

## Thomson



## Strategy

- Thomson thinks the arguments against abortion leave much to be desired. But, she also finds the pro-abortion arguments would benefit from further argumentation.
- Instead, she grants that
  - the fetus is a person from the moment of conception, and
  - argues that there are cases in which abortion is permissible because the woman has rights which override those of the fetus

## Right-to-Life Argument

1. Every person has a right-to-life.
2. A fetus is a person.
3. Hence, a fetus has a right-to-life.
4. A mother has a right to decide what shall happen in and to her body.
5. A person's right-to-life is stronger and more stringent than the mother's right to decide what happens in and to her body.
6. Hence, a person's right-to-life outweighs a mother's right to decide what happens in and to her body.
7. Depriving one of one's right-to-life is immoral and may not be performed.
8. Abortion deprives the fetus of its right-to-life.

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9. Therefore, abortion is immoral and may not be performed.

## Does the Fetus Have a Right-to-Life?

- Does the fetus have a right-to-life?
- Even if the fetus has a right-to-life, do the rights of the fetus outweigh the rights of the mother?
  - How does one go about deciding whose rights are supreme?

## Violinist Counter-argument

- Violinist counter-argument trades on “kidnapping” of surrogate.
- So, violinist analogy only seems to apply to cases of rape
- One might argue that whether the fetus has a right-to-life or how much of a right-to-life shouldn't trade on it being or not being the product of rape.
  - Why not?
- Thomson thinks the fetus resulting from rape has no rights over the mother

## Extreme View

- Abortion is impermissible even to save the mother's life
- 1. Performing the abortion would be directly killing the child.
  2. Doing nothing would not be killing the mother, but only letting her die.
  3. If one kills a fetus, one would be directly killing an innocent person.
  4. Directly killing an innocent person is murder.
  5. Murder is always and absolutely impermissible.

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  6. Therefore, an abortion may not be performed.

## Abortion as Self-defense

### Abortion-permissible-to-save-mother's-life-if-self-performed View

- What can a third-party do to save the mother's life?
  - While by-standers may feel they have no right to end a fetus's life, the mother can
- Unplugging oneself from the violinist in order to save one's life is an act of self-defense and acts of self-defense are morally permissible
  - to deny mother right to self-defense is to deny her same right-to-life fetus enjoys
- Child growing in house analogy

## Right of Ownership & Third-party Problem

- mother owns the house: so one cannot deduce what the mother ought to do from what third-parties ought to do
  - impartiality is no excuse in denying the mother rights to control her body
- Smith owns the coat which Jones takes to stay warm; not impartial to give to Smith the coat to which he has a right
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- With respect to the fetus, to what does the mother have rights?
  - Is the fetus the property of the mother?
  - Does the mother have rights to what happens in and to her body?

## Abortion-impermissible-when-the-mother's-life-not-at-stake View

- What does it mean to have a right-to-life?
  - 1) A right-to-life includes having a right to be given the bare minimum one needs for continued life
    - What if bare minimum is something one has no right to be given? (Henry Fonda's cool hand)
  - 2) A right-to-life amounts to and only to the right not to be killed by anybody
    - But does any one person have rights against everyone else not to be killed?

## On Having a Right-to-Life

- On having a right-to-life:
  - “I am arguing only that having a right-to-life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body—even if one needs it for life itself” (127).
- Having a right does not necessarily mean that one has a right to use it regardless of the circumstances
  - The fetus's right-to-life does not outweigh the mother's rights to her body
  - Is the mother being unjust?

## Depriving-one-of-a-right-to-life-is-unjust View

- Right-to-life is the right not to be killed unjustly
- Taking a box of chocolates and not sharing it with the person to whom it was given, who has rights to the chocolate, is unjust
- Violinist has no rights against you, so unplugging yourself is not unjust killing
- Is abortion a case of unjust killing?

“it is by no means enough to show that the fetus is a person, and to remind us that all persons have a right-to-life—we need to be shown also that killing the fetus violates its right-to-life, i.e., that abortion is unjust killing. And is it?” (127).

- In the case of rape, Thomson thinks abortion is not unjust killing because the fetus was not invited in

## Responsibility and right-to-life

- Voluntary intercourse: does the fetus have rights against the mother in cases of voluntary intercourse?
  - Case of people seeds: in cases of failed contraceptives, the fetus has no rights against the mother
- Reply: One could have lived her life without sex
  - This argument is no better than saying pregnancy due to rape could be prevented by having a hysterectomy or leaving the house with a reliable army
  - At best, Thomson thinks there are some cases where the fetus has rights against the mother. Nonetheless, not all abortions are unjust killings.

## Morally-indecent View

- This view interprets “rights” to imply doing something even though no one has rights against you for that action
  - it would be indecent not to stay attached to violinist for an hour
- Ought to allow use of body  $\neq$  right to use body
- Principle behind view: A ought to do a thing for B implies B has a right against A that A do it for B
- Problem: makes morally-indecent view turn on how convenient an act is to provide

## Good Samaritan View

- There are cases in which the mother carrying fetus to term only requires her being a minimally decent samaritan
  - Not allowing a raped 14-year-old access to an abortion is unjust
  - Allowing a 7-month pregnant woman to abort in order to take a trip abroad is also unjust