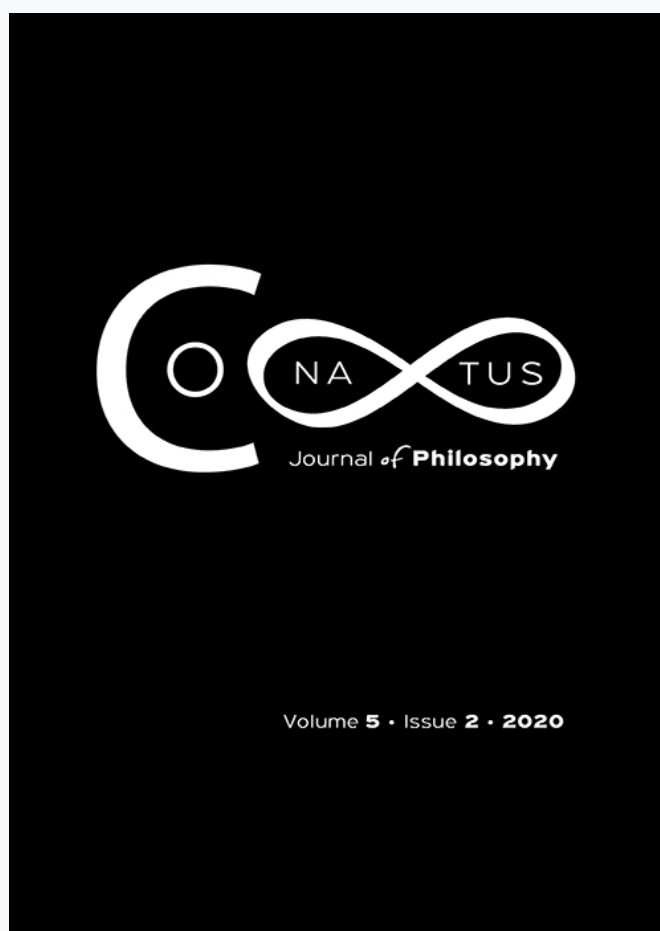


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# Is it Possible to Be Better Off Dead? An Epicurean Analysis of Physician-Assisted Suicide

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## **Abstract**

*Epicurus wrote that death cannot be bad for a person who dies, since when someone dies they no longer exist to be the subject of harm. But his conclusion also applies in the converse: Death cannot be good for someone, since after their death they will not exist to be the subject of benefit. This conclusion is troubling when it is brought to bear on the question of physician assisted suicide. If Epicurus is right, as I think he is, then it means that even when someone is dying of a long and painful illness, we cannot say that they would be better off dead. I defend this conclusion by first presenting Epicurus's argument, and defending it against some of its more important contemporary critics. I then re-examine the conclusion that someone cannot be better off dead by looking at the issue of mercy killing and euthanasia. Drawing on the work of philosophers who examine the ethics of animal euthanasia, I argue that killing someone who is suffering severe agony can be good, but it cannot be good for the person who suffers—it is just good in itself. This, I think, is why we have the intuitions that we do around physician assisted suicide: we are mistaken about the idea that someone can be better off dead, but we can be correct in thinking that sometimes someone's death is good.*

**Keywords:** *Epicurus; death; assisted suicide; euthanasia, mercy killing*

In the debate about the morality of physician-assisted suicide, it is often taken for granted that for some people death would be preferable to life—people who would be better off dead. In the usual debate, the question is whether such a good is worth the potential evils that might accompany it (such as the potential devaluation of life, or loss of trust in the medical profession), however, the basic idea that some people could benefit from their

own deaths is accepted by all sides. And yet, there is also the idea, going back to Epicurus, that death cannot hold any value for the person who dies, positive or negative. After death, there is no person left to be the subject of benefits or harms. If this is correct, then no matter how painful my life is, my death cannot ever be good for me. This paper will attempt to defend the Epicurean argument that death cannot be a benefit for the one who dies. Regardless of the amount of suffering, and how close someone is to the natural end of life, I will argue that it is not possible to be better off dead. This will have some obvious consequences for the ethics of physician-assisted suicide.

After presenting the Epicurean position, I will attempt to defend it against some of its most important modern critics. Most of these critics argue against the Epicurean point that death cannot be bad for the person who dies; I will reorient these objections in order to argue that death cannot be good for the one who dies. Even if physician assisted suicide seems like a humane act of mercy, in fact it is not. This is the primary conclusion of my paper, and I think that the arguments are valid. However, there appears to be a counter-example to my conclusion in cases where people are suffering so much that it would seem immoral not to end their lives. Such cases of mercy killing, are, thankfully, rare among people, but common in the relationship between people and animals. In the last part of the paper, I will look closer at cases of animals and human mercy killings in order to check what they mean for my primary Epicurean point. There is, I will argue, a way to retain the idea that mercy killings are sometimes beneficial while holding on to the Epicurean idea, according to which they are not good for the person who dies.

