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ABORTION ACTIVISM AND CIVIL DISCOURSE:  
REPLY TO SHIELDS

*ABSTRACT: Jon Shields's finding—that certain evangelical pro-life activist groups are more interested in deliberative discussions about abortion than are pro-choice activists—is wrong on methodological, normative, and philosophical grounds. He generalizes about pro-life civility from a small, trained sample group, and ignores possibly important variables that would explain pro-choicers' incivility. Further, politeness is not necessarily a requirement of democratic deliberation—which entails not forcing one's own beliefs on the public, as pro-lifers manifestly are trying to do, despite their calm demeanor. Conversely, some pro-choicers' refusal to engage in debates is not a deliberative failure, as Shields suggests, as deliberation includes such things as campaigning and canvassing. Lastly, Shields, and the pro-lifers he has observed, use the weakest of the pro-choice arguments, instead of focusing on the best academic work in the field.*

In “Christian Citizens: The Promise and Limits of Deliberation,” Jon A. Shields (2007) has provided readers of this journal valuable insights into the world of religiously motivated pro-life abortion activism. As Shields notes, in both academic and popular discussions, pro-life advocates are commonly characterized as dogmatic ideologues uninterested in

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reasoned debate and respectful communication with their opponents. Seeking to debunk this popular image, Shields (2007, 94) uncovers “the thriving world of pro-life deliberative activism” promoted by evangelical organizations such as Stand to Reason and Justice for All. According to Shields, both of these groups teach deliberative democratic ideals, including civility and public reason; more importantly, they discourage arguments from Scripture.

Shields’s paper constitutes a crucial step toward better understanding the politics of the current abortion debate. However, there are methodological, empirical, and philosophical problems with Shields’s argument that render his analysis unconvincing.

Our criticisms at the methodological level amount to a call for more research: We will argue that his methodology is insufficient to support the kind of conclusion he wants to draw. At the empirical level, we will argue that the evidence he provides is insufficient to show that the pro-life activists trained by Stand to Reason and Justice for All uphold the norms of civility and public reason that lie at the heart of deliberative democracy. Finally, we will raise some philosophical worries about the “training” provided by the evangelical leaders of these organizations.

### *Methodological Qualms*

Shields’s methodology occasions three concerns: generalizability, case selection, and accommodation of contradictory empirical data. We applaud Shields for his use of participant observation and his commitment to the idea that an empirical account of abortion activism benefits normative political theory. However, Shields’s methodology does not live up to his call for political theorists to “craft and revise their ideas in response to the empirical world” (Shields 2007, 94) in ways that meet fair evidentiary standards for the kind of normative claims that he wants to advance.

1. *Generalizability.* Shields’s data derive from the time (“nearly a week”) he spent “immersed in the world of evangelical activists” (Shields 2007, 94). Beyond his own observations, Shields also draws on “some 88 ‘volunteer reflections,’ which Justice for All routinely administers to all of its student activists shortly after every outreach” (ibid., 107). From these meager data, Shields draws a range of far-reaching conclusions, such as that “evangelicals have quietly begun *enormous* efforts to create deliberative conversations *about abortion across the country*,” and that evangelicals

“are *much more invested* in creating such civic discussion spaces than are their pro-choice counterparts” (*ibid.*, 94, our emphases). The paucity of Shields’ data cannot possibly justify such claims.

Furthermore, even when Shields’s data are combined with stories cited by others, his claims regarding the “enormous” size of the pro-life deliberative effort, its uniformity in manifesting civility “across the country,” and its “investment in creating civic discussion spaces” simply are not supported. Shields (2007, 94, 100) claims that his work “highlights deeper regularities,” but there is little on offer to demonstrate that any of the features that he observed run particularly deep or are at all regular.

