# All Human Beings Are Equal, But Some Human Beings Are More Equal Than Others: A Case Study On Punishing Abortion-Performing Doctors But Not Abortion-Procuring Women

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**ABSTRACT:** In this paper, I present a case study on a recent attempt at implementing what I refer to as the "Pro-lifer's Asymmetrical Punishment View" (PAPV), the view that people should be legally punished for performing abortions whereas women should not be so punished for procuring abortions. While doing so, I argue that the endeavor, which took place in the state of Alabama, is incoherent relative to the conjunction of its purported underlying moral rationale and the Alabama criminal code. I then present what I take to be possible explanations for, practical implications of, and solutions to the attempt and its incoherence. Given that other endeavors to implement PAPV are currently in the works and are so with similar underlying moral rationales and within similar criminal codes, what I present and argue here is not limited to Alabama's attempt at doing so.

## Introduction

IN 2016, JUST A FEW HOURS after stating that women who seek abortions should be subject to "some form of punishment" if the procedure were to be banned, presidential candidate Donald Trump recanted, saying "the doctor or any other person performing this illegal act upon a woman would be held legally responsible, not the woman."[1] And the reason he did so, reportedly, was that Mr. Trump "ran afoul of conservative doctrine, with opponents of abortion rights immediately castigating him for suggesting that those who receive abortions—and not merely those who perform them—should be punished if the practice is outlawed."[2] (As Robert P. George and Ramesh Ponnuru put it in their article "Why We Shouldn't Punish Mothers for Abortion," "pro-lifers were generally appalled by the answer.")[3] If it is not already clear, the particular view alluded to via the "conservative doctrine" reference is that people (doctors, in the typical case) should be legally punished for performing abortions whereas women should not be so punished for procuring abortions.

Similarly, in 2018, lieutenant governor candidate Bob Nonini said that there "should be no abortions" and women who have abortions "should pay."[4] And when asked if he would support the death penalty as a punishment for such women, he nodded in agreement.[5] Just one day later, Nonini walked backed his statement and, while doing so, alluded to the aforementioned view. "Let me be clear," he said, "I have always been a pro-life supporter. That means classifying abortion as murder. Since abortion is murder, I believe we should consider penalties for individuals involved in those procedures. Prosecutions have always been focused on the abortionist. There is no way a woman would go to jail, let alone face the death penalty."[6]

The view that people should be legally punished for performing abortions whereas women should not be legally punished (hereafter, simply "punished") for procuring abortions appears to be embraced by most anti-abortionists/pro-lifers, at least in the United States. As George and Ponnuru write, "[m]ost pro-lifers say they have no desire to punish women who seek abortions" and do so despite purportedly also believing that fetuses have the twofold right not to be deliberately killed and to be protected by the government from being so, that lawmakers should treat abortion as an injustice by prohibiting it and taking steps to make sure that the prohibition is not violated, and that said steps, in order to be effective, should include punishment for those

who perform abortions.[7] Kevin D. Williamson, a writer who was fired by *The Atlantic* for having argued elsewhere that abortion-procuring women should receive the death penalty, agrees with George and Ponnuru in this regard when he states, "I differ from most pro-lifers in that I am willing to extend criminal sanctions to women who procure abortions."[8] Assuming this is, in fact, a view that most pro-lifers embrace (and for present purposes, I will be), we may refer to the view that people should be punished for performing abortions whereas women should not be punished for procuring abortions as the "Pro-lifer's Asymmetrical Punishment View" (PAPV).

In this paper, I offer a case study on a recent attempt to implement PAPV, namely, the state of Alabama's. While doing so, I argue that said attempt is incoherent—i.e., incongruous, at the very least—relative to the conjunction of its purported underlying moral rationale and the criminal code within which the attempt takes place. There are, I submit, a number of reasons to take interest in such a study. One reason is that other attempts at implementing PAPV are currently in the works, are so with similar underlying moral rationales and within similar criminal codes and, thus, said incoherence is likely to infect those attempts as well. Another, more important reason is that, when it comes to any attempt at implementing PAPV, much is at stake, including the lives of human fetuses, the lives and liberties (reproductive and other) of women, and the lives and liberties (professional and other) of abortion-performing doctors.

Before doing so, however, it behooves me to state explicitly and emphatically that I am not advocating for abortion-performing doctors or abortion-procuring women to be punished. Indeed, I do not believe that either the performing or the procuring of abortion (as it is standardly practiced) should be illegal, let alone criminal. I am merely arguing that, given the bill's purported underlying moral rationale (to be identified shortly) and the criminal code within which it occurs, Alabama's attempt at implementing PAPV is incoherent.

## On Implementing PAPV: Alabama's Human Life Protection Act

Recently, the governor of Alabama, Kay Ivey, signed into law House Bill 314, also known as the "Human Life Protection Act." The law criminalizes all abortions—even in cases involving rape and incest—except when abortion is deemed necessary for the prevention

of a "serious health risk."[9] Now a Class A felony, abortion is punishable by up to 99 years in prison, and attempted abortion, a Class C felony, is punishable by up to 10 years in prison. However, only the one performing or attempting to perform the abortion—again, the doctor, typically—is subject to said punishments. The one procuring or attempting to procure the abortion, the woman, is not subject to any punishment whatsoever. As the drafters of the bill put it, "This bill would provide that a woman who receives an abortion will not be held criminally culpable or civilly liable for receiving the abortion."[10] (Though the bill does not explicitly address the issue of an abortion performed by the woman herself, my reading of it is that a woman who performs her own abortion is—or, at least, should be—subject to the punishment to which the abortion-performing doctor is subject. As the bill states, "It shall be unlawful for *any person* to intentionally perform or attempt to perform an abortion."[11]) Even so, if and when the bill goes into effect (as of this writing, it is being challenged in court), it is likely to be the most restrictive abortion law in the United States.[12]

As the name and, more importantly, content of the bill indicate, it is purported by its drafters and supporters to be rooted in a view on the moral standing of a particular human organism and, with it, the moral status of a particular treatment of said human organism. The human organism in question is that of the human fetus (hereafter, "fetus") or, as the drafters and supporters of the bill put it, the "unborn child," "unborn baby," "unborn life," or simply "unborn."[13] And the view—to be referred to here as the "Moral Equals View" (MEV)—is that the fetus is morally equal to born human beings in the sense that it is a person and, as such, a possessor of a right to life and, thus, all else being equal, it is just as seriously wrong to intentionally kill the fetus as it is to intentionally kill a born human being.

