

The “I’m Personally Opposed to Abortion But...” Argument

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Abstract

One often hears Catholic and non-Catholic politicians and private citizens claim “I am personally opposed to abortion ...” but add that it is morally permissible for others to accept abortion. We consider a Rawlsian defense of this position based on the recognition that one’s opposition to abortion stems from a comprehensive doctrine which is incompatible with Public Reason. We examine a second defense of this position based upon respecting the autonomy of others and a third grounded in the harm to the unwilling mother overriding that to the aborted fetus. We look at a fourth and fifth defense based upon our epistemic ignorance regarding the burdens on others of unwanted pregnancies and the ontological and moral status of embryo. We find most versions of these defenses to be wanting and conclude that only if the position’s proponents are subjectivist about morals, which few are, can they offer a coherent defense.

I. Introduction

We’re all familiar with claims about abortion that begin with the following phrase: “I am personally opposed but...” Sometimes what follows is “I don’t want to impose my view of abortion on others.” We hear on other occasions “...abortion is a decision best left to the person’s own conscience,” or “...the government should not be telling pregnant women what to do with their bodies” or “...every pregnant women’s situation is different.” The most alarmist version is “I am personally opposed but if abortion is banned then women will die in a botched back alley abortions.” These all amount to roughly the same position: it would be morally wrong for me to have (or advocate) an abortion, but morally permissible for others to do so. Some of the individuals asserting this position have been prominent Catholic Politicians. Our concern here, however, is not to establish that opposition to abortion is right or wrong, rather, we are interested in whether it is coherent to be personally opposed but accepting of the abortions of others. That

is, can its proponents consistently hold that position given their other beliefs? We suspect that while a few with idiosyncratic beliefs might be able to do so, the vast majority cannot. We believe that the latter should be calling for a legal ban on abortion rather than claiming “I am personally opposed but...” (hence IPOB). However, even if we are wrong that their personal objection commits them to support legal prohibition, we still maintain that it doesn’t make sense for them to verbally tolerate rather than condemn the abortions of others.¹

We’ll discuss mostly women who say about abortion that “I’m personally opposed but...” for they can realistically add that they would never have an abortion. Such language reveals how strong their opposition is to ever taking fetal life. In fact, they often 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 serve to provide evidence of their moral seriousness to those who don’t share their pro-choice position. Their personal refusal to ever avail themselves of an abortion shows how much they value the unborn. They are not dismissing embryos as mere clumps of cells. Their concern for their own fetuses suggests that their tolerance of the abortions of others 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.

A relative recently declared to us that she would not abort her pregnancy even if her fetus was diagnosed as having a severe form of retardation. We know her well and don’t 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. Readers are probably familiar with people like this. Such women would not abort even if their pregnancy would produce a “special needs” child, or it was going to be extremely difficult, or its aftermath would be 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. 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 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 denies the fetus a valuable future.² So it is the fetus’s well-being, not that of the mother, that is “doing the work” in the declaration of a personal objection to abortion.³

Now, if it would be very bad for death to come to the fetus of a pro-choice woman personally opposed to abortion, 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 fetus, death should be a great evil for it 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 for reason R in situation S, then any other fetus with property P in situation S should likewise not be killed 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.

The Overriding Harm Defense

Readers might think 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.

Our initial response is to ask why those endorsing the IPOB approach are not committed by the logic of moral discourse to condemn the undergoing of abortions by other women who 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, disregard its intrinsic value 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 surely do. So there shouldn't 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?⁴

So let's now consider the women, who unlike the advocates of the IPOB position, have interests that outweigh those of their fetuses and thus could ethically undergo an abortion. Could there be many of these women that, all things considered, are not doing anything wrong when they abort? Remember our women asserting the IPOB line are not going to abort for any non-health threatening reason of which they were previously aware. (We'll allow that there are some rare situations they didn't earlier think of that would provide them with reasons to undergo a non-health threatening abortion.) It thus seems there would hardly be any women who could have morally legitimate abortions if the formula 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 condemn rather than tolerate virtually all abortions undertaken in contemporary times. Yet one doesn't find female supporters of the IPOB doctrine using such harsh language about the grave moral errors that other women are making when they abort. 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.⁵ We doubt it is because it is just considered indelicate to say so. Rather, we suspect that the matter has received insufficient reflection.

