

Abortions and Distortions: An Analysis of Morally Irrelevant Factors in Thomson's Violinist
Thought Experiment

Introductionⁱ

Judith Jarvis Thomson's defense of abortion is well-known.ⁱⁱ She maintains that carrying a fetus is comparable to being a Good Samaritan: it is not a strict duty one has no choice but to fulfill. Thomson argues 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. To show that even personhood doesn't make one immune to being "disengaged," Thomson invents a thought experiment about an ailing violinist. In it she asks the reader to imagine that he wakes up one day and finds out that he has been kidnaped by the Society of Music Lovers and they have connected him by his kidney to an ailing violinist whose own kidney has failed. To detach the musician in the next nine months would be to bring about his death. The moral intuitions of most people do not cause them to cry out that it would be unjust to sever the ties between their body and the sick man that has shown up next to them in bed connected to their respective kidneys. It is widely assumed that the violinist does not have a right to such support from any of us. Thomson then demands to know why removing the fetus is different even when it is considered a person with all the attendant rights? She doesn't believe a satisfactory response to her challenge can be offered. Her reasoning is that if the right to control one's body justifies allowing the violinist to die, it should also be permissible to do the same to the fetus.

Most opponents of Judith Thomson's defense of abortion try to show that the scenario of the violinist facing disconnection is disanalogous in some way to that of the fetus being aborted. It has been argued that the former is a case of letting die while the latter is case of killing.ⁱⁱⁱ Sometimes the contrast is put in terms of intentional killing and unintended but foreseeable killing.^{iv} Or it is claimed that the lesson of the person kidnaped and forced to support the violinist can't be generalized to a case where a woman desires to abort a fetus that originated in consensual sex, making her in some

sense responsible for the resulting fetus.^v A number of authors have argued that nurturing a fetus is a “natural duty” either because family members have special obligations to each other that don’t arise from voluntary agreements or because wombs are designed to support fetuses while the function of one’s kidney is not to support strangers in failing health.^{vi} And a handful of commentators have highlighted the difference in burdens between being bedridden without privacy because of one’s connections to an adult stranger and being mobile while carrying a fetus to term.^{vii}

What virtually all the critics of Thomson have in common is the belief that while one doesn’t have to support the violinist, the principles that morally permit such a denial of aid cannot likewise justify a woman’s choice to terminate a fetus.^{viii} Rarely found is a critic of Thomson who argues that since one *must* support the violinist, one therefore must support the fetus.^{ix} However, I shall defend in this paper just such an unpopular view. I will try to convince the reader that to disconnect the violinist would be an injustice.

Why do I argue for this admittedly counterintuitive position that it would be immoral to disconnect the violinist? One reason is a theoretical adherence to the principle of minimizing harm to innocents, and bringing about someone’s death is a much greater harm than burdening someone for nine months with back pain, nausea, abdominal swelling and an outside chance of more severe complications. Yet nonetheless, whenever I read Thomson’s famous paper, this principle does not manifest itself in a way that I find at all compelling at an intuitive, emotional or “gut” level. How then should I get into reflective equilibrium the more abstract principle to which I adhere and the incompatible concrete intuition to which I am strongly committed? Something must give. One might think that since my more deeply felt commitment is that the person who wants to disconnect the violinist is not doing anything wrong, it is the principle of minimizing harms that should be modified so it doesn’t apply to cases where a person’s body is being used without their consent. I would agree

if not for the fact that there are cases seemingly analogous in their morally relevant aspects^x to that involving the violinist in which I have the contrary intuition or “gut feeling.” Surprisingly, in these cases my intuitions lead me to insist that a person must use his body at considerable costs to himself in order to save another’s life. And when I polled my colleagues and students, their responses virtually mirrored my own. Thus it would appear that we would be at a standoff for we have contrary reactions to a number of cases identical in what seem to be their only morally-relevant aspects.

This stalemate can be broken. My aim in this paper is to make a case that Thomson’s thought experiment doesn’t elicit intuitive reactions that are indicative of our Basic Moral Values.^{xi} What I mean by our “Basic Moral Values” are those moral commitments which would remain after the removal of any factors that were distorting our intuitive responses to real and hypothetical moral dilemmas. For instance, if we condemn infanticide and condone early abortion *only* because we are influenced, perhaps unwittingly, by the cute face and humanoid shape possessed by the infant but not by the early fetus, such a moral response wouldn’t be indicative of our Basic Moral Values. This is because we can be easily brought to realize, through just a little reflection or discussion, that cute countenances and familiar physical shapes are not morally relevant to deciding which creatures have a right to life. We thus come to acknowledge that such physical factors were distortional factors which corrupted our responses and hence the latter were not indicative of our deepest moral commitments - aka Basic Moral Values.

My contention is that after we highlight some distortional features in Thomson’s violinist scenario, we shall realize that the conclusion we reach when surveying other thought experiments in this paper, a conclusion which is contrary to her position on the duty to provide life saving bodily support, better exemplifies our Basic Moral Values. This will be confirmed by heeding our responses to a version of Thomson’s violinist scenario in which modifications are made that eliminate the

distortional features of her original thought experiment. And it will follow that the lesson to be drawn regarding abortion is that we cannot terminate a fetus if the fetus is truly a person, i.e., has the same moral standing as a being like the reader, whose status as a person is not a matter of controversy.

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Most of us share Thomson's intuition that we each could disconnect the violinist if we were the unwilling support system.^{xii} The standard response is that "It is my body and the violinist has no right to use it." The violinist has a right to life but this only protects him against being killed unjustly.^{xiii} It does not entitle him to demand that everyone else do everything in their power to keep him alive. While it is unfortunate for him that he needs but won't get the support of someone's kidney, it is thus not unjust. If the "tables were turned," we could understand him or anyone else not being obligated to support us.

