



# Against Anti-Abortion Violence

William Simkulet<sup>1</sup> 

Accepted: 29 April 2024

© The Author(s), under exclusive licence to Springer Nature B.V. 2024

## Abstract

Jeremy Williams argues that both anti-abortion and pro-choice theories seem to justify two forms of anti-abortion violence – (1) violence against those that perform abortions, and (2) the subjugation of women seeking abortion. He illustrates this by way of his Death Camps analogy. However, Williams does not advocate such violence; rather he seems despondent over his conclusion. Here I argue Williams' conclusion turns on confusion regarding the restrictivist position and a failure to adequately meet the challenge of Thomson's Violinist case. The Death Camps analogy is incomparable to the practice of abortion because it fails to capture the risks, burdens, and rights relationships present in pregnancy.

**Keywords** Abortion · Anti-Abortion Violence · Rights

## Introduction

Michael Davis contends that a subject is philosophically interesting if there is difficult, but resolvable confusion about fundamental concepts.<sup>1</sup> This describes the abortion debate well, as it resolves around difficult, but in principle resolvable, confusion and disagreement about moral concepts like personhood and rights, metaphysical concepts like personal identity, and empirical facts about human pregnancy, conception, and fetal development. Note, this debate is a matter of applied ethics – how we resolve this confusion has practical implications for how we should live and what social policies we ought to adopt.

---

<sup>1</sup> See Davis, 2003, pp. 353–354.

---

✉ William Simkulet  
Simkuletwm@yahoo.com

<sup>1</sup> Park University, Parkville, US

Jeremy Williams has starkly reminded us that the debate regarding abortion is not merely academic. Though both sides of the abortion debate condemn anti-abortion violence (AAV), Williams argues commonsense anti-abortion positions seem to justify two substantive forms of AAV – (1) violence against medical organizations and individuals that perform abortions and (2) violence against women who seek abortion, including kidnapping (and, on rare occasions, killing) women to prevent abortion.

Williams argues that if we assume fetuses are persons, broadly construed, it makes sense to compare abortion clinics to death camps and contends that violence against such death camps is *prima facie* morally acceptable.<sup>2</sup> However, this isn't part of a pro-choice *reductio ad absurdum* argument; Williams even thinks pro-choice views that believe a fetus becomes a person before birth justify similar violence!<sup>3</sup> Williams *does not* advocate such violence, and, while somewhat despondent, seems hopeful that commonsense abortion views may be able to reject AAV.

Here I argue that Williams' conclusion regarding the moral permissibility of AAV turns on confusion regarding the restrictivist position as well as the position's failure to meet pro-choice challenges like that of Judith Jarvis Thomson's Violinist case.<sup>4</sup> Even if we assume fetuses are persons, abortion is morally incomparable to the frivolous killing of "unwanted" "children" in death camps (Williams, 2021, p. 4). To help resolve this confusion, Section II briefly reviews philosophical views on abortion.

Section III summarizes Williams' Death Camps analogy. In Section IV I argue Death Camps is not sufficiently analogous to abortion to justify AAV. Although this analogy may convey the scale of deaths caused by induced abortion, it fails to capture the risks, burdens, and rights relevant to pregnancy – issues better captured by Thomson-style cases.<sup>5</sup> I argue anti-abortion theorists have good reason to reject AAV *and* anti-abortion restrictivism, the view that abortion should (usually) be illegal, in favor of anti-abortion moralism, the view that abortion is (usually) immoral but should (usually) be legal, if only to guarantee the right to abortion in cases of rape and medical risk.

## Terminology and Views

### "Fetus" from Conception

Abortion literature has adopted a variety of practical, but potentially misleading terminological conventions. Perhaps most ubiquitous is referring to all stages of human development during pregnancy as a "fetus," rather than making a distinction between zygote, subsequent mass of totipotent unspecialized cells, embryo, and fetus stages. This convention helps to make the abortion debate more accessible to laymen but

<sup>2</sup> See Williams, 2021, p. 4.

<sup>3</sup> Ibid p. 3, p. 15–22.

<sup>4</sup> See Thomson, 1971, pp. 48–49.

<sup>5</sup> See Thomson's Violinist Case, Tiny House, Burglar Case, and People Seeds Case. Ibid p. 48–49, 52, 58–60.

comes at a price – it facilitates equivocation between *very* different stages of development – a single-celled zygote with upwards of a 60% chance at being spontaneously aborted<sup>6</sup> and a late term, *viable* fetus – a fetus that can survive outside of the gestational mother’s body.

This convention also begs the question regarding personal and numerical identity. Anit-abortion theorist Don Marquis argues that we are inherently human organisms, but during totipotency, before cell specialization begins, it wouldn’t make sense to say the mass of cells is one organism.<sup>7</sup> Twinning and chimerism occur at this stage; any one cell can become a distinct organism, and multiple groups of cells can fuse to form a single organism. Thus, for Marquis, none of us were ever zygotes; we came into existence at the embryonic stage. Similarly, Jeff McMahan and Derek Parfit contend that we are minds, not bodies; as such we come into existence when our mind does, months after conception.<sup>8</sup>

### Persons, Rights, and Duties

Most opposition to abortion turns on the belief that “a fetus is the sort of being whose life it is seriously wrong to end” (Marquis, 1989, p. 183) – conventionally, that it is a *person*, broadly construed; where “person” is meant to pick out one of many disparate, competing theories of what makes us morally relevant – that we are biologically human organisms,<sup>9</sup> substances capable of reason,<sup>10</sup> have a future it would be wrong to deprive us of,<sup>11</sup> are moral agents, rightsholders, etc.

