

Who gets to end the World? Trans, Abortion, and the Possibility of Natality

Abstract

In this article the violence surrounding reproductive issues, by example of forced sterilisation of trans people and abortion access is used to ask fundamental questions about the role of institutions. New right-wing laws that aim to block access to abortion and trans healthcare are reviewed to highlight the link between gender and the state. It is argued that the weaponization of law is used to individualise people and hinder access to care, disrupt choice, and minimise agency. Instead of presenting liberalism as an alternative to protect an individualised choice-model that safeguards people's needs, the case is made that the idea of autonomy enables violence by institutions to more marginalised members of democracies. By drawing on a wide range of insights the argument is made that institutional functioning is the source of significant violence to those not empowered by institutions and interrupts people giving direction to their lives. Instead of institutional power, Hannah Arendt's concept of natality is understood as a condition of life, indicating how social movements can birth new collective directions as a form of abolition.

Keywords

Institutional Violence, Abolition, Reproductive Justice, Autonomy, Social Movements

Introduction: Institutional Violence or Collective Liberation

In our contemporary moment, the power of and over institutions is a key battleground between political ideologies. Looking at how reactionary movements create social pressures by means of institutions and law, I will offer that the weaponization of law aims to reinstate or enforce an order of being to align gender with the nation state (Gilmore 2022, p. 165). In this manner, institutions are used to curb the possibilities of people to shape their lives, and democratic institutions are used for political projects that are harmful for people. By looking at issues of gender and legislation, I will discuss how law in this case feminises certain genders. By focusing on reproductive injustices, the need for abortion, also by trans people, and the limits of the idea of autonomy, I will question in this article whether marginalised people can ever avoid violence in institutions, even when they are liberal. Structured through hierarchy and the idea that there is no alternative¹, institutions are key sources of violence. The idea that 'there is no alternative' to the current arrangement, places lives that do not conform to normative standards under scrutiny, which benefits those that are net recipients of resources, labour, and are bestowed with ample social power. The suggestion of

unthinkability of alternatives claims there are only two options available – intensification of institutional power, which leads to fascism or militarism, or else reform that makes life liveable for those who fit the norm. I will propose a third way of making life outside of institutions, currently going by the term abolition, by looking at thought as it accumulated outside of the net recipients of institutional benefits to suggest that collective movements can function as a point of departure from the violent encapsulation of lives.

Birthing Violence

6 August 1945 the Nuclear Bomb named Little Boy is dropped on Hiroshima by the B-29 Bomber plane *Enola Gay*, flown by Paul Tibbets. The plane was named after Paul Tibbets mother; *Enola* is her first name - an inversion of *Alone*. After Little Boy was dropped, crew radioed their base “to confirm, CONDITIONS NORMAL IN AIRPLANE FOLLOWING DELIVERY (Hodges 2023, p.138).” Destruction was presented as a family affair. Down below “the smallest of small bits, the heart of the atom, was broken apart with a violence that made the earth and heavens quake” Karen Barad writes. All clocks stopped as “Time was frozen with a heat as intense as the Sun (Barad, 2017, p.G103).” The explosion is followed by a ghastly stillness and mass death. The limits of bodily tolerance are measured over decades by survivors of the explosion.

6 August 2007 After the sedative began to wear off, the first thing I saw swimming into my field of vision was a clock. It took a long time before I realised that what had happened to me was forced sterilisation; a collective punishment for being trans. There are assumptions of eugenics, the bio-politics of improving life, underlying this politics because it was explicitly geared towards stopping reproduction: our genes were culled from the species. Procreatively, I was frozen in time. Between 1985 and 2014 the Dutch government (alongside most other European nation states) had a law in place that demanded the sterilisation of trans people, as a prerequisite to change their legal gender.² This prerequisite was fulfilled in university hospitals, and the treatment was executed in accordance with the four pillars of medical ethics: Justice, Non-Maleficence, Beneficence, and Respect for Autonomy of the patient (Beauchamp and Childress 1979). A 2014 ruling of the European Court of Justice (ECJ) established this law as forced sterilisation. This was also the decade of trans activism that was marked by explaining that asking after people’s genitals was rude.

20 February 2015 Almost a year after the ECJ ruling on 20 February 2015 CBS, the news organization, reports that Pope Francis compares trans people to nuclear weapons.³ The pope claims that both do not recognize the order of creation. The eerie connection in themes

of birth and interruption by violence, and the shared date with mass violence and death in Hiroshima and personal violence leads me in this attempt to think about state violence and bringing new life into this world to rebut the Pope.

The Pope's statement places trans people in a line of 'heretics' who deviate from accepted church doctrine. Static ideas about the social order freezes the possibilities of generating alternative views on relations. For instance, Galileo and Copernicus inversed the dynamic-static arrangement of the cosmos, and thereby questioned the order of creation, earth, sun, and heaven. Sylvia Wynter lays out how the still earth and dynamic stars were meant to convey that the earth was the bottom of the celestial hierarchy (Wynter 2015, p.14). Galileo suggested that both earth and stars moved, which would shift the earth up this hierarchy and was considered blasphemy. The "Copernican" revolution of Kant meant that matter could remain moving, while minds were conceptualised to accord with a static single order of rationality (Wynter 2003). At the heart of these debates was always the question of what is static and what is dynamic. A metaphysician like Pope Francis compares the dynamism of trans people to the impact of the power of stars unleashed on earth. Under the hyperbolic imaginary there is a real question of whether trans activity can contribute to ending the (gendered) stasis in the world as we *know* it, echoing Denise Ferreira da Silva, by birthing new dynamics into social reality (Da Silva 2016).

