

RAMPART INDIVIDUALIST

\$5.00

Published by Rampart Institute

Vol. 1, No. 4 (fall, 1983)

ABORTION: Two Libertarians Debate the Pros and Cons

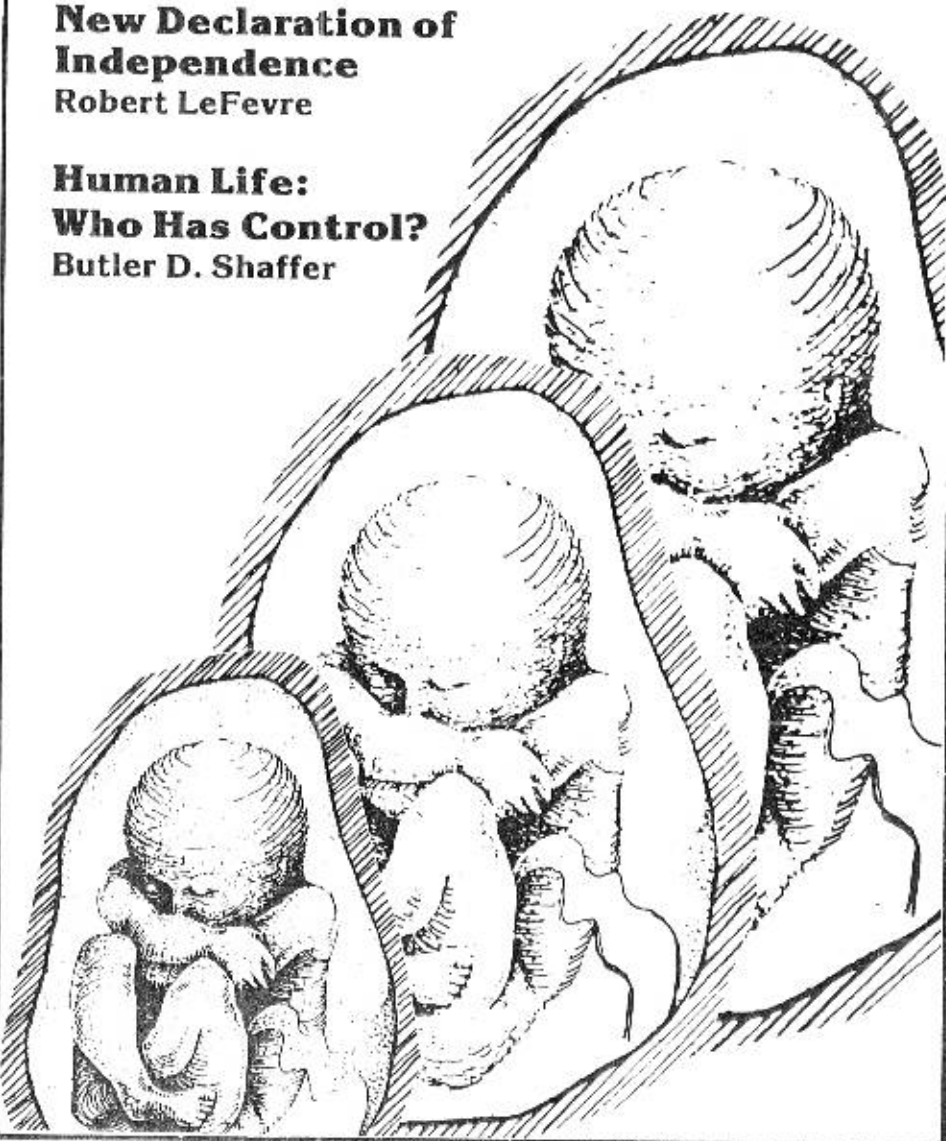
Wendy McElroy vs. Doris Gordon

New Declaration of Independence

Robert LeFevre

Human Life: Who Has Control?

Butler D. Shaffer



 **RAMPART
INDIVIDUALIST**
P.O. Box 4 • Fullerton, CA 92632 • (714) 979-5737

Rampart Individualist is published twice a year by Rampart Institute. The purpose of this journal is to expose ideas and philosophies that promote individual liberty, non-coercion and economic freedom.

Editor-in-Chief.....Lawrence Samuels
Senior Editor.....Jane Heider
Assistant Editor.....Marge Spencer

Contributing Editors: *Caroline Roper-Deyo, R.S. Taylor-Radford.*

BOARD OF DIRECTORS:

Lawrence Samuels, *Executive Director*; R.S. Taylor Radford, *Treasurer*; Wendy McElroy, *Secretary*; Harry Hoiles, *Freedom Newspapers, Inc.*; Jane Heider; John Pugsley, *Common Sense Press*; Richard Deyo, *Atty-at-Law*; George Smith, *author*; Caroline Roper-Deyo, *writer*; and Linda Abrams, *Atty-at-Law*.

SUBSCRIPTION RATES:

Annual subscription rate is \$10 per year or \$15 for two years. Single editions are \$5.00 each.

Rampart Institute is a non-profit, educational organization.

No responsibility can be assumed for returning manuscripts unless the author encloses a stamped, self-addressed envelope. Address all inquiries, manuscripts and books for review to the editor, **Rampart Individualist**, Box 4, Fullerton, CA 92632.

Copyright restrictions are determined by the preference of the author. We do ask, however, that all reprints of uncopyrighted articles be accompanied by the following statement: "Published in **Rampart Individualist**, available from Rampart Institute, Box 4, Fullerton, CA 92632 USA, \$10/yr." We also request that, if any of the essays are published elsewhere, a copy of the reprint be sent to Rampart Institute.

Conflicting opinions, positions and conclusions presented in RAMPART INDIVIDUALIST are those of the contributors and do not necessarily represent Rampart Institute, its Board of Directors or the editor.

TABLE OF CONTENTS

ABORTION: Two Libertarians Debate the Pros & Cons Editor's Notes	2
What Does It Mean To Be An Individual Wendy McElroy	3
A Wrong, Not A Right: An Atheist Libertarian Looks At Abortion Doris Gordon	10
New Declaration of Independence Robert LeFevre	19
Human Life: Who Has Control? Butler D. Shaffer	26

ABORTION: Two Libertarians Debate The Pros & Cons

Editor's Note:

There are several major "gray areas" in the libertarian philosophy. By gray area we mean that neither side of an issue has been considered definitely libertarian or anti-libertarian. That is, a libertarian can argue either side of the issue and employ well-defined libertarian principles to support or oppose either side.

One such gray area is the abortion issue. This issue has not been resolved by libertarians. One side argues that the mother as an individual has the right to make choices to do what she will with her own body. Self-choice is a major libertarian principle. However, the libertarian anti-abortionist argues that "consent" must be given before an individual may proceed to do some type of action regarding another individual's rights, life or property. Obviously, this is another major libertarian principle. Which philosophical principle comes first? That is the problem. Two major libertarian principles appear to crash head first into each other.

