

February 9, 2007

- **Some general remarks on Thompson and Brody**

Their form of argumentation is much different from Marquis. Marquis used a relatively sophisticated I-B-E technique (or inference to the best explanation—see pp 7, 8 in Feb. 2 notes), while Thompson, by and large, uses the argument from analogy technique, “the most common kind of argument found in applied ethics.” (*What’s Wrong?* pg. 10) Also, in terms of content, as **Christopher Young § 0206** noted, Marquis’ argument is based on what one *ought not* to do, i.e. abortion being generally morally impermissible. Though on the face of it, Thompson’s argument is for abortion being morally permissible, it is also based on what one *must not* do; i.e. infringe on a mother’s right over her body. So both arguments (Marquis and Thompson) are based on restrictive claims, though Thompson’s is stronger than Marquis. The distinction between *must* and *ought* (or *should*) is a central one, for Thompson, as we’ll see. Brody likewise uses argument by and analogy to try to refute Thompson’s point.

Whether or not you agreed or disagreed with Thompson and Brody’s conclusions, perhaps you may have felt that their way or reasoning or the logic they used, was flat-footed and crude. In their efforts to form simple and appropriately general claims, that have a ring of deductive necessity to them, may have caused you to feel that such claims don’t address the nuanced and subtle issues of ethical dilemma adequately enough. Or to put it another way, their arguments may have struck you like trying to seat a flat building theory and logic on the bumpy ground of experience. This is a general problem in ethics—the relationship between logic and moral reasoning. Obviously when reasoning morally, we want to avoid contradicting ourselves, that much is true. So logic is relevant. The question, however, becomes *what is the most appropriate logic for ethics?* This is an open question. Many researchers are developing far more sophisticated logics which they hope can model moral reasoning better.<sup>1</sup> Certainly the simple logic (premise-premise-...→one conclusion) adopted by the authors may seem rather crude and clunky. But, if nothing else, it’s a good start, in terms of seeing how challenging it is to think precisely in such matters.

- **Thompson**

In her overall argument by analogy, she developed thought experiments to test the strength of her conclusion. She adopted the method of *variant cases* when testing her thought-experiments. “Consider the variant case and ask if your intuitive reaction to it is any different from what it was to the original, non-variant case.” (*What’s Wrong?* p.12) In certain cases, she also used the *method of bare differences* (*What’s Wrong?* pp. 13-16) In general, form of bare-difference argument is:

P1: Case A has feature P and case B differs from A only in feature Q

P2: Case A and case B are morally equivalent.

C: Therefore, features P and Q are morally equivalent.

Basically, the method of bare differences is similar to the case in science, one controls all the variables in an experimental and in a control sample, and varies each one (keeping all the other

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<sup>1</sup> For instance, the field of *default logics*

variables fixed) to test the experiment against the control. Here, one varies Q against P for cases B and A respectively, to see whether or not the ‘null hypothesis’ holds—i.e. are P and Q still morally equivalent?

As the authors point out, what guarantees validity of bare-difference strategy is the notion that “what’s good for the goose is good for the gander. As long as one accepts this principle, the inference made by bare difference arguments should seem well-grounded.” (16)

Critiquing the argument by analogy and bare difference have similar strategies.

- In the case of critiquing an argument by analogy, one should: (*What’s Wrong?* p.12)
  - (A) Look for *disanalogies*
  - (B) Use method of variant cases to test the merits of the *disanalogies*
- In the case of critiquing bare difference, one may: (*What’s Wrong?* p.16)
  - (1) Critique P1: Could there be *other* features that are different from cases A and B, that weren’t discussed?
  - (2) Critique P2: Are cases A and B really morally on par?

