**Is it Coherent to be Merely Personally Opposed to Abortion?**

**Abstract:** Is it coherent to be personally opposed to abortion but to accept others’ decisions to terminate their pregnancy? This might appear to be the case if one appeals to the different situations and attitudes of pregnant women. Our conclusion will be that the few people who accept ethical subjectivism or can tolerate infanticide will be able to consistently hold the position, the vast majority of those claiming to be *merely* personally opposed cannot coherently sustain that position. The latter are not only committed to condemning the abortions of others and have the moral standing to do so, but more importantly and controversially, are committed to call for a legal ban on abortion rather than restrict themselves to being merely personally opposed to abortion.

**I. The Women Who are Merely Personally Opposed to Abortion**

Many readers are familiar with with private individuals and public officials making claims about abortion that begin with the following phrase: “I am personally opposed but…”[[1]](#footnote-1) Sometimes what follows is “I don’t want to impose my view of abortion upon others.” We hear on other occasions that “I’m personally opposed but abortion is a decision best left to a woman’s own conscience,” or “I’m personally opposed to abortion but every pregnant woman’s situation is different.” These likely all amount to the position that it would be morally wrong for the speaker to have (or endorse) an abortion, but morally permissible for others to do so. It is not just that such personal opponents of abortion lack the moral standing to blame others, but that it is not actually wrong for others to abort. We also encounter expressions of the “I am personally opposed to abortion but...” variety that are followed by the assertions that “…the government doesn’t have the right to compel women to remain pregnant” or “if abortion is banned then women will die in botched back alley abortions.” These perhaps assume that abortion is immoral for every woman, but that it should not be illegal for any. The state should not exercise its police power to force women to use their bodies to sustain the lives of others.[[2]](#footnote-2)

 Our concern in this essay is not to try to establish whether or not their personal opposition to abortion is correct, rather, we are interested in whether it is coherent to be personally opposed but accepting of the abortions of others. That is, can proponents of such a position consistently hold it given their other beliefs? At first glance, it is hard to comprehend how this could be as formal generalization principles are based upon treating like cases alike. Our conclusion will be that that while a few people with idiosyncratic beliefs might be able to consistently hold the “I’m personally opposed to abortion but…” position, the vast majority of those claiming to be merely personally opposed cannot coherently sustain that position. We believe that the latter are not only committed to condemning the abortions of others and have the moral standing to do so, but more importantly and controversially, are committed to call for a legal ban on abortion rather than restrict themselves to being merely personally opposed to abortion.

We’ll focus mostly upon women who say about abortion that “I’m personally opposed but…” (hence abbreviated as “IPOB”), for only they can realistically opine that *they* would *forever* pass on having an abortion. Such language reveals how strong their opposition is to ever taking fetal life. In fact, they frequently pride themselves on their earnest and passionate commitment to support their own fetuses. It often seems as if such pronouncements of their (virtually) unconditional opposition to ever having an abortion is, in part, meant to provide evidence of their moral seriousness to those who do not share their pro-choice position. Their personal refusal to ever avail themselves of an abortion signals how much they value the unborn. They are not dismissing embryos as *mere* clumps of cells. Their concern for their own unborn children suggests that their tolerance of the others’ abortions is not the result of any moral shallowness or failure to reflect on what is at stake when fetal life is terminated. Thus, we find it somewhat ironic that the fervent opposition of such women to themselves ever undergoing an abortion procedure turns out to be the Achilles’ heel of their IPOB position. Readers will later see that if such women were less strongly opposed to ever having an abortion, then it would be easier for them to justify their tolerance of other women who abort.

We know someone who has declared that she would not abort her pregnancy even if her fetus was diagnosed as having severe cognitive impairments. We know her well and do not have any reason to believe she is unrealistic or unimaginative or unaware of her own dispositions and commitments. She strikes us as truly, strongly opposed to ever having an abortion, but fiercely committed to the right of others to terminate their pregnancies. She even raises money for Planned Parenthood. Readers are probably familiar with people like this. Such women would not abort even if their pregnancy would produce a “special needs” child, or will experience an extremely difficult labor, or its aftermath would be emotionally taxing and financially burdensome. Their personal objection to abortion is absolute – or nearly absolute in that they might not continue the pregnancy if it would endanger their own lives or severely impair their health. Given that these women accept that others can morally undergo an abortion, our question to them is “Why do they unconditionally reject ever availing *themselves* of such a (non-therapeutic) procedure? We assume that it is not because they find parenting such a joy, a benefit that they wouldn’t want to deny themselves. Nor is it primarily that they each like to think of themselves as a certain type of person, one whose integrity, character, or self-image would be compromised by an abortion. Rather, it is in virtue of their belief that the aborted fetus would be victimized by its death. It would suffer a great loss. Put simply, abortion harms the fetus. To phrase matters vaguely enough to capture something shared by most who defend pro-life views, abortion is harmful because it deprives the fetus of a valuable future. This language of a valuable future will be familiar to readers of Don Marquis’s famous attack on abortion.[[3]](#footnote-3) We are not claiming that this is the only argument or even the most reasonable argument against abortion. It is just that we believe that most people opposed to abortion can accept at least a variant of Marquis’s view even if they advocate additional arguments against abortion. (The importance of this will become clearer when we later discuss an IPOB position influenced by Rawls’s conception of public reason and an overlapping consensus.) So what the Marquis-inspired phrase does is stress that it is the fetus’s *good* or *well-being*, not that of the mother, that is “doing the work” in the declaration of a personal objection to abortion.

Their position should not be confused with that of Judith Jarvis Thomson towards abortion.[[4]](#footnote-4) Thomson maintains that women who complete their pregnancies would be Good Samaritans who go beyond the call of duty, i.e., providing aid to what the fetus is not entitled. The women we have in mind who espouse the IPOB line do not deny their moral duty to carry their fetuses to term. They believe that if they abort they would be doing something gravely wrong rather than just failing to carry out a supererogatory action a la Thomson. If they shared Thomson’s attitude, they might look upon having an abortion as comparable to those who fail to give more than 10% of their income to charities. (Let’s imagine that such additional charity goes to life saving organizations such as those that provide food and medicine to the third world. That will keep the reader’s judgment from being skewed by a comparison between a life-saving actionlike completing a pregnancy with a less significant charitable act that improves rather than saves lives.) It seems that the moral psychology of women personally opposed to abortion is much different than that of women who recognize that it would be admirable but not morally demanded of them to give more to charity. Aborting for such women is considered a grave wrong, which is not the case for their failure to give a considerable portion of their income to life saving charities. The latter don’t say that “I couldn’t live with myself if I didn’t give more of my salary to charity” while they would find aborting their child to be unconscionable.