In a recent survey (1983) of libertarians, conducted by Reason's Frontline publication, a majority of libertarians polled favored the pro-abortion side. However, the opinion of the majority is not something libertarians oftencite as supportive evidence.

*In order to give the reader of **Rampart Individualist** an opportunity to example the abortion controversy, we present both sides of the abortion issue by two well-known libertarian leaders. The pro-abortion side will be taken up by Wendy McElroy, a member of Rampart Institute's Board. The anti-abortion side will be championed by Doris Gordon, leader of Libertarians for Life and a Rampart Institute fellow. Let the debate begin.*

What Does It Mean To Be An Individual? Self-Ownership Is Key To Abortion Issue

By Wendy McElroy

When I was 18, I chose to have an abortion. Accordingly, the question I am addressing here is nothing less than whether I have committed murder. If the fetus is a human being with individual rights, then I am among millions of women who have committed first degree, premeditated murder and I should be subject to whatever penalties are imposed upon that crime. The fact that I did not know I was killing a human being is irrelevant, just as the state of knowledge of a racist who kills blacks while believing them to be animals is irrelevant to the fact that he has committed murder. If you shy away from such prosecution, you are shying away from the anti-abortionist position.

Before advancing the pro-choice position — to which I subscribe — it is necessary to make an important distinction. It is necessary to distinguish between *morality* and *rights*, between the moral and the legal.

Peaceful activities may be moral or immoral, but they never violate rights. Taking drugs, gambling, or lying to a friend may or may not be immoral, but they are not a violation of rights. In libertarianism, the purpose of law is to protect rights, not to enforce virtue; as such, the law does not concern itself with the morality of an action but asks only if it is invasive.

Many people oppose abortion on moral grounds without considering it to be a violation of rights which should be addressed by law. I have no argument with this particular anti-abortion position. My argument is with anti-abortionists who attempt to translate their personal moral convictions into laws restricting

what I may do with my body . . . those who advocate mandatory motherhood.

Although libertarianism is often expressed as 'the non-initiation of force' or 'anything that's peaceful', there is a more fundamental theme running through libertarian thought. The Levellers in 17th Century Britain called it 'self-proprietorship'; Josiah Warren, the first American anarchist, referred to 'the sovereignty of the individual'; abolitionists in opposing slavery used the concept of 'self-ownership' — that is, every human being simply by being a human being has moral jurisdiction over his or her own body. The principle underlying libertarianism — the reason it is wrong to initiate force against anyone — is that it violates that person's self-ownership. This moral jurisdiction is what I mean by the term individual rights.

The concept of rights is key to the abortion issue. Anti-abortionists claim that abortion violates the rights of the unborn fetus. Pro choice advocates contend that restricting abortion violates the rights of the pregnant woman. I also contend that the fetus is not a human being. It possesses no rights. Up until the point of birth, it is not a self-owner.

To say this is not to deny that the fetus is in some sense alive, or that the zygote is a *potential* human being. A potential is not an actual, however; it is a hypothetical possibility. To their credit, Libertarians for Life (the libertarian anti-abortionist organization) does not ascribe individual rights to the fetus on the basis of its potential, but on the assumption that at the *instant of conception* — at the moment there is a fertilized egg — there is a human being with individual rights.

The essential question becomes: "What does it mean to be an individual?" For only by being an individual can the fetus possess individual rights. When defining a thing, it is necessary to ascertain the fundamental characteristics, the characteristics without which it would be something else. With human beings, you subtract accidental characteristics such as race, sex, and hair color until you are left with the things which cannot be subtracted without destroying humanness itself. One such characteristic is a rational faculty.

An essential characteristic — indeed, a prerequisite — of considering something to be individual is that it be a discreet entity, a thing in and of itself. Until the point of birth, however, the fetus is not a separate entity; it is a biological aspect of the pregnant woman which possesses the capacity to become discreet. At birth, the fetus is biologically autonomous and is a self-owner with full individual rights. Although it cannot survive without assistance, this does not affect its biological independence; it is simply the dependence that any helpless individual experiences.

Let's rephrase this argument: having a DNA encoding, which is all that is provably present at the point of conception when rights

are assigned, is *not* sufficient grounds to claim individual rights.

What is missing? The missing piece is individuality . . . autonomy . . . a biologically discreet person. As long as the fetus is physically within the woman's body, nourished by the food she eats, sustained by the air she breathes, dependent upon her circulatory system, it cannot claim individual rights because it is not an individual. It is part of the woman's body and subject to her discretion.

Birth is the point at which the fetus becomes an *actual human being*. There is no point, other than conception, at which such a clear, objective change occurs in the status of the fetus. All other changes are a matter of degree rather than of kind and, thus, are inadequate for legal theory which demands a definable point of enforcement.

Anti-abortionists often detail the physical development of the fetus, the development of toes and brainwaves, in order to give weight to the claim that it is human. But this development, by their own standards, is irrelevant, since they have already assigned individual rights to the zygote, which has no discernible features.

Therefore these features are beside the point. Moreover, this development actually *supports* the pro-choice position, i.e., that the fetus is a *potential* rather than an *actual* human being.

One means by which anti-abortionists attempt to load the issue of abortion against the woman and in favor of the fetus is by ascribing responsibility to the woman. But there are two senses in which you can use the word responsibility. The first is as an acknowledgement of an obligation to another person. This is the sense in which anti-abortionists use the word, and it begs the question. It assumes as a given the point in contention; namely, is the fetus an individual toward whom obligations can be incurred?

In contrast, the other sense of the word responsibility does not involve another person. It refers to the acknowledgement that a certain situation results from your actions and to the acceptance in terms of money, time and moral accountability of handling the situation. When a woman uses her own money to pay for an abortion, she has assumed full responsibility for the pregnancy.

There is something odd and inconsistent about the way anti-abortionists use responsibility. The pregnant woman is said to be responsible for the fetus because it resulted from her choice to have sex. How then does the anti-abortionist handle the rape pregnancy?

An individual is not morally responsible for a situation in which there was no choice. The consistent position is that the fetus is still a human being and abortion is still murder, in which case one wonders why the issue of responsibility has any relevance.

Whether or not the woman is responsible, she is prohibited from having an abortion. On the other hand, if an exception is made in the case of rape pregnancies, anti-abortionists must explain how their libertarian theory can sanction willful, premeditated murder.

Similar problems exist in the contract model of pregnancy by which the woman is assumed to have contractual obligations to the fetus. This assumes that the fetus is not only an individual who can contract, but that it was present at the point of sex from which the obligation is said to have arisen.

