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FACULTY OF PHILOSOPHY

ЦЕНТАР ЗА ИНТЕГРАТИВНА БИОЕТИКА
CENTER FOR INTEGRATIVE BIOETHICS

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THE 'RIGHT TO DIE' REVISITED

Abstract

In this short paper I will discuss the ambiguous and, even, controversial term 'right to die' in the context of the euthanasia debate and, in particular, in the case of passive euthanasia. First I will present the major objections towards the moral legitimacy of a right to die, most of which I also endorse myself; then I will investigate whether the right to die could acquire adequate moral justification in the case of passive euthanasia. In the light of the Kantian tradition I will argue that since rights are understood as based upon duties, the right to die should also presuppose a corresponding duty, which to me could be either an imperfect, solidarity-related duty, or an autonomy-related one, at least as far as the unwanted prolongation of life is concerned. I will conclude with the view that the right to die could actually be considered a legitimate one in the case of passive euthanasia, when the application of life-supporting techniques is against the wishes and the best interests of the patient.

Key words: right to die; euthanasia; passive euthanasia; positive and negative rights; perfect duties; imperfect duties; Kantian ethics

I. Introduction

The discussion concerning the right to die lies at the core of the moral debate on euthanasia regardless of types and variants; nevertheless it is in respect of voluntary passive euthanasia that it is usually considered the most decisive moral determinant. The right to die among all rights is the most controversial, because it necessarily implies that life may on occasion be not worth living⁷⁹, or that death may be preferable to life; while the first implication most of the times is chal-

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⁷⁹ See Suzan Beryl Chetwynd, "Right to Life, Right to Die and Assisted Suicide", *Journal of Applied Philosophy* 21, no. 2 (2004): 173-182; also David A. J. Richards, "Constitutional Privacy, the Right to Die and the Meaning of Life: A Moral Analysis", *William & Mary Law Review* 22, no. 3 (1981): 327-419, 382 ff.

lenged as violating common sense, being contrary to common experience and constituting a slippery slope⁸⁰, the latter is typically rejected as a common logical fallacy, since there is no common scale on which life and death may be compared: non-existence is simply inaccessible to human experience⁸¹. Next to the concerns I already outlined, there is also extensive ambiguity with regard to the classification of such a right, assuming it could be admitted: it is a matter of controversy whether it could be considered a claim- or a liberty-right, as well as a positive or a negative one. The right to die in general poses major challenges for Ethics, Law Ethics and Bioethics, literally driving human intellect to its limits: to paraphrase Kant's argument against suicide, the right to die puts to challenge the intrinsic value of life "through the same [faculty] whose vocation is to impel the furtherance of life."⁸² It is not surprising at all that the endeavor to establish a moral or/and legal right to die has been vigorously rejected as undocumented, unsound, barren and meaningless.

While the right to life⁸³ corresponds to concepts that more or less tend to be readily accepted as suitable to either the human condition, or to our moral intuitions or sentiments, so as it requires much effort to be challenged or questioned,⁸⁴

⁸⁰ Relevant literature is vast; see among others John D. Arras, "The Right to Die on the Slippery Slope", *Social Theory and Practice* 8, no. 3 (1982): 285-328; D. Benatar, "A Legal Right to Die: Responding to Slippery Slope and Abuse Arguments", *Current Oncology* 18, no. 5 (2011): 206-207; Danny Scoccia, "Slippery-Slope Objections to Legalizing Physician-Assisted Suicide and Voluntary Euthanasia", *Public Affairs Quarterly* 19, no. 2 (2005): 143-161; Daniel Callahan, "When Self-Determination Runs Amok", *The Hastings Center Report* 22, no. 2 (1992): 52-55.

⁸¹ For a discussion of the 'incommensurability' or 'lack of contrast' argument see mine "Epictetus' Smoky Chamber: A Study on Rational Suicide as a Moral Choice", in *Antiquity and Modern World: Religion and Culture*, ed. K. M. Gadjanski, 279-292 (Belgrade: The Serbian Society for Ancient Studies, 2011), 289 ff.