Now, if it would be very bad for death to come to the fetus of a pro-choice woman personally opposed to abortion, a demise that she has a duty to prevent, how could such a person deny that other women would be visiting great harms upon their fetuses when they aborted them? Surely, she must treat like cases alike. If death is a great evil for her own fetus, then for any similarly situated fetuses, death should be a great evil for them as well. Furthermore, whatever properties the first fetus has that makes its death bad and thus morally wrong to initiate should extend to other fetuses and their mothers. The logic of moral discourse would seem to entail that if fetus F with property P ought not be killed (or allowed to die) for reason R in situation S, then any other fetus with property P in situation S should likewise not be killed (or allowed to die) for reason R. So if death is bad for the fetuses of women championing the IPOB principle, but not so for the fetus of another woman, then there must be something that morally distinguishes the two fetuses. We are at a loss to see what morally relevant feature that could be.

**II. The Overriding Burden Defense**

Readers might suggest that a more charitable interpretation of the IPOB approach is that while death is very bad for any fetus, it is not so bad that it outweighs the harm or wrong to certain pregnant women if they were forced to continue their pregnancies. So, the pro-choicer personally opposed to abortion might admit that the harm brought by an unwanted pregnancy to her own interests is not so great that *her* undergoing an abortion would be permissible; nevertheless, this is consistent with an unwanted pregnancy being such a great harm to another woman that it overrides any wrong that woman’s aborted fetus would suffer. So there is no difference in the value of their respective fetuses, but in the morally relevant features of their different circumstances.

Our initial response is to ask why those endorsing the IPOB approach are not committed by the logic of moral discourse to condemn other women undergoing abortions to avoid burdens equal or less than those they feel they must accept in their own cases? Don’t such abortions violate the fetus’s rights, or, at the very least, wrongly frustrate the interests of the fetus in a manner not offset by the harms to the mother’s interests? They would seem to. So, there should not be blanket acceptance of the abortions of others. Then why do the advocates of the IPOB position believe abortion should be legal? Is it because there are far more women whose abortions are permissible than not and the law is a blunt tool that can’t make the necessary distinctions? Perhaps this attitude is similar to those who believe that capital punishment, in principle, is just but the state cannot be trusted to limit executions to the most heinous murderers or even those really guilty of murder. Or are they instead moved by a belief that it is a greater wrong to legally prohibit a morally legitimate abortion than for the law to allow a morally illicit abortion? Even if this is true, it will turn out not to matter. That is because we think it likely that the advocates of the IPOB position are committed to maintaining that nearly all abortions are wrong. The only exceptions they typically admit are cases of injurious or life-threatening pregnancies which could easily be recognized by the law as permissible exceptions to a ban.

Remember, our women asserting the IPOB line are not going to abort for any non-life-threatening reason of which they were previously aware. (We will allow that there are some rare devastating situations they did not earlier think of that would provide them with what they consider to be sufficient reason to undergo a non-health threatening abortion.) It thus seems that there would hardly be any women who could have morally legitimate abortions if the threshold for that is their pregnancy must be so burdensome that even those advocating the IPOB position would refuse to complete a like pregnancy. So it seems that such women endorsing the IPOB stance must actually judge such abortions wrong and perhaps express their condemnation rather than endorse or tolerate virtually *all* abortions sought by their contemporaries. Yet one does not find women supportive of the IPOB doctrine using such harsh language about the grave moral errors that other women are making when they abort. (Noting a grave moral error is compatible with not condemning the character of women who abort. Their ignorance or duress could render them hardly blameworthy, despite their doing something very wrong.) The same can be said of the men who claim they would never advocate that their own child be aborted but still affirm the IPOB line. Grady Wills criticized Governor Mario Cuomo for such silence.[[5]](#footnote-5) Wills writes “Cuomo was doing very little to persuade others of that view—as he would do, say, if slavery were the issue. He might, like Lincoln in 1860, have to administer a political entity with slavery legally in place; but he could speak out against slavery, express a hope to see its abolition, lobby and argue and maneuver toward that—none of which Cuomo was doing, at least visibly, for the abolition of abortion.” We doubt that those extoling the IPOB line are silent because it is just considered indelicate to say so or they fear that their condemnation will generalize to the few outliers whose IPOB position is defensible. Rather, we suspect that the matter has received insufficient reflection.

**III. The Epistemic Limitations Defense**

Readers might suspect that some defenders of the IPOB position are motivated by an awareness of their own epistemic limitations, or those of the law makers and court officials that would have to write and enforce laws distinguishing legitimate from illegitimate abortions. The guiding idea here is that we cannot know just how difficult unwelcome pregnancies are for other women. We often hear that “no two pregnancies are alike” or “every pregnant woman’s situation is different.” Therefore, if we citizens, some of whom are legislators and judges, are so poorly epistemically situated that we will likely be unaware of how difficult pregnancy is for others, then perhaps we should defer to each woman’s own judgment about whether to continue her pregnancy. This is not an appeal to the difference of conscience, subjectivism, or relativism about the harm inflicted upon the terminated fetus, just the recognition of our fallibilism in regards to appreciating how burdensome an unwelcome pregnancy might be for others.

But how much epistemic ignorance is there in regards to the difficulty of an unwanted pregnancy? Keep in mind that those who make IPOB statements set the moral bar very high for themselves, often stating that they could not imagine any (non-life threatening) case in which they would abort. So, the problem really isn’t that they cannot determine whether someone else’s pregnancy should be ranked as say a 5 rather than a 6 on a scale of burdens with 10 as the most trying. Instead, they must not know whether the pregnancies of others are more difficult than the most burdensome pregnancy that they can imagine themselves ever being morally required to carry to term. This strikes us as extremely unlikely. It thus suggests to us that their tolerance is not based upon their epistemic limitations, their inability to know what it would be like to walk in the shoes - with the pregnancy-swollen feet - of others.

Readers might think a somewhat more promising epistemic position for the supporter of the IPOB stance to take is to express uncertainty about the ontological or moral status of the embryo. If one couldn’t be confident about when during a pregnancy a human being emerges, or what its moral status is at the beginning of its existence, then tolerance towards others who abort might appear more reasonable. Some philosophers argue that we come into existence at conception,[[6]](#footnote-6) others that it is not until twinning is no longer a possibility,[[7]](#footnote-7) while still others insist we originate with the onset of fetal consciousness.[[8]](#footnote-8) The Supreme Court, surprisingly, took seriously the possibility that it ascribed to the Stoics, “a large segment of the Protestant community,” and “the predominant, though not unanimous, attitude of the Jewish Faith” that “life doesn’t begin until live birth.”[[9]](#footnote-9) So one might personally maintain that the early embryo is a human being with considerable value, but recognize that there are reasonable views to the contrary. If one’s confidence that one knows the moral/ontological facts is reduced by the plausibility of the opposing arguments, then one might be more willing to condone others who act on reasonable views contrary to one’s own.