In a more fundamental sense, however, the issue of contract is irrelevant. Individual rights are attributed to the fetus and the protection of rights is independent of contract. I do not have to contract with neighbors not to kill me or steal from me; my body and property are mine by right. Contract enters the picture only when I desire something to which I have no right, such as another's labor. Through contract, I acquire a negotiated claim over that person. If individual rights are being claimed for the fetus, no contract is necessary. If individual rights are *not* being claimed, then no contract is possible since a contract is a voluntary exchange between two human beings.

But what if, for the sake of argument, the fetus were acknowledged to possess individual rights? What consequences would this have for the pro-choice position?

The principle of self-ownership states that every human being, simply by being human, has jurisdiction over his or her own body. Thus, even if the fetus possesses rights, those rights could never include living within and off of the woman's body, for this would be tantamount to asserting that one human being could own the bodily functions of another . . . that two people can have rights in and to one body. The word used to describe a system in which one man has property rights in another is slavery.

One of the concepts upon which 'rights' rest, from which the word derives meaning, is the concept of 'a natural harmony of interest'. This does not mean that all men feel benevolence toward each other and their desires never come into conflict. It means that the exercise of my self-ownership, my rights, in no way violates the similar exercise of your rights. My right to believe in God does not conflict with your right to be an atheist. If it did conflict, it could not be an inalienable right which all men possess; rather, it would be a privilege which I possessed at your expense. Two fundamental characteristics of individual rights are that all human beings have them and that they do not conflict.

Imagine a world in which the act of swallowing a pill (as in the 'morning after' pill), murdered another human being. In what sense could I claim the right to swallow? On the other hand, in what sense could I claim the right to my own body when I cannot

properly control what is put into it. This is the dilemma posed by the anti-abortionists who grant the fetus a right to control the woman's body which competes and conflicts with her own right. The result is not conflicting rights, but the destruction of the framework from which rights derive meaning. Unlike gray areas of libertarian theory in which disputes arise because rights are not well defined, the alleged rights are clear and in direct contradiction. The fetus' life requires a claim on a woman's bodily functions; the woman's right to her body requires the fetus' death.

In Randian terms, this is "the fallacy of the stolen concept." In this fallacy, a word is used while the conceptual underpinnings which are necessary to the definition of the word are denied. Thus, the anti-abortionists use the concept of 'rights' without regard for the fact that the fetus is not a discreet individual, the alleged rights conflict, and the rights involve two people claiming control of one body. Whatever version of rights is being attributed to the fetus, it is not the natural rights championed by libertarianism.

Anti-abortionists often counter that the fetus should have a right to the woman's body because it is a matter of life and death. But rights are not based on how important it is to have them. Nor is there a cost/benefit chart giving us how much pain balances how much use of force. Rights are not granted or open to adjustment; they are inalienable. And they derive from only one source — the right to control your own body. The anti-abortionists are not depriving the pregnant woman of some percentage of her rights; they are denying the right of self-ownership altogether.

The important thing about the anti-abortionist position is not that it is wrong, but that it has disastrous consequences. Anti-abortionists dislike dealing with these consequences and consider such discussion to be 'scare tactics'. As long as the basic thrust of their position is 'there ought to be a law', however, it is reasonable to ask what this law would look like.

If the fetus is a human being, then abortion is clearly first degree, premeditated murder and should be subject to whatever penalties that category of crime merits. Aborting women and doctors would be liable to punishment up to, and perhaps including, the death penalty. If this is 'scary', the fault lies not with the person who points it out, but with the one who advocates it. Anti-abortionists sometimes backpedal on this issue by stating that, since abortion has not been subject to such penalties historically, there is no reason to suppose they would occur in the future. But this is evasion. The debate does not concern history, but moral theory. By anti-abortionist standards, abortion is premeditated murder and they should be decrying the tradition of slap-on-the-wrist penalties rather than using them to reassure us.

Moreover, if you admit the idea that the fetus is a human being for whom the woman is legally responsible, then the woman cannot take any action to imperil the life and well-being of the fetus. Almost everything she puts into her system is automatically introduced into the system of the fetus and, if the substance is harmful, it constitutes assault upon the fetus on the same level as strapping me down and forcing drugs into my body. Moreover, life endangering acts, such as parachute jumping, would place the unconsenting fetus in unreasonable danger. If the woman has no right to kill the fetus, she can have no right to jeopardize its life and well-being. Thus, if the fetus has rights, it is not merely a matter of prohibiting abortion; it means that the woman is criminally liable for harm befalling the fetus on the same level as she would be for harming an infant.

The important question about protecting the fetus is, of course, how will this be accomplished? There is no way that this can be done short of massive interference with the pregnant woman's civil liberties. Again, anti-abortionists protest that enforcement problems are not properly part of the abortion issue, that we are simply investigating the right and wrong of the matter. But anti-abortionists, themselves, go beyond this line by advocating laws to remedy the situation. Pro-choice advocates merely insist that this solution be clearly defined, especially with regard to whether anti-abortion legislation can be enforced without violating rights. For even if the fetus merited protection, such protection could not be rendered at the expense of innocent third parties.

The impact of the anti-abortionist position on birth control is another unexplored implication of that argument. Since an individual with full human rights is said to exist at the moment of fertilization and since IUDs work by disrupting fertilized eggs, women who use these devices must be guilty of attempted murder, if not murder itself. Other forms of birth control which work not by preventing fertilization but by destroying the zygote would be murder weapons and doctors who supplied them would be accessories. As absurd as this sounds, it is the logical implication of considering a zygote to be a human being.

The anti-abortionist position is weak, riddled with internal contradictions and dangerously wrong. It is a sketchy argument which does not address key issues. It uses the word "rights" in a self-contradictory manner which denies the framework from which the concept derives meaning. Although the message is "there ought to be a law," anti-abortionists refuse to address the question of what this law would entail or how it would be enforced.

I believe this refusal serves a purpose. It permits anti-abortionists to argue on the side of compassion and children without having to face the truly inhumane and brutal conse-

quences of their theory.

Self-ownership begins with your skin. If you cannot clearly state, "Everything beneath the skin is *me*; this is the line past which no one has the right to cross without permission," then there is no foundation for individual rights or for libertarianism.

A WRONG, NOT A RIGHT: AN ATHEIST LIBERTARIAN LOOKS AT ABORTION

By Doris Gordon

On January 22, 1973, the Supreme Court in effect legalized abortion on demand until birth. On January 23, 1983, in an article marking the tenth anniversary of the decision, *The Washington Post* said, "To this day, many [legal experts such as John Hart Ely] who fully approve of the result seem uncomfortable" with the court's reasoning. As this prominent scholar wrote in the *Yale Law Journal*, said the *Post*, this decision was "'frightening. . . It is not constitutional law and gives almost no sense of an obligation to try to be.' The court 'simply announces' a right to abortion."