To set the stage for an analysis of the distortional features in Thomson's thought experiment, let's imagine a pair of other stories where (surprisingly) our intuitions are that a person's bodily autonomy and right to self-defense do not permit him to refuse to save the life of another person dependent upon his body. The first such counterexample involves a dedicated marine biologist anchored on a research raft many miles from shore. He has made arrangements for a boat to pick him up in a number of months. His raft is crowded with necessities such as food, water and medicine, as well as expensive equipment. The hundreds of thousands of dollars of equipment, which he spent years saving for, then assembling and modifying, as well as the preparatory data he has collected, are irreplaceable. He has spent most of his adult life saving and preparing for this project. It is fair to say that this project gives his life meaning.

A cruise ship sails by the researcher and the passengers wave to him and he hollers greetings

in return. Then all of a sudden the ship explodes and debris from the accident destroys the researcher's radio preventing him from sending an SOS. No one board the ship had any time to radio for help. Everyone on board died in the explosion or drowned except for one small child who will soon succumb to the frigid waters if not pulled from the sea. But there is no room on the raft for the child unless all of the irreplaceable expensive equipment and data are thrown overboard and forever lost. Even then, the raft will still be so crowded that, the child will either have to sit on the lap of the biologist or the latter will have to sit and sleep in an awkward position pressed against the child. Either arrangement will cause the researcher months of discomfort equivalent to that of pregnancy or the predicament of the person supporting the violinist. Is the researcher morally permitted to let the child drown? My intuition, and that of nearly all of those I have informally polled, is that the marine biologist *must* save the child even though it means abandoning his life's work, taking on months of physical discomfort, and then after they are picked up, facing a future in which his life's project goes unfulfilled since he doesn't have the time or resources to plan a second expedition.

But why must the researcher sacrifice so much for another but the person with the healthy kidney need not? Is it because the healthy person was kidnaped? I doubt it, for we can modify the story about the biologist to one in which he is kidnaped. Imagine that a perverse Coast Guard forcibly removed him from the only place in which he could do his research and placed him in the path of the cruise ship so he could be of aid just in case something happened to the ship. Would this kidnaping entitle the researcher to refuse to help the drowning child whom is not responsible for the Coast Guard's misconduct or his own misfortune? I am confident it does not.

The second scenario, which seems to mirrors Thomson's in the morally relevant ways but elicits contrary intuitions regarding duties to save others, involves two people on a birdwatching trip

who become entangled in ropes on an elevated platform that contains a trap door. If the door should open, they will fall twelve feet to the ground. Neither person is in any way responsible for his own or the other person's predicament. The cause of their bad luck is a sadist who has put his ropes above a hole he has dug in the forest floor just to torment strangers.

Their luck is about to worsen for they each know that in about fifteen minutes the trap door will indeed open and they will fall to the ground. Let's just assume that the two unfortunates can predict with the utmost certainty what will happen to them when they fall. Because of the way they are positioned, the much larger person will hit the ground first and his body will shield the smaller person from all injuries. The larger person knows that due to the way he will hit the ground he will suffer nine months of intermittent back pain, nausea and abdominal swelling comparable to those that a pregnant woman bears. But if the larger person is released from the ropes, which he can do only with the help of a third party, then he will be free from harm. The larger man will not fall at all since he has been disentangled from the ropes while the smaller man, instead of being cushioned and shielded by the former, will die upon impact due to the position his body will be in when he hits the ground.

The reader should be able to see the rather obvious resemblance to abortion and the plight of the ailing violinist. The larger person is a stand in for the pregnant woman pondering the abortion of a fetus that is considered a person, as well as being in a situation similar to that of a person who has the violinist attached to his healthy kidney. The third party on the platform who helps the larger person detach is equivalent to the medical practitioner who performs abortions or facilitates the disconnection of the violinist. The smaller person entangled in the ropes is in the position comparable to that of the violinist as well as the fetus if we assume, as Thomson tells us to do, that the fetus is a person.

I would be utterly aghast at the actions of any third party who, without even the pain avoidance motivation of the larger person on the platform, enables the latter to escape some discomfort which results in the death of the smaller person. My attitude is that it would also be very wrong for the larger person to deliberately maneuver out of the ropes and thus bring about the death of the other innocent person. I can understand the temptation to avoid the nine months of aggravation, and though not willing to excuse such an action, I am at least able to consider it to be not as bad as certain cases of cold-blooded murder. However, the larger person doesn't seem to have the right to opt out of the burden that Thomson believes women who don't wish to continue a pregnancy are entitled. Thomson obviously considers it horribly unfair that an abortion-seeking woman who insists "This body is *my* body!"^{xiv} will find her protests to be as futile as "shouting into the wind."^{xv} Yet when these same words that Thomson puts in the mouth of the pregnant woman are uttered by the larger person entangled in ropes, they have little appeal. That such protests fall on deaf ears does not seem at all objectionable.

Students and colleagues that I have discussed The Entangled Ropes Case with have had the same reaction as I did: it is understandable though still wrong if the larger person rotates; however, the third party's actions are extremely repugnant and devoid of even the slightest mitigating factors. So we have reactions diametrically opposed to those elicited by Thomson's violinist scenario.

To break this stalemate I must convince readers that there are distortional features which morally mislead them in Thomson's scenario. It is these influences which enable them to wrongly approve of disconnecting the violinist. What could these causally efficacious distortional features be? I will start the investigation by considering some of the features of the violinist's predicament that Thomson's critics think allow a person to disconnect the violinist but not the fetus. But if it turns out, as I think it does, that these features are also present in other two cases then since we feel that we

can't disconnect the entangled man or leave the child in the water, it is unlikely that these features, the ones missing in the fetal scenario, are the psychologically decisive factors determining why we find it relatively easy to disconnect the violinist. For the sake of simplicity, I will just compare the violinist scenario to the entangled ropes case. Finally, after having examined and rejected a number of possible factors causing our different reactions, I will argue for what I believe are the real psychological influences that determine our diverging reactions to the violinist and entangled ropes and researcher on the raft scenarios. I will then suggest, though it should be obvious and thus unnecessary to do so, that these factors which psychologically make it easier for us to disconnect the violinist are not morally relevant and that we must guard against allowing them to affect our ethical decision making.

