Killing and letting die: a defensible distinction

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The distinction between killing and letting die is investigated and clarified. It is then argued that in most cases, though not in all, it is worse to kill than to let die. In euthanasia the significance of the distinction is diminished, but still important.

There is a widely shared view that active and passive euthanasia are importantly different. It is said to be one thing (passive euthanasia) to let patients die, which may sometimes be permissible, but it is quite another (active euthanasia) to kill them, which never is. This discrimination between two forms of euthanasia has been forcefully attacked by certain philosophers on the ground that the underlying distinction between killing and letting die is either not clear or, if clear, not morally important. I propose to explore the nature of the distinction, its moral significance and its relevance to euthanasia.

The nature of the distinction

It is sometimes supposed that the distinction between killing and letting die exemplifies a more general and fundamental distinction between action and inaction, or action and omission, where action involves bodily movement and inaction or omission its absence. Thus, on this view, killing is moving one’s body such that someone dies and letting die is failing to move it with the same result. But this is a mistake. Suppose that you are half way down a cliff face dangling from a rope and I am endeavouring to haul you to safety. Feeling myself being dragged over the cliff, I take my hands from the rope to save myself with the result that you die. Though I have acted by moving my hands, I have surely let you die rather than killed you.

A more plausible account of killing and letting die would be that one kills someone if one initiates a causal sequence that ends in his death, whereas one lets him die if one allows an already existing causal sequence to culminate in his death, when one could have prevented this upshot. This makes the distinction turn on how one stands to causal sequences that culminate in death rather than on whether one acts or not. Both
elements of the account need enriching. One can kill someone by sustaining an already existing causal sequence culminating in his death as well as by initiating such a sequence. Equally one can let someone die, not merely by failing to intervene in an existing lethal causal sequence, but also by removing an obstacle that is holding back such a sequence. This is what I did when I removed my hands from the rope from which you were dangling. My aid to you in hanging on to the rope held back the lethal sequence and in withdrawing that aid I removed the obstacle to the progress of the sequence.

But this account faces a difficulty for there seem to be cases of unblocking lethal sequences which are intuitively killing. Suppose that a fault in a nuclear power plant leads to heavy and potentially lethal emissions. A new protective shield is installed to halt the emissions. Someone subsequently removes it with the result that people die. This person has surely killed the victims rather than let them die, though the account above would seem to suggest otherwise. A way of dealing with this objection would be to say that, when the shield was installed, the original causal sequence was not so much blocked as eliminated. Thus when the culprit removed the shield, this amounted to, or at any rate more closely resembled, initiating a fresh causal sequence rather than releasing an existing one, and thus on the above account would rank as killing.

The moral significance of the distinction

Armed with this account of the distinction, let us turn to its moral significance. Using an imaginary example that has become famous, James Rachels has sought to deny that significance. Smith drowns his 6-year-old cousin in the bath by holding him under the water in order to inherit his fortune. Jones lets his 6-year-old cousin drown in the bath after he has slipped and hit his head, also to inherit his fortune. The cases are identical in terms of upshot and motive and the only difference seems to be that Smith killed his cousin whereas Jones let him die. Rachels asserts that there is no moral difference between the two cases, Jones’s behaviour being as morally reprehensible as Smith’s. He concludes that the distinction between killing and letting die is of no moral significance, and attributes our disposition to think otherwise to the influence of other features that are only contingently connected with the distinction. Thus those who let others die usually have less bad motives than those who kill, and the costs of saving people are usually higher than those incurred in not killing them. But when these motives and costs are equalised as in the example, the moral insignificance of the distinction is exposed.
Rachels’s case involves two people in identical circumstances, one of whom kills and the other lets die. But if we now consider a different sort of case involving only one person who has to choose between killing and letting die, the distinction seems to resume its intuitive force. If the only way a doctor can save two people dying of organ failure is by killing a third person to obtain his organs for transplantation into them, we would surely regard such a killing as morally outrageous and the letting die, if it counts as that, as merely deeply regrettable. But Michael Tooley has produced an example of this sort where once again the distinction seems without force. You are to imagine a machine containing two children, John and Mary. If you push a button, John will die but Mary will emerge unscathed. If you do not push the button, Mary will die and John will emerge unscathed. If you push the button, you kill John; if you do not, you let Mary die. You are to assume that there is no reason to prefer one child to the other. Tooley thinks it a matter of moral indifference whether you push the button and kill or do not push it and let die, and recommends flipping a coin.