Even if abortion were constitutional, it shouldn't be. For abortion is not merely contraception or termination of pregnancy; it is prenatal infanticide. Nothing in science or philosophy supports this killing.

WHEN DOES HUMAN LIFE BEGIN?

When abortion is not the issue, even pro-abortionists agree on the biological facts. Babies are not made in heaven and then delivered at birth by storks; they arrive in this world at conception. Life comes from life, but the individual existence of each human being has its own starting point. Neither sperm nor ovum is a separate creature of the species *Homo sapiens*— but together they generate a new human entity; individually they cease to exist at conception (fertilization), when by fusion they produce a zygote, a unique human being.

Each of us begins his or her existence at conception with only

Wendy McElroy is editor of "The Voluntaryist," a contributing editor to "Caliber," and is an associate editor of "New Libertarian". A board member of Rampart Institute, she has published a comprehensive index to "Liberty" (1881-1908), an individualist-anarchist publication edited by Benjamin Tucker. "Freedom, Feminism, and The State," her new book which she edited, is an anthology of individualist-feminist writings, published by CATO Institute.

one cell. This cell is special: All that which we will become later is essentially there; for this cell has the fundamental internal capacity to differentiate itself into the various organs of the human body. Even at conception, we were male or female human beings. Our hearts began to beat by the third week. Just seven weeks after conception, cell differentiation produced an integrated system of tissue and organs: blood, brain, and so on. By the end of the eighth week, all our body systems were present. As we grew in the womb, we responded to pain, cold, taste, light, and sound.

We developed human consciousness; woke, slept, and dreamed. Maturity came not at birth but gradually over years. No substantial change occurred in us by being born; birth was just a change of physical location, eating and breathing habits.

Some ask us to believe that the prenatal child, the fetus, is a "thing", a non-human animal, or (at best) merely a "potential human being." However, a fetus as an *actual* human being—with potential—a child *in fact*. ("Fetus" is simply Latin for "offspring," including offspring of non-human species. "Child" means, more specifically, "human offspring," born or preborn.) However much we change throughout life, the human being we are now is the fetus and child we were then, only older.

BUT ARE PREBORN CHILDREN "PERSONS"?

If human beings are persons, then *prima facie*, all human beings, born and preborn, are persons, too. Biologically, there is only one generic class of human beings: everyone from conception until death. Bodies and minds mature and develop, but personhood either is or isn't. Being a person is a matter of kind, not degree; some of us are not "more of a person" and others "less," with some of us having a greater right not to be harmed and others less. Neither are there two classes of human beings: "persons" and "non-persons". This dichotomy cannot be reasonable or just, for it's not based upon any rational explanation of what is a person.

A "person" is a living entity with the inherent, internal capacity to develop reason and choice. Human beings have this potential at conception; they actualize this capacity as they develop. Being a person is not determined by what we are at any given moment but by what we are and shall be throughout life.

A human being is not a static thing but a changing entity. A human life is a spectrum of development, manifesting different abilities and achievements over time, all of which are the evolutionary products of the same individual that came into existence at conception. Selecting as the standard of personhood a test that focuses on a single development in this spectrum, or on a single manifestation of the evolving abilities that humans possess as a consequence of their genetic makeup, is merely ar-

bitrary.

A particular test may be objective regarding the specific physical characteristic being measured (e.g., brain waves or "viability"), but this does not necessarily make it an objective test of personhood as a whole. No single line in the spectrum of human life sufficiently represents what that life is, in all its complexity, to serve as *the* standard for conferring, or denying, the most important of human attributes: individual rights.

There is only one objective, non-manipulable test for personhood: having come into existence at conception as a human being. Human beings don't *become* persons; human beings *are* persons. Our human nature on which our rights rest is acquired immediately and irrevocably at conception, when we acquire our human genes. To deny this basic fact of genetics is to subject our natural rights to the arbitrary opinions of others, after as well as before birth. Whatever the intent, the effect of this denial is that only might makes right and the concept of inalienable rights becomes meaningless.

Human life and human rights co-exist. Possessing rights is the consequence of being alive. Even pro-abortionists admit that rights end when an individual's life itself ends. It's perfectly reasonable to hold that rights begin—especially the right not to be killed—when an individual's life itself begins at conception. Although the ability to exercise one's rights may vary from person to person and time to time, being a person is a constant.

If pro-abortionists could find an objective test to support abortion, they would rally around it. Instead, they differ radically among themselves as to what test we must pass in order to be certified as persons. For various groups, the critical event occurs as early as implantation to years after birth (e.g., socialization). However, the premise implicit in these tests—namely, that our rights depend upon whether or not we can demonstrate an ability or an achievement to someone else's satisfaction—is unlibertarian; it endangers everyone's freedom. Requiring doctors and plumbers to be licensed is wrong, as libertarians insist. Imposing a "licensing" requirement for personhood is even more offensive.

Nothing happens at birth that "magically" transforms us into persons. If a person comes out of the womb, then one had to be there before birth. Twins are born one at a time. Can the first-born be a person but not the other minutes from birth? Is killing the second twin justifiable?

If the *purely biological fact* of birth is what transforms non-persons into persons, then what about non-human mammals? No one pretends that their mere birth transforms them into persons. Something more is both necessary and sufficient: such as being human.

Most of us see only born people, so thinking of preborn

children as "us" especially at conception, seems strange. Nevertheless, they look like human beings are supposed to look like, and what we once looked like before birth. With technology, strangeness may turn to familiarity. Parents, as well as doctors, can now view children *in utero* with ultrasound. There are other means of observing them: fetoscopy, amniocentesis, hysteroscopy, and electronic fetal heart monitoring—all new in the last ten years. Movies about life during gestation have been shown on television. Doctors have operated upon preborn children *in* and *ex utero*.

Ironically, in some hospitals, while some doctors are struggling to save sickly preborns, other doctors are busy killing older but healthy preborns, merely because they are "unwanted" by their mothers. One of the dreaded consequences of abortion is that some children survive the procedure. May they be killed, or are they home free? The fact is their rights are being ignored and they are being killed.

BUT WHAT ABOUT THE WOMAN'S RIGHT TO CONTROL HER OWN BODY?

It is never enough to talk about anyone's right to control his or her own body when someone else's body or rights are affected. But, some say, preborn children don't count. They are not individuals but merely a "part of the woman's body", like her heart or other organs.

Biology provides no basis for this view. Mother and child are two individuals, for they are genetically distinct. They are not even attached to each other at conception. A "test-tube" baby spends the first few days in a petri dish, far from the mother. A baby conceived naturally does not connect to the mother at conception but 7-10 days later, after floating down her Fallopian tube into her womb. In neither situation is the child a part of where he or she lives.

