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The Rights of Man: Libertarians' concern for men's, but not women's, reproductive autonomy (A summary and recontextualization of existing research)

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Libertarians claim individual autonomy as their central political principle, but historical and current evidence suggests this principle has been applied selectively. Reproductive decisions such as abortion can uniquely stress the concept of individual autonomy by placing into conflict the claimed rights of each biological parent to choose. We conducted two identical studies demonstrating that among US participants, libertarianism is associated with opposition to women's reproductive autonomy but support for men's. Self-identified libertarians tended to oppose women's abortion rights, and support men's right to both prevent women from having abortions (male veto), and withdraw financial support for a child when women refuse to terminate the pregnancy (financial abortion), and hostile sexism may account for libertarians' selective support for men's and not women's reproductive autonomy. These results are discussed in the context of the recent reversal of the *Roe vs. Wade* supreme court ruling in the United States, imperiling a woman's constitutional right to abortion.

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# **The Rights of Man: Libertarians' concern for men's, but not women's, reproductive autonomy (A summary and recontextualization of existing research)**

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Jocelyn Chalmers

On Friday, June 24, 2022, the United States supreme court officially reversed *Roe vs. Wade* – the landmark supreme court ruling, in place since 1973, protecting a woman's constitutional right to an abortion.<sup>1</sup> While, in a legal sense, this ruling only affects women living in the United States, its ramifications were felt on a global scale, and it thrust the contentious issue of abortion squarely into the limelight once more. In their dissenting opinion, justices Stephen Breyer, Sonia Sotomayor and Elena Kagan acknowledged the complexities inherent in balancing the tension of interests involved in an abortion decision, and stated that the original *Roe vs. Wade* ruling had attempted to balance those competing values and goals.<sup>2</sup> While far from the only issue to involve competing rights and interests, the abortion debate perhaps uniquely asks us to strike this balance – a difficult task for anyone, but made even more so in a nation as focused on notions of individual freedom and autonomy as the United States. With this in mind, myself and my co-authors were inspired to ask – what does individual freedom really mean when it comes to the abortion debate?

Much has been made of the political differences between liberals and conservatives when it comes to abortion. The divide on this issue is, indeed, deeply entrenched between these two groups; according to a 2019 Pew Research Center survey taken in the United States, 62% of Republicans think abortion should be illegal in all or most cases, while 82% of Democrats think abortion should be legal in all or most cases.<sup>3</sup> However, libertarians are a growing force in the political debate – particularly within the United States – and their views within the abortion debate have often been more difficult to pin down.

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<sup>1</sup> N. Totenberg, S. McCammon, (2022, June 24). Supreme Court overturns *Roe v. Wade*, ending right to abortion upheld for decades. *NPR*. Retrieved from <https://www.npr.org/2022/06/24/1102305878/supreme-court-abortion-roe-v-wade-decision-overturn>.

<sup>2</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 19, 1392 (2022) (Breyer, Sotomayor & Kagan dissenting opinion).

<sup>3</sup> J. Diamant, (2020, June 18). Three-in-ten or more Democrats and Republicans don't agree with their party on abortion. *Pew Research Center*. Retrieved from <https://www.pewresearch.org/fact-tank/2020/06/18/three-in-ten-or-more-democrats-and-republicans-dont-agree-with-their-party-on-abortion/>.

Libertarianism is a political philosophy which states that individual liberty should be the defining principle around which society is organized. Libertarians believe that the government only exists to protect individual rights, and that the needs of one person or group should never impose a moral duty on (and thus violate the individual rights of) another person or group.<sup>4</sup> In today's political landscape, libertarians often loosely fit into the mold of fiscal conservatism (e.g., opposition to taxes) coupled with social liberalism (e.g., support for marijuana legalization.)<sup>5</sup>

My co-authors and I endeavored to examine how libertarians feel about a women's right to make decisions about pregnancy and abortion<sup>6</sup> – arguably one of the most challenging test cases of individual liberty possible. Given that proponents of abortion rights discuss their arguments in terms of autonomy and choice, as exemplified in the label “pro-choice”, one might assume that libertarians, who frame “choice” as the defining virtue of ideal political systems, would reflexively support abortion rights.

