

RE-READING THOMSON: THOMSON'S UNANSWERED CHALLENGE

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JUDITH JARVIS THOMSON'S "A Defense of Abortion" (1971) was first published more than 30 years ago. Since the publication of Thomson's paper, the morality of abortion has remained the most discussed topic in practical ethics. Thomson's paper has led the way in that discussion, easily being the most discussed and the most influential of the many papers published on the topic. There's a simple reason for this: Thomson's paper is the best and most important paper ever written on the morality of abortion. I think, though, that despite its influence and the amount of discussion surrounding it, despite the fact that most professional philosophers have taught the paper numerous times, it is generally misread. Indeed, along with most everyone else, I have generally misread it. One reason the paper is generally misread is because it is deceptively difficult. The breeziness of Thomson's writing masks the complexity of her arguments. Another reason is that the examples she employs in her arguments are all such that they might serve as analogies, misleading reader after reader to treat her arguments as arguments *by analogy*.¹

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¹Warren claims that Thomson's "argument is based upon a clever, but I think faulty, analogy" (1997, p. 62). Pavlischek claims that Thomson's strategy relies "on a series of analogies . . . to demonstrate that even if the fetus is granted full personhood status, a woman has the right to obtain an abortion" (1998, p. 178). Beckwith complains that Thomson uses the story of the violinist "as a paradigm for all relationships" (1998, p. 140). Pojman and Beckwith tell us that Thomson argues "that just as you have a right to unplug yourself from the violinist, the pregnant woman has a right to an

Indeed, Thomson is at times misled herself.² Read as arguments by analogy, Thomson's arguments are powerful and interesting. Read correctly, I will argue, they have proven insurmountable.

As I understand Thomson, the conclusions of her many arguments, taken individually, are weaker than is often thought, and her arguments for those conclusions stronger. What those individual arguments show is this: first, that it is morally permissible for a woman to secure an abortion in order to save the woman's life; second, that it does not follow merely from a fetus' being a person that abortion is ever immoral; and third, that the most obvious strategies for showing that abortion is immoral rest on false premises. Collectively, the arguments provide a case for a fourth conclusion: no general argument against abortion will prove successful. Consequently, even if we grant that a fetus is a person from the moment of conception, we as yet have no reason(s) to believe that most cases of abortion are immoral, and we have evidence that no general argument will provide such reasons. I take her to have demonstrated the first three theses decisively and to have provided a strong case for the fourth. She does not show, nor does she intend to show, that abortion is permissible in a large range of cases. Indeed, as I hope will become obvious, any reading of Thomson that has her arguing for the conclusion that abortion is, in a wide range of cases, morally permissible, must be a reading according to which Thomson is arguing by analogy. She shows, rather, that we have no reason to think that such instances of abortion are impermissible. And she shows this, not by showing that a range of abortion cases are analogous to cases we think of as morally unproblematic, but by showing

abortion" (1998, p. 117). And Boonin-Vail states that "Thomson's argument turns crucially on the analogy between a woman's being pregnant and your being plugged into the famous violinist" (1998, p. 152).

²That Thomson takes herself to be arguing by analogy partly explains the exotic nature of many of her examples. There simply aren't cases like pregnancy except other cases of pregnancy, so any analogy would have to be bizarre. Further evidence that Thomson loses sight of the nature of her arguments is the following quote:

and it might be argued that all my analogies are . . . irrelevant—for you do not have that special kind of responsibility for that violinist, Henry Fonda does not have that special kind of responsibility for me. And our attention might be drawn to the fact that men and women both *are* compelled by law to provide support for their children. (1971, pp. 64–65; emphasis in original)

that a range of abortion cases are unlike cases of injustice and moral indecency that we might think are analogous to abortion.

So part of what I wish to do in this paper, and what I start doing in section 1, is to set the record straight. To read Thomson's paper correctly we must succeed at two tasks. First, we must keep track of exactly what Thomson shows at each stage of her paper. Second, we must be careful about exactly how Thomson shows what she shows; specifically, we must be clear about exactly how Thomson employs the various examples in her paper. It is tempting, as I remarked earlier, to read all of her examples as analogies. That is a grave mistake. All but one of her many examples are employed merely as counterexamples to various claims; they are not employed as analogies to make a positive point.³ I illustrate, in section 2, how a proper understanding of Thomson's paper affects the abortion debate. I illustrate this point by showing how Thomson's paper presents a direct challenge to Don Marquis's argument against the morality of abortion (1989, 1998). Marquis's paper sparked renewed hope that a general argument against abortion might be provided. I argue that a proper understanding of Thomson's paper shows that this renewed hope is unfounded until an adequate response to Thomson is provided.