Many pro-choice theorists argue fetus are *not* persons.<sup>12</sup> However, Thomson’s Violinist case has shifted much of the debate regarding abortion from difficult questions regarding the moral status of the fetus to more accessible questions regarding rights. Thomson’s defense of abortion rights rests upon *a priori* claims about rights, rather than partially *a posteriori* claims about fetuses.

*Violinist* You are kidnapped and attached to a famous, innocent, unconscious violinist suffering from a kidney ailment that will kill him unless he remains connected to your circulatory system for 9 months. (Adapted from Thomson, 1971, pp. 48–49.)

The violinist uncontroversially has a right to life, but Thomson argues that intuitively you can disconnect yourself from the violinist... even if this leads to his death. The right to life is not a (positive) right to be given what one needs to survive, but a (negative) right not to be killed unjustly.<sup>13</sup> Thus, even if we assume the fetus is a person with a full right to life, this right alone doesn’t entitle the fetus to use the

<sup>6</sup> See Leridon, 1977 and Boklage, 1990.

<sup>7</sup> See Marquis, 2007.

<sup>8</sup> See McMahan, 2002, 2007 and Parfit, 2012.

<sup>9</sup> See Mulder, 2013.

<sup>10</sup> See Lee & George, 2005; Beckwith, 2007, George & Tollefsen, 2008.

<sup>11</sup> See Marquis, 1989 and Blackshaw & Hendricks, 2020.

<sup>12</sup> See Warren, 1973 and English, 1975.

<sup>13</sup> See Thomson, 1971, pp. 56–57.

mother's body. Anti-abortion theorists need to do more than show a fetus is a person, they must show its gestational mother has a duty to provide for it.

How might they do this? Many contend that women give their consent to pregnancy when they consent to sex because pregnancy is a foreseeable consequence of sexual activity... but Thomson preempts this criticism:

But this won't do-for by the same token anyone can avoid a pregnancy due to rape by having a hysterectomy, or anyway by never leaving home without a (reliable!) army. (Thomson, 1971, p. 59.)

David Boonin supplements Thomson's response, arguing that even if one does consent, intuitively one may withdraw consent, even if it leads to the death of the person you consented to aid.<sup>14</sup>

Williams challenges Thomson's analogy, arguing that induced abortion is incomparable Violinist because the violinist case merely disconnects the violinist and lets him die, whereas most induced abortions kill the fetus; likening killing abortions to dismembering the violinist.<sup>15</sup> There are two problems with this response. First, most contemporary induced abortions are medication abortions which do not kill the fetus, but "merely" prevent it from attaching to the uterus, letting it die.

Furthermore, while most surgical abortions involve killing the fetus, *all* surgical abortions can be done so that they "merely" disconnect the fetus from the woman. Disconnect abortions, such as abortion by hysterectomy, are far more invasive and medically risky than those that kill the fetus. Elsewhere I've argued that if anti-abortion theorists believe killing abortions violate a fetus' rights, but disconnect abortions do not, then they don't really oppose abortion, but rather how (surgical) abortion is normally performed.<sup>16</sup>

One way around this problem would be to reject the distinction between killing and letting die. However, critics<sup>17</sup> note that such a move would be far more demanding than anti-abortion theorists seem to realize, requiring them to make tremendous sacrifices to help those suffering and dying from lack of food, shelter, and medical care.

Rather than appeal to a distinction between killing and letting die, anti-abortion theorists would be better served to argue that (some) gestational mothers have special obligations to their fetus that makes it wrong for them to either kill it *or* let it die. For example, Marquis argues that gestational mothers are parents to their fetuses, and parents have special moral obligations to their children.<sup>18</sup> Though, as I note elsewhere, Marquis fails to show why a mere biological category makes a moral difference.<sup>19</sup>

Second, Williams' response overlooks moral reasons why one might pursue abortion. Williams claims that most of us "intuitively rebel" against the idea of dis-

<sup>14</sup> See Boonin, 2002, pp. 164–167.

<sup>15</sup> See Williams, 2021, p.17.

<sup>16</sup> See Simkulet, 2020, p. 95.

<sup>17</sup> See Murphy, 1985 Ord, 2008; Lovering, 2013, 2014, 2017; Simkulet, 2016, 2017, 2020; Berg, 2017.

<sup>18</sup> See Marquis, 2002, 2010.

<sup>19</sup> See Simkulet, 2018, p. 14 and Marquis, 1989, p.186.

membering the violinist (Williams, 2021, p. 17). In *Violinist* there is no reason to dismember the unconscious violinist. However, it's easy enough to construct a case where securing your welfare would require dismemberment.

*Vampires:* Vampires kidnap you and restrain you to harvest your blood. But don't worry, you overhear them saying they'll "return you to the wild," in 9 months... if you survive. Vampires, it seems, do not see humans as people, but mere cattle. One night, you escape, only to be hunted by a vampire. Unfortunately, vampires regenerate from conventional wounds quickly; but it occurs to you that you can be rid of him if you dismember him and bury his dismembered parts across the world. Because he's a vampire, he won't die; but he will not be able to recapture you until he pulls himself together.