We find it somewhat surprising that the above described holders of the IPOB position remain so opposed to ever *personally* aborting given their recognition of the plausibility of the contrary position. If the reasonableness of those who hold opposing positions weakened their confidence in their own views, one might expect their personal opposition to abortion to weaken. We would think that they might make an exception for themselves in cases where the burdens of a pregnancy would be great. But it appears that they don’t – at least in the cases of the IPOB espousing women with whom we are familiar. Nevertheless, it might be that their confidence in the rightness of their own pro-life position has been reduced. But since there is still the possibility that abortion is a great wrong, even if it now seems slighter than they previously maintained, then that might be the reason they still are unwavering in their refusal to ever have an abortion. However, this cautious position, like other moral positions, ought to be generalizable, and thus its acceptance undermines the IPOB position. Rather than tolerate women aborting because of some uncertainty about whether their own opposition is wrong, they should insist that such women join them in playing it safe and err on the side of caution. To do otherwise would be akin to not firing a hunting rifle when one is uncertain whether a potential target in the distance is that of a fellow sportsman or a deer, while accepting that others could legitimately choose to shoot in such situations.

**IV. The Rawlsian Public Reason Defense**

It might be claimed that what Rawls calls the *fact of reasonable pluralism* could provide a defense of why advocates of the IPOB position refrain from condemning the abortion of others and seeking to legally prohibit them. Rawls explains:

that a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical and moral, is the normal result of its culture of free institutions. Citizens realize that they cannot reach agreement or even approach mutual understanding on the basis of their irreconcilable comprehensive doctrines.[[10]](#footnote-10)

Rawls maintains that comprehensive philosophical and religious doctrines must be withheld from public sphere discussions of political justice and constitutional fundamentals; instead, the debate must take place within the parameters of the idea of the politically reasonable. The proper place for arguments based on comprehensive doctrines is in universities, churches, homes, journals, clubs, and other private or non-political settings. Rawls insists that it would be a form of disrespect of their fellow citizens if the majority legally imposed their comprehensive views on others. So, someone opposed to abortion say because they believe that ensoulment occurs at fertilization could recognize that many of their fellow citizens can reasonably be expected to reject their ensoulment views as incompatible with public reason. They then would not seek to legislate their comprehensive pro-life (often religious) doctrine nor condemn in public/political settings their fellow citizens who argue for abortion rights in terms endorsed by public reason. Just as the religious citizens of a liberal democracy should not draw upon their creeds to denounce their fellow citizens as sinners in political forums, so too should citizens refuse to draw upon their comprehensive doctrines to morally condemn those who justify abortion rights in the language of public reason.

Thus, it might seem that someone could be opposed to abortion on the basis of metaphysical or religious views that they know many of their fellow citizens don’t share and thus defend a variant of the IPOB position. Rawls doesn’t expect them to do so explicitly using the terminology in which he discusses public reason, but rather to advocate views in the same spirit.[[11]](#footnote-11) He thinks they could recognize his claims about public reason as legitimate for most citizens in the modern liberal regime already implicitly accept such doctrines in their own political thinking. Rawls insists that the idea of public reason is also to be realized by citizens who are not government officials.[[12]](#footnote-12) They must think of themselves as legislators or judges and ask themselves what statutes supported by what reasons satisfying the criterion of reciprocity would they think it the most reasonable to enact. They must repudiate public officials and candidates for office who violate public reason. Their vote for a candidate or referendum must be guided by a conception of public reason.

Rawls is fond of using the type of reasons that a Supreme Court judge must rely upon to demonstrate public reason.[[13]](#footnote-13) He calls the Court the “exemplar of public reason.”[[14]](#footnote-14) The judges can’t decide cases, even standoffs, by recourse to their personal philosophy. They must speak the language of the constitution and precedents. The justifications of public reason may be compatible with the comprehensive doctrines, what Rawls labels an *overlapping consensus,* but they must be presented independently from comprehensive doctrines of any kind. The ideas must be seen as worked out from the fundamental ideas seen as implicit in the public political culture of a constitutional regime such as the conceptions of citizens as free and equal persons and of society as a fair system of cooperation.

Rawls points out that in regards to hotly contested questions such as that of abortion, which may seem to lead to a standoff between different political conceptions, citizens must vote on the question according to a complete ordering of political values. He doesn’t expect unanimity to arise here or in other cases.[[15]](#footnote-15) He admits that there is more than one conception of political reason. He recognizes that his own famous conception of *Justice as Fairness* as but one version of public reason. Nevertheless, he insists that a sincere disagreement over what public reason entails is different from a disagreement stemming from different comprehensive doctrines. He writes: “Yet the outcome of the vote can be seen as legitimate provided all government officials, supported by other reasonable citizens, of a reasonably just constitutional regime sincerely vote in accordance with the idea of public reason.”[[16]](#footnote-16)

Even before reading this paper, readers may have been aware that Rawls once suggested that political values endorsed by public reason such as due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens, would, “on any reasonable balance of these three values give the woman a duly qualified right to decide whether or not to end her pregnancy during the first trimester…any comprehensive doctrine that leads to a balance of political values excluding that duly qualified right in the first trimester is to that extant unreasonable…”[[17]](#footnote-17)

Our first response to Rawls is that obtaining equality is neither a necessary nor sufficient condition for abortion. Proponents of abortion would not abandon their position if men could get pregnant, or were compelled to provide the child care that women routinely do, equalizing the loss of opportunities. Nor is it anywhere else accepted that one can kill an innocent in order to overcome inequalities. One couldn’t even justify escaping slavery by killing an innocent in the attempt. Regarding the reproduction of society considerations, they don’t require an abortion ban unless the species was dying out. So, the question is whether it is fair that in the reproduction of society that some human beings are aborted. Our worry is that everyone in the debate is too old to be aborted so they might be failing to imagine their attitudes if they could die from another’s refusal to provide bodily aid. We also suspect that considerations of probabilities are distorting people’s views about the fairness of abortion. Similarly, in Thomson’s famous thought experiment where the reader is asked to imagine that she is supporting the violinist, readers do not imagine that they **were each once in** the violinist’s situation. But everyone needed to be gestated to survive the first months of their existence. To offset our above suspicions, it is best to imagine that *all* of us will in the *future* suffer Thomson-like kidney failures. We then would likely not be as sympathetic to the right to refuse to sustain the violinist. Likewise, if we all needed nine months of bodily support from say our mothers or from some other uniquely situated contributor in the future, then we would be less inclined to recognize a right of refusal. So, when considering the issue of the fairness in the reproduction of society, we need to avoid inequities and biases by contemplating scenarios of *universal* *future* needs for life giving bodily support.

