Living High and Letting Die

NICOLA BOURBAKI

Thomson's Violinist

It's the same, old story. You wake up one morning to find yourself back-to-back with an unconscious violinist who suffers from a fatal kidney illness. A glitch (a big glitch) in the hospital's computer has brought it about that the violinist's circulatory system has been plugged into yours, and your kidneys are now extracting poisons from his blood. As luck would have it, you alone have the right blood type to help in keeping him alive. To unplug you, now, would be to kill him.

But don't worry. This will only be for nine months. By then he will have recovered from his illness, and he will be able to be detached without risk.

Thomson[1] argues that it is not morally required that you agree to this situation. That is, it is morally permitted that, in the circumstances described, you bring about the death of the violinist by detaching him from your circulatory system.

One might resist Thomson's conclusion as follows. All human beings have a right to life, and violinists are human beings. Granted: you have a right to decide what happens in and to your body. But a human being's right to life outweighs your right to decide what happens in and to your body. Thus, you are not morally permitted to bring about the violinist's death.

Thomson responds by proposing an intensification of your situation. Imagine that you would have to stay plugged into the violinist for the rest of your life. Surely, she insists, you are not then morally obliged to allow the violinist to remain attached to your body. And for the same reason, she holds, you are not morally obliged to allow him to remain attached for the next nine months.

But we can also consider what happens if we moderate the intensity of your predicament. Suppose that you wake up one morning and find attached to your stomach a tiny radio. The radio is transmitting to an unconscious violinist who has been found to have a rare and fatal kidney ailment in virtue of which his brain is no

[1] J. J. Thomson, 'A Defense of Abortion', *Philosophy and Public Affairs,* 1:1 (1971), 47–66.

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longer able to send signals to his kidneys. If you remove the radio, the violinist will die. But never mind, it is only for nine months. By then he will have recovered from his ailment, and the radio can safely be removed.

Are you morally obliged to agree to this situation?

A Relatively Small Inconvenience

I shall argue that you are. It is immoral to allow human beings to die when you can avoid their death at a minor inconvenience to yourself. My argument will be of quite general validity. Thus it will be not substantially affected if you are told that the radio will slowly grow larger and heavier during the next nine months, that it may cause vomiting, and so forth.

When we spend money on a dinner in a fancy restaurant instead of sending the money to feed starving children, are we behaving in a way that is ethically acceptable? When we detach a radio thereby bringing about the death of a sick violinist instead of undergoing a small inconvenience to ourselves for an interval of nine months, are we behaving in a way that is ethically acceptable? Even as we realize that suffering a small inconvenience is here the ethically better thing to do, still, the ordinary supposition is that there is in either case nothing wrong in our behaviour. Even though we are not doing what is ethically better, we are still doing what is ethically acceptable. But as Singer and Unger have taught us,[2] this common, comfortable thought can be questioned. What is most interesting about their work is that in order to motivate an uncomfortable ethical judgment concerning our ordinary ways of behaving they employ, along with undisputed empirical facts, only ethical theses that are already, at least implicitly, widely accepted.

There are of course some who would be willing to suffer a small but increasing inconvenience for nine months in order to prevent the violinist from dying from his disease. As most of us agree, these people are morally better than the rest of us who are not willing to do so.

And the issue of what is morally better or worse is, certainly, of some intrinsic interest. When we are confronted with any particular case of what a person might do, however, it seems that it is more

[2] P. Singer, 'Famine, Affluence and Morality', *Philosophy and Public Affairs,* 1:3 (1972), 229–35; P Singer, *Practical Ethics* (Cambridge University Press, 1979); P. Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford University Press, 1996).

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important to find out not what is morally better or worse, but what is right and what is wrong, what is morally permissible and what forbidden. And then we have to go beyond mere comparisons in order to arrive at a sound moral judgment.

What does it amount to, to judge our behaviour in more decisive terms? Singer has argued that common-sense ethics yields the conclusion that, throughout most of our lives, we often behave wrongly. At first glance, this conclusion seems to have no chance of being correct. But the matter is rather complex. For one thing, our common-sense ethics may include certain rather demanding principles, even infinitely many of them, which we may rarely notice. Second, while there are many of us upon whom these principles will make almost no direct demands, they might require some of us in some situations to exert ourselves or to deprive ourselves to at least a small degree.

How do these principles apply to you? Let us assume that throughout your life you do everything that common-sense ethics requires. So, you will not ever harm anyone; you will keep all your promises; you will take good care of all your children; and so on.

Bearing this in mind, consider:

> **Cheaply Decreasing Limb Loss.** Other things being even nearly equal, if at nearly insignificant cost or inconvenience to yourself you can help prevent one or more other human beings from each losing at least one arm or leg, and if even so you will still be at least reasonably well off and unhindered in what you are otherwise doing, then it is wrong for you not to help prevent such others from suffering such loss of limb.

