

# **Murdering an Accident Victim: A New Objection to Rachels' Bare-Difference Argument**

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## **Abstract**

Many philosophers, psychologists, and medical practitioners believe that killing is no worse than letting die on the basis of Rachels' Bare-Difference Argument. I show that Rachels' argument is unsound. In particular, a premise of the argument is that Rachels' examples are as similar as is consistent with one being a case of killing and the other being a case of letting die. However, the subject that lets die has both the ability to kill and the ability to let die while the subject that kills lacks the ability to let die. Modifying the latter example so that the killer has both abilities yields a pair of cases with morally different acts. The hypothesis that killing is worse than letting die is the best explanation of this difference.

## **Keywords**

Killing and Letting Die; Contrast Cases; James Rachels; Doing and Allowing; The Bare-Difference Argument; Euthanasia

## **1. Introduction**

Is killing worse than letting die? Consider:

*Murder:* Jones will gain a large inheritance if his six-year-old cousin dies. One evening while the child is taking a bath, Jones sneaks into the bathroom, drowns the child, and makes it look like an accident.

*Accident:* As before, Jones sneaks into the bathroom planning to drown the child. But as Jones enters the child hits his head and falls face down into the water. Jones stands ready to kill the child if necessary. But the child dies on his own.

These examples are identical with the exception that one is a case of killing and the other

is a case of letting die. And the acts in the examples are morally equivalent. So killing is no worse than letting die. This is Rachels' Bare-Difference Argument.

The Bare-Difference Argument was originally presented in James Rachels' paper 'Active and Passive Euthanasia' and further defended in his book *The End of Life: Euthanasia and Morality*. Numerous philosophers, psychologists, and medical practitioners endorse the argument. Michael Tooley, for example, defends the Bare-Difference Argument in his book *Abortion and Infanticide* and elsewhere [1972]. He [2005: 167-168] says:

a number of philosophers have argued that intentionally killing and intentionally letting die have precisely the same moral status. One very interesting way of attempting to establish this conclusion, for example, is by means of a "Bare-Difference Argument," .... I think it can be shown that the Bare-Difference Argument is sound.

Peter Singer [2005: 332] agrees:

[I]n what is probably [Rachel's] most cited article, on "Active and Passive Euthanasia," he set out to criticize the common intuition that killing is worse than letting die. He showed that this distinction is influential in medicine, and is embodied in a statement from the American Medical Association. Then he convincingly argued that this is not an intuition on which we should rely.

Harvard psychologist Marc Hauser [2008: 29], together with his coauthors, also makes this assessment:

[C]onsider... James Rachels' example of a greedy uncle who intends to end his nephew's life in order to inherit the family's money, and in one case drowns him in the bathtub and in another lets him drown. His intent is the same in both cases and the consequences are the same as well. Intuitively, we don't want to let the uncle off in the second case, but convict him of a crime in the first. And the intuition seems to be the same among medical practitioners.

Others offer similar sentiments.

In this paper, I reconsider the widespread assessment that the Bare-Difference

Argument is sound. In particular, a premise of the argument is that *Accident* and *Murder* are cases in which everything is identical except that one is a case of killing and the other is a case of letting die. I argue that this is false. In *Accident*, Jones had the ability to kill his cousin as well as the ability let him die. In *Murder*, Jones had the ability to kill his cousin but was unable to merely let him die. There is a third case that is more similar to *Accident* than *Murder* in which Jones has both abilities. Jones' act in the more similar example is worse than Jones act in *Accident*.

## 2. Against the Bare-Difference Argument

Proponents of the Bare Difference Argument claim that *Accident* and *Murder* are cases in which *everything* morally relevant is identical except that one is a case of killing and the other is a case of letting die. But consider:

*Accident + Murder*: As before, Jones sneaks into the bathroom planning to drown his cousin and as Jones enters the child hits his head and falls face down in the water. But Jones refuses to let his cousin to die. Instead, Jones insists on killing him.

In *Murder*, Jones does not have the opportunity to let his cousin die. But in *Accident*, he does. This is a difference between the two cases. Moreover, *Accident + Murder*, like *Accident* and unlike *Murder*, is a case in which Jones has the opportunity to let his cousin die but chooses to kill him instead. Therefore, it is the actions in *Accident + Murder* and *Accident*, not the actions in *Murder* and *Accident*, that should be compared to determine whether killing is worse than letting die.