Rawls later offered a clarification of his earlier abortion comments. He there stated that he earlier was providing his personal opinion not giving an argument.[[18]](#footnote-18) He was trying to explain what he meant by political values (and he admits there are more than the three he mentioned) and how they could apply to the ‘troubled issue of the right to abortion where it might seem improbable that political values could apply.”[[19]](#footnote-19) He suggests that a more detailed development in public reason of those values might provide a reasonable argument for abortion rights. But he adds that he is not claiming “that it would be the most reasonable or decisive argument”).[[20]](#footnote-20) He even admits that there can be an argument against abortion that “make its case in public reason.” He suggests that is just what Cardinal Joseph Bernardin did in his ‘The Consistent Ethics: What Sort of Framework”[[21]](#footnote-21) by appealing to commonly accepted standards of moral behavior in a community of law, public peace, essential protection of human rights. Rawls adds that he “doesn’t assess his (Bernardin’s) argument here, except to say that it clearly cast in some form of public reason.”[[22]](#footnote-22)

So, it should not be thought that an abortion ban or condemnation of abortion must be at odds with public reason. Nor should such an argument be suspect because it doesn’t result in unanimity. Rawls discusses Catholics who may present an argument in public reason for denying abortion and states that if they fail to win over the public: they may, in line with public reason, continue to argue against abortion. Reasoning is not closed once and for all in public reason any more than it is closed in any form of reason.[[23]](#footnote-23) Rawls adds that “it is a mistake to think that the ideal of public reason should always lead to a general agreement of views, nor is at fault if it does not.”[[24]](#footnote-24)

We are not going to argue here that the pro-life argument is the most (publicly) reasonable. We just want to suggest that there is a form of public reason compatible with comprehensive arguments against abortion and thus the IPOB position can’t be justified on the grounds that the only objections to abortion are presentable solely as entailments of comprehensive doctrines. We think that not only has Cardinal Bernardin, as Rawls admits, offered such a pro-life argument, but there are stronger ones available like that of Don Marquis.

Marquis has made an anti-abortion argument in the language of public reason that can be accepted by most of those who also harbor objections to abortion on the basis of their comprehensive doctrines. Thus Marquis-like reasons can overlap the opposition to abortion found in comprehensive doctrines. Now it may be that orthodox Catholics and some evangelical Christians would want abortion to be banned even in the absence of a valuable future in the case of a fetus who will suffer severe mental disabilities or an early death during infancy, nevertheless they can accept Marquis’s position in most cases.

Only those who advocate a pro-life position *solely* on the basis of a comprehensive doctrine, yet acknowledge the propriety of public reason can coherently defend the IPOB position. That is, they know that their fellow citizens who are not members of their theological/philosophical sect will find their metaphysic completely foreign to their thinking. If the devotees of such a position also supported public reason, they could coherently defend the IPOB position. Although there is logical space for this position, we suspect that anyone with such a comprehensive view probably holds what Rawls calls an “unreasonable comprehensive doctrine” that won’t recognize a legitimate role for public reason. If their comprehensive position was so foreign to pubic reason, we doubt that they would sincerely adhere to public reason. Their acquiescence to a constitutional liberal regime will merely be a *modus operandi*, tolerance and other liberal-democratic principles are advocated for themselves as a minority but to be disregarded when they are the majority.

Marquis’s position is clearly couched in language amenable to public reason. Rawls recognizes respect for human life as a political value. Marquis aims to explain why it is wrong to kill adults without any appeal to what looks like a comprehensive doctrine. As Marquis says of his argument it “rests on an ethic of killing in which is close to self-evident.”[[25]](#footnote-25) Marquis begins by appealing to the wrongness of killing adults like the reader. He finds that wrong to lie in the deprivation “of all the experiences, activities, projects and enjoyments that would have otherwise constituted one’s future…these are either valuable for their own sakes or are means to something else that is valuable for its own sake.”[[26]](#footnote-26) He offers no perfectionist or metaphysical account of values. He just points out that the future of a standard fetus includes a set of experiences, projects, activities and such which are identical to the futures of young children. Since the reason that is sufficient to explain why it is wrong to kill human beings after the time of birth is a reason that also applies to fetuses, it follows that abortion is prima facie seriously morally wrong.

Although Marquis believes that we persons are identical to animals, his argument against abortion would apply even if we persons are essentially thinking entities and never were mindless animals but arise later than the animal with the onset of the appropriate mental capacities. As long as there is a human embryo with a valuable future, it doesn’t matter that we are distinct from that animal. Abortion would harm that embryonic animaleven though it would merely prevent us from coming into existence. So, Marquis’s account is actually independent of his own comprehensive animalist metaphysics of the person, and even compatible with rival theories such as the Neo-Lockean theory,[[27]](#footnote-27) Constitution[[28]](#footnote-28), and the Embedded Mind View[[29]](#footnote-29) theories. Therefore, even if we are not identical to a human animal, we overlap an animal whose healthy development involves a future like our own. So, it could be wrong to abort that animal even if none of us existed at the time that our animal was in utero.

Since the principles that make it immoral to kill the born can extend protection to the unborn, arguments that will not justify infanticide cannot justify abortion. This provides the basis of a response to Judith Jarvis Thomson’s recent appeal to reasonable disagreements about abortion justifying keeping abortion legal. She argues in the a “think piece” in *Boston Review[[30]](#footnote-30)* that the participants in the abortion debate should recognize that there are reasonable defenders of abortion and that these liberties shouldn’t be curtailed when their position is reasonable. Much hinges on what is meant by “reasonable.”[[31]](#footnote-31) We suspect the notion of reasonable will include arguments that McMahan,[[32]](#footnote-32) Tooley,[[33]](#footnote-33) and Singer[[34]](#footnote-34) have given in favor of infanticide. Surely, we can pass laws banning infanticide even though there are reasonable arguments in favor of infanticide. Ergo, if reasonableness of a pro-infanticide position doesn’t make the position immune to legal prohibition, then the reasonableness of defenses of abortion shouldn’t prevent the legal banning of the killing of the unborn.

**V. The Autonomy Defense and Lack of Standing to Blame**

It might be held that the advocates of the IPOB position believe abortion is wrong but that their respect for the autonomy of others demands that they legally permit pregnancies to be terminated and withhold condemnation of those who choose to do so. Perhaps this is the rationale behind the unwillingness “to impose one’s own view of abortion upon others.” It is widely held that respect for the autonomy of others entails allowing them to sometimes harm themselves or do what is immoral. The guiding idea is that it would be morally worse to intervene. However, we doubt that respect for another person’s autonomy requires that those endorsing the IPOB approach must defend abortion’s legality. Keep in mind that John Stuart Mill’s famous argument for autonomy (or liberty) included a restraint upon harming others.[[35]](#footnote-35) Mill wrote “That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others*.* His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forebear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right.”[[36]](#footnote-36) And we’ve earlier established that women espousing the IPOB principle do so because they believe that abortion harms and wrongs the fetus.