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 can't 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

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 evil to the fetus of an abortion, just the recognition of our fallibilism in regards to appreciating how burdensome an unwelcome a 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 couldn't imagine any (non-health threatening) case in which they would abort. So the problem really isn't that they can't 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 extreme. Instead, they must not know whether the pregnancies of others are more difficult than the most burdensome pregnancy 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 or fetus. If one couldn't be confident about when during a pregnancy a human being emerges,⁶ or what its moral status is at the beginning of its existence, then tolerance towards others who abort might appear more reasonable. That is, 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 the reason they might still be unwavering in their refusal to ever have an opposition is that there is always the possibility that abortion is a great wrong, even if it is slightly less likely than they previously maintained. 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.

The Rawlsian Public Reason Defense

It might be claimed that what Rawls calls the fact of reasonable pluralism could provide the basis for a defense of the IPOB position. Rawls writes that the plurality of conflicting comprehensive religious, philosophical and moral doctrines is the normal result of its culture of

free institutions. Citizens realize that they cannot reach agreement on the basis of their irreconcilable comprehensive doctrines (2005, 441). As a result, they recognize that comprehensive philosophical, religious and moral 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. 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 God ensouls a fetus 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 (religious) doctrine nor condemn in public/political settings their fellow citizens who argue there for abortion rights in terms endorsed by 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 the IPOB position. Rawls doesn't expect them to do so by explicitly using the terminology of comprehensive doctrines and public reason, but he thinks the distinctions are implicit in the views of citizens of modern liberal regimes (2005, 251). It may be that such a principle is behind their acceptance of the separation of church and state. Rawls insists that the idea of public reason is to be realized by citizens who are not government officials (2005, 441-5). 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. Rawls is fond of using the type of reasons that a Supreme Court judge must rely

upon to demonstrate public reason (2005, 478-9). He calls the Court the “exemplar of public reason (2005, 235).” 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, 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

Readers may be 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 extent unreasonable...” (2005, 243 nt. 32.) 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 (2005, 479 nt. 80). 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’ (2005, 479). 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” (2005, 479). He even admits that there can be an argument against abortion “make its case in public reason.” He suggests that is just what

Cardinal Joseph Bernadin did in his “The Consistent Ethics: What Sort of Framework” (1986) 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 (Bernadin’s) argument here, except to say that it clearly cast in some form of public reason” (2005, 480 nt. 83).

So readers should not think that an abortion ban or condemnation of abortion is necessarily 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” (2005, 480). Now we are not going to argue 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 Bernadin, as Rawls admits, offered such a pro-life argument, but we believe that Marquis has also 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. So 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 retardation or an early death during infancy, nevertheless they can accept Marquis’s position in most cases. Their doctrines will, in Rawlsian

language, admit of an overlapping consensus. They can endorse the wrongness of many abortions for reasons that Marquis does.

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 which is close to self evident" (1989, 202). 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 activities, projects and enjoyments that would have otherwise have constituted one's future....these activities, projects and experiences and enjoyments are either valuable for their own sakes or are means to something else that is valuable for its own sake" (1989, 189-190.) He doesn't offer a perfectionist or metaphysical account of this value. He just points out that the future of the vast majority of fetuses involves a set of experiences, projects, activities and such which are identical to the futures of young children. He asserts that "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 (1989, 192)."

So we expect that nearly all IPOB supporters can put forth their opposition to abortion in terms recognizable to others as independent of their comprehensive doctrines. Bernardin and Marquis are but two of the ways they might do so. 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. We expect such combinations of views to be rare, for as Rawls writes about an overlapping consensus: "the history of religion and philosophy shows that there are many reasonable ways in which the wider realm of values can be understood so as

to be either congruent with, or supportive of, or else not in conflict with, the values appropriate to the special domain of the political as specified by a political conception of justice” (2005, 140).

The Autonomy Defense

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 on others.” It is widely held that respect for the autonomy of others entails allowing them to sometimes harm themselves or do what is immoral.⁷ 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 included a restraint upon harming others.⁸ And we’ve earlier established that women espousing the IPOB principle do so because they believe that abortion harms 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 while. Our basis for this is 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 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 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.