Jones' act in *Accident + Murder* is worse than his act in *Accident*. There is something extraordinarily vile and disturbing about intending to kill a child for money, discovering that without one's intervention the child will very likely die anyway, but then absolutely insisting that the child must die by one's own hand. This is worse than simply

standing by, hoping that the child will die on his own, so that one does not have to kill him to get what one wants. If killing and letting die were equivalent, then one would expect that it would not matter whether Jones insists on letting the child die on his own, if possible, or insists on pulling the child out of the bathtub to make sure that his cousin will not die on his own and then choking or slitting the throat of his unconscious cousin. The acts in that case would be the same. So in that case it would not matter morally. But it does matter morally. Therefore, Jones' act in *Accident + Murder* is worse than his act in *Accident*.

This difference between Jones' act in *Accident* and Jones' act in *Accident + Murder* is very easily explained by the hypothesis that killing is worse than letting die. But it is less easily explained by the hypothesis that killing and letting die are morally equivalent. Therefore, the Bare Difference Argument is unsound.

### **3. Objections and Replies**

*First Objection:* In *Accident* and *Murder*, nothing suggests that Jones has an independent desire to kill the cousin, only that he is willing to kill the cousin to get the inheritance. In *Accident + Murder*, Jones wants it to be the case that the cousin dies by his own hand over and above just being willing to kill for money. This, and not that killing is worse than letting die, is the morally relevant difference between the two cases.

*Reply:* The moral relevance of this difference is best explained by the hypothesis that killing is worse than letting die. Imagine Jones is wearing a red shirt as he begins to kill his cousin but insists on changing into a green shirt. Imagine instead Jones feels relief that he is wearing a red shirt and would prefer not to switch to green unless he had absolutely no other way to get the money. In either case, Jones' preference would be

eccentric. Nevertheless, killing someone while wearing a red shirt is not morally different from killing someone while wearing a green shirt. And a difference in preference about which color shirt to wear while killing someone is not a relevant difference between the cases. If killing is worse than letting die, it is easy to explain why the difference in preference about whether to kill or let die is relevant. For it is a difference in whether one prefers to do something bad or worse. On the other hand, it is more difficult to explain why a preference about whether to kill or let die would be relevant if letting someone die is just as bad as killing someone. For other preferences between morally equivalent acts such as the difference between preferences about what color shirt to wear while killing are irrelevant.

*Second Objection:* In *Accident* and *Murder*, Jones does nothing more than what is required to get the inheritance. In *Accident + Murder*, Jones is willing to do more than is required. This explains why the act in the latter case is worse.

*Reply:* Suppose the door to the bathroom in *Accident* is made of glass so Jones can see through it. Suppose before he opens the door he sees his cousin slip and hit his head. If he were to open the door and watch his cousin die, he would be doing more than what is required to get the inheritance. He could instead just leave the door shut and watch through the glass. And yet, whether he does more or less, whether Jones opens the door or leaves it shut, it makes no difference to the morality of his act. Neither does the fact that Jones does more than what is required in *Accident + Murder* make a moral difference. The hypothesis that killing is worse than letting die is still needed to explain the difference.

*Third Objection:* Jones' act in *Accident + Murder* is not only worse than his act in

*Accident* but also worse than his act in *Murder*. The hypothesis that killing is worse than letting die cannot explain this.

*Reply:* The hypothesis that killing is worse than letting die easily explains why Jones' act in *Accident + Murder* is worse than his act in *Murder*. In *Accident + Murder* Jones has an alternative that he lacks in *Murder*. In the former case, Jones had the opportunity to get what he wanted by opting for the better but still terrible alternative (letting his cousin die) and instead chose the worse alternative (killing his cousin). In the latter case, Jones could only get what he wanted by way of the worse alternative and would have chosen the better alternative if he could have. On the other hand, the hypothesis that killing is no worse than letting die has trouble explaining why Jones' act in *Accident + Murder* is worse. For, if that hypothesis is true, then Jones in *Accident + Murder* had the option of getting what he wanted by means of two morally equivalent acts while Jones in *Murder* could only get what he wanted by means of one of the morally equivalent acts. But if Jones had the option of killing his cousin while wearing a red or green shirt, and opted for the green shirt, that would not make his action worse than if Jones only had the option of killing his cousin while wearing a green shirt.

