CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

ABORTION AND WOMEN'S RIGHTS

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by

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ABSTRACT

ABORTION AND WOMEN'S RIGHTS

by

Dennis Frank Brandon

Master of Arts in Philosophy

The introductory pages in this project set a background to inform the reader of the context in which the main body of the paper is to be considered. Various positions on the animation problem are considered. The legal aspect of abortion is briefly outlined to determine the rights of both the fetus and the pregnant woman. Consideration is also given to the consequences of allowing our actions to be based on a popular misconception of women's rights.

The main body of the project involves a position proposed by Judith Jarvis Thomson allegedly justifying abortion in cases where the fetus poses a threat to the life of the mother. Thomson's position is outlined and her arguments are stated. I argue that Thomson's
position is incorrect and conclude by offering an alternative analysis of one's duties concerning certain aspects of the abortion issue.
Introduction

It would be difficult to discuss a particular aspect of the abortion problem without first placing it in context. For example, one needn't discuss the rights of the fetus if it is decided that the fetus is not a human being. The aspects of abortion I wish to consider require the reader to be knowledgeable in other basic areas of abortion.

The project is divided into two parts. The first part briefly informs the reader of various decisions which could or have effected the abortion movement. The second part of the project isolates and considers a particular argument which has grown out of the women's liberation movement.
If you are human, you are human, Harvey. In advocating the concept of a person, a human being, because he has man's potential, he argues that if you are conceived and brought into existence, then you are a person, a human being, just as humans are created. The concept of a person, a human being, has been developed by John Romanoff in his book, "The Genetic School," and the sex-identification school. The Genetic School, the Developmental School, the Concept of Man Schools, each school of thought concurs. It appears to be most common.

For our purposes we will use the term "person" in the sense of an identifiable human being. The term "person" refers to a necessary factor in the development of sex-identification. The term refers to a necessary factor in the development of sex-identification. For example, use the expression "person" and "human being" interchangeably, not just because it is needed, but because the question of sex is the most controversial aspect of abortion.
of the same school, calls this the proof from genotype. Implicit in Noonan's approach is a moral policy, a policy of acting as if every fertilized ovum will necessarily develop into a human being with the attribute of humanity. Although the policy is designed to protect all fertilized ova on the grounds of destroying a human life, it does not follow from the data. The genetic theory can draw support from a number of geneticists and embryologists, but Callahan argues that Noonan's formulation represents a stipulation about what should be counted as "a man" thus begging the question of whether a particular conceived being is, in fact, a man. That a particular conceptus may develop into a man does not entail that it will in fact. A particular fertilized egg may be destined for spontaneous abortion. The potential to become a human being need not necessarily be fulfilled. Callahan's position is that given a specific fertilized egg, it remains uncertain whether it is potentially capable of human acts; only time can tell. In the final analysis The Genetic School proposes necessary conditions for


something to be human, but not sufficient conditions.

According to the Developmental School conception establishes the genetic basis for an individual human being, but some degree of development is required before one can legitimately speak of the life of "an individual human being." Hayes argues that "The human individual develops biologically in a continuous fashion, and it might be worthwhile to consider the possibility that the rights of a human person might develop in the same way." Hayes doesn't specify a point in pregnancy used to define the time at which the embryo is a human being. Enzensing, on the other hand, does but his position is vague. He claims that "The presence of human life does not necessarily mean that a human person is present." His distinction between a "human life" and a "human person" rests on the necessity in the latter of "the existence of a living human brain in some form." 

Schenk is more precise in the use of a brain-development criterion. He claims personhood for the


7 Ibid.
fetus when the fetus passes through the "level of complexity at which self-awareness becomes possible." This, he claims, is about six months of development after conception. Still others have different criterions. Potts, for example, uses viability as his criterion, Berrill argues that the criterion should be based on the rudimentary presence of organs, and Buss chooses the onset of brain waves.9

The Developmental School gains importance compared to The Genetic School because it assigns weight to the human developmental process and thereby opens into a further understanding of the whole range of human attributes. However, arguments for selecting one criterion over another are poor and leave us asking why to choose one criterion over the others.

Ramsey argues that one concern in choosing such a criterion should not simultaneously (by logical extension) also justify infanticide. Here The Developmental School suffers because a developmental norm requires some degree of actualization of potentiality, but once some degree of actualization is required, it remains open to people to vary their norms on just how much actualization should count.


