

Libertarians For Life

THE ABORTION DEBATE FROM THE LIBERTARIAN PRO-LIFE PERSPECTIVE

TABLE OF CONTENTS

BIOLOGICAL FACTS AND THE ABORTION ISSUE.....	1
WHY A HUMAN EMBRYO OR FETUS IS <u>NOT</u> A PARASITE.....	2-3
ABORTION AND THE QUESTION OF THE PERSON.....	4-6
WHY THE STATEMENT "A WOMAN HAS THE RIGHT TO CONTROL HER OWN BODY" BEGS THE BASIC QUESTION IN THE ABORTION DEBATE.....	7-8
IF THE UNBORN CHILD IS A PERSON ENTITLED TO RIGHTS, ABORTION IS AGGRESSION.....	8-9
WHY DO PARENTS HAVE THE OBLIGATION TO CARE FOR THEIR CHILDREN, BORN AND UNBORN?.....	9-11
SOVEREIGNTY AND LIBERTY.....	11-13
QUESTIONNAIRE.....	14
AN OPEN LETTER TO ALL LIBERTARIANS.....	15

BIOLOGICAL FACTS AND THE ABORTION ISSUE

Life scientists agree that life, in some sense, is a continuum, flowing from parents to children for endless generations. They also agree that the life and the body of each individual begins at fertilization when a sperm and an ovum combine to form a single cell called a zygote, and it is continuously viable until death, given the appropriate environment. Neither a sperm, nor an ovum, nor any other body cell is a potential or an actual human being (Homo sapiens), and none ever can become one in and of itself. The mature sex cells released by ovulation or ejaculation are no longer part of the respective parent's body. The child conceived when these cells fuse is, therefore, a separate individual, an entity from that moment forth, as was the "test-tube" baby conceived outside her mother's body and then later implanted into the womb.

The tiny new human child at the zygote stage is genetically distinct from its parents, combining genes from both of them in a single cell. As the child drifts down through the fallopian tube, he or she begins to grow and mature by undergoing repeated cell division. Not until a week later when more than a hundred cells have been generated does the child finally imbed into the wall of the womb. At this time, the auxilliary attachments such as the placenta and the umbilical cord develop from some embryonic tissue. By the end of the second month, the child enters the fetal stage and the organs and body systems are more or less complete. He or she now resembles the human form as we are used to seeing it. At birth, the child becomes unattached once again and continues to grow until adulthood. Bodily changes continue until death occurs. The generic term "child" refers to the offspring of human parents at any stage. "Zygote", "embryo", "fetus" and "adult" are terms which refer only to a particular stage of development and are used to identify similar stages in other species that reproduce in a similar fashion. These terms do not identify the species at all. Additionally, since children are members of the same species as their parents, they are not and can never be "parasites" upon their mothers.

No matter how big or developed a living thing becomes at maturity, it begins life with just one tiny cell. The plant that is the oak tree begins growth inside the acorn and the animal that is the chicken inside the egg, each as tiny specks. It is arbitrary to choose any time other than fertilization as point zero, the time each individual begins to live in this world. Three months, twenty-six weeks, seven or nine months are, self-evidently, not point zero. Neither is birth or later. As with any species that bears its young, what comes out of the mother is the same being that was inside. A live human being cannot be born unless a live human being already exists inside the womb.

These facts about the biological nature of human beings are relevant to the abortion issue, because if unborn children are living human beings at fertilization, then they are the same sort of thing each moment of their lives thereafter. If so, then they should have, presumptively, the same right not to be killed as any other human being. Generally speaking, we bear the obligation not to kill or otherwise endanger or aggress against any other innocent human being. In some special cases, killing may be permissible. But those who claim that they are entitled to kill a particular human being must prove their case beyond a shadow of a doubt before any steps are taken towards killing. The biological facts of the situation do not supply any basis for such a claim.