I should note before beginning, that in this paper I am assuming that death is really the end of our existence, and that there is no afterlife where we will face judgement for our actions in this life. Death, at least for the purposes of this paper, is really the end.

### I. Epicurus on suicide

Few letters and fragments of text preserve of Epicurus' original writings, however, they are enough to establish what I will call the Epicurean position (his actual position is not really a concern here, although it could be an interesting question for historians.)<sup>1</sup> In the famous *Letter to Menoeceus*, Epicurus wrote:

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<sup>1</sup> Part of the problem with calling this the "Epicurean" view is that later Epicureans seem to have interpreted it differently. Cicero, in *De finibus* (1:49), presents the Epicurean view of death in this way: "The greatest [pains] are curtailed by death, the small ones are punctuated by long intervals of peace, and we are in control of those of a medium strength so that if they can be endured we endure them and if not we may leave life calmly if it does not please us, just as we may leave the theatre." James Warren, *Facing Death: Epicurus and his Critics* (Oxford: Clarendon Press, 2004), 206. So, Cicero's version of Epicurus differs from mine, since he endorses suicide as an alternative to a bad life. I will set the issue aside here, since this paper

For that which while present causes no distress causes unnecessary pain when merely anticipated. So death, the most frightening of bad things, is nothing to us; since when we exist, death is not yet present, and when death is present, then we do not exist. Therefore, it is relevant neither to the living nor to the dead, since it does not affect the former, and the latter do not exist. But the many sometimes flee death as the greatest of bad things and sometimes choose it as a relief from the bad things in life. But the wise man neither rejects life nor fears death. For living does not offend him, nor does he believe not living to be something bad.<sup>2</sup>

When philosophers write about this passage, they typically focus on his claim that death is not bad for the person who dies. My death cannot be bad for me, since, when I die, I will not exist to be the subject of any harm. It is understandable why philosophers tend to focus on the idea that death is not bad for us, since most of us fear death and find it strange to be told that such fears are irrational. However, the Epicurean point is actually bigger: death is nothing to us, which also means that death cannot be good for one who dies. Importantly, Epicurus' point is unqualified: it does not matter what the quality of life is if life is good, death is still not an evil, and if life is bad, death is not a relief. Life, even a painful one, is "no offense" to an Epicurean. My own death (and by extension my own suicide) can never serve my own self-interest.

Although not making explicit reference to Epicurus, Christopher Cowley describes quite vividly the Epicurean view of suicide: "*there is something unique in the nature of suicide that makes any attempted ascription of the concepts of either rationality or irrationality otiose.*"<sup>3</sup> Cowley wants to point out that it depends on me to decide whether an action would be good for me, taking into account that I compare two possible outcomes; if I act according to a correct assessment of the relative values of the two outcomes, then I am rational, and if I am incorrect (or ignore the relative values of the possible outcomes) then I am irrational. If I do not exist in one of the possible worlds

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is not based on historical analysis, but on the different aspect between Epicurus' view, as I approach him here, and Cicero's analogy that we can "leave the theater." The theater is our life, and we only exist in it.

<sup>2</sup> Epicurus, *Letter to Menoeceus*, in *The Epicurus Reader*, eds. Brad Inwood, and Lloyd Gerson (Indianapolis: Hackett Publishing Co., 1994), 29; 125-126.

<sup>3</sup> Christopher Cowley, "Suicide is Neither Rational nor Irrational," *Ethical Theory and Moral Practice: An International Forum* 9, no. 5 (2006): 469.

that would result from my action, then I cannot compare their values for me. I can contemplate a world without me, but such a world cannot have a value for me. Non-existence is not value-neutral, it is value-less. Suicide, Cowley argues, simply cannot be rational. I cannot judge a decision as valuable for me, if I do not exist in the world that would result from that decision.<sup>4</sup>

Compare the question of suicide with that of killing another person. When we contemplate killing someone, we can genuinely compare two possible futures – one with the person in it, and another without them. The agent contemplating the killing can then decide which is better for them. The asymmetry here is that the person contemplating killing another will exist in both worlds, but the person contemplating suicide will not. Of course, someone contemplating suicide can ask what the world would be like without them, and if they were consequentialists, this might be enough for them to decide if their suicide would be moral. You may, for example, choose suicide to spare your family the expense of medical treatment; or, to use Hume's example,<sup>5</sup> someone may decide that suicide is the best if they are under arrest and aware that they will spill their secrets under interrogation. However, these kinds of reasons for committing suicide, whether they are good or bad, do not really refer to the Epicureans' point. These reasons for suicide concern goods for others (family, friends, or compatriots) and not the suicidal person's well-being. Desiring suicide for the sake of your loved ones is not to say that suicide is good for you, but that it is good for them, which is outside the scope of this paper.<sup>6</sup>

As mentioned above, my intention is not to focus on the historical Epicurean movement. However, it might be noteworthy to compare my arguments with the Epicurean position. Epicureans often said that if one lives well, then one can always find pleasures in life (or at least in memories of happiness) and that no right-living person should want to hasten death, even if they are dying in a painful condition.<sup>7</sup> At first glance, this seems to support my position that death can never be good for the person who dies, but it does not seem so simple. After all, if life is bad enough that there is no way

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<sup>4</sup> Although Herstein does not discuss the matter in terms of death (or suicide), he argues, essentially, the same conclusion: non-existent people (in terms of possible but not actual people) do not have neutral value, but entirely lack of any well-being. Ori J. Herstein, "Why 'Nonexistent People' Do Not Have Zero Wellbeing but No Wellbeing at All," *Journal of Applied Philosophy* 30, no. 2 (2013): 136-145.