That the bill is purported by its drafters and supporters to be rooted in this view is evidenced by at least three things: the sense of "equal" at work in the reasons advanced in the bill for criminalizing all abortions; the numerous occasions on which MEV is invoked, explicitly or implicitly, in the bill; and the ways in which the bill has been publicly defended by its supporters. Regarding the sense of "equal" at work in the reasons advanced in the bill for criminalizing all abortions, though the drafters do not claim explicitly that the fetus is morally equal in the previously stated sense to born human beings, they

do so implicitly, arguably. For this moral understanding of "equal" makes the best sense of their claim that the fetus is equal to born human beings—as they put it, that "all human beings are equal from creation."[14] To see this, consider two other relevant senses of "equal" in terms of which one could claim that all human beings are equal from creation: the descriptive sense and the legal sense. Beginning with the former, to claim that human beings are equal in the descriptive sense is to claim that they are physically and mentally equal—that is, possessing the exact same levels of strength, agility, intelligence, emotional maturity, etc. So if the drafters of the bill mean to say that the fetus is equal to born human beings in this sense, then what they claim is false, as it is not true that the fetus is physically and mentally equal to born human beings. Simply put, no two human beings—born or unborn—are or ever have been descriptively equal, as is indicated by numerous studies on identical twins, among other things.[15]

As for the legal sense of "equal," to claim that human beings are equal in this sense is to claim that they are equal under the law—that is, afforded the same legal protections. So if the drafters of the bill mean to say that the fetus is equal to born human beings in this sense, whence the bill? The purpose of the bill is to extend a specific legal protection to fetuses that is not yet afforded to them—namely, not to be intentionally killed—but *is* afforded to their alleged equals, namely, born human beings. But if the fetus is legally equal to born human beings and, as such, afforded the same legal protections as them, then such an extension is unnecessary and the bill is superfluous. What's more, the legal sense of "equal" is incompatible with the claim that all human beings are equal "from creation," since there is both a conceptual and temporal gap between "creation," on the one hand, and the establishment of societies of laws, on the other. Neither the descriptive sense nor legal sense of "equal," then, is plausibly at work in the reasons advanced in the bill for criminalizing all abortions.

This brings us to the moral sense of "equal," which fits seamlessly with the bill. For with respect to any two human beings, they can be morally equal (again and hereafter, in the previously stated sense) without also being either descriptively or legally equal—that is, without either possessing the same levels of strength, agility, intelligence, emotional maturity, etc. or being afforded the exact same legal protections. Prior to the bill, then, the fetus could be morally equal to born human beings despite the fact that it was neither

descriptively nor legally equal to them. The moral sense of "equal," then—and, with it, MEV—is the most plausible interpretation of what the drafters and other supporters of the bill have in mind.

As for the numerous occasions on which MEV is invoked, explicitly or implicitly, in the bill, the drafters of the bill favorably cite the fact that on November 6, 2018, Alabamian legislators approved by a majority vote an amendment to Alabama's constitution "declaring and affirming the public policy of the state to recognize and support the sanctity of unborn life and the rights of unborn children."[16] (Per the discussion above, the rights here are best understood fundamentally in terms of moral rights.) After using "unborn child" interchangeably with both "child" and "person" and defining all three as "[a] human being, specifically including an unborn child in utero at any stage of development, regardless of viability," the drafters of the bill invoke the United States Declaration of Independence's "principle of natural law that 'all men are created equal,'" interpret it to mean that "all human beings are equal from creation," and then, in accordance with their understanding of "human being," extend said principle to fetuses.[17] (Per the same discussion, "equal" here is best understood fundamentally in terms of moral equality.) Finally, and perhaps most revealingly, the drafters of the bill compare abortion in the United States to various historical genocides.

It is estimated that 6,000,000 Jewish people were murdered in German concentration camps during World War II; 3,000,000 people were executed by Joseph Stalin's regime in Soviet gulags; 2,500,000 people were murdered during the Chinese "Great Leap Forward" in 1958; 1,500,000 to 3,000,000 people were murdered by the Khmer Rouge in Cambodia during the 1970s; and approximately 1,000,000 people were murdered during the Rwandan genocide in 1994. All of these are widely acknowledged to have been crimes against humanity. By comparison, more than 50 million babies have been aborted in the United States since the Roe decision in 1973, more than three times the number who were killed in German death camps, Chinese purges, Stalin's gulags, Cambodian killing fields, and the Rwandan genocide combined.[18]

In the context of the bill, such a comparison makes sense only if one understands the bill's drafters to be claiming that these aborted "babies" are morally equal to the born human beings who were killed in these genocides and, thus, we should view the intentional killings of the former as we do the intentional killings of the latter: as instances of murder and, as such, seriously wrong. Without understanding the bill's drafters in this way, the comparison between the genocides, on the one hand, and abortions, on the other, would be quite puzzling, as it would involve comparing moral apples to moral oranges, as it were.[19] The numerous occasions on which MEV is invoked in the bill, then, supports the claim that the bill is alleged by its drafters and supporters to be rooted in MEV.

This brings us to the third item of evidence supporting the claim that the bill is purported by its drafters and supporters to be rooted in MEV: the ways in which the bill has been publicly defended by its supporters. Terri Collins, a legislator who sponsored the bill, has done so as follows: "This bill is about challenging Roe v. Wade and protecting the lives of the unborn, because an unborn baby is a person who deserves love and protection" and (referring to abortion) "Just saying it's wrong, in Alabama, I think is the right thing to do."[20] Eric Johnson, head of the Alabama Pro-Life Coalition and the drafter of the initial legislation, has argued for the bill on similar grounds, claiming that "[r]egardless of how the conception takes place, the product is a child, and so we're saying that that unborn child is a person entitled to protection of the law."[21] Clyde Chambliss, the Senate sponsor of the law, has defended it on the grounds that "[h]uman life has rights, and when someone takes those rights, that's when we as government have to step in."[22] And Will Ainsworth, Alabama's Lieutenant Governor, has said the following in the bill's defense: "'Abortion is murder.' Those three simple words sum up my position on an issue that many falsely claim is a complex one."[23] Hence Governor Ivey's post-bill-signing claim that "[t]o the bill's many supporters, this legislation stands as powerful testament to Alabamians' deeply held belief that every life is precious and that every life is a sacred gift from God."[24]

Perhaps it should come as no surprise that the Human Life Protection Act is rooted in MEV. After all, each of drafters of the bill is a self-proclaimed pro-lifer, and, according to George and Ponnuru,

The core pro-life conviction is of course that unborn children have a right to life: a right, that is, not to be deliberately killed, and a right to be protected by the government from being deliberately killed. All human beings have this right, the most basic right any creature can have. The right attaches to human beings in the embryonic and fetal stages of development, just as it does at later developmental stages, because human embryos and fetuses—no less than human infants, toddlers, adolescents, and adults—are living, individual members of the human species … Embryos and fetuses differ in certain important respects from other human beings. But these differences … cannot justify denying them this fundamental right.[25]

By holding that the fetus is morally equal to born human beings in the sense that it is a person and, as such, a possessor of a right to life and, thus, all else being equal, it is just as seriously wrong to intentionally kill the fetus as it is to intentionally kill a born human being, MEV reflects this core conviction.