I don't think that the unnaturalness of the kidney support is the major factor why we are so much more ready to disconnect the violinist. For if it was the main or only distortional feature, then The Entangled Ropes Case should have been received in much the same manner as the violinist thought experiment, for shielding strangers from falls is not the naturally selected proper function of any of our organs or limbs or bodies as a whole. This unnaturalness doesn't cause us to believe that the larger person can detach and leave the smaller to fall to his death. This thus suggests that unnaturalness is not a decisive factor in people's reaction to the fatal disconnection of the violinist.^{xvi}

Could the difference be due to the distinction between being dependent on the inside rather than the outside of someone's body? I don't think this distinction is psychologically or morally pertinent. The irrelevance of any inner-outer distinction can be highlighted by the fact that the burdens that the larger person suffers from the impact, turn out to be internal in nature - nausea, spinal problems and abdominal swelling - though the latter can also be classified as an external affect. So while an internal organ is not used in the way the kidney is, it is internal organs: tissues,

and bones which are adversely affected by the fall.

Nor do I think that it is significant that disconnecting the violinist is a case of letting someone die rather than killing a person. If this is a correct description of the death of the violinist, it is also an accurate depiction of what happens to the little man in the ropes.^{xvii} But our intuition is that we cannot let the smaller man die.^{xviii} So the fact that the violinist is allowed to die rather than killed is not a psychologically significant factor making it easier for us to detach him than the larger man.^{xix}

Nor do I think the distortional problem is that Thomson has the reader identify with the person providing the life saving support and not the violinist. She begins her thought experiment by asking readers to imagine that they each were the person saving the violinist. Her exact words are as follows:

But now let me ask *you* to imagine this. *You* wake up in the morning and find *yourself* back to back in bed with an unconscious violinist. They have therefore kidnaped *you*, and last night the violinist's circulatory system was plugged into *yours*, so *your* kidneys can be used to extract poisons from his blood as well as *your* own. To unplug *you*, would be to kill him."^{xx}

But if Thomson had told the story in a way in which the reader was neither asked to imagine that he was the violinist or the person with the healthy kidney, the reader's reaction would probably be the same: it is permissible for someone to disconnect the violinist. At least this is my intuitive response and that of my colleagues and students who were informally polled.

And the distortional factor isn't that the reader is assuming, probably implicitly, that the chances are very slim that he will ever need support.^{xxi} This line of thought supposes that the reader recognizes that disconnecting the violinist means that someday he likewise could be disconnected, but believes the probability of this to be very low. This leads one to think that if the the odds that each of us would ever need kidney support were explicitly increased, the reader would give a quite different response to the question of whether he has to provide aid. Moreover, by increasing the

frequency of kidney failure, i.e., making it a universal condition that everyone suffers once in their lives, we are rendering it just like fetal dependency. Thomson fails to stipulate that the organ failure which gives rise to the violinist's need for support is as widespread a medical problem as the actual dependency relation everyone undergoes as a fetus.^{xxii} Although I would agree that if kidney failure was a universal condition, providing kidney support would be considered a duty that one could not refuse to perform, I don't think that one's attitude to risk acceptance was an important distortional factor in the violinist's scenario. I maintain this because in The Entangled Ropes Case there is no mention of the small person's plight being a universal (or even widespread) condition, yet our intuition is that he must be saved, despite the unlikelihood we shall ever be in his predicament.

Perhaps it will be claimed that the wrong done to the person who ends up the support system for the violinist is psychologically important in determining the reader's judgment that it is permissible to disconnect the violinist. This is possible, but I don't think the fact that the unwilling support system was kidnaped by the Society of Music Lovers is the primary causal factor in our "gut reaction" being that it is permissible to disconnect the violinist.^{xxiii} Remember there was a wrong done to the larger person entangled in the ropes by the madman who placed his ropes and trap door above the hole he dug and camouflaged. This should make the reader somewhat suspicious that kidnaping is the psychologically influential culprit that we have been seeking.

Drawing upon Peter Unger's work, I would venture that the psychologically efficacious factors determining our divergent responses in the two thought experiments are those he calls "projective separation" and "projective grouping."^{xxiv} The psychological phenomenon of projective grouping is illustrated in my Entangled Ropes Case. The two men, neither of whom is responsible for his or the other's predicament, are both understood by the reader to be in the same bad situation facing a threat. Our psychological makeup is just such that we projectively group the entangled men

together in the same unfortunate scenario and then once we view their plights as interconnected, we feel compelled to minimize the harm in such a scenario, and this amounts to letting the larger person shield the smaller.

Projective separation can be illustrated by Thomson's Famous thought experiment. The healthy person and the violinist who ends up supporting him are not viewed as being in the same bad situation. The ailing violinist is understood as having his harm "transferred" to a completely unrelated person. The healthy person in the violinist scenario is not like the larger person entangled in the ropes. Instead, the healthy person is viewed as an uninvolved person, whose relationship with the violinist begins only after the latter becomes ill and even then is accomplished through a kidnaping which in our minds serves to highlight the distance that existed between the two men. In Unger's language, we do *not* projectively group him with the violinist in the same bad situation, instead we projectively separate him from the violinist. Because of this projective separation it appears wrong for the violinist's misfortune to be transferred to the man with the healthy kidney.

Thomson's Henry Fonda case can be seen as further evidence for my Unger-inspired thesis about the morally irrelevant but psychologically efficacious projective grouping and separation of people in harm. Our intuition is that Fonda does not have to travel across the country to save someone's life by magically touching the latter's brow. But contrast this refusal and our lenient attitude towards such inaction with a case in which throughout his career Fonda never spends a cent of his earnings except for the minimum necessary for room and board. Then at the age of sixty-five, he takes all his life's savings with him onto a boat to travel abroad to finally enjoy his earnings in a luxurious retirement. But his boat collides with another ship and both go down. Fonda is alone on a life boat with all of his earnings in the uninsurable form of gold coins, jewels and suitcases of cash. He sees someone from the other boat drowning, but he can only pull him on board if he throws all

his savings overboard where they will be irretrievably lost. Our dominant reaction is he must give up all his money which means he basically worked his whole life for free. Now if he must do this, then he surely must fly across the country to save a life in Thomson's scenario because that is far less demanding. I believe projective grouping explains the different reactions people may have to the two cases. Both shipwrecked men are basically in the same dangerous maritime situation, while in the Thomson scenario we don't group far away and uninvolved men together, and thus don't seem to give the ill person a right that another man, Fonda, who is far away and uninvolved, come to his aid.

