life party. In the film Ninotchka, Greta Garbo explains to people in Paris the Stalinist purges back home: “We will have fewer but better Russians.” The Republicans might be diminished, but they would be essentially
intact as a pro-life party; and, when the electoral winds shift again, they have a chance of coming back with their character intact.

Giuliani has given a pledge to recruit conservative jurists for the Supreme Court in the cast of John Roberts and Samuel Alito. Yet, what defines that cast? The same process of selection, seeking conservative candidates, once brought forth David Souter, and nothing in the plan of selection diverted Bush from choosing Harriet Miers in a surge of personal intuition. The level of confidence could be raised if, say, Giuliani announced that he would choose as attorney general someone respected by the pro-life cause, who would in turn assemble a crew of conservative lawyers to sift with practiced eyes the candidates for the judiciary.

The Bush administration has been pervaded with pro-lifers in the agencies, the Department of Justice, and even the White House staff. And yet nothing in that force of pro-lifers has produced an administration willing to take initiatives in the pro-life cause. Nor has there been any move, emanating from the White House, to enforce even the pro-life measures that have been enacted—including most notably, the Born-Alive Infants' Protection Act, the act that cast the protections of the law on a child who survived an abortion. All this from a president who seems earnestly pro-life. Could we really expect more from a president who earnestly believes there is a right to abortion, with the decision finally left to the pregnant woman in collaboration with her doctor?

Besides, the heavy accent placed by Giuliani on the courts merely confirms the vice that has been absorbed now by the Republican establishment as the settled understanding: that this work of dealing with abortion and such vexing issues as marriage is the work mainly of the courts, that it is not in any way part of the main business of the White House or the political leadership.

Giuliani has stressed the point that he favors adoption over abortion. But that is a preference that leaves undisturbed the notion that the decision to destroy an innocent human rests wholly with the pregnant woman, for any reason good enough for her. Or, to put it another way, in the understanding of Giuliani, the nascent life in the womb is the bearer of no rights that the law may be obliged to respect. Nothing said about appointing "strict constructionists" alters this decisive point. And neither is the question answered by announcing the panel of distinguished lawyers who will advise Giuliani, including men like Theodore Olson and Steven Calabresi, whom I count as friends. These estimable lawyers have work to do—or some explaining to do to the rest of us.

During the famous debate between Lincoln and Douglas, Douglas professed to be neutral on the matter of slavery. He professed to have reached no moral judgment. And so, he concluded, people should be free in the separate territories to vote slavery up or down. But, as Lincoln pointed out, he had indeed reached a moral judgment. If he had regarded slavery as a wrong—as Douglas had regarded polygamy—he would have understood that a wrong is that which no one ought to do, that anyone may be properly restrained from doing. To say slavery is something legitimate to choose is to say that slavery stood in the class of things "not wrong."

In an eerie echo, Giuliani reproduced precisely the same argument in an interview with Charlie Rose. Rose asked, "Don't you think that abortion is a national issue?" Giuliani replied:

Sure it's a national issue. But...since it's an issue of conscience for people, a deep personal issue where some people morally believe it's wrong and some people strongly morally believe it's right. My conclusion about that is government can't dictate and intervene and make that choice...

Honestly, I think—my own personal view is it's better off if that is left to people to choose. And then what you do is you do everything you can to correctly limit the number of abortions, encourage adoption instead of abortion. I supported the ban on partial-birth abortion when it passed and when—and the decision of the Supreme Court I agree with. I agree with parental notification, but ultimately I think this is not the area where government should be completely dictating.

Lincoln said that Douglas was trying to "blow out the moral lights" among us by teaching a policy of "indifference"—that slavery just did not matter enough to stir such divisions in the country. In a similar way, Giuliani is teaching us, in the style of Douglas, that we should not care overly much, that we should treat as a matter of indifference a right to take a human life for wholly private reasons that need not arise beyond convenience. Not that people choose abortion for the sake of a trifling convenience. The point, rather, is that even a decision taken for the most flippant reasons may not be judged by anyone else.

