

CONTENTS

Preface xi

Acknowledgments xiv

PART I

| | |
|---|----------|
| 1. Abortion: Why a Liberal View Is Correct | 3 |
| <i>Michael Tooley</i> | |
| 1. Thinking about the Morality of Abortion and Discussing It with Others | 3 |
| 1.1 Abortion Raises Intellectually Difficult Issues | 3 |
| 1.2 The Emotionally Charged Atmosphere of Discussions about Abortion | 4 |
| 1.3 The "Package Deal" Problem | 5 |
| 1.4 Ethics: Religion or Philosophy? | 6 |
| 1.5 A Personal Note | 7 |
| 2. A Brief Overview of My Defense of a Liberal Position on Abortion | 8 |
| 2.1 The View to Be Defended | 8 |
| 2.2 The Concept of a Person | 9 |
| 2.3 The Personhood Argument | 10 |
| 3. Abortion and the Appeal to Religious Revelation | 11 |
| 4. The Appeal to an Immaterial, Rational Mind | 15 |
| 5. The Appeal to Psychological Capacities | 20 |
| 6. Two Biological Antiabortion Arguments | 21 |
| 6.1 The Counterexample Objection | 21 |
| 6.2 The Basic versus Derived Moral Principles Objection | 24 |
| 6.2.1 Is the Crucial Premise a Basic Moral Principle? | 25 |
| 6.2.2 Is the Crucial Premise a Derived Moral Principle? | 28 |
| 6.3 The Reprogramming Objection | 30 |
| 6.4 A Second Biological Antiabortion Argument | 32 |

| | |
|--|----|
| 7. Potentiality Arguments against Abortion | 35 |
| 7.1 Arguments in Support of an Affirmative Answer | 37 |
| 7.2 Arguments in Support of a Negative Answer | 42 |
| 7.3 Consequentialist and Deontological Approaches to Morality | 50 |
| 7.4 Summing Up: Potentiality Arguments against Abortion | 51 |
| 8. The Identity of Persons and Biological Organisms Argument | 51 |
| 8.1 The Argument | 51 |
| 8.2 The Unsoundness of This Argument | 52 |
| 8.2.1 Direct Objections to the Identity Claim | 53 |
| 8.2.2 Indirect Objections to the Identity Claim | 57 |
| 8.3 Human Persons and Organisms | 58 |
| 8.4 The Crucial Moral: Persons and the Right to Continued Existence | 59 |
| 9. Are Moderate Positions on Abortion Tenable? | 59 |
| 9.1 Does Rudimentary Consciousness Together with Desires Concerning One's Present State Give Something Moral Status? | 60 |
| 9.2 Does Rudimentary Consciousness Together with Certain Potentialities Give Something Moral Status? | 60 |
| 9.3 Do Developing Humans Acquire the Capacities for Thought and Self-Consciousness Prior to Birth? | 61 |
| 9.4 A Final Argument for a Moderate View | 62 |
| 10. The Moral Status of Abortion: A Final Summing Up | 63 |
| Notes | 64 |

2. Abortion: A Communitarian Pro-Life Perspective 65

Celia Wolf-Devine and Philip E. Devine

| | |
|---|----|
| 1. Where We Are Now | 66 |
| 2. Methodology | 68 |
| 2.1 The Importance of Atavistic Responses | 68 |
| 2.2 Analogical Examples and the Pathological View of Pregnancy | 69 |
| 2.3 Utilitarianism, Negative Responsibility, and Problems Concerning Reproduction | 71 |
| 2.4 Virtue Ethics and Ordinary Morality | 72 |

| | |
|--|---------|
| 2.5 Communitarianism versus the Volunteer Theory of Obligations | 73 |
| 3. The Prima Facie Case against Abortion | 76 |
| 4. The Status of the Unborn | 82 |
| 4.1 The Humanity of the Fetus | 82 |
| 4.2 Some Footnotes to the Argument | 88 |
| 5. The Pregnant Woman | 91 |
| 5.1 Divisions among Women | 91 |
| 5.2 The Arguments | 92 |
| 5.2.1 The Bodily Rights Argument | 92 |
| 5.2.2 Egalitarian Arguments | 95 |
| 6. Questions of Law | 99 |
| 6.1 <i>Roe v. Wade</i> | 99 |
| 6.2 Toward More Just Laws | 101 |
| 7. Policy Recommendations | 103 |
| 7.1 We Must Bring Down the Abortion Rate as Quickly as Possible | 103 |
| 7.2 How to Go About Bringing Down the Abortion Rate | 105 |
| 7.2.1 Informed Consent | 105 |
| 7.2.2 Regulation of Clinics | 105 |
| 7.2.3 Eliminate All Governmental Funding | 106 |
| 7.2.4 Parental Notification or Consent | 106 |
| 7.2.5 Make Resources Available to Support Pregnant Women | 107 |
| 8. Role and Limits of Philosophy | 107 |
| 9. Conclusion | 109 |
| Notes | 110 |
| 3. Abortion Rights and Gender Justice Worldwide: An Essay in Political Philosophy <i>Alison M. Jaggar</i> | 120 |
| 1. Introduction | 120 |
| 2. Mapping the Philosophical Terrain | 121 |
| 2.1 Three Philosophical Questions about Abortion | 121 |
| 2.2 Personal Ethics and Political Morality | 123 |
| 3. Liberalism and Feminism: Two Thin Commitments of Political Morality | 124 |
| 3.1 Liberalism | 124 |
| 3.2 Feminism | 126 |