Perhaps the most telling problem of generalization is the unqualified way in which Shields takes parts to stand for wholes. For example, Shields (2007, 97) reports that “some anti-abortion volunteers” found “strategic utility” in “engaging other students in civil discourse over and above theological arguments.” Later he claims that “volunteers also emphasized the power of civility to undermine stereotypes,” and that “for most volunteers, their civility was not just efficacious,” but also “allowed them to be authentically Christian in a secular arena” (*ibid.*, 98). But Shields does not specify whether the term “volunteers” refers to the same group of individuals in each case. Furthermore, it is not made clear whether these data are drawn from the reflections of respondents commenting on their own actions, from his observations of student volunteers in action, or both. In short, Shields’s study provides the reader with little sense of the representative character of the data collected. More importantly, it fails to provide any information on outlier behavior.

Similar worries are occasioned by Shields’s comments about the pro-choice activists encountered by the pro-life activists. For example, Shields (2007, 98) observes “the pro-choice counter demonstrators tended not to reciprocate the kindness of Justice for All activists.” However, Shields overlooks the serious asymmetry in his data collection: pro-life activists were both observed and allowed to author their own stories for the researcher, whereas pro-choice advocates were simply observed.

2. *Case Selection.* The case selection in the study is also worrisome. Shields’s article shows little regard for the possibility that the behavior of activists on a college campus may be different from abortion demonstrations in other settings. This seems a glaring omission in Shields’s aspiration to inform normative political theory with empirical findings. It could be that the student pro-choice incivility encountered by Shields are explained by the nature of campus activism in general, not the nature of

abortion activism in particular. College students are not generally known for their politeness, and certainly are not known for their deferential activist tendencies. Further, college campuses are often populated by selection bias. Any campus can have radically different population sets: all women, historically black, various religious affiliations, public or private. Even the specific location of an on-campus can make a difference. What types of students are likely to pass by? How much space is available for passersby to avoid the protest altogether? The weather and the time of day may all strongly affect the testiness of those whom the pro-life activists encounter. But these variables all remain unmentioned.

Beyond this, college campuses are problematic as a case selection simply in light of the populations that inhabit them. While a public university, such as the one observed by Shields, is public space legally, not all public space is created alike. College campuses in particular happen to be a combination of public space and private residencies, making the campus public space for some, a home for others, and a community for all. It is unfortunate that Shields does not specify whether the pro-life activists he observed were also students at the college in Denver where the demonstration was staged. Being perceived as outsiders to the college community could heighten negative reactions. It seems possible, for example, that the subject who said, “Get the fuck off our campus” (Shields 2007, 97) was reacting as a resident who did not welcome protests from outsiders in his community of residence. Such a response has been observed before. Faye Ginsburg (1998, 70–72; 122–123) notes that this kind of reaction to anti-abortion activists was common among the citizens of Fargo, North Dakota.

Shields’s case selection reveals another damaging asymmetry in his study: pro-life advocates have, in this particular case, been *trained* to be civil! We do not know if the same is true about those who encounter the activists and behave in an uncivil manner. As such, it may be the case that it is civility training, and not pro-choice moral convictions, driving the disparity in observed civility.

To be sure, Shields (2007, 101) does have a normative, philosophical tale about why pro-choice activists are uninterested in promoting civility. However, there is also a different explanation, having to do with pro-life blockades of abortion clinics and murders of abortion doctors.

As it turns out, observations of pro-choice activists have been done. Pro-choice abortion escorts in Washington, D.C. go through training in the rules of what they can and cannot do, and in how they ought to

handle themselves in talking with abortion protestors, including what to do when pro-life protestors are uncivil. In over 70 hours of observation outside of abortion clinics, childishness and gamesmanship between escorts and protestors were sometimes observed, but there was not one observed instance of incivility by either group (Maloney 2008).

3. *Accommodation of contradictory empirical evidence.* The fact that Shields pays no attention to the evidence gathered by Ginsburg is emblematic of a worry we have with his handling of empirical evidence that contradicts his favored conclusion. Shields (2007, 93) correctly states that Kristin Luker's *Abortion and the Politics of Motherhood* (1984) lacks any participant observation, but this does not entail that Luker's study is devoid of all empirically significant content.