I doubt many of us would object to dismembering a vampire to secure our freedom. Critics will argue that such a case is disanalogous to pregnancy and *Violinist*, as your attacker is responsible for the infringement on your liberty; but this merely highlights the difficulty of constructing a perfectly analogous example. Consider the following:

*Parasite:* Aliens kidnap you and restrain you to serve as the host for their parasitic offspring. You overhear them saying they'll "return you to the wild," in 9 months... if you survive. As it so happens, the parasitic offspring regenerates from conventional wounds, and the only way to free yourself will be to dismember it, and it will die.

The aliens, and their parasitic offspring are persons by assumption, and the offspring is innocent, but to disconnect it from your body, you must dismember it. Few would recoil against this, but again critics might argue this case is disanalogous to pregnancy as it dehumanizes the fetus by likening it to an alien parasite.

Thought experiments like these can be invaluable tools to engage in *a priori* reflection regarding our rights and duties, but analogies inherently cannot be identical to the situations they're analogous to; there will be some differences. What matters is the argument that the analogy is in service of; disanalogous aspects of a case can help highlight where the argument may go wrong.

#### Four Views on Abortion

Nancy Davis discusses three views on abortion beginning with the *moderate* view, that abortion is often morally defensible, and contrasts it with two extremes, the *restrictivist* view, which contends that abortion is wrong except in cases where the mother's life is at risk, and the *permissivist* view, which contends that abortion is almost always morally acceptable.<sup>20</sup>

<sup>20</sup> See Davis, 1984, pp.175–176. For Davis, the restrictivist may believe abortion is defensible in *some* cases to preserve the mother's life, but argues the restrictivist should either adopt a more moderate view, or a more extreme view. She also claims the permissivist may believe abortion is indefensible in some extreme circumstances, though she doesn't go into detail about what these may be.

Williams notes that many critics of abortion characterize themselves as “pro-life,” but, following Davis, thinks it is better to describe their position as restrictivist. Williams seems to use the term to describe commonsense opposition to abortion, but this invites us to equivocate between those anti-abortion theorists who are willing to make exceptions in cases of (a) rape and (b) when the mother’s life is in danger, and what Thomson calls the *extreme view*, which will not even make these exceptions.<sup>21</sup>

For our purposes, it will be practical to discuss four views on abortion, divided by two criteria – (i) their legal stance on abortion, and (ii) how often they make exceptions.

	Anti-Abortion	Pro-Choice
Many Exceptions	Moderate Restrictivist	Moderate Libertarian
Few Exceptions	Extreme Restrictivist	Permissive Libertarian

*Restrictivism* is the view that abortion ought to be illegal. Most restrictivists also believe abortion is immoral. *Moderate restrictivists* believe the law should make exceptions and allow abortion in some cases, such as (a) rape and (b) to protect the mother.<sup>22</sup> *Extreme restrictivists* do not make any exceptions.

*Libertarianism* is the view that abortion ought to be legal.<sup>23</sup> *Moderate libertarianism* is most comparable to Davis’s moderate view, as they believe most abortions should be legal. Although moderate anti-abortion moralists believe abortion is usually immoral, many embrace moderate libertarianism fearing restrictivist policies would be incapable of making exceptions for rape or medical risk.

Finally, the *permissivist libertarian* holds that abortion should be legal in most situations. Thomson says “It would be indecent in the woman to request an abortion, and indecent in a doctor to perform it, if she is in her seventh month, and wants the abortion just to avoid the nuisance of postponing a trip abroad” (Thomson, 1971, pp. 65–66); however a permissivist might argue such a woman has the right to do.<sup>24</sup>

## The Death Camps Analogy & Anti-Abortion Violence

### Death Camps

Williams contends that there are two reasons to think restrictivist views are “at... risk of justifying acts of AAV” (Williams, 2021, p. 3): (1) the moral status of the

<sup>21</sup> See Thomson, 1971, p. 50.

<sup>22</sup> Some moderates might also be willing to exceptions for cases of (c) incest, or (d) when the fetus’s life is not worth living in some sense. Laura Purdy’s discussion on what constitutes a minimally satisfying life may help explain why one might make exception (d). See Purdy, 1995a, b. These latter exceptions are problematic; (c) seems to stem from confusion about incest, perhaps equivocating it with (a) or (d); however many children born of incest can live normal, healthy lives, and are not the result of rape.

<sup>23</sup> The view is named to evoke the idea that a woman’s right to abortion is derived from her right to liberty. See Simkulet, 2016, p. 374.

<sup>24</sup> I am hesitant to describe the permissivist view as extreme; rather I take it most permissivists likely do not believe the fetus is a person with rights, so their killing at any stage for any reason is largely unproblematic.

fetus being aborted, and (2) the scale of the practice. First, most restrictivists believe fetuses are persons from conception, or soon afterward; this is to say that every induced abortion involves a tragedy on par with the death of a born person. Second, Williams contends that thousands of abortions occur each year, so it makes sense “to liken abortion clinics to abattoirs and death camps” (Williams, 2021, p. 4). Williams then asks us to consider the following case:

*Death Camps:* A country has set up death camps. For whatever reason, parents can drop off their sedated children to be slaughtered before the sedation wears off. These camps are only lightly guarded. Peaceful means of shutting down the camps have failed. (Adapted from Williams, 2021, pp. 4–5.)

