

# ROE V. WADE: A LESSON IN LIBERTY?

By Gareth Seward ([Facebook](#), [Twitter](#))



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The controversy that sparks many an aggressive debate, the subject of abortion, has recently been thrust back into mainstream attention with the recent overturning of the infamous Roe v. Wade ruling by the U.S Supreme Court. Before I proceed with this piece let me give full disclosure on my own personal view on abortion, in that I do believe that the wilful termination of a life is murder. However, the moral, philosophical, or legal debate is not what this article is about. I have no desire to convince anyone here of anything or to look at any such issues, those discussions are not my intended purpose at this time.

My intention here is to offer a rebuttal to claims that have been made on social media along the lines of it is "hypocritical" for libertarians to be anti-abortion, as it must mean that they are in favour of government force to impose upon others now that it suits something that they want. Of course, this is an incredibly ill-thought out and feeble assumption to make. Presuming you are of a liberty minded nature, and you are against abortion, then it in absolutely no way automatically means that you suddenly support state intervention at all. Such a position can still be consistent with libertarian values, and any claims to the contrary show an extraordinary lack of understanding of libertarian philosophy.

First, let us consider that if one was of the opinion that abortion is murder – the wilful taking of another human life – then by saying to them that abortion should be legal is no different to saying murder should be legal, in their eyes. It is not a difficult concept to grasp. Murder comes under the basic tenets of common law, i.e. don't cause harm, injury, or loss to another and honour your contracts, which is pretty much the foundation of libertarianism itself. Now here's the crucial bit; the rule of law still exists with or without any government as it did long before any government was formed, because whilst the state has hijacked a monopoly on the administration of law, the state ISN'T the embodiment of law. Law doesn't require the existence, interference, or purview of government. So to claim hypocrisy of

those who take the anti-abortion position whilst maintaining libertarian principles shows an ignorance of common law and historical context. Law courts and judiciaries can exist and operate independently of any political or governmental structure.

Ireland, for example, did just that for the best part of a thousand years as a country that had no state or government. That was, at least, until England invaded and eventually colonised it during the Tudor conquest in the early seventeenth century. Up until then it had functioned under a structure of law called *Dlí na Féine*, which roughly translates to "The Law of Freeman", and its law codes were arbitrated by voluntary local associations known as *tuaths*. There were also people called *brehons*, who worked as professional jurists. These were not public officials, but private individuals completely independent from any *tuath*. They would be selected to act as arbiters over disputes based on their reputations for their integrity, and deep scholarly knowledge of ancient and customary law.

Any claim that states a belief that abortion should be unlawful means that you must support the implementation of government force is a very misguided and misinformed fallacy. It is the same as claiming that if you think that murder, rape, assault, theft or fraud should be unlawful, then you must be in favour of government force. The most important part that so many neglect to acknowledge about libertarian values is that liberty is about individual freedom and choices, yes, but with that comes RESPONSIBILITY. Self-responsibility and the responsibility to face the consequences of your actions. If you breach the Golden Rule, then there are consequences regardless of any government.

To hold the view that if you believe in law then you believe in state authority also indicates a lack of understanding of the concept of anarchy. Anarchy has become a very popular and almost cultish concept in recent years. It seems some like to be seen as "edgy" or "more libertarian than you" by declaring themselves "ancaps" (anarcho-capitalists) or whatever new name that has been dreamt up this week, as some sort of superior level of anti-authoritarianism. Labels are just arbitrary, and nobody outside of the miniscule social media circle-jerk really cares what label you feel the need to use to define yourself. For me personally, I simply call myself a libertarian out of generic simplicity – I am against the state or any authoritarian entity imposing upon others, and I advocate for a free market economy. Call me whatever label you like – literally nobody cares. But I digress...

However, many of those that cheer for anarchy do not understand what it means and have been victim of the same misunderstanding as much of the mainstream. They tend to have this idea of a lawless society, a society with no rules and where chaos and violence reign. That is not the case. Anarchy simply means no ruler – no governing authority. It doesn't mean that there aren't rules or laws. Ireland was an anarchist country, functioning efficiently without state governance or rule, yet still maintaining standards of law and order that protected the individual's inherent right to not be harmed by another. The word anarchy itself comes from the Greek *anarchos*, which literally means "without ruler".