Tooley’s moral judgement is open to question. As things stand, Mary is going to die. You can intervene by pressing the button and substitute John’s death for Mary’s, but it is not at all clear that you are morally entitled to do this in the absence of any good reason. By what right do you change who lives and who dies? But let us waive this point and accept for the sake of argument that in this case, and indeed in Rachels’s, there is no moral difference between the killing and the letting die. What follows from this? One might presume that all that follows is that the distinction is not always morally significant. In fact Rachels and Tooley infer the much more powerful conclusion that it is not ever morally significant. They reason that if the distinction ever has moral force, that force must be present wherever the distinction is to be found. But since there are situations involving the distinction where it allegedly has no force, such as the examples given, then it follows that it never has such force.

This is a crucial mistake. The moral insignificance of the distinction in some cases does not entail its insignificance in all. However some explanation is called for as to how the distinction can matter in some cases and not in others. Two points can be made.

First killing and letting die should not be thought of as sharply differentiated homogeneous categories, but as heterogeneous groupings containing a variety of types, such that some of the types in one category are close to types in the other. Thus we have seen that killing covers not just initiating a lethal causal sequence, but also sustaining one and, as we shall shortly see, diverting one. It also covers, as seen earlier, some cases of removing an obstacle to a lethal sequence. On the other hand, letting die covers not just failing to intervene in an existing lethal sequence, but also unblocking a temporarily halted one. No doubt further types are
encompassed by both categories, but we can already see that one type occurs in both, namely unblocking a causal sequence. Sometimes this will be an instance of killing, sometimes of letting die. Thus if we are comparing two cases of this type, one of which just falls in the killing category and the other just in the letting die category, we would expect there to be little moral difference between them, whereas if we are comparing examples of the two categories that are further removed from each other, we would anticipate greater moral difference between them.

The second reason why the distinction between killing and letting die may have force in some cases but not in others, is that there are many factors that contribute to the determination of the rightness or wrongness of an act other than this one. These factors may interact in complex ways with each other. The moral force of the distinction between killing and letting die may be outweighed by other factors, or significantly altered or even rendered entirely nugatory by them.

These two reasons may be invoked to explain why the distinction seems to have no moral force in the Rachels and Tooley examples. The first reason does not seem to apply in the Rachels case because we have here straightforward cases of killing and letting die, one initiating a sequence and the other allowing a sequence to continue, that do not seem close to each other in the way explained. However the second reason does seem applicable. Both the killing and the letting die in this case are characterised by such an equally dreadful upshot, motive and stoniness of heart that the remaining difference between them, the killing and letting die, may be thought to be simply swamped and rendered inoperative as a morally compelling factor.

In the Tooley case the first reason specified above does seem to apply. If you push the button you kill John, but you do so, not by initiating a causal sequence, but by redirecting an existing one. For there was a lethal sequence already under way in the machine that would cause Mary’s death unless stopped. Now redirecting a causal sequence does not involve initiating it, but nor does it just involve letting it continue. It lies in the space between the two. To the extent that the causal sequence already exists and is not stopped, it has something of allowing about it. To the extent that the sequence is redirected it resembles initiating to some degree. Thus though pressing the button is a case of killing, it is a case that has some resemblance to letting die, which would help to explain why, on one view of this case, there seems to be no moral difference between killing by pressing the button and letting die by not pressing it. Moreover, the second reason applies to this case as well. Whether or not the button is pressed, the outcome is identically bad, the life of an innocent child is senselessly terminated. Beside this predominant fact, the issue of whether the death occurs through a killing (particularly of this sort) or a letting die may pale into insignificance, rendered inconsequen-
tial by the larger factor. Thus these considerations enable us to see how the fact, if it is a fact, that the distinction between killing and letting die has no moral force in the Rachels and Tooley cases is compatible with its retaining that force in other cases.

