
Opinion Piece

The Moral Tableau of Abortion: Why Killing Abortionists Misses the Point

By Zac Alstin

The abortion debate resurfaced in the popular press this year, in response to the murder of the abortionist George Tiller by an alleged pro-life activist. It was a rare opportunity to watch the philosophical battle-lines of the abortion debate unfold in the uncertain light of media attention, and the virtual freedom of a multitude of blogs and web-sites.

The murder was decried by some as an act of domestic terrorism, demonstrating the ultimate invalidity of the anti-abortion cause. Attempts were made to prove a link between the rhetoric and emotion of the anti-abortion activists, and the actions of the individual gunman. Equating abortion with murder, comparing the abortion industry with the Holocaust, and targeting individual abortionists for harassment and public shaming, were subsequently portrayed as causative factors in the assassination. Pro-life groups condemned the killing, and reiterated their rejection of violence as a means of combating abortion. Yet for abortion supporters the death of Tiller was clearly a loss for their cause, and therefore a tacit victory for anti-abortion groups.

This theme was picked up by a few, who argued that the pro-life repudiation of Tiller's assassination in fact demonstrates an underlying hypocrisy in the anti-abortion movement. According to this argument, if pro-life groups truly believe that abortion is murder, then surely the assassination of abortionists could be justified, or even obliged, in defense of the unborn? If human life is at stake, then surely the use of proportional violence must be considered? Indeed, comparisons with the Holocaust seem to urge this conclusion; could there be any more powerful analogy to use in justification of the use of force? Since the majority of anti-abortion groups in fact *reject* this justification for the use of force, proponents of this argument therefore conclude that such groups do not truly believe that abortion is murder. One proponent of this view is the correspondent for *Slate Magazine* William Saletan:

"The reason these pro-life groups have held their fire, both rhetorically and literally, is that they don't really equate fetuses with old or disabled people. They oppose abortion, as most of us do. But they don't treat abortionists the way they'd treat mass murderers of the old or disabled. And this self-restraint can't simply be chalked up to nonviolence or respect for the law. Look up the bills these organizations have written, pushed, or passed to restrict abortions. I challenge you to find a single bill that treats a woman who procures an abortion as a murderer. They don't even propose that she go to jail.

The people who kill abortion providers are the ones who don't flinch. They're like the veterans you sometimes see in war documentaries, quietly recounting what they faced and did. You think you're pro-life. You tell yourself that abortion is murder. Maybe you even say that when a pollster calls. But like most of the other people who say such things in polls, you don't mean it literally. There's you, and then there are the people who lock arms out-

side the clinics. And then there are the people who bomb them. And at the end of the line, there's the guy who killed George Tiller.

If you don't accept what he did, then maybe it's time to ask yourself what you really believe. Is abortion murder? Or is it something less, a tragedy that would be better avoided? Most of us think it's the latter. We're looking for ways to prevent abortions—not just a few this month, but millions down the line—without killing or prosecuting people. Come and join us."¹

This is, of course, not the only answer. Nor is it – I will argue – the right one. The majority of people may not need an answer to this question. They may perceive quite rightly and quite simply that the murder of abortionists is wrong. Yet it would be instructive and intriguing to ask the question 'Why?' and to receive a satisfactory response.

Some have argued that the wrongness of Tiller's assassination lies in its illegality. America is a sovereign state under the rule of law, and the assassin did not have legitimate authority to take matters into his own hands. I find this argument unsatisfactory (those who are interested in pursuing it may seek it out in more detail). It suggests, for example, that the killing of abortionists might be legitimate for someone who *does* possess legitimate authority – presumably the state, in the form of punishment by execution; or a police officer, acting in defense of the unborn child, when other means are exhausted. I also wonder if this argument gives sufficient credit to the individual's moral duty to act in defense of the innocent, even if so doing would mean breaking an unjust law, such as that which protects abortion?

Another concern raised by some opponents of abortion was that the assassination of Tiller will prove *strategically* harmful to the anti-abortion cause in the long term. In other words, killing Tiller may have saved lives, yet more lives will be lost because the anti-abortion cause has been tarnished in the eyes of the public. Abortions will continue until the law is changed, and the killing of abortionists impedes the changing of the law, therefore the killing of abortionists must be rejected.

