

to exposing the disingenuous character of liberalism's claims of neutrality on the question of the human good, Canavan is without peer. Accordingly, *The Pluralist Game* is indispensable reading not just for Catholics, but for anyone interested in the moral and religious dimensions of American public life.

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William A. Donohue - *The Politics of the American Civil Liberties Union* (1985), *The New Freedom* (1990), and *Twilight of Liberty* (1994). All from Transaction Publishers, and available from the Catholic League.

The American Civil Liberties Union (ACLU) is insane, systematically insane, insane on principle. Those words are mine, not those of William A. Donohue, the President of The Catholic League for Civil and Religious Rights. In his writings he is careful to give credit to the ACLU where he can and to speak of it in more measured terms than I have done. But my opinion of the ACLU, which I have long held, has been bolstered by these three books written by Dr. Donohue.

Only the first and third of these books treat directly the ACLU. The second, whose subtitle is *Individualism and Collectivism in the Social Lives of Americans*, explains the ideology that since the 1960s has become a kind of orthodoxy in liberal circles in the United States. But since it is the ideology that inspires the civil-rights positions taken by the ACLU, the second book fits well with the other two to constitute a unified series.

Because the books form a coherent whole, I will usually refer to them without distinguishing one from another. One distinction, however, seems advisable. In the preface of the last book in the series, Donohue says that over the years he has had two basic criticisms of the ACLU: “it is not the nonpartisan organization it pretends to be” and “it hurts the cause of liberty by taking an extremist interpretation of individual rights.”

The Politics of the American Civil Liberties Union is devoted to the first criticism. It is true, it says, that the ACLU is inherently dedicated to the values of liberalism, which is founded upon an “atomistic” view of society. That is to say, society is seen, not as a natural outgrowth of the social nature of man who can achieve the proper development of his humanity only through living in community, but rather as an aggregation of discrete individuals who choose to associate themselves in order to protect their personal autonomy and individual rights. Yet out of this “classical liberalism” there grew in the late nineteenth century a collectivistic liberalism.

Liberals came to believe that it was not enough to defend individual freedom, but that it was also necessary to abolish or at least to diminish social and economic inequalities, so that all would have a fair chance to realize their freedom. In order to bring this about, it was necessary to cease looking on the state as a threat to liberty and to regard it as potentially an instrument of egalitarian social reform. This collectivism, however, was compatible with a radically individualistic view of liberty. Collectivistic liberalism would make people equal in their enjoyment of the material means of freedom, but would protect them from religious, moral, or social restraints on it. Everyone must have the opportunity to live as he (or, of course, she) chooses.

Enters now the ACLU. It grew out of a movement opposed to American participation in World War I. The leader of the more radical branch of that movement, Roger Baldwin, led it into the founding of the ACLU in 1920. From the beginning Baldwin intended it to be a radical working-class organization that “functioned almost exclusively as the legal arm of the militant labor movement.” That is why Donohue maintains that it was not politically nonpartisan: “Politically motivated from the start, the ACLU’s first impulse was to enlist in the cause of militant labor by using civil liberties as a means toward that end.”

That period did not last indefinitely, however. Donohue describes the 1940s, 1950s, and early 1960s as “the most balanced” years in the ACLU’s history, when it was most genuinely dedicated to the defense of civil liberties without subordination to a political agenda. Since then, however, it has moved steadily in the direction of promoting the agenda of a radically individualistic liberalism which necessarily becomes more egalitarian and statist.

Not by coincidence, that shift began with the cultural revolution of the 1960s and the “new freedom” that was its motivating force and its goal. The ACLU did not cause that revolution, but it certainly helped it along, particularly by its rush to the courts to defend the freedom of the individual from institutional and moral restraints. Given its atomistic view of society, it naturally saw the freedom of the individual as primary, and the welfare of the community as either secondary or irrelevant. The common good, if it were anything more than an aggregation of private goods, had to be conceived of in egalitarian and utilitarian terms (the “compelling state interest” recognized by the U.S. Supreme Court).

Running through the cultural revolution there was (and is) a distrust and even hatred of institutions, of communal moral norms and laws that embody them, of commitments binding on the individual such as those of marriage and the family, and a corresponding insistence on personal autonomy and on society’s obligation to be morally neutral. Moral neutrality is “the belief that no cluster of values is morally superior to any other,” and that society has no right to uphold communal moral norms that conflict with the satisfaction of individual desires, of sexual ones in particular.

In practice this alleged neutrality is an effort, to a significant extent a successful one, to impose on society norms inspired by a cultural and legal elite's resentment against society and, indeed, against the reality of human nature. It has an obvious appeal to adolescents (and, if I may inject my own words here, finds an echo in the unending teenage whine, "Get off my case"!).

This elite is composed of "the men and women who are the decision makers in the media, academy, mainstream churches, and legal profession." They are also the stratum of society that is least "accountable to democratic checks and balances." Among their accomplishments are the virtual disappearance of the word "deviance" from public discourse, the banishment not only of religion but of morality traceable to religious beliefs from public education, the breakdown of discipline in the schools, and the decriminalization of "victimless crimes."

One of the consequences of the steady expansion of individual rights is the equally steady expansion of the power of the state. Once individual desires, loosed from the bonds of social and institutional authority, are taken as rights, they must be protected against society and its institutions. It is the state that furnishes the protection and, at that, a centralized state that can override local governments which are prone to succumb to undue influence from "reactionary" elements in the population. More and more civil society is reduced to the individual with his appetites and his overly fond mother, the tutelary state. Rights-mania leads to statism.