Democratic Authoritarianism

Today, the assault on trans rights and emerging anti-abortion laws are political fault lines. Without programmes and practices actively supporting family life, anti-abortion and anti-trans laws are not about nurturing offspring and being – so to say – “pro life”, but measures to punish people and interrupt self-determination (Ross and Solinger 2017, p.165). Using institutional power, these laws exist to control, block, aggress – to punish and to purify who has the right to decide about possible social relations, and in what manner new life can come to be. Punishment culture expresses itself through misogyny and racism. Punitive laws are, in H.L.T. Quan's terms, an example of dominion and white supremacy, that finds form through the social hierarchy that institutions shape (Quan 2024).

During the colonisation of the Americas, there were not enough midwives, which is why the scalpel was introduced to cut open birth canals (prior to this era scalpels were not much used in surgery), and shape new approaches to gender, birth, and diagnostic access to bodies (Snorton 2017).⁴ The use of this tool was developed by experimenting on the bodies of enslaved Black women. In a harrowing series of descriptions, C. Riley Snorton lays out

how three captives; Lucy, Betsy, and Anarcha were subjected to a series of interventions that could only take place because of the hierarchical racialising social order they found themselves in (Snorton 2017, p.20-30). Emerging out of these medical experiments, scalpels also became the tools to maintain the social order by interfering with reproductive possibility. In the 1890s when doctors, novelists, politicians and others imagined the USA as beleaguered by immigrants and “sapped from within by the subversive practices of women” it were “gynaecologists who attempted to purge midwives away from perverted sources of new life” (Barker-Benfield 1976, p.122):

Advocates and modifiers of wholesale female castration saw themselves reimposing order of the kind conventionally expected of women. [...] [A]ny attempt by women to break out of their circumscription signified to men that such disorderly women wanted to become men. Female castration was designed to take care of such a threat (Ibid.).

The maintenance of social order with the tool of gynaecology, went hand in hand with the “separation and subordination” of the Black population, including the “segregation, castration, and lynching”, anti-immigrant and anti-native population actions and the “peak of castration of women (Ibid.).” There is an uneasy continuity with today’s practices. Ruth Wilson Gilmore remarks that “the protection of womanhood is actually the reassertion of race/gender in the national hierarchy ” (Gilmore 2022, p.165). Gender and ‘race’ are key points of focus when the right-wing enforces social orders and is nothing new.⁵

Legal assertions of who counts as a woman (in the wording of anti-trans laws, as I will discuss below) ‘regardless of the gender identity the person is trying to assert’⁶ interrupts gendered explorations and reinforces dominating claims about the social order by means of punitive legislation. With the new laws targeting gender and reproduction, the right-wing can be seen to behave in accordance with Carl Schmitt’s statement that *protego ergo obligo*: who guards something, owns it (Etkind 2023, p.86).⁷ Alexander Etkind describes this as a “fundamental truth of political philosophy” (ibid.). To try to understand trans people through this claim will only lead to an invisibilising of power structures, and yet this statement of the foremost philosopher of fascism is certainly helpful to understand the political right, and their weaponization of law for anti-trans politics and misogynist domination. It is worth noting that abortion became an issue for the political right only after the civil rights movement in the USA made significant gains. Elizabeth Gillespie McRae lays out how white women contributed to the struggle to retain segregation in the south of the US, in part by drawing on narratives about traditional family structures that are under threat by desegregation (Gillespie McRae 2018, p.1). Race and racial tension kept feeding the growth of the new

right-wing. Tyler Stovall reminds us that at the end of the 1970s “Jimmy Carter, a Democrat but also a southerner and self-proclaimed born-again Christian, won the majority of the evangelic vote. By then, however, conservative white evangelicals had begun mobilizing around [...] abortion”(Stovall 2021, p.297). Guarding gender legally, and legal gender too, attempts to curb the openness of procreating according to one’s potentiality, rather than physical contingency. It aims to disrupt the possibility of trans agency and the formation of new forms of life. Loretta Ross and Ricky Solinger argue that “the fact remains that state and non-state actors target primarily women of color – and our children – for oppressive reproductive measures, and these take many forms that are not traditionally recognised in the pro-choice/pro-life debates” (Ross and Solinger 2017, p.80).

The anti-abortion and anti-trans laws are proposed and voted in across a variety of States in the US, and used to achieve objectives as if one would be conducting a military campaign. Welch explains:

Lawfare is a set of tactics that could be applied to all wars: hot or cold, large or small, declared or undeclared, just or unjust. Wielded by both state and non-state actors, the law increasingly replaces the violence that defines warfare of the more traditional, “kinetic” (i.e., physical and blood-soaked) sort (Welch 2017, p.147).

Rather than reviewing the use of law in war, I will be looking at the use of law to compel absolutist gendered relations. The law is a key weapon to target denizens of nation state. I will look at two cases of legislation in Oklahoma as contemporary examples of levying duress with the focal point of gender.