WHY A HUMAN EMBRYO OR FETUS IS NOT A PARASITE

1. a) A parasite is defined as an organism of one species living in or on an organism of another species (a heterospecific relationship) and deriving its nourishment from the host (is metabolically dependent on the host). (See Cheng, T.C., General Parasitology, p. 7, 1973)
- b) A human embryo or fetus is an organism of one species (Homo sapiens) living in the uterine cavity of an organism of the same species (Homo sapiens) and deriving its nourishment from the mother (is metabolically dependent on the mother).
This homospecific relationship is an obligatory dependent relationship, but not a parasitic relationship.
2. a) A parasite is an invading organism -- coming to parasitize the host from an outside source.
- b) A human embryo or fetus is formed from a fertilized egg -- the egg coming from an inside source, being formed in the ovary of the mother from where it moves into the oviduct where it may be fertilized to form the zygote -- the first cell of the new human being.
3. a) A parasite is generally harmful to some degree to the host that is harboring the parasite.
- b) A human embryo or fetus developing in the uterine cavity does not usually cause harm to the mother, although it may if proper nutrition and care is not maintained by the mother.
4. a) A parasite makes direct contact with the host's tissues, often holding on by either mouth parts, hooks or suckers to the tissues involved (intestinal lining, lungs, connective tissue, etc.).
- b) A human embryo or fetus makes direct contact with the uterine lining of the mother for only a short period of time. It soon becomes isolated inside its own amniotic sac, and from that point on makes indirect contact with the mother only by way of the umbilical cord and placenta.
5. a) When a parasite invades host tissue, the host tissue will sometimes respond by forming a capsule (of connective tissue) to surround the parasite and cut it off from other surrounding tissue (examples would be Paragonimus westermani, lung fluke, or Oncocerca volvulus, a nematode worm causing cutaneous filariasis in the human).
- b) When the human embryo or fetus attaches to and invades the lining tissue of the mother's uterus, the lining tissue responds by surrounding the human embryo and does not cut it off from the mother, but rather establishes a means of close contact (the placenta) between the mother and the new human being.
6. a) When a parasite invades a host, the host will usually respond by forming antibodies in response to the somatic antigens (molecules comprising the body of the parasite) or metabolic antigens (molecules secreted or excreted by the parasite) of the parasite. Parasitism usually involves an immunological response on the part of the host (See Cheng, T.C., General Parasitology, p. 8).

- b) New evidence, presented by Beer and Billingham in their article "The Embryo as A Transplant" (Scientific American, April, 1974), indicates that the mother does react to the presence of the embryo by producing humoral antibodies, but they suggest that the trophoblast -- the jacket of cells surrounding the embryo -- blocks the action of these antibodies and therefore the embryo or fetus is not rejected. This reaction is unique to the embryo-mother relationship.
7. a) A parasite is generally detrimental to the reproductive capacity of the invaded host. The host may be weakened, diseased or killed by the parasite, thus reducing or eliminating the host's capacity to reproduce.
- b) A human embryo or fetus is absolutely essential to the reproductive capacity of the involved mother (and species). The mother is usually not weakened, diseased or killed by the presence of the embryo or fetus, but rather is fully tolerant of this offspring which must begin his or her life in this intimate and highly specialized relationship with the mother.
8. a) A parasite is an organism that, once it invades the definitive host, will usually remain with that host for life (as long as it or the host survives).
- b) A human embryo or fetus has a temporary association with the mother, remaining only a number of months in the uterus.

A parasite is an organism that associates with the host in a negative, unhealthy and nonessential (nonessential to the host) manner which will often damage the host and detrimentally affect the procreative capacity of the host (and species).

A human embryo or fetus is a human being that associates with the mother in a positive, healthful and essential manner necessary for the procreation of the species.

This data compiled by: Thomas L. Johnson
Professor of Biology
Mary Washington College
Fredericksburg, Virginia 22401

Thomas L. Johnson teaches a course in Chordate Embryology and a course in Parasitology.

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ABORTION AND THE QUESTION OF THE PERSON

Sooner or later in the debate over abortion, the question of "the person" must arise. "Is the unborn child a person?" This is the question on which all other questions on abortion depend.

THE QUESTION OF THE PERSON

Whatever else, a person is more than a bundle of cells and protoplasm that the biologist can identify as an individual of the species Homo sapiens. The scientist can, and does, tell us that the unborn child is such an individual; but the scientist -- as a scientist -- can not tell us whether an unborn child, or anyone else is a person.

The critical fact of life that is accessible to any rational study, of course, is that we are each of us the same unique identity now that we were a year ago, or at birth, or at the moment of conception. The prima facie case is that "I" was always "me". There is an unbroken continuity from beginning to end.

Denying this central fact of life, the pro-abortionist must ask "when" did I become "me". When do we become persons? To answer that, though, we must first know what a person is.

HOW TO ANSWER THE QUESTION?

