

## **Misunderstanding the Moral Equivalence of Killing and Letting Die**

One of the most famous discussions in applied ethics, James Rachels's advocacy of euthanasia, contains an argument that implies the moral equivalence of killing and letting die.<sup>1</sup> What Rachels overlooks is that the thought experiments they rely upon to demonstrate this equivalence actually suggest that many readers had earlier underestimated the wrongness of allowing someone to die rather than overestimated the wrongness of killing. So if Rachels is correct about killing and letting die, there are actually *two* lessons to be learned by those who oppose active euthanasia.

The first lesson which Rachels seeks to inculcate, is that active euthanasia cannot be distinguished from passive euthanasia, on the grounds that the first of each pair involve a killing and the latter just allowing death.<sup>2</sup> But the second lesson, one that Rachels would not have liked if they had noticed it, is that passive euthanasia is actually worse than had previously been thought. Thus those readers who had opposed active euthanasia but not passive euthanasia, when forced to treat these consistently in light of the moral equivalence of killing and letting die, have more reason to change their permissive attitude to passive euthanasia than to accept active euthanasia.

I am just going to assume for the sake of argument that killing and letting die are morally equivalent. I do not actually believe that these are generally morally equivalent, but that is not relevant to my thesis.<sup>3</sup> I will not challenge the immediate conclusion of Rachels'

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<sup>1</sup> Rachels, James. "Active and Passive Euthanasia." *New England Journal of Medicine*. 1975. Thomson puts forth in argument for the equivalence in response to objections leveled by John Finnis in her "Rights and Deaths" reprinted in *Rights, Restitution and Risk*. (Cambridge, MA: Harvard University Press, 1986), pp. 30-32. However, Thomson is not as committed to the equivalence as Rachels. She leaves it open in her response to Finnis that killing is slightly worse than letting die.

<sup>2</sup> The careless reader might have thought the moral equivalence to imply that those who previously accepted voluntary passive euthanasia but objected to voluntary active euthanasia should abandon their objection to the latter. But this doesn't follow unless there are some suppressed premises. All that strictly follows from the moral equivalence of killing and letting die is that, all other things being equal, passive and active euthanasia should be treated the same. Either both or neither should be accepted

<sup>3</sup> Frances Kamm argues persuasively for their non-equivalence in *Morality, Mortality* vol. 2 *Rights Duties and Status* (New York: Oxford University Press, 1996), 17-21.

thought experiment that purports to show this equivalence.<sup>4</sup> Rather, it is the use of this conclusion as a premise in a further argument that I will question.

Rachels asks his readers to imagine that two men stand to inherit if their respective six-year-old cousins die. One goes up to the bathroom in which the youngster is bathing and drowns him by holding his head under the water. He is obviously a horrible person. The other man intends to kill his cousin but doesn't have to because the boy accidentally slips under the bath waters and drowns. The evil cousin just stands next to the tub and watches the life pass out of his young cousin. He easily could have pulled the child out but chose not to in order to acquire the inheritance. He is obviously a horrible person. Rachels expects that it will be obvious to the reader that the two older cousins are equally horrible.

Rachels and other philosophers who champion the moral equivalence of killing and letting die offer the following diagnosis of why this is not more widely recognized. The moral equivalence of killing and letting die is difficult to notice because it is commonly the case that those who allow death don't wish the endangered to die, but can only save them by time consuming or expensive or even dangerous measures. Intentional killing, on the other hand, aims at the death of the victim. And the death could generally have been avoided without the killer taking dangerous or time consuming or financially draining steps. It is such factors that make killing appear worse than letting die. To counteract such tendencies and to reveal the moral equivalence of killing and letting die, thought experiments need to be constructed which hold constant all other morally relevant features except that one case involves a killing and the other allowing death.

Rachels is not the first to pursue a strategy of designing such thought experiments. Nor has such a strategy been restricted to the debate about active and passive euthanasia. A few years earlier, Judith Thomson relied upon a similar approach in her defense of abortion,

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<sup>4</sup> For a good discussion of some overlooked flaws in Rachels' thought experiment, see *ibid.*, esp. 89.

in which she proposed the analogy of disconnecting a violinist from life support.<sup>5</sup> When critics pointed out that the disconnected violinist is merely allowed to die while the aborted fetus is killed, Thomson's response was much like that later employed by Rachels. She imagines two evil men who want their wives dead. The first poisons his wife. The second stands by with the antidote in hand after his wife accidentally poisons herself.

Even if we accept that this shows that killing and letting die are morally equivalent, there doesn't seem to be a good reason why this should make those people who were previously pro-life accept abortion rather than change their attitude to disconnecting the violinist. Thomson just assumes that the inconsistency will be resolved in the pro-choice manner. However, an argument needs to be made why the pro-lifers should treat fetuses like the violinist, rather than the converse. If the cases are alike in all their other morally relevant features, an explanation must be offered of why our judgment is distorted in the one case and not the other. I have offered such an argument elsewhere.<sup>6</sup> Here I just want to suggest that the thought experiments revealing the moral equivalence of killing and letting die are best analyzed as suggesting that those who had thought otherwise were underestimating the badness of letting someone die rather than overestimating the evil of killing a person. In what follows, I will limit the discussion to euthanasia, but the violinist/abortion contrast could easily be substituted.