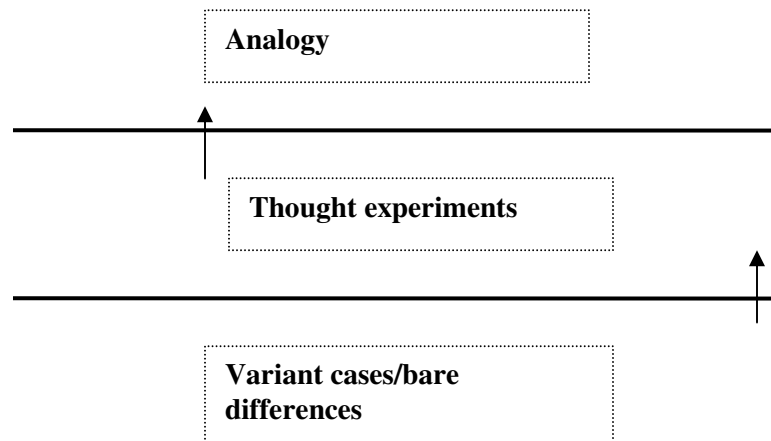
So, for example, **Vanessa Morales § 0202** asked the question concerning the Famous Violinist thought-experiment, in which she varied the ‘consent’ issue. Specifically she asked how would Thompson respond if someone *volunteered* the use of their kidney (as opposed to being abducted by the Society of Music Lovers?) Vanessa was adopting (B) above, by varying cases to see whether or not there are *disanalogies* (or differences that would make a *moral* difference, so to speak) between the issues concerning rights of the mother over her body versus the Violinist thought experiment. (Thompson would answer the question by pointing out, perhaps, that in such an instance when someone volunteers, or ‘steps up to the plate’, and offers the use of her body in this manner, certainly she’s being exceptionally generous—an exceptional Samaritan—as she later writes, but this is a separate issue from discussing rights or claims. No one should legislate being a Samaritan, and no one has the right to ask someone to do so.)

Many found the analogies misleading or problematic. (**Adil Zaman § 0206, Jasmine Tirado § 0207**, etc.) In fact, some found Thompson’s style of argumentation so cluttered with so many Baroque analogies and thought-experiments here and there, as to render the *argument* she was making virtually impossible to distil. (**Oneg Pruitt § 0207, Shelby Watson § 0207**) Others, however, found her rather contrived thought-experiments helpful, as it forces the reader to divorce him or herself from the ‘loaded emotional/religious/psychological issues’ surrounding the actual question of abortion (**Lauren Grimes § 0202**), as well as serving a useful and essential purpose in her overall framework of argumentation (**Jessica Elmore § 0202**).

All of the above points are valid and apt. As your instructor Darren Hick already pointed out in a first lecture, philosophical prose can often be tedious and frustrating to read. Philosophers strain ‘to get all their ducks in a row’ in the sense that they tend to *overexplain*—lest their arguments be accused of incoherence or invalidity because some essential information was kept implicit. “In argumentation, it is important to make explicit what one has in mind, and not leave it to your opponent to fill in the gaps...good argument avoids ambiguities.” (*What’s Wrong?* p.5) So reading over all this stuff can feel a bit like trying to decipher a legal contract, sometimes. Aside from that, unfortunately good philosophers aren’t necessarily good writers. Good writing takes a special talent, as well as experience, to express subtle prose in an elegant and seamless fashion,

avoiding excessive use of the passive voice. Also, aside from style, in terms of substance the frustration some of you felt reading Thompson stemmed perhaps from her endeavors to overexplain. Cluttering up her argument with so many thought-experiments made it difficult to discern the essential points. Revealing too much can sometimes conceal, ironically.

By the same token, it may help to recall what Thompson's *method* is. The Introduction of the textbook describes some of the basic moves and argument forms typically made by moral philosophers. As my above remarks show, there are several layers at work in Thompson:



Her variant cases/bare difference support the thought-experiments she makes (Violinist, Henry Fonda, brother & chocolate, Samaritan), which in turn act to support the analogies she makes in arguing for the moral permissibility of abortion.