We are able to answer the question of what a person is because we are persons ourselves. We can examine ourselves and those around us and see whether a proposed definition adequately describes us.

Immediately, then, some of the positions advanced by pro-abortionists can be set aside because they do not "fit" with our experience of what it is to be a person: because they are not germaine to what it is to be a person.

Persons are not persons because they are "viable" or "independent", or "autonomous". We may reject these characters -- as not being essential -- because we all know persons who lack these attributes to some extent or other: we all lack them to some extent or other. Viability, for example, may be necessary in order to stay alive, but it is very simply uninformative about what it is that is staying alive, whatever it may be.

The fact that such popular definitions of "personhood" break down in principle leads them to break down in practice. When we try to assign a time at which we "acquire personhood", we find that there are no break-off points. There are no nice points in human life at which we can see that we have characters a, b and c afterward, but lacked them before. (Unless we limit ourselves to some very arbitrary and superficial descriptions -- usually physical.)

This has led some to believe that the question of what a person is cannot be answered. Yet it is the pro-abortionist's method of answering the question that has broken down. Logically, in attempting to set a time for the "acquisition of personhood", the pro-abortionist has simply begged the question. They have assumed that it happens at some time convenient enough to permit abortions, and then set out to prove this time or that. The failure of that approach only means that we should try to find the definition of the person, the essence of the person, and then see whether it is the sort of thing that is acquired or not.

THE HISTORICAL ANSWER

What is a person? The definition we learned in school and the customary answer, one accepted by many pro-abortionists, at least among libertarians, is that a person ("man", "human being", call us what you will) is an animal with the capacity of reason and choice (with reason and choice being mutually implicit). This character of reason and choice sets us aside from the merely animal and is the foundation for all our intellectual and ethical activity.

At least as regards the abortion issue, the place where differences arise is over the word "capacity": is our capacity a matter of a potential that we have, or does it only refer to an actualized capacity?

KIND AND DEGREE: A POTENTIAL AND ITS ACTUALIZATION

The potential for reason and choice is first of all a matter of kind: either we have it or we do not. Its actualization is a matter of degree: we all actualize our potential to different degrees; and none of us do so totally.

Within that framework, the business of "being a person" is straightforwardly a matter of kind, not of degree. We can be better persons than someone else, or more ethical or what not, but it is simply non-sense to suggest that we can be "more of a person" than someone else. We cannot have essentially more rights than someone else.

One interesting point is that the whole demand for actualization is founded on the implicit assumption that the potential for reason and choice is already there in each individual. The single cell of the human zygote is recognized as radically different, in simple fact, from other creatures: the capacity for reason and choice is there, requiring only time and opportunity to be developed. The presence of this potential in the unborn (although we can disagree about its relevance) is just statistically indisputable.

The pro-abortionist, of course, is unwilling to treat as relevant the fact that we are all the same kind of entity as the unborn. They usually protest that they are only asking for some reasonable "minimum qualifications" in order to be a person. Yet they demand more.

But even if potential "fits" with our notion of the person, what is wrong with insisting that some particular degree of actualization of our potential exists in order to be a person?

SOME CONSEQUENCES

The first consequence of such an insistence is obvious: we have to say what degree of actualization is necessary in order to be a person. This the pro-abortionist cannot do. And their own disagreement among themselves shows that. Some may say that we become a person when reason is "obvious" or manifest. Yet what is obvious is a subjective matter: what is obvious to one is doubtful or false to another. The vehemence with which such a position is held is no substitute for a rational explanation of why one point is chosen and not another. Nor is it a substitute for the ability to refute the assertion that we should meet still higher or higher standards in order to be called persons.

And as we have seen in practice, there are no end of points given as being when we become persons. And each of these points can be quite plausible. Each demand for more and more actualization can point out how much more effective we are at the higher level, or how much happier, or how much aware or what not. So we have the chaos of demands that confronts us.

AN ATTEMPTED LIMITATION

Some may try to avoid the chaos, to some extent at least, by treating the question of actualization as a sort of "entrance fee": we need to reach a certain level in order to become a person but we can slip below it afterwards and not have to worry about being regarded as mere things. This way, the debate can appear to apply only to the unborn or very young. Those of us who are already members of the club need not concern ourselves about the implications of the debate. (Of course, there are those who are willing to "de-person" those of us who fall below their standards.)

