Judith Jarvis Thomson on Abortion

• In this article, Thomson uses the phrase ‘permissible’ to mean ‘within one’s moral rights.’ So when Thomson argues that it is permissible for a woman to abort a fetus, she means that a woman is within her rights to abort the fetus, not that it is the morally best option.

• Consider again the ‘standard anti-abortion argument’ from the Warren reading:

  P1 A fetus has a right to life.

  P2 It is always impermissible to kill something with a right to life.

  C2 It is impermissible to kill a fetus.

(Assume, for the purposes of this argument, that kill just means cause to die.)

• Warren denied P1. She argued that a fetus lacked all of the characteristics necessary for personhood (sentience, emotionality, etc), and that for this reason, the fetus didn’t have a right to life.

• Thomson denies P2. She thinks that it can be permissible to cause something with a right to life to die.
  – Why? Well, consider the following:

    There is a famous violinist whose kidneys are not functioning. You have the same rare blood type as the violinist. The Society of Music Lovers kidnaps you and hooks your circulatory systems up, so that your kidneys can filter the violinist’s blood.

    – Thomson says that, in this scenario, you have the moral right to disconnect from the violinist. But disconnecting from the violinist will kill him. So it is permissible to kill the violinist. But the violinist has a right to life. So it’s not always impermissible to kill something with a right to life. So P2 is false.

• There is a difference between having a right to life and having a right to be given assistance necessary to continue living. Just because the violinist has a right to life, this does not mean that he has a right to your kidneys. Similarly, just because the fetus has a right to life, this does not mean that the fetus has a right to use the mother’s body to gestate.

• To have the right to life is to have the right to not be killed unjustly—it is not to have the right to not be killed period.
Thomson: the mother has a right to determine what happens in and to her own body. The fetus does not have a right to the mother’s body. The mother did not literally invite the fetus into her body or otherwise extend the right to use her body to the fetus. So, by denying the fetus access to her body, she does not kill the fetus unjustly.

* Objection: But didn’t the mother grant the fetus the right to use her body by voluntarily engaging in sexual intercourse, knowing that there was a chance that this sexual activity would lead to pregnancy?

- Thomson: Suppose that I open my window for the breeze, and a burglar climbs in through the window. I voluntarily opened the window, and I knew that there was a chance that my opening the window would lead to a burglar climbing in. But that doesn’t mean that I have granted the burglar the right to use my home. So why should the the same case, with sexual intercourse, the womb, and the fetus swapped out for opening the window, the home, and the burglar, be any different?

- Thomson: there may be cases in which we agree that a woman getting an abortion is morally indecent—eg, a woman who gets an abortion in the third trimester so that she can go on vacation in the Bahamas before it gets too cold. Similarly, it would morally indecent to unplug yourself from the violinist if you only had to remain hooked up for another five minutes. However, you still have the moral right to unhook yourself, even if you really ought not do so.

* Objection: but doesn’t the mother have a special responsibility for her fetus, in virtue of being its mother, that you do not have to the violinist?

- Thomson: you cannot have special responsibilities like these unless you assume them. Once you take a child home with you, rather than aborting it or giving it up for adoption, you have assumed special responsibility for the child. However, merely getting pregnant is not sufficient for assuming responsibility for the fetus.