Even after implantation, the child becomes isolated inside his or her amniotic sac, and from that point on, makes indirect contact with the woman only by way of an umbilical cord and placenta. Siamese twins are directly attached to each other, yet even they are two individuals. Micro-organisms of various species live in us, but no one claims they are biologically a part of us.

Others argue, the preborn child—whether an individual or part of her body—is the mother's property. How can this be? Property rights imply the right to retain ownership until one chooses to relinquish it. If preborn children were someone's property, then birth would not change their status. Certainly, being on another person's property doesn't make one human being the property of another, in the sense that the owner may do whatever she will with the other individual. The woman's physical power to control

her child, as by abortion, doesn't make the child her property in a moral or legal sense. If it did, then states could claim people as property, by right. But people are simply not property, ever.

Some say abortion is a woman's right just because "it's her body" which must supply the child's needs. But what about after birth? Breast feeding is a natural means of providing infants with nutrition. In societies or situations where only breast feeding (as opposed to bottle feeding) is available, may the mother starve her child by willfully withholding her milk? Suppose no other milk is available?

Suppose children could be transferred from womb to womb or to artificial wombs. Would they become persons in transit only to become non-persons again? Might a child in an artificial womb be regarded as a removed appendix, as the woman's property? Or the father's property? Suppose children could be kept there indefinitely? Might we raise them as guinea pigs, or slaves, or for body parts? Does being a person depend upon some outside, accidental factor like the ability of scientists to do these things—or upon what we are, in ourselves, internally?

IS ABORTION EVER PERMISSIBLE? WHAT ABOUT THE "HARD CASES"?

Bringing children into the world can present many difficulties for both parents. Sometimes the strain can seem impossible to bear. But even here we can't turn our backs on the children in the womb.

What if the mother's life is in danger? "Lifeboat" situations have no pat answers and are continuing problems for philosophy. But abortion is not normally a matter of self-preservation—however much some pro-abortionists wish us to believe it is. In the rare cases where it may be, proper medical care aims (and generally succeeds) at saving both patients. It does not kill the child on purpose, as most abortions do.

What about mentally and physically defective children? Because even severe imperfection is no excuse for killing born people, it's no excuse for prenatal infanticide. Because nobody's perfect, think of the possibilities now that we have started down this slippery slope.

What about rape and incest? If sex is consensual, no special consideration is needed in incest cases. There is no right to kill third parties for what two people have chosen to do with each other.

In rape, the situation of pregnancy is imposed upon the woman, *but so is it imposed upon the child*. Although the woman's victimization is distressing, her life is not normally at risk. She can carry her child to term and thus continue the aggression by the rapist against herself; or she can herself aggress against her innocent child.

But just because the rapist has harmed the mother, that doesn't entitle the mother to harm her child. Being victimized doesn't justify victimizing others. Taking the child's life is a greater evil than having to carry her child to term. Rape victims deserve our empathy and help, but never our "permission" to kill. Once the child is born, others may take the child, if the mother wishes. That the rapist/father has obligations to both victims, ought to need no emphasis.

IF THEY ARE "UNWANTED", ARE PREBORN CHILDREN AGGRESSORS?

All persons have the obligation not to aggress. Therefore, some pro-abortionists say, even assuming preborn children are persons, they have no right to live in the mother or at either parent's expense. Abortion is self-defense, for unwanted children are "aggressors", "parasites", or "trespassers." They may be evicted from the womb and abandoned, even if death results. Parents have no more responsibility to their own children than to children next door or halfway around the world.

There are three errors in the pro-abortionists' position: It ignores the fact that most abortions, as they are done today, intentionally kill children *before eviction*. And, even conceding trespass or parasitism, neither is, justifiably, a capital offense. Finally, the fatal flaw in the argument: Preborn children are not aggressors in any form. As one Libertarian for Life leaflet explains:

"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...[T]here cannot be aggression if human action, in the sense of purposeful behavior, is not involved at all.

"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 the mother), and brought into play by the combined acts of the father and mother.

"[Because] 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.

"[As] 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."

Children do not cause their own existence; parents cause it.

PARENTHOOD AND THE OBLIGATION TO PREVENT HARM

Abortion is wrong because of the universal obligation not to kill innocent people. Moreover, as sex is voluntary (barring rape), parents also have the obligation to take care of their children. The needs of parents and child may conflict, but children have a

right to this care.

Libertarians agree that one person's needs are never, in themselves, of any compulsory obligation upon anyone else. Therefore, some conclude, until an individual initiates force or fraud, or violates a contract, obligations are optional. Until someone actually causes harm, there is no legitimate basis for compelling anyone to do anything.

But what about self-defense? We may use, or threaten to use, appropriate compulsion at appropriate times against anyone who causes us, without our assent, to be in harm's way. Running the risk of harming people is not necessarily, in itself, aggression, but intentionally or negligently failing to prevent the harm from happening is. The obligation to prevent harm when we put others in harm's way is not optional.

A child's right to parental care is derived from the right of self-defense, the right to avoid being harmed. The choice to have sex includes the choice to risk bringing helpless babies into the world. Although this puts children at risk, no injustice is necessarily done. But if parents intentionally or negligently fail to take care of their children and harm results, they are accountable.

Life is a series of risks, but we have no right to impose upon others the consequences of the risks we choose and then compel them to bear the costs. Having used contraception, or not wanting children, does not exempt parents from their obligation to provide for them if they are conceived anyway. Even if we do our best to reduce the risk of pregnancy, most of us still know the risk remains. Once children are conceived, we may not make the additional choice to harm them years, months, weeks, or even minutes later.

Dependent children are like "captives", for they are in their parents' control. There is no general right to choose to bring harm to innocent people in our control, *especially if we caused them to be there*, and parents have no special exemption from this principle. Taking care of our children until they can fend for themselves is not slavery, just as paying one's debts is not slavery. Compelling a stranger to do so may be, but there is a big difference between being the parent and being a stranger.

Libertarians agree that we have no compulsory obligation to provide for someone else's children; but, if we cause them (or anyone else) to be in harm's way, we owe them protection. It follows that, as we are responsible for our own children's very creation, we owe them at least as much protection (e.g., adoption). But when we choose abortion, not only are we denying them any protection, we are making sure they are harmed.

If we may not choose to harm other people, how can it be all right to choose to harm our own children, especially with violence? It isn't, of course—and this is why many pro-

abortionists admit they don't like abortion and fervently insist they are not "pro-abortion", only "pro-choice". Many demand tax funds for abortion as well, thus making it doubly clear that by "pro-choice" they mean someone else's "no-choice". Not only are they killing the children, they are killing the language, too.