<sup>5</sup> David Hume, "Of Suicide," in *Essays: Moral, Political and Literary*, ed. Eugene F. Miller (Indianapolis, Liberty Classics, 1985), 587.

<sup>6</sup> Lori Gruen discusses commendably the social aspect of death which is often ignored in the literature on Philosophy of Death (including the present paper). Lori Gruen, "Death as a Social Harm," *The Southern Journal of Philosophy* 52, S1 (2014): 53-65.

<sup>7</sup> Warren, 137.

to escape to a happy memory, or if one did not have any such memories to call on, then an Epicurean might say that death would be a relief. This would be rare, but it could happen.<sup>8</sup> This line of thought leans on the Epicurean idea that life is about pleasure and avoidance of pain. Since there will be no pleasure or pain in death, a life with any pleasure is better than death, and conversely that death is better than a life of pain. But this clearly runs up against the mistake that Cowley identified of confusing death with a neutral state, when, in fact, it is a non-state. Then, at least some Epicureans do not adhere to the Epicurean position as I am presenting it here.

I think that my version of the Epicurean position on suicide can be fruitfully elucidated by considering Kant's critique of the ontological argument about God's existence. Kant agreed that there were qualities that make a being God-like (omniscience, omnipotence, etc.), however, existence is not one of them.<sup>9</sup> Existence is not itself a property but the condition under which a thing can coherently be said to have properties. So, while God must have all the properties that it is better to have than not to have, we cannot thereby conclude that God exists. This strategy has an obvious parallel to the question of death. There are qualities that make a life good, and those that make a life bad, but life itself cannot be one of those qualities. It sits before them, and as such, its presence or absence cannot be counted as positive or negative. While the presence of pleasure can be good (and the removal of pleasure can be bad), the absence of life cannot have any value. Likewise, it is, on this view, analytically true that death can never be beneficial to me. After suicide, I do not suffer, but not because of pain's relief. There is no me left to be the recipient of benefit. Suicide, then, cannot be in my own rational self-interest, any more than non-existence can be bad for the goodness of God. This is a categorical claim and does not depend on what kind of life you are leading.

It is worth to examine briefly how this Kantian argument against suicide relates to Kant's actual argument against suicide.<sup>10</sup> It turns out to be similar, but perhaps more powerful. Suicide, for Kant, is a betrayal of that which is most important: our rational, self-directed consciousness. Or, to put it another way, Kant thought that by committing suicide, I am treating myself as a means to the end of alleviating suffering.<sup>11</sup> Since it is always immoral to

<sup>8</sup> Walter Englert, "Stoics and Epicureans on the Nature of Suicide," *Proceedings of the Boston Area Colloquium on Ancient Philosophy* 10, no. 1 (1994): 95.

<sup>9</sup> For a detailed analysis of Kant's critique of the Ontological Argument, see Ian Proops, "Kant on the Ontological Argument," *Nous* 49, no. 1 (2015): 1-27.

<sup>10</sup> Immanuel Kant, *Grounding for the Metaphysics of Morals*, eds. Mary Gregor, and Jens Timmermann (Cambridge: Cambridge University Press, 2012), 34.

<sup>11</sup> Michael Chobli reviews these arguments by concluding that sometimes a Kantian should

treat any moral agent as a means to an end, suicide is immoral. Because our worth as rational agents is infinite, it will outweigh any pain or suffering that we may want to avoid.

Kant's actual argument against suicide relied on a respect for agency, in a kind of transcendental argument. My version relies only on the ability to have interests, even if they are not rational interests. Since the question is whether death can be in the interest of the one who dies, and not whether suicide can be rationally done out of a sense of self-love, my conclusion is wider than Kant's. It does not require a grounding in respect for autonomy or free will, and it would also apply to non-human (and hence non-rational) animals. No being that can possess good can benefit by their own death. I will return to the issue of animal death below, but first, I turn to few criticisms of the Epicurean position.

## II. Objections and replies

Thomas Nagel, in a paper published in 1970,<sup>12</sup> argued that the Epicurean position on death is wrong. Since then a number of philosophers have attempted to refine or expand Nagel's argument. In this section, I will defend the Epicurean position against both Nagel's arguments and some of those that have followed. Most of the critics of the Epicurean position criticize the idea that death is not bad for the person who dies, so when necessary I will translate these arguments to speak directly to my point that death cannot ever be good for the person who dies. In most cases this will be straightforward.