We can further see the psychological phenomena of projective separation and grouping at work in a case in which a runaway trolley is made to jump its tracks by a person who knows that it will roll five miles away until it comes to a stop when it kills an old woman in her home watching television. This person who derails the trolley does so in order to prevent it from killing two people who have been trapped on the tracks. I imagine that many readers would not be psychologically able to redirect the trolley in the just mentioned way. Even if the reader could "stomach" making the trolley leave its tracks in such a situation, s/he is likely to find that it is much harder to bring about the distant death of the elderly woman while she is relaxing on her sofa in front of her television than if she or someone else was on a second fork of track that we could switch the trolley onto in order to save the lives of two other trackbound innocents.

It shouldn't be thought that people on the second, diverging track are legitimate "trolley stoppers" for, unlike those far away from the danger in their homes, they have tacitly consented to risk such harm by being in the vicinity of the trolley. To see this isn't the case, just imagine that the person on the track that the trolley is switched to is there in a stalled automobile which belongs to the people who kidnaped her. Assume that the kidnappers have fled when their car stalled as they attempted to cross the trolley tracks. The fact that the kidnaped person didn't accept any risks that

come with voluntarily being near or on trolley tracks doesn't make it much, if any harder to deflect the trolley into her. So again, it is the psychological phenomena of projective grouping and separation and not someone's risk acceptance that is psychologically "at work" when we find it easier to allow a greater harm to befall people than to transform this harm into a less severe one by redirecting a threat onto a lesser number of people who were farther away and in a sense less involved in the dangerous situation.

Runaway trolley scenarios provide us not only with illustrations of projective grouping and separation, but also examples in which someone's body can be used to save the life of another where the burdens and innocence and degree of responsibility of all those involved parallel the case of the violinist and unwanted pregnancy. We should surely switch a runaway trolley from a track in which it will cause the death of one innocent person, who happens to be of slight build, onto a track in which a collision with another person, whose great girth and strength guarantees that his injuries will consist only of nine months of intermittent back pain, swelling, and nausea comparable in severity to that of a normal pregnancy.^{xxv} (Call this type of case the standard trolley example.) We can even make the diverging tracks into a loop so that when the trolley is deflected onto the track with the sturdy man, if it doesn't hit him and come to a stop, then it will travel around the loop and still kill the slight man. Thomson herself says it would be permissible to switch the trolley and thus to use the person as a *means* to saving the track-bound guitarist.^{xxvi} I believe it is not only permissible but obligatory to switch the trolley.

If readers believe that we should switch the trolley from one track to another and use someone's body to mitigate harm, why then should we allow the violinist in Thomson's scenario to be fatally disconnected? Shouldn't we insist that the healthy man remains the violinist's support system for nine months of discomfort equal to that of a pregnancy? What Thomson could say in

response to my attempt to use her trolley conclusions against her abortion position is that the man who is threatened by the lesser harm when the trolley is switched is morally permitted to flee the tracks (and not just excused due to duress) and others are permitted to help him. But I expect that most people will be much more willing, as well as consider themselves much more justified, to help someone disconnect the violinist than to help someone avoid the nine month burden posed by the switched trolley.

But let's consider whether the person to whom the threat is now redirected, call him Smith, is not under any obligation to stay on the track and be the trolley-stopping shield. If it turns out that Smith doesn't have a duty to allow his body to be used, then the trolley case won't provide the support that I need to defend my conclusion in the violinist scenario. But consider the moral equivalence between you who switches the trolley and the person, Smith, onto whom you switch the trolley. Is your body any more sacrosanct? Of course not. Anything you ought to do to him you must do to yourself in an analogous situation. If you have a duty to spare Jones' life by switching the trolley onto a track where it will be stopped in a manner that injures Smith, then if you are in Smith's place and can switch onto your track a trolley that will otherwise kill Jones, and the collision will only cause you nine months of pain, then you must do this. And it won't make any sense to say you had a duty to switch the trolley onto your tracks but didn't have a duty to stay on the tracks which I suggested someone *might* think to be the case for Smith in the first trolley scenario. And since we have established the moral equivalence between you and the other person (Smith), if you have a duty to take the non lethal impact of the trolley that would be lethal to someone else if it wasn't redirected, then Smith in the first scenario also has a duty to stay on the track and take the nonlethal impact to spare Jones' life.

Now let's assume you were on one fork of the trolley tracks but to turn the switch and

redirect the runaway trolley you must step off the tracks. Say you need to walk three feet from the track to switch the trolley and then will have to step back onto the track after you switch the trolley otherwise the trolley would just go right around the loop and kill the same person it would have originally hit if you had not done anything. Of course, when you step off the tracks to reach the switch you are not then in the way of the trolley. But it seems that you *must* step back on the tracks after you switch the trolley. It can't be that you are freed from your duty by the mere fact that to reach the switch you must walk one yard off the tracks.

This lesson can be applied to an analogous twist on the Entangled Ropes Scenarios. Imagine that the larger man just by chance rolls free of the ropes and is no longer in danger of falling through the trap door.^{xxvii} It may not seem that he must return to shield the smaller person threatened by a fatal fall. But if one must return to the trolley tracks after leaving to pull the switch, then the larger man must return to the trap door and shield the smaller.

Now if there isn't a morally justified reason for evading such a burden in either case, why is it so much easier in the standard case of the runaway trolley to tolerate the use of another person's body than it is in the case of the violinist? Again, drawing upon Unger's work, what is psychologically affecting the reader is the phenomena of "projective separation" and "projective grouping."^{xxviii} In the standard trolley scenario we already view both people as in a bad situation where some harm must occur. Despite the people being on different tracks, we have grouped them together in a sense as being in the same "sinking boat" and thus it is not hard for us to act just to minimize harms. Since harm must occur in this unfortunate situation, we want as little harm as possible to take place. The ailing violinist is understood as having his harm "*transferred*" to a completely unrelated person. The healthy person in the violinist scenario is not like the person on the second track. Instead, the healthy person is viewed as an uninvolved person, whose relationship with

the violinist begins only after the latter becomes ill. And as I noted before, this relationship is accomplished through a kidnaping which in our minds serves to highlight the distance that existed between the two people.