CONCLUSION

Libertarianism is strongly pro-choice, but never when there is a victim. Rights, including the right to choose, are limited by what justice requires: we may not choose to rob, kill, or otherwise harm peaceful people. We must honor our debts and agreements, return property wrongfully taken, and pay restitution when we cause harm. And when we voluntarily cause others to be at risk, when their part is not voluntary, we have the obligation to prevent harm from actually occurring. Abortion is a wrong, not a right. Under justice, it is unthinkable.

Where there are laws, they should oppose wrongdoing, not permit it. Some say legalizing abortion is "neutral", but it's not. Instead, it's incredibly dangerous, for what about the victim? Should there be a class of innocent persons whose killing is permitted and protected by the law? Such an idea is one that both sides of the abortion debate should see as absolutely incompatible with individual liberty.

If we wish to defend individual liberty, we must protest aggression by individuals against individuals, as well as aggression by governments against individuals. The Libertarian Party Platform stresses defending individual liberty against governmental intrusion. While it also endorses "the right to life" and insists children have rights, unfortunately it also endorses abortion on demand at any time prior to birth. Not many governments cause well over a million deaths yearly. Yet this is the destruction abortion brings yearly in the United States alone. The death toll worldwide is staggering.

As a libertarian, I am especially concerned. Libertarians are the leaders in the fight for individual rights. But if we continue to take part in this terrible destruction, to where will we lead?

Doris Gordon heads an anti-abortionist libertarian organization called Libertarians for Life (13424 Hathaway Dr., Wheaton, MD 20906), which was founded in 1976.

Tired of reading just one perspective?

Then subscribe to

Nomos: Studies in Spontaneous Order

a new quarterly journal of approx. 36 pages devoted to studying - not just reporting - issues and events of interest to libertarians. For example:

Richard Gossa's article on decriminalizing heroin and the futility of the war on drugs, Vol. 1, #1

Mark Niedergang's point-by-point rebuttal of a State Dept. publication which opposed a nuclear freeze, Vol. 1, #1

Doris Gordon explaining why she believes abortion violates human rights, Vol. 1, #2

Marian Neudel with an attorney's view of tort law, insurance, and environmental protection, Vol. 1, #2

Joe Cobb on central banking, Jim Peron on zoning laws, and Kenneth Prazak on Gordon Kahl, forthcoming in Vol. 1, #3

Subscription \$6
a year: single
copies \$2 each.

Mail to: Nomos Press Inc. 9857
S. Damen Ave., Chicago, IL 60643

- Start my subscription to NOMOS today.
- Renew my present subscription for another 4 issues. Enclosed is my check or money order for \$8.

Name _____
Address _____

FREELAND

The Search for New/Free Countries

By L. K. Samuels

Why do great civilizations fail? Why do wealth and knowledge grow by leaps and bounds in a free land, but shrivel and die in enslaved lands? Why do all governments turn cancerous and grow until individual liberty, wealth and knowledge are almost totally suffocated? FREELAND tries to explain this. And why we need to look to new virgin lands in the oceans and in outer space. FREELAND, P.O. Box 4, Fullerton, CA 92632

Price is \$3.95 plus \$1.00 for postage and handling. Checks payable to FREELAND.



New Declaration of Independence

By Robert LeFevre

It is time for the descendants of the early American patriots who fought and died for that poorly defined but magnificent ideal, LIBERTY, to let their voices be heard in the land. It is time for those newly-arrived Americans, fleeing the oppressions and tyrannies of Europe and Asia, to cry out boldly in favor of the liberty they came here to find.

Humanity the world over is laboring under the burden of government. The people of the United States are staggering under the weight of the American political system. Time has run out for those who expected the United States Government to raise the banner of freedom. It is no more worthy nor capable of being viewed as a champion for liberty than is the thundering crew of political slavemasters headquartered in the Kremlin.

If the crack in the liberty bell is to be welded shut so that the tocsin call to freedom can be heard among the world's oppressed, it must be free men OUTSIDE OF GOVERNMENT who perform the welding task. No government which curtails and inhibits human liberty can at the same time sound the magic chime of the libertarian carillon.

The spirit of liberty must be reborn. The American Declaration of Independence contained it. But that Declaration was limited, not so much by the desires of its authors, but by the circumstances under which it was produced. The struggling colonists of that earlier day were concerned with winning independence from Britain. Americans who value liberty today are

concerned with winning independence from government itself.

They are conscious that such independence must be based on nature and nature's realities rather than on political whim and fancy. They further understand that should it prove possible to attain the independence so ardently desired the result must be superior to what is presently available. A change so revolutionary as to make possible the peaceful workings of a free society in a land devoid of legal violence requires more than a mere evolutionary twist or turn. It requires a transformation, a mutation, if you will, in which the moral postulate: **INJURE NO ONE IN HIS PERSON OR PROPERTY FOR ANY REASON** becomes the commonly accepted practice. The nucleus for the society thus sought is brought into existence by each participant and self-enforced by individual responsibility.

Those individuals who aspire to such a superior society, well understand that they are powerless to compel others to accept their concept of morality as a mandatory condition, while maintaining that others are intellectually free to believe as they choose. They are conscious now that governments, by their very natures, are enforcement instruments imposing a common set of rules upon all. Nor are they bemused into supposing that private agencies and organizations can be formed, granted the power to enforce specific rules of behavior upon all and sundry, and escape the tyranny of the small but burgeoning state. In fine, those individuals hungering for a new birth of liberty are at last aware of what the pangs of that great nativity must entail.

A new Declaration of Independence is in order. To meet the challenge of this century, it must be a Declaration of Individual Independence from all forms of government.

DECLARATION OF INDIVIDUAL INDEPENDENCE

When in the course of his own lifetime, it becomes necessary for one individual to dissolve the political bonds which have held him under the dominance of any State, and thus to assume his full stature as a human being among others of his kind, in compliance with the highest concepts of frank communication with all others and in conformity with nature's laws, a decent respect for the opinions of others requires that he should publicly declare the causes which impel him to take so drastic a step and thus stand forth a free being, subservient to none.

The following axioms are the base of this Declaration:

A. Every human being is endowed by his own nature with the ability to initiate both thought and action.

B. Since initiative is an individual attribute it co-exists with the life-span of every human being. It cannot be repealed or denied. It cannot be added to or subtracted from.

C. When an individual exercises his ability to initiate and confine his control or attempt to control to his own person and/or property he is acting within his "rights".

D. Among the rightful initiatives with which every human being is endowed are: (a) life, (b) liberty, (c) the acquisition and enjoyment of private property, (d) the pursuit of happiness, (e) the curtailment of his own liberty by contract, (f) voluntary individual bargaining, (g) voluntary association.