Luker relies on interviews that seem no less methodologically significant than the 88 student activist reactions that Shields employs (1984, 9). Luker (1984, chs. 7–8), however, tells a very different story than Shields about what is at stake in abortion politics, and why it tends to make people so emotional. Luker's book is important because she concludes that the abortion debate involves a clash between different views of womanhood in contemporary society, with each such camp seeing the other side as a threat to the well-being of women. Shields does not take this analysis into account.

### *Are Pro-Life Activists Deliberative Democrats?*

Shields (2007, 94) claims that the evangelical pro-life activists he observed had been given a “thoroughgoing democratic education” that trained them to uphold “deliberative ideals,” especially those associated with “civility” and “public reason.” Shields is particularly keen to emphasize that such activists are instructed to “avoid scriptural or theological claims in the public square,” to “always treat pro-choice students with respect,” and to “keep their calm” even in the face of hostility (*ibid.*, 95).

Shields is certainly correct to think that civil dialogue and respectful disagreement are key deliberative norms. However, it is not clear that the activists Shields observe actually uphold these norms. Shields writes as if the relevant deliberative norms are primarily *dialectical*—norms of conduct in debate—rather than *justificatory*. Accordingly, he claims that the evangelical demonstrators manifest the deliberative norm of civility because they remain respectful, calm, and kind when debating people who display disrespect, anger, and rudeness. But the kind of civility that is required by

deliberative democrats is not primarily dialectical; rather, it has to do with *bearing the justificatory burden* that arises when one proposes a policy that will coerce reasonable free and equal citizens who do not share one's fundamental moral premises.

Civility in this sense—the sense that matters for public deliberation—requires that a citizen propose rationales for the policies he advocates that are accessible to fellow citizens who are reasonable and who do not share his “comprehensive” moral or religious doctrine (e.g., his religion). That is, in order to justify political coercion, Jones must offer Smith reasons for the proposal that *Smith* could, at least in principle, endorse without abandoning or betraying his most fundamental moral commitments.<sup>1</sup>

This is why the norm of civility often requires the omission of purely sectarian reasons and “strong ontologies” (Shields 2007, 103) from public debate. For Jones to say to Smith, “I advocate policy P solely because P is what is prescribed by the Bible,” is for Jones to be uncivil—no matter how calmly he announces the claim. Jones is uncivil because Smith could reject the moral authority of the Bible without thereby revoking his status as a good citizen of a liberal democracy marked by the fact of reasonable pluralism. In a liberal democracy, citizens are not required to acknowledge the moral authority of the Bible (or any other religious or philosophical text for that matter); thus “The Bible commands P” cannot function as a public justification for P. To propose such a justification is to be uncivil because it is to propose coercing one's fellow free and equal citizens on the basis of a reason that they could reasonably reject.

Similarly, Shields (2007, 106) misconstrues Amy Gutmann and Dennis Thompson's (1996) norm of reciprocity. The norm of reciprocity is a norm of justification, not a norm of dialectical conduct. Reciprocity requires not personal constraint in the face of political conflict, but constraint on the character of the reasons one proposes for the policies one advocates. Despite Shields's persistent claim that the evangelical activists eschewed “theological arguments” (e.g., Shields 2007, 97), made only “secular arguments” (ibid., 99), and sought to “defend their beliefs by using public reason” (ibid., 94), he does not offer any description of the content of these arguments. He cites several evangelical activists claiming that, due to their training, they were equipped with “reasons,” “proof,” and “sound and logical explanations” for why abortion is wrong (ibid., 99–100), but he neglects to convey them. Therefore, Shields's paper gives no basis upon which to discern whether the evangelical activists are, in fact, civil in the relevant respect.<sup>2</sup>

