

Building an Enduring Majority for Life

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THE HUMAN LIFE REVIEW

Summer 2026, p. 5-14

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R*oe v. Wade*'s negative impact on American law, medicine, and culture was deep and pervasive. For two generations, the Supreme Court told Americans that elective abortion was a “fundamental right,” that “the unborn have never been recognized in the law as persons in the whole sense,” and that abortion had no significant risks and was safer than childbirth. All that in addition to imposing for 49 years a right to abortion for any reason, at any stage of pregnancy, across all 50 states. The disappointing politics and policy outcomes of the past four years prove the point.

By 1996, Gallup polling data showed that 64% of Americans supported abortion *before* 12 weeks, while 65% thought abortion should be “generally illegal” *after* 12 weeks. Just as *Roe*'s impact was imposed for two generations, it would be reasonable to expect that erasing *Roe*'s negative impact will take generations more.

It should have been no surprise that sending abortion back to the people has sparked divided politics and debate in an America which was *already* marked by stark ideological divisions, narrow party divisions in Congress, and thin margins in the popular vote for presidential elections over the past three decades.

The *Dobbs* decision moved control of abortion from the Court to public sentiment. Where the Court previously controlled the legality and the politics of the issue, public sentiment now controls what can or cannot be done in Congress and in the States. The Court sent a clear message in *Dobbs* that it intended abortion to remain with the states permanently, stating at least three times that abortion must be “returned to the people and their elected representatives.”

Ironically, at a time when public sentiment governs the abortion issue for the first time since January 1973, many Americans, on the Right and the Left, question the morality of majority rule.

Why should the majority be able to legalize or prohibit abortion in any State?

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The question assumes majorities are static and permanent. Instead, the question for pro-life Americans should be how majority rule can be used in our republic to improve pro-life politics and policy.

Three recent books provide a rich, detailed portrait of Abraham Lincoln's defense of majority rule, his recognition of its moral and practical limits, and its necessity for political change during the battle over the most divisive issue of the 1850s—slavery—including Allen Guelzo's *Our Ancient Faith: Lincoln, Democracy, and the American Experiment* and James Read's *Sovereign of a Free People: Abraham Lincoln, Majority Rule, and Slavery*, a finalist for the 2025 Presidential Leadership Book Award. Matthew Pinsker's *Boss Lincoln: The Partisan Life of Abraham Lincoln* (2026) adds new evidence of Lincoln's leading role in the 1850s in building the Republican Party as an anti-slavery party in Illinois and beyond. Each holds lessons and inspiration for the practical work of building political majorities today.

The Declaration

Until the American Declaration of Independence, the question was *Why shouldn't the majority rule?* As Harry Jaffa observed, “the divine right of kings, in the comprehensive sense of the right to rule others without their consent, predominated within Western civilization until the American Revolution.”

There were some early critics of the divine right of kings: Richard Hooker, Robert Bellarmine, and Francisco Suarez—political theorists during the 15th and 16th centuries—held that “equality *requires* consent in being ruled”—as Robert Reilly documented in *America on Trial: A Defense of the Founding*.

In 1776, the Declaration made a decisive difference that was enduring. The Declaration set forth three moral propositions that supported self-government. The Declaration contended that there are “self-evident” truths—that “all Men are created equal, that they are endowed by their Creator with certain unalienable Rights,” and that “to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .”

Abraham Lincoln's political convictions were anchored in the Declaration of Independence, the U.S. Constitution, and the rule of law. He referenced the Declaration in his political speeches as “my ancient faith,” and characterized the Declaration as “a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.”

Lincoln consistently emphasized the importance of consent as “the leading principle—the sheet anchor of American republicanism.” As he reiterated in his Peoria Speech in October 1854, “the just powers of government are derived from the consent of the governed.” Equal creation leads to consent, which leads to majority rule—that is, rule by the larger or greater part. James Read describes majority rule as “a decision rule intended to resolve...disagreements . . . That the majority must ultimately rule . . . was for Madison and Lincoln the first principle of free government.” The necessity of consent was the core of Lincoln's moral criticism of slavery.

