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Bioethics Session 9 Handout: Thomson on Abortion

Thomson has us suppose that the early fetus has all the rights of an adult human being. In particular she has us suppose that the fetus has just as strong a right to life as you or I do. Still, she says, it is sometimes morally permissible to abort it. Consider:

Case 1: The mother's life is at stake

It is permissible for the mother to abort because it is permissible to kill innocents with strong rights to life in self-defense. *Example: the expanding baby.*

It is permissible for a doctor to perform the abortion because the mother has a property right to use of her body, and it is (in cases like this) permissible to kill innocents in order to enforce property rights. *Example: the scarce provisions.*

Case 2: The mother's life is not at stake, but the pregnancy resulted from rape

Does aborting violate the right to life of the early fetus? We need to think carefully about the 'right to life' is. Rights theorists distinguish two sorts of rights:

Liberty Rights: in virtue of which others are obliged not to interfere with you.

Claim Rights: in virtue of which some others are obliged to aid you.

The early fetus has a liberty right to life, in virtue of which people are obliged not to murder it. But does it have a claim right to life, in virtue of which the mother is obliged to aid it in staying alive? No, says Thomson. Generally, you get a claim right that obliges me to aid you only if I have *given* you such a right – by making a promise or entering into a contract or something like that. *Examples: Henry Fonda, the Violinist.*

Viability is key, then. The mother can permissibly refuse to aid the fetus. But she cannot permissibly insist that it be killed when it can live on without her aid.

Case 3: As before, but the pregnancy resulted from contraception-failure

Is this case, did the mother give the early fetus a claim right to life, just by voluntarily having sex? No, says Thomson, you need to do more to give the fetus a claim right. You need to 'invite it in'. *Example: the people seeds.*

Case 4: As before, but the pregnancy was deliberate

Thomson concedes that in this sort of case mother did give the fetus a claim right to life.

A Wrinkle: sometimes we are obliged to aid people who have no right to our aid.

Distinguish The *Minimal Respector of Rights* – who just avoids violating rights.
 The *Minimally Decent Samaritan* – who also helps when it is not too costly
 The *Good Samaritan* – who helps whenever she can, no matter the cost

Thomson concedes that maybe we are obliged to be Minimally Decent Samaritans (*example: nearby Henry Fonda*) but we are not obliged to be Good Samaritans.

Problems for Thomson

Doesn't this mean that infanticide is sometimes morally okay? *Example: the island birth.*

Doesn't proximity give rise to strong obligations to aid? *Example: the drowning toddler.*