⁸² Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. Allen W. Wood (New Haven & London: Yale University Press, 2002), 4:422. By 'faculty' I replace 'feeling' in the original text.

⁸³ Expressly declared already since 1948 in the *Universal Declaration of Human Rights* (article 3): "Everyone has the right to life, liberty and security of person"; again in the 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms* (article 2): "1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. 2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary: a. in defence of any person from unlawful violence; b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; c. in action lawfully taken for the purpose of quelling a riot or insurrection"; the right to life is mentioned in all relevant constitutional texts henceforth.

⁸⁴ See, among others, Hans Jonas, "The Right to Die", *Hastings Center Report* 8, no. 4 (1978): 31-36, 31. Jonas considers the right to life as the most plausible and fundamental one, but also as the basis of every other right – quite surprisingly, but not without adequate justification, of the right to die as well: "It is thus ultimately the concept of life, not the concept of death, which rules the question of the 'right to die'. We have come back to the beginning, where we found the right to life standing as the basis of all rights. Fully understood, it also includes the right to death."

at least *prima facie*, the situation is quite the opposite with regard to the right to die. This is only expected, since the notion of life and the concept of rights seem to harmoniously interlock, while death seems to be in direct juxtaposition with both. But this couldn't be otherwise: death is by definition a scandal to reason, and scandals can be resolved only by faith, religious or other. The concept of moral rights, on the contrary, is the crest of rational moral humanity⁸⁵. Therefore, the term 'right to die' seems to be an exemplary *contradictio in terminis* case⁸⁶, since it makes appeal to an impossible connection: it aspires to combine what is by definition irrational with what is the most remarkable offspring of rationality. Contrary to the above, in this short paper I will argue that the right to die could be justified in the case of passive euthanasia as an autonomy-related negative – or, liberty – right on the one hand, or as a solidarity-based positive – or, claim – right on the other.

II. The right to die

Rights, regardless of their nature, to wit whether they are discussed as legal, moral, human or other, are either permissions or entitlements acknowledged to the right-holder to do (or, to be done unto) or not to do something (or, to be left alone). In the light of the above the debate concerning the 'right to die' obviously could never be about *the fact* or *the event* of death *per se*; instead, what is actually debated is whether moral agents are entitled (or, should be anyway allowed) to decide the time, the fashion after, and the circumstances in which they will experience their inevitable death. In other words, the proponents of the right to die claim that in their view moral agents should be permitted – or even assisted – to die on the one hand when the continuation of their life would be against their will and their best interests, and on the other in the most humane and less agonizing way possible, if this is what they wish. Suggesting a right to secure the above doesn't seem unreasonable at all; after all, we are all mortals, and it is only expected that we would have a strong interest in being allowed as much control as possible on our death.

The establishment of a right to die would be uncontroversial if the debate was on suicide, and not on euthanasia. But, of course, no such debate could be on suicide; suicide has no need of rights to remain an option for moral agents: the deci-

⁸⁵ By "humanity" I am refer to the German term "Menschlichkeit" Immanuel Kant uses to denote, among others, rational nature. See Wood's relevant comment in Immanuel Kant, *Groundwork*, 47, n. 63.

⁸⁶ On the contradiction that underlies the assumption of a right to die see among others David J. Velleman, "Against the Right to Die", *The Journal of Medicine and Philosophy* 17, no. 6 (1992): 665-681, as well as David J. Velleman, "A Right of Self-Termination?" *Ethics* 109, no. 3 (1999): 606-628.

sion to commit suicide rests with the person concerned, and nobody has the power to prevent one from taking his life, at least under normal circumstances. With regard to euthanasia, however, the establishment of the right to die is of pivotal importance⁸⁷. The most morally significant difference between euthanasia and suicide is that the former, very much unlike the latter, requires the direct intervention of another moral agent. Therefore, in the case of euthanasia to accept a right to die might only mean that moral agents on the one hand are perfectly justified to ask for our direct actions to see their life terminated, and on the other that their request should be fully met by any other moral agent, since all others would acknowledge a corresponding duty of theirs to respect such request and respond to it. In other words, the right to die in the case of euthanasia appears to be a claim-right⁸⁸. This is what sparks controversy among the proponents and the opponents of the right to die.

