

Good Samaritan on Life Support

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The Argument

Some philosophers have argued that even if an unborn human has the same moral standing as an adult human a woman still has a right to an abortion. Judith Jarvis Thomson makes this point with her famous violinist analogy:

“You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist’s circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, “Look, we’re sorry the society of Music Lovers did this to you – we would have never permitted it if we had known. But still, they did it, and the violinist is now plugged into you. To unplug you would be to kill him. But never mind, it’s only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you.”¹

Frequently, the argument is made that Thomson’s analogy shows the right to life of the fetus or embryo is overshadowed by the woman’s right to decide what she does with her body. However, upon further analysis David Boonin explains:

“...Thomson’s claim is precisely that there is no such conflict between these two rights in the case she has presented, that unplugging yourself from the violinist does not violate his right to life in the first place. Even though he has a right to life, that is, he has no right to use your kidneys. So in unplugging yourself from him, you do nothing that conflicts with his right to life, even though you do something that brings about his death. The lesson of the story is not that it is sometimes permissible for you to violate the violinist’s right to life, but rather that the violinist’s right to life does not include or entail the right to be provided with the use or the continued use of whatever is needed in order for him to go on living.”²

¹ Thomson, Judith Jarvis. 1971. “A Defense of Abortion.” Reprinted in *Analyzing Moral Issues*, 4th ed. Judith Boss. New York. NY: McGraw Hill, 2008, pp. 94-105.

² Boonin, David. *A Defense of Abortion*. Cambridge. NY: Cambridge Press, 2003, p. 137.

This is the foundation of Boonin's defense of the violinist objection. This basis for the Good Samaritan argument in favor of legal abortion³ is fatally flawed.

The Problem

First, imagine you live in the harbor community of Marina Del Rey, California and you own a small boat which you and your family occasionally take on long trips all the way across the Pacific Ocean to Australia. Let's imagine you are on one of your trips, days away from any land, when you open the door to a closet and notice something in the corner that shouldn't be there. You turn on the light and discover the object is a sleeping vagrant who has been hiding on your boat and eating your food. You are angry, knowing that the vagrant is a trespasser (but otherwise harmless). He has no right to be on your boat in the first place. You feel you have a right to kick him off your property, and I would agree you do possess this right. However, because the vagrant has a right to life and throwing him off the boat at that moment would kill him, you aren't permitted to immediately exercise this right. Instead you have a temporary duty to allow him to continue using your boat until you can kick him off without bringing about his death.

In this case the use of your boat is needed for the vagrant's survival. So even though the vagrant has no right to be on your boat in the first place, you still cannot throw him overboard as this would be a violation of his right to life. Thus, I have argued that in this case the vagrant's right to life does include the right to be provided with "life support" via the continued temporary use of your boat.

However, this boat analogy alone doesn't dismantle the entire Good Samaritan argument for abortion. It merely points out that a duty to provide use of property and resources to sustain another's life can exist, even when the dependent doesn't have a just claim to those resources in the first place. Consider now the following questions:

1. Does this duty dissolve if the level of burden to the person providing the support becomes too great?
2. If the duty can be taken away is the burden of an unintended pregnancy sufficient to alleviate the mother of this duty?⁴

³ As explained by Thomson, the Good Samaritan argument concedes "...that no person is morally required to make large sacrifices to sustain the life of another who has no right to demand them..."(1971: 103) Thomson argues that allowing the violinist to use your body for life support would be an act of Good Samaritanism. While she acknowledges that it would be indecent for you to not allow another person use of your body to preserve their life, she argues that the government cannot force people to be Good Samaritans.

⁴ Keep in mind that the supposed strength of the Good Samaritan argument is it concedes that the unborn is a full human being with the same right to life as an adult. So, it is reasonable to say the mother has a duty to the child. The question here is "how far does that duty extend?"

While we are inclined to believe the duty dissolves, similar to the case of the violinist. I will not concede that the case of the violinist is sufficiently relevant to pregnancy to warrant the moral permissibility of abortion. For clarity I will propose an analogy more relevant to pregnancy in which the person providing life support carries a greater burden than a pregnant woman. Thus, I will argue that both in my analogy and in pregnancy the level of burden to the individual providing life support is not sufficient to lift the duty.