We also doubt that those maintaining a strong personal objection to abortion can escape the charge of inconsistency if they refrain from judging harshly and communicating that evaluation to women who terminate their pregnancies out of respect for the latter’s autonomy. Our basis for this is, in part, that we suspect that the devotees of the IPOB position don’t think that respect for their own autonomy would mean that others should not condemn them if they ever did abort in the future, contrary to their present pronouncements never to do so. We are skeptical that they would *now* think that respecting their autonomy would immunize them from any such *future* criticism. We’re assuming the reasons that they will later give for their abortion are not ones they would now find convincing. So, from their present perspective, if they abort in the future, they will then be exercising their later autonomy in an immoral fashion. They are unlikely to presently claim that they should be spared criticism for their later immoral act on the basis that it will then be purported to be an autonomous act. Hence respect for autonomy doesn’t seem to be doing any justificatory work here accounting for the verbally tolerant stance on the part of the advocate of the IPOB position to those women who do abort.

Typically, people lack the moral standing to blame if they: a) are in bad faith (hypocrisy condition) b) causally contributed or are responsible for someone else doing the wrong in question (involvement condition) c) would do the same in similar condition (moral frailty condition) d) are not warranted in judging the action wrong (warrant condition) e) are so distantly related that it is none of their business (business condition.).

None of these considerations apply in the case of the IPOB women. They are unwilling to abort in their own case so they aren’t hypocrites or frail. Nor are they responsible for someone else’s pregnancy and abortion. In no other case of killing the innocent does the business condition apply. Therefore, we don’t see why it should in the case of abortion. Perhaps the business condition is thought to deprive pro-lifers of standing to blame because unlike the denunciation of other killings, condemning women for aborting tells them what to do with their bodies. When one expresses disapproval of other killings, the killers are not being told to let someone use their body to stay alive. However, we wouldn’t allow one conjoined twin Chang to undergo separation from his sibling Eng in a manner that took a vital shared organ if doing so would cause the death of Eng. We could criticize Chang for doing what he wants with his body. We suspect that this prohibition is in place even if Eng, who won’t survive separation, had a diminished mind and IQ comparable to a non-human animal. Cognitively impaired human beings are typically ascribed the moral status of the mentally healthy and not treated like mentally equivalent non-human animals.

Of course, the relationship between a pregnant woman and her fetus differs from conjoined twins in that while a pregnant woman might share a part with the fetus just as do conjoined twins with each other, the rest of her body supports the fetus. Those parts of her being used by the fetus are not parts of the fetus. Still, that doesn’t seem to matter. Many who would not legally punish pregnant woman for smoking, drinking or drug use, would still criticize them, and would be right to do so. Although it might amount to just appealing to authority, nevertheless, it is perhaps worth pointing out that even Judith Thomson claims some abortions are indecent which suggests she believes there is standing to feel blame. And hardly anyone would claim they couldn’t criticize a woman whose child would die without her nursing the newborn because she has the right do what she wants with her body.

**VI. The Dangerous Illegal Abortion Mill Defense**

There is yet another argumentative strategy that defenders of the IPOB position might put forth as enabling them to avoid our charge of inconsistency. It is sometimes pointed out by defenders of the IPOB position that if abortion is made illegal, then women will still have them and die gruesome deaths in the process. Desperate women will break the law and die as a result of ending their pregnancies in unsafe abortion mills or back alley abortions. We aren’t going to deny this will occur, nor draw upon evidence that the frequency would be less than pro-choicers claim. Rather, we want to suggest this is not a compelling argument even if based on a true prediction. Our aim is to try to explain to abortion defenders, both those that are personally opposed to ever aborting and those who aren’t, why pro-lifers *should* not be persuaded to allow legal abortions to avoid unsafe illegal abortions. Pro-lifers can remain unconvinced by an argument based upon such tragic deaths without being guilty of moral insensitivity or misogyny. It will help to use an analogy to infanticide. [[37]](#footnote-37)Opponents of abortion often consider **it** to be a kind of infanticide or, at least, morally akin to it. So let’s imagine there was a rash of illegal infanticides in which the women committing such killings did so with unwieldy and unsterilized knives that frequently led them to accidentally cut themselves and die from the resulting infections. Surely society wouldn’t be persuaded by those additional tragedies to devise or implement ways to make infanticide safer for the killers of newborns. Thus, if back alley infant deaths due to a ban on infanticide are not reason to legalize such acts, given that pro-lifers treat abortion as morally akin to infanticide, then the prospect of tragic deaths due to abortion being outlawed will likewise fail to provide sufficient grounds for legalization. No woman personally opposed to abortion should accept that other women can do so.

It might be thought that if one can make an argument that the fetus has less value than the infant, then the deaths due to legally prohibiting abortion might not provide the basis for a compelling argument for legalization. But we think the prospects for this are dim. Keep in mind that there are premature newborns who are less developed than late third trimester fetuses. Thus, there would not be a difference in intrinsic value – a value an individual has right at the moment in virtue of their capacities, regardless of their history or relationships to others – between such newborns and older fetuses.

We also don’t think that one can accept the equal moral worth of the fetus and newborn and still morally distinguish the deaths of women attempting infanticide from those who die attempting illegal abortions on the basis that abortion releases women from a greater burden. (Moreover, if a woman defends the IPOB line, then she doesn’t believe that the bodily burden of a pregnancy releases *her* from a duty to carry the fetus to term.) We can always resort to the scenario of a newborn and mother in a remote area in which there are available neither adoption services nor baby formula. Such a nursing infant would be dependent upon the mother’s body for survival. It seems unlikely that an appeal to a right to avoid bodily burdens can warrant infanticide or fatal abandonment – assuming the latter is not an instance of the former. It seems here that the “government should be telling women what to do with their bodies” – or at least dictate to them what they must *not* do to avoid a bodily burden. So, if defenders of the IPOB position must view aborting a fetus to be like killing a newborn, then they can’t coherently make an exception for others to abort on the grounds that the alternative is that desperate women will die when undergoing illegal abortions.

**VII. Religious Tolerance and Abortion Tolerance**

Why doesn’t the IPOB claim sound as grotesquely ludicrous as saying “I’m personally opposed to rape and slavery but I will tolerate others who rape and enslave”? Or why doesn’t it sound as comically absurd as Robert George’s satirical response to a *First Things* symposium on pro-life violence against abortion providers “That I am personally opposed to killing abortion doctors but who am I to criticize others who feel it is the right thing to do?”[[38]](#footnote-38) The most charitable read is that some people think abortion defenses are based upon religious views like those having to do with divine ensoulment that can’t be defended or defeated by rational arguments but must be accepted upon faith. Since the religious have learned to tolerate other religions about ultimate questions of meaning and value that can’t be rationally adjudicated, abortion opponents ought to tolerate those who hold other views.

