

The Meaning of Killing

by Nicolas Delon

Why do we consider killing and letting someone die to be two different things? Why do we believe that a doctor who refuses to treat a terminally ill patient is doing anything less than administering a lethal substance? After all, the consequences are the same, and perhaps the moral status of these acts should be judged accordingly.

Reviewed: Jonathan Glover, *Questions de vie ou de mort (Causing Death and Saving Lives)*, translated into French and introduced by Benoît Basse, Genève, Labor et Fides, 2017, 386 pp.

Jonathan Glover, a British philosopher, is the author of several major works of moral philosophy, notably *What Kind of People Should There Be?* (1984) and *Humanity: A Moral History of the Twentieth Century* (1999). In his classic book *Causing Death and Saving Lives* published in 1977 and recently translated into French, he explores the range of moral questions raised by death, killing and letting die. The book came out of a class that Glover gave in Oxford with Derek Parfit and James Griffin in the years from 1967. It influenced a number of students who attended the class, including Peter Singer and John Harris. Readers familiar with Parfit's work can also identify some of his major philosophical themes in Glover's book, such as issues of identity, population ethics, future generations, procreation and impersonal reasons.

Causing Death and Saving Lives is not a book about the metaphysics of death. Glover does not ponder the nature of death in order to address what makes it bad (or good), and what makes it right (or wrong) to cause death, to allow it to happen, or to fail to bring into existence. There are few issues that Glover does not touch on, except for animals, a topic he does not believe he can do justice to in the book. He covers abortion, contraception and infanticide; suicide and high-risk behaviours; euthanasia and medical assistance programmes;

capital punishment, murder and terrorism; wars and revolutions. These issues of applied ethics are dealt with in the third part of the book and are preceded by a section on moral methodology and a theoretical section on the respective value of life and death and on a range of factors whose normative relevance to matters of life and death Glover calls into question, such as the identity of people, certainty, distance, numbers, etc.

Why is killing wrong?

The book has three main goals, all of which are revisions of common morality. First, Glover aims to provide tools with which to revise our moral beliefs about killing, particularly the traditional doctrine of the sanctity of life. He seeks to give a more accurate account of a whole range of life and death issues that are of moral importance: up to what point and under what circumstances is it permissible to have an abortion? What wars and acts of war can be justified? What makes a life worth living? Do some deaths matter more than others?

Glover's central theory is that the badness of death, and therefore the wrongness of killing (or allowing someone to die), depends on three principles. The first is *the value of a life worth living* for the person who dies. Glover holds that a life only has value to the extent that it is conscious; and that the fact of being conscious itself only has value by virtue of the positive experiences it enables. This has major implications, for instance with respect to life support for foetuses, anencephalic newborns or patients in a permanent vegetative state. The two other principles are: respect for the *autonomy*, and therefore preferences, of the individual, even contrary to the opinion of disinterested third parties; and the relevance of the *overall consequences* of our choices. With these three principles, Glover is then able to defend conclusions that are often nuanced and moderate. For example, given that killing in war does not belong to a distinctive category, Glover maintains that one can neither justify every possible act of war nor defend unconditional pacifism. Other conclusions are more radical, such as his claim that the death of foetuses and newborns is wrong primarily in virtue of its "side-effects," that is, effects that do not directly concern the foetus or newborn as the object of the action but rather, for example, the parents or society. Doing the right thing may demand that we ignore our intuitions urging us to disapprove of direct killing more strongly than allowing people to die, particularly in a distant, anonymous way, and condemn murders making the headlines more strongly than those taking place on the battlefield, or to mourn the death of identifiable victims more strongly than that of "statistical" victims.

Matters of distinction

The second major revision is based on two questionings. First, Glover opposes the very widespread idea that there is a morally relevant difference between the act of *killing* and the act of *letting die*. Second, he challenges two doctrines shared by common morality and the majority of deontological theories: the distinction between *acts and omissions* and the *double-effect* doctrine. The former holds that we have stronger reasons not to cause harm through our own acts (drowning a child) than to prevent a comparable harm (allowing a child to die of hunger.) The latter maintains that causing harmful side effects is permissible if they result from actions aimed at a good end, sufficiently so in proportion to the harm, and it foreseen (or foreseeable) but not intended either as ends or as means. For example, the bombing of military facilities aimed at bringing down an enemy, with the consequence of killing a number of civilians, may be justified according to this doctrine if their deaths are merely foreseen and not intended either as an end or a means to the good that is intended in so acting.

These doctrines imply in particular an ability to distinguish non-arbitrarily between acts and omissions, and between intended consequences and merely foreseeable ones. However, as Glover shows, this is often difficult. Why do we consider that a doctor who refuses further care for a terminally ill patient in order to relieve suffering is doing anything different from directly administering a lethal substance? There is no difference between the respective intentions and consequences of the two actions. In both cases we can describe what the doctor does intentionally as having the same purpose and consequences. The difference, if any, seems to be more closely related to the distance between the agent and the consequences than to the quality of the action. According to Glover, the mere fact that in one case the doctor allows the patient to die while actively causing death in the other case does not constitute a relevant difference.