This license-fee approach, however, simply ignores what is necessary in order to be a person. Instead, it asserts what is necessary in order to get to be a person. It is another intellectual dead-end. Even conceding the very doubtful presumption that more is somehow needed in order to get to be a person than is needed in order to be a person. We must still answer what is necessary in order to be a person after the license fee has been paid. Which brings us back to where we started from. The chaos remains.

Nor is the chaos avoided by ignoring it. It does no good to search around for some upper point where our audience all agrees, and some lower point, and call everything in the middle "borderline cases". (Particularly when the arguments are so elastic as to offer no opposition even to infanticide and other homicide.)

The chaos of demands is itself, however, evidence of the error of introducing degree into the definition of the person. Demands for more and more "proof" of being a person go directly against the notion of the person. The situation is itself an attack on the person.

The kind of being that we are, our human potential, is the foundation of our rights. The extent that we differ from one another in degree is not in our rights, but in our ability to exercise those rights.

THE VALUE OF A PERSON

If the notion of the person refers to anything, it refers to something that ought not need to be continually defended and proven. There is something "special" about the person, an inherent inviolability, a value. This is something essential, it is not something that can be acquired somewhere along the line, to be lost or regained; it is just there.

And that is the foundation of rights: the chief of which is that an innocent life shall not be killed.

WHY THE STATEMENT "A WOMAN HAS THE RIGHT TO CONTROL HER OWN BODY" BEGS THE BASIC QUESTION IN THE ABORTION DEBATE

Some people claim that abortion is legitimate because (i) a woman has a right to control her own reproduction, or (ii) a woman's body is her own property, and is therefore rightfully subject to her exclusive control. Neither of these claims squarely supports the pro-abortionists.

I. First, a woman can control her own reproduction in three ways: viz., (i) by abstinence from sexual activity; (ii) by contraception; and (iii) by abortion. (She can also control it by destroying her offspring after birth; but very few pro-abortionists argue that infanticide is legitimate.) Now, no one doubts that a woman has a right to sexual abstinence and to contraception. But her "right to abortion" is in issue. Therefore, to say that abortion is legitimate because a woman has a right to control her own reproduction merely begs the question: it merely says "a woman has a right to abortion because a woman has a right to abortion". This is not an argument, merely a fiat statement. And mere fiat is not enough.

II. Second, even if a woman's body is her own property (which no libertarian would deny), the question still remains whether the body of the unborn child is also the woman's property.

A. As a matter of biology, an unborn child is not "part of the woman's body" in the same sense that her liver, heart, or other organs are. It is a separate entity involved in a special symbiotic relationship with the woman, but not part of her. Therefore, the unborn child cannot be the woman's property in that sense.

B. To be sure, the unborn child lives inside the woman's body. But an entity does not necessarily become the property of an individual because it is in or on that individual's property. (Even a trespasser on someone else's land does not thereby become the landowner's property, in the sense that the landowner may do whatever he will with the trespasser.) The question remains whether the unborn child has a right or privilege to live within the woman until its birth. If it does, it cannot be the woman's property to dispose of as she sees fit.

C. Of course, the woman always has the physical power to abort, and thereby destroy, the unborn child; and, in the sense that the child is always subject to that sort of physical control, one could say (metaphorically) that the child is the woman's "property" in a physical sense. But the question is whether the unborn child is the woman's property in a moral or legal sense: that is, whether it is right or just for her to exercise whatever physical power she possesses. (The murderer always has physical power over his victim. That may make the victim (metaphorically) his "property" in a physical sense; but it does not make murder moral. Mere temporary might does not make right -- at least not to libertarians.) Therefore, the mere physical power of the woman over the unborn child does not make the child the woman's property in any sense meaningful to the ethical debate over abortion.

III. In sum, the argument that abortion is legitimate because a woman has a right to control her own body simply misses the point: which is, what rights does a woman have when certain of her actions endanger the body, and therefore the life, of another person, the unborn child? Every person has a right to control his own body; but this gives no one a right to use his body to injure another person's body through aggression. It is not enough, therefore, to talk about the woman's

"property rights". What must be considered is (i) whether the unborn child, an entity separate from the woman, is a person entitled to its own rights; and, if so, (ii) what its rights are as against the woman. If the child is not a person, or is a person without rights, then (by logical necessity) it will be the woman's property. But if the child is a person with rights, then (by logical necessity) to the extent of those rights it cannot be the woman's property. To invoke a woman's "property rights" in support of abortion before these two questions are answered against the unborn child is not to support abortion with arguments-- but instead to avoid rational argument entirely.