If this is the reason for religious tolerance and extending that tolerance to abortion, we can challenge its accuracy in the case of religious toleration. It seems much more likely that the reason for religious tolerance has nothing to do with religion not involving propositions amenable to rational discourse. Instead, it is that salvation won’t be gained if the decision to accept the faithis not made freely. So organized faiths don’t impose their beliefs upon others for it will do nominal converts little good if their espousals are insincere.

Secondly, we should note that even if ultimate accounts of value are not susceptible to rational critique, perhaps because they are due to revealed religion that others don’t take to be authoritative and have no reason to do so, this need not drive secular pro-lifers to the tolerant IPOB position. They would need to be first convinced that their views share the relevant features with religious pro-lifers. Since they are not advocates of revealed religions, then it must be that their views are likewise fundamentally conceived in some way that makes them immune to rational discourse. But surely no one’s views of abortion are underived from more basic principles about the morality of killing.[[39]](#footnote-39) These are certainly principles that are much discussed, defended and criticized by secular moral philosophers. Even the religious in a Rawlsian framework can often sincerely help themselves to such arguments since there will be an overlapping consensus with their deep, comprehensive metaphysical/religious views.[[40]](#footnote-40) Religious pro-lifers can use roughly the same arguments against abortion that they can to the killing of infants, adolescents, and adults. They can accept killing the innocent is wrong for it frustrates interests (in healthy development), deprives humans of certain goods, robs them of valuable futures, destroys intrinsic value and so on.

We very much doubt that the views of secular pro-lifers are immune to rational critique or refutation in the way the ensoulment is alleged to be, neither to be confirmed or undermined by empirical facts or natural reason. Their views are not based on some sort of intuitive value judgments that are as independent of rational processes as leaps of faith. Most pro-lifers think they have some reason due to pronouncements of biological science to believe the embryo is a human being who came into existence at fertilization (or thereabouts). Then they have some views about equality and innocence and the wrongness of intentional killing that leads to their position. These are all principles in play elsewhere where tolerance is not the expectation or default. Lay people will be ready to impose upon their opposition on infanticide for similar reasons and would find the simplistic personal choice slogans completely inapplicable there – “Don’t like infanticide? Then don’t kill infants.”

Nevertheless, perhaps even some non-religious pro-lifers do think that their abortion views are like religious views in that they are about ultimate matters of value that citizens should not impose upon others. Though not a pro-lifer, Ronald Dworkin argues that a woman’s judgments about the ultimate value of the fetus should be categorized with standard religious views about the value of life and individual judgements and actions towards her own fetus should be protected for the same reasons one’s religious views are protected by the first amendment.[[41]](#footnote-41)

Dworkin argues that pro-lifers don’t actually believe that fetuses are persons and have interests and rights. Instead, he thinks that their objection to abortion is ultimately based upon a sense of the sacredness or inviolability of life. This need not be a result of religious belief but is available to the secular as well, though it is similar to religious claims about ultimate meaning and value. Because the opposition to abortion is religious in that sense, Dworkin maintains that abortion should be protected under the first amendment and differences in understanding the competing intrinsic value of the fetus and reluctant mother tolerated as are religious differences. If abortion “battles have a quasi-religious nature, and it is hardly surprising that abortion and euthanasia are profoundly wrong and that it is no part of the proper business of government to try to stamp them out with the jackboot of the criminal law.”[[42]](#footnote-42) What is “really at stake in Roe was whether the state legislatures have the constitutional power to decide which intrinsic value all citizens must respect, and whether they can prohibit abortion on that ground.”[[43]](#footnote-43)

Dworkin is skeptical of the mindless fetus having interests and a good. He goes so far as to call it a “scarcely comprehensible idea that an organism that has never has a mental life can still have interests.”[[44]](#footnote-44) So, abortion couldn’t be bad for such fetuses. He supports the claim the fetus doesn’t have interests with arguments reminiscent of Tooley’s Frankenstein monster that is destroyed before it ever becomes conscious and can have interests frustrated.[[45]](#footnote-45)

Dworkin insists that if the pro-lifers thought the fetus was a person or had interests, then compromise would be impossible just as one doesn’t compromise about rape or slavery.[[46]](#footnote-46) Nor would pro-lifers accept that the penalties would be so less than killing you or me or even allow the abortion law could vary be state by state if the fetus had the moral status the born. He rhetorically asks:

Is a fetus a helpless unborn child with rights and interests of its own from the moment of conception? If so, then permitting abortion is permitting murder, and having an abortion is worse than abandoning an inconvenient infant to die. If not, then people who claim to be pro-life are either acting in deep error or are sadistic, puritanical bigots, eager not to save lives but to punish women for what they regard as sexual sin."[[47]](#footnote-47)

However, Dworkin seems not to have appreciated any of the force of the liberal lesson of Judith Jarvis Thomson’s famous defense of abortion.[[48]](#footnote-48) The fetus could be a person with a right to life and yet it would be just and should be legal to kill it. So the lack of a ban need not reflect lower moral status but the great burden on the mother. One then shouldn’t be surprised that pro-lifers are unconvinced that abortion should be illegal, but appreciate Thomson’s point that it is a great burden and so the punishment should be much less than killing someone not using your body. Thus the difference in punishments need not reflect a substantial difference in moral status. Dworkin isn’t alone in making this error.[[49]](#footnote-49) Justice Blackmun may also have been misled by the fact that "the penalty for criminal abortion ... is significantly less than the maximum penalty for murder..." of those already born to erroneously infer from such lesser punishments that fetuses lack the moral status of infants.[[50]](#footnote-50) Consider the analogy of a lenient sentence for someone guilty of killing another in a crime of passion. The lax punishment provides no reason to deny the personhood of the victim. So pro-lifers need not be acting either “in deep error or “sadistic, puritanical bigots, eager not to save lives but punish women...”

Dworkin does allow that the fetus has intrinsic value. The wrongness of taking its life lies in an impersonal harm that the world loses out on some value that is akin to a species going extinct or great art work being destroyed. One might find that a tragic waste even if one never planned to view the artwork or interact with the species. It is not a harm to anyone. There is no personal harm in abortion as it is not the case “being alive is good for him (the fetus).”[[51]](#footnote-51) Fetal death is a “cosmic shame,”[[52]](#footnote-52) an intrinsically bad thing when human life is extinguished but “it is not bad for any particular person.”[[53]](#footnote-53) Dworkin’s explanation is that nature’s “efforts” would be wasted if a fetus was killed. The greater the efforts of nature and the mother, the greater the value lost when that life is ended prematurely. We find this an extremely odd theory of value since the gestation of elephants is much longer than that of humans but the tragedy of their stillbirths is no by no means comparable to a human being delivered so.[[54]](#footnote-54) It seems that the future lost is where the tragedy lies. But perhaps that is because we focus on the harm to the fetus as we are philosophers who believe that the mindless fetus has interests, though not in the sense of having desires and being interested in their future.

