

Do Judith Jarvis Thomson's analogies show that there is a right to terminate a pregnancy even when a mother's life or health is not at risk?

Judith Jarvis Thomson's *A Defense of Abortion* is a prominent literature on the debate around abortion, notably for granting the premise that a foetus can be considered a person from the moment of conception. While many regard Thomson's analogies in her thought experiments to be persuasive, this essay argues Thomson's essay becomes less convincing in light of the Responsibility Objection. This objection considers whether or not Thomson is right in suggesting that even as the mother of the foetus, there does not exist a special responsibility which compels the mother to sustain the life of the foetus, thus denying the mother the right to terminate the pregnancy. Additionally, it is worth acknowledging that pregnancy is caused by two people, a mother and a father. Therefore, it comes naturally that a father should also be taken into account in this objection, but for sake of conciseness we will only consider the mother as responsible or not. To understand the relevancy of the Responsibility Objection within Thomson's analogies we first need to evaluate the implications of responsibility in her argument.

Thomson has two main analogies in her essay, the Violinist and the People-Seeds thought experiments. The Responsibility Objection is far more applicable to the latter. In the Violinist thought experiment (Thomson, 1971, pp. 48–49) you wake up having been kidnapped by the Society of Music Lovers to find that your kidneys are connected to a famous violinist. They have done this because only you have the right blood type to allow the extraction of poisons from his blood. Treatment will last for nine

months in which you will be bed-ridden and remain connected. Once nine months have passed the treatment for the violinist will be complete and you and the violinist will be free to leave as normal without any impact to your bodies (Thomson, 1971, pp. 48–49). The Responsibility Objection has very little relevance regarding this thought experiment because the nature of being kidnapped then hooked up to the violinist illustrates it is analogous to cases of nonconsensual sex. Consequently, it would be absurd to suggest a woman can be given responsibility for a foetus which was a result of a rape since no voluntary action was committed by the woman. Thus, the Responsibility Objection has no place in this analogy. Meanwhile in the People-Seeds thought experiment, Thomson (1971, p. 59) asks us to imagine people-seeds that drift in the air and that may take root in your house if you open the windows. Since you do not want this, you install mesh screens but on very rare occasions a seed may still find its way through and take root. Naturally, Thomson suggests that if a person-plant does take root they have no right to use your house and furniture to grow. This is different to the Violinist since the People-Seeds thought experiment is applicable to cases of consensual sex and is far more relevant to scrutiny under the Responsibility Objection.

One argument that suggests the mother is responsible for her foetus follows the notion that because she is responsible for the existence of the foetus, she therefore forfeits the right to terminate the pregnancy. In Thomson's People-Seeds analogy you are responsible for opening the windows to your house and thus responsible for the existence of the people-plants. One might suggest this forfeits your right to remove the people-plants, however, Silverstein (1987) suggests this is not necessarily the correct intuition. Instead he gives the following thought experiment of an imperfect drug: As a

doctor you received a violinist who was suffering from a fatal illness in which the only cure was for you to administer him a drug right that instance. This would allow the violinist to continue life as normal but has the side-effect whereby your violinist may take on the kidney disease similar to that of Thomson's violinist in a few years. You knew this and you also knew that you were the only person who had the right blood type to help the violinist should he have this disease in the future. After a few years, the violinist acquired the kidney disease. (Silverstein, 1987, pp. 106–107). Naturally, Silverstein argues you are not expected to then help the violinist a second time despite being responsible for their existence. This reinforces the People-Seeds analogy by enabling us with confidence to see that while you are responsible for the existence of the people-seeds, this does not necessarily obligate you to aid the existence of any people-plants. Similarly, the same can be said for the mother and its foetus.

While it seems that Silverstein's example clears Thomson's analogy we must note there are differing types of existence, notably that the mother is still responsible for her foetus because the existence the foetus possesses is one which is dependent on the mother. Silverstein (1987) acknowledges this point and provides a second scenario. He suggests that if there had been a superior drug available, which would not have caused the side-effect, and you as the doctor chose to administer the original inferior drug, you would then be inclined to help them further down the line (Silverstein, 1987, p. 107). This reasoning suggests that you are responsible for sustaining someone's existence if you were able to provide for them a situation where they did not require your aid and still chose not to. This supports Thomson's analogy since it is not possible to provide a situation where the people-plants can grow without depending on the house.