Natural Law and Majority Rule

Both Read and Guelzo look to natural law for guidance to Lincoln's thinking. Guelzo writes: “in a liberal democracy, there is always the risk that the positive laws a society enacts might fall short of what natural law demands. The great advantage of a liberal democracy is that, with the persistent application of reason, defective laws can be changed as majorities change.” The majority that voted in 2024 will not be the same majority in 2028 or 2032.

Natural law cannot solve these prudential questions by itself. It does not dictate specific rules or processes for determining specific outcomes in political disputes or provide a specific remedy for its violation. What mechanism could guide or override majority rule when it violates natural law or natural rights?

That is the function of prudence—practical wisdom oriented toward the moral good in politics. And

prudence—through the long experience of anarchy, chaos, religious wars, and tyranny before the 18th century—led to republican government and majority rule in the American colonies, setting the stage for the Declaration.

Guelzo adds that “natural law does not exist in a vacuum; it is expressed through statute and legislation,” and “Majorities don’t create natural rights but . . . majorities are necessary to formulate reliable means of embodying it.” Majorities are necessary to make that expression a reality, and *stable* majorities are necessary to perpetuate it.

Constitutional Checks on Majority Rule

The first answer to skepticism about majority rule is that the American Founders recognized the problem and established constitutional checks on majorities. Indeed, many of them had personally experienced the reality that majorities can and do act unjustly. They recognized the risk of a possible tyranny by the majority and sought to preserve minority rights. Despite the risk, they adopted republican government, because they concluded that “there is nowhere else that final decision-making authority can be legitimately placed.”

America does not have a system of *unlimited* majority rule. There are real constraints on majority rule built into our Constitution. These include the separation of governmental powers, the Bill of Rights, and the Constitution’s establishment of an extended republic rather than a small republic. James Madison defended this in *The Federalist Papers* (#10, #51), arguing that an extended republic would increase the number and diversity of interests, which would reduce the risk of majoritarian tyranny. (And changes in public opinion, the Civil War, constitutional amendments, and statutory changes have gone a long way toward erasing racial discrimination in the practice of majority rule.)

The Constitution also sometimes divides power, or requires *super*-majorities for approval, or requires *concurrent* majorities (with House and Senate both requiring approval for legislation).

Another constraint is the Electoral College which reflects and preserves our federalist system, checks pure majority vote as the basis for a presidential election, requires that the vote be spread over more states, restrains direct democracy and thereby checks majority tyranny. As a result of the constitutional mechanisms, our system is one in which majorities, as Read writes, must “act through constitutionally specified processes.”

Public Sentiment

Public sentiment was a common political phrase used by public officials and writers during the 1850s. For Lincoln, public “sentiment” was not simply opinion or passing fancy, it was more like formed convictions. In his First Inaugural, for example, Lincoln cited the “sentiments” published in the Republican Platform of 1860.

Guelzo and Read make clear, as have prior Lincoln biographers, that Lincoln studied public sentiment carefully and thoroughly, and understood it better than most, with the aim not of following it but shaping it. Lincoln looked to “time, events, careful political organization, and effective political persuasion” as “necessary for voter preferences to shift” in a positive direction.

How Lincoln Used Majority Rule

Six decades after the Founding, defenders of slavery rejected majority rule if it threatened slavery. It was in that new political context that Abraham Lincoln uniquely addressed the justification for majority rule.

Through political experience, Lincoln grappled first-hand with majority rule. For more than three decades—from 1830 to his reelection as president in 1864—Lincoln was running for office, or helping others get elected, or speaking at political meetings. Lincoln believed that natural law should guide majorities but recognized that political majorities could rule unjustly or violate natural rights.

Guelzo affirms that “Lincoln understood majority rule as one of the building blocks of democratic self-government. . . .” Read concurs that Lincoln “knew that majorities could violate those [natural] rights, yet without majority support, there was no effective way to realize them in practice.”

As Lincoln stated in his First Inaugural Address, “Unanimity is impossible; the rule of the minority, as a permanent arrangement, is wholly inadmissible, so that, rejecting the majority principle, anarchy or despotism in some form is all that is left.”

For Lincoln, according to Read, “action in the public good required the practice of majority rule . . . A key function of majority rule is to resolve disagreements that neither the explicit text of constitutions nor the unwritten principles of natural right can resolve.”