He says “I take it that, under these conditions, very few would deny that it would be permissible (if not, depending on the level of risk to the rescuers, obligatory) for the members of some guerrilla resistance to resort to violence, within the usual moral constraints, to effect the closure of the camps, and eliminate the threat to the children” (Williams, 2021, p. 4).

Though light on the details, this thought experiment carries with it some terrifying emotive weight; however, below I argue that it fails to represent the relevant issues associated with the practice of abortion.

Yet, even if abortion clinics are *not* like death camps, we might still reasonably ask what obligations one would have if they *believed* them to be. Competent moral agents have a *prima facie* moral obligation to do what they think is right, so confusion can yield implications that unconfused agents would find bizarre; for example, an otherwise competent cancer patient who believes *snake oil* cures cancer might have a *prima facie* obligation to take snake oil. Similarly, a confused anti-abortion theorist that believes abortions clinics are relevantly like death camps may have a *prima facie* moral obligation to treat them as such.

Oddly, Williams talks as though only a (fringe) guerilla resistance should resort to violence; but this seems to underestimate the call to action in Death Camps; which evokes images of the atrocities of World War II Nazi concentration camps. When discussing the problem of circumstantial luck, Thomas Nagel says the following:

Ordinary citizens of Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test. But it is a test to which the citizens of other countries were not subjected, with the result that even if they, or some of them, would have behaved as badly as the Germans in like circumstances, they simply didn’t and therefore are not similarly culpable. (Nagel, 1976, pp. 146–147)

In Death Camps, ordinary citizens of Williams’ country face the same challenge as ordinary German citizens; as such it is not merely some guerilla resistance that ought to oppose these horrible killings, but everyone... at least everyone who believes they are really death camps. Similarly, on this view any anti-abortion theorist that believes

Death Camps is relevantly analogous to the problem of abortion has a *prima facie* obligation to use violence to prevent atrocities.

One difference between confused anti-abortion theorists and our confused cancer patient is the degree of harm caused if they are wrong. If the cancer patient is wrong and snake oil doesn't cure cancer, no one is substantively worse off. However, if the confused anti-abortion theorist is wrong and they bomb a hospital thinking it a death camp, lots of people are worse off... and they've done the very thing they purport to oppose – kill innocent persons.

## Anti-Abortion Violence

Williams discusses two forms of AAV – (1) violence against the organizations and individuals that perform abortion, and (2) violence against women who seek abortion.

### Violence against Abortionists

This would involve sabotaging or destroying abortion equipment and facilities, making it more difficult and costly for medical professionals to perform safe abortions. The financial risk alone might disincentivize medical organizations from offering abortions. Killing abortion providers will prevent those physicians from performing abortion. Indiscriminate killing of medical professionals and patients at hospitals providing even emergency abortion may further disincentivize the medical community from offering, or even learning how to perform abortions.

One problem with this first form of AAV is that it doesn't seem as though it will stop abortion, but merely make abortion less safe. Bertha Alvarez Manninen argues that restrictive abortion laws do not prevent abortions, rather women will just abort illegally, often at far greater medical risk.<sup>25</sup> Similarly, even if AAV massacres all medical providers and demolishes all medical facilities, women seeking abortion would hire unqualified help or try to induce abortion themselves.

Williams contends that violence in Death Camps is justified to “eliminate the threat to the children” – *not* as a form of retribution or punishment for past immoral actions (Williams, 2021, p. 4). However, even without abortion providers, women will seek abortion, so AAV against abortion clinics will fail to prevent most abortions, so even if AAV is justified, AAV against abortionists seems unjustified.

### Violence against Women

Second, Williams discusses targeting pregnant women seeking abortion. The rationale here is clear; restrictivists believe these women to be would-be killers willing to violate the fetus's right to life. If violence is justified to protect the innocent, then anti-abortion theorists seem to be committed to the view that AAV against pregnant women seeking abortion is morally justifiable.

Of course, killing these women, Williams contends, would likely defeat the purpose, “But there is at least one exception here, where the fetus is viable, and an emer-

<sup>25</sup> See Manninen, 2019.



gency Caesarean can immediately be performed” (Williams, 2021, p. 6). Instead, Williams suggests kidnapping and restraining pregnant women to force them to give birth, even if this causes “them severe pain or permanent injury” (Williams, 2021, p. 7).

Logistical problems abound; kidnappers must minimize chances the woman will hurt herself or the fetus, or that authorities will find them, while also staying close to emergency medical care. Medically savvy kidnappers might provide nonconsensual care for kidnapped women in isolated locations but will still need to secure food and costly medical supplies.

A more practical, though grotesque, strategy would involve kidnapping women seeking abortion, lobotomizing them so they are incapable of consenting to abortion, then dumping them near a local hospital so they get the emergency care they need.

Extremists might kidnap and lobotomize all women seeking abortion, while moderate restrictivists face the challenge of identifying exception cases before lobotomizing their victims. They might steal private medical records and kidnap only women that schedule abortion for reasons restrictivists don’t make exceptions for, but abortion providers might refrain from keeping records, or fake records (say by writing “rape victim” on every record). *All* pregnancies are medically risky, so a physician could reasonably note medical risk as a justification for all abortions.

