Pedagogy and People-Seeds: Teaching Judith Jarvis Thomson's "A Defense of Abortion"

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Abstract: Judith Thomson's "A Defense of Abortion" is one of the most widely taught papers in undergraduate philosophy, yet it is notoriously difficult to teach. Thomson uses simple terminology and imaginative thought experiments, but her philosophical moves are complex and sometimes difficult to explain to a class still mystified by the prospect of being kidnapped to save a critically ill violinist. My aim here is to identify four sources of difficulty that tend to arise when teaching this paper. In my experience, these four sources of difficulty create significant problems for undergraduate students, yet each one is easy for instructors to underestimate. My objective is therefore to identify the problems, explain why they tend to occur and warn other instructors about their potential impact in the classroom.

Judith Jarvis Thomson's landmark paper, "A Defense of Abortion," has become a fixture in all introductory bioethics courses, and it is routinely taught in survey courses devoted to the study of applied moral problems.[1] It is also regularly taught in the ethics component of first-year courses that are designed to give students a general introduction to philosophy (assuming these courses do not focus exclusively on historical texts). Consequently, "A Defense of Abortion" has become one of the most widely taught papers in undergraduate philosophy. Indeed, in the preface to *Rights, Restitution, and Risk*, William Parent claims that the paper is "the most widely reprinted essay in all of contemporary philosophy."[2] The ubiquity of the paper is, I think, well deserved. One need not agree with Thomson's approach or her conclusions to recognize that "A Defense of Abortion" (ADA) is an outstanding example of philosophical writing to assign to students. It is clearly articulated, forcefully argued, and it manages to express complex ideas without relying on technical jargon. Moreover, the paper never fails to capture the attention of students because of its famously imaginative thought experiments and its unconventional approach to the debate over the moral status of the fetus.

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On the other hand, ADA can be notoriously difficult to teach if one seeks to do so in a more than superficial manner. Despite its understated terminology and imaginative thought experiments, the philosophical manoeuvres in Thomson's paper are complex and sometimes difficult to explain to a class still mystified by the prospect of being kidnapped to save a critically ill violinist. Furthermore, students often underestimate the argument in ADA because the apparent remoteness of the violinist thought experiment, compared to the details of pregnancy, lures them into thinking that they can break this first analogy and then dismiss the substance of what follows in the rest of the paper. By the time they have been convinced that the argument underpinning the violinist example must be taken seriously, it is not always easy to guide students through the finer points associated with Thomson's treatment of issues like bodily integrity, responsibility for the needs of others and the correlative duties implied by the right to life.

My aim in this paper is to identify four sources of difficulty that tend to arise when one teaches ADA to undergraduate students. In my experience, these sources of difficulty create significant problems for students attempting to grasp the subtleties of Thomson's argument, yet each one is easy for instructors to underestimate when teaching ADA. My objective is to identify these problems, explain why they tend to occur and warn other instructors about their potential impact in the classroom. Thus, I will not be attempting to give a comprehensive account of teaching ADA in this paper. It is a rich piece of philosophy, and dealing with every aspect of it would take more space than is appropriate here. Moreover, ADA is, on the whole, clear enough that instructors ought to be able to recognize the main themes of the paper and teach them as they see fit. Hence, rather than providing a general teaching strategy, I will identify four sources of difficulty in ADA that tend to cause problems because it is easy for instructors to initially set these difficulties aside and then find out, only after it is too late to easily rectify the situation, just how much confusion they tend to create.

I will begin, in the first section, with a short recap of ADA to remind the reader of the arguments at stake. In the second section I present the four areas of difficulty that I think cause a significant amount of confusion for undergraduate students. Finally, in the third section, I briefly describe two key philosophical issues raised in ADA that *ought* to strike students as difficult and worthy of further discussion because they are, in my opinion, the two critical points on which the persuasiveness of ADA hangs. Hopefully the sum of these three sections will give those planning to teach ADA an added level of insight into how to best share this exceptional piece of philosophy with undergraduate students.

Recap of ADA

Thomson opens ADA with the blunt confession that she sees no easy way to resolve the question of when a fetus becomes a person during its nine-month transformation from a small clump of seemingly insignificant cells to an entity that, prior to birth, possesses enough human characteristics to surely deserve some form of moral consideration. It is in response to this dilemma that Thomson introduces the methodology that makes ADA unique: she will provisionally grant the truth of the premise that the fetus is a person from the moment of conception, yet she will nonetheless demonstrate that standard arguments used to show that abortion is impermissible are false. This is a bold and interesting way of countering the anti-abortion position—one that is especially useful to give to students after they have studied other core papers regarding abortion, because most of these papers appeal to characteristics (or a lack thereof) possessed by fetuses and/or embryos in order to establish conclusions about our moral obligations to them.[3] ADA bypasses the debate over the moral status of the fetus by granting the fetus full moral status, i.e., all the rights we normally attribute to adult humans. It then takes aim at the following argument that I find useful to (roughly) formalize for students:

1. Every person has a right to life.
2. The fetus is a person, so it has a right to life.
3. The mother has a right to decide what happens to her body.
4. The fetus's right to life is stronger than the mother's right to decide what happens to her body, and so outweighs it.

C The fetus may not be killed; abortion is not permissible.

Thomson's famous violinist thought experiment enters here as a *reductio* of what might otherwise strike students as a persuasive argument. In the thought experiment, Thomson asks the reader to imagine that a Society of Music Lovers has kidnapped the reader and plugged her in to a famous violinist who will otherwise die if he is not permitted to share the reader's kidneys for nine months. Faced with the prospect of staying in bed plugged in to an unconscious person for nine months, most readers share Thomson's intuition that one is not morally required to stay and help, even though it would surely be very kind of the reader to do so. That this intuition creates a *reductio* for the argument given above is best demonstrated to students by erasing the word "fetus" (in premises 2 and 4), replacing it with the word "violinist," and then replacing the word "mother" (in premises 3 and 4) with the word "you."[4] Unless qualified, the argument now generates the counterintuitive conclusion that the reader is obligated to stay plugged in to the violinist for *as long as it takes* for him to recover,

because his right to life outweighs the reader's right to decide what happens to her body.