IF THE UNBORN CHILD IS A PERSON ENTITLED TO RIGHTS, ABORTION IS AGGRESSION

If the unborn child is a human being entitled to rights (i.e., a person), it is entitled to the right to life.

The right to life implies a correlative duty in all other persons not to take the life of the unborn child, except in two cases: viz., (i) the case in which the child commits aggression against the life of another person; or (ii) the case in which the continued life of the child and the continued life of another person are mutually incompatible because of the existential circumstances. These cases involve: (i) the privilege of self-defense, which permits a victim of aggression to defend his own life, even if that defense requires taking the aggressor's life; and (ii) the privilege of self-preservation, which permits an innocent individual to take the life of another innocent individual in an "emergency" situation in which both cannot survive, and the survival of one depends upon the denial to the other of the means of survival. The question is: Does abortion come within either exception to the duty of every individual to respect and preserve the life of every other individual?

I. Abortion is not an exercise of the privilege of self-defense, since the unborn child is not an aggressor.

A. Aggression involves an act of will or an act of negligence. It can never arise from an act that is caused by existential forces beyond an individual's control. I.e., there cannot be aggression if human action, in the sense of purposeful behavior, is not involved at all.

B. The creation of the fertilized egg and its attachment to the uterine wall are not "acts" of the unborn child in the sense of being purposeful. They are the result of existential biological forces independent and beyond the control of the child (although not of the father and mother), and brought into play by the combined acts of the father and mother.

C. Since the unborn child cannot rationally be held responsible for its own creation, it cannot rationally be held to have committed aggression by coming into -- indeed, being brought into -- existence. Aggression implies responsibility; and no human being is responsible for his own creation.

D. Since the unborn child is not and cannot be an aggressor, the mother cannot invoke the privilege of self-defense against its continued existence in the one place in which, at that stage in its development as a human being, it is both logically and biologically appropriate for it to be. (N.B.: whether the father in a rape situation is guilty of aggression is another matter. In any event, his guilt cannot rationally be imputed to the child.)

II. Abortion is not an exercise of the privilege of self-preservation, since, in the usual case, the mother's life is not endangered by the pregnancy.

A. The privilege of self-preservation arises only in those situations in which the lives of two or more equally innocent persons are in jeopardy, and not all of them can be saved.

B. Pregnancy is not such a situation in the normal case. Were it so, in extraordinary cases, the mother would have a privilege to defend her own life through abortion, or to choose to give up her life to save the child (assuming this could be done medically). In such a situation, neither the state nor even the father of the child would have any right or privilege to interfere with the mother's decision.

III. In sum, since abortion does not come within the two recognized exceptions to the right to life, and is inconsistent with that right as far as the unborn child is concerned, abortion must itself be a form of aggression repugnant to libertarian principles.

WHY DO PARENTS HAVE THE OBLIGATION TO CARE FOR THEIR CHILDREN, BORN AND UNBORN?

A libertarian principle underlying the exchange of values between persons is that in order not to violate anyone's freedom, the exchange must necessarily entail the voluntary assent of all participants, even when dire need is a factor. A corollary of this principle states that responsibility for causing the needs of another, without that person's assent, generates an enforceable obligation upon those at cause. We are entitled to demand and receive values from another when those values are owed to us.

Unborn children have needs that can be satisfied only by their own mothers. The children do not cause this situation, either accidentally or by choice. They do not create themselves or force their way into their mothers, but are, instead, made "captives" of the people who caused them to be and thus to grow in the womb. Therefore, unborn children are not "trespassers", "uninvited guests", "parasites", or any other kind of aggressors, and parents have no right to choose to aggress against them, especially by killing them.

Although children have no choice about being created, their parents do have a choice about having intercourse, and therefore, making it possible for the reproductive forces of their bodies that are latent in their sperm or ova to be released. These things are their property; and the parents are just as responsible for any consequences they cause to others as when their cars hit pedestrians. The creation of children is not beyond our control like hurricanes or earthquakes that no one can start or stop.

Moreover, the existence of the child's needs are inexplicable except by referring to how the child is created: both the child and his needs are created simultaneously. Since the parents, not nature or the children themselves, are responsible for bringing into existence unborn people with needs, since the parents have a choice in the matter and the children do not, and since the children have not given their assent to being placed in a situation of absolute dependence on their mothers, the parents should have no choice about bearing the obligation to give the children the care their needs reasonably require.