*Fourth Objection:* The hypothesis that killing is worse than letting die cannot accommodate the intuition that Jones' acts in *Accident* and *Murder* are equivalent.

*Reply:* Our intuitions about Rachels' cases are unreliable. First, the acts in *Accident* and *Murder* are both extraordinarily vile. It feels disturbingly cold and pedantic to try to measure out and quantify the precise difference between the two acts.

Second, applied ethicists working on this topic have pointed out that we are tempted to run together the moral status of the acts in these examples with the moral

status of character, intentions, etc. As Kuhse [1998: 372] puts it, it is very easy to make an “illegitimate conflation... between the rightness and wrongness of actions, and the goodness and badness of agents.” As Perrett [1996: 137] points out it is tempting to “confuse the issue by sliding from *act* evaluation to agent evaluation.” It is plausible that Jones in both cases has an equally bad character, equally bad intentions, etc. Since all the other ways in which Jones in *Accident* and Jones in *Murder* are subject to moral evaluation are plausibly the same, it is tempting to gloss over the difference between the acts as well.

Third, our intuitions go haywire when we are presented with contrast cases in which moral luck is explicitly highlighted. Think about Nagel’s drunk driver cases. When we consider a drunk driver who kills someone and an otherwise similar drunk driver who does not, it seems that the former is worse than the latter. But when we explicitly highlight the fact that what separates their acts is mere luck, the killer and the mere drunk driver seem to be morally equivalent. Rachels’ *Accident* is a case of what Nagel [1979: 34] calls “luck in one’s circumstances”:

Ordinary citizens of Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test. But it is a test to which the citizens of other countries were not subjected, with the result that even if they, or some of them, would have behaved as badly as the Germans in like circumstances, they simply did not and therefore are not similarly culpable. Here again one is morally at the mercy of fate, and it may seem irrational upon reflection, but our ordinary moral attitudes would be unrecognizable without it.

Ordinarily, when we think about citizens of the US and citizens of Nazi Germany, we think the latter are much worse. But when we make explicit that the differences between them are due entirely to moral luck, it is very tempting to say that there is no moral difference between the groups. Similarly, if it were not for Jones’ luck in *Accident*, he

would have behaved exactly as he did in *Murder*. This gives us reason to mistrust our intuitions about *Accident* and *Murder*. After all, we know our moral intuitions go haywire in such cases. We are tempted to regard as equivalent the moral status of cases that are different. And, given that we are also tempted to run together moral evaluations of acts with other moral evaluations, we should treat our intuitions about cases involving moral luck with a healthy dose of skepticism. Contrast cases in which there is no difference in moral luck, such as *Accident* and *Accident + Murder*, provide a better test for our intuitions than the examples Rachels provides.

*Fifth Objection:* In *Accident + Murder* Jones kills by strangling or stabbing. In *Accident* Jones lets die by doing nothing. What is needed is a pair of cases in which killing and letting die are done with the same act. Consider:

*Switch:* Just like *Accident* with the exception that a switch locks the door to the bathroom. Jones knows that if he doesn't lock the door his cousin's mother will check on him, realize he is drowning, and save him. So Jones flips the switch.

*Electrify:* Just like *Switch* with the exception that Jones knows that there is faulty wiring in the bathroom and the switch will electrify the bathwater killing the cousin instantly but painlessly.

Jones' act in *Electrify* is no worse than his act in *Switch*.

*Reply:* *Switch* is a case of murder. Schaffer [2000: 294] discusses an example that is especially relevant for our purposes. Suppose Jones kills his cousin by stabbing him in the heart:

What are the intermediaries between, e.g., heart piercing and brain death?  
Answer: the relevant intermediaries are *absences*: the heart piercing causes an absence of oxygenated blood traveling from the right ventricle, through the relevant arteries, to the brain, which absence causes an absence of oxygen resupply to the brain cells, which absence causes oxygen starvation.