9 Callahan, pp 385-36
Advocates of The Social-consequence School such as Granville Williams and Garret Hardin claim that the decision to call the conceptus a "human being" at whatever stage of development is to be made on the basis of the social consequences of the decision. Williams chooses viability as the stage at which to call the conceptus a human being because this would, in his opinion, be socially acceptable.

All advocates of The Social-consequence School agree that whether the fetus is or is not a human being is a matter of definition not of fact. Such a position allows for different and varied positions. Advocates such as Williams and Hardin have adopted such opinions partly because biological facts do not dictate a proper definition. Unfortunately, their positions seem to dissolve the relevance of biology altogether.

One of our most fundamental moral institutions is that, except in extreme circumstances, it is wrong to take a human life. Therefore in the absence of these circumstances, given that the fetus is a human being, abortion would amount to murder. This is one reason

why the animation problem is so acute. However, no satisfactory arguments have been as yet proposed which would definitely determine when something is in fact a human being. In addition, as Brody and others have pointed out, it seems doubtful that any satisfactory answers will be forthcoming.

In 1973 the United States Supreme Court announced that a new personal liberty existed in the constitution. This was the woman's liberty to procure the termination of her pregnancy at any time in its course. The court was not clear as to where this liberty was to be found, but thought it to be located somewhere in the ninth or fourteenth amendments. In this decision the court held that (1) the fetus is denied the protection of the law until it is viable in favor of the woman's fundamental personal liberties, (2) after viability the fetus is not a person in the whole sense, i.e., even after viability the fetus is not protected by the fourteenth amendment, but is recognized as potential life, (3) the state may not protect a viable life by preventing an abortion undertaken to preserve the mother's health, and (4) the fetus is not the doctor's patient. The court did not arrive at a consensus as to when life begins and claimed that it was not their job.

11 Wade v. Roe
to do so.

Antiabortionists argue that the fetus has a right
to life and therefore abortion should not be performed.
Philosophers such as Ramsey and Barth seem to believe
that this right is absolute and allow for no exceptions.
Other less conservative philosophers allow exceptions,
especially when the life of the mother is threatened.

Proabortionists argue, along the lines of The Supreme
Court's decisions, that the rights of the mother take
precedence in some cases. All of this, of course,
depends greatly on the animation question. If a fetus
at any stage of development is not a human being, then
it has no rights. Unfortunately, the animation question
goes unresolved, little progress is being made toward
its resolution, and many claim that it cannot be
resolved. Therefore, many authors have made certain
assumptions in this area for the sake of progress.

Thomson allows the conservative his controversial
premise concerning animation in order to get around
the endless debate on the humanity of the fetus. 12
She allows the fetus full humanity from conception,
with all the rights and privileges of any human being.
She then argues that a woman whose life is threatened

12 It is important to remember that Thomson
does not believe that the fetus is a human
being from the moment of conception.
by the continued existence of the fetus is justified in choosing abortion on the grounds of self-defense. 13

In the main body of this project I argue that Thomson is mistaken in her position because she fails to establish a parallel between cases of abortion and cases of killing in self-defense. In particular, she fails to show that in any abortion case involving a threat to the life of the mother the necessary conditions for self-defense are present. In a genuine case of killing in self-defense (I argue) the aggressor is unjustly attempting to take the life of the victim and the aggressor is responsible for that attempt. Thomson’s cases fail to meet either condition.

The importance of Thomson’s position lies in the fact that it supposedly shows that the woman’s rights may, in certain circumstances, take precedence over those of the fetus even though the fetus is allowed full humanity. If Thomson were correct, she would have dissolved one of the most difficult problems of abortion without involving any of the difficulties of the animation problem. Conservatives have long argued that no further progress can be made in abortion until we realize the full humanity of the fetus.

13 This argument is given more attention in the main body of this work. It is mentioned here only to discuss its importance in context.
Evidently they believe that if we allow full humanity to the fetus, all other problems will dissolve themselves. If Thomson's position were established, they
self-defense. Foot argues that our actions toward the fetus should be viewed in terms of our duties to others. We have negative duties such as the duty to refrain from killing, and positive duties such as caring for our children. One type of duty we must act upon and the other requires that we refrain from some action. According to Foot, our negative duties almost always outweigh our positive duties and especially in cases such as taking another's life. If we proceed in this manner, perhaps we will more safely approach the abortion decision.