Admittedly, extrapolating a moral lesson about minimizing harms from trolley cases is a controversial undertaking. The philosophical literature includes thought experiments in which it seems intuitively wrong to sacrifice one person to save even a greater number of people. The most famous such scenario concerns the transplant surgeon who will have to kill one innocent person in order to save five other innocents desperately in need of vital organ transplants.^{xxix} The surgeon is usually thought of as having no right to do this, though he (or someone else) can rightfully pull the lever causing a runaway trolley to switch tracks and avoid killing five innocents by instead killing just one.

Despite this lack of a blanket permission to minimize harms, the reader should not think that we cannot generalize the lessons of the trolley case to the case of the violinist. The features that allegedly distinguish and thus prevent the extension of the solution in the standard trolley problem to the transplant case, that of redirecting harm being condoned, even championed, but initiating harm being condemned, are not relevant to the problem of unplugging the violinist. In Thomson's scenario, the person with the good kidney who detaches the violinist is not *redirecting* a harm but is *rather initiating* a harm.^{xxx} Furthermore, in the trolley case, it was the greater harm that was being avoided by the redirection. In Thomson's failing kidney scenario, the contrary is true, for by unplugging the violinist, a lesser harm is being replaced by a greater harm. So not only does our reaction to the standard trolley case support the principle that we should bring about the lesser of two harms, the factors that usually are claimed to block us from generalizing the lessons of the trolley to other cases, i.e., initiating rather than redirecting to a lesser harm, are not at all applicable to the

violinist case.^{xxx1}

Now while projective grouping should be seen as psychologically efficacious, it should not be interpreted as morally relevant. I'm assuming that the reader will find this obvious now that the operations of projective grouping and separation have been pointed out. When all the parties involved are innocent in the relevant sense,^{xxxii} we should just minimize harms. Their location does not morally matter. Projective grouping and separation merely explain why it is difficult to always minimize harm amongst innocent victims.

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Having learned about projective grouping and separation, let's modify Thomson's violinist example slightly so to overcome such psychologically distortional factors. This will enable us to see more clearly that an individual's body, even without his consent, may be used to save the life of the violinist. The modifications involve imagining that the violinist's kidney is fine as he stands next to another healthy person with whom he is engaged in conversation. Some distance away stands a third person who sees that a diabolical device is approaching the two conversants. He observes it coming to a stop and just hovering over the heads of both men. The third man, quite astute in mechanical matters, then notices that the device has randomly selected one of the conversing men for a lethal attack. It happens to be the violinist. His death will be due to the machine emitting a radiation beam which will cause the man's kidney to fail.

We can tell the rest of the story in two ways. In the first scenario, the machine having been programmed by an evil genius to attack whichever of the two men is standing to its left, incapacitates the violinist's kidney and then, also due to its programming, "saves" him by attaching him for nine months to the kidney of the other man who was standing to the right. This strikes me (and my test subjects: colleagues and students) as just the bad luck of the healthy man on the right which he is not

entitled to “rectify” with the help of another party. We would certainly disapprove of him trying to get out of supporting the unhealthy man with the help provided by the third man, when all involved are fully aware that the disconnection guarantees the violinist’s death. However, if one thinks about it, the machine is like the Society of Music Lovers bringing a harm to the healthy man by transferring in a reduced form the misfortune from the original victim to him.^{xxxiii} Despite this similarity, it still strikes us as a good thing that this machine-caused transfer occurred, and more importantly for our concerns us in this paper, it seems that the healthy man is compelled to provide a service he cannot opt out of. Since we don’t think he can detach in this case, why should he be permitted to do so in the original Thomson scenario? The answer again can be found in the psychological dynamics of projective grouping. Because the machine sought out and then hovered above both men already involved with each other in conversation, they for these reasons were grouped together in the same bad setting, where the lesser of two evils (fortunately) transpired.

In the second version, the targeted man will die if the third man doesn’t act. The latter, being the mechanical wizard that he is, is aware that if he throws a rock at the machine, the impact will send the machine into a state in which it will connect the man it was killing through the radiation-induced organ failure to the other healthy man and that the two men will have to stay connected for nine months otherwise the originally targeted man will die. The third man (as well as we imagining ourselves in his place) is likely to find it both psychologically not very difficult as well as morally compelling to throw the rock and prevent the greater harm. Nor would we condemn the rock thrower if we discover he was a member of the Society of Music Lovers. But we do instinctively condemn the latter group when in the original Thomson example they displace the harm, though in a reduced form, onto a *completely uninvolved* man. The psychologically relevant difference between the Society of Music Lovers in Thomson’s hypothetical and either the diabolical machine that connects

the men or the third man who threw the rock is that the former saves the esteemed violinist by involving a *completely uninvolved* man who was just going about his business far from the threat to the violinist. In the just invented situation, the diabolical machine on its own, or the third man, transforms a harm into a lesser burden by transferring it onto a second man whom we mentally group together in a bad situation with the first man.^{xxxiv}

I am now able to fully explain both why the fact that Thomson's violinist is already dying and the fact that the violinist's healthy human support system has been wronged (kidnaped) by the Society of Music Lovers are *not* the decisive factors that make it psychologically easier for us to detach the violinist than either the large man entangled in ropes or a fetus. Let's first consider the fact that the violinist was already dying. Notice that in my hypothetical, the man was also already dying due to the diabolical machine's radiation beam. But despite this, we still are of the opinion, given the alternative, that it was preferable that the machine connected the two men and that it would be wrong to help the healthy man to detach. This suggests that the fact that the violinist was already dying in Thomson's original thought experiment is not a key element that psychologically enables us to refuse him support. Having thus some reason to eliminate the violinist already being in the process of dying as the feature determining our different reactions to the cases, it again appears very plausible that what is psychologically relevant in Thomson's original thought experiment is that the violinist was *not* grouped as belonging to the same bad environment as that of the reader who would have to be kidnaped in order to support him. In the diabolical machine thought experiment, we think it is alright if the machine, due to either its program or because the third man threw a rock, transfers the threat that already has done its lethal damage. And we think it wrong if the healthy man then disconnects the ailing man. We react this way because both men were grouped as innocents in the same bad scenario brought into existence by the arrival of the diabolical machine.^{xxxv}