Congressional passage of the Kansas-Nebraska Act in 1854 was a turning point in Lincoln’s political career. Lincoln admitted that before 1854 he had “rested in the hope and belief that slavery was in the course of ultimate extinction.” The Act repealed the Compromise of 1820 and opened up the Northwest territories to slavery, which Lincoln took to mean, as Read writes, that “the institution was being placed on a new basis . . . for making it perpetual, national and universal,” with the implication that “it would be beyond the power of the majority of Americans to contain, shrink and ultimately extinguish the institution.”

Political Parties

What is the remedy if majorities disregard natural rights?

At least part of the answer is political parties and elections. Elections serve as practical limits on majority rule—electoral campaigns and elections may change majorities.

Lincoln “regarded broad-based political parties as essential to the creation of stable, effective electoral majorities on critical issues” and “he recognized that local antislavery majorities were the indispensable building blocks of any national antislavery majority.”

Lincoln knew that majorities are not static but often shifting, depending on the time, the conditions, the candidates, and the issues. People age, people move. But change comes not just by accident or happenstance. Lincoln believed, in Read’s words, that “majorities, and the opinions and sentiments of the individuals composing them, were capable of deliberate change.” New elections, shifting legislative coalitions, and new political issues can alter majorities.

In the 1850s, Lincoln was critical of violations of majority rule, such as Senator Stephen Douglas’s platform of “Popular Sovereignty,” because it was used to perpetuate and extend slavery and because Lincoln believed it was not *true* majority rule. Likewise, Lincoln rejected the Kansas-Nebraska Act of 1854, in which Douglas played a key role as a sponsor, even though passed by a Congressional majority, because Lincoln saw it as a “perversion of majority rule.”

After the Whig Party collapsed in 1854-1855, Lincoln poured his political experience into building the Republican Party, as the vehicle for building an anti-slavery majority.

An effective political party was critical to Lincoln’s political vision. He recognized, as Read writes, that “stable majorities on contested public issues did not form spontaneously but required political organization and public persuasion.” Working through the “procedural mechanism” of majority rule was crucial to building an anti-slavery majority.

He envisioned the Republican Party as a broad anti-slavery party, even if the members had different motives for their anti-slavery convictions. A party was a matter of addition, not moral or political purity, focused on principles not personalities. Prolifers can learn from this: A party united in support of human life need not agree on every legislative limit or the reasons for those limits. Pro-life people may agree that abortion is bad for different reasons.

As Matthew Pinsker tells us in *Boss Lincoln*, “party organization was . . . Lincoln’s life work.” He had a “peculiar talent for party management” which was “the driving force in his political career.” His goal was “to forge and maintain a winning partisan strategy organized around enduring principles.”

Lincoln's House Divided Speech in June 1858, Reed writes, was "intended to facilitate the creation of an effective and enduring anti-slavery electoral majority out of several constituencies, that shared a distaste for slavery but otherwise had little in common." The political mechanisms were outlined in his House Divided speech. It was majority rule that would enable antislavery leaders to enact limits on slavery to put slavery in "the course of ultimate extinction" by halting its expansion, believing it either had to expand or die.

Building the Republican party as a majority antislavery party would require coalition-building, including "cooperation among many mutually hostile constituencies, including former Whigs, former Democrats, politically oriented abolitionists, immigrants, nativists or Know-Nothings, temperance activists, and others who had little in common beyond their opposition to the continued expansion of slavery." As Read writes, "[Lincoln] sought to construct an enduring antislavery majority able to withstand the disruptive impact of crosscutting issues such as immigration and alcohol prohibition."

Political freedom allowed space for diverse anti-slavery strategies. "Abolitionists chose to speak the truth without compromise and leave the outcome to God. Lincoln focused on those battles that he believed could be won."

This is demonstrated by the constitutional policies that Abolitionists espoused, that Republicans adopted in the 1850s, and that the first Republican Congress enacted in large part in 1861-62, as James Oakes has documented in *The Scorpion's Sting*.