However, in the case of pregnancy and abortion, there are two people who may perceive they have a right to choose: the pregnant woman and the biological father (not to mention, of course, the foetus). Choices about abortion, therefore, are not necessarily straightforward applications of libertarian principles, and instead involve pitting women's autonomy against men's. One example of this is the notion of a “financial” abortion – this policy states that, if a man wishes for the woman involved to obtain an abortion, he should not have to provide financial support for the child if she decides to continue with the pregnancy. This position is certainly consistent with men's liberty; however, it has been criticized for ignoring the more severe costs to women's autonomy caused by pregnancy and childbirth, thus drawing a false equivalence between the freedoms at stake for men and women.<sup>7</sup> It has also been criticized as a form of economic coercion given that without financial support, many women would not be able to proceed with a pregnancy.<sup>8</sup> Another dilemma arises when the woman involved wants to obtain an abortion and the man does not. In this case, it is possible to preserve men's autonomy by giving them the right to veto women's abortion choices. Unlike financial abortion policies, which have been proposed but not yet implemented, this policy is formally in place in

<sup>4</sup> D. Boaz, Libertarianism, *Encyclopedia Britannica*, <https://www.britannica.com/topic/libertarianism-politics> [accessed 28 February 2020].

<sup>5</sup> R. Iyer, S. Koleva, J. Graham, P. Ditto, J. Haidt, Understanding libertarian morality: The psychological dispositions of self-identified libertarians. *PloS one*, 2012, p. 7.

<sup>6</sup> J. Chalmers, A. Petterson, L. Woodford, R.M. Sutton, The Rights of Man: Libertarian Concern for Men's, But Not Women's, Reproductive Autonomy. *Political Psychology*, 2022, <https://doi.org/10.1111/pops.12867>.

<sup>7</sup> J. M. Humber, Maternity, paternity, and equality. In *Reproduction, Technology, and Rights*, (1996), pp. 27–41.

<sup>8</sup> A. Petterson, R. M. Sutton, Sexist ideology and endorsement of men's control over women's decisions in reproductive health, *Psychology of Women Quarterly*, (2018), p. 42.

countries such as Japan, South Korea, and Turkey – formally writing male control over women’s abortion decision-making into the law.<sup>9</sup>

Of course, none of these dilemmas occur in a vacuum: they play out within a context of male dominance. According to ambivalent sexism theory, men and women experience interdependence in a way that is not mirrored within other intergroup contexts due to the demands of heterosexual intimacy.<sup>10</sup> While men have structural power over women in much the same way that, for example, white people have structural power over black people, men are also dependent on women for reproduction, and as such have frequently sought to exert control over women’s fertility and sexuality.<sup>11,12</sup> Sutton et al.<sup>13</sup> argue that men’s dependence upon women’s (relatively scarce) reproductive capacity leads to the reification of motherhood. While this dynamic may superficially venerate women, in reality it ensures their moral subordination: women’s interests are deemed of lower priority than their foetus or child’s, and their choices are frequently curtailed or placed in the hands of others.

Within this complex moral framework, our research examined how libertarianism translates into attitudes to abortion policy, including women’s abortion rights, male veto, and financial abortion. In two identical studies – the first recruiting from the crowdsourcing platform Prolific,<sup>14</sup> and the second recruiting from social media platforms – we tested whether self-identified libertarians would straightforwardly value personal autonomy in the face of men’s and women’s competing claims regarding abortion, or whether they would be selective about whose autonomy matters.

Our results were largely consistent with the latter. In both studies, we found that libertarian self-identification was negatively associated with support for a woman’s right to make her own abortion decisions, and positively associated with support for a man’s right to both veto his partner’s abortions and remove his financial support for unwanted children (thereby potentially coercing his partner to abort). Further, we found that this

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<sup>9</sup> Center for Reproductive Rights. (2017). Interactive map of the world’s abortion laws. World Abortion Laws 2017. Retrieved from <http://worldabortionlaws.com/map/>.

<sup>10</sup> P. Glick, S. T. Fiske, The ambivalence toward men inventory: Differentiating hostile and benevolent beliefs about men. *Psychology of women quarterly*, (1999), p. 23.

<sup>11</sup> G. L. Fox, “Nice girl”: Social control of women through a value construct. *Signs: Journal of Women in Culture and Society*, (1977), p. 2.

<sup>12</sup> B. K. Rothman, Beyond mothers and fathers: Ideology in a patriarchal society. In E. Nakano, G. Chang, L. R. Forcey, *Mothering: Ideology, experience, and agency*, (Abingdon: Routledge, 1994), pp. 139–157.