With the preceding description of and underlying moral rationale for the Human Life Protection Act as well as the criminal code within which Alabama's attempt to implement it takes place in mind, a question naturally arises: Given Alabama's criminal code as well as that the Human Life Protection Act is rooted in MEV, does it make sense to punish only the one performing or attempting to perform the abortion? And does it make sense to do so by sentencing him or her to no more than 99 years in prison? In the following, I argue that neither of these things make sense and, thus, in that respect, Alabama's attempt at implementing PAPV—the Human Life Protection Act—is incoherent. I then present what I take to be possible explanations for, practical implications of, and solutions to said attempt and incoherence.

**On the Incoherence of Alabama's Attempt at Implementing PAPV**

As indicated above, I have two reasons for thinking that Alabama's attempt at implementing PAPV is incoherent. One reason has to do with the lack of any punishment whatsoever for the one who procures the abortion. The other has to do with the lack of the death penalty as a possible punishment for the one who performs the abortion. I will begin with the latter.

*No Death Penalty for Abortion-Performing Doctors*

As alluded to above, the one who performs the abortion—once more and hereafter, the doctor, usually—may be sentenced to up to 99 years in prison, but not death. But, given that the Human Life Protection Act is rooted in MEV as well as that the death penalty is legal in Alabama, one wonders why the doctor may not be sentenced to death. After all, the abortion-performing doctor intentionally kills a human being, the fetus, which is said to be morally equal to born human beings. And if he or she ("he" henceforth, to clearly distinguish the doctor from the abortion-procuring woman) intentionally killed a born human being and was arrested and convicted for doing so, then he would be eligible for the death penalty, according to the Alabama criminal code. So why wouldn't the doctor be eligible for the death penalty if he intentionally killed that which is purportedly morally equal to born human beings, namely, the fetus? If the "baby in the womb is a person," if "human life has rights" including a "right to life," if "abortion is murder," if the "unborn child" is "entitled to protection of the law," then why is a penalty that is on the table when it comes to the intentional killing of born human beings off the table when it comes to the intentional killing of unborn, but nevertheless morally equal, human beings? Given the bill's purported underlying moral rationale (MEV) and Alabama's criminal code, it seems it shouldn't be. This is the first way in which Alabama's attempt at implementing PAPV is incoherent.

To be sure, it could be argued that one of my preceding claims is false, namely, that the doctor intentionally kills the fetus. More specifically, it could be argued that what the doctor intentionally does is terminate the pregnancy; he merely foresees that, in doing so, he will also kill the fetus. But such an objection is doubly problematic. To begin with, it is simply not true that the doctor—that each and every abortion-performing doctor, to be precise—does not intend to kill the fetus but merely foresees that he will do so. In many cases, the woman who procures an abortion doesn't just want the pregnancy to be terminated, she wants the life of the fetus to be terminated as well.[26] That is to say, she does not want the pregnancy to be terminated by, say, having the fetus extracted when viable and then put up for adoption. Instead, she wants the termination of the pregnancy to

include the termination of the fetus's life. When a doctor performs an abortion in such a case, then, there is little doubt (and none, I submit, beyond mere exercises of philosophical fancy) that the doctor intends to kill the fetus.

But even if the doctor does not intentionally kill the fetus and, instead, merely foresees that, by terminating the pregnancy, he will do so, it does not immediately follow that he should not be eligible for the death penalty. What's more, he should be so eligible, given Alabama's criminal code. To see this, suppose a newborn infant is dependent on a ventilator for its survival. Suppose also that the infant's mother wants the infant dead and offers a doctor $10,000 to remove the infant from the ventilator. Suppose further that the doctor agrees to do so, removes the infant from the ventilator, and the infant dies as a result. Suppose, finally, that, in his defense, the doctor claims that he did not intentionally kill the infant; rather, he intentionally removed the infant from the ventilator and merely foresaw that, in doing so, he would also kill the infant. Even so, according to Alabama's criminal code, the doctor's act renders him eligible for the death penalty. For such an act counts as murder—according to said code, one way for a person to commit the crime of murder is if, "under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself, and thereby causes the death of another person."[27] And, as murder, it counts as a capital offense—an "offense for which a defendant shall be punished by a sentence of death or life imprisonment without parole"—on multiple grounds, including because it is "[m]urder done for a pecuniary or other valuable consideration or pursuant to a contract or for hire" and because it is "[m]urder when the victim is less than fourteen years of age."[28] This indicates that even if the abortion-performing doctor does not intentionally kill the fetus but, instead, merely foresees that, by terminating the pregnancy, he will do so, he should be eligible for the death penalty nonetheless, given the bill's purported underlying moral rationale (MEV) and Alabama's criminal code. It also shows, incidentally, that the victim of murder need not possess a rich mental life in order for the murderer to be eligible for the death penalty; indeed, given the bill's understanding of "human being," the victim need not yet even have developed the capacity for consciousness.