Nagel's criticism of the Epicurean position has come to be called the "deprivation view." In brief, the argument is that since life is good and death deprives us of life, our death is bad for us. Of course, if this line of reasoning is valid, then this would be the complementary conclusion: if life is bad enough, then since death eliminates life, death would be good. Nagel attempted to solve the problem by arguing that things can be atemporally bad, that is, bad without reference to a time at which a thing is bad. If I am deprived of something that I did not know that I possessed in the first place (a relative secretly stealing an inheritance, for instance), it is still a deprivation, and still bad for me. Death is bad for a person because it deprives them of the goodness of the life they could have led had they not died.<sup>13</sup> They are not present when this counterfactual life is missing, but the deprivation still

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endorse suicide. In particular, when someone's personhood is compromised by pain or depression. In a way, then, Cholbi's conclusion is similar to the one I reach in this paper. Michael Cholbi, "A Kantian Defense of Prudential Suicide," *Journal of Moral Philosophy* 7, no. 4 (2010): 506.

<sup>12</sup> Thomas Nagel, "Death," *Nous* 4, no. 1 (1970): 73-80.

<sup>13</sup> *Ibid.*, 77.

occurs, in a kind of timeless sense: it is not that my death is bad for me when I die, but that my death is just bad for me, even though there will never be a time when I am aware of being deprived by death.

Nagel's argument that death is bad because it is a deprivation has some intuitive appeal, but I think that it actually rests on a mistake: the same mistake that one would make in saying that God exists because existence is a perfection. Existence is the pre-condition for having perfections, but is not itself a perfection. So too, existence is the pre-condition for being deprived of good, but is not itself something that you can be deprived of. It is bad to be deprived of goods, but to be deprived of something, one must exist. And of course, if death cannot be a deprivation harm, it also cannot be a benefit by depriving us of something bad.

Imagine someone who is reading Agatha Christie's *Murder on the Orient Express*, and is also suffering from degenerative vision loss. It makes sense to say that her loss of vision would thwart her desire to read the final chapter and reveal the identity of the killers (set aside, for the purposes of this example, the existence of audio books). But if she were to die before reaching the end of the book, there is no similar loss. We might say, at her memorial, that she would have liked to know the ending of the book, but it is not a tragedy that she did not live long enough. Her desire was not thwarted, it was eliminated, along with the subject of the desire. Similarly, someone who dies with a terrible toothache did not have their desire to get rid of the toothache satisfied. Epicurus's point, at its heart, is that we mistakenly think that we will exist after our deaths, but we will not, and so there is no one to be deprived of anything. I imagine that when we say things at a memorial service like "at least she is no longer suffering from that toothache" we are assuming that the deceased exists in some kind of afterlife. But of course, this paper, as well as Nagel's, is working on the assumption that death is really death.

Eric Olson has tried to avoid Nagel's problem of specifying for whom death is bad by arguing against the Epicurean position on more general grounds.<sup>14</sup> He argues simply that it is good to have pleasure, and it is good to have desires fulfilled, and so it must be good to live long enough to experience pleasures and the fulfillment of desire. Death is therefore bad, since it removes these possibilities. It is not that you suffer after death, but that death is bad because it is the negation of the condition required for anything to be good. It may not be loss for someone to die before reaching the end of a mystery novel, but we still acknowledge that they would have taken pleasure from finishing it, and that death means that they will never have this pleasure. Death means that some things that we think are good will never be achieved. Likewise, presumably, Olson would argue that if something

<sup>14</sup> Eric T. Olson, "The Epicurean View of Death," *The Journal of Ethics* 17, nos. 1-2 (2013): 73.



is bad, then removing it must be good. Something being bad just means that removing it would be good; for Olson is almost analytic: if the death at the end of a long, painful illness is not good, then how can anything be good?

While this may seem like an alternative critique of Epicureanism to Nagel's deprivation account, it really boils down to the same point, and my response is essentially the same as above. There is no incompatibility with saying that it would be good for someone with a toothache to have relief, while saying that it would not be good for that person to die. It is bad to have the power go out in the middle of watching a football game on television, but it is not bad (at least not in the same way) to die in the middle of watching a game. In both cases, it is true that you do not see the game, but in the case of death, you are not missing anything. Life is a prerequisite for value, which explains why things in life can have value, while death cannot. Toothaches are bad, and relieving them is good, but death does not relieve them. Presumably, Olson would agree that suicide is not a solution to a toothache, and this is precisely because things can have value in life, but life (or death) itself cannot.

