

Department of Philosophy

Guest Lecture Series

The Substance of Substantive Due Process: Autonomy & the Abortion Debate

Feb. 28, 2025 ♦ 3:30 PM ♦ Dickens Hall 207

Trains of thought offered in support of the recent decision in *Dobbs v. Jackson Women's Health Organization* contain the assumption that women are not in possession of reason and therefore have no autonomy, defined as the *capacity* for self-determination and free will, and the ability to act in accordance with moral reasoning. This train of thought follows the moral philosophy of Enlightenment philosopher Immanuel Kant. On this view, owing to their not being in possession of the faculty of reason, women have no capacity to make ethical decisions for themselves around any matter, including the capacity to make decisions about what to do with their bodies. If we can update the right to decisional autonomy contained in the abortion precedents to acknowledge that women are indeed in possession of reason and therefore also have autonomy in the Kantian sense, then a fundamental right to choose (to end one's pregnancy) is a natural fallout of that expansion.

Tina Botts is a Visiting Assistant Professor at Washburn University School of Law. Her experience as a law professor includes having taught at the University of the Pacific, McGeorge School of Law, the San Joaquin College of Law, St. Francis School of Law and Purdue University Global Law School where she has taught courses in Constitutional Law, Race and the Law, Critical Race Theory, Electronic Legal Research, Directed Research in Legal Problems, Academic Legal Writing, and Introduction to Legal Analysis. Her experience as a professor of philosophy and legal studies includes appointments at the University of Michigan, Ann Arbor where she was a Fellow in Law and Philosophy, Oberlin College, where she was a Postdoctoral Fellow, Hendrix College, and the University of North Carolina, Charlotte, where she has taught, in addition to a wide array of philosophy courses, Constitutional Law, Criminal Procedural Law, and First Amendment Law.