

## KILLING, LETTING DIE, AND THOMSON

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Judith Jarvis Thomson has recently expressed her puzzlement over the meaning of "Killing is worse than letting die."<sup>1</sup> I would like to examine several possible meanings of the expression, and argue that one of these is the most plausible. I shall do this within the context of negative and positive duties: The act of killing will be considered a violation of the negative duty to refrain from killing, and the act of letting die will be considered a violation of the positive duty to render assistance or save lives.

Consider the following possible interpretations of the relationship between negative and positive duties:

- B1) All negative duties are equally obligatory, and to violate a negative duty is a morally worse act than to violate a positive duty.
- B2) Any violation of a negative duty is a morally worse act than any violation of a positive duty.
- B3) Any violation of a particular negative duty is a morally worse act than any violation of its correlated positive duty.
- B4) Some violations of a particular negative duty are morally worse acts, *ceteris paribus*, than some violations of its correlated positive duty.
- B5) Any violation of a particular negative duty is a morally worse act, *ceteris paribus*, than any violation of its correlated positive duty.

<sup>1</sup> Judith Jarvis Thomson, "Killing, Letting Die, and the Trolley Problem", 59 *Monist* 204, 205 (1976).

In determining which of the above is the most plausible claim for those who wish to argue that the bifurcation between negative and positive duties is a morally relevant distinction, we can quickly discount B1. The proposition contained in B1 asserts, among other things, that all negative duties are equally obligatory. However, refraining from stealing and refraining from murdering are both negative duties; yet our imperatives to abide by these duties are not equally strong. It is clear that, in general, the act of murdering is a morally worse act than the act of stealing. Although there are imaginable cases in which the latter is a morally worse act than the former, it is clear that, *ceteris paribus*, the reverse is true and the moral agent who murders is worthy of more moral disapprobation than the moral agent who steals. This establishes our belief that not all negative duties are equally obligatory; although any transgression of a negative duty is morally noxious (unless extenuating circumstances or good reasons exonerate the moral agent who commits the act), some are worse than others. This point need not be belabored in showing that the proposition set forth by B1 must be rejected.

The proposition advanced by B2 makes the claim that any violation of a negative duty is a morally worse act than any violation of a positive duty. It avoids making any direct comment concerning the relative moral stringency of the members of the class of negative duties *vis-à-vis* each other; instead it asserts that every member of the class of negative duties dictates a greater moral imperative than any member of the class of positive duties. Hence any violation of the former is morally worse than a violation of the latter. But is this really the case? Suppose that if Smith steals \$.25 (thereby violating the negative duty to refrain from stealing) from Jones, who is inordinately wealthy, the lives of six people will be saved (because of a strange set of circumstances which need not be adumbrated). If Smith does not steal the money from Jones the six people will die (and Smith will have violated the positive duty which requires

that we save lives in distress). Assume these are the only options available to Smith. If we adopt the simplistic approach indicated by B2 we must say that to violate the negative duty is a morally worse act than to violate the positive duty, and Smith should therefore allow the six people to die. But do we really wish to subscribe to such reasoning? Wouldn't we rather think that Smith's proper course of action is to steal the money because of the great good (saving six lives) which would result when weighed against the inappreciable loss of \$.25 to Jones? If all this is correct, then the proposition asserted by B2 is false.

The proposition specified in B3 makes use of the notion of "correlated" negative and positive duties. B3 eschews the belief that just any violation of a negative duty is a morally worse act than any violation of a positive duty, the oversimplification which proved an anathema to B2, and replaces this belief with the more subtle concept of the mutual relationship which exists between certain pairs of duties, one of which is negative and the other positive. This can be shown schematically:

*Positive Duty*

Rendering assistance  
 Saving lives  
 Contributing to famine relief

*Negative Duty*

Refraining from harmful interference  
 Refraining from killing  
 Refraining from sending poisoned food

We can perceive that a mutual relationship exists between the negative and positive duties as they are now paired above. Any counter-example such as that which was offered against B2 will not be effective against the claims of B3. The counterexample utilized against B2 made use of a non-correlated pair of duties, since it hinged on trying to show that, at times, violating the negative duty of refraining from stealing is morally preferable to violating the positive duty

to save lives. Any attempt to discredit B3 must be based on a correlated pair of negative and positive duties. The mutual relationship existing between the duties schematized above is that, as paired, they involve decisions to retain or abolish lives or to directly aid or directly harm the physical being of sentient entities. This relationship does not exist in the case offered against B2. For although there are imaginable cases in which refraining from stealing involves decisions of abolishing or retaining lives, there is nothing inherent in stealing which entails that this be so, and, in fact, decisions about retaining or abolishing lives are not usually involved in instances of theft. Hence the violation of the negative duty to refrain from stealing cannot be a suitable correlate for the violation of the positive duty to save lives.

