

Ethics Of Life and Death: Contemporary
Debates in Applied Ethics

HPPH5026 \ HPPH6026

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Must a Right to Life Include a Right to Another's Body?

A Dialogue Critically Assessing Thomson's 'A Defense of Abortion'.

The evening light spilt into a seminar room: Four chairs, one chalkboard, three sketches – a violinist, a tiny house bulging, a window with fine mesh screens. Molly moderates with a calm, teacher-like poise; Euan channels Thomson's voice; Findor worries the analogies like a lawyer with a clause; Paine, recently pregnant, is the case made flesh. Everyone is trying to think well under pressure. The board reads our new title: Must a Right to Life include a Right to Another's Body? Tonight's plan: Hear Thomson fairly, test her analogies honestly, and finish in Hursthouse's stead.

Act I – The arrival: Paine seeks guidance; group commits to reasons over slogans.

Act II – On conservatism: Wendler, don't interrupt natural process. Wertheimer, fetus is a person.

Act III – What Thomson actually argues: Right to life does not mean right to bodily use; violinist, seeds, tiny house; unjust vs indecent.

Act IV – Unified objection: Responsibility complicates consent; seeds underplay dependence; unjust threat disputed.

Final act – Conclusion (virtue lens): Hursthouse; decide via virtues – truth, compassion, justice – what would a good person do?

Act I — The Arrival

P: I've just found out I'm pregnant...I feel very overwhelmed, I don't know what I should do – what I *ought* to do. I am not ready to be a parent, but my family want me to keep it and is against abortion, my friends think I should get rid of it, and I just want to know what the right thing to do is!

Can you guys help me?

M: Paine, thank you for trusting us with a query of great importance. If you're willing, we'll critically assess Judith Jarvis Thomson's 'A Defense of Abortion' (Thomson, 1986); thereafter, we will add in necessary objections, testing if Thomson's arguments are untenable or not.

P: I am happy with the approach. Thank you all for helping.

Act II — On Conservatism

M: First and foremost, we need to state Thomson's argument accurately before we can test its viability. For background information, in the debating world of abortion, there lie two major families running the show: Liberalism and conservatism.

P: What do you mean by these terms?

M: We'll discuss the conservative view, as that is the main opposition to Thomson. Just as you experienced, your family want you to keep the fetus right?

P: Yes

M: Did they back up their opinion with reasons why they think this is right?

P: They said God gives life, so it isn't our place to take. My mum quoted from our pastor: *Thou shalt not kill*. My uncle even chimed in, spouting something about, once there is a

heartbeat, it's already a baby. I felt like they were saying, I owe the fetus my body, no matter what I want.

M: That's a perfect window into the strands of conservatism on abortion. Has anyone heard of David Wendler?

F: He's a PHD graduate, 'senior investigator' (NIH Clinical Center, 2023) in the 'department of Bioethics' (2023) at 'NIH Clinical Centre' (2023). He also worked on a *bioethics* book with David DeGrazia, right?

M: Indeed, in that bioethics book, Wendler's point is that many philosophers misdescribe conservatism. He argues that the 'person from conception' (WENDLER, 1999, p. 32) story isn't the real engine of the view: 'the personhood analysis is mistaken: the conservative view is based on the natural process of fetal development, not the personhood of the fetus' (1999, p. 32). Wertheimer, on the other hand, notes that extreme conservatives believe that 'a human fetus is a human being, not a partial or potential one, but a full-fledged, actualised human life' (Wertheimer, 1971, pp. 70-71).

P: The first strand by Wendler sounds less like 'the fetus is a human being' (1971, pp. 70-71) and more like don't interrupt with what nature is doing. Grounding pregnancy as a morally weighty type-level, natural process. As Wendler puts it, 'proponents of CV... locate the moral significance of fetal development at the level of types of processes,' (1999, pp. 39-42) not case-by-case tokens. Whilst Wertheimer's strand grounds wrongness in what the fetus is – a person.

M: Paine, have I satisfactorily summarised the conservative viewpoints?

P: I believe so. If what you say is true, then I tend to take a more liberal viewpoint, but I will hold off on deciding for the time being.

Act III — What Thomson Actually Argues

M: Euan, you're bubbling with excitement. Would you like to add on to this discussion?

E: I have been enthused by Judith Thomson for the past week. I would love to add my input.

M: Very well, please proceed.

E: We ought to make note that Thomson was not 'arguing that people do not have a right to life' (1986, p. 46) in her words, 'all persons have a right to life' (1986, p. 46). What Thompson is arguing is that,

"Having a right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body - even if one needs it for life itself" (1986, p. 46).

Are we all clear on Thomson's viewpoint before going deeper into this?

P: Yes!

M: All Clear.

F: All good here.