*No Punishment for Abortion-Procuring Women*

In order to understand the second way in which Alabama's attempt at implementing PAPV is incoherent, it helps to consider first a case that resembles abortion as abortion is viewed by the drafters and supporters of the Human Life Protection Act. The case to which I refer is that of contract killing, also known as murder for hire. Contract killing is a form of murder wherein, in the typical case, one human being hires another human being to murder one other human being. Since I am unaware of what supporters of the Human Life Protection Act think about the moral and legal status of contract killing, I am simply going to assume that they agree with the Alabama criminal code that contract killing counts as murder, that the hiring of a contract killer who succeeds in murdering the intended target counts as conspiracy to murder, and that both murder and conspiracy to murder are capital offenses and, as such, punishable by up to death.[29] (This assumption might be false, of course. For some results if it is, see the following endnote.)[30]

With the preceding in mind, a question arises: Given that the Human Life Protection Act is rooted in MEV, why doesn't the bill construe abortion to be an instance of contract killing and, in turn, require that the woman be punished as well? After all, and as before, the abortion-performing doctor intentionally kills a human being (the fetus) that is said to be morally equal to born human beings and does so after being hired to do it by someone else (the woman). And if, in Alabama, he intentionally killed a born human being after being hired to do so by the victim's mother and he and the mother were arrested and convicted for doing so, then both of them would be eligible for the death penalty, according to the Alabama criminal code, as they would be guilty of the capital offenses of murder and conspiracy to murder. So why wouldn't the abortion-performing doctor and the abortion-procuring woman be eligible for the death penalty when they successfully conspire to intentionally kill that which is alleged to be the moral equal of born human beings, namely, the fetus? As before, if the "baby in the womb is a person," if "human life has rights" including a "right to life," if "abortion is murder," if the "unborn child" is "entitled to protection of the law," then why doesn't the Human Life Protection Act construe abortion to be an instance of contract killing and, in turn,

require that, not just the doctor, but the woman as well be punished? Given the bill's purported underlying moral rationale (MEV) and Alabama's criminal code, it seems that it should. This is the second way in which Alabama's attempt at implementing PAPV is incoherent.

**Possible Explanations for the Incoherence**

There are numerous possible explanations for the incoherence of Alabama's attempt at implementing PAPV. That said, those that I cover here strike me as the most plausible candidates. Some of them are more charitable to the drafters of the bill than others; none, however, presents them in all that favorable of a light. But before considering them, a caveat is in order. My intention here is merely to present possible explanations for the aforementioned incoherence. Accordingly, I will not be arguing for one over the other. Indeed, to do so would be very difficult, given that this is an empirical issue for which it appears public empirical evidence is lacking. That said, I will identify which of the possible solutions I deem the most likely and, in turn, spend most of my time on it.

One possible explanation for the incoherence is that those who drafted the bill simply did not think critically—at least, critically enough—about it. Though this is not a very charitable explanation, it is also not an incredible one. Even those who have expertise in thinking critically about such matters—e.g., the moral standing of the fetus, the moral relation between the fetus and the woman, the wrongness of killing, the appropriate punishment for murder, and more—fail, at times, to think critically enough about them. It shouldn't be surprising, then, when those who lack such expertise (as do those who drafted the bill, ostensibly) fail to think critically enough about such matters.

Another possible explanation, one related to the preceding, is that those who drafted the bill thought critically enough about it but failed to detect the incoherence nevertheless. After all, and as said above, those who drafted the bill appear not to have expertise in such matters. What's more, like everyone else, those who drafted the bill are capable of making honest mistakes. Though this, too, is not a very charitable explanation, it is much more so than the previous explanation. And, in any case, it is a possibility.

A third possible explanation for the incoherence is that those who drafted the bill thought critically enough about it, detected the incoherence, but did not care about it. This is one of the least charitable possible explanations available, as it accuses the drafters of the bill of willfully disregarding their own purported theoretical commitments (moral and legal), the interests of at least some of their constituents, and more. Even so, as with the preceding explanations, it too is a possibility.

A fourth possible explanation for the incoherence begins as the second does but ends differently. So, it begins with "those who drafted the bill thought critically enough about it but failed to detect the incoherence nevertheless" and it ends with a twist, namely, "and they failed to do so because they don't really believe that the fetus is our moral equal and, thus, as they see it, there is no incoherence to be detected." This is perhaps the least charitable possible explanation on offer, as it accuses the drafters of the bill of serious duplicity. But it remains a possibility nonetheless. Indeed, there are reasons for wondering whether those who claim to believe that the fetus is our moral equal actually believe this.[31] And there are conceptual and empirical resources to explain why they would present themselves as if they believe that the fetus is our moral equal even if they don't actually believe this.[32]

A fifth possible explanation is that, when it came to deciding on punishments for performing and procuring abortions, the drafters of the bill were guided by considerations of deterrence (i.e., forward-looking considerations) over considerations of retribution (i.e., backward-looking considerations). And they were convinced that the punishments included in the bill were sufficient to deter doctors from performing abortions and women from procuring them.[33] Since I am not aware of a single drafter who has claimed as much, it is difficult to say how likely this is. What is not as difficult to say, however, is that, when it comes to punishing murderers and conspirators to murder with the death penalty, Alabamian politicians and law enforcement officials often defend doing so employing language that is usually considered retributivist in nature. While defending the execution of Nathaniel Woods, for instance, Alabama's attorney general, Steve Marshall, stated that "[t]he murder of three police officers deserves no sentences less than death."[34] And desert language is typically considered to be the language of retribution. While defending the execution of Michael

Samra, Governor Ivey claimed that "justice has been delivered to the loved ones of [Samra's] victims."[35] Though not as obviously as in Marshall's statement, this statement also involves language that is usually considered retributivist in nature, arguably. For Ivey construes the justice that she alleges has been delivered to said loved ones in backward-looking terms—specifically, in terms of something that the loved ones had lacked but now possessed. And not only does construing justice so not fit very well with a deterrence and, with it, forward-looking defense of the death penalty, it fits very well indeed with a retributivist and, with it, backward-looking defense of the death penalty. (For more examples of Alabamian politicians and law enforcement officials using retributivist language in defense of the death penalty, see the following endnote).[36] Nevertheless, that the drafters of the bill were guided by considerations of deterrence over considerations of retribution is also a possibility.

A sixth and, as I see it, most likely possible explanation for the incoherence—at least, and specifically, that of not punishing abortion-procuring women—is that the drafters of the bill were being politically expedient. More precisely, it is possible that the drafters of the bill believed that were they to include in the bill any sort of punishment for the woman, the bill would not be signed into law.[37] After all, there appears to be significant opposition to the idea of punishing women who procure abortions, both in general and even among those who adopt MEV. That there is opposition to the idea of punishing women who procure abortions in general is evidenced by opinion polls, among other things. For example, according to a 2019 Pew Research survey, 61 percent of Americans think that abortion should be legal in all or most cases.[38] Clearly, such individuals are largely opposed to punishing women who procure abortions. And that there is opposition to the idea of punishing women who procure abortions among those who adopt MEV is evidenced by their embrace of PAPV.