The parent-child relationship is not unique in that the obligors do not have the option to choose to assume, or to reject, their obligations. For example, no one has any choice about assuming the universal obligation to forego any initiation of force or fraud. This obligation is implicit in, a necessary condition of, and a limit upon everyone's liberty. To fail to fulfill the obligation of nonaggression, whether by intent or by accident, is to incur an additional obligation of restitution to that person offended.

We commit no aggression by creating helpless and dependent children. The parent-child association resembles that of any ordinary, peaceful human association in that no aggression is committed by initiating the relationship. However, relationships can be disturbed by aggression afterwards. Consider the case of a surgeon who performs an operation on an assenting patient. No aggression is committed upon the patient when the surgeon renders him helpless and dependent by putting him to sleep and cutting him open; aggression occurs only if the surgeon were to later kill, abandon, or act negligently towards him. Similarly, no aggression is committed by the parents when they create a helpless child; aggression occurs only if they mistreat him thereafter. Both the patient and the child have the same right not to be aggressed against -- but since the patient has given his assent and the child has not, the child's claim for care appears to be even more compelling than the patient's.

Parents cannot give the child a choice or gain his assent even if they would like to, except, of course, by letting the child grow and develop to such a point where such a decision can be intelligently made. But this is irrelevant, since the burden of obtaining assent is upon the one who acts, not upon the one affected (detrimentally or otherwise) by the act. Negligent persons do not obtain assent from the victims of accidents prior to the accidents either, by definition, yet this does not release them from their self-imposed obligations to the victims. It is also irrelevant that unborn people do not pre-exist their dependent condition and so are not deprived of anything they had before conception, for abortions and other aggressions deprive children of something they have now: their lives and a certain degree of well-being. If we could ask them, presumably they would prefer life to death and choose not to be endangered by abortion, abandonment, or neglect.

Although rape raises peculiar problems, no one doubts that the child conceived as a result of rape is as innocent of any aggression as any other child and is just as entitled as anyone else not to be aggressed against. The obligation to care for children that are aggressively thrust upon a mother by others may not be exactly the same as the obligation to care for those conceived as a result of consensual sex; but, on the other hand, this gives the rape victim no privilege to endanger the child wantonly. If a woman were to discover an abandoned child in her living room, she would not be entitled by virtue of her victimization to dispose of the child by such violence as dismemberment or burning. She may not add to the victimization that a child has already suffered even though she has been made a victim herself by having that child forced upon her. Simply because A victimized B and C, that does not entitle B to victimize C further. B's claim is only against A.

Many libertarians agree that abortion is impermissible but hesitate to condemn it outright because they have no conclusive answers to their questions about the substance of parental obligation or about that this obligation might prove to be onerous or difficult to enforce. Admittedly these can be tough questions, but they are irrelevant to the fact of the existence of the parental obligation itself and should be dealt with separately. Also irrelevant is the minarchy-anarchy-pacifism debate in regard to whether or not the state should have any say in mat-

ters concerning the protection of children born or unborn for, if even murderers and thieves have a right to protect the innocent from other murderers and thieves, why can't employees of the state do the same for the most innocent among us: unborn children?

No matter how people acquire obligations, no matter what kind they are, no one ever has the right, privilege, or power to terminate them by terminating the lives of the innocent. Even if parents had no obligation to be the guardians of their children, they still would have no right to endanger or kill them, especially since unborn children are only doing what their parents made them do. Even if nature alone, not parents, were responsible for the existence of children, isn't killing them for something they have no control over an excessive use of force? Isn't it more equitable to at least let the children be born so they can be adopted?

Abortion is wrong not only for the child but for ourselves. It is an immoral, unjust way to handle one of life's problems. It encourages us to evade rather than to deal with the full nature of our sexuality and our role as responsible partners in the man-woman relationship. It retards rather than promotes the cause of libertarianism and therefore should be categorically condemned.

SOVEREIGNTY AND LIBERTY

David Walter's report in the August issue of this journal* on the debate over the (im) morality of abortion that took place at the July convention of the National Libertarian Party is arresting: Mr. Walter therein outlined his abortion stance by explaining his own personal concept of human rights. The following discussion advocates neither an abortion position nor a viewpoint on the foundation for recognition of human rights. It rather indicates that Mr. Walter's approach is inapposite to libertarianism as libertarianism.