Let's turn now to the second promised explanation. Our unwillingness to help someone to detach in the diabolical machine thought experiment suggests that our contrary reaction to Thomson's hypothetical isn't so much as due to the fact that the support system there was wronged (kidnaped), as to the fact that he or she was previously completely uninvolved with (i.e., projectively separated from) the bad scenario confronting the violinist. Just as the Society of Music Lovers did in the original thought experiment, the diabolical machine or rather its programmer, deliberately and without the consent of the parties involved put into operation a plan to connect the healthy man to the ailing man. If the healthy man was wronged in Thomson's scenario, than so was the healthy man in the machine scenario. The only important difference is that since the two conversants were already involved with each other when the diabolical machine arrived on the scene, we naturally grouped the two of them together as both being in the same bad situation and because of this thought it best if harm was just minimized. But this was not the case in Thomson's original example. In Thomson's thought experiment, since we did not projectively group the men together, it didn't seem wrong to remove the violinist because his bad luck was his problem and his alone.^{xxxvi}

Conclusion

We have now finished our examination of the morally irrelevant factors which influence our reactions to Thomson's thought experiment. So unless one can successfully argue that projective separation is a morally significant phenomena, then it appears that the principle of minimizing harms trumps one's right to bodily autonomy and thus it doesn't look as if Thomson's healthy reader is entitled to disconnect the violinist. Therefore, if abortion of a fetus considered a person is analogous in its morally relevant aspects to the situation of the violinist and defended on the grounds that bodily autonomy entitles one to refuse to minimize harms, then since I have shown that the violinist must be supported, I have likewise demonstrated that the fetus when considered a person must also be

supported.^{xxxvii}

i.I would like to thank Craig Martell, Jean Klerman, Saul Hershenov and especially Peter Unger for helpful conversations about the issues examined in this paper. And the anonymous reviewers

for the journal were extremely helpful in making me refine and clarify my arguments.

ii. Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy and Public Affairs*. Vol. 1 no. 1. 1971. pp. 47-66. According to William Parent, the editor of a volume of Thomson's collected papers, her defense of abortion is "the most widely reprinted essay in all of contemporary philosophy." See his introduction to her *Rights, Restitution, and Risk: Essays in Moral Theory*. (Cambridge: Harvard University Press, 1986) p. vii. All Thomson references in this paper are taken from the Parent edited anthology.

iii. John Finnis and Baruch Brody are early examples of this approach. The former's argument is in "The Rights and Wrongs of Abortion: A Reply to Judith Thomson." *Philosophy and Public Affairs*. Vol. 2. 1973. p. 141. The latter's is in his *Abortion and the Sanctity of Life: A Philosophical View*. (Cambridge: MIT Press, 1973) p. 30.

iv. Finnis can also be construed as at times arguing that the violinist can be unplugged for that is an indirect killing while abortion involves a direct killing. Op cit. pp. 124-125. This point is further discussed by Patrick Lee in his *Abortion and Unborn Human Life*. (Washington D.C. The Catholic University of America, 1996) p. 111 ff.

v. Thomson intends her violinist argument to work against rape caused pregnancies and anticipates the objection that it can't be generalized and thus provides a discussion of "people seeds" and the failure of contraception in her "A Defense of Abortion." Op. cit. pp. 11-12. Mary Ann Glendon was perhaps the first to develop this charge in her "On the Moral and Legal Status of Abortion." *The Monist*. Vol. 57 1975. For a comprehensive list of references see David

Boonin-Vail's "A Defense of 'A Defense of Abortion.'" *Ethics*. 107 January 1977. pp. 286-313.

Boonin-Vail modifies the violinist scenario to where one goes through a park knowing that there is a chance one could be apprehended there and involuntarily connected to the violinist. This is a more effective strategy than Thomson's people seeds case since they impose on the person's home rather than body. (I am indebted to an anonymous reviewer for suggesting this note and the related text be clarified.)

vi. For a sampling see: Beckwith, Frances J. "Personal Body Rights, Abortion and Unplugging the Violinist." *International Philosophical Quarterly*. Vol. XXXII No. 1. Issue no. 125. (March 1992) pp. 112-114, and footnotes 14 and 18. Schwartz, Stephen. *The Moral Question of Abortion*. (Chicago: Loyola University Press, 1990) p. 118. Wreen, Michael. "Abortion and Pregnancy Due to Rape" in *Philosophia*. 21 (3-4) April 1992 pp. 206-207.

vii. See for example: Beckwith. *Op. cit.* p. 117. Nathanson, Bernard. M.D. *Aborting America*. (New York: Doubleday, 1979) p. 220. Hursthouse, Rosalind. *Beginning Lives*. (New York: Oxford University Press, 1988) p. 203. Wreen. *Op. cit.* p. 206.

viii. An implicit assumption is that if the violinist's predicament was more like the fetus -for instance, if it he had to be killed instead of allowed to die - then the violinist would have to be protected.

ix. An anonymous reviewer brought to my attention that Rosalind Hursthouse in her *Beginning Lives*. *Op. cit.* pp. 201-204, is one of the few who have also argued that a person must take on burdens comparable to that asked by the person supporting the violinist.

x. In all these cases, as well as in Thomson's famous violinist thought experiment, there is a person who needs his life to be saved and who is not responsible for his predicament. And in each thought experiment the healthy individuals who through taking on comparable burdens can save the respective person in dire straits did not intentionally or recklessly or negligently cause the ailing person's predicament, nor do they want him dead. Moreover, in all scenarios we must weigh the principle of minimizing harms against the (autonomy) right to control one's own body.