Certainly if Thomson is correct, then some progress has been made in the abortion debate which is independent of the animation problem. This is important. If Thomson is wrong, then we are back where we started. However, the consequences of acting on Thomson's conclusions without further scrutiny could be most disastrous. It could allow for the taking of a human life when such action was not justified.

I chose to write on Thomson's position because it is a new and developing area in abortion. Her article favored a popular position held by many proabortion advocates and many advocates of women's rights. It often

seems that the proabortion position gets a great deal of unwarranted attention while little scrutiny is given to the arguments.
Abortion and Women's Rights

One of the primary issues in abortion concerns the rights and duties of individuals affected by the abortion decision. Conservatives argue that the fetus has a right to life which supercedes the mother's rights. Therefore, abortion should not be performed. The mother has a duty not to take the life of the fetus. Some liberals argue that the rights of the woman should be considered primary, even if the fetus is a human being; a person, with the same rights as any other human being. In the remainder of this paper I will consider some arguments given on both sides of the abortion debate.

In her article "A Defense of Abortion," Judith Thomson defends abortions performed without the desire to kill as morally permissible under most circumstances. She is concerned primarily with the rights of the mother and the fetus when the continued existence of the fetus threatens the life of the mother. 16

Thomson's defense of abortion divides into three parts: First, she attacks the traditional conservative argument which claims to show that abortion is never morally justified. Second, she argues that a woman has the right to "defend her life against the threat to it posed by the unborn child, even if doing so involves its death." Therefore, a woman whose life is threatened by the continued existence of the fetus may terminate her pregnancy by means of abortion. In the third part of her defense Thomson argues that a woman has the right to have an abortion because she has a right to decide what should happen in and to her body. In my opinion Thomson fails in each part of her defense. She does not establish a defense of abortion. I will examine Thomson's arguments and indicate how she fails to establish an adequate defense.

At the beginning of her article Thomson considers the conservative's argument against abortion. The argument purports to show that it is always wrong for an expectant woman to have an abortion. This argument runs as follows:

premise: From the moment of conception a fetus is a human being with the same rights to life as any other human being.

17 p 53
premise: It is always wrong to take (directly) the life of an innocent human being.

conclusion: Therefore, it is always wrong to have an abortion.\(^{18}\)

For the sake of argument, Thomson allows the first premise.\(^{19}\) Instead she offers a counterexample to show that the second premise is false. This is done with the following example:

You wake up one morning and find yourself back to back in bed 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 the 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 that your kidneys can be used to extract poisons from his blood as well as your own.\(^{20}\)

Thomson goes on to offer several different endings to her counterexample. The ending she considers most relevant continues:

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 all the same. Because unplugging you would be killing an innocent violinist, and that's murder, and that's impermissible.\(^{21}\)

\(^{18}\) p 48

\(^{19}\) She allows this in order to progress in her argument.

\(^{20}\) pp 48-9

\(^{21}\) p 52
To say the least, Thomson finds this situation outrageous. She says that "If anything in the world is true, it is that you do not commit murder, you do not do what is impermissible, if you reach around to your back and unplug yourself from the violinist to save your life."\(^22\)

Certainly this example seems outrageous and at first it appears very appealing. However, Thomson's counterexample doesn't counter the argument she means to attack. She goes into such detail with her example she loses sight of the reason she posed it. To see that this is the case we must see how, in certain important respects, the violinist case differs from the case of abortion.

The first, and perhaps most significant, difference concerns the bystander. In the case of abortion there is intervention by a third party. This is not true in the violinist example. The difference does not completely elude Thomson, but she gives it little credence because she feels the difference is not decisive because bystanders have a decisive reason to intervene in favor of the mother. The reason being that the mother owns her body just as the person plugged into the violinist owns his kidneys and is

\(^{22}\) p 52
entitled to their unencumbered use. Rather than take up this point now I will argue that this is not the case when I consider the third part of Thomson's defense.

It is perhaps enough to say at this point that the violinist example would appear more relevant if (1) unplugging required a bystander's intervention, and (2) unplugging could not be safely done until the violinist had been killed. This would seem to make the two situations more analogous because our case of abortion (usually) requires a bystander and the destruction of the fetus is necessary for the mother to regain the sole use of her body.