Mr. Walter discusses abortion in an estimable fashion by laying out the premises that have led him to his abortionist conclusion; all too often analysis of various aspects of this emotion-laden topic are assessed by commentators relying upon premises undisclosed. Mr. Walter's refreshing straightforwardness deserves extended quotation: "I have not been convinced that the Randian concept of rights is false. Man's survival depends on the use of his mind to make judgements. The prohibition against coercion allows man to make these judgements in order to sustain his life. Man has a right to use his mind, to act on his free judgement, and to work for his values and keep the results of this work. Violation of rights means causing a man to act against his judgement or taking the product of his work. I don't believe that a fetus can use its mind, form values in order to make judgements, or itself produce any results to which it is entitled by right. Therefore, a potential mother has as much right to abort her fetus as McDonald's has to cause cows to be butchered for your next Big Mac."

Libertarian dialogue would generate less heat and more light were all critics as open as Walter proves himself in this passage.

Unfortunately, Mr. Walter introduces this passage with: "The debate would

have been much more rewarding if each side had given its concept of rights and the characteristics of humans which give rise to rights." The concepts which Mr. Walter would elicit from the debaters would have been irrelevant to a libertarian exchange, as is his own (Rand's) concept.

Mr. Walter concludes to his own satisfaction that the unborn are rightless because they fail to meet the Randian criteria which he applies. Roman Catholic libertarians might conclude to their own satisfaction that the unborn enjoy rights because they meet the criteria which the Roman Catholics apply. Since libertarianism is a political outlook deriving from the non-aggression axiom, neither of these two views can be assailed or sustained within the compass of libertarianism per se. The noncoercion principle mandates the strict respecting of the rights of others. It does not identify whom the definition of "others" includes.

For this definition, standards antecedent to the nonaggression axiom must be applied. These standards, as chosen by various libertarians, are Randian, Roman Catholic, Hindu, or whatnot. None however is libertarian.

The nonaggression principle can obtain only following application of this antecedent 'Randian/Roman Catholic/Hindu' standard. This is clear once attention shifts from the abortion question--on which libertarians hitherto have divided--to one upon which a large libertarian consensus exists, such as liberty for the so-called mentally ill.

Relative to the latter issue, the libertarian outlook has been ably framed by Peter R. Breggin, M.D. Dr. Breggin is uncompromising: "Personal sovereignty loses all meaning unless it is assumed to exist in every one. As soon as one person is allowed to judge another person's sovereignty, that other person automatically loses his sovereignty. That is a fixed principle. Sovereignty, like freedom, is not granted to people, but exists as an inherent attribute of people. It is a natural right, a given, a first premise. When the psychiatrist takes it on himself to decide who is personally sovereign or 'mentally healthy', he usurps both personal sovereignty and person freedom by making it subject to his whims and his will." (REASON 9/75)

Within the scope of libertarian discourse, personal sovereignty must be a first premise. Judges may proclaim that the strange, the stupid or the unborn (in short, the unwanted) fall short of sovereign personhood as articulated by the judge; Breggin comprehends that these judgements are nonlibertarian in themselves, and not merely because one judge or another applies a test rejected by one libertarian or another.

The Breggin outlook certainly is that upon which libertarians depend in their economic analyses. As Dr. Murray N. Rothbard explains: "The only given on the free market is the property right of every man in his own person and in the resources which he finds, produces, or creates, or which he obtains in voluntary exchange for his products or as a gift from their producers." (MAN, ECONOMY, AND STATE at 795; Rothbard's italics)

Nobel Laureate economist Dr. Friederich A. Hayek parallels the Rothbard argument, in at least some politico-economic contexts. In holding that economic inequality is not an evil justifying either discriminatory coercion or privilege as a remedy, he relies upon two "basic propositions": "The first of them is an

expression of the belief in a certain similarity of all human beings: it is the proposition that no man or group of men possesses the capacity to determine conclusively the potentialities of other human beings and that we should certainly never trust anyone invariably to exercise such a capacity. However great the differences between men may be, we have no ground for believing that they will ever be so great as to enable one man's mind in a particular instance to comprehend fully all that another responsible man's mind is capable of. " (THE CONSTITUTION OF LIBERTY at 88) The reader may decide whether Hayek's appraisal is not in some regard analogous to the contentions of not only Rothbard but Breggin as well.