In particular, and this *par excellence* applies to bioethicists who are under the influence of the Kantian tradition in ethics, any particular right could be seen as the offspring of a previously established⁸⁹ corresponding duty⁹⁰, on which the right in discussion is founded or based⁹¹. Or, according to Raz, I have a right iff some aspect of my interests is sufficient reason to hold another person to be under a duty⁹². In Kantian terms any duty is a voluntary, self-imposed and mandated by reason⁹³ absolute obligation: in brief, if I have the duty to (do or abstain from doing) something, there would be no rational justification if I decided to opt for any other choice among those provided as alternatives in the given situation, except for what duty commands me to opt for. If I acknowledge a perfect duty of mine towards others to keep promises, there is no other rational alternative for me except to keep the certain promise I have given, although this might be against my

⁸⁷ Tom L. Beauchamp, "The Right to Die as the Triumph of Autonomy", *Journal of Medicine and Philosophy* 31, no. 6 (2006): 643-654, 645.

⁸⁸ See Leif Wenar, "The Nature of Claim-Rights", *Ethics* 123, no. 2 (2013): 202-229.

⁸⁹ Matthew Kramer, "Rights without Trimmings", in *A Debater Over Rights*, ed. Matthew Kramer, Nigel Simmonds, and Hillel Steiner (Oxford: Clarendon, 1998), 26.

⁹⁰ See James A. Sherman, *Renewing Liberalism* (Dordrecht: Springer, 2016), especially chapter "From Moral Duties to Moral Rights", 383-434; also Richard Tuck, *Natural Rights Theories: Their Origin and Development* (New York: Cambridge University Press, 1979), 159-61; and Knud Haakonssen, *Natural Law and Moral Philosophy* (Cambridge, Mass.: Cambridge University Press, 1996), 41.

⁹¹ Pierfrancesco Biasetti, "Rights, Duties, and Moral Conflicts", *Ethics & Politics* 25, no. 2 (2014): 1042-1062, 1042, where Biasetti quotes Mahatma Gandhi suggesting to Herbert George Wells to "...begin with a charter of Duties of Man and I promise the rights will follow as spring follows winter".

⁹² Jozef Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1988), 166.

⁹³ "For the rest, I understand by a perfect duty that which permits no exception to the advantage of inclination." Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. and trans. Allen W. Wood (New Haven and London: Yale University Press, 2002), § 4:421, note.

best interests at the moment, or contrary to what I desire⁹⁴. Duty, on this account, is a self-imposed restriction of my instinctive nature; my rational nature simply allows for nothing else save to do as duty compels me to, as far as I make my decisions as a rational moral agent.

Any right, on the contrary, is an absolute permission, entitlement or freedom to do – or to be done unto – what it refers to. The moral right to my property, for example, means that I am allowed to dispose of my property as I wish: I am free to retain it, to quit it in favor of any beneficiary I chose to, or even to destroy it. Since the right to property is acknowledged as a legitimate moral one by the moral community I live in, other moral agents are obliged to abstain from any action that would disallow me deal with my property according to my will.