The problem for critiques of the Epicurean position is a basic one: there is no one for death to be bad for. This, of course, is the essence of Epicurus's point. Nagel and Olson emphasize the loss of whatever we value, but if this is lost in death, then there is no subject to lose it. Both, then, fail to solve the problem of whom death can have value for. Nagel tried to solve the problem by taking an atemporal view of value, but there still must be someone that such things are atemporally valuable for. Harry Silverstone tries to solve this problem by taking an atemporal view of a life itself.<sup>15</sup> He argues that I can make a judgement about the value of my own death because my death exists in the future. Just as there are things that are physically distant from me but that nonetheless can be valued by me here, so too my own death, which is temporally distant from me, can be valued by me now. There are facts about my death (even if I do not know them), and in general it is a fact that I will die. In this way, Silverstone takes himself to have solved the problem of how one can rationally contemplate their own death: it is possible because one's death, like all events, has an objective existence at some point in time.

This line of thought relies on the notion that future claims have truth value now, and while this is debatable, I will not press the issue. Rather, I will argue that even if it is true that my death can be rationally considered by me now, it does not follow that I can conceive of my death as having value for me. Silverstein shows at most that I can coherently consider my own death as something that exists in the future – it is less obvious that I can stand in a value-relationship to it. When I read about a hurricane happening in another place, I can feel sympathy for those who are experiencing it, but

<sup>15</sup> Harry S. Silverstein, "The Evil of Death," *The Journal of Philosophy* 77, no. 7 (1980): 401-424.

it is impossible (or at least not rational) to worry for my own safety because of the storm. So too my future death is something that I can conceive of, and something that I can imagine others experiencing as good or bad, but it is not something that I can have a value relation to, either now or when it happens.

Consider a scenario where I must choose between two courses of medical treatment, one of which prolongs life but increases suffering, and the other minimizes suffering but shortens life. Both choices involve considering death as an end-point, and comparing the two possible lives ahead. Death, then, is an object of thought that exists in some future. If I choose the life of less suffering, my earlier death is not seen as good in itself, but as the price to pay for a less painful life. This seems to be a potentially rational choice, that is to say, one that could be judged as either rational or irrational. But this is not contemplating the value of death, but of the possible lives that precede it. Osmon may be right that I can conceive of my death as existing in the future, but that only marks out a life that can have value.

And yet, if I am correct that one can rationally compare two potential lives of different lengths, then this would seem to imply that in an extreme case, one could rationally commit suicide to avoid a painful experience. If I can make a rational choice to live a shorter life rather than a longer, painful one, cannot I also choose no life instead of a painful one? Suicide, here, just seems like a limiting case of choosing a shorter pain-free life to avoid a longer painful one. But this view of suicide is mistaken, and the very language that attempts to describe it betrays the mistake. One does not avoid anything in death. One could choose a short life over a longer one that includes more suffering such decisions are made every day, and they are made explicitly in order to avoid suffering. But they avoid it only in the sense that there is an alternative life without suffering (albeit a shorter life). Choosing to forego chemotherapy is avoiding suffering, but it is not suicide. Choosing to die a quick death from a cyanide pill rather than die of torture at the hands of the enemy is a different kind of choice: one that does not really compare two futures at all, and hence cannot be a rational comparison.

Ultimately, I think that the problem with all of the above-described critiques of the Epicurean view of death is that they tacitly rely on an assumption that death is not really death. Nagel, Olson, and Silverstein all presume a perspective where I am present at (and after) my death and can assess the loss that death will bring me. This is understandable (the vast majority of human beings throughout history have held a belief in some kind of an afterlife) but this is explicitly not the assumption that we start with when considering the Epicurean position.

### III. Assisted suicide

We are now in a position to see how the general Epicurean point applies to physician-assisted suicide. These account for only a small fraction of the total number of suicides in the United States,<sup>16</sup> but they are the subject of much philosophical and legal debate. If I am right that death cannot be a benefit for the person who dies, it would introduce a new perspective to these debates. The existing arguments against the moral permissibility of physician assisted suicide in the philosophical literature tend to stand on utilitarian grounds, arguing that even if there are some cases where a patient would want assisted suicide, legalizing the practice would have overall negative effects. No published argument that I know of takes the Epicurean stance.<sup>17</sup> It seems obvious to many writing about it that there may be times when suicide is a rational decision, and that it is, at least, sometimes better to die than to continue living.<sup>18</sup>

When thinking about physician-assisted suicide, we must consider the concrete conditions of those who opt for it. There is, of course, physical pain, often uncontrollable even with medication, but patients are also often undergoing physical and psychological traumas that seriously undermine their sense of self. Patients have cited a desire for dignity in death, as well as the desire to avoid the disfigurement or dependency that is often brought

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<sup>16</sup> There were 44,965 suicides reported in the United States in 2016, and 643 physician-assisted suicides. For data on total suicides in the U.S., see Jiaquan Xu, Sherry L. Murphy, Kenneth D. Kochanek, Brigham Bastian, and Elizabeth Arias, "Deaths: Final Data for 2016," *National Vital Statistics Report* 67, no. 5 (2018): 1-75. The total number of physician-assisted suicides comes from aggregating the individual numbers from three states that allow them (California, Oregon, and Washington). California Department of Public Health, "California End of Life Option Act 2016 Data Report," accessed December 23, 2020, <https://www.cdph.ca.gov/programs/chsi/cdph%20document%20library/cdph%20end%20of%20life%20option%20act%20report.pdf>; Oregon Health Authority, Public Health Division, "Oregon Death with Dignity Act 2016," accessed December 23, 2020, <https://www.oregon.gov/oha/ph/providerpartnerresources/evaluationresearch/deathwithdignityact/documents/year19.pdf>; Washington State Department of Health, "2016 Death with Dignity Act Report," accessed December, 2020, <https://www.doh.wa.gov/Portals/1/Documents/Pubs/422-109-DeathWithDignityAct2016.pdf>.