The Oklahoma anti-abortion law HB4327 describes ‘women’ as: “‘Woman’ and ‘women’ include any person whose biological sex is female, including any person with XX chromosomes and any person with a uterus, regardless of any gender identity that the person attempts to assert or claim“. The gesture towards biology in the Oklahoma bill functions as an attempt at legitimising (and delegitimising) culturally informed categories and sets of social relations. Annemarie Mol notes that the term ‘biological sex’ was introduced in the 1960s. Mol explains that in different fields of study of the body, such as anatomy or endocrinology, the idea of what constitutes the physicality of sex, including its variations, differ wildly (Mol2021, 11ff). It is perhaps helpful to remind ourselves that ‘biology’ is a culturally informed category (Stengers 2018, p.68), just as ‘woman’ is. Nature is no arbiter of social relations. In general, Ross and Solinger note that anti-abortion politicians “pass thousands of laws using ‘spurious science’ all of which hinder access and create health risks (Ross and Solinger 2017, p.80). The idea of womanhood is not necessarily for all women

relevant, interesting, or explanatory, certainly not always without further qualifiers, such as class, race, ability, sexuality and so on. The bill blocks self-determination of 'any gender identity that the person attempts to assert or claim', and in that sense, it is not *gendering* – referring to sets of social relations, but *feminising*: making people with a uterus subject to dominion by the state (James 2016). It turns *who* into *what* and places people outside of history (Arendt 1958, Feldman 1991).

Another bill in the same state prohibits trans healthcare to under 18s:

SB 613 prohibits any health care provider from providing gender transition procedures to any child. Any health care provider found to have violated this prohibition shall be subject to licensure revocation and shall be guilty of a felony. The measure provides that prosecutions for such violations shall occur no later than the date on which the child attains the age of 45 years. The measure authorizes the parent, legal guardian, or next friend of a child to bring civil action against any provider who performed gender transition procedures on a child. The parent, legal guardian, or next friend shall bring a claim for the violation no later than the date on which the child attains the age of majority. The child may bring action upon obtaining the age of majority and prior to attaining the age of 45 years. The court may award compensatory damages, punitive damages, injunctive relief, or any other appropriate relief as well as court costs. The Attorney General may bring an action to enforce compliance with this measure.

The Oklahoma House removed the fine and imprisonment in a subsequent session but holds the power to revoke a physicians licence. The age of 45 is not an accidental number, but the year physical infertility is *grosso modo* a given. This underlines the feminising force of these laws, by centring the potential for pregnancy as key element. Such laws, like the abortion bill, target a wide variety of attitudes, actions, and social engagement:

Any person, other than the state, its political subdivisions, and any officer or employee of a state or local governmental entity in this state, may bring a civil action against any person who:

1. Performs or induces an abortion in violation of this act;
2. Knowingly engages in conduct that aids or abets the performance or inducement of an abortion, including paying for or reimbursing the costs of an abortion through insurance or otherwise, if the abortion is performed or induced in violation of this act, regardless of whether the person knew or should have known that the abortion would be performed or induced in violation of this act; or
3. Intends to engage in the conduct described by paragraph 1 or 2 of this subsection.

And further exists to impose punitive damages:

Statutory damages in an amount of not less than Ten Thousand Dollars (\$10,000.00) for each abortion that the defendant performed or induced in violation of this act, and for each abortion performed or induced in violation of this act that the defendant aided or abetted (HB4327).

The people in the crosshairs are aggressed and targeted for what they do, or even *what* they are deemed to be – which is an imposition of social categories that are enshrined in law. The right enlists (outsourced gender) vigilantes, the “parent, legal guardian, or next friend” of the law, who have the power to involve the law and police. Lawfare works in part through this mobilisation that spreads the punitive side of the law deep into the everyday fabric.

Trans Abortion: Against Autonomy

The business of State violence is often opposed by a call for autonomy. By having placed anti-trans legislation and anti-abortion laws side by side, an often- overlooked link, as A.J. Lowik notes, between trans and abortion is highlighted (Lowik 2025). In an ironic inversion of legislation that affects trans people, a situation is created that demands forced procreation, as unwanted alternative to forced sterilisation. In the everyday, pregnancy and trans come together in a myriad of ways; from happy trans parents; lesbian partners, where one of the partners produces sperm; the assault of sexual minorities; and there is the everyday “discrepancy between sexual identity and sexual behaviour” as A.J. Lowik draws attention to:

Buffy, a 21-year-old pansexual woman from Salt Lake City described her identity as:
“another layer of something that’s already emotionally and financially and logistically difficult. And now it adds this whole other layer of something that is not quite what you identify with. Like if you don’t really identify with wanting to have sex with people who could get you pregnant and then you do, it’s another thing screwing up your life and you didn’t even want the root of it” (Lowik 2025)

Identity in social life, in this example, functions as a placeholder in an interlocking set of economic, financial, and social pressures. Where life as one might want to shape it through identification is difficult, in part because of the location of one’s sociality. Gender and sexual identity are not functioning as analytically constrictive expressions of biological location but

offer a porous map of possibility and social constraint. In addition to identity as a map that supports understanding sociality, it also helps to get clarity on social pressures, as Buffy shows us. For instance, sexual minorities are 18x more likely to have been forced to have sex, which means a significant higher chance for an unwanted pregnancy.⁸ And for either reasons of personal safety, political and social responsibilities leading to concerns of safety for others, or concerns about existing children and the involvement of social services, for instance in the case of sex workers, police *cannot* be involved without exposing oneself to prejudice and danger (Mac and Smith 2020). Legal protections might not suffice to protect individuals, because the power of the law coincides with the presence of force, that the law requires to operate at all. Having to involve a police force might expose oneself to further harassment or violence, especially when one is a minority (Stanley 2021). Law brings violence to people, because laws can only function if they are enforced (Bierria, et al. 2022, p.1; Rojas and Naber 2022, p.15). And thus rape goes unreported (reporting is a prerequisite for access to abortion in some US states), and thereby termination becomes blocked. The web of violence that surrounds necessary medical care makes access impossible.⁹