When it comes to moral rights⁹⁵ – contrary to how it is with legal rights, concerning which there is unanimous consensus that they are bestowed onto persons by legal systems – the major issue of dispute regards their foundation; it is usually assumed that moral rights are based either upon God's will, or human nature, broad social consensus, utility, or pure reason. To me the only proper foundation of rights may be reason, since every other basis may only be dependent either on the idiosyncratic ontological or metaphysical views one adopts, or on individual taste: people should be acknowledged specific rights because God wants them to be, or as bearers of an immortal soul, or on grounds of an evanescent social consensus, or just because it is much more useful to be acknowledged rights than not to. But since fundamental ontological and metaphysical premises are not unanimously accepted, while at the same time utility is not being agreed upon by everybody, nothing but pure reason in my view may serve as the proper ground for asserting rights for moral agents. But rights can have only indirect foundation on reason, as based upon – or, better, as deriving from – corresponding duties that are mandated by reason, so as to challenge or reject duties would be to challenge or reject reason, which is self-defeating, since one should make use of a reasonable argument to do so. In short, as far as the Kantian tradition in ethics is concerned, duties come first and rights follow. In that sense, I have a right to my property because – and only because – all other moral agents have beforehand already acknowledged it as a perfect moral duty of theirs to respect property in general, since not respecting it would imply that one assumes a world in which the notion of property at the same time exists and doesn't exist: if moral agents decided to act according to the maxim 'property shouldn't be respected', the notion of

⁹⁴ Concerning perfect duties towards others see *ibidem*, § 4:422.

⁹⁵ I use the term here literally and as opposed to legal rights, and not in the legal sense the term is usually understood; I also deliberately avoid the term 'natural rights' as misleading, since in my view moral rights is the *species* and natural rights are the *genus*, as I explain above.

property would instantly vanish into thin air, but moral agents would still strive to conform their actions to the maxim 'not to respect property' – which is utterly irrational, since property would exist as an idea in the intellect, but wouldn't correspond to anything existing in the real world. To sum up, any particular right that has no foundation upon a certain moral duty can be nothing else than *flatus vocis*⁹⁶. The right to life, in that sense, is based upon the morally binding duty not to threaten, harm or take one's life no matter what. It is more than obvious that this duty is a negative one⁹⁷; it doesn't demand that moral agents should proceed to certain actions, but that they should abstain from any action instead: it disallows me, for example, to shoot a guy to kill him, but it doesn't mandate that I should do something to save him from a hungry lion that has chosen him as its pray⁹⁸. Negative duties produce negative rights, and the right to life is an exemplary case, a right purposed to protect my life against the contrary disposition of anybody else.

Next to negative rights that are based upon negative duties – or, to use Kantian terminology, upon *perfect* or *strict* duties – there are also positive rights⁹⁹, and these are based upon positive duties, the ones Kant refers to as *imperfect* or *praiseworthy*. Positive duties compel moral agents to act accordingly in order to respect these duties, and this allows individuals to raise certain claims towards others to act in such a way as the right-holder is subjected to the actions that would facilitate him to exercise his particular right¹⁰⁰. A positive, imperfect duty like the one to solidarity Kant mentions as an example of imperfect duties towards others, seems capable of supporting a positive right to solidarity; as a matter of fact, utilitarian ethicists currently argue in favor of the *right to safe-rescue*, which is a solidarity-based right.

Moving to the right to die debate, it is obvious that any right to die could only be a positive, and never a negative one, since one who asks for euthanasia demands that the doctor or one's relatives act in such a way as to terminate one's life; moreover, one who makes that claim actually claims as his right to be put to death. But if the right to die were to be seen as a positive right, this would mean that it should be based upon a previously established and agreed upon positive duty. However, this sounds absurd: assuming a particular moral duty of the kind

⁹⁶ The term is attributed to Roscelin of Compiègne by Anselm of Canterbury. See Frederick Copleston, *A History of Philosophy*, vol. II (London: Continuum, 2003), 143.

⁹⁷ On negative duties – and how they interweave with positive ones – see Raymond A. Belliotti, "Negative and Positive Duties", *Theoria* 47, no. 2 (1981): 82-92; also James Rachels, "Killing and Starving to Death", *Philosophy* 54 (1979): 159-171.

⁹⁸ Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 230.

⁹⁹ See Richard L. Lippke, "The Elusive Distinction between Negative and Positive Rights", *The Southern Journal of Philosophy* 33 (1995): 335-346.

