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In the last two decades an intense philosophical discussion of problems in medical ethics has developed. A good part of the debate centers around the circumstances of death and dying under modern conditions. Due to advances in surgery and increased possibilities of life-sustaining treatment, the question as to what extent life-saving measures are or are not obligatory has become an especially urgent one. In the context of these problems, some philosophers have argued for the ethical permissibility of active euthanasia.

The aim of this essay is to analyze the philosophical position of one of the advocates of active euthanasia, namely Peter Singer. In the course of a heated public debate Singer's views on euthanasia have become notorious, especially in German-speaking countries. In a final section I try to show why these reactions—though in some forms clearly unacceptable—are at least understandable. I also try to show what consequences they might have for the practice of applied ethics in the future.

Singer's theoretical position

Singer is a utilitarian. His methodological approach to the issues of applied ethics is clear and simple: a rather direct application of certain principles of preference-utilitarianism. According to preference-utilitarianism that course of action should be taken which maximizes the satisfaction of the interests of the person affected. A preference is what a person chooses after rational consideration as promoting her own interests.

There is a prominent view determining to a large extent the attitude of Western societies towards killing and which Singer holds to be mistaken. This is the so-called "sanctity of life doctrine," according to which killing a human being is simply wrong.[1] As Singer points out, "human" is here understood in the biological sense of species-membership, but by "human" can also be meant: fulfilling certain criteria of "humanness," such as self-consciousness, having a sense of the future and the past, abilities for communication with others, in short: being a person. That the life of human beings—*qua* human-in-the-biological-sense—has intrinsic worth and more worth than that of other beings, this amounts for Singer to mere "speciesism," a form of discriminating against other beings by picking out some morally irrelevant characteristic. The borders of the moral realm are, he insists, not congruent with the defining lines of species-membership.

Morally relevant factors for Singer are: whether a being has interests, or is capable of experiencing pleasure or pain. Consequently he thinks it impossible to define the value of a life independently of that life's quality, which means taking into account the amount of interests satisfied or pleasures gained.

Singer himself develops two arguments to show why and in which respects killing is wrong. The first one reads as follows:

(i) An action is morally wrong if it thwarts the preference of a being.

(ii) The preference relevant to killing is a desire to live.

(iii) To kill a being that has a desire to live would thwart its preference to continue living.

(iv) Hence it is morally wrong to kill such a being.[2]

The scope of this first argument is quite limited. It only gives a reason why it is wrong to kill *persons* (the only beings capable of having preferences or desires), a conclusion Singer explicitly affirms:

> Killing a snail or a day-old infant does not thwart any desires of this kind (i.e., desires for the future), because snails and newborn infants are incapable of having such desires.[3]

This creates a difficulty. Were Singer to stay with preference-utilitarianism in combination with his criterion of persons, he could only show that killing grown-up, fully rational human beings (and maybe some higher animals, if one concedes that they are persons in Singer's sense) is morally unacceptable. Of course that would not quite be what a philosopher having made such a strong point for vegetarianism is after. Consequently Singer introduces a second argument—based on classical utilitarian considerations—that allows dealing with the issue of killing in regard to "non-persons":

(i) Many beings which are not persons are able to experience pleasure and pain.

(ii) To experience pleasure is something valuable.

(iii) A dead being cannot experience further pleasure.

(iv) Therefore it is wrong to kill such a being (since this amounts to depriving it of something valuable).[4]

The principle underlying this reasoning is, of course, the classical utilitarian one that the sum-total of pleasure should be maximized. Hence

the argument implies that killing a non-person is wrong only if the amount of its future pleasure to be expected outweighs that of its future pain.

Singer establishes the wrongness of killing in light of the question whether killing runs counter to a desire to live or destroys the possibility of experiencing further pleasure. Other factors—such as a right to life based on certain wishes, respect for autonomy, the indirect effects killing has on other people—he mentions as worthy of consideration, but they are not taken into account by the main line of his thinking.[5]

To the extent that he relies on classical utilitarianism Singer faces all the well-known objections launched against this moral theory.[6] Most critical discussions of utilitarianism turn on the point that, with its emphasis on a maximization-principle as the sole criterion of moral correctness, it leads to results strikingly in conflict with our moral intuitions. Numerous arguments and counterexamples were developed to show this.[7]

I do not want to enter here into the controversy whether these quite familiar counterexamples are successful or not in undermining utilitarianism. Hare, for example, points out that most of these arguments are unrealistic or indeed fantastic.[8] But what does seem to be agreed on after so much discussion—something conceded by many utilitarians—is that utilitarianism indeed confronts a problem in this respect and calls for certain constraints.[9] The usual strategies of (classical) utilitarians—to account indirectly for rights of non-interference and non-violence by integrating the harmful effects of offending them into the utility-calculus—remain unsatisfactory. Besides the odour of artificiality, such strategies face the same problems: how to weigh the harmful effects and how to balance them with the benefits. Especially in regard to issues of life and death this problem is a grave one.

As we see, Singer uses two versions of utilitarianism in order to deal with the issue of the morality of killing: preference-utilitarianism for persons, classical utilitarianism for sentient beings that are not persons (in Singer's sense). What's wrong with that? one could ask. So far, not much. But one should keep in mind why Singer adopts the two approaches, namely to avoid a strange conclusion. If he stayed with preference-utilitarianism he could only show that killing persons is wrong. Hence his underlying rationale seems to be: choose that ethical framework which generates plausible consequences. This is worth noting in light of the standard utilitarian emphasis on the thesis that our preconceptions of morality should not be relied upon, that moral problems should be decided by the standards of rational argument alone—a method that might force us to give up quite a number of our moral convictions (a point we come back to in the last section of this essay). Moreover, as I want to show in the next section, Singer's

back and forth between preference- and classical utilitarianism raises difficulties precisely in regard to his suggestions about euthanasia.

