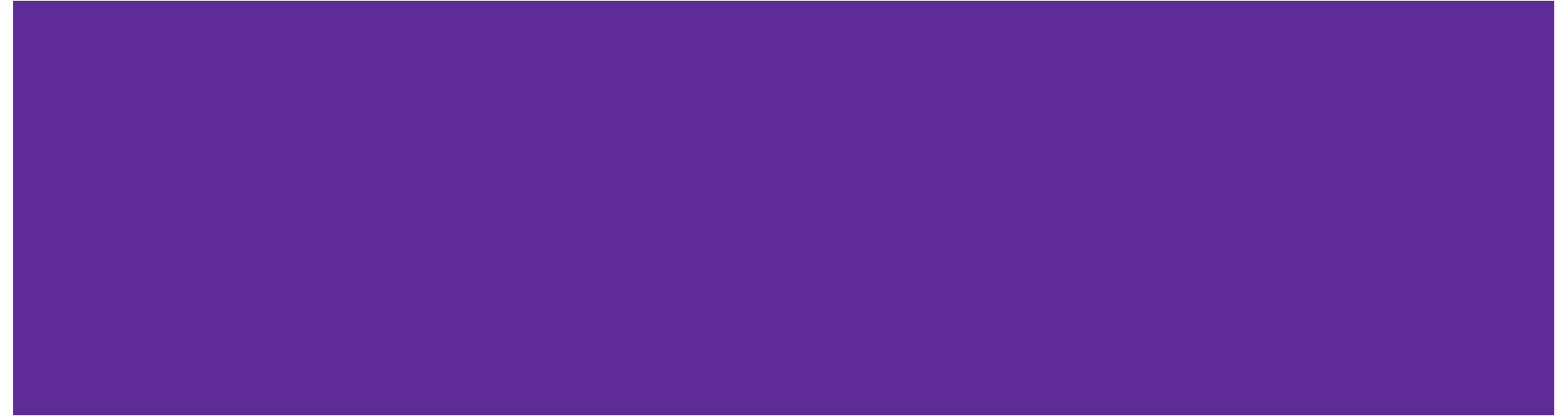


Judith Jarvis Thomson

A Defense of Abortion



Some Facts

- *Roe v Wade* is the defining legal case for abortions in the US.
 - Mandates that abortion is legal in all 50 states
- Most states have defining clauses regarding when an abortion can be performed.
 - Sometimes based upon “viability” = “potential to live outside the woman’s uterus, albeit with artificial aid.”
- Constitutional Wording of 14th Amendment:
 - *“If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child”*

Some Facts

- Thomson is not concerned with legal statutes or constitutional rights.
- Recall the Trolley problem from the beginning of class:
 - Morality exists naturally in us outside the scope of law
 - Law sometimes influences how we feel about moral situations - but not all the time.
- So Thomson just wants to ask the following question: Can we rationally determine that abortion is sometimes morally permissible?
- Where can we even begin? This is not a flippant matter.

Thomson

- Simplified View
- Believes the abortion debate comes down to two positions:
 - Pro-Life: A fertilized egg has the same rights to life as a fully developed person
 - Pro-Choice: A fertilized egg does not have the same rights to life as a fully developed person
- These positions are incompatible with each other
- Would-be resolutions pivot on these positions and arguments. Since neither side wants to give up their core positions, a resolution cannot be reached.

Thomsson

- The Basic Argument Thomson is arguing against
 - The fetus is a person and every person has a right to life.
 - Therefore, the fetus has a right to life.
 - The mother has a right to decide what happens in and to her body.
 - But the fetus's right to life outweighs the mother's right to decide what happens in and to her body.
 - Therefore, the fetus may not be killed; an abortion may not be performed.
- Thomson wants to show that there can be *some* cases in which an abortion is morally permissible:
 - To save the life of the mother
 - In cases of rape
 - In cases of failed contraception

Thomson

- Most pro-choice arguments try to employ the following strategy:
 - Claim that a fetus is not a person. But this leads to the gridlock between the two sides.
- Thomson's Strategy:
 - Find some way to argue in defense of abortion from the pro-life position.
 - Wants to tackle the "Extreme View" = all abortion is morally impermissible

Thomson

- Thomson says we can re-construct the basic argument so it more fully captures the essence of the extreme view.

EV1: A fetus has equal right to life

EV2: Recall the Trolley problem. Our intuitions tell us that the following is true:

Direct Killing - A physical action which immediately influences or causes the death of another individual.

Indirect Killing - The Process of letting someone die

Thomson

EV3: It is worse to directly kill an individual rather than to let one die

EV3.1: Another formulation of EV 3 - Direct killing an innocent person is murder, and it is always and absolutely impermissible.

EV3.2: Another formulation of EV 3 - One's duty to refrain from directly killing an innocent person is more stringent than one's duty to keep a person from dying.

EV 4: If One's only options are directly killing an innocent person (the fetus) or letting a person die (the mother), one must prefer letting the person die.

EV 5: Therefore, an abortion may not be performed because it would break EV4.

Thomson Violinist

- The Violinist Example
- What is it supposed to show?
 - Thomson is suggesting that we use her strategy. We should forget about trying to determine whether a fetus has a right to life and simply grant that right away.
 - Recall EV 3.1: Direct killing an innocent person is murder, and it is always and absolutely impermissible.
 - So unplugging the violinist would be impermissible according to 3.1
 - Even if staying attached would kill you
 - So if we agree that it wouldn't be unjust to unplug the violinist, then we have at least shown abortion is permissible in case of rape and threatening of life.

Thomson Violinist

- People Seeds
- What is it supposed to show?
 - That abortion is sometimes permissible in the case of failed contraceptive

Thomson - Right to Life

- Thomson's next job is to examine what the right to life is not
- Does not include the bare minimum which a person needs for continued life:
 - What if what a person needs is something he has no right at all to be given?
 - Fonda thought experiment
 - Usage of your kidneys
- The right not to be killed by anybody
 - Unplugging the violinist?

Thomson - Right to Life

- “The right to life consists not in the right not to be killed, but rather in the right not to be killed unjustly”
- According to Thomson:
 - “I have been arguing that no person is morally required to make large sacrifices to sustain the life of another who has no right to demand them, and this even where the sacrifices do not include life itself; we are not morally required to be Good Samaritans or anyway Very Good Samaritans to one another.”
- Thomson specifically states:
 - “First, while I do argue that abortion is not impermissible, I do not argue that it is always permissible. There may well be cases in which carrying the child to term requires only Minimally Decent Samaritanism of the mother, and this is a standard we must not fall below. “
- Thomson considers that being minimally decent to each other is a moral requirement.

Thomson - Dealing with counters

- Thomson considers the fact that she could be completely wrong about her violinist example.
 - That it is a poor analogy because the woman assumes a “special responsibility” for the fetus
- Thomson doesn’t think anyone has a “special responsibility” for anyone else based upon biological relationship unless it is assumed:
 - “But if they (the parents) have taken all reasonable precautions against having a child, they do not simply by virtue of their biological relationship to the child who comes into existence have a special responsibility for it. They may wish to assume responsibility for it, or they may not wish to. And I am suggesting that if assuming responsibility for it would require large sacrifices, then they may refuse. A Good Samaritan would not refuse-or anyway, a Splendid Samaritan, if the sacrifices that had to be made were enormous. But then so would a Good Samaritan assume responsibility for that violinist.”