The Republicans succeeded. Guelzo emphasizes that "assembling a majority that would agree to give opposition to slavery the primary political place no matter what they thought about other issues was one of the great achievements of Lincoln and the Republicans in the North in the 1850s," which "represented a triumph of natural rights over appeals to self-interest, and a reassertion of the fundamental logic of the Declaration of Independence."

Read writes:

Lincoln . . . opposed the idea that a political party should serve as an instrument for the political ambitions of one individual . . . [P]olitical parties made majority rule itself possible by performing the difficult but essential work of converting a majority in sentiment into an electoral majority; by creating stable middle ground and a sense of common purpose among constituencies with extremely diverse backgrounds, interests, and views; by enabling complex issues like slavery to be addressed through a sequence of dichotomous votes on which majority and minority stances could be clearly ascertained; and by directing strong political passions into peaceful electoral channels when they might otherwise take violent, democracy-threatening paths . . .

Lincoln worked to build the Republican Party outside Illinois during the 1850s because a Republican President of anti-slavery convictions, backed by an anti-slavery party, was essential for a political solution. When the secession crisis of 1860-1861 came, Read writes, "Lincoln . . . was offering a fresh, wide-ranging, and in many respects innovative account of the interplay between majorities and minorities in the context of crosscutting issues and shifting public opinion."

Lincoln's First Inaugural gave a principled defense of majority rule. He declared: "A majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinion and sentiments, *is the only true sovereign of a free people.*" If civil war did not erupt, Lincoln held out hope "that slavery could be peacefully and gradually extinguished through the action of a committed national majority" and hoped to build that majority during his time as the first Republican and first anti-slavery president.

Policies

What moves public sentiment?

In Read's words, "the *recursive* interaction of public action and public opinion over several election cycles" was a primary mechanism in Lincoln's political strategy. In other words, policy proposals and specific, concrete bills get publicized and public opinion is formed in response. Bills are modified, defeat-

ed, or passed. Governors veto or sign legislation. Parties run for or against those public acts. New bills or policies get proposed. If, for example, a six-week limit on abortion can't garner majority support in a state, a 12-week limit should be proposed (or some other gestational limit that can garner majority support). A stable beachhead is necessary before any further progress can be made.

Contrary to the notion that Republicans had no effective strategy against slavery before the Civil War, Read argues that Lincoln and other Republicans “had in mind a fairly specific menu of peaceful and gradual middle-range policies designed to weaken and shrink the institution of slavery after the initial, critical, and politically difficult step of halting its expansion had been accomplished.”

As historian James Oakes has set forth in two books, *The Scorpion's Sting* and *The Crooked Path to Abolition*, the antislavery agenda before the Civil War identified a number of policies. These included concerted federal policy designed to get the southern states to abolish slavery, petitioning Congress to shift the bias of federal policy from slavery toward freedom, the abolition of slavery in the District of Columbia, a ban on slavery in the western territories, state rather than federal enforcement of the fugitive-slave clause, suppression of the Atlantic slave trade, and the withdrawal of all federal support for slavery on the high seas. By the mid-1850s, local Republican organizations urged the federal government to adopt many of these policies.

Oakes records that the first Republican Congress in its first year abolished slavery in D.C., banned slavery from the western territories, stopped enforcing the fugitive-slave clause almost everywhere, approved a treaty (unanimously ratified by the U.S. Senate) with Great Britain to suppress the Atlantic slave trade (on the high seas), and required the new state of West Virginia to abolish slavery as a condition for admission to the Union. These were independent of military emancipation.

When the Civil War began, there were 15 slave states and 18 free states. By the time the war ended in April 1865, as Oakes records, “five states had abolished slavery, West Virginia had been admitted to the Union, and 2 new free states were added.” The result: 26 free states, 10 slave states. “*Abolition in one more state would create a Union in which three-fourths of the states were free.*” That created the foundation for the ratification of the Thirteenth Amendment eight months later.

