
The Voluntaryist

Whole Number 181 "If one takes care of the means, the end will take care of itself." 2nd Quarter 2019

Respect for Life: A Voluntaryist Perspective on Abortion

By Carl Watner

As a person who has both been a child and a parent, I have long been interested in children's and parental rights, but it was not until I received a submission to THE VOLUNTARYIST about abortion that I seriously researched the topic. I was familiar with Walter Block's very first article on abortion in THE LIBERTARIAN FORUM (September 1977), and, of course, I had read Wendy McElroy's article on "self-ownership and abortion" which appeared in Issue 14 of THE VOLUNTARIST (February 1985). [1] However, I had never given the topic very much consideration since it was such a political football. I had shied away from it because majority rule, court decisions, and government legislation usually end up violating someone's rights to their life, liberty, and/or property.

After I began my reading and research on abortion, I soon came to the conclusion that Walter Block's description and advocacy of evictionism was the most well-thought out analysis and most consistent with general libertarian principles of any discussion that I found. The whole of Walter's case rests on the fact that the removal of the fetus from the womb need not necessarily result in its death. Thus, a pregnant woman has the right to remove the fetus from her body so long as she does not kill it in the process. The fetus must be treated in a life-saving manner because it cannot sustain itself. Although the woman may not want it in her womb, the fetus "is not purposefully committing a trespass" or acting in a criminal manner. According to Walter, non-criminals – whether in or out of the womb and regardless of age – must be treated in "the gentlest manner possible." [2] At the present stage of medical technology it is possible to remove the fetus from the uterus and sustain the life of the fetus outside the womb within a number of months of its conception. Due to advances in medical technology this point will probably shift so that the fetus need not remain inside the womb but for a few weeks. Even now, the process of ectogenesis – the process of "growing an embryo outside the mother's womb" – appears to "offer new methods of ending pregnancy without destroying [the] embryo or fetus." [3]

Let us now consider Walter's theory of evictionism in greater detail. As I said, it rests on the fact that abortions need not result in the death of the fetus.

Thus, we may distinguish between the removal of the fetus from the womb (abortion) and feticide (the intentional murder of the fetus). In an article in LIBERTY Magazine (January 1991), Eric Schendel M.D., makes this point clear:

Abortion ... properly refers to the premature expulsion of the fetus, an occurrence that until recently was natural [i.e., a spontaneous miscarriage]. Its modern usage has expanded to include medical expulsion of the fetus [often referred to and including induced abortions and late termination of pregnancy]. The word does not mean the fetus has to be dead. Feticide, on the other hand, does mean killing the fetus. An abortion is not the same thing as feticide. [4]

Paul Carrick, in his MEDICAL ETHICS IN ANTIQUITY, refers to abortion "as the deliberate termination of pregnancy resulting in the intended death of the fetus prior to normal or spontaneous delivery." [5] This is what Dr. Schendel would label as "feticide."

Walter largely rests his case for the woman's right to evict the fetus from her body on the self-ownership axiom: each woman, as a self-owner, has the right to determine who lives inside her body. Thus, no person has the right to remain inside the body of another person without permission, regardless of how or why it got there. However, Walter's position is far more nuanced than this, so let him speak for himself.

Abortion ... is justified because if the fetus is unwelcome it then becomes a trespasser inside the mother's body. Since slavery is improper, the mother cannot legitimately be made a slave of the fetus and forced to accept its unwelcome trespass within her. Abortion is justified because continued unwilling pregnancy is a violation of the mother's right to her body. ...

If and when medical science allows us to devise a method of abortion that does not kill the fetus (this has already come to pass in some limited cases) then, all other things being equal, it would be murder to abort in any other way. It would be murder, and it would have to be punished as infanticide. One would be no more justified in aborting in a death-causing manner than in slitting the throat of a Karen Ann Quinlan [who is about to die, anyway].

