

The Failure of the Bodily Autonomy Argument to Justify Abortion

Kenneth J. Coughlan

July 3, 2020

In her famous illustration of the unconscious violinist, Judith Jarvis Thomson argues that even a person with a right to life does not have the right to use someone else's body in order to preserve that life. However, the alleged parallels between her illustration and pregnancy fall apart at several points.

First, Thomson's illustration gives the impression that abortion is nothing more than "disconnecting" the unborn from a life support system. In reality, abortion involves taking affirmative, violent steps to actively kill what Thomson concedes (at least for the sake of argument) is a human life with its own moral rights.

Second, Thomson's argument assumes that moral obligations only arise if we consent to them, which is not true. For example, the legal system recognizes the tort of negligence. If someone causes a motor vehicle accident, he is held accountable for damages even if he did not specifically intend to cause the collision.

Finally, Thomson fails to account for moral duties that arise when someone voluntarily engages in intercourse that do not arise in her illustration. A man who voluntarily engages in intercourse and fathers a child, even if he did not intend pregnancy, is still rightly responsible to support that child. If consent to intercourse does not create a moral responsibility to care for the resulting child, even if unintended, then in Thomson's effort to remove a mother's moral obligation to her unborn child she has also removed a father's responsibility to support that child should a woman choose to carry it to term.

David Boonin seeks to avoid this implication by drawing a distinction between being responsible for someone's neediness (in which case we are under a moral obligation to provide care) and merely bringing someone into existence who as a result thereof is needy (in which

case Boonin argues there is no moral responsibility). While Boonin is correct that merely bringing someone into existence does not make the parents responsible for all the neediness that new person will have throughout his life, Francis J. Beckwith responds that “in the case of the unborn, his neediness is the *direct result* of his parents’ engaging in an act, because the act is ordered to bring *needy persons into existence*” (Beckwith 2007, 187). Thus, the parents are directly responsible for the particular neediness that exists at the beginning of the unborn’s existence.

REFERENCES

Beckwith, Francis J. 2007. *Defending Life: A Moral and Legal Case Against Abortion Choice*. New York: Cambridge University Press.