These proposals seem horrible, but remember the scale of the problem. It’s easy to imagine resistance using such tactics to identify and help Jewish people escape Nazi persecution during World War II, or members of the underground railroad similarly help slaves escape to the North before the American Civil War. In short, for Williams, the stakes and the scale of the problem of abortion may justify violating all women’s right to medical privacy, enslaving or lobotomizing pregnant women to serve as incubators.

Alternatively, medically savvy restrictivists might practice “catch and release,” and kidnap all pregnant women seeking abortion, then release them unharmed if there is evidence of rape, a medical exam indicates the mother’s life is at excessive risk, a DNA test indicates incest, or the medical tests indicate the fetus will not live a minimally satisfying life, such as an anencephalic fetus. On Williams’s view, it seems this form of AAV is justified.

### Pro-Choice Anti-Abortion Violence

Many supporters of abortion rights believe that fetuses become persons at some point prior to birth, such that late-term abortions are *prima facie* immoral, especially when the fetus is viable and can be removed (relatively) safely. Williams contends these theorists are “vulnerable” to justifying AAV (Williams, 2021, p. 16). He says:

For on such views, in cases where abortion remains unjustified, yet nonetheless occurs, the unjust killing of a person takes place. And this re-opens the door to violent resistance — the more so, of course, as the number of deaths increases. (Williams, 2021, p. 16)

If we assume AAV is justified to eliminate the threat to the fetus, then the libertarian would not be justified in AAV against abortion providers, as women will merely seek other ways to perform abortion. However, AAV of the second kind might be justified if a woman were to seek abortion after the fetus becomes viable.

Challenges faced by the libertarian kidnapper may be less than those faced by restrictivist kidnappers. For example, suppose libertarian kidnappers learned a woman was seeking to abort in her seventh month to avoid postponing a trip; rather than lobotomize the woman, they might merely perform nonconsensual surgery and remove the viable fetus and place it in an incubator to finish developing.

But what of permissivists? Nancy Davis says the permissivist holds “abortion is generally morally defensible: although there may be (extreme) circumstances in which it should be overturned, there is a presumption that abortion is morally defensible” (Davis, 1984, p. 176). Permissivists who believe fetuses are not (yet) persons may have no reason to oppose even late-term abortions, except perhaps in some unspecified extreme circumstances.<sup>26</sup> Meanwhile, permissivists who believe fetuses *do* become persons during pregnancy *still* believe abortions are justified with few exceptions. Perhaps this belief turns on a robust respect for personal liberty. In either case, it seems the permissivist view doesn’t justify AAV.

Note, however, that this discussion of pro-choice views has focused on the moral status of the fetus; but Williams suggests AAV justification turns on both the status of the fetus and the scale of the practice of abortion. As it so happens, most induced abortions occur early in pregnancy, before most pro-choice theorists believe fetuses have a moral status, and most late-term abortions are justified for medical reasons. Any unjust killing is a cause for concern, but even if some physicians perform elective late-term abortions and lie regarding their medical necessity, the scale of this problem would fall far short of justifying AAV on Williams’s view.

The implications discussed here have been altogether rather unpleasant, but keep in mind all this turns on the assumption that Death Camps is relevantly analogous to the practice of abortion. If a woman exercising control over her body by disconnecting a fetus is comparable to parents senselessly killing their children, then AAV may be justified to eliminate the threat. But until now we have only been assuming Death Camps is relevantly analogous to the practice of abortion, and in the next section I argue this is not so.

## On Death Camps

Some restrictivists compare the practice of legal abortions to death camps. Williams runs with this analogy, constructing Death Camps, a case in which swaths of children are killed in their sleep. He contends that violence against such death camps would be justified, so if restrictivists genuinely believe abortions are like death camps, “the pat-

<sup>26</sup> For permissivists who believe fetuses lack moral status, the wrongness of abortion would need to be grounded elsewhere. George Harris argues that some abortions may be *prima facie* wrong because they violate a father’s morally legitimate interest in procreation. One might ground the extraordinary wrongness of abortion for such theorists in rights other than those possessed by the fetus. See Harris, 1986.

tern of reasoning that justifies intervention in Death Camps extends fairly smoothly to the justification of AAV” (Williams, 2021, p. 5).

This section discusses three objections to Williams’ analysis – I argue (1) William’s interpretation of the death camp analogy is uncharitable, (2) Death Camps is disanalogous to abortion because it fails to convey the risks and burdens of pregnancy, and (3) Death Camps fails to illustrate the rights relationships in the practice of abortion.