To make safe the natural human ability to initiate thought or action, each person is qualified (with or without the advice of others) to select for himself that agency or agencies which seem to him best suited to protect his life and property, to maintain his freedom and which lie within his ability to afford. Whenever any agency evinces characteristics of tyranny he may exercise his initiative to terminate that relationship and discharge the agency. He may then endeavor to find another agency or instrument more suitable to his inclinations and finances or he may choose to conduct his life and affairs without any agency whatsoever.

Government, which was thought to be answer to this problem of protecting the initiative of the individual, has failed miserably. Every possible design and device has been used over the past six thousand years, and more, in an effort to limit government and to compel it to act in a responsible manner. Inevitably every government presumes that it speaks for "society", the "social whole" the "people" or the "nation." A group of persons is then construed as having more natural initiative than any one individual.

But this is impossible. The natural ability of any individual remains the same regardless of the number or kind of groups he joins. This distortion at the hands of politicians seeks to repeal the natural initiative of individuals replacing it with a politically contrived supposition that affiliation with a political group creates a new and entirely natural initiative belonging to the members of the group. This newly created initiative adheres to the persons who contrived it, i.e.: those in government. This means that politicians, who as humans, have the same rightful abilities all other natural beings have, become endowed with new and un-natural abilities which, in fact, don't exist. These non-existent abilities place them in positions of sovereign power over all natural beings, because natural human beings, aside from those employed as politicians, have no time to waste

debating folly and inventing fables, Instead they are required by nature's laws to earn their own livelihoods. The result of the elevation of politicians through these legalistic sophistries produces the ultimate realization that people must now protect themselves from their "protector," the government and the politicians who man its battlements.

Experience dictates that governments erode and destroy the individuality of human beings by virtue of the coercion they exercise over their own taxpayers. Should a new government be deemed advisable, the person adhering to the principles of individuality will call for a government based upon the voluntary choice of each individual who wishes to be governed. In a state of liberty no one can be compelled to pay a tax for a product or service he does not wish to obtain or retain. On the other hand, each person wishing some particular good or service should be expected to pay the full pro-rata cost of that good or service without resort to taxation or coercion of any kind.

No person in making this individual declaration is seeking by so doing to overthrow or subvert any existing government. He is, rather, intent upon stopping that long train of abuses and usurpations which have pursued the single objective of placing him under absolute despotism. If others wish tyranny, the individual is content to let them pursue it to their pleasure. He seeks by this declaration to stand free of all political shackles that fetter his own wrists.

Further, the individual will not use force to obtain his objective. He will obey the edicts of his rulers when he is compelled to obey. He will give them the same respect he would show to any other bandit or cutthroat. But he will no longer volunteer to further their tyranny over others, either by beseeching subsidy or support, or by accepting it should it be offered. He will pay his own way for better or worse and hold himself responsible for his success or failure.

The history of all governments the world over is a history of repeated injuries and usurpations, having as its direct object the vassalage of all mankind under the state apparatus. To prove this let facts be submitted candidly to everyone.

1. Governments have demonstrated their inability to deal with crime. In certain cases where criminals have been apprehended, the laws have been perverted in such fashion that the courts conspire to aid the felon. There is a rising tide of violence and criminality. But when "tough" policies have been enacted, so obtuse and oppressive are the rulings that innocent people are

made to suffer indignities and oppressions of the worst sort, and hardened criminals secure their release repeatedly. Meanwhile lawyers grow fat and "justice" is obtained by those with the largest bankrolls.

2. Governments have demonstrated repeatedly that they are merely the tools of various pressure groups. Principles have been abandoned in favor of expediency. In those places where such pressures have been minimized the people live in a state of virtual siege with the government itself providing pressures and exactions against them.

3. Governments have stressed the task of passing legislation to such a degree that in many places the body of positive law is so vast that it extends beyond the life-expectancy of anyone foolish enough to try to read it. At the same time the legal fraternity pays homage to the notion that "ignorance of the law" is no excuse. The truth is that in America ignorance of the law is absolute yet the process continues and is so prolific of results that thousands of new codes, rules, regulations, ordinances and manifestos are issued at all levels of government nearly on a daily basis.

4. Governments pretend to be representative of the wishes of the people. But voting is secret and therefore no one who is elected can ever discover who it was who voted for him. Therefore it is impossible for any politician to know what the wishes of his constituents may be since he cannot show who they are, or even if he has any.

5. Government employed politicians pretend that they are agents who "represent" everyone in their respective districts. The law of agency expressed in terms of logic says that no human being can serve as the agent of two different principles if the two seeking his services have a conflict of interest. All government politicians who are elected are chosen by a PLURALITY of the registered voters in that politician's district. No politician has ever been chosen unanimously by the people at large in any district numbering more than a mere handful.

In America the winning politician immediately announces that he "represents" everyone in his district. This means that he is saying he is now going to act in the best interest of (1) those who voted for him; (2) those who voted against him; (3) those who did not vote. This is impossible since at least one group of voters did all in its power to prevent his victory, (they voted for his rival) and another group thought so little of having him as a representative that they gave no indication of any

preference among those running.

This can only mean that the persons in the politician's district have divergent views. Some don't and some do approve of the politician. What he does he will be acting AGAINST the wishes of some of his constituents. But the politician says he is representing ALL of them. Thus, any politician anywhere in the world who is elected by the voting process thought to be the least objectionable in the world, is by definition and demonstration, a liar, a cheat and a scoundrel. At the very time he is saying that he plans to work FOR everyone in his district he is already planning to despoil, obfuscate and coerce a large number of them.

6. Governments have raised taxes repeatedly and from all possible sources. Governments have created a debt so monstrous that it will never be paid. Governments have confiscated private property and then paid for it at a rate decided upon by those who did the confiscating. Governments have restricted the uses to which an owner can put his property. Governments have bayoneted private citizens on the streets, gunned them down on their own property and even sprayed poison on various crops with the intention of inflicting harm and injury if not death upon any individual who disagrees with a government decision.

7. Governments have drafted youth of their own nations and endeavored to evoke a willingness to fight the nationals of other governments. At the same time they have offered to wine, dine and subsidize the rulers of foreign powers if only those rulers will agree with certain policies found advantageous to those making the advances.

8. Governments have created a vacuum in the minds of many by taking children during their tender years and incarcerating them in minimum security institutions called public schools. Here they have filled their heads with the notion that money can solve all problems and that parents are standing in the way because they object to providing all the money wanted. In this manner each new generation is led to believe that whatever the government wants is morally justified since it favors the many over the few.

At every stage of these oppressions individuals have petitioned for a redress of grievances and in most humble terms. They have often been promised a surcease but in fact each petition has resulted in further injury. Any government thus marked by every act which may define a tyrant is unfit to be viewed as a possible defender of liberty.