Singer distinguishes between three forms of euthanasia: voluntary, non-voluntary and involuntary.

Voluntary euthanasia means fulfilling the explicitly and repeatedly uttered and rational wish of a person to be killed. In some cases it is hardly distinguishable from assistance to suicide.

Non-voluntary euthanasia covers situations where the person concerned is not able to give consent to her being killed, as she is in a state of mind where she cannot even grasp the meaning of a life-or-death decision. It is presupposed (at least in some cases) that the person would prefer to be dead, if she could be asked, or that death would be in her best interests.

Involuntary euthanasia applies to cases in which the person concerned is able to give consent to her being killed, but the consent is not given, either because the person is not asked at all or because the person decides to go on living.

Singer thinks voluntary euthanasia morally justified, and he argues in favour of its legalization under certain conditions.[10] This is a simple consequence of his position outlined above: if a person does not have a desire to live that could be thwarted, killing her does not involve any wrongdoing. Non-voluntary euthanasia Singer considers as justified in some cases; involuntary euthanasia he rejects.

No doubt among these forms the issue of non-voluntary euthanasia is the most controversial. Cases for which the question is relevant include, e.g., people in a permanent coma and persons reduced to an irreversible vegetative state. In fact Singer discusses the issue of non-voluntary euthanasia mainly in respect to handicapped infants. In the following I concentrate on this point, since it was just this aspect of Singer's position that initiated the sharp reactions in German-speaking countries.

Singer's criterion of person plays an important role not only in the application of his basic moral principles (by drawing a line determining which ethical approach is adequate), but in supporting a substantial consequence, i.e., that a differential grading of the "right to life" of different human beings seems possible. Besides the desire to live, Singer regards as relevant for the wrongness of killing a human being

> characteristics like rationality, autonomy and self-consciousness . . . Defective infants lack these characteristics. Killing them, therefore, cannot be equated with killing normal human beings, or any other self-conscious beings. . . . No infant—defective or not—has as strong a claim to life as beings capable of seeing themselves as distinct entities, existing over time.[11]

Since handicapped babies are not persons, the question whether they can or should be killed has to be decided on classical utilitarian grounds. The main point is: Will their future life be "worth living" in the sense that there is a surplus of pleasure over pain? In the light of Singer's distinction between persons and non-persons this reasoning applies to babies in general, not just handicapped ones. Singer offers two reasons why it is not justified to kill newborns generally. First, having a baby is, under normal circumstances, a happy experience for the parents; second, a normal baby will usually have a life worth living. The attitude of the parents Singer thinks crucial. Sometimes, as he points out, the effect the death of such a baby has on the parents would be rather a reason for killing it. But if the parents—as is often the case—want their handicapped infant to live, this counts against killing it. The situation is different if the attitude of the parents is indifferent or if they prefer the death of the baby and no one is willing to adopt the child. In the further discussion of the issue Singer presupposes that the consent of the parents for euthanasia is given.

Which case does Singer have in mind? First of all, severe cases of *spina bifida*. The life of some of these babies would be so miserable, he suggests, that killing them would be correct. Singer raises the question of euthanasia also in respect to minor handicaps like Down's syndrome and haemophilia. To interpret Singer's reasoning correctly here, we have to fill in some of the gaps. Singer takes into account that the maximization of pleasure (minimization of pain) can be reached in two ways: either we increase the pleasure of the persons already existing (prior-existence view) or we increase the number of persons that will have a pleasurable life (total view). To increase the total sum of pleasure, it does not matter which option we choose. The converse holds for minimization of pain: we can try either to reduce the amount of miserableness of the persons already alive or to reduce the number of persons leading painful, miserable lives.[12]

Which alternative should be adopted? The difference in the consequences is striking: the total view, but not the prior-existence view, allows us to kill human beings in order to minimize pain. Singer tends to the total view, since the prior-existence view faces difficulties he thinks considerable. For the moment, I want to remain with these sketchy remarks, as Singer's justification of the total view will be analyzed in more detail later.

Let us go back to the cases of Down's syndrome and haemophilia. Would euthanasia be justified in such cases (the consent of the parents presupposed)? Singer concedes that the life of neither a Down's syndrome nor a haemophiliac child can be said to be not worth living, though it would not be without difficulties. Hence the conclusion seems simply to be that it

is wrong to kill such a child (a conclusion following also from the prior-existence view). But Singer proceeds to discuss the issue in light of the total view, the position he prefers. On the total view, where the *de facto* existence of a being is neglected, beings are replaceable if such replacement does not involve a reduction of the sum-total of pleasure; even stronger: we have a quite compelling reason to replace them if that entails an increase in the sum-total of happiness. Hence, Singer concludes, the issue of infants with minor handicaps should be decided with respect to the "next child," i.e., whether the mother would have another child in case the handicapped child would not live. In other words: due to the intense care it demands, a Down's syndrome child or a haemophiliac child might prevent a mother, who wanted two (or more) children, from having a second child. If it is reasonable to expect the second child not to be handicapped—which means having greater prospects for a happy life—it would be correct reasoning, according to the utilitarian total view, to kill the handicapped infant.

So much for the exposition of Singer's views on non-voluntary euthanasia in respect to handicapped babies. As public reactions have shown, many people feel deeply irritated by these conclusions as well as by the pompous appeal to "rationality" that allegedly makes them inevitable. As moral indignation and its legitimacy are not the topic for the moment, let us return to Singer's arguments.

In the following I want to take a closer look at the issue of replaceability of infants. Remember: infants as non-persons are to be held replaceable if this leads to an increase of happiness. But would not this justify all sorts of killing we clearly think unacceptable? Take the following example: a woman expecting a baby wants it desperately to be a blue-eyed, fair-haired girl. Instead it turns out to be a brown-eyed, black-haired boy. She does not want to keep the child and no one wants to adopt it.