xi. I take the notions of "Basic Moral Values" and "distortional factors" from Peter Unger's insightful work: *Living High and Letting Die*. (Oxford: Oxford University Press, 1997) pp. 11, 19, 94. Any reader of Unger's work will realize how indebted this paper is to his ideas.

xii. Even opponents of Thomson's position on abortion like Michael Davis admit that it is "outrageous" to deny someone the right to disconnect the violinist. "Feotuses, Famous Violinists, and the Right to Continued Aid." *The Philosophical Quarterly*. Vol. 33 no. 133. p. 261. Peter Unger has admitted to me in conversation that while he shares my theoretical or intellectual commitment to the principle of minimizing harms, he, like me, can't but help feel in his gut that it is not immoral to disconnect the violinist.

xiii. Thomson. "A Defense of Abortion." Op. cit. pp. 9-10.

xiv. Thomson. "A Defense of Abortion." Op. cit. p. 7.

xv. *IBID*. p. 7.

xvi. And if it was *not* the unnaturalness of the "cure" for the violinist's condition that made it

easier for people to accept his detachment and ensuing death, this suggests that it is *not* the naturalness of the fetus' plight (and hence the mother's natural duty) that was the psychological factor causing the reluctance or ambivalence many of us show towards abortion. So unless there is a complex organic unity of naturalness and other features, in which case I may have been guilty of an "Additive Fallacy," it is perhaps safe to conclude that those who claim (see note 6) that we can't disconnect the fetus but can the violinist on the basis of the naturalness of the former's "plight" are in error. For a discussion of the "Additive Fallacy," see Shelly Kagan's article by the same name in *Ethics* 99 Oct. 1988. pp. 5-31.

xvii. It is not psychologically (or morally) significant that the person was already dying prior to the connection or entanglement with a healthy person significant. The child in the water was already dying before he was placed on the lap of the researcher. The moral unimportance of someone already dying will become clearer to the reader after the later discussion of a thought experiment involving a diabolical machine on pp. 18-19.

xviii. I'm actually not convinced that disconnecting the violinist is an instance of letting die rather than killing, but my paper's thesis does not depend upon this. I'm skeptical of such a determination because of the following type of story. Imagine that Jones, in the throes of a heart attack, avoids death by the last minute installation of a pacemaker, and then sometime later Smith deliberately causes the pacemaker to fail. It seems to me that Smith has killed Jones even though disabling the pacemaker just allowed nature to take its preexisting fatal course.

Disconnecting someone from a surrogate kidney seems similar to incapacitating Jones' surrogate heart. For a similar view, see Hopkins, Patrick. "Why Does Removing Machines Count as

Passive Euthanasia.” *The Hastings Review*. #24 no. 3 1997 pp. 29-37.

xix. Since the fact that a man’s death is a case of letting him die doesn’t permit the larger man to detach from the ropes, therefore, unless there is a complex organic unity of letting die and other features, we can *tentatively* conclude that those who claim (see note 3 for a sampling) that we can disconnect the violinist but not the fetus on the basis that the former is a case of just allowing someone to die are in error about what is really causing their different reactions to the latter two cases.

xx. Thomson. “A Defense of Abortion.” *Op cit.* p. 3. The italics are my addition.

xxi. The reason for this implicit assumption would be that the unusual nature of the ailment naturally leads one to assume that it is rare and this is compounded by the fact that the reader is led by Thomson to identify with the support system, i.e., the healthy person.

xxii. I personally *was* once sympathetic to this criticism of Thomson. I don’t know if anyone else in the vast literature on Thomson ever took this position.

xxiii. Nor is it *morally* important that the support system was kidnaped. What I mean by this is that an innocent victim is not morally permitted to bring his victimization to an end by severely harming another innocent. And this prohibition is even more compelling when the harm placed upon the second innocent victim is even greater than that the first was suffering. For example, if Smith is kidnaped and knows with certainty that he will be confined in a shallow pool for nine months but no longer, he cannot escape his imprisonment by shooting an innocent passerby and

then using the latter's corpse to climb out of the pool to his freedom. Nor can he stand by and just allow the same innocent passerby to drown face down in the shallow pool so he can use the deceased's body to climb to his freedom. With this in mind, we should note that the violinist is an innocent victim and not involved in planning or carrying out the kidnaping. So the person kidnaped by the Society of Music Lovers cannot ethically counter the effects of his kidnaping by bringing about the violinist's death. See also note 31.

xxiv. Unger, Peter. *Living High and Letting Die*. Op. cit. pp. 96-101.

xxv. Two anonymous reviewers claimed that the burdens suffered by those in my examples weren't analogous to Thomson's violinist case or an unwanted pregnancy. The person who supports the violinist is bedridden for nine months while my scenarios just involved nine months of back pain, nausea and abdominal swelling. And besides the pains of the pregnancy, there is the pain of birth and bodily disfigurement, and then there is the unwanted child rearing which can only be avoided by the distress of putting one's child up for adoption. My response was to make two alterations. The first was to have the researcher on the raft be forced to abandon his life's project, so even after he is rescued, he will be emotionally devastated. Secondly, I altered the trolley example to where the burden on the person who has the trolley redirected onto their body suffers even more than the healthy person who supports the violinist. Instead of nine months of pain, the person hit by the redirected trolley will be wheelchair bound and as a handicapped single parent unable to raise her child which she must put up for adoption. Now surely this is worse than an unwanted pregnancy, even a rape-induced one. But in the just discussed scenario, if we don't switch the trolley, it will kill someone else (and we could make this person have a

child who will thus become an orphan.) Surely we should switch the trolley. So if we can use someone's body - handicapping them in the process and forcing them to put their child up for adoption - in order to save someone else's life, then surely the alleged disanalogy of my earlier example with the plight of the person supporting the violinist or the pregnant woman does not undermine my aim of showing that it is permissible to use someone's body to prevent a greater harm.

xxvi. Thomson, Judith. "The Trolley Problem." Reprinted in her *Rights, Restitution, and Risk: Essays in Moral Theory*. (Cambridge: Harvard University Press, 1986) p. 102. That the person on the tracks is used as a means to the other's survival makes the example more analogous to the violinist's using someone for support than the standard trolley example.