1. HOW TO READ THOMSON

Nearly every reader of Thomson, this reader included, agrees on the following. Thomson shows that it doesn't follow from a fetus' being a person that abortion is immoral. How does she show this? Much of the work of Thomson's paper is done by examples. Most famously, Thomson tells the story of a violinist. The violinist is in need of an organ transplant and no suitable organ is available. One will become available, say in nine months, and until that time he must be hooked up to another human being. It turns out that only you will do, and a society of music lovers kidnaps you and hooks you up to the violinist. The question is then asked: are you morally obligated to remain hooked up to the violinist until a suitable donor is found? Thomson

³We might, of course, read Thomson as using various examples both as analogies and as counterexamples, but we cannot coherently read her as using an example in both ways at the same time. Arguments by analogy and arguments by counterexample take different forms and, in this context, will have different conclusions. My contention is that, with one exception, her examples are used as counterexamples. That the examples might be used as analogies, I grant. That Thomson, at times, seems to think that she has offered an analogy, I also grant. What I deny is that she argues by analogy, with the one exception that I note later.

thinks it obvious that you are not so obligated. Disconnecting yourself from the violinist is not murder; indeed, it is not morally wrong.

Now what does this case show and how does it show it? A common way to read Thomson is to read her as offering the famous violinist example as an analogy. No one who carefully reads Thomson would read her as intending that the story serve as an analogy for every case of pregnancy, but perhaps it is intended to serve at least as an analogy for pregnancies resulting from rape.⁴ Consequently, since it is morally permissible to disconnect yourself from the violinist, and since cases of pregnancy resulting from rape are relevantly similar to the case of the violinist, it is morally permissible to have an abortion if the pregnancy resulted from rape. Read this way, Thomson's other examples are designed to show, also by analogy, that other cases of abortion are permissible as well. But this is the wrong way to understand Thomson's use of the famous violinist example, and all but one of the other examples that Thomson presents. The way to understand the bulk of her examples is as counterexamples. Consequently, any response to her insisting that her examples are not analogous to cases of abortion misses the point.

Let's recall what Thomson tells us early in her paper:

it seems to me to be of great interest to ask what happens if, for the sake of argument, we allow the premise [that a fetus is a person from the moment of conception]. How, precisely, are we supposed to get from there to the conclusion that abortion is morally impermissible? (p. 48)

And in summarizing her conclusions toward the end of her paper, Thomson says

I have throughout been speaking of the fetus merely as a person, and what I have been asking is whether or not the argument we began with, which proceeds only from the fetus' being a person, really does establish its conclusion. I have argued that it does not. (p. 64)

Between these passages, Thomson considers different ways that the argument might go. Let's begin with the core argument that she is responding against:

- (P1) A fetus is a person.
- (P2) Every person has a right to life.
- (P3) So the fetus has a right to life.
- (P4) It is always wrong to kill someone with a right to life.
- (C1) ∴ A fetus may never be aborted.

⁴Warren (1997, esp. pp. 62–65), unfortunately, does read Thomson as providing the violinist example as analogy for most cases of pregnancy.

The violinist example serves to undermine the core argument by counterexample. If the core argument were successful, then the following argument must also be successful.

- (1) The violinist is a person.
- (P2) Every person has a right to life.
- (3) So the violinist has a right to life.
- (P4) It is always wrong to kill someone with a right to life.
- (C) ∴ You may not disconnect yourself from the violinist.

The above argument has the same structure as the core argument and the violinist is surely a person with a right to life. So if the core argument were successful, then it must be wrong to unplug yourself from the violinist. But it isn't. So the core argument must be unsound. To ask whether the violinist example is a good analogy or not is to commit a red herring. Of course, it is fair to object that the violinist example is not a counterexample to P4 since disconnecting yourself from the violinist is not killing, but merely allowing to die.⁵ I say the objection is fair; I do not think that it succeeds. One reason that it is not successful is that, whatever we want to say about the violinist, it isn't clear that we can avoid saying the same about the fetus. If disconnecting yourself from the violinist doesn't kill him (it merely allows him to die), then disconnecting yourself from the fetus doesn't kill him (it merely allows him to die). It is true, of course, that as abortions are usually carried out, fetuses are directly killed. But does anyone think that it would be morally better to surgically remove a nonviable fetus without killing it, knowing that it cannot survive outside the womb? So the active-passive distinction, whatever moral weight it might have in some cases, would seem to be irrelevant for morally evaluating cases of abortion. In any case, finding counterexamples to P4 are presumably easy. Most of us have the intuition that it is permissible to kill someone, even an innocent someone, in self-defense, and not merely when our lives are at risk, but also where what is at risk is serious physical or psychological harm. P4, we should keep in mind, is an easy target.