The first thing that Thomson concedes about the case of the violinist (and usually the first thing students pick up on) is the fact that being kidnapped by a Society of Music Lovers is only analogous to cases of rape. She responds to this limitation of the example in two ways. First, Thomson points out that, as stated, the argument presented above is not equipped to make exceptions for rape—this is an extra consideration that one would need to add in order to avoid facing an inconsistency with the case of the violinist. This leads her to discuss other intuitive exceptions that the basic argument does not cover, e.g., the fictional case where pregnancy lasts for nine years rather than nine months and cases where the mother's life is at stake. In fact, Thomson spends the next two sections of the paper discussing "the extreme view" that abortion is impermissible even if it is necessary to save the mother's life.[5] But the essential point that Thomson establishes by drawing the reader's attention to the extra premise required to make exceptions for rape is the fact that the right to life, appealed to so superficially in the argument above, is not as simple as it initially seems. Thomson explicitly accepts the claim that all persons have a right to life, but she argues 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" (56). The Henry Fonda thought experiment is used to back up this claim. If the only thing that will save Thomson's life is Henry Fonda's cool hand on her fevered brow, Thomson has no right to demand that Fonda perform this service for her. It would be kind of him to do so, but he is not morally obligated to do so by the fact that Thomson is a possessor of the right to life. Instead, the right to life implies only that a person not be killed *unjustly*, and since Henry Fonda has no prior relationship or sworn duty to help Thomson, he need not provide her with the resources necessary for life.[6]

This leads to the second way that Thomson deals with the apparent limitation of the violinist example because it applies only to cases of pregnancy due to rape. The key question is whether killing a fetus, if understood as the killing of a person with the same moral rights as an adult human being, constitutes an *unjust* killing. In the case of rape the answer, according to Thomson, is clearly "no." Like the Henry Fonda example, a woman who becomes pregnant after being the victim of rape has in no way previously agreed to take responsibility for the needs of the person who now requires her help to survive. But Thomson claims that the answer is not obviously "yes" in ordinary cases where a woman becomes pregnant via consensual intercourse. In order for the killing of the fetus to be an unjust killing, it must be the case that the

pregnant woman has somehow implicitly taken responsibility for the needs of the fetus. In Thomson's words, the pregnant woman must have "given the unborn person a right to the use of her body for food and shelter" (57). Thomson's view is that this is not an implicit by-product of voluntary sexual intercourse, especially if contraception is used to try to avoid becoming pregnant. To support this claim, she invents the most far-fetched thought experiment in the paper: the example of people-seeds and a hot, stuffy apartment. In the thought experiment, the reader is asked to imagine that there are people-seeds drifting around in the air like pollen, and that if one of these seeds manages to find its way into a person's apartment it can take root in the carpets or upholstery and develop into a human being. While imagining that this is a known fact, the reader is asked whether opening the window to allow fresh air into a hot, stuffy apartment is an act that implicitly commits her to taking on a special responsibility for the needs of a people-seed if one takes root in the apartment. Thomson's prediction is that the reader will share her intuition that one does *not* implicitly take on a responsibility to provide drifting people-seeds with the resources necessary for life, especially if one has put up a special screen to keep people-seeds from entering into the apartment. The example therefore provides the crucial link from cases of pregnancy due to rape (i.e., the violinist example) to cases where pregnancy is the result of consensual sexual intercourse that may involve precautions taken to avoid the risk of pregnancy. If the reader accepts the conclusion that opening the window is not an implicit invitation to take responsibility for the needs of a people-seed, then Thomson can claim that many (though admittedly not all) instances of pregnancy are cases where it would not be unjust to kill the fetus because the fetus has not been given the prior right to demand food and shelter from the mother.

As I understand ADA, the principal argument in the paper is now finished. What follows are two sections where Thomson responds to the foreseen objection that her view of moral rights is unacceptably narrow because it does not require agents to abstain from morally indecent behaviour. For example, if one need only stay plugged in to the famous violinist for one hour rather than nine months, it seems indecent to refuse on the grounds that this person has no right to demand resources from others. Similarly, if Henry Fonda need only walk across the room to save someone with his cool hand, as opposed to flying in from California, then his refusal would seem callous to the point of cruelty. Thomson, however, bites the bullet on this question and maintains that such acts would not qualify as *unjust*. They may be insensitive, callous, self-centered, and horribly indecent, but they are not unjust. To conflate the different modes of moral evaluation at stake, according to Thomson, is to ignore the important difference

between cases where a person *has* been given the right to demand assistance and those cases where a person has *not* been given this right. In the former type of case, Thomson points out that we do not want someone's moral rights to fade in and out depending on how hard it is for others to fulfill the duties associated with this right. In the latter type of case, Thomson claims that it would seem highly improper for strangers to be compelled to act as Good Samaritans, i.e., compelled to make large sacrifices to help others who have no prior right to demand this help. The middle ground where persons might be expected to make medium personal sacrifices in order to help others with no previous right to this help (Minimally Decent Samaritanism) is, for Thomson, the grey area where persons failing to live up to this expectation can be described as indecent but not unjust. That is, such persons cannot be described as unjust without a significant shift in what we, as a society, believe ought to be compelled from other persons with whom we have no special relationship. The upshot for abortion is that a pregnant woman can be described as indecent if she chooses to have an abortion in the late stages of pregnancy (assuming no risk to her health if she were to give birth), but she cannot be described as unjust unless we are also willing to describe other instances where persons fail to act as Minimally Decent Samaritans as unjust.

Four Areas of Difficulty

So far I have provided a sparse outline of the key structural points of ADA. There are a number of other interesting aspects of ADA that I have not touched on, but I hope that I have refreshed everyone's memory sufficiently to proceed. What I aim to do is to describe four common difficulties that arise while teaching ADA. To be clear, I am not presenting the four most important themes that one ought to address while teaching ADA. I am also not presenting the four most common errors students tend to make when studying ADA. I am instead presenting four common difficulties that create a disproportionate amount of confusion for students considering the fact that they are subtle enough to be passed over by many instructors until it is too late.

(i) The Standard of Success

When I ask classes for their opinion of ADA, some students express a vague sense of disappointment with the paper without being able to identify any particular place where they see the arguments breaking down. Of course, there are also students who vocally disagree with Thomson's arguments and/or conclusions in ADA, but the group I have in mind are students who agree with Thomson's claims, either wholly or in part, yet remain generally unimpressed with what has been ac-

complished in ADA. They tend to express their lack of regard for the paper with comments like, "Well, it was okay, I suppose, but it didn't seem to accomplish much, since she had to leave open the possibility that abortion is not permissible when the pregnancy is the result of irresponsible consensual sex, and she had to admit that it is indecent for women in the late stages of pregnancy to have an abortion." In other words, many students see the qualifications in ADA as concessions that detract from what they take to be the stated objective of the paper: a comprehensive defense of the permissibility of abortion in all cases.