There is another respect in which the violinist case differs from the case of abortion. The violinist case involves no assault (aggression) upon the body of the violinist. This implies a difference in the justice to the agent in question. The person plugged into the violinist was kidnapped. Some injustice was

23 The relevance becomes more obvious when we consider actual medical cases in which the mother will die unless the fetus is killed by a third party. Whereas, if the operation is not performed, the child can be delivered, alive, by post-mortem Caesarian section. Such cases are rare, but nonetheless continue to exist. See John Peeney, "The Specialities in General Practice," Journal of Obstetrics and Gynaecology of the British Empire (1954): p 61
done to him, but a pregnant woman (in most cases) is not forced into the condition of pregnancy under the same conditions and against her will. This could be true in the case of rape, but this is not the focus of Thomson's position. She means her example to apply mostly to cases other than rape.

In the second part of her defense of abortion Thomson argues that "a woman surely can defend her life against the threat to it posed by the unborn child, even if doing so involves its death."\textsuperscript{24} For this reason, Thomson feels that a woman whose life is threatened by the continued existence of the fetus may terminate her pregnancy by means of abortion. This can be done because the woman's right to defend herself takes precedence over the rights of the fetus.

This seems to be the weakest part of Thomson's defense. She completely fails to specify the conditions under which self-defense becomes applicable and therefore whether it applies to her case of abortion. She assumes that if the continued existence of the fetus threatens the life of the mother, the woman is justified in killing the fetus in self-defense.

It seems that Thomson is mistaken in her assumption. However, it does seem to be the case that the conser-
vative's premise, that it is always wrong to take (directly) the life of an innocent human being, is also mistaken. It does not follow that if the conservative's premise is false, Thomson's position is justified. She must also show that in those cases abortion is a genuine case of killing in self-defense.

Thomson uses another example to defend abortion on the grounds of self-defense. She says,

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 be hurt, but in the end he'll simply burst open the house and walk out a free man.25

According to Thomson this example demonstrates that the woman has the right to defend herself, to take the life of the child (or the fetus) on the grounds of self-defense. In order to see if Thomson is correct, we will briefly consider the factor involved in cases of killing in self-defense.

Thomson mentions several rights in her article, but gives considerable attention to the right of self-defense. The right of self-defense is a right with respect to some person's action (performance, 25 p 52
omission) as an action which will affect some other person. This right with respect to P's action is P's right, i.e., P has the right to defend himself. To assert that P has the right to kill Q in self-defense is to assert a relation between the two persons and the actions of one of those persons insofar as that action concerns the other person.

Perkins claims that in a normal case of killing in self-defense the aggressor is attempting to take the life of the victim and is responsible for that attempt. The guilt of the aggressor, together with the fact that the victim will die unless the aggressor is stopped, seems to justify taking the life of the aggressor.

In Edward Albee's play, "Who's Afraid of Virginia Wolf?," the husband, George, comes into the living room pointing a gun at his wife, Martha. George and Martha are a vicious, ego-bating couple. Their lives are a continuous exercise in provocation. Thus, when George comes into the room pointing a gun at Martha, imminent danger is apparent. If Martha had a gun and fired, she probably would have been justified in

killing George in self-defense. It would make no difference that the apparent danger turned out not to be real.²⁷ Fortunately, the gun that George finally fired shot a flag that said "bang".

According to Baum, the Virginia Wolf example shows that it is not necessary that a real danger threatens the life of the victim. The danger need only be apparent at the time.²⁸ The example conforms to Perkins case of killing in self-defense.

This example seems to imply that three conditions are involved in a case of killing in self-defense. First, the existence of the aggressor poses a threat (real or apparent) to the life of the victim. This threat can be met (or so the victim believes) only by taking the life of the aggressor. Second, the aggressor is unjustly attempting to take the life of the victim. Third, the aggressor is responsible for his attempt.

On first inspection these three conditions seem to justify the victim's actions in killing the aggressor. The first condition establishes the necessity of the victim's actions: at least, the victim believes


²⁸ Ibid.
that he must kill the aggressor in order to survive. Necessity is an imperative requirement and it presumes an emergency state or at least what the victim believes at the time is an emergency state which threatens his life. Since necessity may be real or apparent its determination is a question of belief.

The second and third conditions establish the guilt of the aggressor. The aggressor is responsible for his attempt on the victim's life, and the attempt is unjustified. This guilt, together with the threat that the continued existence of the aggressor poses to the life of the victim, seems to justify the victim's actions. The victim's life takes precedence over the life of the aggressor.