If the life-preserving method [of evicting the fetus] cost appreciably more than the life-

(Continued on page 4)

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Potpourri from the Editor's Desk

No. 1 Excerpts from Delmar England, **MIND AND MATTERS: THE WORLD IN A MIRROR (1997)**

Suppose this individual [who refuses to pay his taxes] approaches every finite human individual in the United States and ask[s] each individual, "Do I owe you money?" Suppose that in every instance he receives the answer, "No." From what then comes the argument that he "owes" money [to the government]? Here we have literally 100% of the individuals saying as individuals that he does not owe, yet via the magical governmental system and "divine abstracts," the 100% no's become a yes upon threat of life and limb. Suppose this individual refuses to accept the declaration that he "owes," physically resists, and is killed in a hail of gunfire. Wherein lies responsibility? The one that pulled the trigger is "just doing his job according to law and for God and Country." Those that made the law made it because it is the "will of the people." The lawmaker exists by "majority rule." Literally no participant in the sequential action accepts responsibility. All is in the name of the non-entity's non-existent abstracts. No individual responsibility. Thus do we have the miracle of effect without cause. [Chapter xvi]

Government is simply, unequivocally, and always initiation of force or coercion and nothing else. To be sure, official government is organized, politicized, centralized, canonized, and revered initiation of force, but it is no less initiation of force and coercion than any unofficial singular act of the same offensive content. So, let us be clear from the outset. When someone seeks to control, limit, or reduce government, what they are clearly saying is that they wish to direct the centralized coercive force to compel all others to conform to their personal values, to act for their personal benefit, i.e., to claim ownership of all other individuals. [Chapter viii]

No. 2 "Attila and the Witch Doctor"

To maintain order and unity in a group larger and less homogeneous than extended family systems is a complex and difficult task. Mere force is seldom

sufficient in the long run. The most common solution has been to endow the ruler who controls the physical apparatus of state coercion with a sacral role as head and symbol of the people's religion.

... [I]n the Middle Ages ... there were rulers who aspired to supreme spiritual and temporal powers. The truly exceptional thing is that in medieval times there were always at least two claimants to the role, each commanding a formidable apparatus of government, and that for century after century neither was able to dominate the other completely, This situation profoundly influenced the development of Western constitutionalism. The very existence of two power structures competing for men's allegiance instead of only one compelling obedience greatly enhanced the possibilities for human freedom. ...

... It is hardly proper to speak of a conflict of church and state in the eleventh century at all, for there was then no real idea of the state, of a public authority exercising powers of legislation and taxation and administering uniform laws according to a rational system of jurisprudence. The only theoretical defense of monarchical power available was a theological one, an assertion that the emperor or pope was the minister of God on earth and so qualified to rule all the affairs of men. ... [I]n the thirteenth century, the rediscovery of Aristotle's POLITICS provided a new philosophical basis for reflections on the very nature of the state itself. By the end of our period [1300 AD] it had become possible to construct sophisticated theories of state power which rested more on rational argumentation than on biblical exegesis. Indeed, one of the most important developments in the history of church-state relations during the Middle Ages was the emergence of the idea of the state itself.

- Brian Tierney, "Introduction," to THE CRISIS OF CHURCH & STATE 1050-1300 (1964), pp. 1-2.

No. 3 "Bitcoin's Parabolic Chart"

All parabolic charts end up as exploded bubbles. They all end the same way. ... Let me throw one other thing in: I believe in REAL wealth, not paper, not virtual. The wealth of the world come from the things men take out of the ground. All else is simply processing. I am biased: I only count as wealth REAL things, or concerns that produce REAL things. Might I miss a thousand speculations? I sure hope so. I got caught in the Get Rich Quick mentality once early in my life, and the outcome was so hateful, so painful, that I changed my motto to "Get Rich SLOW." Takes longer, but lasts longer, too.

- Franklin Sanders in THE MONEYCHANGER Commentary Dec. 4, 2017, written when bitcoin was over \$ 16,000. V

No matter who gets elected, the government always gets in.

Abolitionism and Modern Voluntaryism

By George H. Smith

[Editor's Note by Carl Watner: As many readers of THE VOLUNTARYIST know, this newsletter was begun by George H. Smith, Wendy McElroy, and me. This note and the following essay offer details about the origin of modern day voluntaryism. I have previously shared some of my own personal background in "Something To Do with the Search for Truth: How I Became a Libertarian" in Issue 155, and I now offer the following in conjunction with George's personal reminiscences of some of the events that led to the founding of THE VOLUNTARYIST.