Glover shows that, once these distinctions are set aside, some of our moral beliefs collapse, considerably altering the moral structure of life-and-death issues. If these differences matter less than we think, perhaps we should in fact be equally concerned by the deaths we cause directly and those to which we pay no attention (deliberately or through ignorance): poverty, tropical diseases, pollution or road accidents cause far more deaths than more dramatic intentional acts.

Matters of method

One of the strengths of *Causing Death and Saving Lives* is its focus on similarities and differences between practical cases – which also makes the book controversial. I just discussed how for Glover some of our usual distinctions are arbitrary, vague or porous: this applies to

the differences we establish between the developmental stages of foetus, actions and omissions, assisted suicide and passive euthanasia, or even the near and the far (both across space and time.) This does not imply that such distinctions are never justified for practical, legal and political purposes. But they do not have the basic moral importance we give them. For example, once we give up on the sanctity of life doctrine, if contraception is allowed and if acts and omissions are morally equivalent, then abortion would be permitted in many circumstances, particularly in the case of serious disability; likewise, medical anomalies for which abortion is permissible could justify infanticide in exceptional cases¹. According to Glover, it is precisely by taking account of these continuities that one can address them coherently and rationally, even if that means overturning some of our basic convictions.

Finally, Glover tries to challenge our way of reflecting on all these questions. To his mind, they need to be addressed in a more humane and contextual way, rather than taking the absolutist and legalist approach that is prompted by the idea that life is sacred, by the doctrine of acts and omissions and by the attachment to rigid, context-insensitive principles. The morality of our choices depends on the consequences they have for those affected by them, rather than on any such principles. Glover finds justification for his revisionism in the fact that these conventional ideas cause a great deal of suffering and pointless, avoidable deaths. One of the main themes of his line of argument is the focus on the side-effects (near or far, intentional or not) of our actions, common practices and the policies we implement. These effects are no less relevant to moral evaluation than the intrinsic qualities of our actions. They include the suffering caused to a victim's family, the indirect damage caused to others, the loss for society, the influences of an act or a rule on the majority of moral agents, etc.

Glover is therefore a consequentialist: in other words, he considers that the moral status of an act or rule should be evaluated primarily, if not exclusively, according to its consequences. The appropriate thing is that which promotes – in this case, maximises – that which is good. However, Glover does not presuppose consequentialism. He takes as a point of departure a number of principles and intuitions whose implications he reveals and which he invites the reader to question; he grounds his arguments on the most solid foundations of common morality, of which he then goes on to reject some key elements. The principles that enable him to achieve this are, of course, themselves subject to dispute, but Glover convincingly shows that it can sometimes be difficult for his opponents not to attach some importance to consequences, lest they run into implausible or incoherent views. Glover advocates a form of rule utilitarianism, where the rightness of actions derives from the rules, conveyed by social policies, which, if they were generally followed, would have the best consequences, and which take into account the behaviours and attitudes of all individuals concerned.

¹ Glover exercises caution on this issue, and calls for the adoption of clear and detailed social policies that do justice to the complexity of situations (foreseeable quality of life for newborns, parental autonomy, side-effects for the family and society, etc.)

It is worth noting that Glover takes into account the limitations of our psychology, which are somewhat likely to undergo gradual change, but are nonetheless real, particularly because moral rules reflecting these profound limitations are more likely to produce the best consequences. The problem is that these limitations are lacking in direct normative relevance. For example, we are far more concerned by the rescue of a single miner trapped in a mineshaft than we are by safety measures that might save many lives, but our response is primarily psychological. Moreover, this kind of response often relates not to the intrinsic properties of acts but to their side effects; they should therefore be contingent and not form the basis for an unconditional judgment. Many of the issues discussed are thus intentionally left without a clear answer, because they require further empirical examination. Glover, both honest and modest, simply aims to provide us with the tools we need to advance in our consideration of these questions.

Showing remarkable argumentative clarity, *Causing Death and Saving Lives* is written in a style that dispenses with unnecessary jargon and overabundant references and notes. The reader will also appreciate the author's efforts to respond to problems without conceding much to common sense or any particular moral theory, as well as his concern with documenting the examination of each question in the light of specific cases, real people, the social sciences, medicine, history and literature, especially considering that his attention to empirical details is also accompanied by an acknowledgment of our fallibility regarding the value of different lives. The French translation is not always perfect, far from it, but the choices of terminology are overall consistent and correct. Benoît Basse does justice to the clarity and accessibility of Glover's writing. Finally, it is striking to see how the issues raised in 1977 are still relevant and how people's attitudes, disagreements and unsolved questions continue to structure debates on euthanasia, just war and, perhaps less so in France, abortion and the death penalty. Philosophers, the general public, students and teachers alike will benefit greatly from (re)discovering this classic book forty years after its original publication.

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