If abortion is considered murder by a libertarian, murder is simply considered to be unlawful. It's that simple. It doesn't have anything whatsoever to do with suddenly being pro-state because it suits a belief or an agenda. Legal and lawful are not the same thing, legal is more applicable to the specific statutes and acts made up by government. Lawful applies more to the customs and traditions of common law. The two words are not synonymous, though they are largely misused as such. Legal does often underpin lawful though, in the respect that it is both unlawful AND illegal to kill another human. To deem abortion murder and immoral does not necessarily equate it to an advocacy of government. It is consistent with the general libertarian position of no victim, no crime. If it is murder, then there is a victim, therefore it is a crime whether the state is the self-appointed administrator of the justice system or not.

Though, just as an aside before I close this out, let's go back to the *Roe v. Wade* ruling. If we are talking about that case being overturned in the context of it being "un-libertarian" if in favour of such a decision, then that again shows a very twisted misunderstanding of libertarian ideology. Let us not forget what has happened. *Roe v Wade* was simply overturned in the context of it no longer being federal law. It is no longer a dictate of a centralized authority, and instead has now been devolved to the individual states to make their own decisions. Isn't that principle MORE libertarian than it is un-libertarian?

# ABORTION AND LIBERTY

By LibertariDan ([Facebook](#), [Telegram](#))

There is possibly no more divisive area of thought in libertarianism, and perhaps the wider world, than the practice of abortion. The division cuts through relationships, families, communities, political parties, and nations. The discussion of abortion is highly emotive, of course, because as humans we're emotional people. But neither laws, nor opinions, nor emotions, nor debates are the real point.

The recent success of the Pro-Life Libertarian Caucus to remove the abortion plank completely from the US Libertarian Party is something I celebrated. Yet, in many quarters it was assumed that the Party's former plank 1.5 position on abortion was the most consistently libertarian stance to take. It wasn't and it isn't. What many interpreted as a neutral stance was actually an explicitly pro-choice stance. By codifying the position of the party as 'state free pro-choice' it blocked the position of many libertarians who believe the unborn equally deserving of state defence against aggression as the born. By removing Plank 1.5 entirely this barrier was removed and makes way for the reasonable position that if the state has any legitimate role of defending individuals from aggression at all, then that role might also apply to the unborn.



Source: Anatomist90, [Wikimedia \(CC BY-SA 3.0\)](#)

While there are those who would argue the state should have no part in defending the individual from aggressors of any kind, whether that be muggers or murderers, I think that the exception. Most libertarians would actually accept the role of the state in defending individual rights as its only legitimate role. That's the position I take, with the view that it also applies to the unborn if we are to be consistent. As Ron Paul pointed out in *Liberty Defined: 50 Essential Issues That Affect Our Freedom*, "Scientifically, there's no debate over whether the fetus is alive and human — if not killed, it matures into an adult human being. It is that simple. So the time line of when we consider a fetus "human" is arbitrary after conception, in my mind."

The question of humanity of the unborn is not up for serious debate. The name calling that goes on is just an example of de-humanising labelling that has taken place through the ages to oil the wheels of tyranny by one group against another group. As Ron Paul observed in an article entitled *Being pro-life is necessary to defend liberty*, "Abortion on demand is the ultimate State tyranny; the State simply declares that certain classes of human beings are not persons, and therefore not entitled to the protection of the law. The State protects the 'right' of some people to kill others, just as the courts protected the 'property rights' of slave masters in their slaves."

