

# Anamnesis

The Colorado College Journal of Philosophy



Volume V • 2020

# Staff

---

## **Editors-in-Chief**

Benedict Wright  
Anne Daley

## **Editorial Staff**

Max Chiaramonte  
Daniel Lawrence  
Molly Lovett  
Anton Rieselbach  
Natalie TeSelle

## **Artwork**

Sam Cadigan

## **Layout Editor**

Noah Weeks

## **Advisor**

Rick Furtak

# Contents

# Mission Statement & Acknowledgements

Anamnesis is the student-edited philosophy journal of Colorado College. The journal publishes philosophical undergraduate essays from colleges and universities nationwide. Colorado College students founded the journal in order to give their peers a taste of what the discipline can be at its best. In line with this goal, we aim to publish clearly written, elegantly argued essays. We also strive to publish essays that directly pertain to the most interesting, difficult, and pressing issues in both philosophy and our lives.

We would like to thank Cutler Publications and the Colorado College Philosophy Department for making the journal possible this year. We would also like to thank Rick Furtak for his thoughtful insights and support.

# Letter from the Editors

This year, for the fifth volume of *Anamnesis*, we released our call for papers without a specific theme in mind. True to vision of the journal's founders, we sought to publish rigorous and accessible essays that made thoughtful arguments and raised relevant questions. It is our belief that we have done that to the very best of our abilities. Despite the absence of an explicit theme, this year's essays ended up sharing some notable common elements. Each in their own way, these three essays and one poem all ponder issues of freedom, autonomy, and constraint. In the first essay, Colorado College student Ying Wang raises questions and fears about the existential significance of death, the ultimate and inevitable constraint on our lives as we know them. Yuezhen Li, attending the University of Chicago, then gives an analysis of Marx's early critique of capitalism wherein Marx focuses on alienation and the deprivation of human freedom. In the third essay, Khalid "Kai" Davis of Macalester College makes a case for physician-assisted dying on the grounds that, in certain cases, the practice maximizes freedom and autonomy. This year, the journal ends with a poem written by Spencer Janney, also a student at Colorado College. His poem, "The Seed," ponders the organic metaphor of Hegel's dialectic, the unfolding of Spirit towards freedom.

Given the unfamiliar moment that we are experiencing in the Spring of 2020, it is a real joy to still be able to publish *Anamnesis* this year. We extend our well-wishes to the Colorado College community and beyond.



# Confronting Death

by **Ying Wang**

*Colorado College*

*And then a gloomy rhyming word, like – ‘Death’.  
It rang hollow, ghostly, subdued, to me.*

– Goethe

My understanding of life and death was radically changed this past summer. All of a sudden, my mom forgot basic arithmetic and the meaning of words. After I found that she could not answer any simple questions, I immediately burst into tears. In the hospital, the doctor pointed at some tiny, tiny dark points on an X-ray film of my mom’s skull and told me that my mom had had a stroke caused by these little blocks in her cerebral artery. But I was unable to make any sense of these blocks. They were nothing more than little heaps of fat sitting inside my mom’s brain, but they were able to make my mom terrifyingly different from the smart, lovely woman I have known for twenty years. Their power horrified me. They made me consider how fragile our brains and selves are—or even if there are “selves” at all given that some tiny blocks could so easily destroy them.

Modern neuroscience has significantly challenged our understanding of the “self” because substantial studies of human brains find nothing representing it. Therefore, the notion of a coherent self seems more a romantic matter rather than a scientific fact. Neuroscience has thus offered new grounds for bundle theory, a long-lasting ontology theory developed by David

Hume in the eighteenth-century and later adapted by Derek Parfit to explain personal identity. In Parfit’s interpretation of bundle theory, no coherent self exists, and humans are nothing more than bundles of past experiences and memories unified by causal relation.

Nonetheless, if we take the bundle theorists seriously, the question of why death is so scary becomes confusing. Indeed, if life is no more than a series of different events and mental states, then a person only exists at this very moment. There is no real continuous existence based on a unity of consciousness, and thus death is merely an event in the far future that is wholly independent from this very moment. However, for many of us death is so frightening that believing in bundle theory would not seem to help at all. There must be some deep repugnance for death that made me cry when I learned that my mom had a stroke. My problem now becomes, how could I, a mere bundle of my past experiences, be scared by death?

For bundle theorists, this question would seem so naïve that they would confidently assert that my feelings are only illusions. After all, if there is no persistent self, the future death has nothing to do with the present.

However, in this paper, I will justify the fear of death and argue that we should be afraid of it even in the context of bundle theory. I will begin with a concept I call the “Naturality of Fearing Death,” which offers an explanation of why human beings inevitably possess attitudes and emotions toward death and why these emotions often take the form of fear (although there could be many other forms as well). “Fear,” in this context, indicates a strong wish to avoid an event, usually accompanied by anxiety about the uncertainty inherent to the event. I will then analyze and respond to the bundle theorists’ “living in the moment” objection to the fear of death. After that, based on the work of Haslanger and Kierkegaard, I will give normative reasons why a moderate fear of death is in fact beneficial in practice. I hope to show why there is nothing wrong with fearing death and how we can, in fact, use our fear to work for social justice.

### **The Naturality of Fearing Death**

First of all, I argue that it is natural and inevitable for human beings to produce emotions and attitudes regarding death, although these feelings may not necessarily appear as fear. Although we may be unaware of the presence of death most of the time, it perpetually influences our lives. For example, death plays an essential role in the formation of basic social norms. We typically go to school at the most vigorous age when death is furthest away so that we have a long time to apply our knowledge. Sim-

ilarly, the general notion of retirement allows the elderly to enjoy the last period of their lives in leisure. Of course, there are many other reasons for these norms, but a thought experiment helps to indicate that human life is deeply intertwined with death. Imagine an immortal race such as Tolkien’s Elves—they have no need to rush in life, to get their education done by a certain age, or to work as hard as possible in their middle age to save money, and so they lead calm and elegant lives. By contrast, we mortals live lives that necessarily terminate, and our awareness of the termination leads us to utilize precious time by making life plans. If biologists suddenly eliminate death or significantly extend lifespan, our plans would go through massive changes as well. Thus, consciously or not, death is looming whenever we are making and carrying out life plans (which is to say, regularly and often).

Similarly, our attitude to life includes our attitude toward death. This complementary relationship between life and death becomes most apparent when death becomes an urgent possibility rather than a far-away event. When busying myself with everyday life, I seldom bring the concept of death to my mind. Time appears to be an inexhaustible resource to me, and I do not actively keep in mind that the amount of time I could spend with my family was limited. However, after my mother’s stroke, it comes to me now and then that an end of our relationship is hiding behind our everyday interactions. Realization of the inevitability of such an end has



instilled in me new thoughts whenever I am with my mother: to argue less with her, to understand her better, and to cherish the moments I could spend with her.