This omission suggests a further concern. As presented by Shields (2007, 96), pro-life activist Steve Wagner's "crash-course in pro-life bioethics" teaches a "Socratic, open-minded approach" in which evangelical activists "ask questions rather than state opinions." Wagner, again as portrayed by Shields, emphasizes the "need to create conversations by asking questions" (ibid.). The dialogical encounter encouraged by Wagner, then, implicitly places the justificatory burden solely on the pro-choice advocates. That is, the pro-life activists proceed by asking their opponents to "clarify their [pro-choice] views," and then offering challenges to these views (ibid.). But this strategy fails to acknowledge the share of the burden of public justification that falls to the pro-life position. Civility in the relevant sense requires that the citizen advocating state action to coerce fellow citizens offer *public reasons* for the action. Since the pro-life evangelists are calling for state action, they bear a justificatory burden as well.

This brings us to Shields's case for thinking that "pro-life activists are generally far more committed to civil discourse than their pro-choice counterparts" (Shields 2007, 100). Even if what Shields observed in Denver reflects "deeper regularities in the abortion conflict" (ibid.), the commitment to civility and respectful discourse does *not* require one to treat *every* moment as an occasion for public deliberation and debate. There is no deliberative failure in refusing to debate one's opponents on some specific occasion, and no betrayal of civic discourse in a "piqued professor" claiming on the day of a campus demonstration that "We're not here to debate" (ibid.). Deliberative democracy does not demand that every citizen stand willing to debate at any moment. Even on the deliberativist view, democracy is not exhausted by processes of deliberation; democracy also requires coalition-building, campaigning, canvassing, and multiple forms of political activity not focused on the exchange of arguments.

Thus, the possibility that, as Shields (2007, 101) alleges, the "larger abortion-rights groups with which campus organizations are affiliated actively encourage them to avoid public debate" with pro-life students and organizations proves little about the relative civility and reasonableness of the respective groups. The fact that a large-scale organization adopts, as a matter of policy, the norm of public non-engagement with certain opponents does not necessarily betray a general lack of interest in reasons and argument. When and where one exchanges reasons is, in part, a strategic matter, and, given the light-to-heat ratio of most public debate about abortion, it is no surprise that major organizations involved in the debate have adopted this stance.

Finally, throughout his paper Shields fails to distinguish between *moral* and *legal* issues concerning abortion. Many pro-choice organizations are concerned with the *legality* of abortion, not its moral permissibility. The evangelicals quoted by Shields (2007, 99–100) constantly claim to have reasons why abortion is wrong. One presumes that the kind of *wrong* the evangelicals have in mind is *moral* wrong. But not everything morally wrong should be illegal, and in many cases the demonstration that X is morally wrong is not relevant to the question of whether X should be criminalized. Consequently, one could with consistency hold that abortion is a grave moral wrong, but nonetheless must be legal. It is likely that the evangelical activists and the pro-choice organizations are talking past each other, not because of some deliberative failure on the part of one party or the other, but simply because they are addressing different questions. And, indeed, it is a waste of time to try to debate someone asking a different question from the one you are asking.

In any case, if Shields is concerned that pro-choice advocates are insufficiently concerned with deliberating about the morality of abortion, he only needs to examine the vast philosophical literature on the question.

### *Philosophical Problems*

These last points lead us to our final set of concerns, which we gather under the heading “philosophical,” since they all have to do with the philosophical issues in the abortion debate.

Our main concern is this: Shields’s description of the “crash course in pro-life bioethics” offered by Steve Wagner (Shields 2007, 96), as well as his some of own remarks concerning pro-choice arguments (*ibid.*, 102), suggest ignorance of the well-developed versions of the pro-choice position, and perhaps also an insufficiently nuanced command of the central philosophical issues. Arguably, when one is interested in creating “civil discourse” (*ibid.*, 97) and “deliberative conversations” (*ibid.*, 94) with one’s opponents, one should take care to familiarize oneself with the standard versions of the position one opposes; particularly, one should seek out the *more sophisticated* and *powerful* opposing positions that are in play. Knocking down an immature or weak instantiation of the pro-choice view constitutes no advance for pro-life.<sup>3</sup> So a responsible “crash course in pro-life bioethics” that serves as the basis for “creating civic spaces for civil dialogue” (*ibid.*, 101) should take special care to present

the strongest of the standard arguments that the pro-choice side has to offer. It is only in light of considering the best of these arguments that one can, in good faith, undertake the project of rationally persuading others by means of deliberation and dialogue.

