

## 140: Matters of life and death – 11 – Euthanasia (1): acts and omissions

### 1 Definitions and Distinctions.

It is important to be clear what is under discussion – for these purposes, **euthanasia = death sought for the benefit of the one who dies**. Nothing to do with the Nazi “euthanasia program”.

Earlier I suggested an account of the value of life for the one who lives it, yielding at least this – *death is a benefit if both now and in the future the person generally prefers unconsciousness to their mode of living*.

**Six kinds of euthanasia** may be distinguished – three basic categories:

(1) **voluntary** (death requested or wanted), (2) **involuntary** (death rejected or not wanted), (3) **non-voluntary** (no will; insufficient intellect to have an opinion, e.g. babies, the senile, etc.); each of which can be (a) **active** or (b) **passive** (e.g. giving a lethal injection versus withholding life-saving drugs, or not reviving after a heart-attack).

**Note (1)** that the above definition of when death is a benefit cannot fit the non-voluntary cases, where subjects are *incapable of having an opinion* on whether they would rather be unconscious.

For such cases, I suggest a utilitarian definition: death is a benefit if both now and in the future *the person's life will contain substantially more suffering than enjoyment*.

**Note (2)** that by the above definitions, the killing of a person in a *permanent coma* cannot be euthanasia, since they are beyond harm or benefit.

But clearly there is no *point* in preserving such life? – the answer to this question is important, if often the only alternative to euthanasia is drugging to the point of unconsciousness.

**Note (3)** that a utilitarian can have no objection of principle to euthanasia – everything will turn on whether the person really would be better off dead, and on the likely further consequences of the death.

**Finally**, distinguish questions of **morality** from questions of **legality**. Maybe euthanasia isn't wrong, but should remain illegal. Distinguish, and focus mostly on, questions of principle, as apart from messy practical considerations involved in legislation.

### 2 Acts & Omissions

Much euthanasia already takes place, in its passive forms – not operating, not treating, not reviving after a heart-attack, etc.

The standard belief is that it is often permissible to **allow to die** but never actively **to kill**.

Often said to be justified by “the acts and omissions doctrine” – but it isn't obvious what this is.

(1) That omissions are **always permissible**?

A form of extreme libertarianism – obliged not to interfere or harm, but never obliged to assist. This has no theoretical grounding and seems absurd – Singer's example of the child drowning in the puddle: surely I *ought* to help.

(2) That omissions are **always less bad** than an act with the same effect?

Again no theoretical grounding, and again absurd consequences – Rachels's two parallel examples of the wicked uncle & the child in bath: in both cases the uncle goes upstairs with the intention of drowning the child to collect the inheritance; in the one case he does so; in the other case the child slips and falls unconscious in the water just as he enters the room, and he stays to watch it drown.

Surely there is no significant moral difference between the two cases?

(3) That it is **sometimes permissible to allow to happen what it would not be permissible to do**?

Many examples seem to support this – e.g. (a) failing to give to Oxfam vs sending poisoned food to Africa; e.g. (b) with limited supply of drug, allowing 1 to die to save 5 vs killing 1 for spare parts for 5.

But how to provide a theoretical grounding? *When* is it permissible to allow things to happen?

**One suggestion** – distinguish between acts / omissions that are:

(1) **causally necessary to avert evil** (that, and only that, act/omission can do it) and:

(2) **causally sufficient to avert evil** (where the evil can also be averted by other means).

Normally, when an *omission* causes a given effect (e.g. the deaths of ten people in Africa), it is *not* the only one to do so (many *could* send money to Oxfam);

whereas when an *act* causes the same effect, it *is* the only one to do so (not sending poison is a necessary condition of those people not dying).

Claim there is a *stricter duty* in connection with the former as opposed to the later?

**A justification** – I *cannot* be obliged to perform all acts *sufficient* to avert evil; this is an *impossible* demand! (Instead of giving my sum to Oxfam I could give to Help the Aged, or to ....)

But I *have* to act/omit if evil will occur unless I do, since not killing is a necessary condition of continued life.

**Explains** the child in the bath and the child in the puddle examples – in each case my action or omission is causally necessary to avert death.

**But can't explain** the drug for 1 or 5 vs the killing 1 for 5 examples – in *both* cases it is a necessary condition of the survival of the 1 that they get the drug or are not killed for spare parts.

### 3 Justice & Charity

**A better suggestion** is made by Foot, that the acts/omissions distinction is to be explained by the differing demands of:

– *Justice* (non-interference; what can be claimed as a right of determinate individuals) and

– *Charity* or *Beneficence* (attachment to welfare; it cannot be claimed as a right of determinate individuals)

For acts (where wrong) are normally against justice, whereas omissions are normally against charity.

E.g. failing to give aid may be against Charity, but less serious than sending poison which is against Justice.

E.g. using drug to save 5 rather than 1 isn't even against Charity, since we *cannot* help all; but killing 1 to save 5 is against Justice even if for a Charitable end, and is therefore wrong.

*Sometimes* failure of Charity is *just as bad* as failure of Justice, particularly where assistance from me is a *necessary condition* of help being received.

Here the sufferer can *claim* my help, if the cost to me is not great.

E.g. the examples of the child in the bath & the child in the puddle.

Though against Charity rather than Justice, they may be just as bad as murder.

The Justice/Charity distinction receives an explanation within Contractualism:

– we would agree not to interfere in one another's lives (not to kill, cheat, defraud, etc.);

– but we would also agree to develop an attachment to the welfare of others – often helping when opportunity arises, being obliged to help when no one else can, etc.

(But at *what cost*? – see later weeks.)