This principle, given that it refers to just a tiny inconvenience on the part of the agent, is enormously appealing to the ethics of common sense. It is after all a special case of the more general principle to the effect that if, by doing *x*, you can prevent something very bad from happening without thereby sacrificing anything of comparable moral significance, then you ought to do *x*. Singer uses this principle to argue that we are obliged to help the poor:[3]

> If we can prevent something bad without sacrificing anything of comparable significance, we ought to do it.
> Absolute poverty is bad.
> There is some absolute poverty we can prevent without sacrificing anything of comparable moral significance.
> Therefore: We ought to prevent some absolute poverty.

[3] 'Famine, Affluence and Morality', op. cit.

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Arguments such as this can be supported not only by consequentialists but also by non-consequentialists. For the demand to prevent what is bad applies only when nothing comparably significant is at stake. Thus, an action which is in accordance with this demand cannot involve, for example, violations of individual rights or have other features of which non-consequentialists disapprove.

There is an undertow of moral intuitionism à la Prichard here.[4] That is, it is presupposed in the above that we can come to appreciate our obligations, not by hearing an argument, but by directly sensing the rightness of an action, If we make ourselves aware of the pattern of circumstances surrounding some action, the consequences, intentions and so forth, then at some point we will just see what we ought to do. Think, then, not of Cheaply Decreasing Limb Loss as an abstract principle, but rather of some given action that is in some given circumstances in accordance with the principle. This is an action that helps to prevent some other person from losing their limbs.

Now, in this actual world of ours, it is very unusual that you and me, and those of us who are not surgeons or physicians, get a chance to do much directly about human beings losing their limbs. With very little cost to ourselves, we seem to do quite well by Cheaply Decreasing Limb Loss. We can however help indirectly, by sending money to one or other of the many charities listed for example at: http://www.give.org

But where shall we stop? We can dodge the sorites problem here by noting that even to do a small amount of good is still to do something in the way of fulfilling one's moral obligations, and this is so even if it is not antecedently clear where the point will have been reached—if there is such a point—where these obligations are discharged. (Perhaps, with virtue ethicists, we can simply counsel: moderation.)

Consider, in this light, the following maxim:

> **Cheaply Decreasing Deaths.** Other things being nearly equal, if at nearly insignificant cost or relatively small inconvenience to yourself you can help prevent one or more other human beings from each dying soon while substantially raising the chances that they will live healthily for years, and if even so you'll still be at least reasonably well off and not greatly hindered in what you are otherwise doing, then it's wrong for you not to help prevent such others from suffering such loss of life.

[4] H. A: Prichard, 'Does Moral Philosophy Rest on a Mistake?', *Mind* **21**, 1912; reprinted in H. A Prichard, *Moral Obligation* (London: Oxford University Press, 1957).

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As for Cheaply Decreasing Limb Loss, so also for this still more compelling principle, it does not favour greatly just those who happen to be close to you, the people you can see and have conversations with, the people you can touch and smile at. Perhaps that is one reason why Cheaply Decreasing Deaths is such a compelling moral maxim. But there are other reasons, too. First, this maxim does not only have that first expressive clause concerning the relatively small inconvenience to you; it also has a second clause concerning your continued good prospects. Thus it contains an explicit guarantee that even full compliance with it will never be extremely demanding. But further, and more importantly, we are here not just talking about innocents losing a limb or two; it is human beings losing their very lives. And as Singer argues, just as killing people is morally wrong, so also is letting people die wherever we could easily have done something to prevent it. Certainly, when we let starving people in remote continents die, then there is no identifiable victim. But the lack of an identifiable victim is surely of no moral significance—though it may play an important role in explaining why we do not offer help. Some have held that, while we are directly responsible for those we kill, such responsibility does not extend to the case where we simply do not help. Differences in certainty and intent are, to be sure, of moral significance, and they show that not helping the poor is not to be condemned as much as is murdering them. But it could be on a par with killing someone as a result of reckless driving. And that is serious enough.

But now there is a difference between our prior principle and the new principle of Cheaply Decreasing Deaths. For some of us, even those of us who are not physicians or surgeons, are here affected directly. Or at least this is so given one crucial assumption (call it 'assumption T'), to the effect that the unborn foetus is a full-fledged human being. For then healthy, unwantedly pregnant women are almost always facing a chance to comply with, and a chance to fail to comply with, Cheaply Decreasing Deaths.