Before this article went to bed, I was writing that my own side, the pro-life side, should work hard to deliver the nomination either to Sam Brownback (who has been more fully on that side, in all its dimensions, than any of the other candidates) or to Mitt Romney (whose position on the pro-life side I take to be genuine). Now that Brownback has withdrawn from the race, the question is just which of the other candidates, apart from Romney, can actually explain the grounds of his pro-life position. So far, neither McCain nor Thompson has been able to do that. I would back Romney, then, as far as he can go, I would back any of the others as soon as
they show that they are speaking more than by rote. If Giuliani became the nominee, and he genuinely wished to preserve the pro-life constituency within his party and his administration, he could select Brownback or Romney as his running mate. He could also offer the assurance that their perspective would have standing, would have a claim to bear on the policies of his new Republican administration.

Faced then with the possibility of a Democratic presidency determined to weave the ethic of abortion rights more firmly into our law and to have its judges install same-sex marriage, a Giuliani candidacy could offer some slender grounds of hope. Under those conditions, I might bite my lip, vote for him, and indulge those hopes. But they would be the hopes of the suppliants. And they will be affected at every point by the awareness of just who has the upper hand, and just who, in this party newly reshaped, does not matter all that much.

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The Art of Transgression

Matthew J. Milliner

Contemporary art refuses any set form, content, or medium—but it does, nonetheless, insist on one sure commandment: Religion has to go. The Art Institute of Chicago’s James Elkins lays down this law in his book On the Strange Place of Religion in Contemporary Art. The art world, he says, “can accept a wide range of ‘religious’ art by people who hate religion, by people who are deeply uncertain about it, by the disgruntled and the disaffected and the skeptical, but there is no place for artists who express straightforward, ordinarily religious faith.”

Indeed, Elkins writes: “To fit in the art world, work with a religious theme has to fulfill several criteria. It has to demonstrate the artist has second thoughts about religion. . . . Ambiguity and self-critique have to be integral to the work. And it follows that irony must pervade the art, must be the air it breathes.” It is a given, of course, that such irony cannot extend to the rejection-of-religion rule: “Committed, engaged, ambitious, informed art does not mix with dedicated, serious, thoughtful, heartfelt religion.”

Along the way, Elkins tells a story about one of his students who had been privately creating artwork with sincere religious themes. When she dared show her teacher, Elkins insisted she keep this work to herself, referring her back to Roland Barthes, Clement Greenberg, and Michel Foucault, all of whom she had dutifully read. The message, unfortunately, didn’t get through. “Kim’s work might be considered perfectly good as printmaking, but it belongs to a moribund strain of visual art that is cut off from what is interesting about current practice. It is a simpler and less challenging activity than what is now called painting or printmaking.” He ends by invoking Hegel: “It is no help to adopt again . . . past world-views.”

But what one might call the art world’s last rule has a loophole. According to Elkins, the auspices under which religious content in contemporary art becomes permissible are “NRMs”—new religious movements. Attachment to an NRM can get even incorrigibly religious paintings past the faith detectors of Manhattan galleries, where Chelsea’s Chapel of Sacred Mirrors boasts moon ceremonies, a bookstore lined with psychedelic drug manuals, and a year-round display of the New Age icons of Alex Grey.

German expressionist Franz Marc called for “symbols that belong on the altars of some future religion,” and with Grey—whose self-chosen name combines black-and-white binaries—the art of some future religion may have arrived. Grey’s work combines meticulous medical illustrations with spiritual insights from all religious paths, making for what could fairly be called “The Gnostic Gospels (Illustrated Version).”

So, for instance, after ascending the stairs to the spacious, multiroomed loft in the Chelsea gallery, visitors to Grey’s work can explore the meandering crannies of a colorful gallery displaying dozens of paintings with genuinely fresh insights into the nature of caring and the miracle of the human body, including a painstakingly accurate chronicle of the stages of womb development worthy of a pro-life publication. How to paint a family praying together without descending into sentimentality is no minor artistic quandary—but Grey might have succeeded. Though the crop circles and alien abductions in Grey’s ambitious tableau The Cosmic Christ might raise a theological eyebrow, it nevertheless invokes a universal range of subject matter to which no Christian could object.

And yet actual adherents to the traditional religions that Grey happily distills might have difficulty laying down an actual offering to the androgynous sculpture of “worldsoul,” consecrated by the entire Grey family. “The sculpture forced itself upon me, demanding to be created,” Grey explains. The result is, in his words, a “four-faced hermaphroditic self-copulating dwarf with