I made my first contact with Wendy McElroy and George Smith, as early as October or November 1978 when I met George at a Center for Libertarian Studies Scholar's Conference at Princeton, New Jersey. I continued to stay in touch with them throughout the following years. In January 1981, Wendy sent me a copy of George's "Party Dialogue." In May 1981, I stayed with them at their apartment in Los Angeles, while attending the Future of Freedom Conference in Long Beach. Later that year, at the end of July, I attended another scholar's conference at Bates College in Maine, where George was one of the lecturers. It was there that he first suggested the idea of forming an organization to focus on the truly anti-political nature of libertarianism. This was the germ of the initial idea for The Voluntaryists. It was George who suggested using the word 'voluntaryist' to describe those libertarians who eschewed electoral activity. While researching the history of education in the English-speaking world, George had discovered that this word had been used to label the opponents of government-provided education in Great Britain during the mid-19th Century.

The first issue of THE VOLUNTARYIST newsletter was distributed in October 1982, and the next year was a busy one for voluntaryists. After the movie "Gandhi" came out in December 1982, Chuck Hamilton had the idea of co-sponsoring, with The Voluntaryists, a conference on nonviolence. Chuck lined up Gene Sharp, as the keynote speaker, and this took place in New York City on February 26, 1983. A few weeks later, I flew to the west coast, to participate in a debate on the validity of electoral politics in Vancouver. On the same trip, I also made a presentation to the Puget Sound Libertarian Forum (supper club), and helped Peter Walters start his League of Non-Voters. Later that year, I attended a Rampart Institute conference on non-voting and gave two workshops at the Future of Freedom Conference in late October 1983. During 1984, I attended the "Libertarianism and War" conference in Los Angeles (March 30-April 2, 1984). In October 1984, I made

the acquaintance of Robert LeFevre, the main teacher and founder of Freedom School and Rampart College. It was at this time that Bob engaged me to write his biography, based on his voluminous autobiography which he shared with me. My biography of Bob was self-published by The Voluntaryists in late 1988 under the title ROBERT LEFEVRE: TRUTH IS NOT A HALF-WAY PLACE.

For those interested, George also published a series of articles in Issues 1, 2, and 4 of THE VOLUNTARYIST (1982-1983) on "The Ethics of Voting." Here follow his remarks on "Abolitionism and Modern Day Voluntaryism."

[D]uring the late 1970s and early 1980s [Wendell] Phillips's monograph [CAN ABOLITIONISTS VOTE OR TAKE OFFICE UNDER THE UNITED STATES CONSTITUTION? (1845)] influenced my own thinking about the morality and the wisdom of political action for modern libertarians. But I had already embraced the voluntaryist opposition to political action before then, and my position was based on principles not found in Phillips. (I first proposed "voluntaryism" as a label for anti-political libertarianism in 1982, and the label has stuck.) One of the first public presentations of my anti-political views was a speech I gave for the Orange County Libertarian Supper Club in 1980. Titled "Party Dialogue," this speech was subsequently printed in Sam Konkin's periodical NEW LIBERTARIAN and later by Carl Watner for The Voluntaryist. I vividly recall the first comment at the Orange County Supper Club. Robert LeFevre (1911-86) a venerated figure in the modern libertarian movement (especially in Southern California) who had long opposed political action, stood up and announced that my presentation was the best lecture he had ever heard, aside from his own lectures.

LeFevre's humorous endorsement was not shared by the majority of libertarians. Even many libertarian anarchists were not pleased with my views. This became evident to me at the 1980 National Convention of the Libertarian Party (in Los Angeles), where I was invited to give a talk on my objections to the Libertarian Party. I was favorably impressed by the invitation, since rare indeed is the political party that will solicit talks on why that party should not exist. But this was a formative period of the modern libertarian movement - a time when basic ideas about strategy were being hammered out and when many libertarians were interested in ideas for their own sake, quite apart from what their practical implications may be. But not all attendees at the 1980 convention welcomed my appearance; quite the contrary. While at the convention but before my talk, I learned that a petition was being circulated that protested my invitation to speak. The petition reportedly had hundreds of signatures, including that of John Hospers. In addition, large white protest buttons were

passed out that simply read “Why” - curiously, the button omitted the question mark - and I saw many attendees at my well-attended talk wearing those buttons. (Somewhat flattered by being the object of a formal protest, I obtained a button and proudly displayed it in my home for many years.) Unlike those abolitionists who were victims of mob violence, no anti-Smith mobs were formed at the convention, and I felt perfectly safe walking the halls of the Century City Hotel and riding its spectacular elevators.