### Uncharitable Objection

One of the weirder aspects of Williams’s discussion is his attempt to distance himself from the argument for AAV. He makes it clear that *he* is not arguing for anti-abortion violence, but rather if the restrictivist position is true, then *they* should believe AAV is justified, despite restrictivist condemnation thereof. In other circumstances, this might be part of a *reductio ad absurdum* argument against the restrictivist position – everyone agrees that AAV is unacceptable, but restrictivism justifies AAV, so restrictivists should either (i) abandon restrictivism or (ii) condone AAV.<sup>27</sup> However, Williams doesn’t consider the first option, saying:

Although it seems to many of us distasteful and inflammatory to liken abortion clinics to abattoirs and death camps, as the less diplomatically-minded anti-abortion campaigners do, this rhetoric would not be hyperbolic if Restrictivism were correct. (Williams, 2021, p. 4)

Here Williams seems to pawn off the idea of comparing abortion clinics to death camps onto the restrictivist, but notably neglects to give examples of restrictivists using such language. Furthermore, he suggests these restrictivists are merely speaking hyperbolically, but that if we assume “the truth of Restrictivism”, then they shouldn’t really believe such a comparison is hyperbolic (Williams, 2021, p. 5).

Williams seems to be working with three distinct death camp analogies – ( $DC_{R1}$ ) the claim restrictivists make that abortion clinics are hyperbolically like death camps, ( $DC_{R2}$ ) the claim restrictivists *should* make that abortion clinics are non-hyperbolically like death camps, and ( $DC_W$ ) the claim that abortion clinics are analogous to the death camps found in his Death Camps thought experiment. For Williams,  $DC_W$  justifies AAV, and  $DC_{R2}$  is comparable to  $DC_W$ , so restrictivists should believe AAV is justified as well.

This analysis seems rather uncharitable, as it suggests the restrictivist is unfamiliar with the implications of their own view and while speaking hyperbolically accidentally stumble across a truth that justifies AAV.

Suppose, however, that restrictivists are not speaking hyperbolically; but that they believe abortion clinics are genuinely like death camps in some ways, but not in others. Analogies are inherently imperfect; there will always be disanalogous aspects to any analogy; for example, love may be like a rose in some ways, but not in others. It strikes me there are two ways in which a restrictivist might compare abortion clinics

<sup>27</sup> For a discussion of similar arguments, see Colgrove et al. (forthcoming).

to death camps – first, in purpose ( $DC_T$ ) and second, in scale ( $DC_S$ ). Neither is hyperbolic nor implies the permissibility of AAV.

First, ( $DC_T$ ) restrictivists might mean that abortion clinics are *teleologically* like death camps; that their purpose is to bring about the death of fetuses like a death camp's purpose might be to bring about the death of those in the camp. By itself, this teleological comparison cannot justify AAV. It is also misleading, as abortion is a medical procedure aimed at ending a pregnancy, not harming the fetus.<sup>28</sup>

Second, ( $DC_S$ ) restrictivists might mean that abortion clinics kill fetuses *on the scale* of death camps; that the numbers of fetuses killed at abortion clinics is comparable to the numbers killed at death camps. Scale alone cannot justify AAV; for example, the efficiency and output of the Model T assembly line doesn't justify violence against Ford. Of course, restrictivists believe abortion is wrong, but the mere fact a wrong thing is performed efficiently in high numbers doesn't justify violence. For example, tax preparation places may efficiently help many Americans to immorally cheat on their taxes, perhaps under the guise of a clerical error; but this alone wouldn't justify violence against tax preparation places.

Of course, restrictivists don't *only* believe that abortion clinics are like death camps in such and such ways, most also believe that fetuses are persons. Some believe the fetus's moral status alone is sufficient to show abortion is immoral; others believe gestational mothers have special obligations not to abort. Taken as a whole, restrictivists believe abortion is immoral in most cases, but it's far from clear that these analogies, even coupled with the other beliefs, are sufficient to justify AAV. Indeed, insofar as most restrictivists condemn AAV, it would be uncharitable to interpret them as believing abortion clinics are comparable to the camps in Williams' Death Camps analogy.

In the next two subsections I argue Williams' Death Camps is disanalogous to pregnancy in two substantive ways – it fails to capture the risks and burdens of pregnancy and fails to capture the rights of the fetus and gestational mother. While restrictivists may believe that most abortions are, all things considered, immoral, it would be uncharitable to interpret most restrictivists as turning a blind eye to these issues.

## Risks & Burdens

Williams' Death Camps paints a dystopian picture of a country that senselessly kills children for no reason and where peaceful attempts to stop the slaughter have failed.

<sup>28</sup> Many anti-abortion theorists talk as though the *telos* of abortion is killing the fetus, rather than ending the pregnancy, but this is either hyperbole or uncharitable. To illustrate this, suppose physicians were able to teleport a fetus directly from the womb to an ectogenesis device that would allow the fetus to develop outside the mother's womb. If we assume women seeking abortion believe that fetuses are persons, it strikes me as uncharitable to assume they'd choose abortion over teleportation ectogenesis. Remember, too, that most contemporary abortions are medication abortions that "merely" let the fetus die, rather than killing it, and that most surgical abortions can remove the fetus to let it die outside the womb, rather than kill it, albeit with much greater risk to the mother. It would be uncharitable to interpret most anti-abortion theorists as unaware of this, and it would be uncharitable to interpret them as primarily concerned with *how* abortion is performed, rather than *if* it should be performed at all. In light of this, anti-abortion claims that the *telos* of abortion is killing are likely hyperbolic.

Let us assume violence is justified to shut down *these* camps and against parents dropping their children off to be slaughtered.

Williams' Death Camps analogy is disanalogous to the practice of abortion. Two disanalogous aspects of the case stand out, aspects of the case that Williams' is silent on, but that have clear answers in real cases of abortion – (i) why parents drop off their children and (ii) why the children are killed.