We have thus arrived in this country at a curious combination of statism and libertinism. This convergence is the goal to which the ACLU has dedicated itself, says Donohue: "It firmly believes that it must intervene to save liberty by extending the reach of the law, interpreted civil libertarian style, into every crevice of society." But, he adds, "it is not liberty that really drives the ACLU, it is power—the power to bring mediating institutions under the aegis of the state."

Here we come to the insanity of much that the ACLU does. It consists in taking legal principles that might make good sense if understood as prudential judgments tempered by a knowledge of a community's history and present circumstances, plus a rational calculation of the consequences of applying them in certain circumstances, but which the ACLU treats as if they were abstract absolutes to be insisted on no matter what the consequences. For example, in January, 1988 the ACLU adopted the following as its official housing policy: "Discrimination in the rental, sale, or mortgaging of housing, public or private, based on race, color, sex, religion, national origin, political affiliation, alienage, illegitimacy, sexual orientation, marital status, presence of children in the family or household, age, physical or mental disability, status as a recipient of public assistance, an alcoholic, or drug addict, or ex-offender, including a parolee, is a denial of basic civil rights." This policy, if it were enforced by law, would remove all choice from the property owner who wanted to rent out a room or apartment in the building he lives in. This violation of property

rights strengthens the right of an alcoholic and/or drug-abuser, sex offender who is out on parole, and severely weakens the right of the owner to protect his wife and teenage daughters from unwanted attentions.

Or consider the support the ACLU has given or expressed to efforts to force the Boy Scouts to accept atheists (who will not take the Boy Scout Oath “to do my best to do my duty to God and my country”), homosexuals, or (gasp!) girls. The Boy Scouts is a private organization, one might think. But the ACLU holds that the Scouts must follow governmental anti discrimination rules because they are allotted space in public schools and receive funds from the United Way. By this reasoning, since there are few if any organizations that are not touched in some way by public money, there are few that do not fall under the power of government to force regulations on them that destroy their private character and their independence—this, again, in the name of liberty.

According to Donohue, an essay entitled, “Economic Justice,” written by Professor Sylvia A. Law of the New York University Law School, “has been the most widely cited source of ACLU thinking” on interpreting civil rights as economic entitlements. “The core social issue of our time,” she says, “is whether liberal civil liberties will serve values of human self realization, community, and equality.” She regrets that “the public/private distinction persists in constitutional law,” believing instead that “the distinction between public and private is not sharp; it may indeed have no coherent meaning.” But the idea that the essence of community is equality enforced by ACLU-style civil-rights laws in fact destroys community.

Those who share nothing but everyone’s equal right to his own beliefs, appetites, tastes, and lifestyle may be held together for a while by the kind of absolutist state envisioned by Thomas Hobbes. But they cannot be a community because they have so little in common. What we get instead from this kind of thinking is a flattened-out “community,” purged of all religious, moral, and cultural bonds, in which only a radical individualist could feel at home, leaving the rest of us feeling like strangers in our own land.

One further point that Donohue makes must be mentioned before concluding this essay. It is that turning constitutional law into politics carried on by other means, as the ACLU constantly strives to do, not only absorbs the mediating institutions of society into the state. It also absorb the several states of our federal union into the national government and its least democratic branch, the judiciary. Here Donohue quotes federal judge Richard A. Posner: “The Bill of Rights [the first eight amendments to the Constitution] was intended to weaken the federal government; [but] apply the Bill of Rights to the states through the due process clause and you weaken the states tremendously by handing over control of large areas of public policy to the federal judges, whose interpretations of the Bill of Rights are (short of constitutional amendment) conclusive of its meaning.” The result is that radicals who could not gain their ends through the democratic process often obtain

them from activist judges. This alone would justify the title of the final book in this series, *The Twilight of Liberty*.

I have attempted to limn the outlines of Dr. Donohue's criticism of the American Civil Liberties Union in a very few broad strokes, and have thereby done it less than justice. In these three books he has substantiated his critique in much greater detail, and I can only refer the reader to them if he wants more hard evidence. There are two sides to every debate, of course, but I think the case made in these books will stand up, and deserves to be taken seriously by all who are concerned for the future of liberty in what is still our country.

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Lawrence F. Roberge - *The Cost of Abortion: An Analysis of the Social, Economic, and Demographic Effects of Abortion in the United States*. LaGrange, Georgia: Four Winds, 1995.

Lawrence F. Roberge, a research scientist, has given us an extremely useful little book which makes the argument against legalized abortion by pointing to its economic, social, and demographic consequences—which very possibly will be the most influential types of arguments for a largely secularized and morally-numbed citizenry. It is perhaps only when it becomes apparent that readily available, widespread abortion has resulted and will continue to result in serious economic and social welfare consequences for America—i.e., puts our particular notion of the “good life” in danger—that policymakers will be willing critically to reconsider it.

Actually, it is more accurate to say that in his book Roberge makes the argument against abortion without even having to say he is making it. He simply analyzes primarily quantitative data in a number of different areas and shows the implications of his analysis. The charts, graphs, and tables go a long way toward making the case themselves.

The first chapter looks at the most basic question in this area: the number of abortions each year. Roberge explains how the reported number of abortions is probably fewer than the actual number due to data collection inadequacies. He also reminds us of something that the official statistics take no account of: because most birth control pills and the IUD are abortifacient, the total number of abortions is really much, much higher than we generally think. He also introduces us to an important concept that is repeated throughout the book: the cumulative effect of abortion. This is the “multiplier effect” that abortion has on population as the people lost to one generation mean that even more people will be lost to subsequent ones.