In real terms, a woman does not forfeit her right to terminate the pregnancy, since she cannot become pregnant without offering a scenario where the foetus exists and does not depend on her. While this seems credible at first, others (Boonin, 2002, p. 185) have commented that Silverstein's case is not applicable to Thomson's analogy because in Silverstein's Imperfect Drug scenario you have a moral reason to aid the violinist, whereas in the People-Seeds thought experiment you have no moral reason to open the window. That is to say, aiding the violinist in the Imperfect Drug scenarios was the right and moral thing to do, but one is not obligated to have sex for it does not possess that characteristic. Yet even in a situation where one is not morally obligated to assist, Lang (2008) still disagrees, arguing "there is a separately constituted danger to the life of an already existing person for which the would-be lifesaver bears no responsibility" (Lang 2008, p. 61). Indeed, there are two important points Lang (2008) offers, firstly about the relation of the danger to the lifesaver, and secondly the notion of an 'already existing person'. In the case of the Imperfect Drug, the original fatal illness the violinist is experiencing has no relation to you. To contrast, in Thomson's case of the People-Seeds you are responsible for opening the window, and similarly in the case of voluntary sex, the danger to the foetus (i.e threat of abortion) shares a connection to the mother. As for the notion regarding 'already existing', Bernstein and Manata (2019) make the point that pregnancy, and therefore Thomson's analogy, "brings a dependent person into being" (2019, p. 248) whereas Silverstein's example affects someone given they already exist. A more suitable comparison would be knowing you have a painful genetic disease and willingly conceiving a child knowing that they too would live a life of suffering due to the disease (McMahan, 2002, p. 366). Consequently, it seems as though Thomson's analogy is still subject to the criticism that there exists a special responsibility bestowed

upon the mother as she is responsible for causing the existence where the foetus depends on her to continue to exist.

To further illustrate why Thomson's People-Seed analogy remains unconvincing in showing there is a right to terminate a pregnancy consider McMahan's alternative to Silverstein which he calls the Accidental Nudge (McMahan, 2002, p. 367): At a party on a dock a guest accidentally bumps into another, knocking him into the water. The guest who has fallen into the water cannot swim and will drown if no one rescues him. McMahan argues that everyone who can swim has a moral reason to save the drowning guest, however the person who nudged the guest into the water has another reason on top of everyone else; the reason being that he not only fails to save him but he has also caused him harm (McMahan, 2002, p. 367). One might suggest this is more relevant to abortion than other examples because, like the nudger, the mother has an extra reason that no one else possesses, which is that they have accidentally placed someone in an unfavourable position. McMahan argues the relevant question ought to be "if the pregnant woman refuses to aid the fetus, so that it dies, will the act by which she caused it to need her aid then have been on balance bad for it, good for it, or neither?" (McMahan, 2002, p. 369). Thomson's People-Seeds analogy gives little indication for whether or not she believes existing in a state of need is better or worse than not existing at all. McMahan (2002, p. 372) argues that the foetus is neither better nor worse for existing than not existing at all. This is mainly since in order to compare, one must exist, and by virtue of not existing any kind of comparison is weak. However, Lang (2008, p. 64) argues this questioning is not relevant to the Responsibility Objection.

Indeed, the Responsibility Objection suggests there exists a special responsibility that binds the mother above anyone else to sustain the foetus, this reason is that the foetus is still dependent on its mother to exist regardless of if the foetus is better or worse off for existing. Consequently, it is hard to argue that Thomson's analogy remains robust because at the face of it, you are responsible for opening the windows and facilitating the growth of the people-seeds. Perhaps you could argue that Thomson combats this with rhetoric, suggesting it would be like living life with "sealed windows and doors. [And] this won't do--for by the same token anyone can avoid a pregnancy due to rape by having a hysterectomy" (Thomson 1971, p. 59). But this would be taking a preventative measure against an involuntary action which differs entirely to voluntarily partaking in sex. Hence, regardless of whether or not a foetus has been made better, worse or indifferent than to not existing at all, Thomson's analogy fails to suggest that a woman is not responsible for her foetus and thus does not have a right to terminate a pregnancy.

Ultimately, while Thomson's thought experiments may initially appear persuasive, the Responsibility Objection illustrates that her argument is less convincing. Of course, the Violinist thought experiment remains valid given that the Responsibility Objection cannot yield any satisfying conclusion where a woman could somehow be made responsible for her foetus given the act to create the foetus was done nonconsensually. However, in instances of voluntary sex her People-Seeds analogy breaks down, this is due to the notion that a mother is responsible for the dependent existence of the foetus and thus acquires a special responsibility that denies her the right to terminate the pregnancy. Thomson's conclusion most definitely resonates with many but granting the premise that a foetus from conception can be considered a person is perhaps too

ambitious. Therefore, Thomson's People-Seeds analogy fails to show there is a right to terminate a pregnancy even when a mother's life or health is not at risk.

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