The first condition alone is not adequate to justify the victim's actions. Suppose, for example, that Smith threatens to kill Jones unless Jones kills Harry. Jones has good reason to believe that Smith will do him in unless Harry is killed and there seems no other way to get out of the predicament. Thus, Jones kills Harry. Certainly the continued existence of Harry poses a threat to the life of Jones and the only

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29 The law requires that in a justified case of killing in self-defense, the victim must have a reasonable belief that he will die unless the aggressor is killed. Allen v. United States (157 U.S. 675).
way to meet this threat (Jones believes) is to kill Harry. Would we consider this a justified case of killing in self-defense? I think not. To say the least it goes against the grain. It seems to violate one of our basic moral institutions. In this case only the first condition is satisfied. We cannot do whatever we wish in order to save our lives. If condition one alone were satisfactory, we could get people to do our bidding simply by sincerely threatening them. We would be hopelessly in the hands of bad men.

Is the second condition necessary? The second condition establishes that the aggressor’s attempt to kill the victim is unjust. If the attempt was justified, he would have good reason for his attempt on the life of the victim. The conditions would allow for the aggressor to kill the other person. On the other hand, if the aggressor has no good reason for killing the victim, he should be stopped and this is precisely what the victim does. It is partly because the aggressor is unjustly making his attempt that gives precedence to the victim’s life. The victim has no guilt in this affair.

Is condition three necessary? It appears that it is not. If, under the first two conditions, the aggressor is a minor or a mental deficient, it would
still seem that one would be justified in killing him in self-defense. Minors and mental deficient are generally not considered responsible. The third condition here is not satisfied. This seems to imply that in certain cases the guilt of the aggressor is not necessary for killing to be justified on the grounds of self-defense. If the aggressor is not responsible for his attempt, he cannot be blamed for his actions. In most cases of self-defense the aggressor may be a responsible person, but it seems that this is not necessary.

If this analysis is correct, Thomson is wrong in thinking that in cases where the continued existence of the fetus poses a threat to the life of the mother, the woman can justify abortion on the grounds of self-defense. In such cases the third condition is missing. The fetus is not responsible for any attempt on the life of the mother. Again, this doesn't seem necessary. Allowing this, the second condition is not met either. The fetus is not unjustly attempting to take the life of the mother. Thomson admits that this is the case. Speaking of the mother and the fetus, she says "Both are innocent: the one who is threatened is not threatened because of any fault, the one who threatens does not threaten because of any fault. 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. Yet Thomson still maintains the woman's right to abortion on the grounds of self-defense. Apparently she believes that condition one alone justifies taking the life of the fetus. But surely this is wrong. An individual is not justified in taking another's life just because of the first condition. The justification for killing in self-defense is not simply that one has the right to do anything he has to do in order to save his life. If this was enough, Jones would be justified in killing Harry.

The point is that Thomson fails to show how the mother's choice of abortion is justified on the grounds of self-defense. It could be argued that our analysis of killing in self-defense is incomplete or perhaps too sketchy. If so, we must also observe that Thomson offers no such analysis and until she does, her argument will beg the question.

Thomson's third argument is also meant to support the claim that a woman has the right to have an abortion if her life is threatened— and even if it is not. She states 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.\textsuperscript{31} The woman has the right to an abortion because the woman's body is her. It belongs to her, not the fetus, and she has first claim to its use.

Certainly Thomson is correct in claiming that I have no duty to save another person's life by giving him the use of my body, and he has no right, even to save his life, to its use. But is this the real issue here? What is at stake in abortion cases is something entirely different, that is, the right of the woman or a third party to kill the fetus to regain the sole use of her body.

We must make the distinction between the taking of one's life and the saving of one's life. Thomson claims that when the continued existence of the fetus threatens the life of the mother, we have a choice between saving the life of the fetus and saving the life of the mother; and doesn't the mother come first because

\textsuperscript{31} p 56. Finnis argues that this is where most of Thomson's analogies break down, especially the case of the violinist. The mother doesn't "give" the fetus the use of her body under the same circumstances as are outlined in Thomson's analogies; see John Finnis, "The Rights and Wrongs of Abortion," \textit{Philosophy and Public Affairs} 2 (April 1973): p 143.
it is her body? This seems to give her priority. But this is not the choice in the type of cases Thomson considers. In such cases one chooses between saving the mother by taking the life of the fetus, and not taking the life of the fetus thereby failing to save the mother. Given this choice the above distinction is clear. Thomson's arguments have little relevance. She fails to distinguish between one's duty to bring aide (to save a life) and one's duty not to take a human life. This is the distinction of relevance in these cases.