Thomson then remarks that the opponent of abortion might deny P2 and claim, instead, either that "persons have a right to life only if they didn't come into existence because of rape," or that persons that result from rape "have less of a right than others" (p. 49). But both suggestions are simply false. P2 is true. Indeed, 1, P2, and 3 are true. So P4 must be false. That's what the famous violinist example shows; it is a counterexample to P4. So what the opponent to

⁵I thank an anonymous referee for pushing me on this point.

abortion requires if he is to employ something like the core argument is a suitable substitute for P4. Much of the remainder of Thomson's paper explores how someone might attempt to do that. The task for Thomson is complicated because her opponents endorse not only different replacements for P4, but different conclusions as well.

First, there's the extreme view that abortion is always immoral even to save the pregnant woman's life. This position endorses C1. How might the proponent of the extreme view substitute for P4? Thomson suggests (p. 51) that the defender of the extreme view might replace P4 with any of the following.

- (P4a) Directly killing an innocent person is always and absolutely impermissible.
- (P4b) Directly killing an innocent person is murder and murder is always impermissible.
- (P4c) One's duty to refrain from directly killing an innocent person is more stringent than one's duty to keep a person from dying.
- (P4d) If one's only options are directly killing an innocent person or letting a person die, one must prefer letting the person die.

Thomson reminds us that some have thought that we do not need any of these premises; that the immorality of abortion follows from a fetus' having a right to life. The proof that more is needed is that, though we must grant that innocent persons have a right to life (i.e., we must grant P2), we need not grant any of P4a through P4d. Indeed, each of P4a through P4d is false. Think of the violinist example again, though now imagine that your life is at risk. Are you required to remain connected to the violinist even if doing so will result in your death? Given that it seems that you were not required where your life was not in jeopardy, surely you are not required now that it is.

It is true, however, that Thomson also argues for a stronger conclusion:

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 not merely that the theses in [P4a through P4d] are false; it shows also that the extreme view of abortion is false. (p. 53)

But for this conclusion Thomson offers another example (p. 52). Imagine that you are stuck in a very small house with a rapidly growing child that will crush you if you don't kill it. Surely it is not murder to kill the child to save your life. Here the example is used as

an analogy. It is not designed merely to show that certain assumptions are false, although it serves this role. It is designed also to show that directly killing an innocent child is sometimes permissible to save one's life. Indeed, I contend that this is the only example, of the many examples that Thomson employs, that is used as an analogy.

Of course, as Thomson realizes, the example of the expanding baby only shows that it is permissible to kill someone in self-defense. It does not show that it is permissible for a third party to kill someone to save someone else. But how might the argument go for the claim that third parties cannot perform abortions? What assumption is required for such an argument? The assumption that is required would seem to be this:

- (P4e) Third parties can do nothing to save someone's life if the only thing they can do will result in the death of someone else with a right to life.

And in response, Thomson offers yet another counterexample (pp. 53–54). Imagine that two people require the use of a coat in order to survive. One person owns the coat; the other is wearing it. Surely it is permissible for us to help the owner of the coat to retrieve it even if that results in its present wearer's death. The counterexample shows that, at least in some cases where two people require for their survival what one has the right to, we may help the rightful owner at the cost of the other's life. At times, at least, we may intervene to save someone even if our intervention results in another's death. So P4e is false.

Perhaps the most interesting cases, however, are those cases of abortion where the woman's life is not at risk. As Thomson tells us,

Where the mother's life is not at stake, the argument I mentioned at the outset seems to have a much stronger pull. "Everyone has a right to life, so the unborn person has a right to life." And isn't the child's right to life weightier than anything other than the mother's own right to life, which she might put forward as ground for an abortion? (pp. 54–55)

The argument Thomson now concerns herself with, then, is:

- (P1) A fetus is a person.
 (P2) Every person has a right to life.
 (P3) So the fetus has a right to life.
 (P4f) A person's right to life is stronger and more stringent than the right to decide what happens in and to one's body, and so outweighs it.
 (C2) ∴ A fetus may not be aborted unless its being aborted will save the woman's life.