To summarize, the reason for our fear of death is not that death itself is scary a priori. The word fear could be replaced by hatred, relief, and many other feelings. The key reason why these feelings are natural is that in the throes of existence death matters. Death presents itself in our lives consistently and influences our life choices heavily. Hence, human beings cannot avoid thinking—consciously or unconsciously—about death. Even those who display defiant rage or admirable courage in the face of death are showing their feelings about it. I call this deduction the *Naturality of Fearing Death*.

While the *Naturality of Fearing Death* does not distinguish fear (in the specific sense of being afraid) from other feelings such as hatred and relief, in practice fear is certainly the most common one. Look at people's faces outside of Intensive Care Units to see this fact. Instead of just being a feeling or instinctual response, being afraid of death can have a complex set of causes. For instance, Nichols et al. have summarized six common reasons behind people's fear of death, including: "loss of self-fulfillment, loss of social identity, consequences to family and friends, transcendental consequences, self-annihilation, and punishment in the hereafter."<sup>1</sup> There are also culturally dependent factors that lead a person to fear death. For instance, in Chinese culture,

many people are afraid of dying alone, which explains why, in Chinese tradition, the more children one has, the better. These all are practical but legitimate reasons for fearing death.

### **Against the Fear of Death**

Over the history of philosophical debates over death, a strong objection to fearing death has been that, given that we have no control over the future, it is pointless to worry about it. Therefore, although the fear of death comes naturally, we should train ourselves to get rid of this fear. Among the figures who support this idea, I want to discuss two representative arguments given by ancient Greek philosopher Epicurus and bundle theorist Galen Strawson.

Writing in the third and fourth centuries B.C., Epicurus develops an early form of Hedonism simply known as Epicureanism. He believes that most profound good comes from happiness, and good cannot exist independently of happiness. Also an atomic materialist, Epicurus thinks that after one's death the soul disperses along with the atoms in the body, and so there is no continuation of life after death. Based on this understanding of death, he centers his philosophy of death on the notion of 'prudence.' He claims that because when death comes we are not aware of our feelings at all, the fear of future death only makes the present painful. Therefore, he advises people to break free from fearing death so that they could live a most prudent and pleasant life.<sup>2</sup> From this standpoint, being afraid of death is not only futile since no feelings or emotions will be present at the

moment of death, but also imprudent, as it distresses us in the present when we are still alive.

Strawson agrees with Epicurus that we should live in the moment, but he goes a step further arguing we can only live in the moment. He claims that because we humans are not entities with control over our futures, the loss of the future (i.e., death) cannot harm us. However, Strawson does admit that he himself fears death. He does not take our lack of ownership of the future to mean that the fear of death is invalid. I agree with Strawson here because he understands that we do not need to own something in order to fear it. Strawson has also taken a step further to explain why he is afraid of death even though he has no control of it. He interprets death as a feeling of “not being there.”<sup>3</sup> He uses a metaphor to describe the concept of death: an empty house with a window with no one in the house looking out from the window. Everything outside of the window keeps its own pace, but in the house, he is not there anymore. It is this feeling of absence that worries and scares him. Even though Strawson offers a beautiful reason for his fear, it is left unexplained why he chooses to keep this fear in his heart. If he has no control over something that is independent of this very moment, why accept this fear? In other words, why would someone care for death, if it is, as bundle theorists argue, an event in the future that only is only loosely related with the present via casualty? But the *Naturality of Fearing Death* argument can help justify his feelings. Rather than

a remote event in the future, death is a subjective fact in the present moment. Death manifests itself in Strawson’s life as an emotion evoked by the fact that after death he could not observe the world again, an emotion which Strawson identifies as fear.

Epicurus makes two other important observations relevant to the fear of death. First, he claims that to lead a prudent life we need “sober reasoning searching out the grounds of every choice and avoidance.”<sup>4</sup> Such reasoning cannot be done without considering the future. Second, his philosophy is completely normative; that is, it gives guidance on how to live while avoiding what the nature of life and death is. Because death is a significant—perhaps the most significant—part of the future, it follows from Epicurus’s first observation combined with the *Naturality of Fearing Death* that the Epicurean philosophy of life should necessarily involve a consideration of death. Therefore, in a normative sense, what we think about future death may inform how we act now. For example, if a person is worried about dying alone, she might prudently decide to get married and have children now. Again, this emotion toward death could legitimately manifest as fear.

### **How Ought We Understand Death?**

The normative significance of death is further important because it directs us to important ontological questions, such as what the word ‘death’ really means, which meanings of death we are referring to when we think about

and react to death respectively, and what are the functions of those meanings. We notice that, even though we can define death in an impersonal or objective way (with science or religion), we cannot avoid feeling and responding to the subjective presence of death in our life. When death really comes to one's face, someone who has read a lot about death might not be able to find reassurance in literary advice. This gap between objective theory and subjective practice can shake the credibility of objective guidance as to how to react to the notion of death. To elucidate this gap and discuss what to do about it, I want to introduce Haslanger's analyses of meaning, including her differentiation between manifest and operative concepts and her normative approach toward this distinction.

Haslanger claims that there are two layers of concepts behind any word: the manifest one and the operative one. She characterizes the former as "the more explicit, public, and 'intuitive' one," whereas the latter is "the more implicit, hidden, and yet practiced one."<sup>55</sup> This theory seems to hold true in the case of the word death. While I will not try to articulate what these concepts of the word death are, I reference Haslanger's theory to point out that what we think death is and what we actually feel about it could be quite different. For example, Nichols et al. have carried out a quantitative experiment which explicitly reveals such differences. They invited Tibetan Buddhists and Tibetan scholars to complete a questionnaire about the fear of death,

the former based on how they actually feel about death and the latter on how Tibetan Buddhists ought to feel. Surprisingly, it turned out that Tibetan Buddhists reported fearing death much more than they are supposed to be. To explain what leads to the gap, the researchers put forward "the traditional Buddhist distinction between innate self-grasping and philosophical self-grasping."<sup>56</sup> One may arrive at a deeper philosophical understanding of death through practicing philosophical and religious reflection, but such reflection cannot immunize one from interpreting life events as they appear in one's innate self-grasping. In this innate self-grasping, the subjective impression that death makes could not be remodeled through reflection. This Buddhist distinction fits well into Haslanger's manifest/operative framework of concepts.

Given the extant differences between concepts, Haslanger concludes that both of them are inadequate and discusses a third possibility: to consider the meaning of concepts on the normative level. She advises us to think about how we should define words so that the definition benefits us in practice. Applying her suggestion in the context of thinking about death, we should weigh the practical pros and cons of different definitions of death. Although Epicurus' normative reason for not fearing death is sensible, I claim there are more important reasons why we should care about death and fear it.