In contrast to extreme-right wing policies, liberal policies broadly claim to ensure that people can make their own choices about their own lives, within the limits of the law.¹⁰ People who produce sperm might find themselves in similar situations as Buffy – and whether or not they *want* ‘the root’ of the possibility of contributing to pregnancy – they might be involved with pregnant people. That they do not have a womb themselves, does not mean they are outside of the situation, and indeed the partners/one-night stands/incidental lovers/friends with benefits might decide with the pregnant person that sharing offspring will not fly, or is mistimed, or for a host of reasons complicates an already complicated and obstructed life. The Reproductive Justice movement draws attention to this intermingling of social and personal questions, offering that without social justice, reproductive rights offer insufficient protection (Ross and Solinger 2017, p.9 & 64). This questions whether the possibility of offering ‘choices’ can be the solution to the violence we are looking at. Despite a pervasive idea of autonomous choice as a fundament of human life, my experience in the Netherlands shows that things might be more complicated than that. Rather than offering the possibility of a variety of experiences and ways of living, autonomy might even function as a logic of capture in a structure on terms that are pre-staged. Because it works to individualise people versus the processes of the institution, autonomy might function to retain the status quo (Raha and van der Drift 2024, p.85-86).

Anibal Quijano argues that during colonisation all aspects of life were brought under the hegemony of institutions that coexist as a closed whole. “Each sphere of social existence is

under the hegemony of an institution produced within the process of formation and development of that same model of power” (Quijano 2000, p. 545). In Eurocentric philosophy life without institutions is (quite literally) unthinkable.¹¹ Below, I will discuss the link between rationality and feminisation, here I want to draw attention to the link that the institutionalisation of life presupposes the state as arbiter of interactions and sociality by means of rights.¹² H.L.T. Quan considers that institutions are not neutral but shape hierarchical structures that guard superiority: “if White supremacy is defined as a belief in the inherent superiority of White people and therefore the right to dominate all others, then by definition it is absolutist [...] Similarly, heteropatriarchy is absolutist when gender and sexual governance become the *causa prima* of social relations” (Quan 2024, p.15). A key difference that can be noted about social relations under institutionalised life, is whether someone who speaks in the voice of the institution is perceived as a threat (for people who are minoritised) or is seen as supportive (when one is privileged by the norm). Cramped between hostile laws, police forces and institutions that are geared up for stability, that is; to slow down the dynamics of everyday life, pressured bodies that fall between the cracks of neat categories of legal comprehension, cannot choose themselves to safety.

Making people individually responsible for situations of reproduction, either through access or punitive approaches, is a key shared point between (neo)liberal and extreme-right wing approaches. Where liberals highlight the possibility of having a choice protected by institutions in society, the extreme right-wing emphasises not having that choice, and bearing the responsibility regardless. Foundational individualised choices for people with wombs begin to dissolve when we do take pregnancies as shared responsibilities and centre the possibility for life taking wing, by taking social pressures into account. The Reproductive Justice movement notes that social pressures create situations in which choices are not made freely, but that economy, incarceration, immigration, and other elements determine ‘choice’ (Ross and Solinger 2017, p.64 & 102). And yet, the notion of autonomy suggests ‘we’ can approach situations as if we, despite inequalities, can enter in a contract supported by reason.¹³ Bodily autonomy, oftentimes understood as the possibility to make a choice, comes into being in a shared environment, after all (MacKenie and Stoljar 2000, p.3-5). One of the primary things that we can learn from forced sterilisation of trans people, which happened with ‘consent’, as it took place in liberal democracies in Europe in recent decennia, is that over-emphasising individual choice in a hostile environment, does not only not make sense, but is also actively harming the one who has to make ‘a choice’. This history provides a warning against over-emphasis of individual agency. When violence reaches an individualised body, autonomy is too small a force to redirect social pressures, especially when these forces are institutional and systemic (Ross and Solinger 2017, p.111).

Following Lorraine Code (2000), and adding insights from trans and Black experience with institutional violence, I will problematise the defence of autonomy by focusing on three different issues: Autonomy as response to a diagnosis. Secondly, autonomy as a growth out of immaturity. And lastly, autonomy versus the possibility to make collective choices.

Diagnosis against Experience

One of the key problems is that autonomy emerges as a response to a diagnosis. Susan Wendell observes: “My subjective descriptions of my bodily experience need the confirmation of medical descriptions to be accepted as accurate and truthful” (Wendell, in: Code 2000, p.191). This means that insights brought from nonnormative experiences, which are outside of the frame of reference, are replaced by conclusions from insights that are already accepted within an institutional frame. Lorraine Code remarks that this means that with experiences that are ‘quintessentially “my own” [...] I cannot as autonomous knower, know what my experiences are” (Code 2000, p. 191). The demarcation of institutional responses means that people are checked to their coherence regards a framework, rather than that people’s experiences function to inform and question the framework that is held by the institution. Diagnosis easily becomes imposition in these circumstances. Shatema Threadcraft describes medical situations to be informed by “fear and anxiety that arises in contexts where violations of bodily integrity go unpunished” (Threadcraft 2016, p.145). Writing in the context of Black women who are denied intimate justice, this fear and anxiety informs choice – from facing or avoiding a hostile police force, to facing medical attention - because of the same social pressures that create hierarchies of attention, support and care.¹⁴ The postulation of autonomy and equality in fact makes it harder to address the suspicion that surrounds nonnormative bodies, because scrutiny is legitimised under a decontextualised heading of access to autonomous choice. Individual choice can only reasonably be relied on, when one’s speaking power is fully supported in the environment one finds oneself in. Arguing against the aggression of trans diagnosis that is imposed over people’s self-descriptions, experiences, and wishes, Susan Stryker writes:

I want to lay claim to the dark power of my monstrous identity without using it as a weapon against others or being wounded by it myself. I will say this as bluntly as I know how: I am a transsexual and therefore I am a monster. [...] By embracing and accepting [these terms], even piling one on top of the other, we may dispel their ability to harm us. A creature, after all, in the dominant tradition of Western European culture, is nothing other than a made being, a created thing (Stryker 2006, p.246).