Thus, the first source of confusion that I think can occur while teaching ADA is a misunderstanding of what Thomson is attempting to achieve in the paper. Students need to be reminded that Thomson is not seeking to provide a sweeping defense of abortion in all circumstances, and so she should not be held to a standard of success that does not reflect her stated aims. To be sure, it is sometimes the case that students are disappointed with Thomson's conclusions without having misunderstood what she is trying to accomplish in the paper. Such students usually reject the methodology in ADA because they will not accept any position that sets limitations on the permissibility of abortion.[7] These students invite interesting questions about how ethical analysis ought to proceed (e.g., from theory to intuition or vice versa, the soundness of reflective equilibrium, etc.), but these students are not part of the problem at hand. As long as they adopt their position with an accurate understanding of Thomson's aims and arguments, then the instructor will have succeeded in accomplishing what is required for most courses in which ADA is taught. The trouble I have in mind is when students falsely assume that Thomson is setting out to prove more in ADA than she actually intends. Strictly speaking, Thomson's aim is to prove that the standard argument against abortion is flawed while keeping one philosophical arm tied behind her back, so to speak, by accepting the assumption that the fetus is a person. The standard for success in the paper is therefore quite modest: to find at least *some* cases in which abortion is permissible. In this respect, victory is achieved early on in ADA when Thomson identifies the exceptional cases where abortion ought to surely be allowed (e.g., rape, danger to the life of the mother, and the hypothetical case where pregnancy lasts nine years) because these cases are not adequately dealt with by the standard argument against abortion as it is commonly stated. When ADA is viewed in this light, any further cases where abortion is shown to be permissible become an added bonus.

But why do students tend to assume that Thomson has loftier aspirations in ADA than is actually the case? I think that there are at least four reasons for this error. First, if students are initially exposed to articles that discuss abortion in terms of personhood, then it is under-

standable that they associate a pro-choice position with the view that abortion is permissible in all cases. If one can establish that a fetus is not a person and thus does not deserve direct moral consideration, then it is a short step to the conclusion that abortion is morally permissible in any and all cases.[8] In fact, if students have just recently read Mary Anne Warren's defense of abortion, they may still assume that "the" pro-choice view does not even directly rule out infanticide as morally impermissible, let alone cases of abortion in the late stages of pregnancy.[9] Thus, students often begin by associating the pro-choice position with the goal of defending abortion in all circumstances, and they subsequently tend to import this overgeneralization to their reading of ADA.

The second reason why students sometimes get the wrong idea about Thomson's aims in ADA is the simplicity of the title. It is called, "A Defense of Abortion." It is not called, "A Qualified Defense of Abortion in Some Cases as Compared to the Rigid Anti-Abortion Position that is Implied by the Standard Argument that Appeals to the Right to Life of the Fetus." Instructors will be familiar enough with the subtleties of language to recognize that the title of ADA does not commit Thomson to a defense of abortion in all cases. However, students will obviously read the title with less practiced caution, and so instructors must be aware of the impact that the title can have on students who are not yet accustomed to distinguishing between categorical and existential claims.

Third, the political atmosphere surrounding abortion has a polarizing effect that puts students into an all-or-nothing point of view. It is not uncommon for students to start from the assumption that one is either *for* abortion or *against* it, and this can lead to a secondary assumption that deviations from these poles necessarily represent signs of weakness—concessions to the enemy that weaken one's credibility. This is not a helpful frame of mind for students to have when reading any paper in philosophy, but it is even more disruptive when students take on a paper with a thesis as nuanced as the thesis in ADA. Moreover, the political atmosphere surrounding abortion also affects the perspective students have when reading ADA because many current undergraduates are not old enough to appreciate the historical context in which ADA was written. The first thing to point out to students is that ADA was written before the historic *Roe vs. Wade* decision. (Many students are not aware that the case was decided in 1973.) At that time, exceptions to the legal ban on abortion varied from state to state, so one could not take for granted that a woman could legally seek abortion in cases where her life was at stake or in cases of rape. Without an appreciation of this context, students will often think that Thomson is indulging in trivial digressions when she discusses instances where

abortion is sought because of rape or because the life of the mother is at stake. Instructors who can still appreciate this historical context must therefore make an effort to imagine what it would be like to approach ADA without this prior knowledge.

Finally, the fourth reason that students tend to misinterpret the thesis of ADA is the fact that many undergraduates who are not familiar with philosophy have never been exposed to philosophical arguments that defend carefully qualified conclusions. Without the prior knowledge that such conclusions are commonplace in philosophy, students can be left thinking, "Is Thomson going to defend abortion or not?!" As I just mentioned, the political atmosphere surrounding abortion can contribute to students viewing the abortion debate in this polarized framework, but there are other factors that also contribute to the phenomenon. For example, high school education, and even many university or college level courses, ask students to write "for or against" papers that perpetuate the assumption that an essay ought to adopt a clear-cut position—one devoid of concessions made to the opposing viewpoint. In fact, I think that instructors of philosophy ought to accept the fact that reading papers that argue for highly nuanced conclusions is an unusual event for the rest of the planet, and so we must make special efforts to imagine what it is like for others to read philosophy without the training that allows us to expect and recognize complex positions without perceiving that we are doing anything unusual. This is surely a general principle that applies to teaching philosophy of any kind, but I think it is particularly apt in the case of ADA because the paper is so often taught in courses taken by students who have no previous experience in philosophy and because the paper defends a thesis that is more subtle than those of other papers commonly taught in such courses.

(ii) The Right to Life

The second potential source of confusion that instructors ought to recognize concerns the way the right to life functions in ADA. The heart of Thomson's argument in ADA is that the fetus is a person with a right to life but that this right does not guarantee the fetus the right to demand the resources necessary for life from the mother. The important result here is that, in at least some cases, the fetus is in no position to claim that it has been treated unjustly if it is not provided the resources necessary for life. This result is worth emphasizing because many students confuse it with the very different claim that the right to life possessed by the fetus is *outweighed* by the right of bodily integrity possessed by the mother. With the exception of her discussion of third party interventions in cases of pregnancy that threaten the life of the mother, Thomson never proposes anything like this second claim. Yet a surprising number of students end up with the impression that some

weighing of the rights of the fetus against the rights of the mother serves as the basis for Thomson's argument in ADA.[10] In fact, even when the difference between the claims is pointed out, many students have trouble understanding why the difference is important or that it is something other than a matter of wording. This will seem mystifying to many instructors, because there is scarcely anything in Thomson's articulation of her argument that would lead to a misinterpretation of this kind.[11] Indeed, the source of the problem will remain mysterious if one concentrates on exactly what Thomson argues in ADA, but it is important to approach the paper from the perspective of students who tend to form impressions based on more than the strict wording of the arguments presented.