In real abortion cases gestational mothers request abortion for many reasons. Some might request abortion for frivolous reasons – to avoid postponing a trip,<sup>29</sup> to hurt a man,<sup>30</sup> etc. But such incendiary cases only serve to obscure the fact that pregnancy is inherently medically risky and burdensome. It can also be a crippling financial burden, even if the gestational mother gives the child up for adoption.

Of course, if the financial burden of pregnancy is a substantive contributing factor to the scale of abortion, anti-abortion theorists could reduce the number of abortions by making healthcare more affordable. Note that for Williams, violence is only justified if peaceful means have failed, but if anti-abortion theorists do not offer to provide medical care and compensation for unwanted pregnancies, then restrictivists cannot say they've tried all peaceful means to stop abortion.

Moderate restrictivists believe abortion is justified to save the mother's life, but believe most abortions are unjustified. This leaves restrictivists in the unenviable position of "drawing a line" regarding what constitutes sufficient medical risk to justify abortion, and the very prospect of doing so threatens to infringe upon both a woman's right to bodily autonomy and a physician's duty to their patient.

Even if we set aside the medical risk, pregnancy saddles the gestational mother with the physical burden to support the fetus and the psychological burdens associated with pregnancy. One could argue that to deprive the woman the right to abort just is to objectify her, to treat her as merely an incubator – a means to support the fetus, and not a person.

Death Camps fails to convey the medical risks and burdens associated with pregnancy and fails to offer a rationale for killing the children. In Williams's case, the children are not a physical burden to their mother's body or their health; and unlike abortion, dropping children off needn't inevitably lead to their deaths; rather those running the camps might just as easily send them to a farm upstate to be raised by willing parents without infringing upon anyone's liberty!

## Rights

Finally, note that Death Camps fails to meet the challenge of Thomson's Violinist case. Thomson argues a person's right to life is not the right not to be killed, but the right not to be killed unjustly. Thomson argues that surgical killing abortions can be seen as cases of letting die,<sup>31</sup> but Williams argues this wouldn't count as letting die.<sup>32</sup> But even if surgical abortions do kill, it's far from obvious they are unjust killings.

<sup>29</sup> See Thomson, 1971, pp. 65–66.

<sup>30</sup> See Harris, 1986, pp. 595–596.

<sup>31</sup> See Thomson, 1973, p. 156.

<sup>32</sup> See Williams, 2021, pp. 16–19.

However, even if we assume surgical abortions *are* unjust killings, and the wrongness of abortion turns on the distinction between killing and letting die, then there is another peaceful option anti-abortion theorists have yet to try – set up their preferred alternative that merely lets the fetus die.

*Alternative Camps* A country has set up death camps. For whatever reason, parents can drop off their sedated, terminally ill children to be slaughtered before the sedation wears off. These camps charge for their services. Critics have set up their own camps, and allow parents, for whatever reason, to drop off their children for free, where they will look after these children until their inevitable deaths.

Alternative Camps, like Death Camps, fails to capture the risks and burdens of pregnancy, but it succeeds in capturing the supposed difference between killing and letting die. If restrictivists and extremists don't really oppose induced abortion, merely how it is performed, then they have failed to try all peaceful solutions. Before resorting to violence, they can set up a non-violent alternative to compete with abortionists who offer killing surgical abortions. Given killing surgical abortions are safer than letting-die surgical abortion, anti-abortion theorists will likely need to win over their potential customers, perhaps by offering them compensation or campaigning to convince women that though achieving the same result through riskier means, letting-die abortions are preferable to killing abortions.

In Death Camps, Williams asserts that peaceful means of shutting down the camps have failed but seems to restrict his discussion to peacefully lobbying the government to shut down the camps. Alternative Camps demonstrates there are other, peaceful options anti-abortion theorists are obligated to try before resorting to violence.<sup>33</sup>

## Conclusion

Williams's Death Camps is terrifyingly evocative, but light on the details and overtly disanalogous to the practice of abortion. Once we address confusion regarding the analogy – such as identifying myriad peaceful alternatives to violence, sorting out the killing/letting die debate, and filling in the details regarding medical risk and burdens, it's clear AAV is not justified.

However, if Death Camps were to succeed in showing restrictivists are justified in AAV, all the worse for those views. Williams notes that both sides of the abortion debate condemn AAV, so if one side seems to necessitate AAV, that is evidence against that side; a *reductio ad absurdum* argument against that view. Williams contends that two features threaten to justify AAV for the anti-abortion theorist positions – (1) the moral status of the fetus, and (2) the scale of the practice. However, the same cannot be said of the average pro-choice theorist, who believes the fetus is not a person early in pregnancy, when most abortions occur. Even though many pro-choice theorists believe fetuses are persons with full moral status late in pregnancy,

<sup>33</sup> See Colgrove, Blackshaw, and Rodger (forthcoming) for a discussion of practical, peaceful alternatives to AAV that abortion critics might first resort to.

the scale of late-term abortions is relatively minor. As such, on Williams' view, only anti-abortion theorists would be committed to the "moral madness" of AAV.<sup>34</sup>