Conclusion

Was the cause for life “ready for *Dobbs*”? The Court didn't ask, which reflects the Court's role as a legal and not a political institution. Within days, however, elected officials in 13 states announced their intention to enforce or began to enforce early gestational limits on abortion. Add to that Texas and Oklahoma, in which early limits were already in place. By August 12, 16 states had early limits in effect—nearly a third of the states. That exceeded reasonable expectations about the political ability and willingness of states to enforce abortion limits before *Dobbs* was decided, and is the best evidence of whether the cause for life—facing existing obstacles—was ready. The subsequent loss of 15 ballot initiatives—many of which were in blue or purple states and effectively preserved the status quo of unlimited abortion—requires a different analysis (and a different time).

Four years after *Dobbs*, however, the cause for life in America has yet to launch a concerted and sustained effort to build an enduring majority for life. As it did in the immediate aftermath of *Roe* between 1973-1978, the cause for life may once again have to build a movement strong enough to induce politicians to follow.

Incrementalism, alone, provides neither a goal nor a strategy. It identifies only a step-by-step process. The steps must be directed by the essential political virtue, which is also the preeminent cardinal virtue: prudence—practical wisdom oriented toward the moral good in politics. Prudence is making good decisions *and* implementing them effectively. Prudence is necessary to make zeal effective. As an intellectual virtue, prudence has four necessary stages: deliberation, judgment, decision, and execution.

As a political virtue, those facets translate into four essential questions that challenge public officials

(and voters). Are public officials:

- pursuing good goals in politics?
- exercising wise judgment as to what's possible?
- successfully applying means to ends?
- preserving the possibility of future improvement when all of the good cannot be immediately achieved?

These questions require working effectively through majority rule in our republic because it is necessary to successful action in the public good, “to resolve disagreements that neither the explicit text of constitutions nor the unwritten principles of natural right can resolve.”

Majorities are not necessarily static but often shifting, depending on the time, the conditions, the candidates, and the issues. New elections, shifting legislative coalitions, and new political issues can alter majorities. And stable majorities are necessary over a substantial period to settle political issues.

To shape public sentiment, candidates and parties can utilize “time, events, careful political organization, and effective political persuasion” as “necessary for voter preferences to shift” in a positive direction.

Public sentiment is built with both action and opinion: Policy proposals and specific, concrete bills get publicized and public opinion is formed in response.

Elections can serve as practical limits on majority rule—electoral campaigns and elections may change majorities.

A political party is a matter of addition and building coalitions, not pushing people out to establish moral or political purity, focused on principles not personalities.

Movements rise or fall by the number and strength of organizations and institutions. We need to build institutions that are “perpetual, national and universal” and “beyond the power of the majority of Americans to contain, shrink and ultimately extinguish the institution.”

In some states, progress will require “a fairly specific menu of peaceful and gradual middle-range policies designed to weaken and shrink the institution of” elective abortion after its expansion has been halted.

Those who are desperate for immediate success and pursue desperate measures, like prosecuting women for abortion, will burn out or fade away. Because of the legacy of *Roe*, and the fact that zealous supporters of abortion did not fade away with *Dobbs*, this will take generations.

But what is new is that *Roe* is gone as a constitutional and political impediment, which serves to level the playing field, and the debate is more decentralized and less subject to centralized control. Numerous historians have noted that the abortion “reform” movement stalled by the end of 1970, after four years of success in the states, but 30 states—despite political and legislative challenge—retained their traditional prohibition of abortion except to save the life of the mother on the eve of *Roe*.

Working effectively in our system of majority rule to change public sentiment, implementing a “*recursive*” interaction of public action and public opinion over several election cycles,” and building a party committed to the inviolability of human life are essential building blocks for creating an enduring majority for life in America.

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The focus of civilized discussion of the abortion issue.

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In a world of sound bytes, tweets, and texts, the Human Life Review forces you to take a moment to sit down, read, and think ...

— Kristan Hawkins, Executive Director, Students for Life of America

The great Jim McFadden started the Human Life Foundation over fifty years ago, just after the Supreme Court had thrown out every single state law against abortion. At the time, *Roe v. Wade* looked as impregnable as the Berlin Wall. Today both the Wall and *Roe* are gone—and so is Jim. But under Jim's daughter Maria, the *Human Life Review* continues to prosper. From every page its message is as bold and necessary as ever: in a civilized society, the strong protect the weak.

—William McGurn, “Main Street” columnist, *Wall Street Journal*

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