

A Defense of Abortion

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A slippery-slope argument

Most opposition to abortion relies on the premise that the fetus is a human being, a person, from the moment of conception. The premise is argued for, but not well. We are asked to notice that the development of a human being from conception through birth into childhood is continuous; to draw a line, to choose a point in this development and say “before this point the thing is not a person, after this point it is a person” is to make an arbitrary choice for which no good reason can be given. It is concluded that the fetus is, or anyway that we had better say it is, a person from the moment of conception.

But this conclusion does not follow. Similar things might be said about the development of an acorn into an oak tree, and it does not follow that acorns are oak trees, or that we had better say they are. Arguments of this form are called “slippery slope arguments” and opponents of abortion rely on them uncritically.

I am inclined to agree, however, that the prospects for “drawing a line” in the development of the fetus look dim. We shall probably have to agree that the fetus has already become a human person well before birth. Indeed, it comes as a surprise when one first learns how early in its life it begins to acquire human characteristics. By the tenth week, for example, it already has a face, arms and legs, fingers and toes; it has internal organs, and brain activity is detectable. On the other hand, I think that the fetus is not a person from the moment of conception. A newly fertilized ovum, a newly implanted clump of cells, is no more a person than an acorn is an oak tree. But I shall not discuss any of this. For it seems to me to be of great interest to ask what happens if, for the sake of argument, we allow the premise.

The violinist case I propose that we grant that the fetus is a person from the moment of conception. How does the [pro-life] argument go from here? Something like this. Every person has a right to life. So the fetus has a right to life. No doubt the mother has a right to decide what shall happen in and to her body. But surely a person’s right to life is stronger than the mother’s right to decide what happens in and to her body. So the fetus may not be killed; an abortion may not be performed.

It sounds plausible. But imagine this. You wake up in the morning and find yourself in bed with a famous unconscious violinist. He has a fatal kidney ailment,

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and the Society of Music Lovers has found that you alone have the right blood type to help. They have therefore kidnapped you, and the violinist's circulatory system was plugged into yours, so your kidneys can be used to extract poisons from his blood. The director of the hospital 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 now is plugged into you. To unplug you would be to kill him. But it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation? No doubt it would be very nice of you if you did, a great kindness. But do you *have* to accede to it? What if it were not nine months, but nine years? What if the director says, "Tough luck, but you've got to stay in bed, with the violinist plugged into you, for the rest of your life. Because remember this. All persons have a right to life, and violinists are persons. A person's right to life outweighs your right to decide what happens in and to your body. So you cannot ever be unplugged from him." I imagine you would regard this as outrageous, which suggests that something is wrong with that plausible-sounding argument I mentioned a moment ago.

The pro-life argument and rape cases

In this case, you were kidnapped; you didn't volunteer for the operation that plugged the violinist into your kidneys. Can those who oppose abortion on the ground I mentioned make an exception for a pregnancy due to rape? Certainly. They can say that persons have a right to life only if they didn't come into existence because of rape; or they can say that all persons have a right to life, but those who came into existence because of rape have less. But these statements have a rather unpleasant sound. Surely the question of whether you have a right to life, or how much of it you have, shouldn't turn on whether you are the product of a rape. The people who oppose abortion on the ground I mentioned do not make an exception in case of rape.

Nor do they make an exception for a case in which the mother has to spend the nine months of her pregnancy in bed. They would agree that would be a great pity, and hard on the mother; but all persons have a right to life, the fetus is a person, and so on. I suspect that they would not make an exception for a case in which the pregnancy went on for nine years, or even the rest of the mother's life.

The mother's right to self-defense

Let us call the view that abortion is impermissible even to save the mother's life "the extreme view." I want to suggest first that it does not issue from the argument I mentioned earlier without the addition of some fairly powerful premises. Suppose a woman has become pregnant, and now learns that she has a cardiac condition such that she will die if she carries the baby to term. What may be done for

her? The fetus, being a person, has a right to life, but as the mother is a person too, so has she a right to life. Presumably they have an equal right to life. How is it supposed to come out that an abortion may not be performed? If mother and child have an equal right to life, shouldn't we perhaps flip a coin? Or should we add the mother's right to decide what happens in and to her body, which everybody seems ready to grant—the sum of her rights now outweighing the fetus' right to life?