The political rage that is aimed at a dissociated and indifferent board of psychiatrists and psychologists who are doling out a diagnoses about trans lives that are necessary to receive any medical attention at all, is a structural element of what we can understand as excluded inclusion: you can ask for a response, but only the response you will get is the response that is already available, not the response that you would need.¹⁵ Forced sterilisation of trans people could happen in part by isolating people vis-à-vis an institution that was geared up to overwhelm individuals asking for care. As Sarah Daoud summarises experiences of vulnerable people looking for care “[institutions are] doling out punishments that keep people unsafe and unwell, that force you into compliance over self-determination” (Daoud in: Hassan 2022, p.122). Similarly, the warning from Black women being denied intimate justice shows that social pressures actively strip the possibility of turning to institutions for support. Likewise, for trans people that face prejudice on the basis of a (false and ideological) psychiatric evaluation, speaking power is already significantly reduced – certainly in medical contexts, where ‘diagnosis’ is the primary point of contact between the provider of medical attention and the person who undergoes it.¹⁶ The counterpoint that inclusion might solve this problem can only be made through the denial of the situation on the ground. María Lugones analyses this as an indifference that is created by a lack of mutuality, where people that do not neatly fit normative categories, of whiteness, gender, and heteronormativity are either seen as angry phantoms or as pliable puppets (Lugones 2003, p.73). In neither approach their lived experiences nor collective knowledge is taken seriously as a fundamental critique on institutionalised social forms. This leads trans lives to be stripped of reality and enhance normative thinking, because it is used to stabilise the gender (and for some sex) of non-trans people. Normative approaches suggest trans is somehow transgressive, which normalises straight and homonormative lives as life-style choices. As I’ve argued above, it is the guarding of norms that allows ownership and thereby displacing anxieties around gender onto trans people. The presence of trans people is consumed to hold up norms, meanwhile claiming that transness, or Blackness is what is providing a challenge to inclusion, understanding and empathy.

Infantilisation and Ignorance

The second issue that I want to turn to, is Lorraine Code’s (2000, p.183) comment that diagnostic scrutiny is tied to the idea of autonomy as an escape from ‘immaturity’ as Immanuel Kant postulated (Kant 1999, 8:35). Like the problem of being *feminised* by laws, as I have discussed above, the idea of an accessible rationality, that is equal to all, functions to infantilise and dehumanise people who do not have the (shared) experience that institutions work to empower them. Choices that follow from these deviant insights therefore

do not align with normatively expected patterns of action and thought, whereby concerns and requests or demands are easily dismissed as 'irrational'. This is a structural matter. Indeed, Joy James (2016) argues that Eurocentric theory misses out on thought as it accumulated outside of the limits of canonical embedding, by those that are excluded from its benefits. Joy James terms this Eurocentric focus 'Womb Theory'. The term chimes with the topic of this article, but what matters about the concept is how it explains the reproduction, naturalisation, and reliance on forms of thought (that is tools, methods, and conclusions) that stabilise the exclusion of groups of people. Consequently, lives outside of the norm are disempowered when it comes to staging their insights, needs, and the accumulated insights that their collective histories offer. Womb Theory is the structure of thought and practice that *reproduces* Eurocentric logics, on the frames of bodies it holds captive. As James summarises, it married democracy with slavery, and in "transitioning a colony through a public into a representative democracy with imperial might, the emergent United States grew a womb, it took in the generative properties of [those] it held captive" (James 2016, p.256). Such captivity is only possible through a reliance on punitive approaches to deviance, as for instance emerges in the Oklahoma bills.¹⁷ Womb Theory feeds punishment culture through its exclusionary nature by robbing people of their speaking power through lack of variations in methodology, infantilisation, which is one of the ubiquitous forms sexism takes, and the dehumanisation of racism.¹⁸

The exclusionary nature of Womb Theory finds its way into ethics, like in the case of structuring decision-making through the concept of autonomy - giving oneself the law - and consent in medical procedures (that are undergone against one's will) by centralising thinking as a state or institution and thus diminishing real alternatives. Kant orders morality through the imperative that demands people organise themselves as if they function as institutions.¹⁹ This internalisation of disembodied structures hinders the accommodation of different relationalities. One of the critics of this image of order, Foucault, turns this image around and offers that institutions order us. Foucault is not so much a break with Kant, but a different spot on a spectrum, that organises life according to institutional forms.²⁰ For both there are no forms outside of that space of reason, just chaos, for Foucault, or evil, for Kant. These thinkers function as Womb Theorists because for both it is impossible to draw learning from those that counter dominant forms (van der Drift 2021, p.95).