Assuming that the thought experiments have indeed shown that killing is morally equivalent to letting someone die, it does not follow that those who earlier opposed active euthanasia but accepted passive euthanasia should drop their objection to active euthanasia.

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<sup>5</sup> Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1 (Fall 1971): 47-66. Disanalogies between the violinist and abortion have been heavily documented. A nice summary is available in Patrick Lee's *Abortion and Unborn Human Life* (Washington, D.C.: Catholic University Press, 1996), 105-130.

<sup>6</sup> For an Unger-inspired defense of the position that we must actually stay attached to the violinist, see my "Abortions and Distortions: An Analysis of Morally Irrelevant Features in Thomson's Violinist Thought Experiment." *Social Theory and Practice*. Spring 2001 vol. 27. no. 1.

Why is it so often assumed that they should? I would conjecture that those leading such discussions were already in favor of both active and passive euthanasia. Since they already maintained that the two were humane or dignified procedures, they speculated that the error of others who treated the two kinds of deaths differently must be due to their insistence in the killing/letting die distinction. That could be the only consideration keeping decent, sensitive and reasonable people from being convinced that both active and passive euthanasia were acceptable. Once the killing/letting die distinction could be shown to be inconsequential, they just assumed that their opponents would see matters as they did.

But if we are to assume that the opponents of active euthanasia were mistaken about killing and letting die, the question that should be asked is that when they discover the equivalence, do they have a reason for inferring that passive euthanasia was worse than they had thought or that active euthanasia was not as bad as they had believed? One or the other must be true if they were earlier wrong not to recognize as morally equivalent those cases in which the only difference between two scenarios was that one involved killing and the other letting die. As we noted earlier, the standard cases of letting someone die don't involve a wish that the person die; it is just that the agents in question don't want to do what it takes to save the person. Since they generally hope that the individual can be saved, it is accurate to say that people can deliberately let others die without wanting them to die. On the other hand, intentionally killing someone entails that the killers wanted the victim dead. But notice that when such factors were neutralized by Rachels's thought experiment, readers who used to insist that killing and letting die were morally different, did not change their idea about the degree of wrongness of killing. It is important to stress that readers do *not* learn from Rachels's thought experiment that, on occasion, intentionally killing someone was not as bad as the standard intentional killings with which they were already familiar from newspapers,. Instead, they came to understand letting someone die as worse than they had previously. The

mitigating factors found in the standard cases of allowing death were not present in the bath tub cases. novels and movies. Furthermore, the doctor engaging in passive euthanasia wants the patient to die, thus distinguishing the act from the most cases of allowing death (e.g. distant famine, disease etc.) in which those allowing death hope others will save the dying. Since the doctor desires the patient's death, this renders passive euthanasia structurally more similar to killing than is commonly the case.

According to Rachels, if killing and letting die are morally equivalent, we should endorse active euthanasia if we approve of passive euthanasia. He stresses that the humane concerns which justify passive euthanasia should also justify the active form because the patients receiving a lethal injection can usually be put out of their misery more quickly than if food, water and medicine were withdrawn. Rachels even argues that such humane considerations suggest that active euthanasia would even be preferable to passive in such circumstances. However, this doesn't show that the proper appreciation of the mindset of those who had accepted passive but not active euthanasia. They were already aware that considerations of *solely* pain relief would favor allowing both active and passive euthanasia and that where death in the passive form would take longer, it would be the less humane demise. And it was also not news that the patient's pain would end more quickly through lethal injection than withholding aid. What they did learn from Rachels's article was that they were wrong about the moral difference of killing and letting. Since the humane considerations that Rachels believes should lead people to accept both forms of ending life were already known to his readers who opposed only active euthanasia, and that the real surprise for such readers was discovering that there were cases in which letting someone die could be seen to be as bad as killing, then it seems much more likely and justifiable that that such readers should conclude that if killing and letting die are morally equivalent, they had earlier underestimated the wrongness of letting someone die. Thus their objection to active

euthanasia would not be overcome by Rachels's thought experiment, instead, passive euthanasia would come to be seen in a worse light than it had been before.

Even if some readers are not advocates of a complete prohibition on active euthanasia, I do not believe that those who do favor such a ban should abandon it because of any claims made by Rachels. He does not provide a thought experiment in which readers react that letting someone die was acceptable and then are quite surprised to be provided with a nearly identical, acceptable case of killing. If Rachels had offered such a case, readers might be more justified in concluding that they had previously overestimated the badness of killing. Then they might believe that their opposition to, respectively, active euthanasia and abortion should be abandoned instead of their previous acceptance of passive euthanasia and disconnecting the violinist. But Rachels did not do this, and perhaps could not. Therefore, if a lesson can be drawn about an earlier error in people's reflections upon active and passive euthanasia, it would be that they underestimated the wrongness of those scenarios in which someone was allowed to die.