

# **Ethics of Abortion: Thomson on Permissibility**

Ethics: Bioethics (Spring 2015)

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# TO CRITICALLY ANALYZE

- ◎ **Having life vs. human being vs. person**
  - Delineations? Sanctity of what? What types of value are at stake?
  - Different normative implications...which duties are absolute and which are *prima facie*?
- ◎ **Killing vs. murder**
  - Killing innocent life = wrongful killing ...  
*always?*
- ◎ ***Innocent life...***
  - Meaning? Role of 'innocence' in arguments?
- ◎ **The question of choice**
  - In all cases of heterosexual intercourse, have the involved parties both *chosen* to take on the responsibility of pregnancy?



# WHAT ARE RIGHTS?

“Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states” ([Wenar](#))

- ⊙ Can be negative, positive, or both
- ⊙ Correlativity thesis:  $R \rightarrow O$
- ⊙ Suggest **what can be demanded—within limits**
  - ⊙ Unjust to do otherwise vs. supererogatory to refuse vs. supererogatory to comply
- ⊙ Need to be **specified**
  - ⊙ e.g., “right to life” needs to be clarified for what this right actually encompasses, which obligations are and are not entailed

# HOW DO RIGHTS WORK?

- Not necessarily a *trump* against all other considerations and interests
  - Note: depends on philosopher
- Provide “secure moral basis of protection against serious wrongdoing” (Beauchamp)
  - A defense against consequentialist calculations
- *Prima facie* –meaning they obligate others unless they conflict with equal or stronger right(s)
- Some rights might be given a fixed priority over others, so it will hardly ever (if ever) be outweighed.

# DIFFERENT QUESTIONS TO ASK

- ⦿ Are women morally permitted to seek an abortion?
- ⦿ Should the government intervene in women's choice to seek abortions? Or should it be legally protected?
- ⦿ Are doctors professionally permitted to perform abortions?
  - What is professionally vs. ethically vs. legally permitted
  - Professional obligations in these cases?

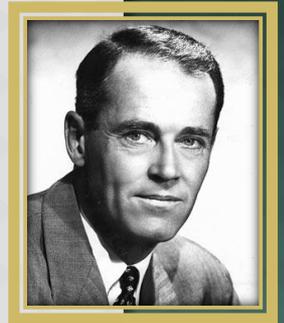
# VIOLINIST EXAMPLE



- ◉ Meant to attack this argument: A fetus is a person, and every person has a right to life; therefore, the fetus may not be killed through abortion because the right to life trumps the woman's right to her own body.
- ◉ So must stay connected to violinist?
  - Does length of connection make a difference?
- ◉ *How is the violinist case **analogous** and **disanalogous** to pregnancy?*
  - *What can we pull from the parallels and dissimilarities?*

# RIGHT TO LIFE...

- ◎ Entails what kinds of obligations?
  - To be provided the minimum of what is needed to continue living? (Henry Fonda counterexample)
  - To refrain from killing? (so cannot unplug violinist because he has a *claim* on *your* kidneys?)
- ◎ “we need to be shown also that killing the fetus violates its right to life, i.e., that abortion is *unjust* killing” (57, emphasis added)
  - When risk of pregnancy known, voluntarily taken? (burglar, people-seeds counterexamples)



# THOMSON'S CONCLUSIONS

- ◎ “having a right to life does not guarantee having either a right to given the use of or a right to be allowed continued use of another’s body — even if one needs it for life itself” (56)
- ◎ “nobody is morally *required* to make large sacrifices, of health, of all other interests and concerns, of all other duties and commitments [...] even for nine months, in order to keep another person alive” (61-62)
  - **Supererogatory** to continue pregnancy in many cases
  - Might be **suberogatory** to terminate pregnancy in some other cases

# DISCUSSION QUESTIONS

- ◉ *Do you think that, in virtue of becoming pregnant, there is necessarily a special set of obligations that the woman has to the embryo/fetus?*
  - *Is there a special obligation not to terminate the pregnancy?*
- ◉ *What do you think of JJT's arguments about laws not requiring Good/ Stupendous/ Minimally Decent Samaritism, which makes abortion bans particularly unfair to women?*
- ◉ *How do you think JJT's argument fares against Marquis' argument?*

Questions?  
Comments?