¹⁰⁰ See Jack Donnelly, *International Human Rights* (Boulder: Westview Press, 2007), 25 ff.

“I ought to put to death anyone upon his request” sounds like an extremely demanding project; even if we consider such a duty a solidarity-based one, it would remain extremely controversial, since actively terminating one’s life could never count as a proper means to express solidarity, at least not under the light of the Kantian tradition in ethics: it would violate the second formula of the categorical imperative that compels moral agents not to treat humanity whether in their own person or in the person of any other solely as a means, but always at the same time as an end¹⁰¹.

All the above imply that in the case we accept the right to die as a legitimate moral right, this right couldn’t be based upon any – either negative or positive – duty, therefore it would be just *flatus vocis*. Even if, for the sake of the discussion, we considered the right to die as a solidarity-related right, this would be futile, since the duty of solidarity, as long as it is an imperfect one, is not morally binding. To sum up: to admit the right to die to proper – or, typical – moral rights, we should either consider it a positive, or a negative one, to wit based upon a corresponding positive or negative duty. But the right to die cannot be a negative right, since it doesn’t correspond to any negative duty, therefore it may only be a positive right; yet it is not a positive right since it doesn’t derive from a positive duty (even if it was, this would be morally irrelevant for the reasons I previously explained). *Sequitur*, the right to die cannot be admitted to proper moral rights, unless moral rights are considered *in vacuum*, and not as necessarily imposing duties – or, better, dependent on previously acknowledged moral duties – owed to right-holders.

III. Rethinking the right to die

All the above would apply in a world much simpler than the one we to live in. In our world, however, the situation is since several decades much more complicated: we might no more be allowed the luxury of unqualified claims and categorical imperatives; it seems that we probably have to be more modest and flexible concerning issues such as euthanasia. For instance, the plea for euthanasia nowadays mostly concerns comatose patients in persistent, irreversible vegetative state, therefore most of the times it is not being submitted by the patient, but by his relatives¹⁰²; the cases in which a competent and conscious patient asks for euthanasia are much more rare, and this is primarily due to the advances in palliative care and pain management that have been made during the last decades. But even when a competent patient himself asks for euthanasia, he is usually in a con-

¹⁰¹ Kant, *Groundwork*, 4:429.

¹⁰² See J. Pereira, “Legalizing Euthanasia or Assisted Suicide: The Illusion of Safeguards and Controls”, *Current Oncology* 18, no. 2 (2011): e38-e45.

dition very much unlike the one Kant seems to have in mind when he altogether rejects suicide¹⁰³ as “debasement of humanity in one’s person”:

“...duty, hence as long as he lives; and it is a contradiction that he should be authorized to withdraw from all obligation, that is, freely to act as if no authorization were needed for this action. To annihilate the subject of morality in one’s own person is to root out the existence of morality itself from the world, as far as one can, even though morality is an end in itself. Consequently, disposing of oneself as a mere means to some discretionary end is debasing humanity in one’s person (homo noumenon), to which man (homo phaenomenon) was nevertheless entrusted for preservation.”¹⁰⁴

Contrary to what Kant argues, one might claim that today “annihilating the subject of morality in one’s own person and rooting out the existence of morality itself of the world” would be rejecting rather than granting the patient’s request for euthanasia; you see, such a patient has been probably kept against his will to a burdensome, humiliating and unnaturally prolonged life, one that would have naturally long ended if it weren’t for the marvelous – but in his case, unwanted – achievements of medical technology, medicine and biomedicine, due to which life – or, something resembling a “life” – can be supported beyond Kant’s imagination: any comatose patient may be kept in existence – I intentionally avoid here the term “life” – for decades, and even outlive his perfectly healthy children¹⁰⁵. On the other hand, a terminally-ill – but not comatose – patient’s life may be supported as long as it is needed so as he experiences the unimagined creativity and the skills nature manifests when it comes to torment, agony and humiliation. As the situation is, the request for euthanasia seems to be less about inflicting death, and more about not prolonging life, which is a totally different issue.