If those espousing the IPOB line did not believe that abortion was bad *for* their fetus, then it might be coherent for them to allow others to abort when they would not. However, we find Dworkin’s account of impersonal wrong to be “barely comprehensible,” to use his own phrase about the kind of pro-life position that we champion. We don’t think it makes sense to deny that mindless human beings have well-being and interests in X the sense of X being good for them. We suspect that Dworkin is wrong about most people’s opposition to abortion being based upon impersonal value. Greasley claims that the better explanation of personhood amendments in the US and pro-life violence is that pro-lifers believe that fetuses are persons who are greatly harmed by their deaths.[[55]](#footnote-55)

Moreover, religious tolerance doesn’t extend to bringing about the deaths of newborn children by opting for say prayer over treatment. Dworkin needed to but didn’t provide an explanation of why we don’t defer to parents who endanger their infants on religious grounds, but we should tolerate similar lethal treatment of fetuses. Could Dworkin appeal to consciousness to distinguish the two? He oddly places the point at which a fetus could have a right to life at viability because that is accompanied by consciousness.[[56]](#footnote-56) But the consciousness is surely not one of an interest in remaining alive. In fact, he acknowledges that a creature’s interest in continuing to live is more than the capacity to feel pain as it involves more complex capacities like to “enjoy or fail to enjoy, to form affections and emotions, to hope and expect, to suffer disappointment and frustration…”[[57]](#footnote-57) So, Dworkin’s argument extends to infanticide. Thus we conclude that, pace Dworkin, the well-being of newborns protects them from threats due to their parents’ religious beliefs, so likewise, fetuses should be protected from against their mothers’ fatal beliefs about their ultimate value.

**VIII. The Coherent but Unlikely Subjectivist Defense**

We mentioned in the introduction that a few folks could coherently advocate the IPOB line. They would be people who are subjectivists about morality. For instance, if they believe moral statements are really either descriptions about their own mental states or just expressions of approval and disapproval, then they wouldn’t be inconsistent in saying abortion would be wrong for themselves but not necessarily for others. The content of the moral expression “abortion is wrong” is to be understood as the self-ascription “I disapprove of abortion.” Or the expression ‘I am opposed to abortion” could be understood relativistically as meaning “people of my moral community disapprove of abortion.” If either the personal or communal self-ascription is what they mean when they utter the words “I am personally opposed to abortion but …,” then it would not be mysterious or inconsistent for them to speak in such a manner. Likewise, if moral language should be interpreted just as expressions of one’s feelings rather than as the before-mentioned description of one’s mental attitudes or those of one’s (relevant) community. On this expressivist view, at least in the crudest form, the expression “abortion is wrong,” amounts (in its crudest form) to uttering “Boo Abortion!” Moral language would then be not about describing actions as objectively right or wrong, but would be a subjective phenomenon. Given these assumptions, it would then be quite understandable why abortion is morally wrong for devotees of the IPOB claim but not for the others with different attitudes.

We doubt that most of those championing the IPOB defense are moral subjectivists of this stripe. It seems much more likely that they now believe that if ever in the future they were to choose to have an abortion they would then be doing something objectively wrong. They would not accept that it is a type of action that could cease to be wrong if their attitudes and feelings changed or if they switched communities and came to wholeheartedly participate in a different moral tradition. We are somewhat confident that most do not interpret their moral condemnation of infanticide, slavery or sexism in subjectivist terms. And it doesn’t make sense to be a subjectivist about one set of moral issues, but not another.

The most promising defense of the IPOB position is Olivia Little’s account of the intimacy relationship between the pregnant and their unborn babies as this varies from woman to woman. If a woman finds herself in a wonderful, intimate caring relationship to her baby son or daughter in her belly, abortion is the farthest thing from her mind. Nevertheless, she might recognize that other pregnant woman won’t share her attitudes but find themselves occupied, their bodies invaded and being used against their will. Women delighted about their pregnancies could find the prospect of their undergoing an abortion to be abominable but still be sympathetic and deferential to those who don’t find themselves in such an intimate, loving relationship.

Little begins the concluding paragraph of her intriguing article “Abortion, Intimacy, and the Duty to Gestate” with the observation that “one of the most common reasons women seek abortions is that they do not have room in their life just then to be a mother, but they if they continue the pregnancy they will not be able to give up the child.”[[58]](#footnote-58) She doesn’t think it is paradoxical, confused, or heartless early in a pregnancy abort to avoid raising the child because it would become too emotionally difficult to put the child up for adoption. Many pro-lifers might indignantly retort that the woman should feel more guilt for aborting than putting up a child for adoption. But such a quick condemnation doesn’t do justice to the complexity of the psychology and the ethics of entering and exiting relationships. Entering into, existing in, and exiting relationships in the case of pregnancy is unlike any other relationship that moral philosophy renders judgments upon. It is not easy to find analogies as the familiar terrain of ethics involves judging the actions of separate persons, not physically intertwined. The history of ethics is the history of the determining the obligations of distinct, separate individuals to each other. That is why analogies intended to shed light on pregnancy and abortion often “feel orthogonal to the subject”.[[59]](#footnote-59) The changes women undergo during their pregnancy are great and varied, complex, and confusing. So, outsiders to that those relationships should be wary of telling pregnant women what they should feel and do.

 Little observes “The really interesting question about abortion, I think,

 are questions about whether or when one has a duty to continue gestating when one finds oneself pregnant…if we are to assess the positive responsibility to gestate, we must assess it in full appreciation of the fact that gestation is an *intimacy.*”[[60]](#footnote-60) To be pregnant is to experience a state of being intertwined with the life of another. When this is wanted, it can be wonderful, when it is unwanted, it is a harm. To compel a woman to remain pregnant means forcing her to have someone else live inside her. The problem for the pregnant woman is not just that her plans may be thwarted as they are if she was to suffer a career setback. Nor is the problem when a woman learns that she is pregnant just that she will be confronted with considerable financial burdens. Little says that discovering one is pregnant is not like encountering images of needy children in a charity’s aid request. Nor is it just like being drafted into the army or having no recourse but to accept a risky job that could have adverse effects on one’s life. Rather, “To be pregnant is to be inhabited…”[[61]](#footnote-61) The woman afflicted with an unwanted pregnancy suffers “the occupation of an extent self…the transgression or blurring of boundaries.”[[62]](#footnote-62)

Little highlights that being asked to gestate is “to be asked to share one’s very body – and likely by the end – one’s heart.”[[63]](#footnote-63) One is being forced into a relationship with someone one doesn’t love but might end up being unable to stop loving. This will likely come at the expense of other rewarding relationships and endeavors that one chose to enter and sustain. So expecting women are not just being asked to give their time or money to take care of the needy but expected to enter into an “intimacy of deep proportions”[[64]](#footnote-64). Little’s probing essay illuminates parenthood’s many different layers and these come with different responsibilities. It is one thing to be a sperm donor, another to be the absentee dad of a child conceived in a one-night stand, still a different matter to be an adoptive parent or a pregnant mother. We might think far worse of adoptive father who doesn’t donate a kidney to his adopted son that he has lived with for years than of the sperm donor who refuses to donate to a child he never met or agreed to raise.