The first reason is developed by Kierkegaard, who argues that death

is our teacher, and fearing death lets us understand the scarcity of time. He writes, “who has not heard how one day, sometimes one hour, gained infinite worth because death made time dear, but with the thought of death the earnest person is able to create a scarcity... and the merchant profits by using time.”<sup>7</sup> Kierkegaard puts forward the notion of “earnestness” toward death, according to which he urges us to contemplate death carefully and frequently so that we can pursue the right goals at present. The fear of death could guide our current life in a way that highlights what really matters right now. Thinking of death earnestly pushes one to ask oneself such questions as, “Is there someone you want to thank before your death? Do you want to say sorry to someone if this is the last chance that you could do so? What do you want to accomplish before your death?”

I believe there is a more important moral consideration why we should fear death, but this time not only the death of ourselves but also of other individuals. In a society where we are overwhelmingly connected to each other, it is all too easy for us to hear others’ sufferings without feeling any of them. Our failure to share others’ emotions isolates us from each other, as Neil Gaiman depicts in his *American Gods*: “We draw our lines around these moments of pain (of others), and remain upon our islands, and they cannot hurt us. They are covered with a smooth, safe, nacreous layer to let them slip, pearl-like, from our souls without real pain.”<sup>8</sup> This phenomenon is undoubt-

edly problematic because it is sympathy and empathy that drive people to understand others’ condition and choose to help them. However, feeling and expressing emotions toward others’ potential death is perhaps an effective way to penetrate the “nacreous layer.” By training ourselves to share others’ fear of death, we become more sensitive and sympathetic toward others’ feelings and hence value their lives.

Finally, feelings about death besides fear could also illuminate and even orient our lives. Hermann Hesse vividly describes in *Steppenwolf* how someone—whom Hesse calls “the suicide”—gains power to control one’s life through his aspiration to death. Such power comes from his freedom of terminating life and erasing all of his wrongdoings and pain: “He gained strength through familiarity with the thought that the emergency exit stood always open, and became curious, too, to taste his suffering to the dregs. If it went too badly with him he could feel, sometimes with a grim malicious pleasure: ‘I am curious to see all the same just how much a man can endure. If the limit of what is bearable is reached, I have only to open the door to escape.’”<sup>9</sup> The *Steppenwolf* does not live to remedy his wrongdoings or to get rid of pain. On the contrary, his view of life makes it a gamble in which his goal is to see how much pain he could possibly bear. When the amount of pain goes beyond his limit, he has the option to turn around and quit the game through choosing death willingly. Therefore, his power to escape through the emergency exit anytime lib-

erates his present behavior.

### Conclusion

To fear death is not only natural and sensible but also prudent and even normative. After all, in a universe where entities as tiny as atoms fuse and split and those as gigantic as planets solidify and explode, it would be a wonder if we, evanescent human beings, could ignore our own end. In every moment of living, we are simultaneously witnessing and confronting death because living itself implies death. Any thoughts about living properly—which we consis-

tently produce—are also thoughts about how to die properly. We treat life with emotions, and hence face death with perhaps even stronger emotions. She loves her happy life, and so she hates the ruthless death; he loathes his miserable existence, and so he welcomes the consoling death. Our emotions toward death co-exist with death itself, and if we do not feel anything about death, it is only because we do not yet know there is death. My own feeling toward death is fear. That fear is not irrational; rather, it has an orienting power and sheds light on this very moment. ●

### Bibliography

- Goethe, Johann Wolfgang von. *Faust*. Translated by A. S. Kline, 2003.
- Hesse, Hermann. *Steppenwolf*. Translated by Basil Creighton. London: Picador, 2002.
- Gaiman, Neil. *American Gods*. Milwaukie: Dark Horse Books, 2018.
- Strawson, Galen. *The Subject of Experience*. Oxford: Oxford University Press, 2019.
- Epicurus. “Letter to Menoeceus.” In *The Philosophy of Death Reader*. Edited by Markar Melkonian. London: Bloomsbury, 2019.
- Haslanger, Sally. “What Are We Talking About? The Semantics and Politics of Social Kinds.” *Hypatia* 20, no. 4 (Autumn 2005): 10-26.
- Nichols, Shaun, Nina Strohminger, Arun Rai, and Jay Garfield. “Death and the Self.” *Cognitive Science* 42, no 1 (January 2018): 314-332.
- Kierkegaard, Søren. “At a Graveside.” In *Three Discourses on Imagined Occasions*. Edited and Translated by Howard V. Hong and Edna H. Hong. Princeton University Press, 2009.

### Endnotes

- 1 Shaun Nichols, Nina Strohminger, Arun Rai, and Jay Garfield, “Death and the Self,” *Cognitive Science* 42, no. 1 (January 2018): 323.
- 2 Epicurus, “Letter to Menoeceus” in *The Philosophy of Death Reader*, ed. Markar Melkonian (London: Bloomsbury, 2019), 50-53.
- 3 Galen Strawson, *The Subject of Experience* (Oxford: Oxford University Press,

2019), 97.

4 Epicurus, “Menoceus,” 52.

5 Sally Haslanger, “What Are We Talking About? The Semantics and Politics of Social Kinds,” *Hypatia* 20, no. 4 (Autumn 2005): 14.

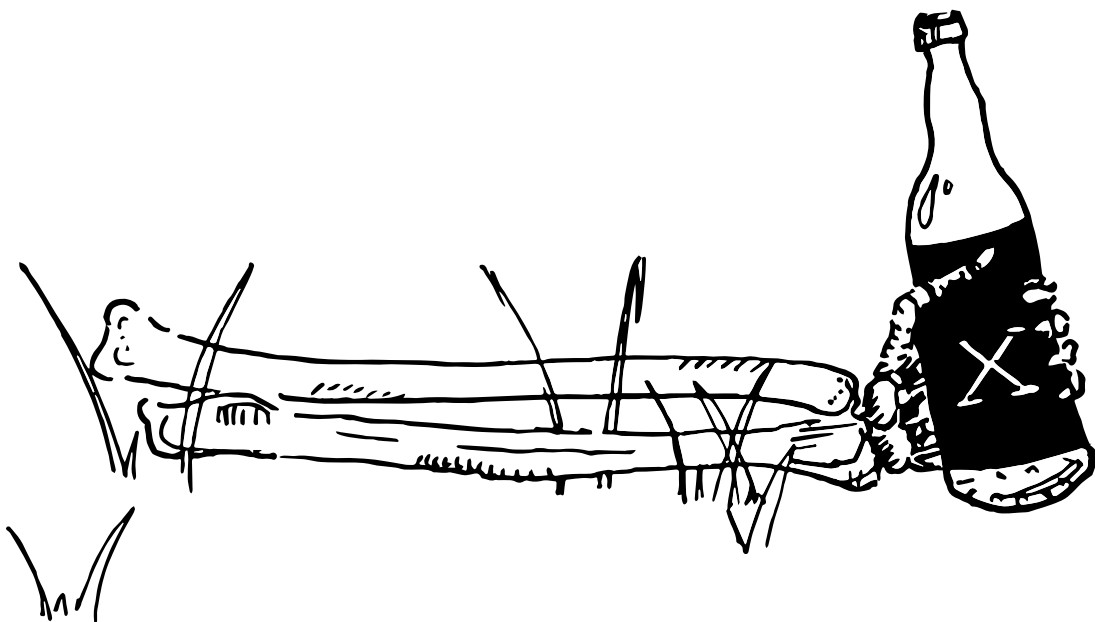
6 Nichols et al., “Death and the Self,” 330.