## References

- Beckwith, F. (2007). *Defending life: A moral and legal case against abortion choice*. Cambridge University Press
- Berg, A. (2017). Abortion and miscarriage. *Philosophical Studies*, 174, 1217–1226.
- Blackshaw, B. P., & Hendricks, P. (2020). Strengthening the impairment argument against abortion. *Journal of Medical Ethics*, 5(47), 515–518. <https://doi.org/10.1136/medethics-2020-106153>.
- Boklage, C. E. (1990). Survival probability of human conceptions from fertilization to term. *International Journal of Fertility*, 35(2), 75–94
- Boonin, D. (2002). *A defense of abortion*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511610172>
- Colgrove, N., Blackshaw, B. P., & Rodger, D. (forthcoming). Pro-life hypocrisy: Why inconsistency arguments do not matter. *Journal of Medical Ethics*, *Epub ahead of print*, 121020F20. <https://doi.org/10.1136/medethics-2020-106633>.
- Davis, N. (1984). Abortion and self-defense. *Philosophy and Public Affairs*, 13, 175–207.
- Davis, M. (2003). What's philosophically interesting about engineering ethics? *Science and Engineering Ethics*, 9(3), 353–361. <https://doi.org/10.1007/s11948-003-0032-y>.
- English, J. (1975). Abortion and the concept of a person. *Jane Canadian Journal of Philosophy*, 5(2), 233–243
- George, R. P., & Tollefsen, C. (2008). *Embryo: A defense of human life*. Doubleday
- Harris, G. (1986). Fathers and fetuses. *Ethics*, 96(3), 594–603
- Lee, P., & George, R. P. (2005). The wrong of abortion. In A. I. Cohen, & C. Health (Eds.), *Contemporary debates in applied ethics*. Blackwell
- Leridon, H. (1977). *Human fertility: The basic components*. University of Chicago Press.
- Lovering, R. (2013). The substance view: A critique. *Bioethics*, 27, 263–270.
- Lovering, R. (2014). The substance view: A critique (part 2). *Bioethics*, 28(7), 378–386
- Lovering, R. (2017). The substance view: A critique (part 3). *Bioethics*, 31(4), 305–312
- Manninen, B. A. (2019). Banning abortions won't stop them: What the empirical data tells us. *Daily Nous*. Accessed December 5, 2021. <https://dailynous.com/2019/06/10/philosophers-on-ethics-politics-abortion/#bmanninen>
- Marquis, D. (1989). Why abortion is immoral. *Journal of Philosophy*, 86(4), 183–202.
- Marquis, D. (2002). A defence of the potential future of value theory. *Journal of Medical Ethics*, 28, 198–201.
- Marquis, D. (2007). The moral-principle objection to human embryonic Stem cell research. *Metaphilosophy*, 38(2–3), 190–206
- Marquis, D. (2010). Manninen's defense of abortion rights is unsuccessful. *American Journal of Bioethics*, 10(12), 56–57.
- McMahan, J. (2002). *The ethics of killing*. Oxford University Press
- McMahan, J. (2007). Killing embryos for stem cell research. *Metaphilosophy*, 38, 170–189.
- Mulder, J. (2013). A short argument against abortion rights. *Think*, 12(34), 57–68
- Murphy, T. F. (1985). The moral significance of spontaneous abortion. *Journal of Medical Ethics*, 11, 79–83.
- Nagel, T. (1976). Moral luck. *Proceedings of the Aristotelian society supplementary volumes*, 50, 137–151
- Ord, T. (2008). The scourge: Moral implications of natural embryo loss. *American Journal of Bioethics*, 8, 12–19.
- Parfit, D. (2012). We are not human beings. *Philosophy*, 87, 5–28.
- Purdy, L. M. (1995a). Loving future people. In J. Callahan (Ed.), *Reproduction, ethics and the law*. Indiana University Press
- Purdy, L. M. (1995b). Genetics and reproductive risk: Can having children be immoral? In R. Munson (Ed.), *Intervention and reflection* (4th ed.). Wadsworth Publishing Co

<sup>34</sup> See Williams, 2021, p. 1.

- 
- Simkulet, W. (2016). A critique of Henrik Friberg-Fernros's defense of the substance view. *Bioethics*, 30, 767–773.
- Simkulet, W. (2017). Cursed lamp: The problem of spontaneous abortion. *Journal of Medical Ethics*, 43, 784–791.
- Simkulet, W. (2018). The parenthood argument. *Bioethics*, 32, 10–15.
- Simkulet, W. (2020). Abortion and ectogenesis: Moral compromise. *Journal of Medical Ethics*, 46(2), 93–98.
- Thomson, J. (1971). A defense of abortion. *Philosophy and Public Affairs*, 1, 47–66.
- Thomson, J. (1973). Rights and deaths. *Philosophy and Public Affairs*, 2, 146–159.
- Warren, M. A. (1973). On the moral and legal status of abortion. *The Monist*, 57(4), 43–61.
- Williams, J. (2021). On anti-abortion violence. *Philosophy and Phenomenological Research*. <https://doi.org/10.1111/phpr.12756>. <https://doi.org/10.1111/phpr.12756>.

**Publisher's Note** Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Springer Nature or its licensor (e.g. a society or other partner) holds exclusive rights to this article under a publishing agreement with the author(s) or other rightsholder(s); author self-archiving of the accepted manuscript version of this article is solely governed by the terms of such publishing agreement and applicable law.