The most familiar argument here is the following. Performing the abortion would be directly killing the child, whereas doing nothing would not be killing the mother, but only letting her die. Moreover, in killing the child, one would be killing an innocent person, for the child has committed no crime, and is not aiming at his mother's death. Thus an abortion may not be performed.

Suppose you find yourself trapped in a tiny house with a growing child. I mean a very tiny house, and a rapidly growing child—you are already up against the wall of the house and in a few minutes you'll be crushed to death. The child on the other hand won't be crushed to death; if nothing is done to stop him from growing, he'll simply burst open the house and walk out a free man. Now I could well understand it if a bystander were to say, "We cannot choose between your life and his, we cannot intervene." But it cannot be concluded that you too can do nothing, that you cannot attack it to save your life. However innocent the child may be, you do not have to wait passively while it crushes you to death. Perhaps a pregnant woman is vaguely felt to have the status of house, to which we don't allow the right of self-defense. But if the woman houses the child, it should be remembered that she is a person who houses it.

I am not claiming that people have a right to do anything whatever to save their lives. There are limits to the right of self-defense. If someone threatens you with death unless you torture someone else to death, you have not the right, even to save your life, to do so. But the case under consideration here is very different. In our case there are only two people involved, one whose life is threatened, and one who threatens it. Both are innocent. For this reason we may feel that we bystanders cannot intervene. But the person threatened can.

In sum, a woman surely can defend her life against the threat to it posed by the unborn child, even if doing so involves its death. And this shows that the extreme view of abortion is false.

The people-seeds case

Suppose a woman voluntarily indulges in intercourse, knowing of the chance it will issue in pregnancy, and she does become pregnant; is she not in part responsible for the presence of the unborn person inside her? No doubt she did not invite it in. But doesn't her partial responsibility for its being there itself give it a right to the use of her body?

It is not at all plain that this argument really does go even as far as it purports to. If the room is stuffy, and I therefore open a window to air it, and a burglar

climbs in, it would be absurd to say, “Ah, now he can stay, she’s given him a right to the use of her house—for she is partially responsible for his presence there, having voluntarily done what enabled him to get in, in full knowledge that there are such things as burglars.” It would be still more absurd to say this if I had had bars installed outside my windows, precisely to prevent burglars from getting in, and a burglar got in only because of a defect in the bars. Again, suppose it were like this: people-seeds drift about in the air like pollen, and if you open your windows, 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, one of the screens is defective; and a seed drifts in and takes root. Does the person-plant who now develops have a right to the use of your house? Surely not—despite the fact that you voluntarily opened your windows and you knew that screens were sometimes defective. Someone may argue that you are responsible for its rooting, that it does have a right to your house, because after all you *could* have lived out your life with bare floors and furniture, or with sealed windows and doors. But this won’t do—for by the same token anyone can avoid a pregnancy due to rape by having a hysterectomy, or anyway by never leaving home without a (reliable!) army.

It seems to me that the argument we are looking at can establish at most that there are some cases in which the unborn person has a right to the use of its mother’s body, and therefore *some* cases in which abortion is unjust killing. There is room for much discussion and argument as to precisely which, if any. At any rate the argument certainly does not establish that all abortion is unjust killing.

Moral decency

There may be cases in which it would be morally indecent to detach a person from your body at the cost of his life. Suppose you learn that what the violinist needs is not nine years of your life, but only one hour: all you need do to save his life is to spend one hour with him. Admittedly you were kidnapped. Admittedly you did not give anyone permission to plug him into you. Nevertheless it seems to me plain you *ought* to allow him to use your kidneys for that hour—it would be indecent to refuse.