So far, this is of course not a counterinstance to Singer, since nothing tells against this child having probably a life worth living. (The factor that its happiness might be reduced by growing up in an orphanage we here neglect.) But now let us add some details about the woman's circumstances. Suppose she is living in a community where only fair-haired girls are welcome and a woman can raise no more than one child. Girls who are not fair-haired and blue-eyed are tolerated though their prospects are considerably less. But the fate of the boys is simply terrible. On the total view, in such circumstances (the consent of the mother being assumed), it is justified to kill the boy; the more so as this would enable the woman to give birth to a girl. If one considered killing the boy justified would this not equally commit one to be at least indifferent to the killing of various kinds of animals raised on industrial farms, since this spares them a miserable life and they are replaceable anyway?

Probably one would object that the example above does not strike home, since the problem it raises lies in something different than the question of the morality of killing: namely in the unacceptable social practices which the example presupposes. But is not this precisely the crucial point? As is often argued, a lot of handicapped children would have quite a meaningful and happy life, if more were done in their social setting.[13]

In a certain sense the idea that infants are replaceable (even under certain conditions) looks plainly absurd. We, including Singer, do not think that persons are replaceable, so why should we hold this of infants? Once more: this strange conclusion is due to Singer's distinction between persons and non-persons, a distinction which entails their being subject to two different moral approaches. Persons are for him not replaceable, infants are, since they fall under the total-view version of classical utilitarianism. This raises two questions:

(1) Is the distinction between preference-utilitarianism and classical utilitarianism sufficient to guarantee that replaceability is not applicable to persons?

(2) Is the total view convincing?

Ad (1). As versions of utilitarianism, both preference-utilitarianism and the total view presuppose a general maximization principle: it is better to maximize the total benefit. The difference between them lies in how they exemplify that general principle, namely as:

(i) it is better to satisfy more preferences than less,

(ii) it is better to maximize the sum total of pleasure.

But now the question arises: if it is allowed to substitute the pleasures of one being by the pleasures of another (which means replacing the one being by the other) provided that this increases the sum-total of pleasures, why should it not be equally allowed to substitute the preferences of one being by the preferences of another (which means replacing one person by another) provided this increases the amount of preferences satisfied?

In other words: if pleasures can be weighed against one another, so can desires.[14]

I think that Singer does not have a solution to this problem, as a look at his justification and the thesis that persons are not replaceable shows:

> Sentience suffices to place a being within the sphere of equal consideration of interests; but it does not mean that the being has a personal interest in continuing to live. For a non-self-conscious being, death is the cessation of experiences, in much the same way that birth is the beginning of experiences. Death cannot be contrary to an interest in continued life, any more than birth could be in accordance with an interest in commencing life. To this extent, with non-self-

> conscious life, birth and death cancel each other out; whereas with self-conscious beings the fact that, once self-conscious, one may desire to continue living means that death inflicts a loss for which the birth of another is insufficient compensation.[15]

Somehow, Singer wants to draw the distinction between the replaceability of persons and non-persons by arguing that, in the case of persons, death is a loss; in the case of non-persons, merely a "cessation of experience." That is implausible. In respect to non-persons as well as to persons, the twofold interpretation of death—as "cessation of experience" and as loss—is possible: if a person is dead, she does not have further experiences—a trivial fact. Even if we grant Singer that non-persons (sentient beings) do not have a desire to live—a highly dubious assumption anyway[16]—it seems plausible to assume that they at least have a longing for pleasure, i.e., the absence of pain. (Think, e.g., of the strong reactions of babies if they do not feel comfortable.) Thus death in their case can equally be seen as a loss—thwarting their longing for pleasure. In both cases, death is a loss that cannot be compensated for by another being or person. (Or: if one thinks it can be compensated for in the one case, then one has to concede that it can be compensated for in the other too.)

So the answer to the first question is negative. Singer's theoretical position leads to consequences (i.e., replaceability of persons) which he himself is obviously unwilling to accept.

Ad (2). Independent of this first objection one might raise the criticism that the mere idea of replacing infants is unacceptable and conflicts sharply with the moral convictions of most people. Why does Singer not give up the total view that entails such absurdities? Singer offers two reasons in favour of the total view:

(a) On the prior-existence view we do not have an obligation to reproduce (i.e., to give rise to children expecting a pleasurable life). But this position cannot explain why parents should not beget a child where it is clear that, due to the genetic defect in the family, it would have a terrible life and die before its second birthday. For, if pleasure is not a reason for reproduction, pain cannot be a reason for refraining from it, either. On the total view, it is clear, we should not generate such a life.

(b) That argument draws on the point that Singer does not think that the idea of replaceability of handicapped infants is so unacceptable. He views it as, in principle, not different from a practice in use which many people hold morally acceptable, namely abortion due to a handicap of the *foetus* diagnosed by *amniozentese*. Undertaking abortion and trying for a new pregnancy with the prospect of a normal child means replacing one

foetus with another. Since for Singer, *foetus* and infant share the same moral status (both are not persons and birth does not create a relevant distinction), infant-replaceability cannot be morally rejected if abortion due to medical indication is commonly accepted.

Are these arguments convincing? The problem raised in (a) is, in fact, a problem only for utilitarians (perhaps one more reason that speaks against this ethical theory), a problem created by the assumption that equal weight should be given to the maximization of pleasure as to the minimization of pain. If the avoidance of harm gets priority—as is often expressed in a thesis to the effect that negative duties are stronger than positive ones—the asymmetry can easily be accounted for.[17]

The second argument, (b), touches the issue of abortion. In Singer's justification of abortion the fact that the *foetus* is not a person (with a desire to live) plays a crucial role. Consequently there develops a close interrelation of questions of abortion and euthanasia due to the way Singer draws a distinction between the claims to life of non-persons and of persons. I cannot go into the issue of abortion in this essay. It is worth noting, however, that there exist different justifications of abortion, which do not necessarily imply that *foetus* and infant share the same moral status. To hold that abortion due to medical indication is allowed need not commit one to the view that infants are interchangeable.

