

Phil 108, February 25, 2014
Thomson on Abortion

Thomson's approach:

Question: Is abortion permissible?

A common thought: If the fetus is a person, then abortion is impermissible. So, to settle whether abortion is permissible, we need to settle whether the fetus is a person. This thought seems to be based on...

A common assumption: One person's right to life outweighs another's right to decide what happens with her own body. So, if the fetus is a person, then the fetus's right to life outweighs the mother's right to decide what happens with her own body. So, if the fetus is a person, then abortion is impermissible.

Some also believe that: If the fetus is a person, then it is wrong to abort the fetus even to save the mother's life. The common assumption does not seem sufficient for this belief. Why should the fetus's right to life outweigh the mother's right to life? Perhaps this belief is based on the Doctrine of Double Effect, or the Doctrine of Doing and Allowing.

Thomson argues against all of this. Suppose the fetus *is* a person, she asks. Is abortion still impermissible even when it is necessary to save the mother's life? Is abortion still impermissible even when it is not necessary to save the mother's life?

The examples:

1. *Growing Child:* The child is growing inside your house and will crush you unless you kill it.

- Parallel to cases in which the mother's life is at stake.
- Seems permissible to kill the child. (?)
- Why? (i) You have a right to self-defense that makes it permissible to kill the child. (?) (ii) You have a right to decide how your property is used that makes it permissible to kill the child (?).

2. *Violinist:*

You wake up in the morning and find yourself back to back in bed with an unconscious violinist... He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you."

- Parallel to cases in which the mother's life is *not* at stake.
- Seems permissible to unplug the violinist, which will lead to his death.
- Why? You have a right to decide how your body is used that makes it permissible to remove yourself from the violinist, even though this will lead to his death.

Are these cases parallel to abortion?

1. *Responsibility for the situation:*

The situations do not result from any voluntary acts of yours. But unwanted pregnancies often result from the mother's voluntary acts. Violinist shows only that abortion is permissible when the pregnancy did not result from the mother's voluntary acts, as in rape.

- First, showing this is significant, since opponents of abortion often do not make an exception for rape.
- Second, if opponents of abortion did make an exception for rape, they would have to say that when a fetus is the product of rape, it does not have a right to life, which is absurd. After all, grown children who were products of rape certainly have a right to life.

Question: Why can't the opponent of abortion instead say that when, but only when, the pregnancy results from the mother's voluntary acts, her right to self-defense, or her right to decide what happens with her own body, is sufficiently altered so that abortion is impermissible? The idea would be not that rape removes the fetus's right to life, but instead that voluntary sex, and so responsibility for the situation, alters the mother's rights of self-defense, or control over her body, at least with respect to the fetus.

Partial reply: Are these rights *sufficiently* altered, if the act is voluntary, but adequate precautions are taken? If not, then abortion is permissible even if the pregnancy resulted from voluntary acts, so long as adequate precautions (e.g., birth control) were taken.

People-seeds: People-seeds drift about in the air like pollen, and if you open your windows, one may drift in and take root in your carpets or upholstery. You don't want children, so you fix up your windows with fine mesh screens, the very best you can buy. As can happen, however, ... one of the screens is defective; and a seed drifts in and takes root.

- Intuitively, it seems that your rights are not significantly altered.
- Moreover, the standard of adequate precaution—that is, the standard such that, if you meet it, you are not responsible for what results—can't be that there are *no* further precautions that you could have possibly taken. "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."

2. Maternal responsibility

Does the mother have a special responsibility to the fetus because she is its mother?

Answer: "Surely we do not have any such 'special responsibility' for a person unless we have assumed it, explicitly or implicitly."

3. Third-party actions:

Abortion usually involves the actions of a third-party: namely, the doctor. From the fact that *you* may kill the growing child, or unplug the violinist, it does not necessarily follow that *someone else* may do so.

Thomson suggests that *other things equal*, other-defense is not permissible, because the growing child is an innocent threat. "Both are innocent: the one who is threatened is not threatened because of any fault, the one who threatens does not threaten because of any fault. For this reason we may feel that we bystanders cannot intervene."

Question: Doesn't Thomson say, in her later "Self-Defense," that other things equal, other-defense against innocent threats *is* permissible? (Now we see why the innocent threat case is so important!)

At any rate, Thomson argues that other things are not equal, so it *is* permissible for a third party to kill the threat. Why? You have a right to decide how your house is used, and the mother has a right to decide how her body is used.

Freezing Jones: If Jones has found and fastened on a certain coat, which he needs to keep him from freezing, but which Smith also needs to keep him from freezing, then it is not impartiality that says

“I cannot choose between you” when Smith owns the coat.

Thomson also suggests that it is permissible for a third-party to unplug you from the violinist, even though your life is not at stake.

4. *Killing vs. Letting Die*

It might seem that in Violinist, if you unplug, then you kill. After all, you *do* something, and this leads to his death. But this seems too quick. What you are really doing is *ceasing to give* live-saving aid, and this seems more like letting die. So all that Violinist may show is that:

Principle of Withdrawing Aid: You are permitted to stop giving life-saving aid, when you are not responsible for the need for it, and when giving it is very costly to you (and others are permitted to help you to do this, if you need their help, and you request it).

It is not clear that Freezing Jones shows anything more than this. Ceasing to let Jones use your coat is ceasing to give life-saving aid, you are not responsible for his needing a coat, and continuing to let him use your coat is very costly (you’ll die). So others are permitted to help you get your coat back.

In Growing Child, you clearly do *kill* the child. However, child—unlike the violinist—is a threat to your life, whereas the Violinist and Jones are not. If it is permissible to kill the child, perhaps this is only because you have a right of self-defense. If the child is only a great inconvenience, and not a threat, it is less clear that your right to decide how your house is used permits you to *kill* the child.

When is abortion impermissible?

1. “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.”

2. What is permissible is ceasing to allow the fetus to use your body. As it happens, this will lead to its death. But if this does not lead to the fetus’s death, it is not permissible to kill it. If the violinist somehow survives the unplugging, by analogy, you are not then allowed to kill him.

Review Questions:

1. Many abortions involve *killing* the fetus before cutting off its life support (i.e., removing it from the uterus and cutting the umbilical cord). Are such abortions permissible according to the Principle of Withdrawing Aid? Supposing (at least for the sake of argument) that such abortions are permissible, does Thomson’s argument explain why?
2. “Thomson’s defense of abortion, in cases of conception by consensual sex, is no good. Imagine that you mistakenly poisoned the violinist and so ruined his kidneys. Presumably, you are not permitted to refuse to let him use yours.” Explain this objection in your own words. How might Thomson reply to it?