

THOMSON'S ABORTION ARGUMENT

I. **The Negative (Critical) Argument:** Much of what Thomson is doing can be understood as a criticism of a very common argument for prohibiting abortion. Consider the following argument, call it the 'naïve right to life argument against abortion rights':

- A. i. Every person has a right to life.
 ii. The fetus is a person.

Therefore, iii. The fetus has a right to life.

- iv. The right to life is more important (more stringent) than the right to control one's body.
 (That is, when they are in conflict, the right to life overrides the right to control one's body.)

Therefore, v. The fetus's right to life is more important than the right of the mother to control her body.

Therefore, vi. Abortion ought not to be permitted.

B. Though most pro-choicers reject premise *ii*, Thomson is willing to accept the argument all the way through proposition *v*. But, she claims, the inference from *v* to *vi* is fallacious. It falsely assumes that the fetus's right to life conflicts with the mother's right to control her body. But this is not so and the appearance that it is springs from loose language.

1. *The Right to Life:* Thomson argues that the right to life is a negative right (*i.e.*, the right not to be killed unjustly, not the right to have your life sustained), and does not include the right to the use of another's body for nine months. (Even if it is a positive right, Thomson would insist, it does not include the right to use another's body for nine months.)
 - a. The unconscious violinist example is supposed to establish this.
2. Rights conflict when one person has a right that some specific action be done and another has a right that *that* action not be done. If Thomson is right about the nature of the right to life, then there is no conflict between the fetus's right to life and the right of the mother to control her body, for the right to life does not include a right to the use of the another's body. This is true despite the fact that the mother's choosing to exercise her bodily rights by getting an abortion will result in the death of the fetus. The abortion conflicts with the *life* of the fetus, but not with its *right* to life because the right to life does not include a right to the use of the mother's body.
3. *Objection #1:* In the case of the violinist, the woman is simply removing support and allowing the violinist to die. Whereas in the case of abortion, the fetus is killed in the process. So, one might reply to Thomson that the right to life is the (negative) right not to be killed (not the positive right to have your life sustained), but still claim that abortion violates the fetus's right to life.

- a. *Reply #1:* This objection depends on drawing a sharp moral distinction between killing and letting die. Many doubt that the factual difference between killing and letting die will support much moral weight.

- b. *Reply #2:* Even if the objection is correct, it would still allow abortion by the following method: sever the umbilical cord, remove the fetus without damaging it directly and allow it to die for lack of support. Presumably, those who oppose abortion rights would oppose this form of abortion as much (or more) than they would currently used forms.
 - 4. *Objection #2:* In the case of the violinist, the woman's action results in the death of the violinist by a natural process. But the removal of the fetus is an unnatural intervention in a natural process. This provides the basis for a moral distinction between the two acts.
 - a. *Reply:* The distinction between what is natural and what is not is notoriously difficult to draw. Failures to do so clearly lead one to suspect that we make up our minds first about what we think is right and wrong and *then*, on the *basis* of this, label these actions 'natural' and 'unnatural' respectively. If this is so, then these categories cannot *justify* our moral judgments.
- C. *Augmenting the Naïve Argument:* If the defender of the naïve argument against abortion concedes that the violinist's right to life does not entail a right to the use of the woman's organs, she might attempt to augment the naïve argument. The strategy might be to argue that in the case of abortion, unlike the violinist case, the fetus's right to life *does* conflict with the woman's right of bodily control, because the fetus's right to life *does* include the right to the use of its mother's body even though the violinist's right to life does not include the right to use your body..
- 1. *Criticism:* The naïve right to life argument against abortion typically proceeds on the assertion that the fetus's has a right to life *just like anyone else*. Augmenting the argument as suggested would require denying this, and arguing that the fetus has a different kind of right to life than the rest of us. This is, perhaps, a strategy that could be pursued, but no one has done so.
- D. *Replacing the Naïve Argument:* Granting that the fetus's *right to life* does not entail a right to use the woman's body does not grant that the fetus does not *have* a right to use her body. It merely concedes that this right is not derived only from a right to life. One might argue that, where the pregnancy results from consensual sexual intercourse, that act itself has given the fetus a right to the use of the mother's body.
- 1. *Comment:* This is not an augmentation of the original naïve argument; it is a replacement of it. Unlike the naïve argument, this argument does not derive the objection to abortion from the presumed right to life of the fetus. The objection is based on a different right, the right to use the mother's body—a right that is claimed to follow from something other than the fetus's right to life. Nevertheless, it seems plausible that the right to life of the fetus *is* crucial to this new argument. And this may explain why the defenders of the naïve argument focused on the right to life. The reason that the right to life is crucial even to this new, more sophisticated, argument is that unless the fetus is the sort of entity that has a right to life, one might plausibly argue that it cannot have a right to use the woman's body in order to sustain its life, so that the right to use the woman's body *presupposes* (but is not *entailed by*) the right to life of the fetus.

- II. ***The Positive Argument:*** Thomson's positive argument attempts to show, by a series of examples, that there is no plausible theory which will show that the fetus has a right to the use of its mother's body. It is intended to respond to the sort of arguments with which one might replace the naive argument against abortion rights based on the right to life of the fetus. In particular, she is attempting to show that even in cases of consensual sexual intercourse, the woman has typically done nothing that constitutes granting the fetus a right to use her body.
- A. *The Burglar Example:* Thomson uses this to show that you are not required to support someone who becomes dependent upon you even if you could have prevented that dependency by taking proper precautions. But some might think that this is true precisely because the burglar is not innocent in becoming dependent. (Indeed, the burglar is quite guilty.)
- B. *The People-Seed Example:* Thomson uses this example to remedy the defect in the previous one. However, intuitions vary on this example and are even more likely to vary when we remind ourselves that these people-seeds are to be understood as persons, just like ourselves, from the point of entering the building.
1. Remember the line from that famous folk philosopher, Dr. Seuss: "A person is a person, no matter how small". We need to think of these "embedded people seeds" as being like the kids in *Honey, I Shrunk the Kids*, not like the pods in *Invasion of the Body Snatchers*.
- C. *Criticism of the Positive Argument:* In addition to the fact that Thomson's intuitions are not so clearly correct when we get to the case of innocent dependency due to negligence or a voluntary action on the part of the person who is depended upon, there is another problem.
1. Thomson exploits the claim, often made by those who want to prohibit abortion, that the fetus is an individual, distinct from its mother from the point of conception. But we should keep in mind that the fetus, if it is a person, is the child of the mother and parents may have more stringent *positive* obligations to children than to others. There are, after all, laws against child neglect.
 - a. The Hermit Sailor Example.