There are at least two factors that can lead students to misinterpret Thomson's argument and falsely assume that it is based on a relative weighing of the fetus's right to life versus the mother's right to personal integrity. First, students are very familiar with the idea of weighing individual rights against one another. The right to free speech is weighed against the rights of minorities to protection from discrimination, the right to privacy is weighed against the right to security in the face of threats to public safety, the right of a young adult to live her own life is weighed against the right of her parents to control what happens to those over whom they have legal guardianship, etc. The concept plays a well-known role in the vocabulary of undergraduate students, so it is easy for them to slip back into familiar territory. This is especially true when the unique factor in ADA is the fact that Thomson is accepting the premise that the fetus is a person with all the rights possessed by adults. It is a short step from this idea to the idea that the paper is about weighing the rights possessed by a woman and an entity that is being provisionally considered to be a separate moral agent.

Second, the basic argument against abortion that Thomson attacks in the opening section of ADA (roughly formalized in the first section) explicitly appeals to the idea of weighing the mother's right to decide what happens to her body against the fetus's right to life. This, understandably enough, sows the seed in students' minds that the discussion is going to turn on a question of the relative weight of the rights involved. For it is exactly this premise of the basic argument—the one that relies on weighing the rights of the fetus against the rights of the mother—that the violinist case is designed to falsify. It is only natural for students to think that if this premise is proven false then the opposite of the premise must be true, i.e., it is normal for students to assume that if it is false that "a person's right to life is stronger . . . than the mother's right to decide what happens in and to her body, and so outweighs it" (48), then it must be true that the mother's right to decide what happens in and to her body is stronger than the fetus's

right to life, and so outweighs it. Indeed, this claim may well be true; it is certainly a common assertion to encounter in debates concerning abortion. But it is not the conclusion that Thomson draws from her violinist case, and it is not the claim she uses to support her argument that (in at least some cases) the fetus does not have the right to demand continued resources from the mother. The violinist example is meant to demonstrate that the violinist has *no right* to demand the use of your kidneys, despite his right to life. This is not the same as the claim that the violinist has a right to the use of your kidneys that is outweighed by your right to decide what happens to your body. But students often confuse these two claims in both the initial case of the violinist and cases where the analogy is applied to the details of pregnancy. It is thus important to be very specific about how the violinist example refutes the basic argument against abortion (i.e., by falsifying the "outweighing" premise entirely via an investigation of what a right to life entails) in order to counteract the tendency for students to think that the example is meant to *reverse* the premise that weighs the mother's right to bodily integrity against the fetus's right to life.

(iii) The Circumstances of Conception

The third source of confusion I want to identify is a very specific one, but it is one that I find has a significant impact on the overall impression of ADA that students form. It has to do with the moral permissibility of abortion being dependent on the circumstances that lead to the existence of the fetus. When Thomson first acknowledges that the example of being kidnapped and plugged in to a violinist is analogous to rape, she points out the fact that there is something odd about the possibility of the basic argument against abortion making an exception for cases of rape. An exception of this kind seems desirable so that one's intuitions in the violinist example can be accommodated, and Thomson admits that proponents of the basic argument against abortion can make the exception. However, she notes that the exception seems rather *ad hoc*: "Surely the question of whether you have a right to life at all, or how much of it you have, shouldn't turn on the question of whether or not you are the product of a rape" (49). In other words, if we are assuming that a fetus is a person with the same rights as an adult human, why should we think that the right to life of the fetus is contingent on the circumstances that brought it into existence?

Thomson does not pursue this line of argument any further, but it often leaves a lasting impression in the minds of students because the violinist example has caught their attention and they are curious, as they should be, about how Thomson intends to use the example to draw conclusions about the permissibility of abortion. A problem can arise, however, when this lasting impression causes students to

unfairly dismiss the example of people-seeds later in the paper. What can happen is that students think they have found a contradiction in the paper. In their eyes, Thomson has initially argued for the claim that the circumstances of one's existence should not make a difference to the strength of one's right to life, and then she has turned around in the people-seeds example and concluded the exact opposite, i.e., that the permissibility of abortion depends on the details of how a woman becomes pregnant. Indeed, Thomson's conclusion in the people-seeds example is that the circumstances leading to the conception of a fetus are important, for she claims only that there are *some* cases of consensual sexual intercourse, namely those in which contraception is used, where a woman has clearly not invited the fetus to use her body as a source of food and shelter. Consequently, Thomson acknowledges that there may be some cases, though she does not specify which ones, where the circumstances leading to the creation of a fetus could generate the conclusion that abortion is morally unjust.[12]

One can hardly blame students for feeling as if Thomson has suddenly gone back on her initial argument, but it is important to correct this impression because it indicates that students have misunderstood the argument in ADA in an important way—one that is related to the problem discussed in the previous section on the right to life. The reason there is no contradiction between the claims about the circumstances leading to the fetus's existence is that Thomson's initial argument is directed at the standard argument against abortion and its weighing the relative strength of one's right to life, whereas her second argument, based on the people-seeds example, addresses the question of whether a person has been given the right to demand the resources necessary to survive. It is precisely Thomson's argument in ADA that these two considerations are not synonymous. It is therefore perfectly consistent to argue that the right to life should *not* be contingent on the circumstances that lead to one's existence and simultaneously claim that the right to demand resources from others *is* contingent on circumstances of this kind. If students see a contradiction in ADA after the people-seeds example, then it is because they have not fully understood Thomson's claim that the right to life is not the same thing as a right to demand resources from others. Thus, what may seem to many instructors to be a small amount of confusion regarding the people-seeds thought experiment is actually indicative of a broader level of confusion regarding the main thesis of Thomson's paper.

Of course, the question of whether the right of the fetus to demand resources from the mother depends on the circumstances of pregnancy in the way that Thomson claims is a question that remains open. (I discuss this issue briefly in the last section of the paper.) Thus, it can still be appropriate for students to feel dissatisfied with Thomson's ac-

count of the fetus's right to demand resources from the mother and the way this right depends on the circumstances of the fetus's conception. This dissatisfaction need not be based on a misunderstanding of ADA as long as it is not based on the assumption that Thomson has contradicted herself because of her earlier claim that it would be odd for the right to life to fluctuate with the details of how one has come to exist.

(iv) The Drifting People-Seeds

So far, the sources of confusion I have identified all work against ADA in the sense that students who fall prey to these difficulties are less likely to agree with the conclusions of Thomson's argument. The fourth source of confusion, however, tends to work in favour of Thomson's argument. This last problem is also not a case where students misinterpret the arguments in ADA. In the first three cases, there are understandable reasons for the inability of students to follow the subtler points in ADA, but ultimately there is nothing wrong with Thomson's presentation of her arguments. In this last case, however, I think the text in ADA is somewhat misleading and that Thomson could have presented her argument more clearly.