I mention these personal stories because of the obvious parallels between the no-voting stance of contemporary voluntaryists and the Garrisonian wing of abolitionism. Voluntaryism is a minority wing of the modern libertarian movement, just as the Garrisonians comprised a minority in the broader antislavery movement. For many years historians of abolitionism tended to treat the anti-political position of Garrison and Phillips as an eccentric glitch that harmed the antislavery cause, or at the very least retarded its progress. But two magnificent and highly regarded books helped to turn the tide to a more favorable view: MEANS AND ENDS IN AMERICAN ABOLITIONISM: GARRISON AND HIS CRITICS ON STRATEGY AND TACTICS (1968), by Aileen S. Kraditor; and RADICAL ABOLITIONISM: ANARCHY AND THE GOVERNMENT OF GOD IN ANTISLAVERY THOUGHT (1973), by Lewis Perry.

A major merit of these scholarly accounts is that they take the anti-political views of Garrison, Phillips, and their followers seriously, instead of dismissing them out of hand as too absurd for serious consideration. The anti-political arguments are considered on their own terms, as they appeared to the abolitionists themselves, rather than from the perspective of those modern historians who cannot conceive how any significant social or political changes could come about except through the ballot box. But whether one agrees with the Garrisonian position or not, it is virtually impossible for contemporary libertarians to read the extensive abolitionist debates over this controversy without being impressed by how detailed and thoughtful they are. Modern libertarians have said very little if anything about the pros and cons of voting and other political activities that was not said over 150 years ago by the abolitionists. In short, there is a good deal that libertarians can learn from studying abolitionist literature on this topic, whatever our ultimate conclusions may be.

Consider the presidential oath of office: “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.” This and similar oaths of office were the major sticking point for Wendell Phillips and other anti-

political abolitionists who viewed the Constitution as a proslavery document. How could any sincere abolitionist swear to “preserve, protect, and defend” a document that sanctioned the enslavement of human beings? And how could any sincere opponent of slavery seek to appoint, through voting, an agent who would publicly commit to the preservation and protection of slavery?

Back in the late 1970s, when I first became seriously interested in abolitionism, it quickly became clear that public oaths were regarded far more seriously in earlier times than they tend to be today. I therefore took a detour to study the history of oath-taking, and it was a fascinating journey. One story, which I read in a history of the French Revolution (I no longer recall the title or author), pertained to a problem experienced by Louis XVI when he was preparing for his coronation. The king’s oath contained items that he could not endorse, such as a pledge to persecute Protestants, so Louis sought the advice of Turgot (one of the better libertarians of his day). Turgot supposedly advised Louis to mumble those parts of the oath to which he could not honestly and sincerely commit. I do not know if Louis took Turgot’s advice, but this “mumble theory of oath-taking,” as I subsequently called it, was eerily similar to the rationalizations offered by those political libertarians who were criticizing voluntaryism. I was told that libertarians who could not support the Constitution (especially the taxing power vested in the federal government) could nonetheless swear under oath to “preserve, protect, and defend” that selfsame Constitution. Why? Well a variety of reasons were offered by my critics, and it is quite remarkable that Phillips discussed virtually all of these in CAN ABOLITIONISTS VOTE OR TAKE OFFICE UNDER THE UNITED STATES CONSTITUTION? Moreover, all seemed variants, in one form or another, of Turgot’s mumble theory of oath-taking.

[This essay first appeared on Libertarianism.org on March 24, 2017, as Part 7 of a very interesting series by George. See <https://www.libertarianism.org/columns/abolitionism-modern-voluntaryism>. Permission to reprint granted by Grant Babcock of the Cato Institute, email of August 11, 2017, 1:21 PM.] **V**

Respect for Life

(Continued from page 1)

destroying one[,] and the mother was unwilling or unable to take on the additional expense, she would have no positive obligation to preserve the fetus' life. If anyone else was willing to provide the necessary funds [to remove the fetus in a life-saving manner from the womb] and she [the mother] refused them this opportunity, she would again be guilty of murder. It is only if no one else was willing to pay the additional amount of money necessary to maintain its life [during the removal procedure] that the baby

[the fetus] might legitimately be aborted in a non-life-sustaining manner.

If the method could be used only at a certain state of pregnancy, the woman would not be required to maintain the fetus until then. She would have the right to remove the trespassing fetus immediately, just as she does now. Only if the life-saving method could be used at the time the woman wishes to have an abortion would she be obliged to use it.