We would not deny that bringing about death by stabbing is killing merely because the causal chain leading from stabbing to oxygen starvation is mediated by absences. Neither should we deny that the switch pulling is killing merely because the causal chain leading from pulling to oxygen starvation is mediated by absences.

Suppose I knock over a vase. There is going to be some activity I perform, such as pushing the vase over with my hand or nudging it over with a golf club, that I will not perform in an otherwise similar case in which I merely allow a vase to fall. Doing necessitates some extra act not performed in an otherwise similar case of allowing. For any case in which Jones kills his cousin, there will be some act he performs, such as pulling a lever or stabbing or choking, that he will not perform in an otherwise similar case in which he merely allows death.

*Sixth Objection:* Jones increases the probability of his cousin's death in *Accident + Murder* but not in *Accident*. This is why the former act is worse.

*Reply:* Take the comparison of probabilities given that Jones *completes* his act. The probability the cousin dies given that Jones completes the act of killing is one. But an act of letting die cannot be completed without a death. So the probability the cousin dies given that Jones completes the act of letting die is also one. There is no difference between the cases with respect to the increased probability of the cousin's death.

Take the comparison of probabilities given that Jones *tries* to act. Remember, in *Accident* Jones stands ready to kill the cousin if he absolutely has to. Such counterfactual intervention raises the probability the cousin will die over and above what it would be if Jones just stood there. Contrast this with Jones act in *Accident + Murder*. In this case Jones absolutely insists on getting involved in his cousin's death before there is any need

to do so. Imagine that Jones in this case is a bit more likely to bungle things up so the probability that the cousin will die given that Jones merely counterfactually intervenes is a bit higher than the probability that he will die given that Jones insists on killing him. Jones feels the exquisite pleasure of being the one to bring death is worth the slightly lowered probability of getting the inheritance. Still, Jones' act in *Accident + Murder* is worse.

*Seventh Objection:* Touch is relevant. Consider:

*Trolley:* A runaway trolley is speeding down a track. If Jones does nothing, the trolley will kill five people. If he pulls a lever, the trolley will be diverted onto another track and kill just one person.

*Push:* A runaway trolley is speeding down a track. If Jones does nothing, the trolley will pass under a tunnel and kill five people. If Jones pushes a large man standing over the entrance of the tunnel, the trolley will kill the large man and stop before it reaches the five.

The relevance of touch is needed to explain why the act in *Trolley* is worse than the act in *Push*. It also explains why Jones' act in *Murder + Accident* is worse.

*Reply:* Imagine a variant of *Push* in which I launch the large man into the trolley by pulling a lever on a Rube Goldberg machine. It remains true that my act is wrong. But I never touch the man. So the hypothesis that touch is relevant cannot explain why my act is wrong. Consider, on the other hand, the relevance of the difference between intending and foreseeing. This explains why the act in each variant of *Push* is wrong. But it does not explain why Jones' act in *Accident + Murder* is worse than his act in *Accident*. For that the hypothesis that killing is worse than letting die is needed.

*Eighth Objection:* Oddie [1997: 273-275] substantially anticipates my argument.

Consider:

*Oddie's Trolley:* A runaway trolley with one occupant is speeding down a track. If Jones does nothing, the trolley will hit another (empty) trolley resulting in the occupant's death. If Jones pulls a lever, the trolley will be diverted onto another track and hit a different wall also resulting in the occupant's death.

Suppose Jones pulls the lever because he desires to kill. The passenger is going to die anyway. So Jones might as well satisfy his desire. The hypothesis that killing is no worse than letting die "has an obvious but possibly disturbing implication.... [T]here is no value-difference between the two. Some may be unwilling to agree...." However, Oddie thinks this is mistaken:

[One can] explain away the recalcitrant intuition.... [A] prime candidate for so acting would be malice (perhaps the thought, "I want to be directly involved in the cause of his death") which would be lacking if you simply let him die. But such a thought could only constitute maliciousness if you believed your killing him was doing him some harm that letting him die would not do.... Killing him might be motivated by malice, but not necessarily. If it were it... could only exist where the participant himself believed that killing in itself is worse than letting die.

Oddie's diagnosis extends to my examples.