Again, suppose pregnancy lasted only an hour, and constituted no threat to life or health. And suppose that a woman becomes pregnant as a result of rape. Admittedly she did not voluntarily do anything to bring about the existence of a child. Admittedly she did nothing at all which would give the unborn person a right to the use of her body. All the same it might well be said, as in the newly emended violinist story, that she *ought* to allow it to remain for that hour—that it would be indecent to refuse.

My own view is that even though you ought to let the violinist use your kidneys for the one hour, we should not conclude that he has a right to do so—we should say that if you refuse, you are self-centered and callous, indecent in fact, but not

unjust. And similarly, that even supposing a case in which a woman pregnant due to rape ought to allow the unborn person to use her body for the hour he needs, we should not conclude that he has a right to do so; we should conclude that she is self-centered, callous, indecent, but not unjust, if she refuses. The complaints are no less grave; they are just different.

Except in such cases as the unborn person has a right to demand it— and we were leaving open the possibility that there may be such cases—nobody is morally required to make large sacrifices, of health, of all other interests and concerns, for nine years, or even for nine months, in order to keep another person alive.

Assuming responsibility

Following the lead of the opponents of abortion, I have been speaking of the fetus merely as a person. But it may be said that what is important is not merely that the fetus is a person, but that it is a person for whom the woman has a special responsibility issuing from the fact that she is its mother. And it might be argued that all my analogies are therefore irrelevant—for you do not have that special kind of responsibility for that violinist.

If parents do not try to prevent pregnancy, do not obtain an abortion, and then at the birth of the child do not put it out for adoption, but rather take it home, then they have assumed responsibility for it, they have given it rights, and they cannot *now* withdraw support from it at the cost of its life because they now find it difficult to go on providing for it. But if they have taken all reasonable precautions against having a child, they do not simply by virtue of their biological relationship to the child who comes into existence have a special responsibility for it. They may wish to assume responsibility for it, or they may not wish to. I am suggesting that if assuming responsibility for it would require large sacrifices, then they may refuse.

Objections from the pro-choice side

My argument will be found unsatisfactory on two counts by many who want to regard abortion as morally permissible. First, I do not argue that abortion is always permissible. I am inclined to think it a merit of my account that it does not give a general yes or a general no. It allows for and supports our sense that, for example, a sick and desperately frightened fourteen-year-old schoolgirl, pregnant due to rape, may of course choose abortion, and that any law which rules this out is insane. And it also allows for and supports our sense that in other cases resort to abortion is positively indecent. It would be indecent in the woman to request an abortion, and indecent in a doctor to perform it, if she is in her seventh month, and wants the abortion just to avoid postponing a trip abroad. The fact that the arguments I have been drawing attention to treat all cases of abortion as morally on a par ought to have made them suspect at the outset.

Secondly, while I am arguing for the permissibility of abortion in some cases, I am not arguing for the right to secure the death of the unborn child. It is easy to confuse these two things in that up to a certain point the fetus is not able to survive outside the mother's body; hence removing it from her body guarantees its death. But they are importantly different. I have argued that you are not morally required to spend nine months in bed, sustaining the life of that violinist; but to say this is by no means to say that if, when you unplug yourself, there is a miracle and he survives, you then have a right to turn round and slit his throat. You may detach yourself even if this costs him his life; you have no right to his death. Some people will feel dissatisfied by this. A woman may be utterly devastated by the thought of a child, a bit of herself, put out for adoption and never seen or heard of again. She may therefore want not merely that the child be detached from her, but that it die. Some opponents of abortion regard this as beneath contempt—thereby showing insensitivity to a powerful source of despair. All the same, I agree that the desire for the child's death is not one which anybody may gratify, should it turn out to be possible to detach the child alive.

At this place, it should be remembered that we have only been pretending that the fetus is a human being from the moment of conception. A very early abortion is surely not the killing of a person, and so is not dealt with by anything I have said here.