E: Thomson's strategy to infiltrate the minds of conservatives was brilliant! She wielded oppositional leniency, using it as a playground for her to trip everyone up: What I mean by this is that, for argument's sake, Thomson grants that the fetus is a 'person' (1986, p. 38) with a 'right to life' (1986, p. 38). Along with this strategy, Thomson presents various analogies hoping to trip up conservatives and land them in the world of hypocrisy. Take her *violinist* case; the analogy declares that a *right to life* does not constitute a claim on *someone else's body*. Imagine waking up to find yourself forcibly attached to a famous unconscious violinist who needs your kidneys for nine months. You can unplug yourself – you are not *obligated* to provide that bodily service, but the violinist will perish if you do (Thomson,

1986). In this scenario, swap fetus/mother for violinist/you; following the anti-abortionist logic, the result is that you are required to stay plugged in.

P: I see! So, if a conservative unplugs themselves, then it could be seen as hypocritical, as the right to life should trump the right of choice.

E: Exactly.

P: Now that I'm thinking about this, the analogy is depicted as *non-consensual*, aligning more with rape cases. In my case, the sex was *consensual*; does that change my right to choose?

E: Ah, Thomson's 'people-seeds' (1986, p. 48) argument targets exactly this: Picture this, after 'reasonable precautions' (1986, p. 55), an unwanted seed drifts uninvited into your home and 'takes root' (1986, p. 49). 'Does the person-plant who now develops have a right to the use of your house?' (1986, p. 49). We will revisit this point later. For now, let us move on to another core dilemma that Thomson proposes, that is, the 'tiny house with a growing child' (1986, p. 42) argument: This analogy stems from an idea of 'self-defense' (1986, p. 42). Suppose you found yourself trapped in a 'tiny-house with a growing child' (1986, p. 42), minutes before you're crushed to death, 'the child, on the other hand' (1986, p. 42) walks away unharmed. The question in need of asking is whether it is permissible for us to take a life in cases of *imminent death*? 'However innocent the child may be' (1986, p. 42), are we left with any rights to decline death's arrival?

M: It is important to mention for Thomson that *unjust* and *indecent* have their distinctions. For example, refusing rescue can be indecent, but it violates no rights – the laws here don't compel 'good Samaritan' (1986, p. 51) heroism. Scott Woodcock captures Thomson's stance perfectly: such refusals 'may be insensitive, callous, self-centred, and horribly indecent, but they are not unjust' (WOODCOCK, 2005, p. 217), so to align justice with decency is a mistake.

P: What I gather from Thomson's thesis is that it is narrow but powerful. The fetus may or more not be a person; if it is, it still doesn't justify months of internal bodily use. So, abortion

can be permissible as a refusal of compelled bodily service – especially in rape, serious threat, or contraception failure cases.

M: I think that sums Thomson's thesis up nicely. Let us move on to testing its vigour. Findor, would you like to start us off?

Act IV — Unified objection

F: Very well, let's take them together. Thomson's analogies pull in three moral agendas – consent, self-defence, and harm – but typical pregnancies aren't kidnappings, most fetuses aren't *unjust* threateners, and the central loss at stake isn't a scraped knee; it may be a whole life's worth of goods.

E: Start with the violinist. It isolates the core principle: The right to life isn't a right to someone else's body (Thomson, pp. 52-56). If I wake up attached without my consent, I may unplug – even if he dies. That seems clear, no?

F: Clear for non-consensual cases, but I'd argue some conservatives agree that abortion is permissible 'in cases of rape or where the mother's life is at stake' (1999, p. 34). Thomson's violinist case is a homerun, I will concede to that. But as Paine mentioned earlier, her case and others alike are consensual. To this, I bring in the responsibility objection. Paine, as your pregnancy was the result of a voluntary act, responsibility here matters.

Now, 'the responsibility objection can be developed in two' (Boonin-Vail, 1997, p. 288) distinct ways: A) 'If a 'woman's pregnancy is the result of a voluntary action, she should be understood as having tacitly waived her right to expel the fetus' (1997, p. 288). B) There is no need for tacit consent 'in order for the voluntariness of the woman's intercourse to deprive the woman of her right to refuse to aid the fetus' (1997, p. 288). Let's refer to these routes as Tacit Consent and Negligence for the time being.

So, Thomson's violinist argument 'fails to apply to cases in which the woman is (partly) responsible for the fact that she is pregnant' (1997, p. 288).

P: Hmm, but I can foresee car accidents without consenting to donate my organs, no? Therefore, foreseeability isn't consent to the use of my body.

F: True – risk isn't consent. But when your voluntary risk-taking *causes* someone to need aid that only you can provide, the moral applications thicken. The point isn't that responsibility always overrides autonomy; The violinist analogy underdescribes cases where role-responsibility is substantial.

P: What about the people-seeds analogy? I used the best screens yet the seed floated in (Thomson, 1986, p. 48).

F: Ah, well, seeds and burglars aren't dependents you intentionally risked creating; they're intruders. Whilst sex is the recognised way humans create other humans. So, both tacit consent and negligence are applicable here; you joined a practice with foreseeable dependents, and you knowingly ran a risk that materialised (1997, pp. 288 - 294). You are applying screens which show due care, yes, but due care doesn't always erase special obligations once dependence actually exists.