*Reply:* Imagine Jones is an error theorist. He doesn't believe any act is right or wrong or worse than any other. He knows that whether he kills his cousin or lets him die it will not change the amount of pain his cousin experiences or is harmed. It is just that Jones would be utterly delighted to be the hand at which his cousin's life is ended and would be terribly disappointed if he could only get the inheritance by remaining uninvolved. Or imagine Jones is a Nietzschean. He believes that whether he kills his cousin or merely lets him die, it won't change how much he is harmed. Nevertheless, Jones believes it is morally better to kill than let die because killing most expresses the will to power and letting die is weak, sickly, and unbecoming of a good *Übermensch*. Jones in these cases lacks the belief that killing is worse than letting die. But his act is worse than his act in *Accident*.

Furthermore, Oddie's diagnosis is inconsistent with the variants of utilitarianism advocated by Rachels, Singer, and Oddie. As Rachels [1986: 5] puts it:

My approach... sees being moral... as a matter of doing what is best for those who are affected by our conduct. If we should not kill, it is because in killing we are harming someone. That is the reason killing is wrong. The rule against killing has as its point the protection of the victims.

But these examples do not differ with respect to the degree of harm to the victim. There is only a difference in Jones' beliefs about harm and the wrongness of death. As Singer [2003: 527] puts it: "I favour preference utilitarianism.... The right act is the one that will, in the long run, satisfy more preferences than it will thwart." But these examples are not different with respect to which of the victim's preferences are satisfied. That just leaves Jones' preferences. And if Jones really would prefer to kill his cousin, then Singer's view implies that it would be *better* for Jones to kill his cousin. As Oddie and Menzies [1992: 512-513] put it:

[T]he primary notion for moral theory is given by what is best (or, as we will say, what has greatest objective value) regardless of how things seem to the agent. The version of objectivism which we will defend is this: the correct regulative ideal for the moral agent is that of maximizing objective value.

But, given Oddie's diagnosis, whether Jones kills or lets die, there is no difference in the objective value of the consequences of his action. The only difference is in how things seem to Jones. So if Oddie's diagnosis is correct, then the main proponents of the hypothesis that killing is no worse than letting die are still without an explanation of why Jones' act in *Accident + Murder* is worse.

*Ninth Objection:* Oddie [1997: 275] also discusses variations of *Oddie's Trolley* in which the utility of killing is a bit higher than the utility of letting die. In one of the variants, killing the passenger will preserve his modest belongings and allow them to be

passed on. In the other variant, killing the passenger will prevent a modest amount of pain that he would experience if one were to merely let him die. Oddie suggests that “In both these cases a comparatively small difference in value could tip the balance of value in favour of diverting.”

*Reply:* There are two main audiences for the Bare-Difference Argument. First, some people deny that euthanasia is permissible. They think that killing is so much worse than letting die that even if a terminally ill patient will experience extra suffering if one lets them die, it is better than killing them. The Bare-Difference Argument is brought in to convince people who do not already have the intuition that preventing significant amounts of suffering outweighs the badness of killing. The thought is this: once these people see that when everything else is equal, killing is no worse than letting die, they will realize there is no point in allowing the suffering of terminally ill patients to continue. If one tries to save the Bare-Difference Argument by conceding that in such a case killing is worse and then pointing to a case in which someone suffers a bit more if you let them die and then proclaim that since even a bit of suffering outweighs the badness of killing so therefore killing must not be *that much* worse than letting die, then no one who opposes euthanasia is going to be persuaded. And they certainly won't think killing someone in order to pass on their modest belongings would be permissible.

Second, some people accept that euthanasia is permissible. They grant that the prevention of large amounts of suffering is sufficient to make killing a terminally ill patient permissible. But they are simply interested in whether killing is at least a bit worse than letting die given that other things are equal. For this audience, there is no point in considering cases in which everything is not equal. For they already agree that

when everything is not equal killing may be better than letting die. What they remain to be convinced of is whether killing is in itself worse than letting die.

*Tenth Objection:* It is plausible that with a little work the hypothesis that killing is no worse than letting die can explain the difference between the acts in the relevant cases.

*Reply:* First, my main aim in this paper is to show that the Bare-Difference Argument is unsound. It is commonly held that Rachels' argument shows that killing is worse than letting die. If I have shown that the hypothesis that killing is worse than letting die provides at least as good an explanation of the relevant contrast cases as the hypothesis that killing and letting die are equivalent, then I have done my job. For in that case Rachels' argument is unsound.