The conclusion that, other things being equal, the woman would have to abort by the life-saving method may present problems for the victims of rape and incest, as well as for women who simply change their minds. The rape victim may see it as particularly onerous to be forced to give life to the progeny of the hated rapist. But it is not a matter of choice for her! Just as a woman may not properly kill an infant ... of a man she has come to hate, so a woman may not properly kill the offspring of a rapist if there is a technique of abortion that can preserve its life. She would not be obliged to maintain it, of course, but neither would she have the right to kill it if it could be removed alive. Child of rape, incest, both, or neither, the fetus would have its chance to live. [6]

Embedded within these excerpts is the assumption that the mother has no positive obligation to maintain the life of the fetus – assuming the fetus can survive on its own outside the womb.

[I]f a pregnant woman not only evicts her baby from the womb, but does so in a manner that kills it, when it would have been viable apart from her, then she is an outright murderess, and any doctor who helps her do this horrific thing aids and abets her in doing nothing less than murder. ... On the other hand, if she merely evicts her fetus, whether or not it survives this geographical displacement, she is guilty of no crime that a libertarian would recognize, any more than B [a boat owner] would be guilty of a crime by insisting that swimmer A [whom he had previously invited on-board,] leave his [B's] boat [knowing that A could not survive the swim to shore.] [7]

Consequently, if the mother chooses to remove the fetus, then she must do so in a life-saving manner – if, at the time, it is medically possible. Once the fetus is outside the womb her legal obligation towards it ends. If she chooses not to sustain the fetus outside the womb, then she may try to find someone who will care for it, though she is not legally obligated to do so. Walter compares this to the situation of a baby abandoned on his doorsteps:

For libertarians, there are no positive obligations. We can as a matter of law, allow the baby to stay right where he is [on the doorstep],

and perish. Of course, as decent moral human beings, we would of course rescue the baby and bring him to the hospital. [But we cannot be blamed for the baby's death on the doorstep any more than we can be blamed for the deaths of hundreds, if not thousands, of people around the world] who will starve to death this very evening. [8]

As Rothbard put it, “the libertarian sees a fundamental difference between murdering someone, and failing to perform an act to keep that person alive. ... One person's need, however dire, cannot be used to sustain any coercion over the body or energy or property of another human being.” [9]

Walter notes that while “no one may be incarcerated for failing to come to the aid of the helpless,” an eviction which results in the death of the fetus (when it could have been saved) “is out and out first degree murder.” [10] A mother may evict the fetus, but not kill it. [11] In defending the right of the mother to remove the fetus from her body in the gentlest manner possible, Walter describes himself as pro-life. “Every human life is ... precious.” [12] “In [my] view, abortion is an evil: we oppose it. It would be nice if all women carried babies to term, and that as a result there were fewer, or better yet, no people killed in this manner. We are pro-people. We also oppose drugs, alcohol, cigarette smoking, and chocolate eating. ... However, we would not impose a penalty on ourselves or anyone else for engaging in these actions. It is the same with abortion. The real question [from the libertarian perspective] is, 'What penalties should be imposed for engaging in this practice?' not whether or not it is virtuous or moral to indulge in them.” [13] Walter argues that evictionism - where the fetus is removed in a life-saving manner - is proper and legal; not that it should be practiced. [14] As Walter writes:

[J]ust because aborting the fetus is abominable, it does not follow that it should be prohibited by law. Under a ... libertarian law code there are numerous despicable acts which are not legally proscribed, since they do not constitute “invasions” or “border crossings.” Abortion falls into this category. It is a failure to come to the aid or an unwillingness to become a “good Samaritan.” The woman who refuses to carry her fetus to term is exactly in the same position as a person who refuses to [come to the aid of] a drowning swimmer. [15]

Walter refuses to become embroiled in the question as to whether or not the fetus is a human being. He simply states that “the fetus is a human life,” which starts with the union of egg and sperm. That is why “contraception is not equivalent to the killing of a human being.” [16] His position is not concerned with how old the fetus or the baby is: “the only thing determined by the age of the fetus is

whether or not it will be viable outside of the womb, and this is a matter of medical technology, not libertarian theory.” [17] Walter concludes that when “medical technology is fully able to ensure the life of all fetuses, outside of the womb, ... no small human being will ever again be put to death. He will only be evicted from the home in which he is trespassing [the home where he is conceived], but not the slightest harm will befall him.” [18] Walter identifies this as a compromise position, being both pro-life for the fetus and pro-choice for the mother.