Nor has the individual been wanting in his esteem and affec-

tion for individual political figures he may know and temporarily admire. Betrayal is the universal result. Appeal has been made to a sense of justice, a sense of fair play, a sense of economy, a sense of reason. Nods and smiles have surfaced as politicians continued doing precisely what they did before under cover of "the general good".

Therefore, while the necessity is deplored, it must be declared that those in office are engaged in violating nature's laws and are either incapable or unwilling to effect a correction.

I, therefore, an American, standing alone and exerting neither coercive influence nor control over any other, do in the name and by the natural authority which resides in all natural beings, solemnly publish and declare, that I am and of right ought to be a free and independent human being. I will therefore, now and henceforward, refrain from participation in all agencies of government whenever and wherever I am able. I will be independent and self-supporting, looking neither to government nor to any similar agency of violence and coercion to provide for me. Nor will I join with any organization, group or person who counsels or urges violence, coercion or the forceful control of any of my fellow human beings in an particular whatsoever.

For the support of this Declaration, I pledge my life, my fortune and my sacred honor.

Robert LeFevre has been a fountainhead of the west coast libertarian movement. With an extensive career in both broadcasting and journalism, LeFevre has authored half-a-dozen books and writes a newspaper column for the Freedom Newspaper, Inc. chain.

Human Life: Who Has Control?

By Butler D. Shaffer

By now you have heard of the case of Elizabeth Bouvia, a young Riverside, California woman who wishes to starve herself to death rather than spend the rest of her life as a quadriplegic. As sad as her case is otherwise, it is made increasingly so by the fact that the sorry state of American law forces this woman to bring an action in court to secure the State's permission to allow herself to die.

The case raises, once again, the most fundamental of philosophical issues: who is the owner of human life? Once that question is answered, we have the answer to the follow-up question: who gets to decide what will happen to the life of any given person?

Any system ruled over by political authorities has already answered both these questions: the State owns all life within its borders, and the State has the ultimate decision-making authority over that life. The State decides how much of our lives shall be sacrificed to its war games; the State decides how much of our lives shall be spent producing wealth for it; the State decides how we shall take care of "our" bodies, whether by directing us to wear seatbelts or prohibiting us from consuming what it considers harmful substances; the State decides whether children shall go to school, and when they shall go, and where; the State decides what conduct of ours shall be permitted ("legal") and what shall be prohibited ("illegal").

I am amused at all my conservative friends who really think that America is involved in a struggle with the forces of communism. In point of fact, the struggle is over. Communism won.

The underlying premise of communism—the idea that the political State is the owner of all property interests—was accepted in this country long before Karl Marx was burdening intelligent minds with his brand of totalitarianism.

The United States is one of the most successful communist nations in history, for most Americans seem deeply committed to the proposition that when an individual and the State disagree about what the individual may do with his or her life, the State's ultimate authority must prevail. Though our rulers may have given us a longer leg chain than the European and Asian commissars have given their people, most Americans would agree that the State may lengthen or shorten that chain at will.

So deeply ingrained is the proposition of personal non-ownership in our society that those who assert authority over the lives of others do so with the greatest assurance of propriety. One of Bouvia's doctors declared that, even if the court approves her right to starve herself to death, he would probably go ahead and force feed her anyway. When reminded that such an act might constitute a battery, the doctor replied: "Pushing a patient away from a car that might run them over can also be construed as a battery."

The doctor's analogy totally misses the point, a point that earlier common law judges understood quite clearly. Pushing a person away from an oncoming car is ordinarily not considered a battery because of the presumed consent of the person being pushed. It is not that I have a "right" to push you away, but that, if I do so, the court will presume that, since most people would choose not to be run over by a car, there would be a presumption that you would not object to my saving your life. In the case of Bouvia, however, there is no question as to her wishes. She does not want her life saved, and in such circumstances the forced-feeding would constitute a battery.

This doctor's attitude calls to mind a quotation whose source I no longer recall: "We can tolerate the evil that is done in the name of evil, but heaven save us from the evil that is done in the name of good." I am certain that this doctor is motivated by the best of intentions, namely, the desire to preserve and protect life. If I was sick and wanted to live, I would hope my doctor would have the kind of dedication to saving me that causes Bouvia's doctor to announce his willingness to risk a charge of battery. But our good motives do not excuse the unseen harm we cause whenever we impose our will upon another human being. It is the pain and suffering inflicted out of noble intentions that is contributing the most to our destruction of human society. Our fellow man suffers not so much from our lack of love as from our denial of respect.

Questions such as those posed by Bouvia will become increas-

ingly urgent as the medical industry improves its technological capacities for saving human life. There is, in all of this, the danger that institutional interests will insist upon an even greater authority to keep dying or paralyzed or comatose people hooked up to their machines for as long as their bodily functions can be preserved. There is, after all, a tremendous amount of money to be made from such "care."

But is it "care" or punishment when the patient doesn't want his or her life to be preserved? Is the life that is being preserved worth the preserving, and, most importantly, who should be the one to decide? Can there be a "life" without the awareness, the spontaneity and the autonomy of the person who is living?

RAMPART INDIVIDUALIST

YES, I would like to subscribe to RAMPART INDIVIDUALIST.

Enclosed is \$_____.

One Year \$10.00

Two Years \$18.00

Name _____

Address _____

City/State/Zip _____

Date _____

RAMPART INDIVIDUALIST, Box 4, Fullerton, CA 92632

RAMPART INSTITUTE

Post Office Box 4, Fullerton, California 92632

Like the immortal bird Phoenix, Rampart Institute arose from the ashes of a long deceased organization that once held the respect and admiration of the movement for individual liberty. Opening its doors in 1956, Rampart College, originally located in the Rampart Range of the Colorado Mountains, became defunct in early 1975. Ever since its demise, a tremendous gap in the studies of liberty and free market economics has been apparent. In 1981 Rampart Institute was born to fill this void.

CATALOG OF MATERIALS

Write for our catalog of cassette tapes by Robert LeFevre, Frank Chodorov, Leonard Read, Ludwig von Mises, Oscar Cooley, Percy Greaves and others. We have the largest selection of cassette and video tapes of author Robert LeFevre. The catalog also offers lapel buttons, stickers, films and posters.

New Rampart and Rampart Individualist

New Rampart a newsletter of current events and commentary is published 6 times a year. *Rampart Individualist*, bi-annual, is a journal of libertarian scholastic thinking.

New Rampart..... \$12 per year (\$18 for two years)
Rampart Individualist \$10 per year (\$18 for two years)



RAMPART INDIVIDUALIST
Rampart Institute
P.O. Box 4, Fullerton, California 92632 USA

Non-Profit Org.
U.S. Postage
PAID
Permit No 1559
Fullerton, CA