The problem with Thompson's analogies is that they left off some essential features concerning the special nature of *dependency* in the motherhood relationship that extends well beyond pregnancy (**Jasmine Tirado § 0207, Bashirah Moore § 0206**). Indeed, as in the case of Marquis, Thompson starts off by stating that relational aspects between mother and child are irrelevant in the case of the argument for moral permissibility of abortion. She's basically balancing what she considers *individual rights* (of the mother to her body versus the right not to of the child not to be unjustly killed.) **Adil Zaman § 0206** also questioned Thompson's original premise she makes for the sake of argument, that at the moment of conception one is dealing with an *individual* (with full legal and logical properties such a concept entails.) Certainly relaxing or changing this premise would introduce disanalogies with her Violinist, Henry Fonda, and other thought experiments involving mature individuals.

At the root of Thompson seems to be rather strict distinction between *must* and *should* (or *ought*). There are plenty of cases when one feels like one *should*, to use her illustrations, share candy with one's younger sibling, or call the police when one witnesses an attack, etc. However, according to Thompson such issues involving conventions of behavior (generous versus selfish) are entirely separate from issues stemming from *claims* like rights, which can be legislated. The latter require generality as well as logical consistency. To preserve the integrity of such notions (generality, consistency) one *definitely must not*, for example, make them dependent on the relative ease to perform actions and other contingent factors. "So...I have a right to it [being the recipient of an act of generosity] when it is easy for him to provide it [such an act], though no right when it's

hard? It's a rather shocking idea that anyone's right should fade away [when it becomes more difficult for the generous act to be carried out]" (102)

"I have been arguing that no person is morally required to make large sacrifices to sustain the life of another who has the right to demand them...even when the sacrifices do not include life itself; we are not morally required to be Good Samaritans." (103)

That last quote above essentially cinches up Thompson's main point(s). Conversely, she feels the anti-abortionist contradicts him or herself by demanding legislation that would ensure mothers must be Good Samaritans, while at the same time recognizing (implicitly) that other individuals are not subject to this demand. (Recall her point concerning the witnesses to Kitty Genovese).

OK, good airtight logic. But as many of your questions seemed to point to, one cannot help wondering whether or not it is possible to develop a logic and a method of argumentation that *does* take relational issues like the mother-child bond into consideration, that *would* demand we act (at least) like 'Minimally Decent Samaritans'? Granted, Thompson disclaims that, for example, a woman choosing to have an abortion so as not for a pregnancy to upset her travel plans would no doubt be behaving selfishly, just as the older brother not sharing his chocolate candies with his younger brother. "Selfish, yes, but not immoral" (in the sense of still behaving in the realm of what is ethically permissible, though not perhaps in the realm of what is ethically recommended.)

But the essential points made, for example, by Bashirah, Jasmine, and others illustrate that subtle difficulties enter into the picture, which seem to essentially involve a mother's perspective of being able to care (or not being able to care) for her child, that seem to be too hastily dismissed in this somewhat flat-footed balance of individual rights conception.

- **Brody**

By and large most agreed that the lifeboat analogy better illustrated the dependent nature of the child → mother relationship than Thompson's thought-experiments. Though many also objected to Brody's talk of 'self-defense,' which he seemed to be equivocating with Thompson's talk of self-preservation. No doubt Thompson would agree with Brody, that aborting a fetus, even when the mother's life is in serious danger, does not qualify according to the standards of self-defense ((a), (b), (c)). But Thompson may respond by accusing Brody of not distinguishing talk of self-defense from talk of self-preservation, just as Brody accuses Thompson of not distinguishing between the duty to save someone's life from the duty not to take someone's life. (107)

However, **Christine Dever § 0202** made the point that, irregardless of the equivocation, still the issue concerns the right not be unjustly killed (to use Thompson's definition of right to life). So the basic point of contention between Thompson and Brody stems from the sense of the adverb 'unjustly'. Brody raises the bar here much higher than Thompson, as his somewhat contrived scenario depicts for the case of morally permissible abortion.

Last of all, **David Cimino § 0207** enquired if any ethicist has ever written on the subject concerning the right *not* to live? This segues into the upcoming topic this class will explore: euthanasia.