But an adequate defence of the distinction requires more than limiting the effect of certain counter-examples to it. How much weight is carried by the fact, if it is one, that the distinction can explain our intuitions in a variety of cases is a matter of controversy. But whatever the answer to this, there remains the question of why the distinction matters. It is not presumably just an ultimate moral fact that killing is usually worse than letting die, but rather one that ought to admit of a deeper explanation. What explanations are available?

One emerges if we recall how the distinction was drawn above. In the paradigm cases, killing someone involves initiating a fatal causal sequence, whereas letting someone die involves allowing an existing fatal causal sequence to run its course. In the first case the cause of death is the person who initiated the fatal sequence, in the second it is the fatal sequence itself rather than the person who allowed it to continue. We attach moral importance to the form and degree of people’s causal involvement in the deaths of others, and it is distinctions of causal involvement that explain the moral importance of the distinction between killing and letting die. Developing this explanation of the distinction further would require an investigation into the nature of causation, which is a controversial issue. On some accounts of causation a failure to prevent a death can count as the cause of it, but it seems to me plausible to suppose that an adequate account of causality is going to register significant causal distinctions of some form between killing and letting die.

A further explanation of the distinction’s moral significance is to see it as reflecting a fundamental difference between two types of moral duty. We have duties not to harm others, which require restraint from us and may, therefore, be designated as negative duties. We have duties to help others, which require intervention from us and may, therefore, be designated as positive duties. These duties differ in both scope and force. Each of us is unable to render assistance to all who need it and so our positive duties are selective and circumscribed, whereas each of us is capable of avoiding harm to all others and so our negative duties are owed to all.

Furthermore, when positive and negative duties clash, when we can only help some by harming others, the negative duties are thought to take precedence. We conventionally suppose that we may not sacrifice some in order to render aid to others (e.g. transplants). To hold otherwise would be to fail to treat people with the respect that we think they deserve. Thus to breach a negative duty is standardly worse than to breach a positive
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On this view then the reason why killing is generally morally worse than letting die is because the former is a breach of a negative duty and the latter is a breach of only a positive duty, if it is a breach of duty at all. This explanation could also be cast in terms of the negative and positive rights of potential victims.6

The distinction and euthanasia

Applying the distinction to euthanasia raises further questions about both its nature and its moral force in this context.

Passive euthanasia involves not just letting the patient die, but doing so quite deliberately and for the good of the patient. In a similar way, active euthanasia is deliberately killing the patient for his own good. This means that withholding from a terminally ill patient treatment, which would extend his life a little but which is judged to be excessively burdensome, is not passive euthanasia. Withholding the treatment is to let the patient die and it is withheld for his own good, but the aim is not to end his life so much as to ensure his comfort in his remaining days. If, however, this is regarded as passive euthanasia, as it is by some, and it is then added that active euthanasia is morally indistinguishable from passive euthanasia, then those who accept such withholding of treatment, as most of us probably would, will be said to have no reason to flinch from active euthanasia. Endorsement of the former implies endorsement of the latter.7 But both distinctions here demolished are worth preserving. Passive euthanasia needs to be distinguished both from active euthanasia and from withholding burdensome treatment. The subject of this essay has been the first distinction, and I can do no more here than assert the importance of the second, and add that the defence of it will hinge on difficult issues to do with intention. To suppose that withholding burdensome treatment from a patient is morally no different from active euthanasia seems to me to reveal a profligate disregard of distinctions which is calculated to have a morally flattening and coarsening effect.