As Thomson teaches us, “this argument treats the right to life as if it were unproblematic. It is not, and this seems . . . to be precisely the source of the mistake” (p. 55). We should note that the problem with the argument is not with P4f, as is commonly claimed by commentators on Thomson.⁶ The problem is that the argument is invalid. What the argument requires is an assumption about what a right to life gives its possessor a right to, for if an abortion does not violate a fetus’ right to life, then there is no question of which right takes precedence. Thomson’s point, then, is not that a person’s right to do what she chooses with her own body sometimes outweighs another’s right to life.⁷ Her point is that it has not been shown that rights are in conflict whenever a woman contemplates whether to have an abortion, even if we assume that a fetus has a right to life.

So how might the argument above be shored up? To what does a right to life give someone a right? Thomson considers two possibilities (pp. 55–56), which we can now consider as additional premises for the above argument. The first possibility is:

(P5a) If someone has the right to life, then that person has the right to the bare minimum one needs for continued life.

Thomson’s reply is to offer yet another counterexample, the story of Henry Fonda (p. 55). You are asked to imagine that you will die if Henry Fonda does not fly across the country and touch your brow. If your right to life gives you a right to whatever you minimally require for continued life, then you have a right to have Henry Fonda fly across the country to touch your brow. But you don’t. P5a is false. A second possibility is:

(P5b) If someone has the right to life, then that person has the right not to be killed.

And now Thomson returns to the story of the famous violinist (p. 56). The violinist has a right to life, so if P5b is true, then he has a right not to be killed. But, as Thomson points out,

⁶For example, Wolf-Devine says of Thomson that she “treats the moral issue involved in abortion as a conflict between the rights of the fetus and the mother’s rights over her own body” (1998, p. 420) and Pavlischek claims that Thomson’s strategy is to concede that a fetus is a person and to attack P4f (1998, p. 179).

⁷Warren, for example, understands Thomson as having shown that we must find “a just solution to the conflict between whatever rights the fetus may have, and the rights of the woman who is unwillingly pregnant” (1997, p. 62).

if everybody is to refrain from killing that violinist, then everybody must refrain from doing a great many different sorts of things. Everybody must refrain from slitting his throat, everybody must refrain from shooting him—and everybody must refrain from unplugging you from him. (p. 56)

But we have already seen that the violinist has no right that would prevent you from disconnecting yourself from him. P5b is also false. Again, Thomson's response is to provide a counterexample.

What Thomson has shown, then, is just this. In the most ordinary sort of case, depriving someone of what he has a right to is to treat him unjustly. The right to life, in particular, is the right not to be killed unjustly. So it isn't enough that an abortion kills someone with a right to life, if it does. We need to know that killing the fetus unjustly kills it. We need to show that it has a right to the woman's body such that she cannot disconnect herself from it. So how might it be shown, not only that the fetus has a right to life, but also that it has a right to the use of the woman's body? How might it be shown that aborting the fetus unjustly kills it? Perhaps someone can acquire a right to use our bodies if we do something that makes us partially responsible for its presence. Let's try:

(P5c) If someone does something knowing that her action might result in another's requiring her assistance for survival, then the other has the right to her assistance.

But P5c is also false, at least by Thomson's lights. This is the point of Thomson's fanciful people seeds example (p. 59). Thomson has us imagine that there are people seeds floating in the air that take root in carpet. If we open our windows, even while using screens that very effectively block the people seeds from entering, we run the risk of letting some in. Do we thereby give them the right to use our carpet? Does a woman, who knows that she might be raped if she goes outside, thereby give a fetus that develops as a result of the transgression the right to remain? Does she give the fetus the right to use her body in virtue of having taken the risk of going out prior to having a hysterectomy? Again, the people seeds case is not an analogy. It is a counterexample. It is not intended to show that having an abortion is morally permissible whenever a woman becomes pregnant (Warren 1997), or whenever a woman "becomes pregnant because of contraceptive failure" (Boonin-Vail 1998, p. 153), or "because the fetus locates itself where it has no right to be" (Quinn 1984, note 3), or whenever. What it is intended to show is that P5c is false. Of course, as Thomson tells us, "there are cases and cases, and the details make a difference" (p. 58). For all that Thomson tells us, then, someone may

have the right to use another's body under particular circumstances. As she concludes her discussion of this argument,

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. (p. 59)

But even this conclusion is more than anything to which Thomson's opponent has yet to earn the right. Her opponent still needs to make the case that a fetus has the right to use a woman's body in particular circumstances. And it is now looking unpromising that any general premise like P5a through P5c can do the trick; it is unpromising because there seems to be no premise that is both true and that will generate the intended conclusion that abortion is immoral in a wide range of cases. Any argument against abortion that relies on the fetus' right to life, it would seem, must proceed case by case.