Thus it is not clear why Singer sees himself forced to the total view; the arguments *per se* do not seem that striking.

To sum up: We have tried to point out some problems in the way Singer deals with euthanasia in respect to handicapped infants. One objection was that Singer too easily allows the killing of handicapped infants; the conditions that have to be fulfilled—consent of the parents, expectation of a miserable life—are not sufficient. There are always circumstances imaginable in which the life of a child would be miserable and the consent of the parents more or less the result of a hopeless situation. The prime importance would be to change such social conditions or practices and not to consider whether killing would be the best solution. To phrase it differently: Singer's considerations in a way lead to a strange shift in moral priorities. Should not our primary task be to improve the life-conditions of Down's syndrome or haemophiliac children instead of estimating whether their being replaced by a healthy child might increase the sum total of benefit?

The other criticism was that Singer has to concede the "replaceability of persons" if he holds to the "replaceability of infants".

Somehow a change in Singer's starting premisses seems inevitable. Whether this amounts to giving up his distinction between persons and non-persons or to giving up his utilitarianism I want to leave open.

Defenders of active euthanasia usually support their position by the argument that one cannot draw a distinction between killing and letting die. Hence they argue that the widely-held attitude of society which tolerates some forms of passive but rejects active euthanasia is mistaken. There is no morally relevant factor that would sanction keeping separate cases of killing and cases of letting die. James Rachels, who, like Singer, pleads in favour of active euthanasia, has developed the following example to illustrate this:

> Smith has a six-year-old cousin. He will inherit a lot of money if the cousin dies. One evening Smith enters the bathroom and drowns the child. Jones also has a six-year-old cousin and will also inherit a lot of money if the cousin dies. Like Smith, Jones plans to kill the child. Just as he enters the bathroom he observes the child slip, hit his head and fall into the water. Jones just stands by, watching the child drown.[18]

The consequence in both cases is the same, the child ends up dead. The two men acted from the same motive: to gain money. Rachels's objection to the killing/letting-die distinction now is: "If the difference between killing and letting die were itself a morally important matter, then we should say that Jones' behavior was less reprehensible than Smith's."[19]

But of course—to continue Rachels's argument—that would be an implausible conclusion. Hence we should give up maintaining a difference between killing and letting die. More precisely: Rachels regards the example just outlined as support for an "Equivalence Thesis" in respect to killing and letting die: if the one act is permissible, so is the other; if the one is morally bad, so is the other.

The idea behind the common distinction of killing and letting die is that negative duties (refraining from doing something) are sometimes stronger than positive duties.[20] So it is argued that in general I have a stronger duty to refrain from killing someone than to save his life, since the latter might amount to a supererogatory act. Just one example where this seems to fit:

> Suppose I am standing on a bridge crossing a pond and watch the ducks. Suddenly a drunken man comes by and bothers me. Version 1: In a sudden attack of aggression I throw him down into the water where he drowns. Version 2: Due to his drunkenness he falls down himself and drowns.

My action in (1) is of course bad, there is no excuse for it. But my omission from jumping down and saving the man cannot be judged similarly. Had I done it, I would have probably earned a life-savers' medal; but I had no *duty* to do it. Thus there seems to be a difference in this case between action (killing) and omission (letting die).[21]

Prima facie the Equivalence Thesis gains support from the Smith-Jones case—this we can grant to Rachels. But does it hold for all cases? Is there always a symmetry in moral evaluation of the sort that if the action is bad, the omission is equally bad? The "bridge-example" seems a counter-instance, as also does a version of Judith Jarvis Thomson's trolley-example. A trolley is out of control and will kill five people ahead on the track. One way to stop the trolley would be to throw a very fat man from a bridge crossing the track. Doing this would clearly be wrong. But the same does not hold for refraining from throwing down the man and letting the five people on the track be killed.

Let us look a bit closer at Rachel's support for the Equivalence Thesis. He offers two arguments in favour of it: the "Bare Difference Argument" says that the mere difference between the acts of killing and letting die "doesn't itself make any difference to the morality of actions concerning life and death."[22] There might be other factors that make a difference to the moral evaluation, but the mere fact that the one is a case of killing and the other one of letting die cannot make the distinction. The Bare Difference Argument Rachels thinks to have the disadvantage of being superficial; it does not show *why* killing and letting die are morally equivalent. This the "No Relevant Difference Argument" does. Its main line is the following: If two actions are supported by the same reasons, then this implies that neither action is preferable to the other, they are morally equivalent. There are the same reasons that speak for killing as for letting die, hence they are equivalent. Killing is wrong because it involves a loss—we lose a good, i.e., life. But the same holds in cases of letting die: the person affected equally loses her life (a good).[23]

Are these arguments convincing? Do they make the Equivalence Thesis plausible?

The problem with the Bare Difference Argument is that it builds on a strange interpretation of "bare fact." Rachels understands by "bare fact" something like: being a sheer act, where the question *what kind of act?* does not play a role. This becomes clear if we look at his rejection of the following counterexample posed by Judith Jarvis Thomson against the mode of reasoning employed in the Smith-Jones example (which supports the Equivalence Thesis):

> Alfrieda knows that if she cuts off Alfred's head he will die, and wanting him to die, cuts it off; Bertha knows that if she punches Bert in the nose, he will die—Bert is in a peculiar physical condition—and, wanting him to die, she punches him in the nose. But what Bertha does is surely every bit as bad as what Alfrieda does. So cutting off a man's head isn't worse than punching a man in the nose.[24]

Rachels's reply: The Alfrieda-Bertha example is sound and it generates just the conclusion the Bare Difference Argument says it should. Both acts are alike in "all other respects" except that the one is an act of chopping off someone's head and the other an act of nose-punching. What makes the first act bad is its consequence: the death of the victim. But as this consequence also holds in the second case, this act is as bad as the first one. Thus the Bare Difference Argument is not refuted, because "considered apart from their consequences" head-chopping is not worse than nose-punching; the bare fact that one act is head-chopping, the other nose-punching, does not make a difference.