So let us consider the instruction in bioethics provided by Wagner.<sup>4</sup> Wagner claims that “the pro-choice position *might* be true if it could be demonstrated that the embryo undergoes morally significant developments between conception and birth” (Shields 2007, 96). This surely is false. The *truth* of the pro-choice position does not depend on what can be demonstrated; in fact, the relation Wagner proposes is precisely backwards: the demonstrability of a proposition is due to its truth, not the other way around.

Perhaps this is an imprecise account of Wagner’s statement, so let us turn to its substance. Wagner holds that *unless it could be demonstrated* that there is some morally relevant difference between a fetus and a baby, the pro-choice position is false. The argument employs the inference that unless a morally relevant difference between fetuses and babies can be demonstrated, fetuses are morally no different from babies. But the inference is notoriously fallacious. The fact that we cannot specify the precise number of hairs that separates bald from non-bald men does not entail that everyone is bald. The fact that you cannot specify the exact point at which an acorn becomes an oak does not mean that when you rid your lawn of acorns, you are committing an act of deforestation.

Yet Wagner proceeds as if this consideration were decisive. More importantly, Wagner proceeds as if the difficulty of specifying the moral difference between a fetus and a baby lies at the heart of the current debate. However, many *pro-life* advocates have abandoned this line of argument (e.g., Marquis 1989), and the most philosophically substantive pro-choice positions are devoted to showing that even if one concedes, *ad arguendo*, that fetuses are full moral persons, abortion is still morally and legally permissible (Thomson 1971; Kamm 1992). If Wagner’s “crash course in pro-life bioethics” presents the debate as focused on personhood, it is obsolete and unengaged with the more powerful pro-choice arguments.

Following Wagner, Shields (2007, 102) claims that the abortion debate turns on “a very basic question: How (and when) does a human organism become inherently valuable?” Shields then contends that pro-choice advocates “have no ready answer” to this question (*ibid.*). This is to betray ignorance of the pro-choice literature and the state of play in the debate.

To be sure, the pro-choice literature is vast, and there is great variation regarding the questions different authors aspire to answer. However, highly influential, and now standard, work by Michael Tooley (1972), Mary Ann Warren (1973), F. M. Kamm (1992), Ronald Dworkin (1993), and David Boonin (2002) is addressed to issues of moral status and inherent value, and nothing is proved by the fact that Shields (2007, 102) can quote Peter Singer and Rosamond Rhodes claiming that they are not convinced by these analyses.

Shields's ignorance of the pro-choice side of the debate is further demonstrated by the fact that Judith Jarvis Thomson's "A Defense of Abortion" (1971), arguably the most influential essay on the issue to date, is mentioned only in a footnote, and her argument is badly misrepresented there. Shields (2007, 107n5) portrays Thomson as "conceding the pro-life movement's ontological case" for fetal personhood, yet nonetheless maintaining that "killing fetal persons is ethical." But Thomson's argument is not aimed at showing that abortion is ethical; rather she aims to show that even if one assumes that the fetus is a moral person, abortion is nonetheless *permissible*.<sup>5</sup> Very roughly, Thomson argues that a fetal right to life does not entail a fetal right to use another person's body, even if use of that person's body is necessary to sustain fetal life; hence a fetal right to life does not entail the impermissibility of abortion. If Thomson's argument succeeds, Shields's "very basic question" is irrelevant.