I have already argued that when it comes to bringing about – or assisting – the death of another person upon his explicit request, it seems to me almost impossible to consider this a right of the person involved; with regard to not prolonging life against one’s will, however, the case seems to be quite the opposite. In other words, while it is at least far fetching for anyone to invoke a right to be killed, in my view it is much sounder – better, absolutely sound – to claim it as his right to be left to die. This is because in such a case the right to die might be considered a *negative right*, something that would be unthinkable fifty years ago: back then

¹⁰³ Kant, *Groundwork*, § 4:421-422.

¹⁰⁴ I. Kant, *The Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, 1991), § 6:422-423.

¹⁰⁵ Theresa Marie Schiavo was kept in a comatose state for 15 years with no prospect of recovery whatsoever. For the moral aspect of the debate on Schiavo’s case see T. Koch, “The Challenge of Terri Schiavo: Lessons for Bioethics”, *Journal of Medical Ethics* 31 (2005): 376-378.

when one's time had come, nothing could be done to postpone the inevitable; in our times, however, I may be denied my natural, in time – and, in some cases, even wished-for – death, and this against my will and my best interests, at least the way I perceive them. If this is true, which is, and if the right to death as a negative right has any meaning indeed, this could only be because it is based upon some corresponding duty of others towards me not to prolong my life by artificial means against my will, a duty which makes it a valid moral claim. But what kind of a moral duty would this be?

In the unique, fascinating universe of Kantian Bioethics the duty not to prolong the life of a patient against his will and to his detriment is usually perceived either as a solidarity-related duty, to wit as an *imperfect duty* owed to others according to Kant's classification, or as not a duty at all, but rather as a supererogatory act, one that goes beyond duty; neither imperfect duties, however, nor supererogatory acts are suitable to support derivative rights, either liberty- or claim-rights. Contrary to this view, allow me to support a totally different case here: as I see it one's right to be left to die a natural and unhindered death if this is what one wishes, is an autonomy-related right, one that is based upon – or necessitated by – a *perfect duty* towards others, directly connected to the very core of Kant's ethical system and interlocking with its key moral imperative: respect for positive freedom, autonomy and thus dignity of rational moral humanity.

When a person is forced to keep on to a debasing life prolonged by artificial means, this person seems to be under some kind of heteronomy totally alien to rational moral humanity in the Kantian sense; moreover, such heteronomy has nothing in common with inevitable and inescapable *natural heteronomy* – on the contrary, it is entirely man-made and man-imposed. In other words, acting in such a way as to prolong one's agonizing life against his will on the one hand looks like tormenting him, and on the other is totally disregarding and disrespecting his autonomy. Treating rational moral humanity in such a manner, however, might by no means become a universal law of nature, since such a law could only be applicable in a world where the will of the moral agent would and, at the same time, wouldn't be a ruler to itself.

To sum up, not every request for euthanasia is necessarily one that is in accordance with a maxim that reason would approve of. When, however, such a request concerns *not prolonging* burdensome, agonizing and desperate life, it might be a rational one. Such a request may only be rejected on very good reasons; if not, the autonomy – and, hence, the dignity – of the moral agent would be compromised. This, however, is unacceptable.