In light of the foregoing, Mr. Walter's beliefs about human rights prove of interest in the abortion area, but only in a fashion incidental to libertarianism. Walter's Randian premises may after all be correct, just as the Pope's Roman Catholic premises may be correct, but neither is of concern to libertarians in their capacities as libertarians. Mr. Walter seems to have attempted to delineate the libertarian policy regarding the unborn, without understanding that he not only has failed to evidence the proper libertarian policy, but has neglected to construct an argument libertarian at all. (He is not to be greatly censured; the number of libertarians making the same error is considerable. A recent example is Jarret B. Wollstein's "Abortion: A Human Right".)

Libertarian enumeration of the (non)rights of the unborn is possible only if the sovereignty of the unborn is considered a given, just as the (non)rights enjoyed by Mr. Walter or any other human being may be outlined only if his sovereignty is deemed given beforehand. Libertarians do themselves no favor if they hinge allegedly libertarian conclusions upon nonlibertarian premises. It cannot be asked: Is the unborn sovereign? It only can be asked in libertarian discourse: If the unborn is a sovereign person, what if any claims can one in his/her situation validly make?

George Swan, Attorney

* * * *

Walter replies:

As I understand sovereignty, it is a condition of having supreme power or authority over oneself, not merely being an independent being in the biological sense. Libertarians need a concept of rights to support their claim that human beings should be sovereign. The right to one's body must be supported by a concept of rights or one could claim sovereignty (a right) for all independent entities -- cows, dolphins, banana trees, etc. A fetus may or may not be an independent entity, depending on what side of the abortion debate one takes, but being either does not automatically lead to the right of sovereignty and all the other human rights.

* * * *

*Copied from Individual Liberty 11/77

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QUESTIONNAIRE

Libertarians for Life wants to hear from you. What are your opinions?

A. Have you read:

1. "The Abortion Debate from the Libertarian Perspective"?
All of it.....Part of it.....None of it.....
2. "The 'Right of Abortion': A Dogma in Search of a Rationale"?
All of it.....Part of it.....None of it.....

B. Do you agree that the human fetus is a human being (Homo sapiens) from the moment of conception? Yes...No...Other....

Comments.....
.....

C. Do you agree that the human fetus is a person from the moment of conception? Yes...No...Other....

Comments.....
.....

D. Do you agree that no one has the right to kill unborn children, (except possibly when the mother's life is in danger)?
Yes...No...Other....

Comments.....
.....

E. Do you agree that parents have the obligation to care for their children, born and unborn? Yes...No...Other....

Why.....
.....

F. Other comments, criticisms and suggestions.....
.....
.....
.....

G. Are you a member of the Libertarian Party? National. .State.....
Neither....

Optional

Name.....Tel.#.....

Address.....

If you agree that what we are doing is necessary and worthwhile, perhaps you would like to assist us in some way. Please let us know how. A financial gift from you would be very much appreciated.

\$100.....\$50.....\$25.....\$10.....\$5.....\$1.....Other.....

LIBERTARIANS FOR LIFE
13424 Hathaway Drive
Wheaton, Md. 20906
(301) 460-4141

Doris Gordon
Coordinator

Libertarians For Life

August 23, 1978

An Open Letter to All Libertarians,

Libertarians for Life recognizes that many libertarians have given their support to abortion for one reason or another. Because of this, some of us have thought it necessary to commit some of our time, money and effort to the pro-life cause, all of which we would rather have been able to devote directly to furthering the general cause of libertarianism and the Libertarian Party.

We deplore the destructive divisiveness and ad hominem attacks which have in the past caused many people to retire from direct participation in the fight for individual liberty. We believe in the airing of reasonable expressions of disagreement wherever an error is seen, for liberty can triumph only if the philosophical foundation of libertarianism is as well constructed as is humanly possible.

To help achieve this end, we have worked to publish this pamphlet. We hope that you will give some of your valuable time to consider what we have to say. We hope you also will consider the importance of revising the Libertarian Party's platform in order to reflect a respect for human life at all stages of development (without, of course, adding to the unjust powers of the state). At the very least, the elimination of the current pro-abortion language and the drafting of a carefully reasoned and consistent pro-life plank should be included as part of the order of business at the next convention and platform hearings.

Life, Liberty and Responsibility,



Doris Gordon
Coordinator