The notion of correlated negative and positive duties can be explained by using the ideas of causal process and outcome. For a pair of negative and positive duties to be correlated it must be the case that their violations have the same outcome (*e.g.*, someone dies when violations of the negative duty to refrain from killing and the positive duty to save lives occur). We may view the matter in terms of a causal process; a chain of events is occurring such that the initiation of the chain and the failure to stop the chain lead to the same outcome, a death. The individual who initiates the causal chain violates a negative duty, and the individual who refrains from stopping the chain, already in progress, violates a positive duty. This, then, is the basis of the mutual relationship between correlated negative and positive duties.

Is it true, then, that all violations of negative duties are morally worse acts than violations of the correlated positive duty? Consider this example: Russo and Ravelli are stranded on a desert island. Ravelli contracts a very painful terminal disease. Russo knows Ravelli will die shortly and that no doctor or other qualified individual capable of helping Ravelli is available. Ravelli is suffering excruciating pain

and implores Russo to kill him painlessly. While Ravelli is semi-conscious Russo administers a fast acting poison to him and Rossi dies quickly. Russo has violated the negative duty of refraining from killing.

Meanwhile, back on the mainland, Smith is wandering in the valley and observes two twin baby girls drowning in a shallow pond. Smith can save the baby girls by merely stepping in the pond and lifting the urchins out of the water. But Smith has no desire to save the twins, and lets them drown. Smith has violated the positive duty to save lives in distress. Adherents to B3 must maintain that to violate a negative duty is a morally worse act than to violate the correlated positive duty. Russo has violated a negative duty and Smith has violated the correlated positive duty, so disciples of B3 must proclaim that Russo has committed the morally worse act. But is this really the case? Once we consider the different intentions and motivations of the two men it makes perfectly good sense to conclude that Russo performed the morally better act, contrary to the view espoused in B3. Russo killed Ravelli for the humanitarian reason of alleviating the excruciating pain of a man whose death was a foregone conclusion; he had no self-interested motive at all. Smith allowed two helpless children whose entire lives were ahead of them to die simply because he did not wish to save them. Russo would never have killed Ravelli under any other circumstances than those outlined; Smith, who perhaps does not like children, or simply does not like to inconvenience himself, would have allowed the children to die under a variety of other circumstances. It would seem that, contrary to B3, Smith has performed the morally worse act. If all this is correct, then we may reject B3 on the grounds that there are cases in which a violation of a negative duty is not a morally worse act than a violation of the correlated positive duty.

B4 and B5 are left for examination. They both make use of a *ceteris paribus* clause and it is of prime importance to determine exactly what kinds of considerations must be

equal, and to discover how this clause makes B4 and B5 improvements over those propositions previously scrutinized. If we re-examine the Smith/Russo case we can observe that the reason it was acceptable to assert that Russo, although he had violated a positive duty while Smith had violated the correlated negative duty, committed the morally better act was because of the difference of the motivations and intentions of the two men; Russo's motivation and intention were far superior, from a moral standpoint, than those of Smith. If supporters of B4 and B5 wish to avoid these types of counter-examples, which prove fatal to B3, they must incorporate the *ceteris paribus* clause. This clause demands that all inequalities concerning the respective intentions, motivations, and aims of the moral agents be eliminated; it also requires that the effort needed to adhere to the prescribed duties and the consequences (actual, intended, and foreseen) which result when these duties are violated be equal. The *ceteris paribus* condition, therefore, neutralizes simplistic counter-examples such as the Smith/Russo case by simply ruling them out as even logically possible counter-examples to either B4 or B5. Both B4 and B5 demand that the aforementioned items be equalized, and any proposed counter-example in which one (or more) of these items is not equal in the respective violation of the correlated negative and positive duties is simply not even a legitimate candidate for consideration as a possible refutation of B4 and B5.