Naturally, one might be wondering why the drafters of the bill would deem not punishing abortion-procuring women to be politically expedient. After all, given what has been argued here, it seems that those who embrace MEV and the Alabama criminal code would and, indeed, should be in favor of punishing women who procure abortions. Why, then, would there be such opposition among them? Since I am not aware of any generally agreed upon answer to this question, I can

do no more here than identify what strikes me as the most likely explanation, which is that some of these individuals think that, similar to the fetuses they abort, the women who procure abortions are victims, as they have been manipulated—by their partner, society, the stress of an unwanted pregnancy, etc.—into having an abortion and, as a result, should not be punished. But this does not seem to explain adequately their opposition to punishing said women. For were MEV-and-Alabama-criminal-code supporters to confront a case of contract killing wherein the woman who hired the contract killer had been manipulated into doing so, no doubt many, and arguably most, of them would hold that she should be punished in one way or another nonetheless. Take, for example, a single, extremely lonely mother of a challenging newborn infant who, after resigning herself to it never happening, meets the love of her life. After dating for a few months, however, the love of her life has grown to detest the infant and, as a result, issues the woman the following ultimatum: "Either the infant goes or I go." Dismayed, but desperate not to lose her new love, the woman hires a contract killer to kill the infant, who succeeds in doing so. Given that the woman was manipulated into having her infant killed by a contract killer, should she not be punished in any way whatsoever? I doubt that many, if any, MEV-and-Alabama-criminal-code supporters would believe that she should not. Thinking that women who procure abortions have been manipulated into doing so, then, does not adequately explain their opposition to punishing women who procure abortions.[39]

**Possible Practical Implications of the Incoherence**

What are some possible practical implications of the enactment of the Human Life Protection Act, assuming it is enacted at some point? A very obvious one is that doctors will be less inclined to perform abortions. Another one, not so obvious but likely nonetheless, is that some doctors will continue to perform abortions but will do so with the new burdens that comes with it (e.g., working in the black market, living a life that involves a potentially life-destroying secret, stress, etc.). Another possible practical implication—again, not so obvious but likely nevertheless—is that some doctors will continue to perform abortions and get arrested, convicted, and sent to prison for doing so. Yet another one is that pregnant women who miscarry will likely be

subjected to unwanted public, and potentially legal, scrutiny. A final one is that a call for punishing women who procure abortions will arise, that said call will gain popular support, and that a new bill codifying the punishment of women who procure abortions will be drafted and signed into law. My reason for thinking that this is quite likely is related to what I argued above while discussing contract killing.

Suppose that abortion is criminalized in Alabama for at least the next, say, 30 years. Suppose also (safely, as I suggested above) that some doctors will continue to perform abortions and get arrested, convicted, and sent to prison for doing so. Suppose, finally (and, again, safely), that when said doctors are arrested, convicted, and sent to prison, it is statewide news—newspapers and television stations around the state broadcast still and video images of the doctors standing between police officers while their hands and legs are shackled, wearing prison jumpsuits, attempting to hide their faces from swarming photographers while onlookers yell "Baby killer!" and "Murderer!" at them, slouching in the back of police cars as they are driven from prison to court and vice versa, and so on. Under these conditions, is it not likely that some Alabamians will begin to wonder whether, when it comes to the killings of these fetuses, justice prevails? More to the point, is it not likely that, under these conditions, some Alabamians will begin to view the women who procured the abortions as these doctors' willing accomplices? After all, were it not for the fact that the women requested these doctors' services, these doctors would not have committed the killings for which they have been arrested, convicted, and sent to prison. As I see it, it seems very likely indeed that some Alabamians will view the women as such. It also seems likely that, on these grounds, some of these Alabamians will call for the punishment of women who procure abortions. And my reason for thinking that such a call will probably gain popular support and that a new bill codifying the punishment of women who procure abortions will be drafted and signed into law is threefold. First, the pro-life sentiment is widespread and strong in Alabama.[40] Second, the fact that the Human Life Protection Act does not allow for abortions in cases of rape or incest suggests that, in large part, the bill's drafters and other supporters deem a mother's physical and mental welfare to be secondary—indeed, a distant second—to the life of the fetus. Finally, a call for punishing women who procure abortions that arises against the backdrop of

doctors going to prison for performing abortions seems likely to chip away at, and eventually altogether undermine, the popularity of PAPV.

**Possible Solutions to the Incoherence**

There are three possible solutions to the incoherence of Alabama's attempt at implementing PAPV, each of which may be stated quite succinctly. One is to rewrite the bill to fit the Alabama criminal code—more specifically, to rewrite the bill such that abortion, attempted abortion, conspiracy to abortion, and attempted conspiracy to abortion are all punishable by up to death. Another is to rewrite the Alabama criminal code to fit the bill—more specifically, to rewrite the Alabama criminal code such that the punishment for murder and attempted murder is limited to up to 99 years in prison, and there is no punishment whatsoever for conspiracy to murder and attempted conspiracy to murder. Still another is to abolish the bill altogether—after all, a bill cannot be incoherent if it doesn't exist. (Having already stated that I do not think that abortion should be illegal, let alone criminal, it should come as no surprise that I consider this the best of the possible solutions.)

**Conclusion**

I have offered here a case study on a recent attempt at implementing what I have referred to as the "Pro-lifer's Asymmetrical Punishment View," the view that people should be legally punished for performing abortions whereas women should not be so punished for procuring abortions. If what I have argued above is correct, then Alabama's attempt is incoherent—incongruous, at the very least—relative to the conjunction of the bill's purported underlying moral rationale (MEV) and the Alabama criminal code. And, as addressed above, other attempts at implementing PAPV are currently in the works with similar underlying moral rationales and within similar criminal codes and, thus, said incoherence is likely to infect those attempts as well. It is my hope that in presenting the incoherence, those involved in the debate on the moral and legal statuses of abortion—especially but not exclusively those who identify as pro-lifers—will be encouraged to reflect more critically on their respective views.