The case I have in mind is the people-seeds thought experiment where Thomson seeks to demonstrate that not all cases of consensual intercourse are cases where a fetus has been given a right to use the mother's body for food and shelter. The key question that this thought experiment raises is what the appropriate level of risk is for an agent to assume in order for it to be clear that she has not implicitly taken on a responsibility for certain foreseen consequences that could potentially be the result of her action.[13] The conclusion for which Thomson argues is that a woman who voluntarily engages in sexual intercourse, but who takes steps to avoid becoming pregnant, is assuming a reasonable level of risk and is therefore not implicitly responsible for providing food and shelter to the fetus if the act of intercourse leads to a pregnancy. Hence, even if we assume that the fetus is a person with a right to life, Thomson's claim is that the mother has not assumed any special relationship to this person in these circumstances. Like the violinist or the stranger to Henry Fonda, a fetus is, in this situation, not in a privileged position to demand resources from the mother.

To generate this result, Thomson does not initially start with people-seeds. She instead begins with the example of a person who opens her window in a stuffy apartment and inadvertently allows a burglar to enter the apartment. It would be absurd, she claims, to think that this person is partially responsible for the burglar's entry because she knew the risk of burglary existed and so she implicitly invited the burglar to burgle (58). Plus, it would be even more absurd to make this claim if the person had put anti-burglary bars on her windows that just happened to be

faulty. This initial example sets up the general principle that people are not automatically responsible for the unwanted consequences of their actions if the risk they have taken is considered reasonable. Thomson then applies this general principle to cases of unwanted pregnancy. To do so, she has to change the burglar example in two ways. First, instead of stealing one's possessions, the person in question must be helpless and require food and shelter from others. Second, this person must be morally innocent instead of someone who is committing a criminal act. This is what leads Thomson to people-seeds. She initially toys with the idea of a person who just happens to fall through the window into the apartment, but a key part of the thought experiment is that it sets up a risk that is foreseeable. It is hard to imagine a scenario where one ought to foresee the possibility of fully grown humans falling through one's window. Hence the switch to people-seeds.

I happen to think that the people-seeds thought experiment is quite brilliant. It is not necessarily successful in terms of definitively supporting Thomson's argument, or if it is I will not argue the point here. (More on this in the next section.) But it is, I think, insightful and admirably original. Nevertheless, the thought experiment is misleading in the way that it uses the imagery of seeds drifting through the air and potentially through one's window. The advantage of switching to this imagery, as opposed to the imagery of fully grown humans falling through windows, is that it makes the threat of a people-seed taking root in one's apartment a foreseeable risk. The disadvantage of using the imagery of drifting seeds is that it detracts from the most important theme in ADA: provisionally accepting the premise that the fetus is a person with the same rights as any adult human being. When teaching ADA, then, it is essential to remind students that if a people-seed takes root in one's apartment, that seed must be assumed to have a right to life that is just as strong as the right of an adult human. Otherwise, the students' intuitions will likely be tainted by the fact that a mere "seed" does not seem to have the same moral significance as a person. In fact, students can sometimes be so affected by the imagery of seeds that they assume Thomson's argument is about *potential* personhood because they associate seeds with human eggs or sperm. Instructors will know this confusion has occurred if they catch students saying things like, "I think Thomson is right; surely it is permissible to vacuum your upholstery if a people-seed gets through the screen window, especially if you vacuum *before the seed has developed into a person*." This will set off alarm bells, but the confusion can sometimes go unnoticed if students do not reveal to the instructor that they are thinking of the seed in the example as less than a person. Indeed, they may not even recognize that they are thinking of the seed as less than a person, but this factor can still be influencing their intuitions about the example.

It is therefore important to pre-emptively make sure that students think of people-seeds as having full moral status.

What I recommend is changing the thought experiment slightly so that if people-seeds make contact with one's carpets or upholstery they instantaneously turn into adult humans. Thomson's imagery of the seeds "taking root" in plush things like upholstery or carpet has a nice organic feel to it, but for the purpose of the argument it is better to add a magical element to the mix. Like some fairy tale toad turning into a prince, people-seeds should instantly transform into full-blown people (in a puff of smoke?) the second they make contact with upholstery or carpet. This way, the risk of people-seeds drifting into one's apartment is something that can be anticipated, but the choice of whether one has a special responsibility to provide resources to this entity, which is provisionally thought of as a person, can be made while imagining that one is face to face with a grown adult. This, I think, is sufficient to clear up what is misleading about the people-seeds example, but one can push the thought-experiment even further if one wants to strengthen the analogy with pregnancy. To do this, instruct students to imagine that if people-seeds take root in one's upholstery they lie dormant until they make contact with an adult human. If contact with an adult human occurs, then the people-seed attaches itself to the adult and instantly turns into a person who requires the use of the human host's kidneys for nine months. It might even turn into a person who is exceptionally good at playing the violin.

Instructors who are sympathetic to the original wording of ADA might object to my claim that the people-seeds example needs modification. The objection here would be that the example is not meant to deal with what is implied by a right to life, and so it need not ensure that the reader thinks of an adult human as the entity that is meant to be analogous to a fetus. The violinist example is meant to deal with the right to life, so it appropriately uses an adult human in order to show that even an adult who clearly has a right to life does not necessarily possess the right to demand resources from others. But in the people-seeds example, the thought experiment is only meant to address the question of whether a woman has implicitly given the fetus an invitation to use her body for food and shelter. This question is about risk and personal responsibility, and one might argue that it need not address the extra complexity that is associated with the right to life. In other words, supporters of Thomson's original presentation of ADA might claim that the moral status of a people-seed does not need to be clearly specified because this is, at this particular point in Thomson's overall argument, of secondary concern and not vital to the issue at hand, which is establishing limits on the responsibility of agents who engage in activities that carry a foreseen level of risk.

Though it may be tempting to teach ADA as if the people-seeds example can be cleanly separated from the issues addressed earlier in the paper concerning the right to life, I think this approach is misleading and should be avoided. It is misleading because our intuitions about what constitutes a reasonable amount of risk in a given situation are not independent of the question of whether human lives are at stake. If one believes only that *potential* human lives are at stake, then one's perception of "reasonable" risks will be different than if one believes that the lives of humans who possess full moral status are potentially threatened. For example, imagine that scientists discover some amazing new chemical that will massively reduce the number of cavities in people's teeth if it is put in toothpaste. If this chemical, call it *ultra-fluoride*, carries a risk of harming human sperm (or preventing ovulation) and thus preventing the otherwise successful creation of human life, then the level of risk at which it would be reasonable to include the *ultra-fluoride* in toothpaste is certainly higher than the level at which it would be reasonable to include the *ultra-fluoride* in the toothpaste if it carried the risk of death. Of course, the level at which either of these options would be reasonable is extremely low, but the difference between the two cases is nevertheless obvious. It matters a great deal whether actual or potential life is at stake when we make judgments about the risks that are reasonable for agents to take. More generally, the magnitude of the bad consequences that could potentially result from our actions affects our evaluations of what constitutes an appropriate level of risk for agents to take. Thus, if students are to accurately evaluate whether it is reasonable for a person to open a window in her stuffy apartment with the knowledge that people-seeds are drifting on the wind, they must see the situation as one where the bad consequences at stake involve the creation of an unwanted human *with full moral status* who will require resources from the apartment owner in order to survive.