<sup>17</sup> In a few recent surveys concerning the arguments against Physician Assisted Suicide, nothing relevant to the Epicurean argument was addressed, Jill M. Dietle, "Physician Assisted Suicide: A New Look at the Arguments," *Bioethics* 21, no. 3 (2007): 127-139; Søren Holm, "The Debate about Physician Assistance in Dying: 40 Years of Unrivalled Progress in Medical Ethics?" *Journal of Medical Ethics* 41, no. 1 (2015): 40-43.

<sup>18</sup> "It is possible to see suicide, not merely as reasonable, but even as noble." Jeffrie G. Murphy, "Rationality and the Fear of Death," *The Monist* 59, no. 2 (1979): 200. Another example comes from Stephan Blatti, "Death's Distinctive Harm," *American Philosophical Quarterly* 49, no. 4 (2012): 322: "Death might not be overall bad for some of those who die, not because death is valueless, but because death might be positive."

about by advanced stages of terminal diseases.<sup>19</sup> These desires are almost universally treated as valid, and I will not suggest otherwise, but I do not think that they are not valid reasons for desiring death.

Recall Crowley's argument for the non-rationality of suicide. The core of his argument is that we often make a mistake in thinking about the value of life and death. A life of pain has negative value, and a life of pleasure has positive value, but death is not neutral. Death has no value, positive or negative. Preserving one's dignity is, in general, worth pursuing, and it is generally worth avoiding those situations that would compromise one's dignity. The same can be said for autonomy and independence. We do not want to die dependent and without dignity, but that means that we do not want to live with indignity or dependence. Death cannot be an escape from pain or indignity. It is only an elimination of pain in that it is an elimination of the subject of pain. In other words, death cannot be an improvement for the person who dies, even if their life was almost entirely negative.

Cowley thought that suicide was outside the bounds of rationality, but he did not address physician-assisted suicide. Does the analysis change when we consider that people who request physician-assisted suicide are not just suffering, but are terminal? Although statutes differ from state to state, in order to qualify for legal physician assisted suicide, patients must be certified by more than one physician to be in a terminal state, in addition to being in tremendous physical pain. Such patients are not just incurable, or untreatable; they are terminal. It is not just that they are in pain, or that they are disfigured, but that this is, as far as medicine may know, the last part of their lives. Can the Epicurean position be maintained in this light?

In this regard, it is worth noting, at least briefly, that Epicurus himself is said to have died of an apparently painful condition and did not commit suicide, even though there was no social stigma against the practice.<sup>20</sup> This is especially telling as the Epicurean position is based on the hedonistic idea according to which only pleasure is good, while discomfort is bad. A part of why the Epicureans, in general, seemed to have avoided suicide is that it forestalls any possible future pleasure; if there are no such possibilities, then suicide would seem to be a rationally viable option. And yet, the fundamental point that death is nothing to us is unforgiving. While we are alive, we are not dead, and when we die, we are no longer there to compare its value to our life. Modern technological medicine has extended the period of time between dying and being dead far beyond what would be normal to Epicurus, however, this does not change the underlying rationality that death cannot be anything for us.

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<sup>19</sup> Michael B. Gill, "Is the Legalization of Physician-Assisted Suicide Compatible with Good End-of-Life Care?" *Journal of Applied Philosophy* 26, no. 1 (2009): 27-45.

<sup>20</sup> Englert, 68.

I argued above that it could be rational to choose between two futures, one of which was shorter than the other. In the context of physician-assisted suicide, this becomes an important distinction, especially in terms of the law: it is the difference between assisted suicide and palliative care that leads to death. It is a difference of intent, which is, I think, exactly in line with what the Epicurean position demands. It makes sense to choose between a shorter life with less pain and a longer life with more pain, but in this calculation, we are comparing two future lives, even if both are short. Neither is tantamount to suicide, even if one future life is radically shorter than the other. Suicide is the choice between a life and non-existence.