7 Søren Kierkegaard, “At a Graveside” in *Three Discourses on Imagined Occasions*, ed. and trans. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press, 2009), 84.

8 Neil Gaiman, *American Gods* (Milwaukie, Dark Horse Books, 2018) 986.

# Can Early Marx Ground His Critique of Capitalism?

by **Yuezhen Li**  
*The University of Chicago*



The period between 1843 and 1845 marks a formative and distinctive stage in Marx's career. This period, beginning with *Critique of Hegel's Philosophy of Right* of 1843 and ending with *The German Ideology* of 1845, signifies his early attention to German idealist philosophy (particularly Hegel and Hegelianism, such as that of Ludwig Feuerbach) and his increasing interest in the system of "private property," *i.e.* capitalism. Indeed, it was in *Economic and Philosophical Manuscripts of 1844* that Marx made his first attempt at a critique of capitalism, one based on alienation from our true essence, namely, our human species-being.<sup>1</sup>

This essay will examine the structural status of Early Marx's critique. After outlining this alienation-based critique, I will establish—against Allen Wood's commentary—that Early Marx not only has a normative ethical theory but that this theory provides an important grounding for his critical apparatus. This normative ethical theory also describes the good life: the good life for human beings is to conduct activities suited to their nature. Given the substantive claim that fulfilling, collaborative labor is essential to who we are, Early Marx identifies the good life as one in which people can produce freely and meaningfully. The evil of capitalism, it follows, is that it degenerates fulfilling labor into "alienated

labor", rendering the good life through work impossible.

I identify the underlying structure of Early Marx's argument as similar to that in Aristotle's *Nicomachean Ethics*. They not only each give a version of non-utilitarian consequentialism on the level of normative ethics, but they both base their ethical theories on appeals to an account of human nature. They share a metaethical structure that can be summarized by the following valid syllogism: P1. The good life is to do what is human—a basic metaethical claim; P2. To do X is to do what is human—a metaphysical theory of human nature; C. The good life is to do X. However, with his methodological commitment, Marx seems to be in no position to justify either the abstract claim of P1 or the substantive claim of P2 (wherein he thinks of a kind of labor activities as central to human nature). Given these unresolvable difficulties, I argue that Early Marx's appeal to human nature—the lack of exercise of which he terms "alienation"—fails as an attempt to ground his normative ethical claim.

### **The Conception of Alienation & Critique of Capitalism**

Early Marx's general critical outlook is that capitalism makes it impossible for us to engage in such activ-



ities and in such ways that are in harmony with the essential nature of our human species; thus, capitalism *alienates* us from who we are. The German term for “alienation”—alternatively translated as “estrangement”—is *Entfremdung* or *Enttäusserung*. They have the literal sense of making something “strange, foreign” or “external, of others”; they carry the image of externalizing something that is supposed to be internal, to make alien/strange/foreign something that is supposed to be familiar, and to make what is supposed to be of *this* to be of *other*. Taken together, Marx’s use of the term “alienation” or “estrangement” should refer to the unnatural separation of things that naturally belong together.

Much like Hegel and Feuerbach using the notion of alienation to address spirituality and religious consciousness, Early Marx focuses on a historically specific kind of alienation under capitalism: alienated labor. Alienated labor should literally mean the unnatural separation of the worker from her labor. In *EPM* Marx identifies four kinds of alienation for workers: 1. Alienation from the product, as it is taken away by the capitalists once the production commences; 2. Alienation from the working process itself, because the workers’ labor-power is transformed into something for sale (so as to earn a wage for livelihood) and thus belong to others, *i.e.* the capitalists; 3. Alienation from other workers, as workers are put into competition for employment and for higher wages against each other; 4. Alienation from their “species-beings” (*Gattungswesen*).

Early Marx’s fundamental problem with alienation is neither the repetitious, mechanical labor process nor the fact that it renders the worker’s subjective life unpleasurable and anguished: “robbed of all actual life content...worthless, devoid of dignity.”<sup>2</sup> While such subjective states are surely terrible, they are at best evidential or symptomatic of alienation. Instead, alienation is an objective state wherein the product of the worker is taken away, work is only done to earn a wage (rather than as an autonomous activity), workers are turned against each other, etc. What each worker thinks or feels about such an objective state is irrelevant. A well-paid software engineer at Google is nonetheless an alienated worker; a pre-capitalist peasant suffering from his work may nonetheless be unalienated.

Only with this in mind can we approach the fourth sense of alienated labor, which seems the most interesting for our purposes. It refers to the unnatural separation of the worker from her species-being, or something akin to her “human nature”. Species-being or *Gattungswesen* literally points to the folk idea of “what makes us human.” For Marx, the species-being is not manifested statically, but only in practice: a life in harmony with species-beings is a life in which we act like a human and realize our essential powers qua human beings. In other words, for Marx we are not *just* what we are; we are what we (can) do. Marx maintains that it is our powers to act that make who we are.<sup>3</sup> Therefore, alienation from our species-being means an objective inability to realize

our essential powers. Under capitalism, we—qua workers—are thwarted from the full exercise of our essential powers.

What are our essential powers that constitute our species-being? Early Marx suggests that our ability to engage in labor is among them. The point of labor for Marx is objectification. Despite the word's negative connotation in popular usage, objectification is indispensable for Marx. As *EPM* explains, “the product of labor is labor which has been congealed in an object, which has become material; it is [the] *objectification* of labor.”<sup>4</sup> For Marx, labor is the conscious transformation of the world; we can only act upon the material world by objectifying our productive power, *viz.* by turning that power into something tangible,<sup>5</sup> material, and real. By engaging in labor, one not only objectifies one's labor-power into a concrete product but also affirms one's by species-being as a human being exercising one's essential powers. This Marxian theme seems to echo Aristotle's idea that production is the objectification of the self, as the activation of the essence, such that “his product manifest[s] in reality.”<sup>6</sup> We affirm our individuality as well as our humanity through our conscious productive activity and confirm them by the objectively existing products of labor, which Marx describes as “so many mirrors in which we saw reflected our essential nature.”<sup>7</sup> Our productive power thus belongs naturally to our species-being.

