The Abortion Debate

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Current procedures (UK)
- Early medical (up to 9 weeks):
  - 2 medications 48 hours apart
- Vacuum aspiration (7–15 weeks):
  - cervix dilated; foetus removed using a suction tube
- Late medical (9–20 weeks):
  - similar to early medical
- Surgical dilation & extraction (from 15 weeks):
  - cervix dilated; foetus removed using forceps and suction tube
- Late (20–24 weeks):
  - surgical two-stage or medically induced by injection into womb

English Common Law
- Abortion pre-quickening was not criminal.
  - i.e. Before the foetus’s first independent movements are felt.
- Less clear whether aborting a quick foetus was criminal.
- If abortion post-quickening was criminal, probably not a serious crime.
  - e.g. A ‘misdemeanour’ rather than a ‘felony’.
- Uncertain any crime of abortion established, even after quickening.

The US Context
- By 1960: all US states prohibit abortion at any stage however performed with only limited exceptions:
  - Most allow an exception only to save the mother’s life.
  - Two allow an exception for the sake of her health.
  - Three leave the courts to decide what constitutes lawful justification.
- By 1970s: About a third of US states have relaxed restrictions.

The Abortion Debate

Historical Context

The Ancient World
Mixed attitudes but probably generally permissive¹:
- Hippocratic Oath forbids assisting abortion.
- Oath may well have not been generally accepted until the later rise of Christianity.
  - cf. Greek medical writings through Galen’s time (130–200 CE).

¹Historical context is based on discussion in the Justice Blackmun’s delivery of the majority opinion of the US Supreme Court in Roe vs. Wade (1973).

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The Abortion Act (1967)

- Covers England, Scotland and Wales.
- Abortion is legal up to 24 weeks provided that:
  - the procedure takes place in a hospital or licensed clinic;
  - 2 doctors agree the procedure will cause less harm to the woman’s health than continuing with the pregnancy.
- After 24 weeks, abortion is only legal if:
  - necessary to save the woman’s life;
  - necessary to prevent serious, permanent injury to her health;
  - there is a substantial risk that the child would have serious disabilities if born.
- Ideally, abortion takes place in the first trimester.

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Bad Arguments

Abortion

Ideally, abortion takes place in the first trimester.

So what?

That wrong-doers are harmed if wrong-doing is illegal is no reason to legalise wrong-doing.

If abortion is morally abhorrent, then the horrors of backstreet abortion cannot justify legalising it.

Only if the foetus is a person, does it have a person’s rights.

Against Abortion?

Don’t Have One!

Don’t Like Abortion? Have One.

But should society permit the choice?

Individual liberty must be restricted to allow others’ like liberty.
The Abortion Debate

Typical Pro-Choice/Pro-Life Agreement

- **Principles:**
  - Persons have a right to control their bodies.
  - Persons have a right to life.
  - The right to life outweighs the right to control one’s body.

- **Status:**
  - The woman is a person.
  - The woman has rights to life and to control her body.

- **Conditionals:**
  - If the foetus is a person, then it has a right to life.
  - If the foetus has a right to life, then it has a right not to be aborted. [At least unless the womanʼs life is endangered.]

Thomsonʼs Thesis

What is Thomsonʼs main thesis or conclusion?

**Terminology:**

- The woman has rights to life and to control her body.
- The right to life outweighs the right to control oneʼs body.

- The foetus has a right to life.
- The womanʼs right(s) are outweighed.

- If the foetus is a person, then it has a right to life.
- If the foetus has a right to life, then it has a right not to be aborted. [At least unless the womanʼs life is endangered.]

Questions to ask about analogies:

- What exactly is supposed to be analogous to what?
  - e.g. oak tree – person; acorn – foetus
  - e.g. violinist – foetus; kidnap victim – woman pregnant as a result of rape
  - e.g. screens – contraception; carpet – womb
- Are there relevant disanalogies?
  - e.g. kidnap victim = woman pregnant as a result of consensual sex
  - It is not always clear whether a difference is relevant or not.
- Does it matter that the kidnap victim is not biologically related to the violinist?
- What is the analogy supposed to show?
- Does the analogy show this?

Argumentation

What claims are Thomsonʼs analogies meant to support (qn. 3)?

- Thomson relies heavily on the analogies she uses.
- Each analogy is intended to establish a different point.
- Some analogies are not relevant to the main argument of her paper.
  - e.g. acorn/oak tree
  - These are intended to establish related points or to qualify her claims.
Argumentation
Logical Structure

Reasons for thesis (question 5):

Argument structure:

Arguments for the opposition (question 6):

Responses to those arguments (question 7):

Evaluation

How good is Thomson’s argument?