Both the ancients and people of the Middle Ages recognized the “fundamental distinction between killing someone and letting him die.” [19] Since abortion “was considered a serious crime throughout most of European history” many women carried their pregnancies to full term and then resorted to abandonment of their unwanted babies. [20] Infanticide in the ancient world was “commonly taken to mean the willful termination of the life of an infant,” by such active “methods as smothering, strangling, drowning, crushing, [or] stabbing,” as well as more “passive methods called exposure or exposition.” [21] Infant abandonment meant either leaving the child exposed in a public place, such as a hospital or religious temple, where the infant might be noticed or consigning it to some public institution, such as a foundling home or orphanage. In any case, the abandoned baby “would have to be “saved by some benevolent person” or “rescued by the kindness of strangers.” [22] Out of a respect for life, abandonment was preferred to abortion because it meant the baby at least might have a chance to live if it was rescued by a good Samaritan.

All of the world's major religions have embraced this respect for life and rejected abortions, since for most of history an abortion meant the death of the fetus. [23] This included the ancient Greek physicians who honored the Hippocratic Oath. They held to an ethical standard that was unique among their contemporaries. The Pythagoreans, alone among all the Greek schools of thought, “rejected suicide and euthanasia without qualification. They also unconditionally refused to endorse abortion – out of their respect for life.” [24] These ancient Greeks “saw the fetus as an animate human life unconditionally worthy of preservation from the moment of conception.” [25] “The Pythagorean principles ... - not to kill, not to dispose of one's own or someone else's life, the reverence for life even if it is not yet born, the avoidance of surgery where others commonly used it, the reverence for the human person – all these were doubtless of ancient standing.” [26]

In his book, *MEDICAL ETHICS IN ANTIQUITY*, Paul Carrick observed “that the Pythagoreans were partisans of the respect for human life ethic.” [27] They based their devotion to humanity on the maxim, “Do not injure your fellow man.” [28] Voluntarists

similarly embrace this respect for human life and peaceful existence. In a stateless society, voluntary organizations would work to provide education, counseling and adoption services for those women who did not want to carry their fetuses to term or who wanted to give their babies up for adoption. The problem that we face today is that feticide is legally sanctioned by most governments, just as slavery was two centuries ago. I dealt with the problem of how to best bring about the cessation of slavery in my article “Laying the Axe to the Root of the Tree.” [29]

The same challenge exists with respect to abortion. Even if abortions resulting in the death of the fetus were outlawed under some future libertarian legal code – without a corresponding change in moral sentiment among the members of society, its prohibition would not be successful. Strictures against both slavery and abortion must be supported by the large majority of people in any given society. Regardless of what a libertarian legal code deems legal, religious and secular leaders, insurance companies, and members of the medical professions must set the standards of acceptable and non-acceptable behavior in a voluntarist society. In the meantime, voluntarists must embrace a respect for life philosophy, which at a minimum must recognize the distinction between intentional life-destroying feticides and abortions in which the fetus' life is sustained.

“One of the repeated lessons of history is that any large-scale slaughter of human beings is usually preceded by the effort to deny or somehow negate the humanity of the intended victims. ... It is therefore no surprise that supporters of abortion begin their arguments 'with the denial that' the fetus in the womb is in fact a human being.”
- Gordon Zahn, *op. cit.*, pp. 334-335.

End Notes

[1] Walter Block, “Toward a Libertarian Theory of Abortion,” *THE LIBERTARIAN FORUM* (September 1977), pp. 6-7. Wendy McElroy, “What Does It Mean to be an Individual? Self-Ownership Is the Key to Abortion,” *THE VOLUNTARIST*, Whole No. 14 (February 1985), pp. 5-7.

[2] Walter Block, “Rejoinder to Wisniewski on Abortion,” *2 LIBERTARIAN PAPERS*, Art. No. 32 (2010), pp. 1-9 at p. 3.

[3] Wendy McElroy, “Will Science Trump Politics in Resolving Abortion Debate?” www.lewrockwell.com, September 22, 2005, p. 1.

[4] Eric Schendel, M.D., “Abortion and Feticide Are Not the Same Thing,” *LIBERTY* (January 1991), pp. 43-45 at p. 43.

[5] Paul Carrick, *MEDICAL ETHICS IN ANTIQUITY*, Dodrecht: D. Reidel Publishing Company, 1985, reprinted with corrections 1987, p. 107. For further clarification see “Abortion” in <https://en.wikipedia.org>, introductory paragraph.