Thomson then turns her attention to another sort of argument, one that does not rely on the fetus' right to life. Imagine, she tells us, that you must only remain connected to the violinist for an hour or that Henry Fonda must only walk across the room to save your life. Then, although the violinist does not have a right to use your body even for an hour, and you do not have a right to have Henry Fonda walk across the room to touch your fevered brow, surely it would be morally indecent of you to disconnect yourself from the violinist in such a case or for Henry Fonda to refuse to walk across the room. Likewise, someone might argue, even if the fetus does not have a right to use its mother's body, it would be morally indecent for the mother to abort it, at least where the mother's life is not at risk. The argument that Thomson seems to have in mind is something like this:

- (P6) A fetus is a person.
- (P7) At least where there is no risk to your life, it would be morally indecent to refuse to let someone use your body for 9 months at the cost of his life.
- (C2) ∴ A fetus may not be aborted unless its being aborted will save the woman's life.

Now before discussing how Thomson deals with this argument, we need to get clear about how she thinks about it. Philosophers and students commonly understand Thomson to mean by "morally indecent" something weaker than she actually means. She is *not* claiming that if an action would be morally indecent in a way that does not violate someone's rights, then it is somehow morally

optional. In giving her intuitions about the case where you must only remain connected to the violinist for an hour in order to save his life, she says, “it seems to me plain you *ought* to allow him to use your kidneys for that hour—it would be indecent to refuse” (p. 60; emphasis in the original). And later, concerning the same case: “So my own view is that even though you *ought* to let the violinist use your kidneys for the one hour he needs, we should not conclude that he has a right to do so” (p. 61, emphasis mine). Thomson is also not claiming that an action’s being morally indecent is somehow not as bad as an action’s violating someone’s rights. “The complaints are no less grave,” she tells us, “they are just different” (p. 61). So Thomson assumes that we ought not to act in a way that is morally indecent, and the prohibition against acting in a way that is morally indecent is, or at least can be, as strong as the prohibition against violating someone’s rights. One difference between acting in a way that is morally indecent and acting in a way that violate’s someone’s rights, at least as Thomson thinks of the difference, is that whether refusing to help someone is morally indecent depends in part on how easy it is to perform the action, whereas whether an action violates someone’s rights does not depend on how easy it is to perform or not perform the action. Consequently, an action’s being morally indecent is a matter of degree.

The question is then whether having an abortion, whether refusing to allow a fetus to use your body for a period of time, is morally indecent. And Thomson tells us that we are obligated to be Minimally Decent Samaritans. I take it that to be a Minimally Decent Samaritan is, by definition, to do what is minimally required—to not act in a way that is morally indecent. So Thomson is being no more informative than she was earlier when she told us that the right to life is the right to not be killed unjustly. Once again, she is not attempting to argue from a general moral principle to the conclusion that abortion is permissible in this or that sort of case. Instead, her response follows the general pattern that I have been tracking throughout this paper: Thomson’s response to the above argument is to remind us that she has already presented a counterexample to P7. If P7 were true, then it would be immoral not to remain connected to the violinist for nine months even though the violinist does not have a right to use your body. But, she assumes, we have already agreed with her that there is no obligation to remain connected to the violinist. P7 is false. The violinist example is a counterexample to it.

So as I read Thomson, what Thomson shows is the following. First, that having an abortion is morally permissible in some cases, at least in cases in which the abortion will save the mother’s life.

Second, that opponents to abortion have yet to provide an argument for the conclusion that abortion is ever immoral, even if we grant that the fetus is a person. Third, that it is unlikely that any single argument will show that abortion is impermissible in a large range of cases. It is unlikely because any such argument will require a premise stating what the right to life gives someone a right to, and there's no reason to think that any such premise will prove to be both true and strong enough to generate the conclusion that abortion is immoral in a broad range of cases. Again: "there are cases and cases, and the details make a difference" (p. 58).