Yet as an argument against killing abortionists, this is also unsatisfactory. In attempting to weigh up the strategic value of Tiller's murder, it draws on a utilitarian rationale, and does not explain the ethical nature of the assassination itself. Strategy may be important, but its importance does not trump moral absolutes. Furthermore, such strategic calculations presume that we can know fully the ramifications of Tiller's assassination, and the likelihood of legal victory. Yet these things are by no means guaranteed.

For example, the assassination of Tiller will not stop abortions from being performed throughout the United States. Yet Tiller was – according to media reports – one of only three people in the US who still perform late-term abortions. While the murder

¹ <http://slate.com/id/2219537>

of Tiller may or may not adversely influence long term efforts against abortion, it has undeniably made it more difficult for Americans to access late-term abortion. Would two more such assassinations put an end to all late-term abortions in America? Or would it encourage other abortionists to step forward and begin offering the same service? These questions are not easy to answer, but demonstrate the dangers of preferring strategic considerations over ethical ones.

The Simple Solution?

Abortion is the intentional killing of an unborn human. By definition, such humans are innocent, hence their killing is an act of murder, hence abortion *is* murder.² Abortion supporters have tried all manner of argument to deny this conclusion, and these efforts have been dealt with exhaustively. To reiterate: murder is the intentional killing of an innocent human. These four elements are the essence of murder: innocence, intent, killing, and human life.

The assassination of abortionists is arguably *not* murder. Although an abortionist is most certainly a human being, his involvement in the act of murder that constitutes abortion renders him no longer innocent. Ethics allows for not-innocent humans to be killed in several circumstances, the most relevant of these is the circumstance of *self-defense*. Killing in self-defense is *not* murder because it only meets two of the necessary four criteria: it is indeed killing, and the one killed is a human. But it is not intentional because the defender's intent is not to kill, but to defend himself, or another, with proportional force. In addition, the one killed is not innocent, due to his actions against the killer, i.e.: the actions that made self-defense necessary.

It would therefore seem plausible to argue for the killing of an abortionist in defense of the unborn. The abortionist is not innocent, due to his lethal assault upon the unborn human. His killing would not be intentional, but rather the proportional defense against his lethal assault (taking into account that unless paralyzed or killed he will continue to perform abortions). The principle of double-effect allows for an aggressor to be killed as the necessary yet unintended outcome of defending against the act of aggression. This principle, however, demands that the act of defense be proportional to the act of aggression/assault. It would not be proportional to shoot dead an aggressor who clearly intended only to intimidate, verbally abuse, or cause property damage. In other words, you can't bring a knife to a fist-fight, but you *can* bring a gun to a knife fight.³

So there is potentially a rationale for the use of force against abortionists,⁴ and I do not believe this rationale is defeated by either the strategic objection, or the legitimate authority objec-

tion. In other words, this rationale seems intuitively false, but not for the reasons mentioned. It seems that there are moral subtleties at play in the abortion issue, which must be fully comprehended for us to get at the heart of this question. I suspect – for example – that if this were an issue of infanticide rather than abortion, the use of forceful intervention by members of the public could be justified on the preceding grounds of self-defense, and would be more widely regarded as a legitimate path. There are practical reasons why this is the case, yet these practical reasons – the reality of the situation – have ethical significance.

Despite a sound ethical basis for the belief that abortion is murder, those who hold this belief have not taken up arms against the men and women who perform abortions. Why is this the case? Should it be the case? What more can ethics tell us about this situation?

The Moral Tableau

To have ever thought that the killing of abortionists is the correct ethical response to abortion, is an error produced by an incomplete consideration of what we might call the 'moral tableau'.⁵ The moral tableau of abortion refers to the situation in its entirety, whereby we are obliged to recognise the culpability, cooperation, and hence the causal roles of all relevant moral agents. In the study of ethics we frequently draw on our knowledge of such situations, a knowledge which is informed both by reason and observation. In theory then, an experienced ethicist will have developed his ability to analyse complex scenarios with great breadth and accuracy. Ethical proficiency depends upon such a profound understanding of reality. It is therefore within our capacity as ethicists to go beyond the initial question of the morality of abortion, to determine also the principles and forces behind abortion as a social problem.

Considering abortion from this perspective will show that those who sympathise with the assassination of Tiller as a solution to the abortion problem have put inordinate emphasis on the role of the abortionist. Those who see the killing of abortionists as the end of the abortion problem are thinking consequentially.