[1] Matthew Flegenheimer and Maggie Haberman, "Donald Trump, Abortion Foe, Eyes 'Punishment' for Women, Then Recants," *New York Times* (March 30, 2016), accessed June 2019, available at https://www.nytimes.com/2016/03/31/us/politics/donald-trump-abortion.html.
[2] Ibid.
[3] Robert George and Ramesh Ponnuru, "Why We Shouldn't Punish Mothers for Abortion," *National Review* (May 12, 2016), accessed September 2019, available at https://www.nationalreview.com/2016/05/abortion-punishment-donald-trump-doctors-mothers-prosecuted/.
[4] Harriet Sinclair, "Death Penalty for Abortions Would be Good Deterrent for Women, Says Republican Candidate," *Newsweek* (April 4, 2018), accessed September 2019, available at https://www.newsweek.com/death-penalty-abortions-would-be-good-deterrent-women-says-republican-871319.
[5] Ibid.
[6] Caitlin Doherty, "Republican Politician Suggests that Women Who Have An Abortion Should Face the Death Penalty," *Independent* (April 8, 2018), accessed September 2019, available at https://www.independent.co.uk/news/world/americas/us-politics/bob-nonini-republican-idaho-abortion-women-death-penalty-a8294716.html.
[7] George and Ponnuru, "Why We Shouldn't Punish Mothers for Abortion."
[8] Ilyse Hogue, "Think Abortion Should be Punished? Take a Look Around," *Washington Post* (April 30, 2018), accessed September 2019, available at https://www.washingtonpost.com/opinions/think-abortion-should-be-punished-take-a-look-around/2018/04/30/6c37ddbc-4c95-11e8-af46-b1d6dc0d9bfe_story.html.
[9] Alabama House Bill 314, 1, accessed June 2019, available at https://legiscan.com/AL/text/HB314/id/1980843. Regarding a "serious health risk," the bill states: "In reasonable medical judgment, the child's mother has a condition that so complicates her medical condition that it necessitates the termination of her pregnancy to avert her death or to avert serious risk of substantial physical impairment of a major bodily function" (Ibid., 6).
[10] Ibid., 1.
[11] Ibid., 7, emphasis mine.
[12] I write "likely to be" as other abortion laws are currently under consideration in other states.
[13] By "human fetus," I mean the developing human organism from conception until birth.
[14] Alabama House Bill 314, 3.
[15] See, for example, A. Tellegen, D. T. Lykken, T. J. Bouchard, K. J. Wilcox, N. L. Segal, and S. Rich, "Personality Similarity in Twins Reared Apart and Together," *Journal of Personality and Social Psychology*, Vol. 54, No. 6 (1988): 1031-1039, accessed April 2021, available at https://pubmed.ncbi.nlm.nih.gov/3397862/.
[16] Ibid., 3.
[17] Ibid., 7 and 3.
[18] Ibid., 4-5.

[19] Imagine if, after "By comparison," the drafters claimed [correctly] that approximately 400 billion farm animals have been slaughtered in the United States since the Roe v. Wade decision in 1973. In the context of the bill, such a comparison would make no sense, as it would involve comparing moral apples to moral oranges.
[20] Kate Smith, "Alabama Governor Signs Near-Total Abortion Ban Into Law," *CBS News*, accessed June 2019, available at https://www.cbsnews.com/news/alabama-abortion-law-governor-kay-ivey-signs-near-total-ban-today-live-updates-2019-05-15/ and Brian Lawson, "Decatur-Area Rep. Terri Collins to Offer Bill Tuesday Banning Abortion in Alabama," *WHNT.com*, accessed February 2021, available at https://whnt.com/news/politics/decatur-area-rep-terri-collins-to-offer-bill-tuesday-banning-abortion-in-alabama/.
[21] Caroline Kelly, "Alabama Senate Passes Near-Total Abortion Ban," *CNN*, accessed June 2019, available at https://www.cnn.com/2019/05/14/politics/alabama-senate-abortion/index.html?no-st=1561126898. Johnson also has claimed that "[a]ll human life is sacred and the deliberate killing of the unborn, the sick, disabled, or elderly is an abomination before God" (see http://chooselifealabama.org/about/what-we-believe).
[22] Debbie Elliot, "Alabama Governor Signs Abortion Ban Into Law," *NPR*, accessed June 2019, available at https://www.npr.org/2019/05/14/723312937/alabama-lawmakers-passes-abortion-ban.
[23] Ibid.
[24] Nate Chute, "How Does New Alabama Abortion Law Compare to Georgia's 'Fetal Heartbeat' Law?", *Montgomery Advertiser*, accessed June 2019, available at https://www.montgomeryadvertiser.com/story/news/2019/05/14/alabama-abortion-georgia-abortion-law-ban-heartbeat-bill/3669043002/.
[25] George and Ponnuru, "Why We Shouldn't Punish Mothers for Abortion."
[26] See Rachel K. Jones, Lori F. Frohwirth, and Ann M. Moore, "'I Would Want to Give My Child, Like, Everything in the World': How Issues of Motherhood Influence Women Who Have Abortions," *Journal of Family Issues* Vol. 29, No. 1 (2007): 79-99.
[27] Alabama Code Title 13A. Criminal Code § 13A-6-2, accessed June 2019, available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-6-2.html.
[28] Alabama Code Title 13A. Criminal Code § 13A-5-39, accessed June 2019, available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-5-39.html.
[29] See Alabama Code Title 13A. Criminal Code § 13A-6-2, accessed June 2019, available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-6-2.html; Alabama Code Title 13A. Criminal Code § 13A-4-3, accessed June 2019, available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-4-3.html; and Alabama Code Title 13A. Criminal Code § 13A-5-40, accessed June 2019, available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-5-40.html, the latter of which states: "A defendant who does not personally commit the act of killing which constitutes the murder is not guilty of a capital offense defined in subsection (a) of this section unless that defendant is legally

accountable for the murder because of complicity in the murder itself under the provisions of Section 13A-2-23, in addition to being guilty of the other elements of the capital offense as defined in subsection (a) of this section."

[30] It is possible that supporters of the law do not think that contract killing is murder, or that the hiring of a contract killer who succeeds in murdering the intended target counts as conspiracy to murder, or that conspiracy to murder is deserving of punishment, and so on. Though I doubt that supporters of the law believe any of these things, it is worth considering what would result if they did. One result, then—a result that is favorable to supporters of the Human Life Protection Act—would be that, contrary to what I have argued thus far, the Human Life Protection Act would not be incoherent. At least, it would not be incoherent in this particular way.