M: Suppose the mesh of the screens were truly the best available. Are we to be held morally trapped by tiny probabilities?

F: Not trapped, answerable. The dependence is a predictable outcome of a practice we freely pursue; it might even be said that a time-bound, proportional duty of bodily support can arise from this. Even where there is no fault, causal responsibility can ground obligations stronger than ordinary Good Samaritanism (1997, pp. 289-294). If the core harm of killing is future deprivation, sweeping the seed out predictably imposes that loss (Marquis, 1989, pp. 189-191).

P: What about the expanding child analogy? Self-defense permits stopping a lethal threat, even if the threatener is innocent (Thomson, 1986, pp. 42-43).

F: Most fetuses aren't *unjust* aggressors. Your own 'emendation' (1986, p. 47) says the right to life is a right not to be killed unjustly (1986, p. 47). If unjust means violating a *further* right (e.g., to use the mother's body), Roger Gibson warns us you might drain the fetus's right to life of content – many fetuses never acquire that further right, which collides with what you provisionally granted conservatives (Gibson, 1984, pp. 132-135). If the unjust is any looser, the analogy risks begging the question: Does it smuggle in unjust threat status to license self-defence when that status is what is being contested? That which is being contested is whether the fetus is an unjust threat.

Act V — Conclusion

M: You've traded analogies and boundary cases. Let us ask a different question: *What would a good, practically wise agent do here?* In virtue ethics, we don't reduce rightness to a single rule or a single right; we ask how character – justice, compassion, honesty, practical wisdom – should shape choice in this situation (Hursthouse, 2007, pp. 156-158). You spoke of consent, threat (self-defense), and harm; with that come the familiar vices 'greed, self-indulgence and short-sightedness' (2007, p. 155), and the need for prudence to look long term at costs and responsibilities (2007, pp. 156-158).

F: We need an answer, not a portrait of a character.

M: Ah, but portraits guide answers. Virtue ethics *specifies* right and wrong in terms of the virtues and vices themselves, not merely as afterthoughts to independent rules (2007, p. 160). So we ask: Is this decision compassionate to the pregnant woman and truthful about her circumstances? Is it just toward the dependent life we helped bring about? Is it long-sighted rather than convenient? Does it avoid the arrogance of assuming dominion over vulnerable life and display proper humility about our limits? (2007, pp. 158-160)

F: Uhhh, how do these virtues interact with our earlier trio – responsibility, threat, and future loss?

M: Well, responsibility calls for just and truth within one's role in creating dependence – neither denying it (cowardice, self-deception) nor magnifying it beyond reason (2007, pp.

156-158) Threat invites courage and practical wisdom: There is a genuine peril to the woman's life and serious health threats can license hard measures without sliding into callousness (2007, p. 156) Future loss presses compassion and humility: can we acknowledge the gravity of ending a developing life without faltering into cruelty toward the living woman? (2007, pp. 156-160)

P: That seems a little open-ended...

M: It will. A mature ethical outlook often yields 'obvious prohibitions' (2007, p. 167) – don't be wantonly cruel, dishonest, reckless – but this is not a micro policy for every case; where we lack exemplars, action guidance is thinner, and we must cultivate the virtues to see what matters (2007, pp. 168-169).

F: So, in practice?

M: In practice, you deliberate like this: *Given my real circumstance, what would a truthful, compassionate, just, and long-sighted person decide?*

F: And when the world is already messy – limited options, structural injustice?

M: The task is to act as well as possible now, under constraint, seeking what a good agent would choose, even when no option is untainted (2007, p. 170).

P: Then our analogies – Violinist, Tiny house, People-Seeds – are but lenses, not verdicts?

M: Exactly, Paine. They clarify aspects – consent, defence, precaution – but practical wisdom integrates them with character. The question isn't only May I? but *what does goodness require of me here, toward this woman, this dependent life, and these real costs, now?* (2007, pp. 156-160, 168-169)

P: I came looking for a rule. I leave with a way to think: Consent, responsibility, threat and the gravity of future loss – held together by character.

E: Thomson gave us the backbone: A right to life isn't a right to another's body (1986, p. 46). That leaves space for refusal – especially in rape and serious peril.

F: And yet, where pregnancy follows voluntary acts, tacit consent or negligence may thicken duties beyond Good Samaritan minimums (1997, pp. 286-294). The violinist and people-seeds only go so far.

E: Self-defense helps in lethal threat cases, but an unjust threat can't be assumed (1986, pp. 42-46) (1984, pp. 132-135).

M: Judgement isn't a switch; it's a practice. Ask: *What would a truthful, compassionate, just, long-sighted agent do here?* (2007, pp. 156-160). Trivial or self-indulgent reasons count against abortion; crushing burdens, coercion, or serious threat can count for it. Responsibility may ground proportional support, whilst humility checks moral grandstanding (2007, pp. 158-160, 168-169).

P: Then my task is to deliberate as well as I can, under real constraints, aiming to act as a good person would – toward myself and the life depending on me.

M: Exactly, I hope we and Thomson were of some help to you.

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