<sup>13</sup> R.M. Sutton, A.O. Murphy, A. Petterson, K. M. Douglas, The politics of abortion, pregnancy, and motherhood. In D. Osborne & C. Sibley, *Cambridge handbook of political psychology*. (Cambridge: Cambridge University Press, 2022), pp. 272–283.

<sup>14</sup> E. Peer, L. Brandimarte, S. Samat, A. Acquisti, Beyond the Turk: Alternative platforms for crowdsourcing behavioral research. *Journal of Experimental Social Psychology*, 70, (2017), pp. 153–163.

preference among libertarians for men's reproductive autonomy at the expense of women's may be accounted for by hostile sexism – the component of Glick and Fiske's<sup>15</sup> ambivalent sexism theory comprising overtly negative, distrustful sexist antipathy.

Looking at both historical and modern-day manifestations of libertarian ideology, the idea that libertarians' belief in liberty may not extend equally to all people hardly comes as a surprise. Libertarianism's roots can be traced back to enlightenment era philosophers in the 17th and 18th centuries; for example, English philosopher John Locke's theory that the government exists to protect personal and property rights created the foundation for liberal political theory,<sup>16</sup> while Scottish philosopher David Hume was largely responsible for developing the libertarian ideal of spontaneous order, suggesting that an orderly society can arise naturally and spontaneously from the actions of decentralized individuals.<sup>17</sup> However, despite their professed belief in liberty, both of these men had dealings with the slave trade; Locke has been criticized for authoring a document that explicitly supported slavery as well as buying stock in a company that ran the African slave trade in England,<sup>18</sup> while Hume openly encouraged his patron to buy a slave plantation.<sup>19</sup> In more recent times, Austrian economist Ludwig von Mises, a renowned figure in modern libertarianism, wrote favourably of the Italian dictator Benito Mussolini and fascism in general,<sup>20</sup> while Friedrich von Hayek, whose book *The Road to Serfdom*<sup>21</sup> remains an integral libertarian text, supported the regime of Chilean dictator Augusto Pinochet, even recommending his example to British prime minister Margaret Thatcher as a model of the capitalist free-market.<sup>22</sup> Libertarian economist Murray Rothbard was openly against both the women's suffrage movement and the civil rights movement<sup>23</sup> and promoted the idea that police should be permitted to torture criminal suspects.<sup>24</sup> Christopher Cantwell, an alt-right activist and self-proclaimed disciple of Rothbard and other libertarians, perhaps described this phenomenon best when he

<sup>15</sup> P. Glick, S.T. Fiske, The Ambivalent Sexism Inventory: Differentiating hostile and benevolent sexism. *Journal of Personality and Social Psychology*, 70, (1996), 491–512.

<sup>16</sup> D. Boaz, *The libertarian reader: Classic & contemporary writings from Lao-Tzu to Milton Friedman*, (New York: Simon and Schuster, 2015).

<sup>17</sup> D. Boaz, Libertarianism, *Encyclopedia Britannica*, <https://www.britannica.com/topic/libertarianism-politics> [accessed 28 February 2020].

<sup>18</sup> W. Uzgalis, John Locke, Racism, Slavery, and Indian Lands, In *The Oxford Handbook of Philosophy and Race*, (Oxford: Oxford University Press, 2017), p. 21.

<sup>19</sup> F. Waldmann, Further letters of David Hume, *Edinburgh Bibliographical Society*, (2014).

<sup>20</sup> L. Von Mises, trans. by R. Raico, *Liberalism: A Socio-Economic Exposition*, (Kansas City: Sheed Andrews and McMeel Publishing, 1978).

<sup>21</sup> F. Von Hayek, *The road to serfdom*, (London: George Routledge & Sons, 1944).

<sup>22</sup> R. Leeson, *Hayek: A Collaborative Biography*. (London: Palgrave Macmillan, 2013).

<sup>23</sup> M. O'Malley, *Face value: The entwined histories of money and race in America*, (Chicago: University of Chicago Press, 2012).