Will this modification of the people-seeds example make a significant difference to students' intuitions when they decide if they agree with Thomson on this point? In many cases it may not. Certainly it will not make a significant difference to Thomson, who I suspect would see my proposal as more of a friendly amendment or clarification than a modification of her position. Even if it were the case that people-seeds suddenly burst into fully grown humans, if a woman has made a reasonable attempt to live in a way that avoids the prospect of a people-seed entering her apartment, then Thomson will claim that she has not implicitly given this person an invitation to demand resources from her. However, in my experience there are students who are not sure what to make of this example. These students are uncomfortable with the stakes being so high for an action whose intended benefit is merely to allow fresh air into a stuffy room. They often remain agnostic about

the case where a person has taken elaborate precautions to lower the risk of any people-seeds taking root, but they do not share Thomson's intuitions that opening the window is a reasonable risk to take when a person has not taken precautions that are next to foolproof.[14] Not all of these students, I find, have a prior religious commitment to abstinence in all cases other than sex for the purpose of procreation. Some display liberal attitudes towards sexual intercourse but remain unconvinced that Thomson's conclusion in the people-seeds case is obviously true. For my part, I offer these students no solution (because the question is best left open in class and because I quickly get uncomfortable discussing the spectrum of scenarios where sexual intercourse is or is not a reasonably undertaken risk). However, when a good debate over this issue emerges in class, it only reinforces my conviction that the misleading character of the "seeds" in the argument needs to be removed for students to be able to make an informed judgment about this important aspect of Thomson's paper.

Two Critical Points

In closing, I will quickly mention two critical aspects of the argument in ADA that ought to leave students with lingering questions. I mention these because they are sources of confusion, but unlike the four sources discussed above they are *appropriate* sources of confusion because they are difficult questions that are left unresolved by what is provided in the text. In my opinion, these last two aspects of ADA are the critical issues on which the persuasiveness of the paper depends.[15]

The first issue is the one we have just discussed: how much risk is appropriate for an agent to take if a potential consequence of his act is that an unwanted person with full moral status will be created that requires resources from others to survive? What kinds of precautions are necessary for a man or woman to take in order to ensure that consensual sexual intercourse does not constitute an implicit willingness to take responsibility for the needs of this potential person if he is created? As I mentioned earlier, the strict answer for Thomson's purposes is that there are at least *some* cases where sufficient precautions have been taken for a woman to have not implicitly given the fetus the right to demand food and shelter from her. That is all Thomson needs to establish, and she deliberately avoids the problem of specifying a limit where it is no longer clear that this conclusion holds. But students are rightfully curious about what her argument implies about the permissibility of abortion in the full spectrum of possible cases. (It is unfair for students to expect Thomson to deal with this full spectrum in ADA given her narrow objectives, but it is entirely appropriate for them to wonder what her position implies for cases that are beyond the scope

of the paper.) At what point is the threshold of reasonable risk crossed so that a woman, or a man, who engages in sexual intercourse bears a special responsibility for the needs of the person potentially created?

Providing an adequate answer to this question raises general questions about risk analysis and personal responsibility, but it also brings into play our social, cultural, and religious judgments about sexual activity. If one thinks of sex as a sacred act that should be performed only in special circumstances and that abstinence is the otherwise expected way for a person to live a fulfilling life, then the benefits of sexual intercourse will seem small compared to the potential cost of risking pregnancy. If, however, one thinks of sex as a routine part of human life that does not require any special justification beyond the prudential considerations at stake, then one is more likely to think that the costs of sexual intercourse are acceptable compared to the benefits. To demonstrate that this underlying difference in perspective is important, it is helpful to direct the class to an example of risky behaviour that is commonly tolerated in western society despite the fact that the example chosen has potentially dire consequences. A good example to use is driving a car.[16] The decision to drive a car carries potentially fatal consequences for oneself and others, yet we tend to view driving as an ordinary part of life in the developed world, i.e., we view the risks of driving as reasonable because the benefits outweigh the unlikely but potentially severe costs that may result. Driving a car is also an act where more or fewer precautions can be taken to avoid bad consequences, but no amount of precautions, short of ceasing to drive entirely, can completely remove the risks at stake. This makes driving a useful example to use in order to test students' intuitions about reasonable risks. One can then compare these intuitions to the case of sex where so many cultural and religious taboos can begin to beg questions in ways that are not always recognized.[17]

To be clear, I am not suggesting that the driving example be given to students in order to support Thomson's argument. I am suggesting only that it, or something like it, be used to get students thinking about other cases where a foreseeable risk is considered reasonable despite the potential for serious consequences. Doing so is helpful, I think, as a way to allow students to explore the implications of the argument in ADA without the discussion being confined to the culturally charged topic of modern sexual norms.[18]

The second legitimate source of confusion in ADA is the difference between the judgment that an action is *unjust* and the judgment that an action is *indecent*. Students can easily understand the difference between moral and legal injustice, but many find it hard to understand the difference between moral injustice and moral indecency. They have a rough idea of the difference to which Thomson appeals, but students

rightfully wonder how these concepts can be meaningfully separated in situations of grave moral indecency.[19] More importantly, students wonder how much this difference ought to matter to a philosophical discussion of the *moral* status of abortion. There may be, as Thomson suggests, good reason to think that legally compelling women to be Good Samaritans is highly improper (64). But must our moral evaluations also take this rigid structure and focus exclusively on what is minimally required of us? Questions of this kind are only made more complicated by Thomson's enigmatic claim that complaints about persons being indecent compared to complaints about persons being unjust are, "no less grave; they are just different" (61). Thomson also does not hesitate to say that a pregnant woman, even one pregnant due to rape, *ought* to allow an unborn person to use her body if only one hour is needed to save the unborn person's life. She would not be acting unjustly if she did not allow the unborn person the use of her body for one hour, but she *ought* to do so nonetheless. At this point, students normally start to ask difficult questions about how to specify the standards of moral obligation and permissibility given these two different, yet apparently equally serious, forms of moral evaluation.[20]