It might seem, though, that the corrective I have recommended for reading Thomson's arguments changes little in the abortion debate. After all, reading Thomson's arguments as arguments by analogy has the virtue of giving Thomson arguments for a stronger conclusion, viz. that abortion is morally permissible in a wide range of cases. As I read Thomson, however, most of her arguments seem merely defensive. On my reading, the target of Thomson's arguments is to show only that no sound argument against abortion has yet to be provided even after we grant that a fetus is a person. This criticism, however, overlooks what I take to be the very powerful challenge that her argument raises. For I think it will seem very unlikely that any general argument against abortion will be found once we properly understand Thomson's general argument strategy. That strategy is not, as is often assumed by Thomson's readers, to show that most cases of abortion are *like* the cases of the famous violinist, Henry Fonda, and the airborne people seeds. Rather, her strategy is to show that most cases of abortion are *unlike* those cases of injustice and moral indecency that we might be tempted to treat as analogous to abortion; and she does this by showing how hard it is to find a general principle that is both obviously true and that applies to a wide range of abortion cases. It is noteworthy that critics of Thomson have often complained that her examples are unlike cases of pregnancy, and students often balk at the bizarreness of those cases. However, if one were to offer an argument by analogy concerning abortion, either pro or con, the examples employed would have to be bizarre in order to be nearly analogous. There's just nothing like pregnancy except for pregnancy. Reading Thomson as I recommend has her making this point and employing it against the anti-abortionist. The conclusion she then reaches on my reading is that, at least for a broad range of cases, we have no reason to think that abortion is immoral even if we grant that a fetus is a person from the moment of conception.

We can, however, (with the aid of a plausible principle) reach the stronger conclusion that we should *treat* such abortions as permissible, not because we have shown that they are, but because we have no reason to think that they are not. As James (1963) reminds us, the onus of responsibility is always on the one contending that we must do something or that we must refrain from doing something. James's Principle is the moral analogue to Occam's Razor. We should assume that no one has an obligation to do something, or to refrain from doing something, unless we have good reason to think an obligation exists. To suggest that it remains true that we have no reason to think that abortion is immoral in a broad range of cases, I now turn to a recent argument by Don Marquis, an argument that might seem to bypass Thomson's arguments entirely. That discussion will also show that Thomson's strategy has broader application than is generally appreciated.

2. APPLYING THOMSON

Marquis attempts to bypass the question of whether a fetus is a person. Since Thomson's explicit aim is to show that it doesn't follow from a fetus' being a person that having an abortion is immoral, Thomson's arguments would seem not to address Marquis's argument. I aim to show that, now that we understand the strategy of Thomson's arguments, we are in a position to recognize that she provides a response to Marquis as well.

Marquis recommends that, rather than asking whether a fetus is a person, we should instead ask what it is about murder that makes murder wrong. He suggests that what makes murder wrong, at least in the vast majority of cases, is that it deprives someone of a future of value; it deprives someone of all of the experiences she would have had. Marquis is not claiming that depriving someone of a future of value is necessary for an action to be morally equivalent to murder; killing someone in a nursing home whose future is very limited, for instance, might be morally equivalent to murder. His claim is only that it is sufficient. Marquis is also not arguing that it is always immoral to deprive someone of a future of value. Other considerations might outweigh the loss of a person's future. Rather, Marquis holds that an action's depriving someone of a future of value is sufficient for its being *prima facie* very seriously wrong, and that it is morally permissible only if "the loss consequent on failing [to deprive someone of a future of value] would be at least as great" (p. 194). He argues that depriving someone of a future of value is what makes most instances of murder seriously immoral by arguing to the best explanation. He considers other explanations for why

murder is wrong and finds them all wanting. Of course, as with any argument to the best explanation, the question remains whether some other explanation, some explanation not heretofore considered, is not better. I'll return to this point momentarily.

Having argued that what makes murder wrong is that it deprives its victim of a future of value, Marquis assumes that his case is nearly made. For surely a fetus has a future of value; if it is not killed, it will have experiences relevantly similar to those had by each of us. So Marquis's argument is this:

- (P8) Depriving someone of a future of value is *prima facie* seriously wrong, and so depriving someone of a future of value is wrong unless failing to deprive someone of a future of value results in consequences that are at least equally bad.
- (P9) Most fetuses have a future of value.
- (C3) ∴ Abortion is justified only if failing to have the abortion has consequences as bad as the fetus' loss of its future.

