



Judith Thompson and the Case for Abortion

Michael S. Russo

In the United States, the abortion debate has typically been framed in terms of rights, usually pitting the fetus' right to life against the mother's right to control her body. Conservatives argue that the fetus is a person from the moment of conception, and, therefore, should enjoy all the rights and protections accorded to persons—most notably, the right to life. The position of those who are opposed to abortion would go something like this:

- P1: Every person has the right to life.
- P2: The fetus is a person.
- C: Therefore the fetus has the right to life.

The most conservative version of this argument, which is espoused by the Catholic Church, maintains that since the fetus has the moral status of a person, abortion is never morally justifiable. A weaker version of the argument holds that abortion is wrong unless there is a sufficient reason to override the fetus' right to life. This position would allow for abortion only in the cases of rape, incest, and to protect the life of the mother. In some cases, conservatives might also allow for abortion to prevent the birth of a severely handicapped newborn.

The liberal position, on the other hand, argues that the fetus is not a person and therefore abortion is morally permissible. This liberal argument can be expressed in the following way:

- P1: Only persons have the right to life.
- P2: The fetus is not a person.
- C: Therefore the fetus does not have the right to life.

The more extreme version of the liberal position argues that the fetus is not a person at all and equates abortion with the removal of organic matter from a woman's body. The act of abortion, according to this position, is similar to what occurs when a woman's appendix is removed during surgery. The weaker position of this argument acknowledges that the fetus is a potential person and that abortion, while regrettable, is nonetheless still morally permissible.

In January 1973, the Supreme Court, in its "Roe vs. Wade" decision, sidestepped the issue of whether the fetus was a person by allowing abortion to be permitted for any reason during the first trimester, but only to preserve the life or health of the mother after this period. While satisfying advocates of abortion, the Supreme Court's decision was greeted with outrage by conservatives, many of whom have spent the better part of the past four decades working to overturn the decision.

Two years before the Roe vs. Wade decision was reached, Judith Thompson wrote a controversial article entitled, "A Defense of Abortion," which has become something of a classic in the field of abortion literature. During the years since it was written, the article has provoked endless debate both in print and on the Internet.

Thompson begins her article by conceding for the sake of argument that the fetus is a person (although she says that she does not personally agree with this position). Her concession is significant, because, as we have seen, most arguments against abortion begin from the assumption that the fetus is a person and, therefore, has the right to life. By agreeing with this position, Thompson can focus on what she believes to be a more significant issue: whether it follows from this fact that abortion is morally wrong. She believes that it does not.

Using an expanded version of the conservative argument described above, Thompson summarizes the argument against abortion in the following way:

- P1: The fetus is a person and every person has the right to life.
- C1/P2: Therefore, the fetus has the right to life.
- P3: The mother has a right to decide what happens in her body.
- P4: But the fetus' right to life outweighs the mother's right to decide what happens in her body.
- C2: Therefore, the fetus may not be killed; an abortion may not be performed.

Although Thompson acknowledges that the argument may be plausible, she does not believe that it holds up under scrutiny. In order to prove her point, Thompson uses an analogy that has now become famous in the abortion debate:

You wake up one morning and find yourself back to back with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment and the Society of Music Lovers has canvassed all available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so your kidneys can be used to extract poison from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still they did it, and the violinist is now plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and he can be safely unplugged from you (48).

Thompson maintains that this scenario is analogous to that of a woman who is faced with an unwanted pregnancy as a result of rape. The fact that the violinist is a person doesn't mean that you are obligated to provide him with life support. Likewise, Thompson believes that simply because the fetus is a person does not mean that the rape victim has to carry it to term.

Thompson also believes that abortion is morally permissible in cases where the life of the mother is in danger. An extreme version of the pro-life position holds that since the fetus is a person, abortion is wrong even to save the life of a mother. Thompson modifies her previous analogy to refute this position:

Let us look again at the case of you and the violinist. There you are, in bed with the violinist, and the director of the hospital says to you, "It's all most distressing, and I deeply sympathize, but you see this is putting an additional strain on your kidneys, and you'll be dead within the month. But you have to stay where you are just the same. Because unplugging you would be directly killing an innocent violinist, and that's murder, and that's impermissible (48).

Thompson argues that, just as it would be your right to disconnect yourself from the violinist in order to protect your life, so too does the mother have the right to abort her fetus if her life is in danger. Furthermore, it doesn't matter whether we regard the fetus as a person or not, because the mother is also a person and has the right to protect her own life, even if it results in the death of the fetus.

The final situation in which Thompson believes that abortion is legitimate is when the mother has conscientiously used contraception, but this contraception has failed. To illustrate this point, Thompson uses a final "people-plants" analogy:

[S]uppose it were like this: people-seeds drift about in the air like pollen, and if you open your window one may drift in and take root in your carpets or upholstery. You don't want children, so you fix up your windows with fine mesh screens, the very best you can buy. As can happen, however, on very, very rare occasions does happen, one of the screens is defective; and a seed drifts in and takes root. Does the person-plant who now develops have the right to use your house? Surely not—despite the fact that you voluntarily opened your windows, you knowingly kept carpets and upholstered furniture, and you knew the screens were sometimes defective (59)

Thompson believes that her people-seeds analogy demonstrates that it is morally permissible for a woman to have an abortion if she has taken all necessary steps to avoid pregnancy. The fact that her birth control has failed her is not her fault, and she certainly cannot be reasonably expected to avoid all sexual activity.

Thompson does not deny that there may be some cases in which abortion may be unjust (although she does not spell these out); she merely is arguing that, at the very least, in cases such as rape, danger to the life of the mother, and the failure of birth control, the mother's right to control her body takes precedence over the fetus's right to life.

Sources

Judith Jarvis Thompson. "A Defense of Abortion." *Philosophy and Public Affairs* 1. No. 1 (Fall 1971): 47-66.

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