As I mentioned earlier, I think it is appropriate for students to be puzzled by these questions. Thomson's paper touches on some intricate questions in normative ethics that students cannot be expected to absorb easily, and she does not provide enough in ADA for students to recognize just how intricate these questions are. However, I do not mean to suggest that this source of confusion for students constitutes an objection to ADA. In the context of a paper on abortion, Thomson can hardly be expected to provide a detailed account of the structure of moral obligation. But the difference between what is just and what is decent plays an important role in ADA, and instructors should be ready for these concepts to create problems for most undergraduate students who do not have previous training in philosophy. My view is that the artful distinction between what one *ought* to do and what one is obligated to do, as a matter of justice, should be acknowledged but postponed in most introductory classes in which ADA is taught. However, I leave this decision to the discretion of the instructor. My aim has simply been to point out that this issue can cause confusion among students and that, unlike the four sources of confusion discussed in the previous section, this confusion cannot be easily rectified by clarifying the arguments in the text. Students, at the very least, need to be reassured that the issue is as difficult as it appears to be; how far each instructor chooses to purse the issue is up to her. Indeed, the distinction between justice and moral decency in ADA is one of the delicate but fascinating aspects of the paper that make it an enduring classic in contemporary ethics.

Notes

1. Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1:1 (1971): 47–66.

2. Judith Thomson, *Rights, Restitution, and Risk*, ed. William Parent (Cambridge, Mass.: Harvard University Press, 1986), vii.

3. Perhaps the most commonly taught of these core papers are Mary Anne Warren, "On the Moral and Legal Status of Abortion," *Monist* 57 (1973): 43–61; and Don Marquis, "Why Abortion is Immoral," *Journal of Philosophy* 86 (1989): 183–202. Warren claims that a fetus possesses none of the characteristics necessary for personhood, whereas Marquis claims that a fetus, despite its lack of human-like qualities, possesses a set of future experiences that make it worthy of moral consideration. After letting students absorb these two opposing views, it is always a pedagogical pleasure to introduce ADA and watch students react to a methodology that entirely bypasses the terms of the debate over the moral status of the fetus—a debate that many students otherwise assume is synonymous with the debate over the moral status of abortion.

4. My preference is to use the term "pregnant woman" rather than the term "mother," but since Thomson uses "mother" in ADA I will do the same here to avoid confusion.

5. Many students are perplexed by how much time Thomson spends dealing with "the extreme view" and the right of the mother to kill another person in self-defense (or ask a third party to do so, given her prior right to her body). This is perhaps understandable, since few undergraduate students are old enough to remember the time when ADA was written—a time when it was not irrational to believe that a mother's right to defend her life against an unwanted pregnancy might be in jeopardy. It is, however, important to recognize the different perspective that students bring to the paper and give them some warning about sections 1 and 2. As instructors, we may read these sections with patience and a healthy respect for (*the* MIT Professor) Thomson's willingness to be thorough, but students often perceive her early attention to rape and the extreme view as if they are cheap tactics (by some no-name) designed to hide the fact that her argument is unable to deal with normal cases of pregnancy. If students need any further reassurance that sections 1 and 2 are important, one can refer them to Baruch Brody's *Abortion and the Sanctity of Human Life* (Cambridge, Mass.: MIT Press, 1975), where Brody argues against the idea that abortion is obviously permissible as a means of self-defense.

6. It goes without saying that one needs to explain who Henry Fonda is, since hardly any students recognize the name. I normally use this as an opportunity to (a) get the class engaged by holding a quick vote on who ought to stand in as a contemporary replacement for Fonda, e.g., Denzel Washington, Brad Pitt, etc., and (b) command the class to watch the original version of "12 Angry Men" (MGM, 1957).

7. This is especially true if students have already read (a non-abridged version of) Warren's "On the Moral and Legal Status of Abortion," since she specifically objects to ADA because it fails to justify abortion in some cases where a woman voluntarily engages in sexual intercourse. Thomson, of course, foresees this objection to her conclusion in ADA, and she acknowledges that those who regard abortion as morally permissible in all circumstances will find her argument unsatisfactory (65–66).

8. This step is not inevitable, of course. One could take up the position that there are cases where abortion is not permissible even though the fetus does not deserve direct moral consideration. For example, one might argue that in some cases abortion shows disrespect for the belief that all human life is sacred, and one could maintain this view

without accepting that a fetus is an entity that deserves moral rights. Ronald Dworkin explores this possibility in *Life's Dominion* (New York: Knopf, 1993).

9. See the 1982 postscript to Warren's "On the Moral and Legal Status of Abortion" in *The Problem of Abortion*, ed. Susan Dwyer and Joel Feinberg, 3rd edition (Belmont: Wadsworth, 1997), 71–74.

10. In fact, one also finds a surprising number of instances in the secondary literature on ADA where some kind of "weighing" view is mistakenly attributed to Thomson. See, for example, David B. Hershenov, "Abortions and Distortions: An Analysis of Morally Irrelevant Factors in Thomson's Violinist Thought Experiment," *Social Theory and Practice* 27:1 (2001): 129–48. Hershenov's summary of the argument in ADA is that "*a woman's right to control her body* permits her to abort even a fetus that is considered a person and entitled to all the moral protections that such a categorization brings," and that "*the right to control one's own body* justifies allowing the violinist to die" (129, my emphasis). See also Jim Stone, "Abortion and the Control of Human Bodies," *Journal of Value Inquiry* 17 (1983): 77–85. Stone summarizes Thomson's argument in a similar way: "abortion can be justified even if the fetus is a person, for the mother's right to decide what happens in and to her body can entitle her to deprive a *person* of the continued use of her body, even if this kills him" (77, original emphasis). Stone's summary is especially misleading, because his use of the word "deprive" implies that the fetus has a legitimate right to demand continued resources—a right that is somehow overridden by the mother's right to decide what happens in and to her body. But this is exactly not Thomson's point. Her point is that the fetus's right to life does not necessarily include a right to demand continued resources in the first place. This same mistake can also be found in John Martin Fisher's "Abortion, Autonomy, and Control Over One's Body," *Social Philosophy and Policy* 20:2 (2003): 286–306. Fisher claims that "Part of [Thomson's] argument is that, in some contexts, an individual's right to determine what happens in or to her body overrides another individual's right to life." Similarly, Francis J. Beckwith attributes the following logic to ADA: "Just as one does not have a right to use another's kidney if one's kidney has failed, the unborn entity, although having a basic right to life, does not have a right to life so strong that it outweighs the pregnant woman's right to personal bodily autonomy." See "Personal Bodily Rights, Abortion, and Unplugging the Violinist," *International Philosophical Quarterly* 32:1 (1992): 105–18. Thomson could have perhaps alleviated some of this confusion by including an example in ADA where turning down the opportunity to be a good, or even minimally decent, Samaritan does not involve the use of one's body, e.g., if Henry Fonda had only to send flowers in order to save your life. An example of this kind would, compared to the violinist example, more clearly demonstrate that a woman's right to her own body is not doing the important philosophical work in the argument; rather, the key idea is that a person's right to life is, roughly, a "negative" right—a right that does not automatically imply a "positive" duty to aid from others.