Labor under capitalism is alienated precisely because this natural linkage (“belonging-together”) of pro-

ductive activity and species-being is cut off. An activity of labor is inhuman if it lacks *control* where one ought to have; a human activity, by contrast, is an autonomous “self-activity”. Marx seems to suggest that in order for the work to be unalienated, workers *ought to* have freedom in choosing: 1) on whether to labor at all and 2) on how and what to labor, as part of the transformation of the world. Unfortunately, unalienated workers have neither freedom; contrary to capitalism's claim that it has brought about unprecedented emancipation, wage workers are not sufficiently freer than serfs or slaves. All the four aspects of alienated labor show up at once, as workers lose their products, their work, their comradeship, and their human selves as they work. Central to this picture is that their work is not truly autonomous self-activity, but they lack control where they ought to have.

Workers under alienated labor do appear to voluntarily choose to work as they do, but that is just a mere appearance. In reality, there is no alternative to engaging in the capitalist mode of production. Since the means of production are concentrated at the hands of capitalists, the workers cannot support their own lives without constantly selling their labor-power as commodities. To refuse such a transaction is to deny oneself of the day's subsistence and thus deny oneself of life. Compelled by the threat of starvation, workers must instead spend all their days working for mere subsistence (a low level guaranteed by inter-workers alienation, *viz.* competition amongst workers). As Engels summariz-

es in 1847, “the slave is sold once and for all; the proletarian must sell himself daily and hourly.”<sup>8</sup> The idea that workers under capitalism are categorically freer than slaves is merely formal—in reality just self-congratulation in vain.

Not only do alienated workers lack the freedom to choose whether to work or not, but they have no autonomy in deciding what and how they would like to produce. This is particularly damning for Marx, who not only names autonomous production as a central aspect of our human species-being, but also emphasizes that the degree of productive autonomy is closely linked with the human (as opposed to animalistic) form of being. Marx famously asserts in the 1860s—although Early Marx would more than likely concur—that, “what distinguishes the worst architect from the best of bees is this, that the architect raises his structure in imagination before he erects it in reality.”<sup>9</sup> Namely, Marx seems to hold that there is a characteristically, even “exclusively,” human way of labor.<sup>10</sup> All animals produce for their own subsistence, but it is human to have a conscious plan in the imagination and willingly realize it into actuality. Alienated labor under capitalism is characteristically un-human because the worker has no say in what or how to produce. A primary cause of this unfreedom is the ever-present division of labor under capitalism. Marx writes in 1845 that “as long ... as activity is divided not freely but naturally, the human being’s own deed becomes an alien might standing over against him, subjugating him instead of being dom-

inated by him.”<sup>11</sup> By this Marx alludes to Adam Smith, who argues that division of labor arises naturally from each individual’s “comparative advantages.” Under such a systematic division of labor, a worker cannot be said to have control over what and how to work; instead, it is dictated and imposed by an external will, which instrumentally uses the workers to achieve some goal (e.g., general efficiency) outside of the worker. After all, workers lack control over the social conditions that determine how labor is divided. They objectify their labor-power *not* out of their own conscious will, as it naturally should; instead, their labor is so alienated that it thwarts their self-actualization as individual human beings.

The problem of human alienation, in summary, is that one’s life is not lived in a human fashion, insofar as one lacks control over one’s life-activities. Rather than autonomous self-activities, the worker experiences his productive labor as *not* “his own activity;”<sup>12</sup> rather than confirming the worker’s individuality and humanity, alienated labor feels like a *sacrifice* of that humanity.<sup>13</sup> Thus, the alienated worker “feels at home when he is not working, and when he is working, he does not feel at home”<sup>14</sup>—paradoxically, only able to find his humanity in animalistic activities: “eating, drinking, procreating, or at most in his dwelling and in dressing-up, etc.,”<sup>15</sup> while feeling a loss of himself when engaging in the otherwise humanity-actualizing labor. In Early Marx’s view, we are alienated when we cannot fully and freely exercise our essential pow-

ers through autonomous self-activities and confirm our human nature.<sup>16</sup> This alienation is historical,<sup>17</sup> most prominent amongst workers under capitalism.

### **Does Early Marx Have an Ethical Theory?**

Early Marx critiques capitalism on the grounds that it causes alienation for human beings (especially among workers) and prevents them from fully actualizing their humanity. This train of thought appears to be based on two intertwined philosophy projects: a normative-ethical theory of the good life and a metaphysical theory of human nature. He seems to be claiming that capitalism is *bad* because it fails to do what is *good*, that is, to promote the good life; therefore, he seems to presuppose a theory of the good life. Meanwhile, he seems to claim that the good life is to actualize our essential (humanity-defining/confirming) powers and to align ourselves with who we truly are, thus requiring a theory of human nature.

Whether this ethical-metaphysical complex exists for Early Marx has been controversial amongst his commentators. Allen Wood, for example, argues that Marx—young and mature—never thinks of capitalism as unjust or unethical. Along with that thought, it would be really weird to state that Early Marx critiques capitalism based on an ethical theory. Yet I think this result stems from either a misreading of Wood's position or a misunderstanding of Marx's position on Wood's part. I argue that it is perfectly possible to recon-

cile Wood's insight that Marx's critique is never based on justice or morality and the fact that the critique is based on a certain normative ethical theory.

Wood's point, as G.A. Cohen summarizes it, seems to be that for Marx, "capitalism because it displays, not injustice, or any other moral evil, but what Wood considers to be non-moral evils: it cripples human creativity and it fosters inhumane social relations."<sup>18</sup> By that, I think Wood has got something very important right about Marx: it is meaningless to say that capitalism is unjust or unethical because, according to Marx, the specific formulations of *justice* and *ethics* are contingent upon the dominant form of society. This "meaninglessness" may have two senses: 1. Theories of value – justice and ethics included – are by nature "superstructures" that justify the given social order from which and ensure the survival and stability of the structure of the "economic foundation". Our sense of justice and ethics is nothing like trans-historical natural law and instead is part of the self-perpetuating apparatus of capitalism that is unlikely to judge it as unjust or unethical; 2. It is possible to avoid this catch by evaluating capitalism from a different notion of justice and ethics; however, to impose certain values from outside of capitalism is jarring for Marx.<sup>19</sup> To say something is unjust seems to presuppose that it violates some juridical rights, given the etymological link between "justice," *iustitia* in Latin, and the law, *iuris*. As Wood correctly notes, this kind of right-based juridicism is not found in Marx. In his late

career, Marx makes it crystal clear that his critique of capitalism has nothing to do with the “equal right” to products or “fair distribution” of wealth.<sup>20</sup> The workers’ alienation from their product is wrong, similarly, not because their “property right” is violated, but because they are cut off from a natural linkage to their products, which, as above, are “mirrors in which we saw reflected our essential nature” and thus confirm our human creative ingenuity.<sup>21</sup> Taken together, Wood gets it right that Marx makes no criticism of capitalism based on justice; instead, capitalism is accused as unnatural, dehumanizing, subject to immanent contradictions, etc.