xxvii. An anonymous reviewer made the very interesting claim that if the larger man did not have to reattach himself, then he had no duty to shield the smaller person before he accidentally became disentangled. Perhaps the distortional force of projective separation is affecting the reviewer when s/he contemplates the scenario in which the larger person has rolled free of the ropes and out of harm's way.

xxviii. Unger, Peter. Op. cit. pp. 89-118, esp. pp. 96-101, & 107-108.

xxix. See Foot, Phillipa. "The Problem of Abortion and the Doctrine of Double Effect." *Oxford Review* 5 1967. And Thomson, Judith. "The Trolley Problem" Op cit. pp. 94-116.

xxx. Some readers might argue that detaching the violinist is not so much initiating a harm as

opposed to restoring someone to a harmed state. However, even if we were to grant this, Thomsonians don't want to limit detaching someone to cases in which the person was already dying for then they wouldn't have an argument allowing the abortion of healthy fetuses that are persons. Moreover, Thomson herself claims that it would be alright to first kill the violinist if detachment couldn't occur without his prior death in her "Rights and Deaths." *Rights, Restitution and Risk*. Op. cit. pp. 31-32. See also the example in the main text below (pp.18-21) in which another violinist who is already dying due to a diabolical machine is connected to a healthy person. In this thought experiment, the reader's intuitive response is likely to be that it would be wrong to disconnect the violinist and thus restore him to his moribund state.

xxxi. Some readers may insist that the healthy man in the violinist thought experiment should not be compared to the trackbound person that the trolley is switched onto in the standard trolley case, but should be viewed as being in a predicament more like that of the fat man pushed onto the tracks to stop a runaway trolley. Since the fat man was the direct recipient of a harm initiated by those who pushed him, he is morally free, and so are others who help him, to escape the tracks. Likewise, the kidnaped man with the healthy kidney is free to avoid the harm others initiated upon him by his abduction and attachment. I have two responses to this. The first, already given above in the discussion of the kidnap victim in the shallow pool in note 23, is that it is morally impermissible to escape a harm done to oneself by harming or allowing a harm to happen to someone else. Imagine that one was kidnaped (and kept in a shallow pool) in order that a ransom could be obtained which would pay for the expensive surgery on the kidnapers' sixteen month old child. (We will stipulate that one is going to be freed in nine months even if the

ransom is not paid.) Surely, one can't escape earlier by killing or allowing the sixteen month old to drown. Thus one can't escape supporting the violinist by killing or allowing him to die from the detachment. Also, recall the modified scenario in which the researcher on the raft was kidnaped and placed where he was by a perverse Coast Guard. This does not release him from a duty to save. Moreover, we will see below in the diabolical machine thought experiment that there is a case in which a healthy man has his kidney used against his will, i.e., he is harmed in order to save someone else, but we feel this isn't wrong. So the fact there that the support system has an imposition initiated upon him, one comparable to that of a kidnaping, does not seem to excuse him from a duty to save another.

xxxii. This "relevant sense" is that they are not responsible for the harm nor having any greater duty to risk such harms as perhaps soldiers and police and maybe even trolley track workmen have on certain occasions.

xxxiii. One might think that a morally significant difference lies in the fact that the machine (or rather its programmer) is lessening a harm that he is responsible for while the Society of Music Lovers is not. But this doesn't really matter for in this paper we are not interested in whether the acts of the Society or the machine are permitted, or which is worse, but rather whether the support system and another party are morally permitted to disconnect the violinist.

xxxiv. Actually, the rock thrower qualifies as a deflector of harm, while the machine (or rather its programmer) initiated a harm in the first "transfer" scenario. But neither factor seems to effect the duty of the human support system to remain a support system. He is not morally permitted to

avoid his bad luck by displacing it upon someone else in a more severe form. See notes 23 and 31 in this paper. Also see Unger's *Letting Die, Living High*. pp. 101-107 for a discussion of the moral irrelevance of the deflect/initiate harm act distinction. My argument in this paper should go through whether the acts are morally on a par or initiating a harm is worse. I am just concerned with a person detaching someone else who needs to remain connected to the body in question, whether the needy man was attached because of a freak unplanned act, a deliberately initiated harm or an intended deflection of harm.

xxxv. So we may be justified in inferring from the previous argument that certain anti-abortion critics of Thomson are wrong in their analysis of the appeal of Thomson's thought experiment. They claim that it is morally relevant - and thus imply that it is psychologically relevant to the ease in which a disconnection can be undertaken - that the violinist was already dying, while the fetus, on the contrary, isn't dying and thus would be wrongly killed by an abortion procedure. But notice that in the case of the diabolical machine, the existence of a person dying due to the beam prior to connection doesn't make it psychologically easier for people to refrain from having to use their bodies in a life saving manner. Thus we can conclude that the fact that someone was already dying is not what psychologically makes it easier for us to give our approval to detaching the violinist in the original Thomson thought experiment and thus doesn't distinguish the violinist's plight from that of the fetus.

xxxvi. It is worth comparing the standard violinist story of preexisting kidney failure, kidnaping and compulsory support to one where a healthy violinist was blown onto another person in a freak storm, connected at the kidney in a way that if he was disconnected in the next nine months

he would die. It is significant that the storm-caused connection is the *beginning* of his troubles. Most people will find it not only psychologically harder but probably wrong to disconnect such a violinist where he was not in need before his path crossed that of the other man. I think again it is projective grouping that can explain our two different reactions. In the latter case, we group together two innocents in a bad situation (the bizarre storm-caused connection) and decide to minimize harms. This grouping is missing in the original violinist story.

xxxvii. Any pro-choice advocates who somewhat reluctantly acknowledge that my critique is compelling, need not fret for my conclusion depends upon accepting Thomson's implausible assumption, one she admits making just for the sake of argument, that the fetus is a person with all the moral standing that comes with this categorization. If the fetus is merely a potential person, it is unlikely that we will find it to possess the same moral standing as an actual person. For a defense of abortion in which the fetus is not considered a person, see my "Abortion and the Problem of Potentiality." *Public Affairs Quarterly*. Vol 13, Number 3 July 1999. pp. 255-271.