Biological ties are one part of our relationships that come in different forms with the different responsibilities. Little examines another aspect of relationships regarding when one “ought to enter – or be open to entering – a relationship, and again, when it is permissible to exit”[[65]](#footnote-65). She cautions that when we reflect upon abortion we need to avoid conflating responsibilities that arise with being open to entering certain relationships” and those “that flow from extant relationships.”[[66]](#footnote-66) The relationships and duties one has to a fetus that a woman has just discovered is within her are much different from the relationship and responsibilities after months of a pregnancy or even birth. For many pregnant women “their sense of relationship grows, as most personal relationships do, slowly; the pregnancy begins as mere biological relationship but, as the day-to-day preoccupations of decisions involving the welfare of another…accumulate, she finds herself in a personal relationship.”[[67]](#footnote-67) Different women will enter into such relationships differently. Little insists that their conception of the relationship will determine their moral responsibilities. Little insists that “For purposes of the woman’s integrity, her conception is determinative.”[[68]](#footnote-68) She adds “that her conception is largely determinative of what that relationship is, and that her moral responsibilities follow suit; or – better I think – we may simply say there is too little going on for those to be a fact of the matter of what responsibilities are objectively owed.”[[69]](#footnote-69) It is such quotes why we include Little’s position in the section on subjectivism. Women with equally developed fetuses may not be equally involved in a relationship with their fetus. Her paper concludes with her firmly endorsing the position that women must be allowed to enter or decline to “enter a relationship that, once extant, changes the contours of your psyche such that you could not leave it: and once may have reasons morally adequate to declining a relationship that would not adequate to refusing the sacrifices legitimately expected of those in it.”[[70]](#footnote-70)

Should recognition of variations in intimacy justify the IPOB position? Do pregnant women in a rewarding relationship believe their fetus’s moral status demands such care, nurture and love? Is that the appropriate response, unlike such attention and commitment to one’s cat? Would other women be morally deficient in not feeling similarly? If so, the former women may have no sympathy for the latter women not in such relationships. But if they believe such a response isn’t morally required, they may recognize that other pregnant women should be free to avoid coming to feel as they do, and thus their abortions are licit, not to be condemned, nor made illegal.

To these women who claim to accept the legitimacy of variations in the relationships of the pregnant mothers and their fetuses and a right to end the fetus’s life so to avoid the more demanding relationship that will arise, we suggest they consider the possibility of extending it infanticide. Our strategy now will be to show that since avoiding the development of intimate relationship of motherhood cannot justify infanticide, then it can’t sanction abortion. We ask our readers to again imagine an isolated woman with no opportunity to abort during her pregnancy and no adoption services available for nearly a year after her pregnancy ends at birth. She has had children before and knows that she doesn’t bond with them until a few days or weeks after birth when she has seen them, held them, nursed, comforted, and slept next to them. Before birth, none of the nourishment or protection or support was willingly bestowed as the fetal support was all a product of involuntary organism functions. We surely wouldn’t say that after birth it would be permissible for her to fatally abandon the child or kill it so not to enter into a relationship with it where the child so captures her heart that she can’t put it up for adoption or let someone else care for during her long workdays and business travels. Her options are to only continue the breastfeeding and co-sleeping that will form a relationship she can’t exit in good conscience or end the child’s life. We have set up the scenario so no one else can take over the burdens of motherhood before she becomes attached. Adoption is unavailable prior to attachment. Abortion is no longer possible.

Some readers might claim that it matters that the post-birth physical intimacy and dependency of the nursing lacks the degree of intimacy and the moral significance of the occupation of the pregnancy. We think that is too quick of a rejection and a failure to appreciate intimacy of being sucked, bit, stroked, held and leaned against typical of the relationship between the nursing and co-sleeping baby. Anyway, to accommodate such qualms, let’s imagine that the opportunity for an abortion become available only late in the ninth month of the pregnancy and only a partial birth abortion is feasible for reasons due to the mother’s health. We suspect few readers will believe a right not to enter into an intimate relationship that one will not be able to exit would justify such a late abortion/quasi infanticide. We doubt that they will accept what Little claims about the gestating mother “that her conception is largely determinative of what that relationship is, and that her moral responsibilities follow suit; or – better I think – we may simply say there is too little going on for those to be a fact of the matter of what responsibilities are objectively owed.”[[71]](#footnote-71) We don’t see what features of the fetus in the ninth month of pregnancy or of the isolated woman and infant after its birth would not allow the mother’s conception of her relationship to determine her moral responsibilities while earlier she could.

Some readers may believe that the pregnant woman has had enough time to choose whether to enter into a relationship with her fetus in the nine month of her pregnancy and thus loses the right to abort on such grounds that she wants to avoid her heart later being captured. They should consider then a woman who has not bonded with a much younger fetus that has just become viable. Can the mother abort so as not to bond with a child emerging from her delivering prematurely? If readers think the current timing of the onset of viability is sufficient time to choose whether to enter into a relationship or not and abort if one does not, then imagine a hypothetical future with artificial wombs that render viable fetuses of every age. Would women be able to abort such viable fetuses because they realize that they will later not be able to put up for adoption their artificially incubated child? We suspect readers will share our dissent.

**IX. The High Costs of Coherence**

We **conclude that** only those whose personal opposition to abortion is just when the pregnancy and its consequences are not very burdensome can consistently hold their IPOB position *and* espouse an objective ethics. They must hold that the harms and wrongs to the fetus aborted are not so considerable that they couldn’t be frequently outweighed by the harms and wrongs done to many women compelled to complete their pregnancies. However, if we take most defenders of the IPOB approach at their word and accept that that they believe that their own undergoing of an abortion procedure in virtually all situations would be objectively a great harm and thus very wrong, then we are led to conclude that this position is not consistent with their moral or legal tolerance of other women having abortions. If other variations of the IPOB position are deemed acceptable because there is reasonable disagreement over matters of life and death (Thomson), or the value of fetus and the mother’s future is akin to the ultimate religious questions of value and meaning that are best left to the conscience of the individuals (Dworkin), or the relationship of the mother to the fetus is one whose significance and propriety is determined by the mother (Little), then such IPOB views are coherent but at the expense of legitimizing infanticide. That strikes us a rather morally unattractive way to obtain logical consistency.

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54. And it is a very incomplete account of value for one can see that bad art that takes a lot of time to create is not more valuable than beautiful art quickly produced. The tragedy undergone by the bad artist whose work of many years is destroyed may be greater than the tragedy suffered by the better artist who quickly produced his masterpiece that was later destroyed, but the loss of impersonal value doesn’t track effort. [↑](#footnote-ref-54)
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