Chris and Kyle

Let's say there is a pair of conjoined twins, Chris and Kyle. For the most part the two get along well, but they have some different interests. Kyle for instance likes to party while Chris would rather stay at home and read. Chris doesn't like it when Kyle drinks because it gets him drunk as well. It would be nice if the two were separated, but let's say Kyle is attached to Chris in such a way that he cannot survive without the attachment. Chris on the other hand could survive without Kyle. Like a rape victim, Chris did not choose to engage in any activity that foreseeably brought about his attachment to Kyle. Rather the attachment was forced upon him, in this case by nature.

Now, say a doctor tells Chris and Kyle she could do a surgery to have Kyle removed, but it will be nine months before she can safely do the operation because she would need to grow some spare organs Kyle needs to survive without his bodily attachment to Chris. The surgeon would derive these spare organs from induced pluripotent stem cells. The doctor is absolutely confident that in nine months the organs will be sufficiently developed to be used for the operation. She assures the brothers that after the operation they will live on to have healthy independent lives. All this sounds great.

The only trouble is Chris, who earns the paycheck, knows this operation would be expensive. He's also aware of an alternative operation to detach himself from Kyle that would be cheaper and he wouldn't have to wait nine months to have it done. Also, Chris is convinced that the latter operation will be less painful to himself. So, without Kyle's consent he goes to a "Separatist." This doctor doesn't judge Chris. He simply asks him, "Are you sure this is what you want to do?"

Chris answers, "Yes, it has been a difficult decision, but I really feel it is necessary."

The "Separatist" has apprehensions, but figures that if he doesn't do the operation Chris would try to do the operation himself and get hurt or die in the process.

Kyle is a deep sleeper and Chris was very careful not to awake him on the way to the doctor. When they arrive in the room the doctor stabs Kyle in the heart with a needle and injects poison. Kyle has a heart attack complete with spasms for about an hour. Then he dies. Now the doctor detaches Kyle from Chris and throws his corpse into a dumpster.

Most everyone would consider Chris's actions morally repugnant to the point of being impermissible, that is, his actions should be against the law. Here we have a similar scenario to the boat analogy. The vagrant didn't get consent to use the boat just as Kyle

didn't get consent to use Chris's body. However, in both cases the person providing the support has a *temporary duty* to allow the dependent to continue using his resources. Why? Simply because the act of immediately kicking him off would violate his right to life.

Furthermore, what is to be said of the actions of the doctors in Chris and Kyle's story? The first doctor was concerned about the wellbeing of both patients. Her plan was to separate Chris and Kyle when it was safe for both of them. The second doctor (the "Separatist") killed one patient for the benefit of the other. This clearly violates the duties of a doctor. Doctors have a duty to promote the well being of every patient as best they can without treading on the rights of other patients. For instance, a doctor could not kill one patient, collect her organs, and transplant them into three other patients. Even if he made the claim that his action was justified because it promoted the health of the three other patients who wanted the organs, the action would still be wrong. Even if Kyle had never intended to come in for an appointment, he's still a patient of the "Separatist." The same goes for abortion. When a pregnant woman goes in for an appointment, the doctor has two patients.⁵

In order to fulfill their duties, doctors with pregnant patients must take into consideration the health and wellbeing of both the mother and the unborn child.

What about the Violinist?