Another result, however—one that isn't so favorable to supporters of the bill—would be that the vast majority of their fellow Americans (and many more) would likely disagree with them. Simply put, it is all but impossible to believe that contract killing is not murder, or that the hiring of a contract killer who succeeds in murdering the intended target does not count as conspiracy to murder, or that conspiracy to murder is not deserving of any punishment whatsoever. Hence the ubiquity of state and federal laws against these things. Indeed, hence *Alabama's* criminal code counting contract killing as murder, the hiring of a contract killer who succeeds in murdering the intended target as conspiracy to murder, and both murder and conspiracy to murder as capital offenses and, as such, punishable by up to death.

A third result would be the natural expectation that said supporters would eventually call for the drafting of another bill, one that would stipulate one or more of the following: that contract killing is not murder; that murder is not punishable by up to the death penalty anymore but, instead, 99 years prison; and that conspiracy to murder is no longer a punishable offense. But it is very hard to believe that they would ever call for these things, much less that Alabamian legislators would ever enact them. Indeed, that the latter is the case is evidence that supporters of the law do, in fact, believe that that contract killing counts as murder, that the hiring of a contract killer who succeeds in murdering the intended target counts as conspiracy to murder, and that both murder and conspiracy to murder are punishable offenses. And, in any case, supporters of the law have not given the slightest indication that such a call is forthcoming or even on their radar.

[31] See my "The Substance View: A Critique," *Bioethics* Vol. 27, No. 5 (2013): 267ff.

[32] See, for example, the chapter on "belief in belief" (Chapter 8) in Daniel Dennett's *Breaking the Spell: Religion as Natural Phenomenon* (New York: Penguin Books, 2007).

[33] Thanks to David Boonin for pointing out this possibility.

[34] Rick Rojas, "Two Jurors Voted to Spare Nathaniel Woods's Life. Alabama Executed Him," *New York Times* (March 5, 2020), accessed March 2021, available at https://www.nytimes.com/2020/03/05/us/nathaniel-woods-alabama.html.

[35] Ivana Hrynkiw, "Alabama Executes Michael Samra, Convicted of Killing Four in 1997," *Montgomery Real-Time News*, (May 16, 2019), accessed March 2021, available at https://www.al.com/news/birmingham/2019/05/michael-samra-convicted-of-killing-4-in-1997-to-be-executed-thursday.html.
[36] Melissa Brown, "Alabama Executes Second Man in Two Weeks," *Montgomery Advertiser* (May 30, 2019), accessed March 2021, available at https://www.montgomeryadvertiser.com/story/news/crime/2019/05/30/alabama-death-penalty-christopher-lee-price-killed-second-execution-date/1288114001/; Ivana Hrynkiw, "Alabama Executes Domineque Ray for 1995 Killing of Selma Teen," *Montgomery Real-Time News*, (February 7, 2019), accessed March 2021, available at https://www.al.com/news/montgomery/2019/02/courts-weigh-mans-religious-rights-in-holding-up-alabama-execution.html; Rojas, "Two Jurors Voted to Spare Nathaniel Woods's Life. Alabama Executed Him," *New York Times*.
[37] As Ed Kilgore puts it, "it's obviously terrible politics to publicly kick around punishments for an act that tens of millions of American women have already taken" (Ed Kilgore, "The Kevin Williamson Saga Is Raising a Question Anti-Abortion Folk Would Just As Soon Keep Quiet," *New York Magazine* (April 6, 2018), accessed September 2019, available at http://nymag.com/intelligencer/2018/04/punishing-women-not-topic-anti-abortion-folk-want-to-address.html.
[38] See Pew Research Center, "U.S. Public Continues to Favor Legal Abortion, Oppose Overturning Roe v. Wade," accessed September 2019, available at https://www.people-press.org/2019/08/29/u-s-public-continues-to-favor-legal-abortion-oppose-overturning-roe-v-wade/. A 2018 Quinnipiac University survey puts it at 60 percent (see https://poll.qu.edu/national/release-detail?ReleaseID=2623).
[39] In the vein of the preceding, it is worth noting that, however they may wish to frame their view (recall, if you will, that the title of George and Ponnuru's article is "Why We Shouldn't Punish Mothers for Abortion"), some of the most prominent philosophical defenders of the view that women who procure abortions should not be punished do not actually defend this view, at least in print. Rather, they defend a much more limited view, one perhaps best described via a single statement that has been broken up into sections: that women who procure abortions (i) should be punished (ii) but not as murderers or manslaughterers are punished (iii) for now. They hold (i) on the grounds that, as they see it, abortion involves the intentional killing of a human being, and, all else being equal, those who intentionally kill a human being should be punished (more on this in a moment). To be sure, they usually do not state explicitly that they think that women who procure abortions should be punished. But it is strongly implied, not just by their view that those who intentionally kill a human being should be punished, but by the glaring and dumbfounding absence of the explicit claim and defense thereof that women who procure abortions should not be punished in any way whatsoever. For example, despite its title, neither the claim "mothers shouldn't be punished for procuring an abortion" nor any remotely synonymous claim ever arises, let alone defended, in the text of George and Ponnuru's article. What *is* defended is leniency vis-à-vis punishment.

As for (ii), they hold it on the grounds that women who procured illegal abortions would do so out of desperation, manipulation, and/or ignorance. To wit, Francis Beckwith writes that "[w]omen who seek illegal abortions will probably do so out of desperation" and "[b]ecause of a general lack of understanding of the true nature of the unborn child … most citizens who procure abortions will do so out of well-meaning ignorance" (Francis Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York, NY: Cambridge University Press, 2007, 110). And they hold (iii) on the grounds that society may eventually come around to understanding (as Beckwith puts it) the "true nature of the unborn child" and, in turn, adopting their anti-abortion position. And "[i]n a society in which the vast majority of citizens appreciated the moral truth about abortion—the society that pro-lifers should strive to bring about," George and Ponnuru contend, "it would probably be the case that abortionists were more likely to be depraved, and tougher punishments for abortionists might then be warranted" (George and Ponnuru, ""Why We Shouldn't Punish Mothers for Abortion"). Though George and Ponnuru's claim about tougher punishments explicitly regards "abortionists," it implicitly regards women who would procure illegal abortions. For if, as they contend, a society in which the vast majority of citizens appreciated the moral "truth" about abortion makes it more likely that abortionists who would perform illegal abortions would be depraved, then it also makes it more likely that women who would procure illegal abortions would be depraved as well. Accordingly, if George and Ponnuru's contention is that such depravity would warrant tougher punishments for doctors who would perform illegal abortions, then, by their own lights, such depravity would warrant tougher punishments for women who would procure illegal abortions as well. Combine this with George and Ponnuru's claim that pro-lifers should strive to bring about such a society, and, once again by their own lights, pro-lifers should strive to bring about tougher punishments for women who would procure illegal abortions in such a society. In short, their attempted framing notwithstanding, the issue for such philosophical defenders is not whether women who procure abortions should be punished, but when (either after society comes around to appreciate the moral "truth" about abortion or before then) and to what extent—the latter of which being inextricably linked to the former.