That is a strange reply. In Thomson's example something goes wrong, but what it is can be pointed out rather simply: nose-punching does not usually mean killing a person, when chopping off a man's head does. The example is not a refutation of the reasoning in the Smith-Jones example since nose-punching amounts here to killing, so Thomson's conclusion is not counterintuitive, but trivial (killing is not worse than killing).

Rachels's reply makes clear in what way he understands 'act'. He obviously means: "the mere act, apart from its consequences." But then the Bare Difference Argument reduces to quite a hollow thing and misses the point, since it cannot support the Equivalence Thesis, i.e., it cannot prove that killing and letting die are morally equivalent. This thesis makes use of *moral evaluations*, but in the Bare Difference Argument the concept of act is used in a way that simply leaves no ground for any moral evaluation.

Let us go to Rachels's second argument, the No Relevant Difference Argument. It's main point was: killing and letting die are on the same moral level, since they are supported by the same reasons. Killing is wrong, as it involves the loss of one's biographical life, and the same holds for letting die. Again the Smith-Jones example seems to exemplify that. But is not a quite specific sense of "letting die" here presupposed, one which we do not generally use?

Rachels himself points out that it would not be much more than a "grotesque perversion of moral reasoning" if Jones defended himself and thought he could get away with saying that he merely "let the child die." Rachels takes this as further support for the Bare Difference Argument, but it can be interpreted in another way: namely that "letting die" is here used in a euphemistic way. Jones's behavior did in a way amount to killing the child by watching it drown; legally he would be accused of "murder by omission."[25] He could have saved it easily—but he did not do so because he wanted it to end up dead. But that understanding of "letting die" simply is not at issue in the context of medical decisions about cases of "letting die"

in the sense of passive euthanasia. When it is said—as is today quite common—that it is allowed to let a patient die, then this is meant in the sense that no further life-prolonging treatments should be used. It is not intended that the doctor could have saved the patient easily, but just did not do so because he wanted to see the patient end up dead. The situation is that the patient is dying in any case (and not because of any action the doctor takes) and further means of life-extension are senseless (or simply cruel) because the doctor *cannot save the patient* by these means.

Probably Rachels would object that in this situation killing the patient would not make a difference. But it does. The reasons supporting killing would not be the same as the ones supporting letting die. When we kill a patient directly, with full consciousness of what we are doing, then we want him to be dead; death here we regard as a good. But when we let him die (in the sense of not being able to save him) we do not regard death as a good, we do not want the patient to die, but we cannot prevent it.[26]

To sum up: We have criticized Rachels's arguments supporting the Equivalence Thesis. This thesis does not hold generally for all cases of killing and letting die. Rachels understands "letting die" in the sense that *we could have saved someone* (easily as, e.g., in the Jones case), but did not want to do so. I have argued that this sense of "letting die" is not presupposed when passive euthanasia is considered as allowed in medical contexts (in the sense of abstaining from further life-prolonging measures).[27]

A further point: Even if we take the Equivalence Thesis for granted, i.e., that killing and letting die are indeed morally equivalent in all cases, can this really confirm what advocates of active euthanasia want it to show, namely that active euthanasia is allowed? I do not think so.

Proponents of active euthanasia often use the symmetry of killing and letting die (once they have "proved" it) in a generalizing way, ignoring the moral side of the question. Their way of reasoning in fact undermines the Equivalence Thesis.

An example of this seems to me the way Helga Kuhse und Peter Singer argue for the permissibility of active euthanasia in their book *Should the Baby Live?* They start with two case studies: the one of "Baby Doe" and the other of a baby called John Pearson. John Pearson was born as a Down's syndrome baby in 1980 (in Derby, England). The doctor first examining him found no other deficiencies besides Down's syndrome. As the parents rejected the child, the same doctor ordered "nursing care only" (which means the baby was fed only with water) in combination with a painkiller. The baby died three days later.[28]

Cases like this Singer takes as supplying an argument in favour of active euthanasia: it would have been more humane to kill John Pearson directly by a lethal injection. But that conclusion cannot be guaranteed by the Equivalence Thesis. Remember: the symmetry of killing and letting die propounded by this thesis says only that the two acts are morally equivalent; i.e., if the one is justified, so is the other. But Kuhse/Singer do not raise the question whether the orders of the doctor were morally justified. I think we have good reasons for saying that the doctor's action was not morally correct.[29] But if letting the baby die was not justified, it would be equally wrong to kill the baby by a lethal injection. Hence Singer cannot rely on the symmetry of killing and letting die in his argument for active euthanasia in cases like this.[30]

One might object that Singer's reasoning in this case is slightly different, that we have not interpreted him correctly. For he does not here dwell on the Equivalence Thesis, but argues rather that killing is *more humane* than letting die. And in fact Singer does argue in that way. But then he ends up in a dilemma: arguing that killing is more humane than letting die amounts to saying that killing is morally better than letting die. But not only can we not reach this conclusion via the Equivalence Thesis, we have now a counterinstance to the alleged symmetry between killing and letting die.[31]

Defenders of active euthanasia often proceed in the following way: the Equivalence Thesis is put forward as undermining the widespread conviction that killing is worse than letting die (which Singer e.g., regards as mere fiction). But then it is suddenly argued that the moral correctness of active euthanasia follows directly from this alleged symmetry, which is simply wrong.