The error lies in our imperfect distinction between abortion as a moral wrong, and the entirety of the abortion problem within society. For example, we all know that murder is wrong, and we know that mass-murder is somehow more wrong than an individual murder. Yet mass-murderers or serial murderers are not charged with a *single* crime of mass-murder, but with a multitude of individual crimes. Likewise, for those of us who know that abortion is wrong, it is easy to see that performing many abortions is somehow more wrong; yet we must remember that each abortion is *individually* a problem – the murder of an individual human.

It is indeed significant that Tiller had – according to some – performed more than 60,000 abortions throughout his career. But

2 Strictly speaking, murder is defined as unlawful killing of a human. However, to avoid the error of legal positivism, the law must be supported with valid ethical principles. In the context of this paper, murder is therefore understood to mean the intentional killing of an innocent human. From a legal perspective, assassinating abortionists is certainly murder, while abortion is not. Yet these are precisely the contended issues!

3 One could also bring a knife to a gun fight, but as the saying suggests, this is generally considered imprudent.

4 Though a deeper analysis of the self-defense principle in this context might still conclude that the assassination of Tiller was nevertheless still an act of murder and therefore unjustifiable on those grounds. It is, however, not the purpose of this paper to pursue that line of argument.

5 A tableau is a representation of a scene. Since moral problems are derived from real or potential scenes, it is beneficial to refer to some internal or external representation of that scene, so that our ethical reflections may be grounded in the appropriate context. The scene must accurately reflect reality, to allow for sound moral conclusions.

if killing Tiller in defense of the unborn is justified, it should be justified as much for one abortion as for *any* number. How are we to determine the moral weight of 60,000 abortions unless we first determine the moral weight of a single abortion?

In other words, the proliferation of abortion can be classified as a social problem, but when we consider what to do about it, we must return to the essence of the problem. The essence of the problem lies in the individual abortion.

The Nature of Pregnancy

To understand how a thing has gone wrong, we must begin by knowing how it goes right. Let us therefore forget about Tiller, murder, and abortion for now, and focus our attention with fresh minds on the tableau that characterises pregnancy. It should be immediately evident that at the centre of this tableau is a mother, a pregnant woman, which means a woman with child. The woman is quite literally *with* her child; her child is *with-in* her – a life within a life, a human within a human.

This circumstance is unequalled. At no other time and in no other fashion does one human live within another. This unique circumstance is not accidental – that is, it is the nature of human procreation and of motherhood and of pregnancy that the child grows within its mother. Pregnancy is therefore not only a life within a life, but is also the natural function and purpose of the human reproductive system.⁶

With this reality in mind, an appreciation of the moral implications may follow. First, as a life within a life, the rights of the unborn child are coextensive with the rights of the mother.⁷ Ideally, the rights and hence the good of the mother correspond with, and protect, the rights and good of the child. For example, for so long as the child is within the womb, it cannot be physically harmed without also harming its mother.⁸ The physical reality of the child growing within its mother protects the child on both a physical and a moral level. The rights and security of mother and child are intertwined. Thus there is widespread condemnation for *enforced* abortions and violence against pregnant

women, because they are rightfully seen as assaults upon both mother and child.

At the same time, the unique nature of a life within a life and co-extensive rights, conveys upon the mother a direct and particular responsibility for the well-being of her child. The mother's responsibilities to her child are an extension or refinement of her responsibilities to herself. Protecting and caring for herself provides a fundamental level of care and protection to her child. The responsibilities of the father can be added to this equation, as he is morally obliged to care for and protect both his child and his child's mother. Thus, there are three levels of protection for the unborn child: the child's own rights, the rights and responsibilities of the mother, and the rights and responsibilities of the father. One might add that the balance of rights and responsibilities goes from one extreme with the child, who has no responsibilities, to the other extreme with the father, for whom responsibilities predominate.⁹ In the ideal situation, these overlapping rights and responsibilities shield the unborn child to the highest extent, both morally and physically, from external harm.

Collapse of the Ideal

Reflecting on the ideal scenario allows us to better appreciate what has gone wrong in the case of abortion. There are indeed a multitude of ways in which the ideal goes wrong, and these varied circumstances are of course relevant to our consideration of individual cases. But to get at the essence of abortion, we must (for now) generalise away from elements such as coercion and social pressure. We need to know what is true of *all* abortions, or at least the vast majority of abortions in the West.

