The blogosphere is heating up over the issue of Roe, the mind of Burke, and what some conservatives consider to be the apostasy of Jeffrey Hart. Follow these links for background: here, here, and here.

A friend writes in this morning:

The Jeffrey Hart piece that ran in the WSJ, the ongoing reaction - great stuff. I haven’t been so engaged by intra-conservative polemic and thought since Buckley did the big anti-Semitism issue in NR about fifteen years ago. That’s meant as a sincere statement, by the way - an expression of the heightened interest one feels when first principles are discussed so openly and intelligently. It must be admitted that from a liberal perspectives there are some ironies - I can’t help but sympathize to some degree with those objecting to Hart’s essay when I reflect that his conception of the conservative mind is one that someone like me could be satisfied with in most respects. At the same time, I can better see why he’s been such a large intellectual presence for so many. Brilliant.

Agreed. Conservatives should be proud at the quality of this discussion, or at the very least pleased at its existence--dogma being the enemy of conservatism, "political correctness" best kept far to the Left. That doesn’t mean, of course, that conservatives are right now dancing around the maypole. Not at this moment. Far from it.

What we are seeing, instead, is perhaps the imbalancing of the conservative agreement on abortion. Up to this point, this agreement has been equally weighted between a revulsion towards the practice of abortion and a revulsion towards the revolution that would be required to disallow it with any urgency. An absolute position has been matched to a realist timetable; the result has been the incremental approach towards abortion’s curtailment.

Hart’s essay on Burke, while mentioning
abortion only in passing, disturbed the balancing act. Hart put his figures on the realist side of the scale; a swift response came down on the idealist side. Here is another letter we received this morning:

Dear Armed Men,

I think everyone in the conservative community has been reading Prof. Hart with interest. Your web site posted his reply to some critics on abortion. His use of Burke, and the Confederacy to buttress his view that the abortion license is irreversible is telling. The French Revolution was reversed. Not only was there Thermidor, but by 1815 the Bourbons were restored and the Revolution was tamed. In every other country on the Continent traditional monarchy was returned and, except for the 1848 burp, would not be undone until the bloody aftermath of WW I. Moreover, Southern partisans have used the advent of the cotton gin to maintain that slave labor was "here to stay" and that the economic realities could not be undone. There is an easy way for conservatives to test Professor
Hart’s theories. Let’s vote. That we can’t vote on a proposition upon which the Founding was based, is why Father Neuhaus claimed the United States under Supreme Court governance was on the verge of being an illegitimate regime.

If we were talking about birth control, whether for good or ill, I might agree with Professor Hart, but we are talking about abortion, the termination of a separate life after conception. If the American political process is allowed to work, women will retain their options and freedom of their reproductive lives but, even after 35 years of the abortion license and with the full resistance of the educated class and all "progressive" forces, the "right" to kill unborn life, for no reason or any reason at all after conception but before birth, will end.

Sincerely,
Mr. Vecchione’s comments remind me of an observation I made while speaking at a conference of conservative student editors: it was the near unanimous animation of these undergraduates over abortion. This, compared to the demurred reaction—abstracted, perhaps—I find on the issue from, yes, many East Coast conservatives. For those students, a revolution over abortion wasn’t to be avoided; it was their desired result. You don’t need a balancing act once you do away with the scales.

One conservative heavyweight who stands apart from the East Coast pack (compact?) on abortion is Richard John Neuhaus of *First Things*. Jeffrey Hart took note of Neuhaus in a letter yesterday posted to this website:

We sent Hart’s letter for a response to Neuhaus—like Jeff, we should add that Neuhaus is a close friend of The New Criterion. This morning, Neuhaus responded to Hart’s charges on his own weblog at *First Things*. Here is what he wrote:

Oh dear. "Easy chair insurrectionary," "Jacobinical priest." And here I always thought of Jeffrey as a friend. At least he has always been very cordial when we met in the company of friends.

As for my Jacobinical ways, he is referring, of course, to the famous—"I suppose he would say notorious—symposium in *FIRST THINGS* of November, 1996, in which Robert Bork, Charles Colson, Robert P. George, Russell Hittinger, and others reflected on the "judicial usurpation of politics," of which the *Roe* decision was several times cited as a prime example. I wrote the introduction and the
symposium was titled "The End of Democracy?" Many excitable critics at the time tended to ignore the question mark.

The FIRST THINGS symposium generated considerable controversy at the time. *Commentary* published a counter-symposium, but then a year or so later did a graceful about-face and ran another symposium on judicial activism that substantively agreed with the original FIRST THINGS argument. It is an argument that has become a commonplace in the pages of *National Review*, with which Jeffrey Hart is closely associated, and in many other venues.

What was thought to be a radical idea at the time--and what Jeffrey Hart apparently still thinks is an impermissibly radical idea--is that we could reach a point, if the judicial usurpation of politics continued unabated, at which the American political order would be morally illegitimate and
To deny the possibility that the American polity could descend into a form of tyranny, in this case judicial tyranny, is, I believe, a form of national hubris, and precludes the possibility of any rational consideration of what is meant by the distinction between legitimate and illegitimate government.

The exchange between Murray and Hart, along with Hart’s original essay in the Wall Street Journal, can be found at the New Criterion website. It is very much worth reading. If I may be permitted to gently tweak Jeffrey Hart, whom I persist in thinking of as a friend, I note that he began this discussion by invoking Burke and ends it by invoking Lenin. A curious conservatism indeed.

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