In addition, disempowering collective thought creates hostile institutions, because someone's vulnerability to carelessness, inattentiveness and indifference is heightened: by being in a formalised space outside of one's lived reality, where one is reliant on the attention of strangers, perhaps professionals, one is likely directly targeted by social

pressures, such as racism, transphobia, or xenophobia. This is, feels, or is known from other's experiences as a highly unsafe situation, which is in part due to the lack of personal relations. If you are not belonging to a group that receives with an eerie regularity warning from fellow members about behaviour, attitudes or circumstances in institutionalised spaces, or is witness to events, this is perhaps hard to imagine. Isabel Hoving and Philomena Essed discuss how responses to statements of these harms and longitudinal effects of social violence are met with *smug ignorance* (Essed and Hoving 2014, p.11). Ignorance here means quite literally that someone chooses not to know, what should be known. It is a divestment of public responsibility, benefitting personal convenience, and as such is a form of entitlement, hence 'smug'. A lack of knowledge is weaponised to remain inattentive to or reproduce ongoing harm. This means, for instance, that marginalised people in institutions are viewed with suspicion to see if they are making their choices 'properly'. That this suspicion is over-focused on particular groups is not taken into account, because scrutiny in itself is not questioned while it relies on a single approach to what thought looks like. An incorporation of thought from those excluded about landscapes of possibility would shift thinking from individuality and autonomous choice to collectivity. Zakiya Luna (2020) explains that social justice is a key component of reproductive justice: that means that the powers that undermine people's possibilities, agency, and connection need to be undone as part of making healthcare accessible for all who need it.

Collectives and communal care.

Tannia Esparza (2015) notes that abortion is a community issue²¹, and access to abortion makes for healthy collectives. Similarly, forced sterilisation and forced abortions make for troubled and disturbed communities – these are forms of generalised violence, like the previously discussed ring of violence around life-saving services, such as reproductive care. To understand healthcare as shared means all should have the *possibility* to use, instead of focusing on (legal) rights. Rather than emphasising individual users and scrutinising limitations, the argument for use directs us to possibility and it asks from the collective to open up and ensure services are usable, rather than guided by dominating ideologies of what counts as proper use under the right conditions (Ross and Solinger 2017).

Reproductive services as an 'equal right' are often unsafe to rely on, for instance for Black users as Shatema Threadcraft (2016) and Arline T. Geronimus (1996) emphasise, with teenage pregnancy being the more rational choice, from the perspective of physical safety.²² A perspectival shift from legal rights towards use shifts its focus from an 'institution' whose policies are crafted top-down by management and politicians, to a collective project, whose

operation is tied in with its place in communities. With the collective as central focus, only at the level of the actual intervention a, much reduced in size idea of autonomy comes in. This is important, because one cannot change an institution at ‘the last moment’ at the time of use (when you need an abortion), when navigating access is up to the individual, with their emotions, embodiment, skill, financial status, and dispositions of (lack of) entitlement. This means in part that use of services needs to be on the table, including sharing narratives and stories of access, abortion, and reproductive support. It also means a constant renewing of the promise of access, rather than relying on a distanced institution run by policy that ‘guards’ the political victories of the previous generation of feminist, queer, and trans liberation activists.

While “our bodies, our choice” is a helpful reminder for policy makers and social actors alike, in some situations this *our* needs to be quite more literal: people giving birth are not alone, and child raising should not be an individualised responsibility (that does not mean, I think single parents cannot do a good job, because I think they can – it means that child raising is always collective, and therefore not the responsibility of parents alone). It means that trapping people in the confines of their individualised body, is the problem that led “us” here. Abortion can provide space to develop one’s potentiality in the face of aggressive forces and social pressures. From the perspective of forced sterilisation, abortion is key to gain a grip on giving life direction and evading or postponing pregnancy to a moment one can deal with it. The Reproductive Justice movement enshrined this as one of their key tenets: the right not to have a child (Ross and Solinger 2017; Luna 2020, p.142). Vulnerable moments, such as asking for care when one is facing intense pressures are not the ideal moments to make a choice for the creation of new life (Ross and Solinger 2017, p.61-62).

To read trans pregnancy and the need for abortion as a matter of inclusion would be missing a key shift in ethics: from individualised responses, that can be articulated as ‘I have or negotiate access and am successful in making it through the corridors of power’ to collective movements that work under a heading we might view as ‘we need to block this assault and keep everything for everyone’. This shift marks the movement from individual stakes under the introduction and heyday of neoliberalism to collective defence and responses with the explicitly extreme right-wing/fascist tendencies of our contemporary times. The (fascist) right has made the shift to movement work from the 1970s, in part as Stovall analyses by the rise of evangelical mega-churches and televised religious programmes (Stovall 2021). While the political right shifted in this narrative from liberal democracy to a consolidating republicanism, that gained traction as a reaction against the civil rights, the centre-left focused on dealing with questions of inclusion. Working towards possibility is not the same

as inclusion through (legal or even universal) rights – possibility requires thinking about collectivity without separability (each with their own needs) and emphasises plurality and difference, where we, as a whole, move from the idea of the existence of a ‘service’ (abortion services) to a landscape that is usable and *shared* (not as property, but as commons). To have access means it is not yours and access can be taken away (like a streaming service, or right of way). To have something in common, means you have the undeniable possibility to be part of it. This means it includes access, but it is more than that – it makes everyone part of the landscape, rather than having a top-down granted affordance – as rights and access imply.²³ At this point, I will address the third problem that institutions cannot deal with collectivity, as a way to offer a perhaps hopeful way out of the false dichotomy between fascism and liberalism – between direct aggression and normative capture in institutional forms.