With both some sensible ethics and some empirical facts before us, we seem to be well along a common-sense route to harsh ethical judgment of common behaviour. Let us keep going. Are you unwantedly pregnant? If so, *today* is one of the days in which you can act. Have you called an adoption agency, for example one of those listed at http://www.adopt-usa.org? Perhaps. If not, then perhaps that is fine too. There is always tomorrow.

Our shared ethics includes infinitely many other principles. Another one is:

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> **Greatly Decreasing Deaths.** If, other things being even nearly equal and *at quite moderate inconvenience or cost to yourself,* you can avoid killing other human beings *soon* while substantially raising the chances that they will live healthily for years, and if *even so you'll still be at least reasonably well off*, then it's wrong for you to act in such a way that others suffer a loss of *life*.

Because it speaks of *killing* and of a cost to you that's only *quite moderate,* the grip of this maxim is only slightly less firm than Cheaply Decreasing Deaths. It goes without saying that this principle, too, sanctions a harsh ethical judgment of common behaviour.

One objection to the above which the non-consequentialist might put forth is the following. The principle underlying Greatly Decreasing Deaths is once again this: that if by doing x you can prevent something bad happening without thereby sacrificing anything of comparable moral significance then you ought to do x. Might it not be the case that the violation of the pregnant woman's rights itself enjoys a moral significance comparable to the bad thing that is here to be prevented? One might put flesh on this objection by appeal to the concept of property rights: the mother's body (including all its cavities) is her property. The idea that women have a right to their own bodies then contradicts the view that they are under an obligation to sustain pregnancy until the end of the term. However, as Singer argues, even one who fully accepts individual property rights must still accept that we are morally obliged to give money to the poor if this will save their lives. (Note that this does not however imply that governments are morally obliged, or even morally permitted, to extract such moneys against our will.)

And now similarly: even one who fully accepts the woman's right to her body must accept that she is morally obliged to carry her child to term. (And once again: this does not imply that governments are morally obliged, or even morally permitted, to exact compliance with this obligation against the mother's will.)

Thomson, famously, is held to have shown that *even under assumption T*—that foetuses are human beings—it might none the less be morally permissible to terminate the existence of a foetus. I submit that, if either of the principles Cheaply Decreasing Deaths and Greatly Decreasing Deaths is right, then Thomson's argument fails. Every healthy pregnant woman is, under assumption T, morally obliged to live out her pregnancy to the end of its term.

This conclusion is of course of limited significance as it stands (for I have not, here, offered arguments in support of assumption

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T). I believe that I have, though, shown this much: that if either of those principles is right, then you are in any event morally obliged not to bring about the death of the sick violinist by detaching him from your body.

Modus Tollens

But perhaps the Thomson thesis can be saved by appeal to the notion that unwantedly pregnant women who do not carry their pregnancy to term are behaving in a morally justified way after all—because they do not accept that the disutility involved in pregnancy is small.

There are, certainly, unwantedly pregnant women who have *good grounds,* connected with health or family circumstances, for holding that they face a major disutility in carrying their pregnancy to term. It is not these women who are addressed in the above. Every pregnancy does, as we know, involve some risk to the health of the mother; but this risk is, in the case of healthy mothers, small, and it needs in any case to be balanced against the risks involved in the process of abortion itself. But to see why this residual risk, even taken together with all the other tribulations involved when a healthy woman carries her pregnancy to term, must amount only to what can properly be referred to as a 'relatively small inconvenience', we need to recall what is, under assumption T, the *tertium comparationis*: it is the death of another human being.

How severe an injury you may inflict in self-defense depends, as English shows, on the severity of the injury to be avoided.[5] You may not kill somebody in order to avoid having your clothes torn. But you may do so in order to fend off an attack whose outcome would be a serious injury. You are, in other words, permitted to do harm x to a person P if and only if (1) P may do harm y to you if you do not do x, *and* (2) x is not a lot worse than y.

This, too, is a common-sense ethical principle which most of us find appealing and which seems not to encounter problems in application, in spite of its use of the vague term 'a lot worse'. But it is a principle which, like everything else in the argument above, rests on an objective conception of utility.

Perhaps, then, the reader would have me turn my argument on its head. Thomson is right, some might say. You *are* permitted to bring about the death of the sick violinist, because utility is in the eye of the beholder. Even healthy, unwantedly pregnant women who do

[5] J. English, 'Abortion and the Concept of a Person', *The Canadian Journal of Philosophy* 5: 2 (1975) 233–43.

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not carry their pregnancy to term are behaving in a morally justified way because, as their preferences reveal, they do not accept that the disutility involved in pregnancy is small. But then all of us can similarly insist, in relation to any given ethical maxim, that a great disutility would be involved in even token compliance. And this is to pull the moral teeth of the Singer/Unger position.

C.E.H.E.M., Brussels

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