However, it would be going too far to claim that Marx’s critique of capitalism is amoral because it is morally irrelevant, in the sense that he needs no ethical theory. To say so confounds two senses in which the word “moral” can be used: On the one hand, morality can refer to the commonly accepted system of values specific to a given society; for example, we can say “it is not moral to kill” or “it is moral to work for the most money and then donate it”. On the other hand, morality in a “meta” sense can refer to the sphere of values as such. Any “good-bad/evil” claim and any normative claim is inherently moral, in the sense of morally relevant. If Marx is truly morally irrelevant, he would not be able to *critique* capitalism, for he is not allowed to say what is *wrong*—which is by itself a moral term—with it. The fact that Wood presents the locus of Marx’s critique of capitalism on “nonmoral evils” involves a contradiction in terms.

That which is called a “nonmoral evil” must fall and *not* fall into the moral category at the same time. While I agree with Wood that Early Marx’s critique of capitalism is not *moralizing*,<sup>22</sup> however, Early Marx does make a *moral* statement about capitalism: “it cripples human creativity and fosters inhumane social relations”, alienating them from the human species whom they really are. The latter accusation by itself constitutes a *moral* charge against capitalism by the very claim that something is *wrong* about it. With that in mind, Marx’s critique of capitalism as promoting the bad, alienating life is not only consistent with, but indeed presupposing an ethical theory qua an outlook of the good life. There is nothing wrong—but everything essential—for Marx in making claims of normative ethics.

### **Does Early Marx’s Ethical Theory Have a Metaphysical Grounding?**

As discussed above, Marx’s ethical theory of the good life is based on the notion of alienation, that is, the inability to fully actualize our essential powers; this necessitates a notion of human nature, or what it is that defines us as humans. This section considers Early Marx’s conception of human nature as a metaphysical theory undergirding his ethical theory.

Early Marx’s notion of the human species-beings has at least the following substance: 1. Human beings are “tool-making animals” (per Benjamin Franklin’s “definition” or, in truth, description) and productive beings. Unlike

animals, human beings labor beyond necessities so as to actualize their creative ingenuity, which is further evidenced by the way in which they work (i.e. conscious transformation of the world, as discussed above). 2. They are social beings, living and understanding themselves vis-a-vis each other, thus having a consciousness of their species as humans. 3. They, unlike other animals, are conscious of these two facts and therefore of their own species-being. Afforded by our natural propensity to work and our species-consciousness, human beings by nature cooperate and engage in social labor: even “simple co-operation” has had such “colossal effects” in history, as evidenced by “the palaces and temples, the pyramids.”<sup>23</sup>

This account of the human species-beings may be problematic in its metaphysical status. Is “species-conscious, socially productive animal” an exhaustive theory of human nature? Is it just part of the definition of our species? Is it just a description—if so, it is timeless and universal, or does it just describe human beings in a given time and place? Some commentators have found Early Marx’s theory of human nature to be of a dubious character. Brian Leiter, for example, comments that “it is certainly no part of serious biology, either then or since, and it is not clear it does any explanatory work in making sense of historical transformation.”<sup>24</sup> I will argue against the second half of his comment later by highlighting the explanatory function—grounding the ethical theory of the good life—of Marx’s theory of human nature. Yet I concur

that Marx’s characterization of species-being, focused on free production, is not a biological observation. Even when anthropologists have corroborated with empirical evidence that labor is found universally in all human societies, it at best shows that labor is a necessary condition for a properly human life—hardly a surprising observation. However, Marx emphasizes that only free, fulfilling work—not necessary work—is part of our species-being. Thus, he claims, “the shortening of the working-day is [the] basic prerequisite ... [of] the realm of freedom.”<sup>25</sup> Furthermore, Marx seems to place fulfilling, collaborative work in a singularly central place in the definition of the human species. Neither claim appears to fall in the scope of investigation for biology or anthropology.

The most defensible response appears to be that Marx focuses on production as the central aspect of human nature because of his materialism. The chief methodological movement for the early Marx is to reject “speculative philosophy”, that is, thinking about the human sciences in the abstract, without reference to historical practice; in 1843, Marx laments that this has been the standard practice in Western philosophy since almost ever.<sup>26</sup> With this in mind, Marx develops his theory of human nature with a very special metaphysical status. His notion of species-being does sketch the essence of human beings, but it is not an essentialist account of some unchanging human nature. Marx rejects the idea that every human individual inherently has an ab-

stract, universal, or *a priori* human nature. He states this famously in his Thesis VI on Feuerbach: there is no human essence as “abstraction inherent in each single individual” but “the ensemble of the social relations.”<sup>27</sup> To think that the same human essence exists before each human individual, for Early Marx, is akin to thinking that God exists before humans—a “religious alienation” that Feuerbach has gone a long way to refute. Instead, both the conception of human nature and religious deity are projections of our self-consciousness and self-understanding. By that Marx overturns the tradition of speculative “armchair philosophy” postulating certain things as human nature in a metaphysical and *a priori* way, and maintains that human nature is only to be discovered—epistemologically and metaphysically<sup>28</sup>—from historical human practice in an empirical, *a posteriori*, and even inductive fashion.

Marx’s materialist theory of human nature therefore does not prescribe but describes who we are. His substantive claim of the human species-being is thus a claim of *natural history*, that is, scrutinizing the life conditions and habits of human beings as a natural kind, as an animal. Following the tradition set forth by Aristotle’s research in zoology,<sup>29</sup> Marx seems to imply that the single most important activity for any animal is the subsistence of itself; every animal works in some way to sustain its own life. Therefore, the basic nature of human beings—qua animals—must have to do with *how we feed ourselves* and meet our other basic needs. This gives

rise to a materialist approach to conceptualizing human nature, such that the way in which we produce is central to any formulation of who we are. Thus, for Marx, the concept of human nature can only make sense in empirical-historical practice, rather than in speculative consciousness, and only in the collective “genus” (human species as productive beings), rather than in each individual. Marx attributes a central place of production to human nature not from logico-metaphysical deductions but precisely in an anti-philosophical, anti-reification movement. It is a discovery from empirical history rather than a postulation of armchair speculation; Early Marx thus displays an inchoate formulation of the materialist conception of history.