<sup>24</sup> M. N. Rothbard, *The ethics of liberty*. (New York: NYU Press, 2002).

was interviewed at the far-right protests in Charlottesville, Virginia. Cantwell claimed that he came to racism and anti-Semitism through libertarianism, saying “In libertarian philosophy, nobody ought to be compelled to associate with anyone else ... If blacks are committing crimes, or Jews are spreading communism, discriminating against them is the right of any property owner.”<sup>25</sup>

While libertarianism is surely not represented fairly by these cases alone, there is evidence that in general it translates to support for policies and practices that reinforce dominance hierarchies. In the United States, libertarians are more likely to side with the Republican party than the Democratic party,<sup>26</sup> and Iyer and colleagues<sup>27</sup> found that, much like coinservatives, libertarians placed considerably less importance than liberals on the moral foundations of harm and fairness, potentially rendering them less sympathetic to groups claiming to be oppressed or treated unfairly. Evidence of this can be seen in a 2014 Pew Research Center poll of over 3,000 Americans; while libertarians were considerably more likely than the average American to believe that government aid to the poor does more harm than good, they were equally likely to support (often racially discriminatory) police stop and search procedures, and were only slightly more likely to be accepting of homosexuality.<sup>28</sup> Sociological studies have also shown libertarianism to be strongly represented within alt-right online spaces and political activism.<sup>29</sup>

When it comes to attitudes to women specifically,<sup>30</sup> argued in her book *Justice, gender and the family* that libertarian principles have been developed based on the needs and experiences of men, and libertarianism’s abstract principle of individual autonomy is inherently at odds with a world in which pregnancy, childbirth, and child-rearing exist. These everyday realities bring to light an issue largely ignored by libertarian theorists whereby “the potential lives of some are radically dependent upon (because contained within) the bodies of others.”<sup>31</sup> In general libertarianism has struggled to reconcile the implications of one person’s humanity and autonomy for another’s, and abortion is an issue that almost uniquely tests the boundaries of libertarian principles.

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<sup>25</sup> D. Weigel, Libertarians wrestle with the alt-right. *The Washington Post*, <https://www.washingtonpost.com/news/powerpost/wp/2017/08/24/libertarians-wrestle-with-the-alt-right/> [accessed 24 August 2020].

<sup>26</sup> K.J. Smant, *Principles and Heresies: Frank S. Meyer and the Shaping of the American Conservative Movement*, (Wilmington: Intercollegiate Studies Institute, 2002).

<sup>27</sup> R. Iyer, S. Koleva, J. Graham, P. Ditto, J. Haidt, Understanding libertarian morality: The psychological dispositions of self-identified libertarians. *PLoS one*, 7, (2012).

<sup>28</sup> J. Kiley, In search of libertarians. *Pew Research Center*, <https://www.pewresearch.org/fact-tank/2014/08/25/in-search-of-libertarians/> [accessed 25 August 2014].

<sup>29</sup> D. Ging, Alphas, betas, and incels: Theorizing the masculinities of the manosphere. *Men and Masculinities*, 22, (2019), pp. 638–657.

<sup>30</sup> S. M. Okin, *Justice, gender, and the family* (Vol. 171). (New York: Basic books, 1989).

<sup>31</sup> S. M. Okin, *Justice, gender, and the family*.

Human reproduction and intimacy may pose particular challenges for libertarianism: in this domain not only may men and women's autonomy conflict, but interdependencies between people can become so complex that the abstract concept of individual autonomy starts to lose coherence. More complications then ensue if we begin to regard the fetus as an individual with current or potential claims to autonomy – which many in the political debate wish to do.

Following on from the reversal of *Roe vs. Wade*, further challenges to women's bodily autonomy have (predictably) ensued. In one particularly egregious circumstance, a woman in Alabama was jailed for allegedly using drugs during pregnancy despite the woman in question not actually being pregnant.<sup>32</sup> While far from the only state to criminalise drug use during pregnancy, the law in Alabama is particularly harsh: if a woman has a miscarriage or stillbirth and is found to have used drugs during her pregnancy, the law states she can be sent to prison for 99 years.<sup>33</sup> Future explorations into the role of libertarian ideology in disentangling competing claims of autonomy during pregnancy – as well, of course, as child-rearing in general – have much fertile ground to cover, as incursions upon women as free and autonomous adults become more and more common in a post-*Roe vs. Wade* world.

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<sup>32</sup> A. Yurkanin, Alabama woman jailed for using drugs during pregnancy wasn't pregnant, lawsuit says. Alabama.com Retrieved from <https://www.al.com/news/2022/11/alabama-woman-jailed-for-using-drugs-during-pregnancy-wasnt-pregnant-lawsuit-says.html> [accessed 20 November 2022].

<sup>33</sup> G. Kilander, Pregnant women held in Alabama jail for months to 'protect foetuses' after drug arrests. *The Independent*. Retrieved from <https://www.independent.co.uk/news/world/americas/crime/alabama-pregnant-women-jailed-drugs-b2162098.html> [accessed 8 September 2022].



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