11. As mentioned above, Thomson only discusses the right to bodily integrity in the context of arguing that it is morally permissible for third parties to intervene in cases where the continuation of a pregnancy poses a threat to the life of the mother. It is with specific reference to this example of self-defense that Thomson provides what has become a memorable quote that is too often cited out of context: "My own view is that if a human being has any just, prior claim to anything at all, he has a just, prior claim to his own body." She then continues, "And perhaps this needn't be argued for here anyway, since, as I mentioned, the arguments against abortion we are looking at do grant that *the woman has a right to decide what happens in and to her body*" (54, emphasis mine). The frequency with which one finds the emphasized section of this latter quote taken out of context is

staggering. The true context is the thought experiment where a woman is trapped in a house with an expanding baby that will crush her against the walls if she does not defend herself. In this situation, Thomson states that the woman *owns* the metaphorical house, so Thomson depends on the right of bodily integrity as a tie-breaker to allow third parties to intervene in situations where two persons each have a right to life but one person has a prior right to control what happens in the space in which her life is being threatened. This is not the same as a general kind of situation where two persons each have the right to life but neither one is specially responsible (in terms of duties entailed by considerations of justice) for the continued survival of the other. It is therefore no accident that the right to one's own body is not mentioned anywhere in ADA past section 2.

12. Thomson does not specify the cases that would lead to the conclusion that abortion constitutes an unjust killing of the fetus because she is, in fact, only being cautious in allowing that these cases exist at all. "It seems to me that the argument we are looking at can establish at most that there are *some* cases in which the unborn person has a right to the use of its mother's body, and therefore *some* cases in which abortion is an unjust killing" (59, original emphasis). Thomson explicitly moves on without discussing what kinds of cases these are because her methodology does not require her to do so—her objective is only to show that the basic argument does not prove that *all* abortion is unjust killing.

13. David Boonin-Vail distinguishes between two different versions of this aspect of ADA. He conceives of the general issue as a "Responsibility Objection" to Thomson's argument and then notes that the objection can take one of two forms: (a) the claim that if a woman's pregnancy is the result of voluntary action then she should be understood as having given the fetus *tacit consent* to use her body, or (b) regardless of tacit consent being given, if a woman's pregnancy is the result of voluntary action then her *negligence* makes her partially responsible for the fetus's situation and so she acquires a duty to aid. I think that Boonin-Vail is correct in thinking that the "Responsibility Objection" should be specified in one of these two way, but for the purpose of teaching I do not introduce the distinction in class unless student questions make the benefits of doing so greater than the obvious drawback of introducing further complications to an already complicated paper. See "A Defense of 'A Defense of Abortion': On the Responsibility Objection to Thomson's Argument," *Ethics* 107 (1997): 286–313.

14. This rejection of the people-seeds case is articulated by Richard Werner in "Abortion: the Ontological and Moral Status of the Unborn," in *Today's Moral Problems*, ed. Richard A. Wasserstrom (New York: Macmillan, 1979), 51–74. Werner claims that if we truly see the seeds as having full moral status, then our current understanding of human rights and obligations ought to leave the hypothetical apartment owner with a simple set of options: "Either keep your windows closed, do away with your rugs, or accept your responsibilities" (71). In other words, he explicitly claims that a germinated people-seed has a right and a legitimate claim to the house or apartment in which it takes root.

15. Note, however, that I am claiming only that these two issues are critical to the persuasiveness of ADA in a teaching context, i.e., they are genuinely difficult issues that regularly come up in class. I do not present them as the only critical issues for ADA to resolve in order to be persuasive to other academics. A list of this kind would have to include, among other things, concerns based on double-effect (e.g., Patrick Lee, *Abortion and Unborn Human Life* [Washington: The Catholic University of America Press, 1996]) and concerns based on the ostensible distinction between killing and letting die (e.g., Frances M. Kamm, *Creation and Abortion* [Oxford: Oxford University Press, 1992]). Though important, I find that concerns of these kinds rarely arise in class. If students do ask about these issues, or if one has time to proactively include them, both concerns can be traced back to John Finnis's influential paper, "The Rights and Wrongs of Abortion:

A Reply to Judith Thomson," *Philosophy and Public Affairs* 2 (1973): 117–45. It has a rather cumbersome first section, but it otherwise provides a concise starting point to provide students who are interested in applying either double effect or the killing/letting die distinction to ADA.

16. I would like to thank Trevor Mrak for a helpful conversation that led to this example.

17. The example is also useful because many students find it hard to see any hardship associated with living without upholstery or carpet (let alone a hardship equivalent to abstinence), which is what is suggested as the ultra-prudent action to take in the people-seeds thought experiment. Proposing precautionary limits on driving (e.g., not driving at night, driving well below maximum speed limits), on the other hand, tends to make a more familiar, if not shocking, impression in the classroom.

18. It might be said that using non-sexual examples already biases the discussion in favor of Thomson and against the view that sexual intercourse is sacred, special, and not something we should classify as ordinary behaviour that requires no special justification. This concern would be justified if I were recommending that non-sexual examples be put forward as if they are analogous to the risks associated with sex. Quite the contrary, I think instructors should *ask* the class whether they think these examples are analogous to sexual activity. Hence the examples are meant to be used both for students to think about the implications of the argument in ADA and for students to identify what it is (if anything) that makes sexual activity different than other forms of risky behaviour.

19. This will be especially true if students have had some exposure to ancient philosophy where the concept of justice cannot be meaningfully separated from the concept of moral decency. For examples of attempts to apply an ancient, or at least less rigidly deontological, perspective to the abortion debate, see Rosalind Hursthouse, "Virtue Theory and Abortion," *Philosophy and Public Affairs* 20 (1991): 223–46; and Duncan Richter, "Is Abortion Vicious?" *The Journal of Value Inquiry* 32 (1998): 381–92.

20. The complex difference between these two forms of moral evaluation can be brought out that much more clearly in classes where the students have previously read Peter Singer's classic paper, "Famine, Affluence and Morality," *Philosophy and Public Affairs* 1:3 (1972): 229–43. If students are familiar with this paper, one can point out that Thomson's argument implies that it would be indecent, but not unjust, to not save the drowning child in a shallow pond. Thomson would agree with Singer that one *ought* to save the child, but she would maintain that the child has no right to demand that you save him.

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