Trans and the power at its core

To aim for inclusion in institutions is a divide and conquer strategy that comes with considerable risk attached, because it trades collective life for individualisation. Sita Balani observes that gay marriage became available at the time marriage didn’t provide the previous safety to its (straight) members (Balani 2023, p.85-88). Stepping away from a focus on inclusion, I want to offer an alternative to current forms of hierarchical organisation, which is less far off, than it might seem under *there is no alternative* models of political propaganda. Hannah Arendt locates the possibility for significant social change even in the *polis* itself – the ancient Greek city state, which serves as a model for politics proper. Arendt does this by articulating action as a driving force that enables social change. Action is rooted in the condition of *natality*. The term *natality* is used just a few times, and necessarily slightly under-theorised, while it signifies the condition that initiates the possibility of bringing new forms of life into the world, by resting on the *inter* of people (Arendt 1958, p.247). It requires people to come together and something new emerges into the world out of nothing more than themselves (ibid., p.178 & 182). However, drawing on Arendt requires caution; examples are militaristic; a ten-year siege on a city might sound romantic, but its realities are gruesome, also in the past. Furthermore, the *polis* is not only ruled by democratic principles between governed and government, but also by stark and excluding hierarchies (Hanchard 2018, p.3; de Ste Croix 1981; Quan 2024). Michael Hanchard reminds us that “Democratic institutions and practices of classical Athens were often in tension with tyrannical, oligarchic, and imperial tendencies within its polity” (Hanchard 2018, p.4). Arendt’s condition of *natality* is not formally accessible by all denizens of the city state, for instance, women, migrants, and those enslaved. It is here that we can understand that a part of the function of

institutional democracy is to force those who dwell in the *polis* – citizens and non-citizens alike – to stay inside its walls and interrupt the possibility that they do something else.²⁴ As I've argued earlier – laws bring violence to people as a condition of their enforcement. Aligning migration and feminisation within the nation state – or the *polis* – needs violence and keeping people apart.

Drawing on Arendt is therefore not done to make the case for a further appraisal of the institutionalisation of politics, but really to do the opposite – and propose abolitionist ethics as the way in which we can come together against dominating power and individualising tendencies that institutions reinforce. At the heart of the founding image of institutionalised power we find an embedded possibility of escape. Natality escapes the confines of the *polis* with its hierarchy of institutions and can transform existing practices into something that is not beholden to existing forms of power. It is the condition that nurtures the possibility of abolition, as Rojas and Naber lay out in their discussion of abolition as anti-imperial and anti-racial capitalist struggle (Rojas and Naber 2022, p.24). In other words, while institutional dominion claims the entitlement to order its denizens through law, driven by beliefs of inherent superiority, the alternative is already present within natality's possibility of getting together and start something new.²⁵

Social categorisations are largely the resultant of containers introduced in colonialism to accommodate extraction.²⁶ Arendt would suggest this is the description of *what* someone would be rather than *who* (Arendt 1958, p.181).²⁷ When using natality to look at trans, it doesn't function as a claim to inclusion in a social category, even if it might be used as shorthand – but rather as the transmutation of relations that govern life and death. Trans as natality means we can see a form of life emerging out of people communing with nothing more than who they are. Such emergence is not ruled by autonomy (giving oneself the law) and scrutinising compliance with formal patterns, which would make people match institutions, like Quijano cautions against as model of colonality, but it simply means coming together in mutual relationality that includes the willingness to change oneself. In that manner, trans is an out-of-control escape and dispersal from an imposed form of [anti-]life. Zoé Samudzi and William Anderson offer their insights about Anarchist Black resistance to social pressure, to suggest social movements that are not bogged down by finding the right leadership models, but by sticking together and shaping relations that allow movements to remain dynamic:

Building a sustained movement [...] is all about love. [...] There is no justification for the brutality we experience at the hands of white supremacist capitalism and all the forms of

oppression that come with it. What we must come to understand is that a politics to defend ourselves and our communities is rooted in a politics of collective care (Samudzi and Anderson 2018, p.96).

This collective care is about not giving up on each other – it is one of the key tenets of trans mutual aid (Spade 2020; Raha and van der Drift 2024). With the feminisation of abortion and the prohibitions on transition, we can see how states obstruct people in their accessing the power of *natality*. Institutions cannot hold the power of *natality*, because their task is to navigate stasis and dynamism in such a way it doesn't result in an overturn of power relations. Natality as potential for collectives requires abortions, because the possibility not to parent (Reproductive Justice tenet 2) is as important as the possibility to bring something new into this world and nurture it (Reproductive Justice tenets 1 and 3) (Luna 2020, p.142, Ross and Solinger 2017, p.65). The reasons people choose one or the other are not located in the reasoning of States, but in between people who are in relation to the potentiality love and care bring to their environment and the possibility for sustaining themselves and others in it.

Let us return here to look at nuclear weapons, as the example of the imaginative alignment between birth and destruction. The pope ignores that significant military violence needs institutional power. While nuclear weapons rely on a military-industrial-academic complex to come into the world and destroy it, trans exists by shifting relations at the everyday level and thus destroys certain assumptions about the world and the homogeneity of people in it by making new forms of relating to each other. The Pope is right to see that trans has the power to overthrow categories that are carelessly throw around, sometimes pretending to be “science” (like some of the folk-assumptions about biology popping up in anti-abortion laws), but the pope is obviously missing the primary point, that it requires institutional organisation to harness destructive power on a national scale. All people can do through collective actions of the smallest of small bits that make up social movements is to end the world as *we know it*, (Da Silva 2016, p.65). by aborting formal hierarchies of relation that impose a static world. Through social movements it is possible to end the way in which institutions hierarchise and violate life. Reclaiming natality from its weaponised uses, collectively we can transform and usher in new forms of life.