B4 and B5 constitute an important improvement over B2 and B3 because the relatively easy-to-construct counter-examples to the latter pair of propositions do not affect the former pair. B4 and B5 unsqueamishly admit that not all violations of negative duties are morally worse than violations of positive duties; they are concerned, however, with violations of correlated pairs of negative and positive duties in which certain important factors are equal. Partisans of B4 conclude that, once these factors are equalized, *some* violations of negative duties are morally worse acts than vio-

lations of the correlated positive duty; supporters of B5 conclude that, once these factors are equalized, *all* violations of negative duties are morally worse acts than violations of the correlated positive duty. Which of these two views is the more plausible and why?

Once we have equalized the important factors previously mentioned, what remains as the difference between the two violations of duty? It appears that the only difference that remains is that one violation is of a negative duty (refraining from performing an action that would harm), while the other is a violation of the correlated positive duty (performing an action which would serve to benefit). Is this remaining difference, of and by itself, just *sometimes* morally relevant or is it *always* morally relevant? It would seem that some writers would claim that it is morally relevant on this, in fact, is the more plausible of the two positions.

What we mean when we say that something is a morally relevant consideration is that it, of and by itself, constitutes a *reason* either for or against the performance (or non-performance) of the action we are pondering. This reason may not be the only reason we must consider and may even be contravened if there exist other stronger reasons contrary to it; but if this something is morally relevant, then it is always at least considered in our moral calculations when we are attempting to decide the moral worth of various actions. Consider the following:

C1) Lying is a morally worse act than telling the truth.

What C1 means is that to say that Act A is a case of truth telling and Act B is a case of lying is to give one reason why Act A is morally superior to Act B. This is not to say that one always ought to tell the truth and avoid lying, for there are circumstances in which the consequences of truth telling are so terrible that a lie may well be preferable. But C1 does state that one reason which serves to count in favor

of Act A, and against Act B, is that the former is a case of truth telling and the latter is a case of lying.

C2) All instances of lying are morally worse acts, *ceteris paribus*, than instances of telling the truth.

What C2 entails is that to say that Act D is a case of truth telling and Act E is the correlated case of lying, and all remaining factors, such as the consequences of performing each, are equal, is to indicate that Act E is a morally worse act than Act D. Why? Because all *other* reasons for and against Act D and Act E balance out, from a moral point of view; the only reason that does remain to prefer one to the other is that one is a case of truth telling and the other is a case of lying. And in the absence of contravening reasons, we ought to prefer the former to the latter. In other words, all other things equal, if we have a choice of lying or telling the truth, we believe that we ought to tell the truth because the distinction between lying and telling the truth is a morally relevant one, which means that it provides a reason, of and by itself, to prefer truth telling to lying. We would not just “flip a coin” if all other things were equal and we were confronted with the choice of lying or telling the truth. And the reason that we would not do so is that we firmly believe that the distinction between the two is a morally relevant one. And this distinction is morally relevant in *all* correlated cases of truth telling and lying. In all instances, the morally relevant distinction between truth telling and lying provides a reason to prefer the former act to the latter. Once we insert the *ceteris paribus* clause, this insures that all instances of lying are morally worse than correlated instances of truth telling; since the only reason left in all these instances to prefer one to the other is the morally relevant distinction between the two, which counts in favor of truth telling.

If these findings are applied to B4 and B5 they manifest the reason that B5 is the more desirable formulation. For,



if the distinction between negative and positive duties is a morally relevant one, then to say that Act F is a violation of a negative duty and Act G is a violation of the correlated positive duty, and all other things are equal, is to claim that Act F is a morally worse act than Act G. For if all other things are equal, then the only reason that remains which differentiates the two is that Act F is a violation of a negative duty and Act G is a violation of the correlated positive duty. And if the distinction between negative and positive duties is a morally relevant one then, in these instances, it provides the only (and hence conclusive) reason for believing that Act F is a morally worse act than Act G. All of this makes B4 an unattractive analysis because B4 would have us believe that sometimes the distinction between negative and positive duties is morally conclusive, when all other things are equal; this holds open the possibility that at other times it is not morally relevant. But how can the distinction be morally relevant on some occasions when it is the only reason to prefer one act to another, and not morally decisive on other occasions when it is the only reason to prefer one act to the other? Once all other reasons are morally balanced out, it would appear that the distinction between negative and positive duties must either always be conclusive and indicate that violations of negative duties are morally worse acts than violations of the correlated positive duties, or the distinction between negative and positive duties is never conclusive, of and by itself, in which case the distinction is not morally relevant.