[6] Walter Block, “Woman and Fetus: Rights in Conflict?” *REASON* (April 1978), pp. 18-19, 24-25 at p. 25.

[7] Walter E. Block, “Should Abortion Be Criminalized? Rejoinder to Akers, Davies, and Shaffer on Abortion,” *MESTE-*

FBIM TRANSACTIONS, DOI 10.12709/fbim.02.02.01.04 (January 2014), pp. 33-44, at pp. 38-39. A is no worse off for being forced off the boat since he would have drowned, had he not been temporarily saved by B.

[8] *ibid.*, p. 39.

[9] Murray Rothbard, "Should Abortion Be A Crime?" THE LIBERTARIAN FORUM (July 1977), pp. 2-3.

[10] Block, *op. cit.*, "Should Abortion Be Criminized?," p. 41.

[11] Dr. Walter Block and Roy Whitehead, "Compromising the Uncompromisable: A Private Property Rights Approach to Resolving the Abortion Controversy," 4 APPALACHIAN JOURNAL OF LAW (2005), pp. 1-45 at p. 24.

[12] Walter E. Block, "Toward a Libertarian Theory of Evictionism," 35 JOURNAL OF FAMILY ECONOMIC ISSUES (2014), pp. 290-294 at p. 292.

[13] Block and Whitehead, *op. cit.*, p. 23.

[14] Block, *op. cit.*, "Should Abortion Be Criminalized?," pp. 35-36.

[15] Block, *op. cit.*, "Compromising the Uncompromisable," p. 16.

[16] Block, *op. cit.*, "Toward a Libertarian Theory of Abortion," p. 6.

[17] Block, *op. cit.*, "Should Abortion Be Criminalized?," p. 36.

[18] Block, *op. cit.*, "Toward a Libertarian Theory of Evictionism," p. 294.

[19] Schendel, *op. cit.* p. 44.

[20] Joseph W. Dellapenna, DISPELLING THE MYTHS OF ABORTION HISTORY, Durham: Carolina Academic Press, 2006, p. 18.

[21] Carrick, *op. cit.*, pp. 107-108.

[22] *ibid.*, p. 108. Also see John Boswell, THE KINDNESS OF STRANGERS: THE ABANDONMENT OF CHILDREN IN WESTERN EUROPE FROM LATE ANTIQUITY TO THE RENAISSANCE, New York: Pantheon Books, 1988.

[23] Gordon Zahn, "Abortion and Corruption of the Mind," in Thomas W. Hilgers, Dennis Horan, and David Mall (eds.), NEW PERSPECTIVES ON HUMAN ABORTION: Frederick: Aletheia Books, 1981, pp. 332-344 at p. 334.

[24] Carl Watner, "Of Hippocratic Medicine, Pythagoras, and Voluntaryism," THE VOLUNTARYIST, Whole No. 54 (February 1992), p. 3.

[25] Carrick, *op. cit.* p. 86.

[26] *ibid.*, p. 87 citing C. J. DeVogel, PYTHAGORAS AND EARLY PYTHAGOREANISM, Royal VanGorcum Ltd., The Netherlands, 1966, p. 241.

[27] *ibid.*, p. 135.

[28] John T. Noonan, Jr., "An Almost Absolute Value in History," in John T. Noonan, Jr. (ed.), THE MORALITY OF ABORTION, Cambridge: Harvard University Press, 1970, 3rd printing 1972, pp. 1-59 at p. 58.

[29] Carl Watner, "Laying the Axe to the Root of the Tree: Voluntaryist Strategies to End Human Slavery," THE VOLUNTARYIST, Whole No. 164 (1st Quarter 2015). V

"A Few Last Words on Liberty"

(Continued from Page 8)

libertarian's love of liberty, Rothbard remarked that custom "must be voluntarily upheld and not enforced by coercion" and that "people would be well advised (although not forced) to begin with a presumption in favor of custom." If it be granted that one shouldn't be coerced into observing customs or traditions Rothbard, for one, was more than happy to go along with much of conservative thought. He called his fellow libertarians to order, remarking that libertarians often

mistakenly assume "that individuals are bound to each other only by the nexus of market exchange" forgetting that "everyone is necessarily born into a family" and "one or several overlapping communities, usually including an ethnic group, with specific values, cultures, religious beliefs, and traditions."