¹ Margaret Thatcher's famous slogan.

² In 2022 a Trans collective, led by Willemijn van Kempen compelled the Dutch State to apologise for the transgression of Human Rights in these decades. Currently, the RICH research group at the Radboud University is looking into the negative effects of the law on trans people, as well as how it came into being in parliament in the 80s.

³ <https://www.cbsnews.com/sanfrancisco/news/pope-francis-compares-transgender-people-to-nuclear-weapons-in-new-book/> accessed 23 January 2024.

⁴ C. Riley Snorton, *Black on Both Sides*. See especially chapter 1, which discusses the creation of gynecology over the bodies of enslaved Black people.

⁵ Federici *Caliban and the Witch*, Robinson *Black Marxism*, Quan *Become Ungovernable*. Recent examples include the closure of Gender Studies departments by the Orban government in Hungary, the condemnations of 'gender ideology' by the former Polish Government, the Pope, and assorted other actors.

⁶ Note the oddly correct use of the gender neutral form.

⁷ See for further discussion on Gender Clinics protecting gender Raha and van der Drift *Trans Femme Futures*, chapter 4: 123-127.

⁸ Ibid.

⁹ See also Sameena Mulla *The Violence of Care* on the aftermath of sexual violence, being a form of violence in itself, in part due to the legal apparatus surrounding it.

¹⁰ For instance, by imagining with the aid of a disembodied empathy the lives of others, as John Rawls proposes in a *Theory of Justice*.

¹¹ The oeuvre of Foucault is testament to this claim (See Drift 2021 'Management and Rights amidst Plural Worlds') and follows Kant's practical philosophy, which is founded upon this idea.

¹² I'm thanking an anonymous reviewer for pressing the importance of this point. See also note 77 on the link between rights and privilege.

¹³ See for discussion, Catriona Mackenzie and Natalie Stoljar (eds.), *Relational Autonomy*. Especially Introduction, p5-12 for an overview of critique and a defense of the need for autonomy.

¹⁴ See for discussion, Nat Raha and Mijke van der Drift, *Trans Femme Futures*, chapter 4.

¹⁵ See for further discussion, Raha and van der Drift, *Trans Femme Futures*, chapter 4.

¹⁶ While Transsexuality is still part of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, 5th edition, it has been removed from World Health Organisation standards as mental condition, and has instead been reoriented towards a need for physical care: ie. hormone replacement therapy or plastic surgeries.

¹⁷ Quite literally in the case of Kant – capital punishment is central to his idea of Justice. See for discussion Benjamin S. Yost 'Kant's Justification of the Death Penalty Reconsidered'

¹⁸ Cf. Silvia Federici *Caliban and the Witch* Sylvia Wynter *Unsettling the Coloniality of Being*.

¹⁹ Kant's formulations of the Categorical Imperative, in Mary Gregor (ed.) *Practical Philosophy*.

²⁰ Foucault, *Discipline and Punish*. Anibal Quijano *Coloniality of Power* is a central text about the institutionalization of life over other forms of organization that either have existed, or still exist and are ignored, erased, or violated.

²¹ Esparza in: Miriam Zoila Pérez, *a Tale of Two Movements*. Colorlines, 22 January 2015, np. <https://colorlines.com/article/tale-two-movements/> (accessed 20 February 2025).

²² Black women are 4x more likely to die in childbirth as per 2021 numbers. Shatema Threadcraft *Intimate Justice*, Arline T. Geronimus *What Teen Mothers Know*.

²³ Classically *droit* is both right and privilege, and is granted – the motto on the British passport reads 'dieu et mon droit' explicitly linking the hierarchies of church and state. It was allegedly first used by Richard I as battle cry stating his divine right to govern. Punishment of an entire people can take the form of stripping land from peasants through enclosures of the commons – a form of land-holding that is countering individual property, as happened in the sixteenth and seventeenth centuries in Britain. The process of enclosing common lands created vagabonds, who were consequently criminalised and forced into labour, either at home or in the colonies. The weaponization of law to transform peasants into a mobile and expendable workforce created prisons and served to introduce the transatlantic slave trade. Theft of collective resources and punishment of the destitute are driving forces that allow the exploitation of human labour. In this history lies a warning about privatisation of public resources and the privatisation of healthcare. See: Peter Linebaugh and Marcus Rediker *The Many Headed Hydra*.

²⁴ One of the ways to read Aristotle's *Nicomachean Ethics* is as a method for the powerful to keep those governed in check by having their ethics match the values of the government. See also Mijke van der Drift *Nonnormative Ethics*.

²⁵ Joy James warns that Arendt's theories are not-so feminist and not-so anti-racist, because of Arendt's dismissal of Black student's protests and her critique of the parents of Ruby Bridges, who was sent to a white school to break the segregation in education.

²⁶ Sylvia Wynter *Unsettling the Coloniality of Being*, Cedric Robinson *Black Marxism*, Rediker and Linebaugh *The Many Headed Hydra*, Federici *Caliban and the Witch*. Pope Francis can understand emergent social change

primarily as destruction, which is not too strange, given the participation of the catholic (and protestant) church in the projects of domination that ended up destroying entire life worlds of colonised people. The Pope might have very few other models available to think change through.

²⁷ It is unfortunately impossible to quote this passage without gendering to the masculine.

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