The first problem with the argument is that P9 is ambiguous, false on the reading required for the argument to go through. Something might have a future in the sense that such and such will happen to it in the future; or, something might have a future in the sense that something possesses a future. The relevant sense of "has a future" would seem to be the latter, for it is that sense that suggests that depriving someone of something he has is *prima facie* wrong. If I close my store just prior to your purchasing a lottery ticket and if the ticket you would have purchased would have been the winning ticket, then I alter your future in a negative way; I deprive you of a future you would have had. But I do not deprive you of a future that you possess. I have not treated you wrongly.⁸

The second problem with this argument is more directly related to Thomson and the lessons that we should have learned from her. I noted earlier that Marquis's argument for P8 is an argument to the best explanation. But an assumption underlies Marquis's argument. Marquis assumes that there must be some natural feature, common to at least most cases of murder, that explains why murder is wrong. So he assumes that his argument can only be assailed if we can find some other natural feature that explains, at least as well as the feature that he recommends, why murder is wrong. Now as I understand

⁸Jody Graham first made this point, in conversation.

Thomson, she provides good reason to think that we cannot find some general and nontrivial principle telling us in what the right to life consists. It certainly gives its bearer the right not to be killed unjustly, but that is uninformative. And so her argument strategy is not to provide us with an account of what it is for the right to life to be violated and to argue from that to the conclusion that abortion hardly ever violates that right. Instead, she argues by counterexample against various assumptions concerning in what the right to life consists, assumptions that would lead to the conclusion that abortion is immoral in most cases. I propose that we do much the same against Marquis. Rather than provide a general account of what makes murder wrong, I suggest a counterexample to his account. The counterexample is Thomson's. The violinist, surely, has a future of value. And remaining hooked up to the violinist will result in less of a loss than unplugging yourself from him. But it is not seriously wrong to unplug yourself from the violinist. P8 is false. Depriving someone of a future of value is not sufficient for an action's being *prima facie* seriously wrong, at least if that is to mean that depriving someone of a future of value is wrong unless failing to deprive someone of a future of value results in consequences that are at least equally bad. At most, *unjustly* depriving someone of a future of value is seriously wrong (or, perhaps, depriving someone with a right to a future of value in a way that violates that right is seriously wrong). Marquis requires an argument for the claim that abortion not only deprives a fetus of a future of value, but that abortion unjustly (or, in any case, wrongly) deprives a fetus of that future. Thomson has provided ample reason to believe that this argument will not be easily discovered.

It is puzzling, in fact, that Marquis would insist that his opponent provide a single natural feature that explains the wrongness of murder in most cases. He admits, after all, that depriving someone of a future of value is not necessary for murder. Indeed, I suspect that depriving someone of a future of value has nothing to do with what makes murder seriously wrong, though it is certainly one of the serious harms that results from most cases of murder. If I know that my future is bleak, if I know, for instance, that the rest of my life will be one of pain and suffering, but I choose to live it anyway, then surely killing me is as immoral as killing someone with a future of value. So unjustly depriving me of a future of value is seriously wrong only because unjustly depriving me of a future, whether it is valuable or not, is seriously wrong. What makes murder wrong is that someone's right to life is violated. That's not informative. Indeed, it is circular. But if it is circular, then it is also true. And so any account of

what makes murder wrong that fails to capture this truth must be mistaken.

Now you might think that I am forcing on Marquis the view that abortion is wrong because it violates the rights of the fetus, whereas an alternative way to read Marquis has him arguing that, though abortion does not violate a fetus's rights, it is nonetheless morally equivalent to murder because it results in the loss of a future of value. On this reading of Marquis, then, abortion is immoral, when it is, not because it violates a fetus's right to life, but because of the specific harm it causes. I deny that I'm forcing, or at least need to force, a rights view on Marquis. Say that depriving someone of a future of value is *prima facie* seriously wrong (P8) because such a deprivation harms her, and not (at least always) because it violates her right to life. Then, since not disconnecting yourself does not result in harms at least as serious as those that would be imposed on the violinist should you disconnect yourself, disconnecting yourself from the violinist must be wrong. But we agreed with Thomson 30 years ago that it isn't. So P8 must be false. Moral decency allows that you can at times harm others even when failing to harm others would not result in equivalent harms. When? Well, "there are cases and cases, and the details make a difference" (p. 58).