The libertarian relies on a sharp distinction between what is required only by morality and what is required only by legality, although, of course, there are areas where morality and legality overlap. In [my] "Preface," I made mention of what I called the "Boundary Problem." Thomas Sowell uses the term "precisional fallacy" to describe the use of fuzzy boundary issues to collapse distinctions that are, in fact, quite clear. "The precisional fallacy is often used polemically," he says. "For example, an apologist for slavery raised the question as to where precisely one draws the line between freedom and involuntary servitude, citing such examples as divorced husbands who must work to pay alimony. However fascinating these where-do-you-draw-the-line questions may be, they frequently have no bearing at all on the issue at hand. Wherever you draw the line in regard to freedom, to any rational person slavery is going to be on the other side of the line. On a spectrum where one color gradually blends into another, you cannot draw a line at all - but that in no way prevents us from telling red from blue (in the center of their respective regions). To argue that decisive distinctions necessarily require precision is to commit the precisional fallacy." Legality is determined by considerations of justice and justice, in turn, is a function of non- or zero-aggression. Whatever is done, provided it involves no aggression or threat of aggression is *ipso facto* just; it is not, however, *ipso facto* moral. Rothbard distinguishes emphatically between "a man's *right* and the morality or immorality of his exercise of that right." The possession of a right is one thing; its exercise is quite another. The moral or immoral ways of exercising that right "is a question of personal ethics rather than of political philosophy," whereas political philosophy is concerned "solely with matter of right, and of the proper or improper exercise of physical violence in human relations." It can hardly be said too often or too bluntly that, despite the suspicions of [Russell] Kirk and others, libertarianism is *not* the same thing as libertinism. Libertarianism will not admit the physical restraint or physical punishment of acts that do not aggress against others but it nowhere implies moral approval of such acts or rules out their restraint by other [non-coercive] methods.

[Excerpted from Gerard Casey, FREEDOM'S PROGRESS? A HISTORY OF POLITICAL THOUGHT, Exeter, United Kingdom: Imprint Academic, 2017, pp. 864-865. Permission granted by author in email of August 14, 2017, 4:24 AM.] V

“A Few Last Words on Liberty”

By Gerard Casey

[Editor's Note: The author of this piece, Gerard Casey, is Professor *Emeritus*, University College, Dublin, Ireland. Besides being a libertarian and supporter of voluntaryism, he is “culturally ... a conservative” and “religiously ... a Catholic,” (p. 874) and he sees no incompatibility between these three advocacies. His article brings to mind Whole Number 77 of THE VOLUNTARYIST (December 1995) with two articles on a similar theme. I recommend re-reading my “Vices Are Not Crimes: Defending DEFENDING THE UNDEFENDABLE,” and Walter Block's, “Libertarianism and Libertinism” in that issue.]

I should say that for libertarians, liberty is the lowest of social values, *lowest* in the sense of most fundamental, a necessary condition of a human action's being susceptible of moral evaluation in any way at all. Libertarians are sometimes portrayed as if they necessarily considered social disorder to be something desirable. Nothing could be further from the truth. Although there may be individual libertarians who, bizarrely, judge that a disordered, Hobbesian-state-of-nature is a consummation devoutly to be wished, most libertarians desire to live in an ordered society. The question isn't really *whether* order is desirable; it is what *kind of order* is desirable, *where* that order is to come from and *how* it is to be

maintained.

For the libertarian ... genuine order arises intrinsically from the free interaction among individuals and among groups of individuals; it does not descend extrinsically from on high. As is clearly shown in the world of commerce, high-level order can emerge without an orderer. Each individual consumer, each firm, orders its own affairs and the relations it has with others. Out of this nexus of relationships emerges a higher-level order that isn't the design of any one person. No one person or agency, for example, is required to organize the production, transport, distribution and sale of food in a given country. Food producers, transport firms, wholesalers and retailers, each working to their own ends, produce an ordered and flexible outcome that isn't planned by any one person or agency.

Libertarians are free to take a variety of positions towards the significance of custom, habit and tradition. Nothing in libertarianism mandates a particular stance. Although some libertarians adopt a hostile attitude towards custom, habit and tradition and, in particular, towards religious traditions, this wasn't the position of Murray Rothbard, the pre-eminent libertarian of the latter half of the twentieth century. As I already mentioned, in an essay he wrote on Frank Meyer who sought to “fuse” the conservative's reverence for tradition with the

(Continued on page 7)

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