Second, the most prominent argument for the hypothesis that killing is no worse than letting die is Rachels'. I have argued that it is unsound. There is also Oddie's [1997] Clear-Difference Argument. But Oddie recognizes that his argument does not bear on views according to which killing is absolutely forbidden. And Carlson [2001: 539] shows that "[a]lthough [Oddie] has closed some avenues for the moderate [i.e. one who thinks killing is worse than letting die but not absolutely forbidden], there is still room for maneuver." If I am right about Rachels' argument and Carlson is right about Oddie's, then there is no motivation for the view that killing is no worse than letting die. If there is no motivation for a revision to commonsense morality, then that revision to commonsense morality should be rejected. The view that killing is no worse than letting die requires a revision of commonsense morality. So it should be rejected.

*Eleventh Objection:* Rachels [1975: 79] identifies features of *Murder* and *Accident* that support the idea that killing and letting die are not different. His remarks apply

equally to *Accident + Murder*:

If the difference between killing and letting die were in itself a morally important matter, one should say that Jones's behavior was less reprehensible than Smith's. But does one really want to say that? I think not. In the first place, both men acted from the same motive, personal gain, and both had exactly the same end in view when they acted. It may be inferred from Smith's conduct that he is a bad man.... But would not the very same thing be inferred about Jones from his conduct...? Moreover, suppose Jones pleaded, in his own defense, "After all, I didn't do anything except just stand there and watch the child drown. I didn't kill him; I only let him die." Again, if letting die were in itself less bad than killing, this defense should have at least some weight. But it does not. Such a "defense" can only be regarded as a grotesque perversion of moral reasoning.

*Reply*: It is certainly true that it would be "a grotesque perversion of moral reasoning" if Jones were to try to defend himself by saying something like this. But the reason this defense has no weight isn't because Jones' act is morally equivalent to Smith's. It is instead because people who say things like this are trying to get themselves *completely off the hook* as if they had done nothing wrong at all. Compare: If I could have killed someone but instead I sawed off one of his fingers, it would be bizarre and infelicitous for me to say "After all, I didn't do anything except saw off his finger. I didn't kill him; I only sawed off his finger." But the source of the infelicity here is not that killing is no worse than sawing off fingers. It is instead that it sounds like I'm suggesting I am *completely off the hook* for sawing off his finger. Second, it is true that Jones in both cases acted from the same motive. But imagine I can get a million dollars by either killing someone or sawing off his finger. No matter which act I perform, my motive is the same. I wish to receive a million dollars. Nevertheless, the killing is worse than sawing off fingers. Third, it is true that one can infer from the conduct of Jones in both cases that he is a bad person. But if I saw off someone's finger, it may be inferred from my conduct that I am a bad person. Still, murder is worse than sawing off fingers.

*Twelfth Objection:* In his book, Rachels [1986: 113] expands on what he says in the original article. He adds “the results of their conduct were the same—in both cases, the cousin ended up dead and the villain ended up with the money.”

*Reply:* In *Murder and Accident + Murder*, a result is that the cousin is murdered. In *Accident*, a result is the cousin is allowed to die. Supposing that that difference in results is morally irrelevant simply begs the question. The Bare-Difference Argument is supposed to convert those who think there is a difference between killing and letting die. If it turns out that the argument depends on the claim that an outcome in which someone is murdered is morally equivalent to an outcome in which someone is allowed to die, then the argument will not convert anyone who thinks killing is worse than letting die.

*Thirteenth Objection:* In the passages just discussed, Rachels is not appealing separately to sameness of intention, then sameness of consequences, etc. He is instead appealing to the general principle that if two actions are identical with the exception that one is a case of doing and the other is a case of allowing, then those acts are morally equivalent.