If all this is correct, we must reject B4 and place our faith in B5 as the most promising candidate to explain the meaning of the statement that "violations of negative duties are morally worse than violations of positive duties". C2 stated that, in all of those cases in which the only reason to prefer one act to another is that one is an act of lying and the other an act of telling the truth, this reason is conclusive. So, too, must the individual claiming moral relevancy between negative and positive duties state that, where viola-

tions of correlated negative and positive duties are involved, and all other things are equal (i.e., all other reasons for preferring one to the other are balanced out and morally negate each other), the only reason left to differentiate the two is the morally relevant distinction between the two. And this distinction provides, in all these cases, conclusive evidence for believing that the violation of the negative duty is a morally worse act.

Thomson also calls into question the usual method of determining that killing and letting die are morally equivalent. With regard to the usual methodology—citing two cases, one an example of killing and the other of letting die, equalizing certain important factors, and then hypothesizing that the acts and agents are of equal worth—Thomson says:

I am now inclined to think that this argument is a bad one. Compare the following argument for the thesis that cutting off a man's head is no worse than punching a man in the nose. "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, 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."<sup>2</sup>

Thomson offers these comments to show that we do not mean, by the expression "cutting off a man's head is worse than punching a man in the nose", that for every pair of acts, one of which is an act of nose-punching and the other a case of head-cutting, the latter is worse than the former.

In order to answer the question raised by Thomson, and to defend the analysis of the meaning of "killing is worse than letting die" which has been previously offered, we shall

<sup>2</sup> *Ibid.*, p. 204.

now consider her problem. First, it is clear that in the pair of examples she cites, the acts of head-cutting and nose-punching do seem morally equivalent. But why should that seem surprising? We could easily construct a pair of examples in which the act of nose-punching was worse than the act of head-cutting (e.g., suppose that the man whose head is cut off dies immediately, but the man whose nose is punched endures a painful and dreadful death). Yet Thomson is, of course, correct in assuming that we would all agree immediately with the statement that "head-cutting is worse than nose-punching". The reason that we feel this statement is true is that head-cutting entails that a victim dies, while nose-punching does not. So we are really affirming the statement that "an act causing the death of an innocent victim is morally worse than an act which causes an innocent victim some physical discomfort, but not his death". This is an involved way of saying that head-cutting causes death, and this furnishes one reason to abhor it that nose-punching lacks; this reason is conclusive, *ceteris paribus*, in determining that head-cutting is worse than nose-punching.

But in the example which Thomson cites this reason is neutralized, since Bert, who had his nose punched, also dies. So our assent to the phrase "head-cutting is worse than nose-punching" is based primarily on the actual consequences of both acts; equalize these consequences (stipulate that in each case death occurs) and other factors (motivation, intention, etc.), and we feel ourselves admitting that the two acts can be morally equivalent in certain situations.

In the cases of killing and letting die, we have two acts which do logically entail the same consequence—a victim dies. So the phrase "killing is worse than letting die" means that, of and by itself, to call one act an act of killing and the other an act of letting die furnishes one reason to suppose that the former is worse than the latter; which is to say that there is something indigenous to the act of killing which makes it morally worse than the act of letting die. When all other factors are equalized this indigenous factor

is conclusive in determining that killing is morally worse than letting die.

By the same token, to assert that “head-cutting is worse than nose-punching” is to claim that to label one act an act of head-cutting and another act one of nose-punching is to provide one reason for supposing that the former is morally worse than the latter; which is to say that there is something indigenous to the act of head-cutting which makes it morally worse than the act of nose-punching. The intrinsic difference between the two is that one normally causes death while the other does not, and this factor is conclusive in determining, when other things are equal, that head-cutting is the morally worse act. When nose-punching does cause death, and other factors are equal, it may well be that nose-punching and head-cutting are morally equivalent acts.