In a very personal and moving account of her father's death, Susan Wolf argues that legalizing assisted suicide would only shelter us from our moral duties to comfort and help those who are suffering and dying, and that if we take those duties seriously, we will relish every moment we can spend with our dying loved ones.<sup>21</sup> Her argument is not exactly the one I am making here, but it certainly is in the same ballpark. The Epicurean stance does not deny the reality of our death, instead it reorients us to the task of ensuring that our life is as good as it can be before our death. Ending life intentionally does not help this, but more to the point, the idea that we should spend our time deciding when or whether to end our lives means that we are not putting that energy to ensuring our lives are well lived.

This line of thought leads naturally to the doctrine of double effect, which morally allows one to treat a terminal patient for pain, even at the cost of shortening their life, as long as death is not the goal. The doctrine of double effect is most commonly invoked by those who hold a sanctity of life view, which itself does not fit the Epicurean stance, but the result is largely the same.<sup>22</sup> The Epicurean would be happy with choosing a course of action that would shorten life while alleviating suffering, whereas they would see the idea of ending one's own life to alleviate pain as incoherent. The sanctity of life view cannot countenance intentionally ending a human life because it is sacred, whereas the Epicurean cannot countenance intentionally ending a life (at least, for its own sake) because life itself cannot have value, only experiences in life can. Removing life from someone who is suffering and dying, does them no harm, but it also does them no good. Removing their

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<sup>21</sup> Susan M. Wolf, "Confronting Physician-Assisted Suicide and Euthanasia: My Father's Death," *The Hastings Center Report* 38, no. 5 (2008): 23-26.

<sup>22</sup> Catholic Church's views on euthanasia exemplify this idea: "The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means, but only foreseen and tolerated as inevitable," *Catechism of the Catholic Church*, part III, section II, article IV, 2279, accessed December 23, 2020, [https://www.vatican.va/archive/ccc\\_css/archive/catechism/p3s2c2a5.htm](https://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm).

pain does them good, and if the act of doing so shortens their life, it is still good, but only while they are alive.

#### IV. Counterpoint: Mercy killings

If a person's death cannot have value for them, then every patient who has desired to hasten their own deaths in the face of unrelenting agony has been irrational. They are perfectly warranted in wanting to alleviate their pain, but the idea that they would be better off dead is simply wrong. But, if this is true of first-person judgements, then it must also be true of third-person judgements as well, and here we see a potential counter-example, since we often find cases of mercy killings to be morally unimpeachable. If this judgement is correct, then my argument would be in trouble. We will look at human cases shortly, but I will begin working through this issue with the case of animal euthanasia.

When an animal is suffering and dying, we often think that killing them is permissible, or even that mercy killing is morally required of us. A pet owner, who prolongs their companion animal's life when it is physically suffering, can be seen as causing needless pain. Of course, it is difficult to know when a pet reaches the point when humane euthanasia is called for, but pet owners, and animal health care workers in general, are well aware that such a point exists. Pet owners often struggle to know if their pet has reached the point of suffering where euthanasia is called for, but nearly all pet owners agree that there is a level of suffering at which it is in the animal's interest to die rather than to live with pain.<sup>23</sup>

How would an Epicurean understand this claim? There is nothing in Epicurus' surviving writings to suggest that he was at all concerned with the deaths of animals (animal death is rarely mentioned even in contemporary philosophical discussions of death). Still, it seems easy to apply the Epicurean idea to the case of animals. A horse who is suffering and dying, after all, does not exist after its death, so, we cannot compare two possible futures for the horse by saying that it would be better off dead. If you agree that a horse can have interests, then it would seem that we must conclude both that a horse has an interest in not suffering, but also that the horse cannot benefit from its own death, even if it is suffering. Thus it seems that the Epicurean must conclude that the practice of animal euthanasia is irrational. And if we decide that killing a suffering animal really is morally required, then it seems that my Epicurean argument must be wrong.

There is, however, another way of viewing animal euthanasia. Sarah Bachelard argues that the suffering of an animal in severe pain is just brute

<sup>23</sup> James W. Yeats, "Death is a Welfare Issue," *Journal of Agricultural and Environmental Ethics* 23, no. 3 (2010): 236.

suffering, and that removing this suffering is itself good.<sup>24</sup> It is not good for the animal to die, but good in general. Bernard Rollin puts the point in a slightly different way: a suffering animal is nothing more than its pain, since animals cannot distance themselves from their pain through abstraction.<sup>25</sup> It is probably the case that non-human animals (or at least most of them) do not conceive of their future as a unified whole as people do. That is to say, that for animals there is only a succession of experiences and not a continuing self. If this is correct, then an animal in severe pain really is nothing other than its pain.

Thinking about the suffering of animals in this way sidesteps the question of whether death is good for the animal; the animal's death is just good simpliciter. Suffering, on this view, is just bad in itself. Hence, acknowledging that killing animals that are in severe pain is good does not imply that Epicurus is wrong, just as he would not be made wrong by my death being good for someone else. Of course, one would still have to decide how much an animal has to be suffering before its death becomes good, but I do not think that we have to decide this in order to go forward; it is enough to acknowledge that there is a line. The Epicurean stance is, so far at least, secure. The question that remains is whether, and to what extent, this model may apply to people. To get a handle on the subject, we will turn to a kind of case where it seems most clearly to do so: war.