Finally, I will argue that the conjoined twin analogy is a better gauge of the moral permissibility of abortion than the violinist analogy for two reasons:

1. The level of burden in the case of the conjoined twins is closer to that of pregnancy. Although having a conjoined twin may make life much more difficult, it is not as bad as being bed ridden for nine months (as in the violinist scenario). With his brother attached, Chris may not be able to drive, run, play sports, and he may be embarrassed in public places. While all of these things are difficult for Chris, they are not sufficient to relieve him of his duty to provide for Kyle. A pregnant woman is also not bed ridden during her entire pregnancy and her challenges are closer to those of Chris than the person hooked up in the violinist analogy.⁶ Thus, it is possible that due to this difference in the level of burden; it is permissible to detach oneself from the violinist, but it should be against the law for Chris to have Kyle killed. And if

⁵ *Williams Obstetrics* explains: "...the status of the fetus has been elevated to that of a patient who, in large measure can be given the same meticulous care that obstetricians provide for pregnant women." (*Williams Obstetrics, 20th edition*, F. Gary Cunningham et al., Stamford, CT: Appleton and Lange, 1997, p. 151.)

⁶ Also note that in my analogy I said Kyle could be safely removed from Chris's body in 9 months. I could construct the analogy with fewer months and it would still hold, because the fetus is generally viable about two months before the woman goes into labor, and by the time a woman gets an abortion she has already gone through part of her pregnancy.

it should be against the law for Chris to have Kyle killed, it should also be against the law for a woman to have her unborn child killed.

2. It is also possible that our moral intuitions are distorted in the case of the violinist and in reality we do have a duty to save him. This distortion may be attributed in part to the fact that the violinist is a stranger, who we may not trust, as opposed to a known family member with whom we are more comfortable. This is not to say that killing an innocent stranger is any more justified than killing an innocent family member, but because we are less trusting of strangers we may be more inclined to consider the permissibility of hastening their death. In the case of the conjoined twins we know Kyle can be trusted because he is a member of Chris's family, just as a pregnant woman is carrying a member of her family, her child. Also while the bizarre nature of the violinist analogy may be clouding our intuitions, pregnancy and conjoined twins are real things with which we can more clearly relate.

Thus our initial response that it is morally permissible to detach ourselves from the violinist deserves more careful scrutiny. Imagine Judith Jarvis Thomson wakes up one morning and finds a sleeping violinist attached to her. Knowing her analogy very well she immediately detaches the violinist parasite. She understands that it is a sad situation for the violinist but even so the violinist does not have the right to use her kidneys. She then gets out of bed. When she stands up she immediately feels dizzy and her vision get blurred. She jumps back in bed and reattaches herself to the violinist. Immediately her health is restored. It dawns on her that this is not her analogy at all! She is the violinist's parasite, not the other way around. The violinist then wakes up and finds Judith Jarvis Thomson attached to him. What an ironic twist of fate!

He tells her, "You don't have a right to use my kidneys."

What would her response be? If she tries to claim she has a right to life and this is greater than the violinist's right to do what he wants with his body, or if she tries to say she has a right to life and therefore the violinist has a duty to allow her to use his kidneys, she would be abandoning her beloved Good Samaritan objection to abortion. Certainly reframing the analogy in this way plays on our moral intuitions differently, and we are now focused on the plight of the dependent rather than the one being depended on.⁷

⁷ Let's say Thomson convinced the violinist he had a duty to care for her. He decides to do that and he even begins to bond with her, despite the fact that Thomson constantly insists on closing the windows because she has an intense fear of pollen-like seed-people getting into the room and growing. The violinist continually explains that there are no such things as pollen people, but she is very belligerent about it, and the violinist learns to just put up with the heat. Despite this, he does, however, enjoy learning about philosophy from Thomson and they become good friends. Their friendship brings new vigor to his life, and he no longer views their relationship as parasitic but rather as symbiotic in which both he and Thomson benefit.

Many people have described the relationship the fetus has to the mother as parasitic. This is unfair, though, because many women desire pregnancy and consider it a gift. They feel their unborn child brings

This exposes another problem with Thomson's violinist analogy. Because we are asked to participate in the analogy, it has a subjective element that can easily be manipulated to work in the opposite way Thomson intended. I have demonstrated this. My Chris and Kyle analogy, on the other hand, can't be compromised in this way, because we are not present in the analogy we look at Chris and Kyle objectively.

Because the entire basis of the Good Samaritan argument relies on our intuitive response to the violinist analogy, this is significant. If the violinist analogy fails, the entire Good Samaritan argument goes down with it. Given the objections presented here, it becomes apparent that the Good Samaritan argument is indeed a failure in desperate need of life support.