Once again, we may reflect upon a tableau, in this case the tableau of abortion. It should be immediately clear that abortion is an accepted part of Western society, and is understood to be a voluntary act. Without the consent of the mother, there would be no abortion. Indeed, abortion without the mother's consent would (or should) be decried as a monstrous crime by those who otherwise support abortion access. The abortion problem is therefore primarily a problem of choice.¹⁰ No woman is forced

6 *Incidentally, abortion advocates have seized upon this unique duality of pregnancy (being both a life within a life, and the natural function of the reproductive system) and have argued alternatively that the unborn human is either an insignificant emission, tumour, organic product, or it is an invader, an aggressor, a living burden on its mother. In other words, it is either of the mother and therefore morally irrelevant, or it is an 'other' and therefore can impose no moral obligation upon the woman. Their failure to adequately describe the unique nature of pregnancy is not surprising, given their precedent rejection of the intrinsic value of human life.*

7 *I would say by metaphor that the life within a life enjoys the protection of rights within rights. Consider by analogy that if a foreign power wished to invade Vatican city, they must first invade Italy. Both possess equal sovereignty, yet the former is (ideally) doubly protected by virtue of its physical location within another sovereign state. By virtue of its physical location, the unborn child is likewise doubly protected by the rights and integrity of its mother. This does not in any way diminish the rights of the child.*

8 *The concepts of harm in relation to abortion are too broad to be discussed in this paper. Suffice to say that abortion of a pregnancy is intrinsically harmful to a woman, which is self-evident in the context of the ideal scenario discussed above. If pregnancy and reproduction are a part of a woman's nature (speaking 'holistically') then how could the artificial abortion of that pregnancy be other than harmful? Of course, abortion advocates argue that a woman's reproductive powers are subordinate to her will; hence they may not perceive the intrinsic harm in subverting those powers or destroying the offspring. Allow at least then, that in the above context one cannot kill an unborn child without literally going through the mother.*

9 *Ironically, these circles of protection are the basis for the legalisation of abortion in the United States. By declaring that abortion is a private matter, the Supreme Court took advantage of the ethical reality that pregnancy is first and foremost a private matter, with the responsibilities of pregnancy conveyed primarily upon the mother and father of the child. It is, however, a gross misrepresentation of this ethical reality to deny the public responsibilities entailed by pregnancy and by procreation in general, not to mention the public interest in the morality of its members. Most fundamental was the failure to recognise the rights of the unborn child, which is after all the object of parental responsibility and care.*

10 *Abortion proponents have once again taken hold of something true of the abortion tableau, and misinterpreted it. While abortion is – generally – an act of choice, such choices are by no means made in a moral or cultural vacuum. To be pro-choice in terms of free access to abortion, yet hold no opinion regarding the nature, the formation, and the various influences acting upon that choice, is a serious problem. To put it bluntly, if one can be 'pro-choice' in light of (for example) studies showing that: "Partner violence is the strongest predictive factor of pregnancy termination among young Australian women" then of what merit to women is the 'pro-choice' position? (Taft A. J. and Watson L. F. Termination of pregnancy: associations with partner violence and other factors in a national cohort of young Australian women, *Australian and New Zealand Journal of Public Health* Vol. 31, No. 2, 2007 pp. 135-142)*

or pressured by the abortionist into procuring an abortion. The abortionist may be a moral monster, but he is a tame one.

Setting aside the issue of coercion (which deserves attention in its own right) it is therefore the mother of the child who bears primary responsibility for procuring the abortion. The person who *performs* the abortion is culpable for murdering the child, yet the abortionist does not act without the mother's consent. Indeed, it is feasible for the mother to perform the abortion herself (chemical abortion), thereby rendering the abortionist superfluous. What else can we conclude? In the murder of *any specific child* the cooperation of that child's mother is essential, whereas the cooperation of any specific abortionist is not.

It may be tempting, as mentioned earlier, to cast the abortionist as the central figure, with his tally of victims to condemn him. However, we are intent on arriving at a true understanding of the nature of abortion, not at a just condemnation of the abortionist. We already know that abortion is wrong, we are now trying to comprehend it more fully.