However, this natural-historical or anthropological account of human nature does not suffice in itself for Marx but instead points to an ongoing tension in Marx’s corpus: Marx seems to view only free, creative labor as truly fulfilling and truly human. However, it is unfree, subsistence work that fundamentally supports humans as an animal; it is also the prevailing majority kind of labor found in the history of human labor. For Early Marx, the incipient historical materialism appears to explain why he holds that only the uniquely human kind of labor—rather than animalistic subsistence labor (done only when there is an imminent need; carried out without a plan in mind, as conscious transformation of the world)—is essential to human labor: after all, if each animal has a unique way in which it produc-

es, such a way would be essential to its species-being. However, it would be the utmost puzzling that the human kind of labor is the exclusion of the primary and original kind of labor, that is, that which meets basic animalistic needs. For Marx, only the secondary and in fact rarer kind of labor confirm human beings' nature as productive beings. Thus, the majority kind of work—subsistence labor—is for Marx not only unable to confirm our species-being but indeed undermines it. Whereas Marx considers production as the essential “human function,”<sup>30</sup> he seems to think that only after producing what we need is production free and truly human, rendering subsistence labor—“the realm of necessity and mundane considerations”<sup>31</sup>—in truth animal and dehumanizing. Marx, throughout his entire career, seems never able to resolve this obvious paradox.

### **Non-Utilitarian Consequentialism: Marx & Aristotle**

The rest of this essay considers the structure of the normative ethical claim made by Early Marx, now that it is shown that he can—and does—make such a claim. I argued that Marx *grounds* his ethical theory of the good life on his theory of human nature. I shall explain it in reference to a parallel project from Aristotle. Aristotle and Marx are unlike on a level of specific moral content, yet quite alike on the level of a normative framework.

Both Aristotle's *Nicomachean Ethics* and Early Marx portray a fulfilling human life as consisting in activities suit-

ed to the development and exercise of our essentially human capacities, which in turn make up our nature. They surely disagree greatly on what a fulfilling human life exactly looks like and what our essential capacities encompass—Marx is likely to find Aristotle's sanctification of the contemplative life misguided. Yet they both see fulfilled human life as the highest ethical goal; if we take happiness in Aristotle's sense of *eudaimonia* (*eudaimonia*) as flourishing, we can claim that Early Marx wants us to be “happy”, without a subjectivist reading of him. Marx's concept of alienation, as a state of objective unfulfillment wherein such capacities are frustrated, is directly comparable to Aristotle's concept of bad life, which is set up in terms of the good life. Aristotle's good life, therefore, resembles Marx's unalienated life.

Aristotle and Early Marx are also alike in their way of justifying such a life as the good life. To put it bluntly, they both understand the good life as one in which we act and actualize ourselves as human beings, because we should want to distinguish ourselves from animals. For Aristotle, we should act in accord with our exclusive essence – that is, our rational soul guided by virtue.<sup>32</sup> Marx's concept of species-being also concerns what makes us unique among animals—not by reason but by unalienated, fulfilling labor. Marx's vision fits nicely into Aristotelian teleology: the labor process clearly has a dual telos: a transformed world and an actualized self. For Marx, the end of the activity (e.g., the product) is harmonized with the act of the activity (e.g., a work-



er engaging in production).

Following this train of thought, Richard Miller proposes that Marx and Aristotle are alike not only in rejecting Kantian juridicism—based on discourses of *rights*—and utilitarianism of Bentham and Mill but also in giving two rare examples of non-utilitarian consequentialism.<sup>33</sup> Namely, they both envision the good life as consisting in the exercise of capacities suited to human nature. They disagree with Kant on normative ethics: they insist value judgments over social arrangements and actions be made on the consequences they engender rather than their “right” or “lawfulness” by themselves. At the same time, Marx and Aristotle disagree with Bentham on the ultimate human good. Rather than aiming at promoting subjective happiness (pleasure, a *sense* of meaningfulness, etc.), they strive for what may be called objective happiness, that is, flourishing in an essentially human way.<sup>34</sup> Subsequently, both Marx and Aristotle “evaluate social institutions based on the consequences they have for promoting the good life.”<sup>35</sup> The central problem that Early Marx has with capitalism, after all, is that it causes alienation, thereby rendering people unable to exercise essential powers, actualize species-being, and lead good lives.

### Can Early Marx Justify His Metaethical Theory?

As I have shown, Early Marx has a metaethical theory that is structurally similar to the logical structure of Aristotle’s *Nicomachean Ethics*: they each

ground their ethical theory in a theory of human nature. Namely, they both tacitly employ a valid syllogism: P1. The good life is to do what is human; P2. To do X is to do what is human; C. The good life is to do X. Whereas this model appears quite unproblematic for Aristotle, for Marx it appears so seriously wanting in certain respects that his metaethical theory cannot be justified.

Aristotle’s *Nicomachean Ethics* works toward the conclusion that the best human life is the contemplative life from the general argument that contemplation is the kind of activity most in line with what is human, which further presupposes that it is good to do the kind of activity in line with what is human. Aristotle states this explicitly in what some commentators call the “function argument”: Aristotle asks for the function [*ergon*] of the human being in order to find out what kind of life they should lead. By identifying that function as “a life of action of [the part of] the soul that has reason” in accordance with virtue,<sup>36</sup> Aristotle bridges the is-ought gap and is able to ground contemplative life as the good life, insofar as it is the most *human* kind of life.

Contrasted with Aristotle, Early Marx’s similar project is of a dubious character. Going back to the syllogism, for Marx it should be specified as P1. The good life is to do what is human; P2. To engage in fulfilling social labor is to do what is human; C. The good life is to engage in fulfilling social labor. Taking together bits of thoughts developed earlier in the essay, neither P1 nor P2 seems possible to be sufficiently

grounded for Early Marx, rendering the conclusion—Early Marx’s metaethical theory—impossible to justify.

Firstly, that the good life is to do what is human roughly resolves to the claim that it is good to do what is human. Marx has implicitly invoked this idea throughout his career, but nowhere other than for Early Marx has this idea occupied an essential locus. Unfortunately, Marx leaves the following questions unanswered: Why is it better to be like a human than just an animal? More generally, why is it good to act according to what we really are and strive to realize ourselves in the first place? Aristotle can dodge this difficulty in bridging “is” and “ought” by postulating it as a metaphysical fact that each thing—human beings included—has a function toward which it should strive. Aristotle is able to resort to the claim (A) that our function—what sets us apart from animals—is good for humans because of the claim (B), that the function of anything—what sets that thing part from everything else—is good for that thing. However, this is not an option for Early Marx; he is not in a position to use the claim (B) to justify the claim (A), because the claim (B) is way too metaphysical for his methodological commitment against speculative abstract thinking about humans. Furthermore, it is not clear to me if there is any permissible alternative that could justify the claim (A). Since Early Marx’s entire critique implicitly hangs upon the idea that it is good to do what is human, his entire metaethical project becomes dubitable.