*Reply:* It is not charitable to suggest that Rachels starts out arguing that killing and letting die are equivalent on the basis of the equivalence of Jones’ acts in *Accident* and *Murder* and then goes on to defend the equivalence of those acts on the basis of a principle that says there is no difference between doing and allowing. If that were Rachels’ argument, he could have left out the examples about Jones. He could have just said this: There is no moral difference between doing and allowing. The only difference between killing and letting die is that killing is an instance of doing and letting die is an instance of allowing. Therefore, there is no moral difference between killing and letting



die. Anyone who thinks killing is worse than letting die is not going to be persuaded by such an argument. The whole point of Rachels' methodology is to test whether doing and allowing are different by looking at cases in which everything else is the same. And when we do that by comparing *Accident* and *Accident + Murder*, we see that there is a difference.

*Fourteenth Objection:* I construe Rachels' argument as dependent on:

**Rachels' Principle:** If a case of killing is equivalent to (worse than) an otherwise similar case of letting die, then killing is equivalent to (worse than) letting die.

But Oddie [1997] and Kagan [1998] have raised doubts about it. Furthermore, Oddie [2001] argues that one can get Rachels' result with a less controversial assumption:

**Oddie's Principle:** If killing is equivalent to (worse than) letting die, then any case of killing will be equivalent to (worse than) an otherwise similar case of letting die.

I need to explain which bare-difference principles I endorse.

*Reply:* I accept three principles relevant to this discussion:

**Kagan's Principle:** If a case of killing is equivalent to (worse than) an otherwise similar case of letting die, then there is a presumption in favor of the view that killing is equivalent to (worse than) letting die.

The act in *Accident + Murder* is worse than the otherwise similar act in *Accident*. So by Kagan's Principle, there is a presumption in favor of the view that killing is worse than letting die. I also accept:

**IBE:** If a hypothesis is the best explanation of an observation, then that observation is evidence for that hypothesis.

We have as observations Oddie's trolley examples and my Rachels-inspired examples.

Each observation consists of cases that are morally different. I have argued that the hypothesis that killing is worse than letting die is the best explanation of these observations. So by IBE, there is evidence for the hypothesis that killing is worse than

letting die. Finally, I accept:

**Conservativism:** If a proposition is a part of commonsense morality, then, in the absence of defeaters, one should believe that proposition.

The proposition that *killing is worse than letting die* is part of commonsense morality.

And without Rachels' argument or Oddie's argument, it has no defeaters. So, given

Conservativism, we should believe that killing is worse than letting die.

#### **4. Conclusion**

Objections to Rachel's argument have been presented by Judith Jarvis Thomson (1975), Shelly Kagan [1988] and [1998], Philippa Foot [2002], and Winston Nesbitt [1995]. It is worth considering how my argument is an improvement.

Thomson's objection raises doubts about the method of the argument. I raise doubts about the *application* of the method. Thomson claims that if the Bare-Difference Argument were valid, it would imply that chopping off someone's head is morally equivalent to punching them in the nose. I do not question the validity of the argument. Instead I question the premise that the only difference between *Murder* and *Accident* is that Jones let his cousin die while Smith killed his cousin. I endorse the responses Rachels [1986: 121-123] and Tooley [1983: 205-206] offer to Thomson's objection. Foot [2002: 84] and Kagan [1998: 99] discuss a Compromise View according to which there is a difference between killing and letting die in some cases but not others. My criticism does not make this compromise. Rachels' [1986: 123-8] discusses the Foot/Kagan objection at length in his book. Nesbitt argues that Rachels and Tooley make their examples *too* similar whereas my objection is that their examples are not similar enough. Kuhse [1998] and Perrett [1996] argue that Nesbitt's objection confuses issues about character with acts. Kuhse also argues that Nesbitt overreaches by claiming that

any case of killing is worse than letting die. My objection does not have the features that Kuhse and Perrett criticize. I focus on act and not character evaluation. And I do not claim that in any case whatsoever killing is worse than letting die. I claim instead that *other things being equal* killing is worse than letting die. I endorse Kuhse's and Perrett's criticisms. Kagan's [1988] objection allows that the acts in *Murder* and *Accident* are morally equivalent but that it does not follow from killing vs letting die not making a difference in those cases that it doesn't make a difference in any cases. However, he thinks it does establish a *presumption* that killing vs letting die makes no difference in any case. My objection, unlike Kagan's, allows for no such presumption on behalf of the view that killing and letting die are equivalent. And it does not allow that even in the cases Rachels discusses does killing vs letting die fail to make a difference.

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