This reasoning—to maintain the symmetry of killing and letting die in a generalizing way, forgetting its restriction to an equivalence in moral evaluation—seems in the meantime so common among advocates of active euthanasia that it is worth remembering what Philippa Foot in a famous article had to say about it:

> It must in any case be insisted that if children with Down's Syndrome are deliberately allowed to die this is not a matter of euthanasia except in Hitler's sense. And for our children, since we scruple to gas them, not even the manner of their death is 'quiet and easy'; when not treated for an intestinal obstruction a baby simply starves to death. Perhaps some will take this as an argument for allowing active euthanasia, in which case they will be in the company of an S.S. man stationed in the Warthgenau who sent Eichmann a memorandum telling him that 'Jews in the coming winter could no longer be fed' and submitting for his consideration a proposal as to whether 'it would not be the most humane solution to kill those Jews who were incapable of work through some quicker means'.[32]

Reactions in the German-speaking world

Peter Singer's views on euthanasia were not appreciated in German-speaking countries. The reactions were especially fierce in Germany, but public protests arose equally in Austria and Switzerland. Several lectures Singer was invited to give at German universities in late spring 1989 had to be cancelled and Singer's prior invitation to serve as speaker on a conference was later retracted.[33] The latest of these events was the cancellation of the well-known "Wittgenstein Symposium" which was planned to take place in Kirchberg, Austria, in August 1991. The general topic, besides the usual sections on Wittgenstein's philosophy, was "Applied Ethics," and Singer had been invited as one of the main speakers. Already in March 1991, public protests began, and in April 1991 the executive board of the Wittgenstein Society (organizers of the conference), itself deeply split on the subject, decided to cancel the conference.

The criticisms of Singer (this holds for Austria as well as Germany) mainly came from organizations of handicapped people, feminist groups, institutions occupied with the appraisal of the fascist past, and sections of the "Green party,"—thus, in general, more from the left-liberal spectrum than from right-wing "right-to-life" groups.[34]

Why these protests? How can it happen that the discussion of a perhaps difficult and controversial, but doubtless important subject of general relevance, had proved to be simply impossible in these modern, democratic countries? What does this mean for academic freedom of speech? Against the background of a liberal society, can these protests be interpreted otherwise than as the result of illiberal, fundamentalist thinking?

Though I am far from defending these reactions generally, I think they should primarily be understood as an expression of the special sensitivities which exist as a result of distressing historical experiences with the Nazi euthanasia programme in Austria and Germany. It seems to me that the rejection was not in the main a refusal to discuss the problem of euthanasia *per se* (the problem is discussed a great deal, as a look at the relevant literature shows). Rather, it was a consequence of the specific way in which Singer deals with it. It was Singer's conclusions, his manner of drawing a line between persons and non-persons and various insensitive remarks, that initiated the disapproval.

Still, one might object, what has the Nazi perversion of euthanasia to do with Singer? Certain emotions and sensitivities can be understood and should not be neglected; but Singer is approaching the topic of euthanasia from an intellectual background completely different from the obscure and inhumane ideology of the Nazis.

It is exactly here that the different appraisals start. Critics of Singer argue that there are some points worth noting about the Nazi euthanasia programme: the Nazis only took up ideas which had been in circulation long before, ideas that were already common in the eugenics movement at the end of the 19th century. One aim of the eugenics movement—which developed out of a strictly biologically oriented paradigm of medicine, ignoring the social factors of illness—was the reduction and elimination of mental illness and physical and mental handicaps by protecting and improving the "sane hereditary substance." These ideas became intermingled with those of "*Rassenlehre*," the doctrine that some races are superior in respect of their hereditary biological factors. In the context of the eugenics movement, there developed ideas of (active) euthanasia and of "mercy-killing" in regard to a "life not worth living" (the crucial term here was "*lebensunwertes Leben*").[35] The Nazis, so the argument goes, merely put these ideas into practice.

A good deal of the protests against Singer were based on the view that there are at least some similarities between Singer's position on euthanasia and these ideas of the eugenics movement: namely that handicapped people are not persons in the full and usual sense, and that this lessens their claim to life. Critics warn that, once we accept that some human beings are separable from the rest via mere stipulative definitions (of 'person' or 'human being') dependent on certain background theories, then we are on a dangerous road, since then all sorts of criteria for segregating different groups of people can be developed. Why would some definitions be more justified than others, if we can reach no agreement about the underlying frameworks (something standard in a pluralistic society)? In addition, some people felt embarrassed that, while Singer fights "speciesism," the discriminatory treatment of animals, he forgets the discrimination of handicapped people, even worse, supports it through his views. The only alternative, they stress, is a formal principle of equality extended to all human beings, as is common in democratic societies.

The moral and political situation of countries like Austria and Germany after World War II was not easy: the end of a war need not be the end of an ideology. As critics often pointed out, there were remarkable continuities, continuities in habits and patterns of thought and, of course, in careers.[36] It seems worth mentioning that organizations of handicapped people had to fight especially hard to counter prejudices and realize a minimum form of integration for their like. Is not, against this background, a certain bewilderment plausible on hearing again—this time from a philosopher insisting on the "rationality" of his position—that the life of handicapped people has less worth than that of unhandicapped people?

The objections against Singer can be summarized as follows: If we begin to loosen the general claims to life of human beings by differentiating stronger and less strong claims to life of human beings, then we are on a path that might end anywhere (even the worst historical realization we know of so far).

This, of course, is a version of the slippery-slope argument, or, more precisely, of what Bernard Williams has called the *arbitrary result* version of this argument.[37]

So far the background of the protests. How should we evaluate them?

For Singer—and some other philosophers—the protests are not understandable and are based on irrelevant comparisons. They indicate, for him, a lack of understanding of the nature of philosophical discussion and partly reflect the circumstance that the discussion of moral problems in the style of analytic philosophy does not have much of a tradition in German-speaking countries.[38]

The general tone of Singer's replies, and the statements of philosophers defending him, did not ease the situation, but sharpened it. Critics were accused of lacking the qualities of rational thinking in a way which was conceived by the anti-Singer side as a form of arrogance quite out of place in a disipline so much in need of legitimation as philosophy.