Even when these distinctions have been clarified, we are still going to confront ambiguous cases. Consider the difficult and much discussed case of turning off a life support machine. This strikes some as letting die, others as killing. The latter view is typically inspired by the fact that action is required, the body has to be moved, to turn off the machine. But, as we have already seen, letting die can involve action too. Thus when I removed my hands from the rope and you fell to your death, I let you die despite the fact that I moved my hands. And turning off the life support machine may seem to be similar. In both cases a lethal sequence is temporarily blocked and the obstacle to its progress is then removed.
On the other hand we have met an apparently similar case which was one of killing. When the dangerous emissions from a nuclear power plant were blocked by a new shield, the subsequent removal of it and consequent deaths seemed evidently to be a case of killing and not letting die. The difference between this and the rope case is perhaps that in this case there is reason to say that the threat is eliminated rather than halted, and that the removal of the shield is the initiation of a new threat, whereas in the rope case the threat is not eliminated, but only restrained with considerable effort. Which of these two cases does turning off the mechanical life support more closely resemble? The answer is that it hovers uneasily between the two, in so far as the mechanical life support is an obstacle to the lethal sequence that is more stable and self-sustaining than the hands around the rope, but is less so than the shield in the nuclear plant.

Finally, does the distinction between active and passive euthanasia have moral force? I have argued that prima facie it does, in so far as it rests upon the distinction between killing and letting die, but I think that a number of considerations converge to make that force less than one would anticipate. First, the moral force of the distinction between killing and letting die partially flows from the distinction between negative and positive duties. Since duties not to injure carry more weight than duties to aid, infringements of the former, like killing, are more grave than infringements of the latter, like letting die. But some people, doctors amongst them, have particularly onerous positive duties to aid some others, such that the breach of those duties is scarcely less serious than the breach of their negative duties. This equalisation of his duties means that for a doctor deliberately to let his patient die may not seem notably less bad than killing him. Secondly, in the case where the patient requests euthanasia, where the moral case for it is strongest, the effect of that request, according to those who favour euthanasia, is to release the doctor from his negative and positive duties towards the patient, with respect to killing and letting die. Since it is the differential force of those duties that partly engenders the moral discrepancy between killing and letting die, the cancellation of those duties presumably also cancels the moral discrepancy in question, leaving it pro tanto a matter of moral indifference in these circumstances whether the euthanasia is active or passive. Thirdly, I have argued that, while the distinction between killing and letting die has moral force, that force may be weakened or even annulled when this distinction interacts in complex ways with other morally relevant factors. In most situations in which people are killed or allowed to die, the death is a bad thing. This is a pervasive feature of those contexts in which our judgments about the respective merits of killing and letting die are formed. But in the context of euthanasia this feature is reversed: the death is now deemed to be a good thing. This
reversal may have an effect on the moral force of the distinction between killing and letting die, weakening or even cancelling it. Perhaps when death is a good thing for the patient, it really does not matter any longer whether it is accomplished actively or passively.

There is, however, a consideration which pulls in the other direction. I suggested above that the moral distinction between killing and letting die rested not merely on the asymmetry of negative and positive duties, but also on a causal asymmetry. The cause of death in a case of killing is the agent who initiates the causal sequence; in a case of letting die it is the lethal causal sequence. Even if in a case of voluntary euthanasia conducted by a doctor the asymmetry of positive and negative duties is no longer at work, and even if the fact that it is for the patient’s own good affects the moral force of the distinction between killing and letting die, the causal asymmetry between the two remains and invests the distinction with a residual moral importance. We regard life as having an intrinsic value as well as a value to the person whose life it is. When it has ceased to be of value to that person, we therefore still regard its destruction as a matter of the utmost moral gravity. Even if we persuade ourselves that its destruction is the right thing in the circumstances, it seems morally preferable, other things being equal, to accomplish that end by means that render our causal involvement limited and indirect rather than central and direct. Thus we pay our respects to the value extinguished.

References

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6 Foot P. op.cit.
7 Rachels J. op.cit.
8 McMahan J. op.cit. 265–8