The tableau reveals that the mother in particular, whose rights and responsibilities are most closely aligned with those of the child within her, is the key character in this tragedy. Her decision to allow harm to herself in order to destroy her unborn child is the central causative factor in abortion. If this decision is made, the act of performing the abortion is but a means to that end. If this decision is *not* made (and barring instances of coercion), then no number of abortionists can get at her child.¹¹

This is central to abortion: a mother's decision to subject herself to physical assault or chemical poison in order to kill her unborn child. The actions of the abortionist makes him a murderer, but it does not make him the instigator.¹² To deduce from this reality that the correct course of conduct for the public is to launch a campaign of assassinations against abortionists is, to put it mildly, perverse. By all means, try to convince abortionists that their actions are immoral. But do not imagine that so convincing them is the *essential* step in saving a child's life.¹³

What are We to Do?

Hopefully, in considering what has been written thus far, the reader will see that the arguments in favour of assassinating abortionists are not only consequentialist by nature, but are in fact strangely irrelevant to the true problem of abortion. The true problem of abortion is not the existence of abortionists, any more than the problem of contract killings is the existence of contract killers. The hope that abortion will cease because abortionists are too scarce or too scared, may be a realistic hope, but it is not a morally defensible one, unless we reduce our ethical thinking to base consequentialism.

11 Again, with some irony, this reality reveals the truth at the heart of the pro-abortion emphasis on the autonomy of women. The same rights that protect both a woman and her unborn child are thereby twisted to allow the woman to act against her unborn child without fear of interference.

12 This, of course, does not mitigate the abortionist's culpability for the murder of the child. He has a responsibility as strong as any other (or arguably stronger, given his primary role as physician) to at least forego harm to the lives of others.

13 Consider, by contrast, that the essential step in stopping a typical mass-murderer would indeed be to either convince him of his immorality, or resort to force.

I hope that this answers the challenge set down by abortion supporters: that if abortion is murder, then the killing of abortionists is morally obliged. In fact, abortion is murder, yet (in by far the majority of cases) it is foremost the betrayal of human offspring by their parents. The issue of public responsibility with regard to this betrayal is a difficult one. Are we obliged to intervene to save the child from its own parents? Or does the practical impossibility of this option free us from that responsibility?

I have outlined briefly the special relationship between mother and unborn child. This relationship exists for the protection of the most vulnerable human, yet ironically, this very relationship is what prevents direct public intervention for the protection of the unborn. Our moral responsibility increases with the ease of intervention. If unwanted infants were abandoned by their parents, it would be incumbent upon us to rescue them. Yet the 'rescue' of an unborn child from its own mother would require the kind of imprisonment that is currently reserved for those who are at risk of direct self-harm. In our current society, such an option is impossible. Yet I suspect that if our society allowed it, society would no longer require it.¹⁴

What I am referring to is the third element in the tableau of abortion. We have already addressed the procurer of abortion – the mother, in her central role, consenting to the murder of her unborn child. And we have certainly addressed the performer of abortion. The third element is the promoter of abortion, which may refer not only to specific influential people, but to the social values which drive the proliferation of abortion, and the philosophies or pseudo-philosophies that underpin those values.

We have seen that in terms of abortion, the role of the mother is key. But in terms of the mother's understanding and will, it is society that is key. The moral response to abortion is not to shoot the abortionist, who is after all like a contract killer, but rather to change the mother's mind. At a word, the mother can dismiss the abortionist; hence a bullet is superfluous. The question is how to convince the mother to change her mind.

So what is our role? What are our obligations as people who believe in the good and struggle to attain it? I believe that in the context of abortion our actions must be determined by ethics and by the practical reality we face – for these two are inseparable. Understanding the true nature of abortion not only protects us from perverse responses (such as the use of violence against abortionists) but also allows us to appreciate the depth of the problem, and to respond appropriately.

The reality is that our society and culture have failed to act *against* the social phenomenon of abortion. Either this response is appropriate – implying that abortion is not a serious moral problem – or this response is *inappropriate*, and we must then ask why our society is unable to respond *appropriately*. The answer to this question may surely be pursued in earnest alongside continuing attempts to inform society, change social values, and reform the law.

14 By this I mean that if our society had the necessary values to legislate for the protective custody of women at risk of procuring an abortion, then those same values would surely preclude legal access to abortion, and, I would argue, undermine the cultural forces that currently promote abortion.