These reactions of the Singer side ("if the opponents only knew how to reason . . . ") seem indeed problematic if one considers the methodological situation of applied ethics. The basic idea underlying applied ethics is that of using certain moral principles for dealing with practical problems of general relevance. But as discussions in moral theory show, there is no agreement among philosophers as to the underlying principles. In a way we have the situation that the "endless debates" of philosophers on normative ethical principles find a continuation on the level where they ought to be "applied." For there exist diverging ethical theories, and clearly it makes a difference in respect to the consequences which one of these theories we adopt. Thus everything seems to reduce to the question whether we can find something like the "correct" moral theory; in other words: on what basis do we decide between rival ethical theories.

One familiar way is to see to what extent certain principles are supported by rational considerations. But the idea that disputes here can be eliminated completely by appeal to "rationality" has lost considerable ground in the last years as the concept of practical rationality itself has become controversial. It makes, e.g., a great difference whether a moral theory makes use of a maximizing conception of rationality or a universalizing one. Hence reference to rationality alone is not sufficient to decide these issues.

An additional common method for deciding issues over ethical principles is to see whether their consequences are acceptable. Moral principles have to prove themselves also in light of the social interactions they allow or prescribe. More generally: in light of the social structures they generate. John Rawls's "reflective equilibrium" is probably the most prominent version of that procedure. In a way our preconception of morality—best expressed in our "well-considered judgements"—forms the "test-basis" for the plausibility of moral theories and their basic assumptions via the acceptability of their conclusions.

It seems to me that if at least part of the protests against Singer are interpreted according to this model (i.e., certain consequences of his view clash with usual moral convictions, that are in a way supported by strong reasons), we have at least gained a basis for discussion beyond mutual accusations (of irrationalism and fundamentalism, or of arrogance and insensitivity) and the differing standpoints would not confront each other in such an incompatible sort of way.[39]

Philosophers like Singer and Rachels prefer instead to reply more on the "rationality of argument" in finding convincing moral principles and tend to neglect the importance of "aceptability-considerations" (though, as we have tried to show in this paper, they, too, cannot do without them). Other philosophers find it more plausible to keep to our "intuitions" and to give up a philosophical theory that clashes too severely with them.[40]

Singer's way is, of course, motivated by a reservation towards our common moral convictions: besides viewing them as a strange mixture of unreflected opinions and prejudices,[41] he holds that the appeal to them can form the basis of a conservatism simply blocking changes in social values and practices. Thus Singer obviously sees himself justified in snubbing usual moral convictions by a "reformatory impetus." He and other proponents of active euthanasia think that the allowance or legalization of voluntary and non-voluntary active euthanasia would lead to progress in existing medical practice.

One lesson the historical experiences in Austria and Germany teach us is at least that the standards by which we might evaluate the "progress" reached by a general acceptance of active euthanasia deserve very careful investigation, probably one more careful than that which we find in Singer's writings. For the critics of Singer such progress might consist in a nightmare. Whether we share their fears and agree with their assessment of Singer's views, we certainly should keep in mind a remark of Bernard Williams:

> What degree of what characteristic will count in a given context for being a person may very well turn out to be a function of the interests involved—other people's interests, in many cases. Certainly there is no slippery slope more perilous than that extended by a concept which is falsely supposed not to be slippery.[42]

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NOTES

1. Singer considers this doctrine, which he interprets as absolutely forbidding killing, as typical for the Judaeo-Christian tradition. See Singer 1985, pp. 18–22. The principle that killing is wrong is, of course, also common in secular ethical theories.

2. Singer 1979, pp. 78–81. The argument could be formulated more directly by taking Singer's definition of person into account. But this, as Anton Leist has pointed out, might amount to a misinterpretation of Singer, as he wants to avoid deciding ethical issues via definitions. Leist formulates the argument differently, namely as a general "harm-argument." (See Leist 1991, pp. 146–48.) It seems to me doubtful whether Leist's harm-argument is still what Singer means, as it is open to a non-utilitarian interpretation. Moreover, I am not so sure that Singer is following his own intentions. His definition of 'person' does play a part in deciding ethical problems, e.g., in his treatment of euthanasia. But with the formulation of the argument here given that question is avoided.

3. Singer 1979, p. 78.

4. Singer 1979, p. 85.

5. Singer 1979, p. 84.

6. One should remember that Hare introduced preference-utilitarianism, as he repeatedly stresses, in order to deal with certain problems of classical utilitarianism. Hare for example thinks that preference-utilitarianism solves the difficulty of interpersonal comparisons of utilities which many consider an insurmountable obstacle for classical utilitarianism. See Hare 1981, pp. 121–29.

7. Cf., e.g., Williams 1973.

8. Hare thinks they need not bother us, since they are not likely to occur because they run counter to our well-established *prima facie* moral principles. (See Hare 1981, pp. 30–146.) That's a strange and puzzling reply, at least for Hare. For the objections based on the counterexamples lie on what Hare calls the "critical level" of moral thinking, in the light of which our *prima facie* principles should be tested. So Hare undermines his own methodological programme if he recurs to *prima facie* principles in order to soften certain consequences of critical-level reasoning.

9. One example is an article by Lee W. Sumner, in which he discusses the problems of a utilitarian being a member of a medical-research ethical-review board. See Sumner 1988.

10. These conditions are: the free and rational decision of the person who wants to die; that two doctors testify that the person suffers from a terminal illness which

causes or will cause terrible suffering: that at least 30 days before the planned act of euthanasia the person has to submit a written request in the presence of two testimonies. See Singer 1979, pp. 140–46. Another suggestion is made by Rachels. Rachels thinks these regulations too complicated and hardly practicable. In hard cases one should kill persons who demanded it or where it seems justified (though it is not allowed legally) as courts tend to find verdicts of not guilty in such cases. See Rachels 1986, pp. 182–87.