Furthermore, Shields (2007, 107n5) downplays Thomson's relevance by claiming that the "pro-choice movement has been reluctant to embrace Thomson's argument" because "doing so would concede too much moral ground." We do not know whether Shields is correct to say that the pro-choice movement at large is wary of Thomson's argument; Shields provides no evidence for this claim.

We do know that her work has been central to the philosophical and legal literature on abortion for over thirty years. But the idea that adopting Thomson's argument would "concede too much moral ground" to the pro-life position is nonsense. *Ad arguendo* stipulations are not concessions. To stipulate your opponent's fundamental premise and then still derive your own conclusion is to *strengthen* your case, not weaken it.

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The evangelicals' interest in "creating civic spaces for civil dialogue" (Shields 2007, 101) within which opposing positions could be clarified

and challenged and common ground forged is undermined by the fact that the “thoroughgoing democratic education” (ibid., 94) supplied to the evangelical activists is, in the end, not at all thoroughgoing, and may in fact possibly be distorting. The account offered in Shields’s paper suggests that Wagner, like Shields, has little sense of the philosophical issues driving contemporary debates about abortion among ethicists: they fail to draw crucial distinctions between moral and legal questions, they present a conception of the focus of the issue that is out of touch with the current state of the debate, and they fail to engage with influential and standard philosophical articulations of the pro-choice position. Thus, Wagner constructs a straw-man pro-choice position, and then argues that since the straw man is easily knocked down, the pro-life view is vindicated. This adds to his version of pro-choice argumentation not only incivility and disrespect, but a disservice to his own position, for there are compelling arguments for the pro-life view which take into account the more powerful philosophical arguments on the pro-choice side.<sup>6</sup> Although the training provided by Wagner perhaps encourages pro-life activists to remain calm and respectful in the face of hostility, it is not likely to be of much use in helping them to think seriously about the issues and, furthermore, may prove a positive obstacle to engaging with the more thoughtful and sophisticated pro-choice advocates.

The lesson may be that what is most important for the task of creating deliberative spaces for civil argument is that each side gets its view of the opposing arguments from the actual proponents of those arguments. Despite a “thoroughgoing” (Shields 2007, 94) training in the bioethics of abortion, Shields and the evangelical activists he has studied are ultimately in a position no different from the dogmatic and close-minded pro-choice advocates he rightly criticizes.

#### NOTES

1. We are glossing over several key distinctions and qualifications. Some think that the constraints of public reason apply only in specific contexts; for example, Rawls (1996, 214) holds that public reason is required only when questions of “basic justice” or “constitutional essentials” are at stake. Others take the constraints to apply more broadly (Macedo 1995; Larmore 1996, ch. 6). There is also the question of whether the norm public reason requires citizens to simply *provide* public reasons for the policies they advocate, or in fact be *motivated* by those public reasons. Rawls seems to require only that citizens *provide* public reason; Audi (1997, 28ff.) thinks that the public reason must also be able to

- motivate* one's advocacy. Eberle 2002 is the most extensive and careful treatment of the central issues. We need not get embroiled in these debates in order to make our point against Shields.
2. It should be noted that it is not even clear that the kind of civility that Shields observes (kindness, calmness, etc.) is required in all deliberative contexts. See Estlund 2001.
  3. See Talisse and Aikin 2006 for discussion of the tactic of selecting an especially weak version of the view one aims to oppose. In other work, Talisse (forthcoming) calls this the "weak man" fallacy.
  4. It should be emphasized that we are relying throughout on Shields' reportage of Wagner's arguments and claims. We do not have first hand knowledge of Wagner's position. A search of standard academic databases showed no publications by Wagner in professional academic journals dealing with ethics, philosophy, or political science.
  5. In fact, Thomson (1971, 65) claims that "while I do argue that abortion is not impermissible, I do not argue that it is always permissible"; accordingly, she argues that under a range of circumstances abortion is "positively indecent."
  6. See especially Marquis 1989; George 2002; Beckwith 2007; and George and Tollefsen 2008.

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