IV. Conclusion

In the light of the above, in the case of active euthanasia the patient is not entitled to request the termination of his life by invoking a claim-right to be killed, since such a right could by no means be based upon any corresponding perfect duty of others towards him to terminate his life on his serious and persistent request. To accede to such a request would at best be complying with an imperfect solidarity-related duty towards others; even so, as I have already argued, imperfect duties are not suitable to support derivative claim-rights. Quite on the contrary, in the case of passive euthanasia, when the patient asks to be left to die a natural death according to his own free will, proper respect for his autonomy and dignity might imply that his request should be granted¹⁰⁶. *Sequitur*, accepting the request for passive euthanasia seems to correspond to an autonomy-related perfect duty towards others deriving directly from Kant's categorical imperative: any rational will who decides according to maxims through which it can at the same time will that they become universal laws¹⁰⁷ should be respected, unless the will is not a ruler to itself. Respect for autonomy in the case of passive euthanasia in my view seems to be a quite adequate justification for establishing a right to die – or, better, for the right of the patient to be left to die unhindered by actions undertaken by others on purpose of prolonging his life by artificial means against his own free will. The key question is whether a rational will may under the circumstances of a particular situation set as its maxim to cease existing. It sounds like a paradox indeed, but even Kant himself – in one of these rare instances he allows his Stoic influence become manifest – seems to entertain some slight shadow of doubt now and again, namely when he discusses the moral assessment of suicide in the rare occasions that adhering to life might – or, even better, is expected to – threaten the autonomy and the dignity of the moral agent. He asks in *The Metaphysics of Morals*:

“A man who had been bitten by a mad dog already felt hydrophobia coming on. He explained, in a letter he left, that, since as far as he knew the disease was incurable, he was taking his life lest he harm others as well in his madness (the onset of which he already felt). Did he do wrong¹⁰⁸?”

¹⁰⁶ Jonas, “The Right to Die”, 36: “To defend the right to die, therefore, the real vocation of medicine must be reaffirmed, so as to free both patient and physician from their present bondage. The novel condition of the patient's impotence coupled with the power of life-prolonging technologies prompts such a reaffirmation. I suggest that the trust of medicine is the wholeness of life. Its commitment is to keep the flame of life burning, not its embers glimmering. Least of all is it the infliction of suffering and indignity.”

¹⁰⁷ Kant, *Groundwork*, 4:421.

¹⁰⁸ Kant, *The Metaphysics of Morals*, § 423-424.

And again in his *Lectures on Ethics*:

“In the cases where a man is liable to dishonour, he is duty bound to give up his life, rather than dishonour the humanity in his own person. For does he do honour to it, if it is to be dishonoured by others? If a man can preserve his life no otherwise than by dishonouring his humanity, he ought rather to sacrifice it. He then, indeed, puts his animal life in danger; yet he feels that, so long as he has lived, he has lived honourably. It matters not that a man lives long (for it is not his life that he loses by the event, but only the prolongation of the years of his life, since nature has already decreed that he will some day die); what matters is, that so long as he lives, he should live honourably, and not dishonour the dignity of humanity. If he can now no longer live in that fashion, he cannot live at all; his moral life is then at an end. But moral life is at an end if it no longer accords with the dignity of humanity. This moral life is determined through its evil and hardships. Amid all torments, I can still live morally, and must endure them all, even death itself, before ever I perform a disreputable act. At the moment when I can no longer live with honour, and become by such an action unworthy of life, I cannot live at all. It is therefore far better to die with honour and reputation, than to prolong one’s life by a few years through a discreditable action. If somebody, for example, can preserve life no longer save by surrendering their person to the will of another, they are bound rather to sacrifice their life, than to dishonour the dignity of humanity in their person, which is what they do by giving themselves up as a thing to the will of someone else¹⁰⁹.”

In my view there can be only few – if any – occasions more dishonoring and humiliating than being forced to a life of agony and torment against my will, a life unnaturally prolonged far beyond its limits. As far as I am concerned, and if fate holds for me such an end, I wish this short paper has adequately proven the right to die as a valid one in the case of passive euthanasia, so as I will be allowed a natural death, one no more agonizing than death has to be anyway – and this even if the doctor who treats me during the last days of my life happens to be a devoted Kantian. Under the circumstances it would be the best possible consolation to know that my doctor would be determined to do what it takes to respect my autonomy and preserve my dignity at least, since it would be beyond his power to save my life.

¹⁰⁹ I. Kant, *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind, trans. Peter Heath (Cambridge: Cambridge University Press, 1997), § 377.

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