11. Singer 1979, p. 131.

12. See Singer 1979, pp. 85–88.

13. In regard to replaceability, one could, of course, ask, What makes Singer so sure that a second baby would be so much happier? Even if we concede that *prima facie* the prospects for the normal child are better, are these hypothetical assumptions sufficient to justify an act of killing?

14. Singer could object that preferences presuppose the existence of persons having them. But, equally, pleasures presuppose the existence of beings experiencing them.

15. Singer 1979, pp. 102–03. For a critique of this justification see also Leist 1991, pp. 149–50. Leist's objections turn on the point that, for Singer, 'replaceable' can only be understood quantitatively, not qualitatively. Hence Singer cannot mean by 'non-replaceability' that an individual with certain characteristics cannot be replaced by another, since the relevant factor, on his quantitative perspective, is only whether one set of attributes can be substituted by another and that's definitely the case if one person is replaced by another.

16. The problem is that Singer only takes "actual" desires into account. The deeper reason for this is that he rejects all "hypothetical" or "potential" attributions in this context, as this would force him to a different solution of the abortion problem.

17. One should add that a modification of utilitarianism, namely a "negative utilitarianism," where the avoidance of the overall negative consequences is the overriding principle, would be an alternative.

18. For a full description of the example see Rachels 1986, p. 112.

19. Rachels 1986, p. 113.

20. Cf. Foot 1967, p. 27 ff.

21. For further counterexamples see Trammell 1975.

22. Rachels 1986, p. 133.

23. *Ibid.*, p. 140.

24. Jarvis Thomson 1976, p. 204.

25. According to Austrian law, Jones would be accused of murder. The *Österreichisches Strafgesetzbuch* (Par. 75, *in Verbindung mit Absatz 2*) states that the fact ("*Tatbestand*") of murder can be fulfilled by omission.

26. I think that Rachels would reject that argument as, in a way, intentions come into play which he regards as irrelevant in trying to evaluate morally killing and letting die (and more generally: in deciding whether acts are correct or not). Rachels supports this by the following example: Suppose Jack and Jill both visit their old grandmother for an afternoon to cheer her up. Jack does it out of love for his grandmother, but Jill has in mind that the old lady will soon make her will. Jack and Jill *do* the same thing, hence it would be, so Rachels thinks, inconsistent to say that the one act is correct, the other wrong. The intention with which it is done cannot make

the one act correct, the other wrong. This intention plays a role only in the evaluation of Jack's and Jill's character: we might not think so highly of Jill as of Jack.

But that view generates a lot of implausible consequences; it would not, e.g., allow us to distinguish between murder and killing out of error. Suppose Smith and Jones both shoot at a target. Smith knows, something Jones has no idea of, that if he hits the target this will have the effect of killing someone nearby, and this is exactly part of his plan. Wouldn't it be strange to say that what Jones and Smith did should be valued equally, that only Jones's *character* was not as good as that of Smith? To drop intentions altogether would not allow us to distinguish cases of euthanasia done out of "compassion" from cases of misuse.

27. Rachels has an objection to this latter use of "letting die," namely that it would amount to saying that every one of us let, e.g., Josef Stalin die, since we all could not have saved him. But this objection can be ruled out easily by specifying the application of "could have saved" or "could not have saved" to those cases where a relevant action is possible for the person in question.

28. For a full description of the case see Kuhse/Singer 1985, pp. 1–11.

29. Not even Singer's conditions (formulated in his 1979 book) for the acceptability of active euthanasia were fulfilled: e.g., the possibility of adoption was not considered at all.

30. Sometimes one has the impression that Singer tries to infer the moral correctness of active euthanasia from the mere fact that "letting-die"-cases like the one of John Pearson are (to some extent) common practice in hospitals.

31. The only way out, if one still does not want to give up the Equivalence Thesis, would be to regard the point that killing is "more humane" as a mere secondary or additional reason, as in fact Rachels does. But then it is doubtful whether it would suffice for a justification of killing, i.e., active euthanasia, as there are other powerful secondary reasons (the effects of killing on people, the general effects on societal practices, the danger of misuse, etc.) that stand against it.

32. Foot 1977, p. 57.

33. Singer himself gives a detailed description of these events. See his 1991a.

34. Singer thinks this fact (that protests did not come so much from the political right as from the left) somehow "bizzare." If he were more acquainted with the post-war political history of Austria and Germany he would probably find this less puzzling.

35. These are quite superficial remarks. For a detailed history see Weingart/Kroll/Bayertz 1988.

36. This holds for all fields of public life, and thus of course also for medicine.

37. Williams distinguishes between the *arbitrary result* version and the *horrible result* version of the slippery-slope argument. Whereas the first type of argument "objects to the fact that it is a slope," the second sort of argument makes specific assumptions as to what is "at the bottom of the slope." (Williams 1985, p. 126 ff.) In the "Singer-debate" some critics came up with *horrible result* arguments, but if one considers the context and background of Singer's views they seem clearly exaggerated.

38. See Singer 1991b.

39. One has to add here that some representatives of organizations of handicapped people simply refused discussions with Singer. This "ban on speaking" supported by some groups of critics is definitely unacceptable.

40. Cf., e.g., Nagel 1979, p. X ff. The appeal to intuitions is of course not popular because of its metaphysical connotations. But when philosophers nowadays talk of intuitions they hardly have in mind something like "immediate evidence of objective values," but refer simply to the moral convictions which form more or less the common basis of a society and are internalized by individuals via education and socialization. And some philosophers have argued in the last years quite convincingly that moral philosophy—if it should not get lost in abstractions far beyond the social world—cannot simply overlook these preconceptions, and that moral theories should be understood as reconstructions thereof.

41. This of course overlooks the fact that certain "rational constraints" can be put on our moral judgements.

42. Williams 1985, p. 137.

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