In spite of the self-evident truth that the unborn are "alive and human", some in the pro-abortion camp expend a great deal of energy constructing a scaffold of special pleading to justify that small humans may be killed if they meet (or fail to meet) particular arbitrary criteria. Taking this approach to its ultimate conclusion, honing down the 'death' criteria in necessarily more and more convoluted ways so it applies only to 'those over there' and not 'us over here' (because there are too many criteria overlaps with those humans outside of the womb if you don't), one might as well argue that your death can be justified if you live at a particular house number. We'd never accept it (well, not if it was our house number). But what about freedom? Isn't it a freedom issue for the mother? Ron Paul goes on in *50 Essential Issues* to write, "Some people believe that being pro-choice is being on the side of freedom. I've never understood how an act of violence, killing a human being, albeit a small one in a special place, is portrayed as a precious right. To speak only of the mother's cost in carrying a baby to term ignores all thought of any legal rights of the unborn."

The woman's choice for her own body does not extend to her making a choice for someone else's body and life. There are two individuals involved. To imagine that there is no child or life there is to deny

reality. As with rejecting any arbitrary death criteria that might suddenly apply to them, those humans already born also tend to welcome legal protections against being killed. That includes rejecting any notion that someone else is free to kill them for any reason. We wouldn't argue, I hope, that it's simply a matter of the freedom of our attacker whether we're killed or not. Whether the attacker was the victim's mother wouldn't justify it. It's ridiculous on its face. Yet examples of special pleading seek to deny these protections to those of any age but unborn who happen to be at the wrong house number. Such is the inconsistency. As if to make the point, both about the humanity of the unborn and women's rights, not all abortions are 'successful' in killing the unborn. [Gianna Jessen, who in 1977 burned alive for several hours in her mother's womb from a saline abortion at Planned Parenthood and miraculously survived](#), asks this searching question: "If abortion is about women's rights, what were mine?"

Can anyone expect to have this both ways, that a woman may claim 'women's rights' in to justify the destruction of another woman? And yet here we are. The very person who, if abortionists had gained the result they expected would have been one more lifeless human body in a bucket, is now speaking to them directly. If at any point Gianna was not a human this would not be possible. This ability would be the natural outcome of virtually all those humans killed in abortion. The criteria for death by abortion is arbitrary.

I have, in this short article, avoided many of the most emotive and persuasive facts about abortion practice. Many are too squeamish to face the reality they advocate for, and I suspect would be unable to engage with the article as a result. There is much more that could have been said. Many I fear would rather approach the topic as they do their meat at the supermarket, putting out of their mind that this neat and hygienic film and polystyrene package is a front for something they'd rather not think about in too much detail. But some of it shouldn't be avoided. The truth is that we live in a place where some humans may be killed arbitrarily because of their location, age, or their predicted flaws up to birth. Flaws which in the UK include such things as clubfoot or cleft lip, can result in a human baby being killed in the womb right up to birth. Sure, we live in a place that practises eugenics. This is where arbitrary gets you. If this is not tyranny, what is?

It's good that Roe was finally overturned in the USA. We should overturn our own equivalent. All the reasons for having legal protections against being killed should apply to us all, at any age. To libertarians and others who are locked into viewing this only from a mother's freedom position, my views will not be readily accepted. It's much easier to understand when you realise I also believe in freedom for the person the abortion will destroy. It seems to me that there are very few genuine conflicts of rights between mother and child. We know where babies come from. Very few pregnancies are forced, but rather are the product of consensual sex. Those rare yet deeply tragic times when pregnancy results from rape, or the mother's life is genuinely at risk (accounting for all the medical birth science we have) are the exceptions which create a genuine conflict of rights between mother and child. They are the difficult ones. The others are not news, they are not difficult, everyone knows what might happen. The vast majority of abortion is about avoiding that responsibility. Conception is the moment of choice.

There are many arguments and special pleadings that need answering over and over again in this debate. It's simply not possible to list and respond to them all in this article. So I've focussed instead on the broad principles and key examples. I stick to the libertarianism that attracted me in the first place. We don't steal, we don't be guilty of first strike violence, we don't hurt others, we allow all others these same freedoms we claim for ourselves, we take responsibility for our actions and their consequences. As first strike violence and avoidance of personal responsibility, the vast majority of abortion doesn't fit within that.

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