| | |
|--|-----|
| 4. Designing Just Institutions in an Unjust World: Some Methodological Commitments | 128 |
| 4.1 Philosophical Methodology for the Real World | 128 |
| 4.2 Real-World Circumstances of Gender Justice | 130 |
| 4.3 Real-World Abortion | 133 |
| 5. Some Principles of Political Morality Salient to Abortion in the Real World | 135 |
| 6. Abortion: Human Rights, Gender Equality, and the Public Good | 139 |
| 6.1 Abortion and Human Rights | 139 |
| 6.1.1 Women's Rights Are Human Rights | 139 |
| 6.1.2 Sexual and Reproductive Rights | 141 |
| 6.1.3 Rights to Life, Liberty, and Bodily Integrity | 143 |
| 6.2 Abortion and Gender Equality | 146 |
| 6.2.1 Abortion and Equality between Men and Women | 147 |
| 6.2.2 Abortion and Equality among Women | 149 |
| 6.2.3 Abortion and Gendered Cycles of Inequality | 152 |
| 6.3 Abortion and the Public Good | 152 |
| 6.3.1 Abortion and Public Health | 152 |
| 6.3.2 Abortion, Population, and Economic Development | 155 |
| 7. Objections to Abortion Rights | 156 |
| 7.1 Does Abortion Violate a Fetal Right to Life? | 156 |
| 7.2 Should Moral Considerations Limit the Scope of Abortion Rights? | 161 |
| 7.3 Does the Public Provision of Abortion Violate Freedom of Conscience? | 165 |
| 7.3.1 Dissenting Taxpayers | 166 |
| 7.3.2 Dissenting Medical Personnel and Institutions | 166 |
| 7.4 Does Abortion Violate Feminist Values? | 168 |
| 7.5 Does Abortion Encourage Disrespect for Human Life? | 172 |
| 8. Conclusion | 174 |
| Notes | 175 |

PART II

| | |
|---|-----|
| 4. Response to Alison M. Jaggar, Celia Wolf-Devine, and Philip E. Devine <i>Michael Tooley</i> | 183 |
| Comments on Alison M. Jaggar's Essay | 183 |
| Reply to Celia Wolf-Devine and Philip E. Devine | 184 |

| | |
|--|---------|
| 1. Species Membership and the Right to Life | 185 |
| 1.1 The "Mere Assertion" Contention | 185 |
| 1.2 Species Membership, Method in Ethics, and the Appeal to Moral Intuition | 187 |
| 1.3 Species Membership: Summing Up | 191 |
| 2. The " <i>Reductio</i> " Objection and the "Change-of-Address" Objection | 192 |
| 3. Potentialities and the Right to Life | 194 |
| Summing Up | 197 |
| Notes | 197 |
| 5. Response to Michael Tooley and Alison M. Jaggar <i>Celia Wolf-Devine and Philip E. Devine</i> | 198 |
| 1. Response to Tooley | 198 |
| 1.1 The Big Picture | 198 |
| 1.2 Methodology: Philosophy and Religion | 200 |
| 1.3 Abortion and Infanticide | 201 |
| 1.4 The Species Principle | 202 |
| 1.5 Potentiality Principle | 204 |
| 2. Response to Jaggar | 205 |
| 2.1 Liberalism | 206 |
| 2.2 Feminism | 207 |
| 2.3 The International Front | 210 |
| 2.4 The "Real World" | 212 |
| 2.5 Consequences for Whom? | 214 |
| 3. A Final Word | 215 |
| Notes | 216 |
| 6. Response to Michael Tooley, Celia Wolf-Devine, and Philip E. Devine <i>Alison M. Jaggar</i> | 218 |
| 1. Methodology | 218 |
| 2. Political Philosophy | 220 |
| 2.1 Political Liberalism | 221 |
| 2.2 Rights | 222 |
| 2.3 Communitarianism | 223 |
| 3. Reality | 224 |
| 3.1 Evidence | 224 |
| 3.2 Psychology | 225 |

| | |
|------------------------------|-----|
| 3.3 Biology | 226 |
| 3.4 Health | 227 |
| 3.5 Consent | 228 |
| 4. Policy | 229 |
| 5. Sailing under True Colors | 231 |
| Notes | 232 |
| Bibliography | 234 |
| Index | 245 |