You might also think that I have misunderstood the structure of Marquis's argument. Marquis, after all, assumes that whether or not abortion is permissible stands or falls on whether or not a fetus is the sort of being whose life it is wrong to end.⁹ But I take it that the case of the famous violinist shows not only that it doesn't follow from a fetus having a future of value that it is wrong to kill it, but also that, if it is wrong to kill it, it isn't because it has a future of value. Disconnecting yourself from the violinist harms the violinist's future far more than remaining connected will harm your own, but it is morally permissible to disconnect yourself from the violinist.

So Thomson's challenge remains unanswered. Perhaps this partly explains why, until recently, interest in the abortion debate among theoretically-minded philosophers had declined. Certainly interest continued concerning related issues, issues that have long been of philosophical concern, e.g., questions surrounding personhood, rights, justice, and so forth. Interest continued as well in making clear the benefits and harms of pregnancy and abortion both to women and to the fetus. But interest in developing argument strategies designed to show that abortion is immoral in a broad range of

⁹I thank an anonymous referee for this criticism.

cases seemed to have subsided. That was, I think, as it should have been. The renewed hope that the morality of a broad range of abortion cases might be settled by uncovering some heretofore unappreciated moral principle is disheartening. It is disheartening not because we can now be absolutely certain that no such argument against abortion will ever succeed, but because recent attempts ignore Thomson's challenge. They do so at their own peril.

3. SOME FINAL THOUGHTS¹⁰

It may seem that I'm arguing that Thomson has ended the abortion debate, or at least that most of what has been written on abortion since Thomson is unimportant. That is not my claim. Many arguing on both sides of the debate have helped to clarify this part of the moral landscape, providing us with alternative models for viewing the fetus, the pregnant woman, and their relationship, as well as detailing the potential harms and benefits of abortion and public policy toward it. Nothing Thomson accomplished in her landmark paper removes the need for that work. What Thomson does give us good reason to believe, however, is that no general argument strategy will ever successfully show that abortion is immoral in a broad range of cases.

You might think that at best Thomson's argument, as I interpret it, leaves the opposition in the debate at a standoff. This conclusion will be especially tempting if you do not share my endorsement of James's Principle. Even so, the standoff we would arrive at after understanding Thomson is one that should make us permissive of abortions, regardless of what our individual moral sentiments might be. I liken Thomson's response to the anti-abortionist to Socrates's response to Euthyphro. Plato tells us that Euthyphro's father had detained a would-be thief and, while the father was away retrieving the authorities, the man died. We are not told enough of what happened to have intuitions about whether the father had acted inappropriately. We are told, however, that despite the fact that many of Euthyphro's friends and family members were convinced that the father did not act inappropriately, or at least not seriously so, Euthyphro was so certain of the severity of his father's guilt that he planned to prosecute him. Socrates reminds Euthyphro that Euthyphro's conviction, if it is justified, requires that Euthyphro know better than the rest what is and what is not pious. And Euthyphro, agreeing with Socrates, tells Socrates that knowing better

¹⁰Much of this section was inspired by a challenge from Robert Martin.

than others what is pious is the great thing about being Euthyphro. At that point Socrates challenges Euthyphro, eventually showing Euthyphro (or at least the reader) that Euthyphro does not possess such knowledge.

Thomson's challenge to the anti-abortionist is like Socrates's challenge to Euthyphro. Socrates does not show Euthyphro that he is wrong in thinking that his father acted inappropriately. And Thomson does not show her opponent that he is wrong in thinking that abortion is immoral. Rather, Socrates accuses Euthyphro of hubris for thinking that his knowledge of right and wrong could be so great, and especially so detailed, that he could be in a position to know that his father acted inappropriately. Thomson, likewise, accuses her interlocutor of hubris for thinking that his knowledge of what the right to life consists in, or what is required to be morally decent, is so precise that he can know that a large range of abortion cases are immoral. When discussing the abortion issue with students, students often remark that "it's morally wrong (or right) for me, but not for everyone." I have commonly treated such remarks as betraying a commitment on their parts to moral relativism. A better treatment of their remarks is that they display an appropriate modesty. They, unlike many of us in the midst of the abortion debate, realize the limits of morality, or at least the limits of their moral knowledge. Of course, for all I have said, perhaps Thomson's interlocutor, unlike Socrates's, can rise to the challenge. What I hope to have done is to at least make clearer what that challenge is.

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