

# A Rational Look at the Abortion Issue

By Roy Minet (Rev. 08/29/16)

It's difficult to think of any issue more divisive than abortion. An individual's right to life is the primary right that everyone agrees should be guaranteed. People do and should have strong feelings about terminating pregnancies.

Thinking is considerably muddled when we just use the term "right to life." What we really mean is "a human individual's right to life." We don't intend to secure this right for anything alive. If we did, then we'd have to be careful not to step on ants and would be unable to kill weeds in our gardens.

So, the crux of the matter is determining when a new human individual comes into existence. That turns out not to be as simple as it might seem. People (including us libertarians) sincerely and strongly hold many differing opinions. Here is a sampling:

1. When an ovum is fertilized by a sperm and/or becomes attached to the uterus
2. Some specific time after fertilization or attachment
3. When there is a heartbeat
4. When there is brain activity
5. When the fetus can survive outside the uterus
6. When pain can be experienced
7. When consciousness and self-awareness occurs
8. When the umbilical cord is severed
9. When a birth certificate is issued (or at some other time after birth)

Some parents of teenagers might argue for age 18 or when they are gainfully employed. (JK, JK!)

We libertarians normally insist that one person's view not be forced upon another. Unfortunately, that isn't possible in this case because what is required is actually a *legal definition*, and legal definitions have to apply equally to all.

It must be clear when a new human individual comes into existence and, therefore, acquires the rights and protections of the Constitution, including its Bill of Rights. If this occurs while the new guy is inextricably attached to mom, two individuals' rights must be considered together. Any conflict of interest would need to be resolved by a court.

Understandably, the Framers of our Constitution did not in 1787 foresee the need for a more exact definition of when a new citizen appears. Arguably, they defaulted to birth and severance of the umbilical.

In 1973 and 1992, the Supreme Court recast the definition more in terms of survivability. Although probably not the final answer, the Roe v Wade and Casey decisions do somewhat improve legal clarity.

But the vehement differences of opinion rage on. How might we bring people together?

Rational people agree that there is an objective reality that can be discovered and understood using the scientific method. Gaps in knowledge are no shame; don't just dream something up, work to obtain that knowledge however long it may take. Through the scientific method and logic they can eventually reach agreement on substantially anything – peacefully.

Some views derive from religious doctrine. When people allow faith to override the rational process, they lose this invaluable mechanism to resolve differences. If a Hindu and a Christian disagree on what a human individual is or when a new one comes into existence, they are pretty much irreconcilably stuck if their positions are based on faith.

Obviously, people must be completely free to believe whatever they want, but not to force their beliefs upon others. Unfortunately, some do try to impose their views either indirectly through the force of law or by direct force. Consequently, religion has long been and remains today a leading cause of violence in the world.

Given so many strongly-held, diverse views, one could well argue that *no* law authorizing the government to forcefully intervene could be deemed legitimate. Whatever the law, a majority would oppose it. But there always has to be *some* working legal definition. For now, that's Roe v Wade/Casey. Whenever a comfortable majority of rational people can reach agreement would be the time to revise that definition if/as appropriate.

The end of a human individual's existence usually is clear-cut, but occasionally it is not. The decision to "pull the plug" in such difficult situations is based upon cessation of "meaningful" brain activity. Although still somewhat nebulous, perhaps this does point us toward the most appropriate definition for the beginning of an individual as well.

To be an individual likely requires consciousness and self-awareness. New tests promise to objectively measure whether or not consciousness exists, but no one would yet suggest such a test should be used as a legal standard.

No reasonable person likes abortion, so it surely makes sense to reduce the size of the problem. Instead of fighting about the definition, expend that effort on matching up would-be parents with reluctant mothers and facilitating in-utero adoptions. All parties come out ahead in an entirely libertarian way through such *voluntary* agreements.