The Coherent but Unlikely Subjectivist Defense

We mentioned in the introduction that a few people could coherently advocate the IPOB line. They would most likely be people who are subjectivists about morality. That is, 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 perspectivally as "I disapprove of abortion."⁹ If that 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 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. 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 wholeheartedly switched communities and came to participate in a different moral tradition. We are rather 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.

Conclusion

We suspect only those whose personal opposition to abortion is based upon an uncommon comprehensive doctrine can consistently hold their IPOB position and espouse an objective ethics.¹⁰ We doubt those espousing the IPOB line have such a comprehensive doctrine. We suspect that those whose opposition can't be presented in the language of public reason are not going to accept public reason. That is, in Rawls's language, they hold unreasonable comprehensive doctrines (2005, 483). So if we take the 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, we are led to conclude that this is not consistent with their tolerance of other women having abortions.

Endnotes

¹ We are not offering here any arguments that abortion should be made illegal. We merely are challenging the coherence of those who personally oppose abortion but don't want to legally enforce their opposition or morally condemn those who do abort in circumstances where they would not.

² This language will be familiar to readers of Don Marquis's famous 1989 article "Why Abortion is Immoral." We are not claiming 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 a Marquis-like view even if they advocate additional arguments against abortion. The importance of this will become clearer when we later discuss a IPOB position influenced by Rawls's conception of public reason and overlapping consensus.

³ Their position should not be confused with that of Judith Thomson towards abortion (1971). Thomson maintains that women who complete their pregnancies would be Good Samaritans who go beyond the call of duty. The women we have in mind who espouse the IPOB line do not believe they are under no moral duty to carry their fetuses to term. They believe that if they abort they would be doing something very 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 those who tithe would look upon failing to give more than ten percent of the income to charities. (Let's imagine that such additional charity goes to life saving organizations so as not to have our judgment skewed by a comparison between a Good Samaritan life saving action like completing a pregnancy and going beyond the call of duty for a less significant charitable goal.) 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 than say the 10% required by virtues such as beneficence or decency. Aborting for such women is considered a grave wrong, which is not the case for their failure to give more than 10% of their income to life saving charities.

⁴ Or are they instead moved by a belief that it is a greater harm 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 might be cases of injurious or life-threatening pregnancies which could be easily be recognized by the law as permissible exceptions to a ban.

⁵ Garry Wills (1990) mentions such a surprising silence on the part of Mario Cuomo in his discussion of the New York governor's well-known 1984 speech on Catholic politicians and abortion given at Notre Dame.

⁶ Some philosophers argue that we come into existence at conception, others that it is not until twinning is no longer a possibility, while still others insist we originate with the onset of fetal consciousness.

⁷ This, of course, is not a very Kantian idea of autonomy and the Universal Law formula of the Categorical Imperative would seem to make it difficult for those opposed to abortion to withhold condemnation of those who do abort. But even Kantians such as Velleman recognize that "the impermissibility of someone's else's conduct doesn't necessarily give me permission to interfere with it" (1999, 614). While Velleman is writing from an avowedly Kantian-inspired position, his topic is suicide (and an aside about smoking-caused fatal cancer) which doesn't not directly involve treating others immorally. However, he does mention that his Kantian position would allow abortion because "what secular morality must regard as sacrosanct...is not the human organism but the person, and a fetus may embody one but not the other" (1999, 616). This won't help those defending the IPOB position because they have already accepted that the fetus has a moral status which renders it inviolable. They may be wrong to do so because it could be that it is a manifested capacity of rationality, not the mere potential to do, that provides moral status. But once the defender of IPOB recognizes that the moral status of the fetus renders it inviolable,

we don't see how respecting the moral autonomy of others means tolerating a disrespect of its moral status by others.

⁸Mill wrote (1859) "That the only purpose for which power can be rightfully exercise 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."

⁹ Or the expression "I am opposed to abortion" could be understood relativistically as meaning "people of my moral community disapprove of abortion."

¹⁰ An IPOB supporter might use tolerance as a value that trumps all other values and claim to have rendered their position coherent. However, we doubt that they tolerate infanticide, rape, or pedophilia.

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