Of these two duties the second is the stronger of the two. I may be relieved of my duty (if there is a duty here at all) to save your life by the fact that fulfilling it means the loss of my life's savings, my house, my job, etc. It might be noble of me to save your life, but I have no obligation to do so under these circumstances. This is also true in cases in which I can save your life by giving you the use of my body for some extended period of time. I am not, however, relieved of my duty to refrain from taking your life by the fact that fulfilling it means the same losses, even by the fact that fulfilling it (in some cases) means the loss of my life. Something more is required before rights like self-defense
becomes applicable. Therefore it seems that a woman is
not relieved of her duty not to take the life of the
fetus by the fact that its fulfillment means that
some other person, innocently occupying her body,
continues to use her body. The woman's right to her
body does not give her the justification for taking
the life of the fetus, at least not on Thomson's
presentation. Giving the woman back the sole use of
her body is to give her aide at the price of killing
an innocent human being, while failing to aide her
in this manner allows us to fulfill our duty to
refrain from killing.

The distinction between saving a life and taking
a life is often overlooked in abortion debates. At the
heart of the issue is the question concerning the
difference between what one does or causes and what
one merely allows. One often seems as bad as the other.
We can murder our children by allowing them to starve
as well as by giving them poison. On either account
we are guilty of murder. In other cases we make a
distinction. We allow people to starve in India, but
we don't send them poisoned food. We have worked into
our moral system the distinction between what we owe
people in the form of aide and what we owe them in
terms of noninterference. Salmond makes this distinction
when he says,

A positive right corresponds to a positive duty, and is a right that he on whom the duty lies shall do some positive act on behalf of the person entitled. A negative right corresponds to a negative duty and is a right that the person bound shall refrain from some act which would operate to the prejudice of the person entitled. The former is a right to be positively benefited; the latter is merely a right not to be harmed.\textsuperscript{32}

This should not be taken as a general account of rights and duties as not all rights and duties are so closely connected with benefit and harm. But for our cases it will do. Positive duties are duties such as looking after one's aging parents and children. Negative duties are duties such as refraining from robbing or killing.

One distinction between positive and negative duties amounts to the distinction between refraining from doing injury to others and the duty to bring them aide. The distinction is particularly acute in cases of abortion. In many cases a third party must decide between his duty to bring aide to the woman and his duty to refrain from killing the fetus.

The proposals Thomson offers are not convincing here. Shall we give aide to the mother or death to the fetus. Is our duty to give the mother aide so that

\textsuperscript{32} John Salmond, \textit{Jurisprudence} (London: Sweet, 1926), p 283
she can regain the sole use of her body greater than our duty to refrain from taking the life of an innocent human being? Which duty is prior? Which rights supersede? The questions have meaning according to our distinction, but go unanswered by Thomson.

I think that what we have said shows that Thomson has failed to properly defend abortions performed without the desire to kill. Her considerations are very onesided. In her violinist example she stresses the woman's rights and gives little attention to the rights of the fetus. She fails to show that the unplugging is analogous to the performance of an abortion. The example is carefully described and worded to minimize the degree of intervention against the violinist's body. This begins a common theme which is continued throughout the paper. She almost totally disregards the rights of the fetus.

Thomson argues that a woman should not be obligated to be a good samaritan and allow the fetus the continued use of her body. She says "It is not morally required of anyone that he give up long stretches of his life—nine years or nine months—to sustain the life of a person who has no special right to demand it." She continues "It is worth drawing attention
to the fact that in no state in this country is any man compelled by law to be such a minimally decent semaritan to any person." Interestingly enough, the question of killing the fetus to regain the right to the sole use of one's body is forgotten. Thomson might do well to remember that in our country a young man, not a woman, may be compelled by law to give up long stretches of his life in defense of his country at considerable risk to himself.

Certainly the mother has a right to decide what will happen in and to her body, but the problem does not stop there. We cannot simply make this claim and ignore all other rights. It must be shown that the woman's right to her body allows her to take the life of the fetus. This seems to be ignored by Thomson. Our duty to refrain from taking a human life is an extremely strong duty and it should require a very strong argument to persuade us otherwise.
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