Conclusion

Let's look at the structure of the various arguments we've been discussing.

The Good Samaritan argument for the moral permissibility of abortion looks like this:

P1: Unborn humans are persons.

P2: Every human person has a right to life.

C1: All unborn humans have a right to life.

P3: The woman has a right to control her body.

P4: The unborn human has no just claim to use the woman's body.

P5: The unborn human's right to life does not include the right to be provided with the use or the continued use of the woman's body.

P6: Abortion does not violate an unborn human being's right to life.

C2: Killing unborn human beings should not be against the law.

them an invigorating sense of joy. It would be more appropriate to parallel human fetuses to the prokaryotic endosymbionts that gave rise to mitochondria. These organisms were taken in by the eukaryotic cells and provided them with energy while at the same time utilizing their resources. Taking away the endosymbiont would rob a eukaryotic cell of some of its energy and vigor. Perhaps this is why women who have miscarriages frequently mourn the loss of their fetus, because they feel deprived of a source of joy that was provided by the endosymbiont (the fetus).

Initially this argument sounds reasonable, yet the case of the vagrant is a very similar scenario. And if we were to apply this same line of thinking to the vagrant case, the argument would look something like this:

P1: Vagrants are persons.

P2: Every human person has a right to life.

C1: All vagrants have a right to life.

P3: You have a right to control your boat.

P4: The vagrant has no just claim to use your boat.

P5: The vagrant's right to life does not include the right to be provided with the use or the continued use of your boat.

P6: Throwing the vagrant off the boat and thus bringing about his death does not violate his right to life.

C2: Killing the vagrant is morally permissible.

Clearly there is something wrong here. Throwing the vagrant into the ocean certainly violates his right to life. The major problem with Boonin's argument originates in the fifth premise. When applied to the vagrant analogy this point essentially argues that because the vagrant is a trespasser on your boat you do not have to provide him with its use for any amount of time. Our initial inclination is to presume that because the vagrant is a trespasser he has no right to be on your boat. Indeed, I have argued that he doesn't. But even so, killing him is still unjustified because violating one's right to life is a very serious offense (even with his infringement on your property rights taken into consideration). The argument I have made in the case of the vagrant is as follows:

P1: Vagrants are persons.

P2: Every human person has a right to life.

C1: All vagrants have a right to life.

P3: You have a right to control your boat.

P4: You did not consent to allow the vagrant use of your boat.

C2: The vagrant does not have a right to be on your boat in the first place.

P6: Throwing the vagrant overboard would kill him.

P7: Killing someone violates their right to life, which is a very serious offense.

C3: Despite the infringement on your property rights you have a temporary duty to allow the vagrant to continue using your boat.

The conclusion here is essentially the opposite of the fifth premise in Boonin's argument. The only reason you have a duty to grant the vagrant continued use of your boat is because the vagrant has a right to life and violating that right to life is so serious, it confers a duty on you to provide the vagrant with continued use of your boat. Even if the level of burden were raised much higher, as is the case with the conjoined twins, the individual being depended upon could still not justly kill the dependent.⁸

In summary, I've made three claims:

1. The level of burden on Chris in the case of the conjoined twins is greater than or equal to that of a pregnant woman.
2. The conjoined twin analogy provides a more accurate gauge of the moral permissibility of abortion than the violinist analogy.
3. Chris doesn't have a right to have Kyle killed by a "Separatist."

Assuming these claims are all correct, it follows that a pregnant woman does not have a legal right to have her unborn child killed by an abortionist. Thus, the unborn child's right to life *does* include a right to be provided with "life support" via the temporary continued use of the woman's body.⁹

⁸ At least not in the case where the dependent conjoined twin (and by analogy, the unborn) can be separated within 9 months without killing him.

⁹ I am uncomfortable with using the term "life support" in reference to pregnancy, because this term seems to imply a parasitic relationship between the mother and child. However, I used the term in my paper to show that even if pregnancy could be described as life support for the unborn, abortion should still be against the law.