[40] Pew Research Center, "View about Abortion among Adults in Alabama," accessed March 2021, available at https://www.pewforum.org/religious-landscape-study/state/alabama/views-about-abortion/.

**References**

Alabama Code Title 13A. Available at https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-6-2.html.

Alabama House Bill 314. Available at https://legiscan.com/AL/text/HB314/id/1980843.

Beckwith, Francis. 2007. *Defending Life: A Moral and Legal Case Against Abortion Choice*. New York, NY: Cambridge University Press.

Brown, Melissa. May 30, 2019. "Alabama Executes Second Man in Two Weeks." *Montgomery Advertiser*. Available at https://www.montgomeryadvertiser.com/story/news/crime/2019/05/30/alabama-death-penalty-christopher-lee-price-killed-second-execution-date/1288114001/.

Chute, Nate. May 14, 2019. "How Does New Alabama Abortion Law Compare to Georgia's 'Fetal Heartbeat' Law?" *Montgomery Advertiser*. Available at https://www.montgomeryadvertiser.com/story/news/2019/05/14/alabama-abortion-georgia-abortion-law-ban-heartbeat-bill/3669043002/.

Dennett, Daniel. 2007. *Breaking the Spell: Religion as Natural Phenomenon*. New York: Penguin Books.

Doherty, Caitlin. April 8, 2018. "Republican Politician Suggests that Women Who Have An Abortion Should Face the Death Penalty." *Independent*. Available at https://www.independent.co.uk/news/world/americas/us-politics/bob-nonini-republican-idaho-abortion-women-death-penalty-a8294716.html.

Elliot, Debbie. May 14, 2019. "Alabama Governor Signs Abortion Ban Into Law." *NPR*. Available at https://www.npr.org/2019/05/14/723312937/alabama-lawmakers-passes-abortion-ban.

Flegenheimer, Matthew and Maggie Haberman. March 20, 2016. "Donald Trump, Abortion Foe, Eyes 'Punishment' for Women, Then Recants." *New York Times*. Available at https://www.nytimes.com/2016/03/31/us/politics/donald-trump-abortion.html.

George, Robert and Ramesh Ponnuru. May 12, 2016. "Why We Shouldn't Punish Mothers for Abortion." *National Review*. Available at https://www.nationalreview.com/2016/05/abortion-punishment-donald-trump-doctors-mothers-prosecuted/.

Hogue, Ilyse. April 30, 2018. "Think Abortion Should be Punished? Take a Look Around." *Washington Post*. Available at https://www.washingtonpost.com/opinions/think-abortion-should-be-punished-take-a-look-around/2018/04/30/6c37ddbc-4c95-11e8-af46-b1d6dc0d9bfe_story.html.

Hrynkiw, Ivana. February 7, 2019. "Alabama Executes Domineque Ray for 1995 Killing of Selma Teen." *Montgomery Real-Time News*. Available at https://www.al.com/news/montgomery/2019/02/courts-weigh-mans-religious-rights-in-holding-up-alabama-execution.html.

Hrynkiw, Ivana. May 16, 2019. "Alabama Executes Michael Samra, Convicted of Killing Four in 1997." *Montgomery Real-Time News*. Available at https://www.al.com/news/birmingham/2019/05/michael-samra-convicted-of-killing-4-in-1997-to-be-executed-thursday.html.

Jones, Rachel K., Lori F. Frohwirth, and Ann M. Moore. 2007. "'I Would Want to Give My Child, Like, Everything in the World': How Issues of Motherhood Influence Women Who Have Abortions." *Journal of Family Issues*, 29(1): 79-99.

Kelly, Caroline. May 14, 2019. "Alabama Senate Passes Near-Total Abortion Ban." *CNN*. Available at https://www.cnn.com/2019/05/14/politics/alabama-senate-abortion/index.html?no-st=1561126898.

Kilgore, Ed. April 6, 2018. "The Kevin Williamson Saga Is Raising a Question Anti-Abortion Folk Would Just As Soon Keep Quiet." *New York Magazine*. Available at http://nymag.com/intelligencer/2018/04/punishing-women-not-topic-anti-abortion-folk-want-to-address.html.

Lawson, Brian. April 1, 2019. "Decatur-Area Rep. Terri Collins to Offer Bill Tuesday Banning Abortion in Alabama." *WHNT.com*. Available at https://whnt.com/news/politics/decatur-area-rep-terri-collins-to-offer-bill-tuesday-banning-abortion-in-alabama/.

Lovering, Rob. 2013. "The Substance View: A Critique." *Bioethics*, 27(5): 263-270.

Pew Research Center. August 29, 2019. "U.S. Public Continues to Favor Legal Abortion, Oppose Overturning Roe v. Wade." Available at https://www.people-press.org/2019/08/29/u-s-public-continues-to-favor-legal-abortion-oppose-overturning-roe-v-wade/.

Pew Research Center. "View about Abortion among Adults in Alabama." Available at https://www.pewforum.org/religious-landscape-study/state/alabama/views-about-abortion/.

Rojas, Rick. March 5, 2020. "Two Jurors Voted to Spare Nathaniel Woods's Life. Alabama Executed Him." *New York Times*. Available at https://www.nytimes.com/2020/03/05/us/nathaniel-woods-alabama.html.

Sinclair, Harriet. April 4, 2018. "Death Penalty for Abortions Would be Good Deterrent for Women, Says Republican Candidate." *Newsweek*. Available at https://www.newsweek.com/death-penalty-abortions-would-be-good-deterrent-women-says-republican-871319.

Smith, Kate. May 15, 2019. "Alabama Governor Signs Near-Total Abortion Ban Into Law." *CBS News*. Available at https://www.cbsnews.com/news/alabama-abortion-law-governor-kay-ivey-signs-near-total-ban-today-live-updates-2019-05-15/.

Tellegen, A., D. T. Lykken, T. J. Bouchard, K. J. Wilcox, N. L. Segal, and S. Rich. 1988. "Personality Similarity in Twins Reared Apart and Together." *Journal of Personality and Social Psychology*, 54(6): 1031-1039.