Now, in the cases of killing and letting die, there is a slight difference—it is logically necessary that when an act of killing or an act of letting die occurs, someone, in fact, die. This is not merely an empirical fact, but also a logical necessity. It is logically impossible for an act of killing or letting die to occur in which no one dies, although *attempted* killings or *attempted* cases of letting die may occur. All of this means that, in fact, there may be nothing logically necessary at all which makes head-cutting morally worse than nose-punching, and if *all* empirical factors (motivation, intention, etc.) and, especially, the actual consequences (death to the victim) are equal, then the two acts may well be morally equivalent; this would mean that there is nothing logically necessary which counts as a reason for supposing that head-cutting is worse than nose-punching. But, of course, there is a reason of a logical nature for thinking that an act which logically entails death is morally worse than an act which does not logically entail death.

So one who claims that “killing is worse than letting die” believes that there is something indigenous to killing which furnishes a reason for supposing it to be worse than letting die (whether taking the difference to be that killing *causes*

not; that killing involves an action and letting die a mere omission; or whatever); and those who assert that "head-cutting is worse than nose-punching" claim the same. But since there does not seem anything logically necessary which makes the statement true, the latter assertion seems false, although "Acts which logically entail death are, *ceteris paribus*, morally worse than acts which do not" is true. All of this means that to call one act an act of head-cutting and another an act of nose-punching does not furnish a *logically necessary* reason for supposing that the former is morally worse than the latter.

Consequently, statements of the form, "Act *X* is morally worse than act *Y*", will be analyzed as meaning that there is an alleged factor which furnishes a reason for concluding that *X* is morally worse than *Y*, and that this factor is a logically or empirically necessary difference between *X* and *Y*. I have claimed that no such factor differentiates head-cutting from nose-punching, while such a factor does distinguish acts which logically entail death from those which do not.

The purpose of this essay, then, is to explicate the most plausible meaning of expressions such as "Killing is worse than letting die" and "Violations of negative duties are worse than violations of positive duties". I also have tried to show that Thomson's puzzlement over the matter is due to her failure to distinguish between two different questions: Are acts which logically entail death worse than acts which do not? and Is head-cutting worse than nose-punching?

It should be clear that I do not intend to affirm the truth of the statement "Killing is worse than letting die". As a matter of fact, I believe that this statement is false,<sup>3</sup> although I have not addressed this issue herein.<sup>4</sup>

<sup>3</sup> See, for example, Raymond, A. Belliotti, "Negative Duties, Positive Duties, and Rights", 16 *The Southern Journal of Philosophy* 581 (1978); "The Moral Symmetry Principle and the Duty Correspondence Principle", 7 *The Journal of Critical Analysis* 135 (1979); and "Contributing to Famine Relief and Sending Poisoned Food", 12 *The Philosophical Forum* 20 (1980).

<sup>4</sup> I wish to acknowledge the aid provided me by James W. Rachels who criticized and corrected earlier drafts of this essay.

## RESUMEN

Judith Jarvis Thomson ha expresado desconcierto ante el significado de "Matar es peor que dejar morir". Un examen de cinco posibles interpretaciones de tal expresión sugiere que su sentido más plausible es el de que "cualquier violación del deber negativo de abstenerse de matar es un acto moralmente peor, *ceteris paribus*, que cualquier violación del correlativo deber positivo de salvar vidas". La cláusula "*ceteris paribus*" requiere que las intenciones, las motivaciones, las consecuencias actuales y previsibles de un acto, así como los esfuerzos que se requieren para cumplir los deberes, sean los mismos para los violadores de los deberes respectivos. Se concluye que quienes sostienen que matar es peor que dejar morir están sugiriendo que esto es así porque existe un factor lógico o empíricamente necesario que, *ceteris paribus*, proporciona una razón dispositiva para pensar que quien mata realiza un acto moralmente peor que quien deja morir a otro. Esto es, sugieren que la distinción entre matar y dejar morir es moralmente relevante y que, *ceteris paribus*, proporciona una razón concluyente para pensar que las violaciones a un deber negativo son actos moralmente peores.

El desconcierto de Thomson en cuanto al significado de "Matar es peor que dejar morir" proviene de su incapacidad para distinguir entre dos preguntas diferentes: ¿Son los actos que lógicamente implican la muerte peores que los actos que no lo hacen? ¿Es peor decapitar a alguien que golpearlo en la nariz? Una vez que distinguimos entre estas dos preguntas, podemos aclarar las cuestiones que se debaten y resolver el desconcierto.

[R. A. B.]