Mercy killings have been a part of warfare since antiquity. Battlefield injuries, especially in pre-modern times, often resulted in fellow soldiers putting a quick end to their fallen comrades. The practice is less common than it used to be, but still remains common enough to be the subject of debate among military ethicists.<sup>26</sup> Here, we will focus on just one example from the 1982 Falklands war. The case involved an Argentine soldier that was caught in a jet fuel explosion while on a British base.<sup>27</sup> Unable to rescue the burning man from the fire (and having already rescued another victim) a British Medical Corps sergeant shot and killed the Argentinian soldier, rather than allowing him to burn to death. Such killings should sit uneasily with us, as they do, no doubt, for those who commit them, but they are clearly motivated by a concern for easing pain and suffering. What does this say about the possible benefit of death for a person that is suffering? Does this offer a counter-argument to my Epicurean claim?

<sup>24</sup> Sarah Bachelard, "On Euthanasia: Blindspots in the Argument From Mercy," *Journal of Applied Philosophy* 19, no. 2 (2002): 138.

<sup>25</sup> Bernard E. Rollin, "Animal Pain: What It is and Why It Matters," *The Journal of Ethics* 15, no. 4 (2011): 431.

<sup>26</sup> For a thorough review of many cases, including the one to follow, Stephen Deakin, "Mercy Killing in Battle," *Journal of Military Ethics* 12, no. 2 (2013): 162-180.

<sup>27</sup> *Ibid.*, 169.



It would be extremely difficult to argue that it was not good for the person who is burning alive to be shot and killed (the medic who shot him was acquitted at his court martial, likely for this reason.)<sup>28</sup> Just as with animals, it would seem to be immoral to allow the suffering to continue. But, I also think that this view can be consistent with the Epicurean argument that death has no value for the person who dies. While the act of killing a suffering person relies on the judgment that their life is ending, it is not, I think, about weighing possible futures against each other. It is much more immediate than that. They are burning alive, their life has been reduced to pure suffering.

Consider why the medic in the Falkland's case did not simply hand the burning man his rifle and leave the decision about whether to live or die up to him. It seems to me that they would simply not be able to act rationally. I would suggest that in an important sense, the person had been eclipsed by the suffering; the burning soldier had been reduced to the state of grievously suffering animals. For what it's worth, animals that are in a state in which we would deem their deaths to be a mercy do not try to kill themselves.<sup>29</sup> Of course, animals cannot reflect on their lives and their futures, or use tools to end their own lives, but this is exactly the point: a person who is in such a state of suffering seems to be reduced to this animal state as well. Mercy killing, at least in these situations, is just the removal of brute suffering, and not the removal of a person. It is, as with animal euthanasia, good, but not good for the person who is killed. It is just good simpliciter. And if this is true, then by the time an act of mercy killing becomes rational, there is no person who would be better off dead, any person has already been destroyed by suffering.

Mercy killing poses truly difficult moral problems. I must confess that the way of thinking about mercy killings described in this section may not be correct. It seems plausible, but it is predicated on the supposition that mercy killing both for animals and people is actually moral. Certainly, the morality of mercy killing seems intuitive, but it might be the case that our intuitions here are just off. It is likely that our intuitions (or at least mine) are not to be trusted, since they have not been put to anything like a real-world test. But if this intuition is to be trusted, then I think we can explain why an act of mercy killing is rational, while an act of assisted suicide is not.

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<sup>28</sup> These cases are interesting in part because military judicial systems typically do not differentiate mercy killings from murder. Many military ethicists have made the case that there should be such a distinction, Jean-François Caron, "An Ethical and Judicial Framework for Mercy Killing on the Battlefield," *Journal of Military Ethics* 13, no. 3 (2014): 228-239.

<sup>29</sup> Antonio Preti, "Suicide Among Animals: A Review of Evidence," *Psychological Reports* 101, no. 3 (2007): 831-848.



## V. Conclusion

When someone dies after a protracted period of suffering, whether their death comes naturally or with assistance, it is perhaps understandable that their loved ones would have some relief that their suffering was over. The expression “at least they are no longer suffering” is expected in such cases. What I have argued for here is that one way of understanding this sentiment is simply wrong. If one says that it is good for the person who was suffering that they are now no longer suffering, then this sentiment is actually meaningless. Of course, there are other meanings to the utterance “at least they are no longer suffering” that are meaningful. For one (and not a trivial or selfish one, I think), one could mean “at least I and others no longer have to witness this suffering.” For another, one could mean “at least the world no longer contains such suffering.” There may be times when death is good, but it can never be a benefit to the one who dies.

It is also worth remembering that this entire argument (and any Epicurean argument) is predicated on the idea that death is really the end of the person who dies. If there is an afterlife, then what we call ‘death’ is not really death, and one really could exist in a post-mortem state and be either harmed or benefitted by one’s own death.

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