Secondly, the idea that human-

ly activities consist in fulfilling, conscious (planned) social labor is no less curious than the first premise. As we have hinted in previous sections, it is unclear how Marx could justify the idea that only free and creative labor corresponds to the truly human way of life, while anthropological observations indicate that subsistence labor—of which Marx not only thinks lowly but uses a reference point in describing unalienated labor—is the primary and predominant kind. Aside from that, it is also unclear how Early Marx justifies—or can possibly justify—the claim that a certain kind of productive work is the complete essence of human nature—not just an aspect or prerequisite. Marx does not seek to vindicate that claim philosophically because he thinks of it as a natural-historical claim on the empirical basis of historical human practice rather than armchair speculation into certain unchanging essence of our species. However, the claim does not seem to withstand philosophical scrutiny: if “engaging in fulfilling, conscious social labor” captures the essence of human nature, it can be said to define (rather than simply describe) the human species. Namely, any animal that engages in fulfilling, conscious social labor would be identifiable as human beings. Such a thought is weird, because it is not difficult to imagine a non-human animal engaging not only labor, but also that specific kind of labor. Even though Marx claims that the human way of production, in the architect-bee example, is “stamp[ed] as exclusively human,”<sup>37</sup> that way of labor has no built-in marks of humanity when

examined alone. Defenders of Marx are certainly inclined to dismiss this entire thinking as exemplary of the kind of speculative metaphysics of human nature with which Marx avows to do away. However, a query lingers on: To what degree does Marx's theory based on creative labor grasp *the* very essence of human nature, rather than just giving a description of *an* important aspect thereof? With what can he justify this essential status? Without consulting certain metaphysical surmises as Aristotle does, Early Marx seems to be left with no resource to sufficiently address these questions, which are nonetheless foundational to the grounding of his entire metaethical theory.

In summary, Early Marx's critique of capitalism is inherently an ethical critique, on grounds that it engenders alienation of people (particularly workers) from their true human nature. This critique is inversely based on a normative ethical theory, best described as non-utilitarian consequentialism (which finds a parallel in Aristotle's *Nicomachean Ethics*), by which Marx assesses social conditions by the effects they have on promoting the good life. Capitalism is bad by that standard, because the alienation it causes is detrimental to the good life. Early Marx further resembles Aristotle in that they both hold that, metaethically, the good life of human beings is to conduct humanly activities. However, unlike Aristotle, Early Marx has insufficient resources to justify the metaethical structure underlying his normative claim. Aristotle proposes as a metaphysical claim that the good life

is about acting in accordance with the human functions. However, given his important methodological attitude that rejects abstract thinking about human nature in an *a priori* fashion, Marx is unable to justify that same claim. While Aristotle identifies contemplation as the most human activity, Marx identifies fulfilling, cooperative productive activities. However, Marx seems to be in no position to sufficiently justify that choice either. These difficulties combined, Early Marx's entire metaethical theory is exposed as barely grounded. The weakly-based status suggests why Early Marx's alienation-based critique of capitalism would fade out of fashion: it is not so much refuted as never having been fully vindicated. As Marx's thought develops, alienation retreats from a central explanatory role of the evils under capitalism to a diagnostic one and from the hallmark evil of capitalism to just one of its immanent contradictions. Instead of some cleavage in the style of Althusser's "epistemic gap", the insufficiency in early Marx's moral philosophy gives an indication that explains the mature Marx's turn to political economy and scientific socialism. ●

## Bibliography

- Aristotle. *History of Animals*. In *The Basic Works of Aristotle*. Edited by Richard McKeon. New York: Modern Library, 2001.
- . *Nicomachean Ethics*. In *The Basic Works of Aristotle*. Edited by Richard McKeon. New York: Modern Library, 2001.
- Brudney, Daniel. *Marx's Attempt to Leave Philosophy*. Cambridge, Mass: Harvard University Press, 1998.
- Cohen, G.A. "Review of Wood's *Karl Marx*." In G. A. Cohen and Jonathan Wolff. *Lectures on the History of Moral and Political Philosophy*. Princeton, NJ: Princeton University Press, 2013.
- Leiter, Brian. "Why Marxism Still Does Not Need Normative Theory," *Analyse und Kritik* 23, no. 1 (2015): 23-50.
- Marx, Karl. *Capital: A Critique of Political Economy*, vol. 1. Translated by Ben Fowkes, New York: Penguin Books, 1993.
- . *Capital: A Critique of Political Economy*, vol. 3. Translated by David Fernbach. New York: Penguin Books, 2013.
- Miller, Richard. "Marx and Aristotle: A Kind of Consequentialism", *Canadian Journal of Philosophy*, Volume 11, 1981, Pages 323-352.
- Smith, Adam. *The Wealth of Nations*. Edited by Andrew Skinner. New York: Penguin Books, 1982.
- Tucker, Robert C. ed. *The Marx-Engels Reader*. New York: Norton, 1978.
- Wood, Allen. *Karl Marx*. London: Routledge, 2004.

## Endnotes

- 1 Karl Marx, *Economic and Philosophical Manuscripts of 1844*, in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: Norton, 1978). The *Economic and Philosophical Manuscripts of 1844* are hereafter referred to as EPM and the *Marx-Engels Reader* as MER.
- 2 Marx, *Marx Engels Werke*, 3:67, quoted in Allen Wood, *Karl Marx* (London: Routledge, 2004), 9.
- 3 This idea somewhat anticipates what has become known as the Capabilities Approach.
- 4 Marx, *EPM*, 61.
- 5 It is noteworthy that although the idea of objectification evokes material objects as its products, it has no real difficulty in encompassing mental/intellectual fruits of labor as *real* products.
- 6 Aristotle, *Nicomachean Ethics*, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Modern Library, 2001), XI, 7 (hereafter cited as NE with book and chapter numbers).

- 7 Marx, "Comments on James Mill," in MER, 228.
- 8 Friedrich Engels, "The Principles of Communism," in MER, section 7.
- 9 Marx, *Capital: A Critique of Political Economy*, vol. 1, trans. David Fernbach (New York: Penguin Books, 2013), Ch. 7.
- 10 Marx, *Capital*, vol. 1, Ch. 7.
- 11 Marx, *The German Ideology*, quoted in Allen Wood, *Karl Marx*, 50.
- 12 Marx, "Estranged Labor," in EPM.
- 13 Adam Smith, in his *Wealth of Nations*, maintains work *must* be a sacrifice for those who do it.
- 14 Marx, *The German Ideology*, quoted in Allen Wood, *Karl Marx*, 50.
- 15 Marx, "Estranged Labor," in EPM.
- 16 Marx means freely beyond just voluntarily, as in a merely formal sense of freedom.
- 17 Alienation is a historical problem, largely specific to capitalism. For alienation points to the gap between human essential powers and their actual (lack of) exercise; since our productive powers vary greatly throughout history and across societies, alienation rarely occurs in pre-capitalist societies. It is by the greatly expanded productivity under capitalism that alienation comes to rise and it is, in Marx's vision for communism, through the greatly expanded productivity that drives out the realm of necessities that alienation is abolished and thus enter a realm of freedom (c.f. Marx, *Capital*, vol.3, trans. David Fernbach (New York: Penguin Books, 2013), Chapter 48).
- 18 G.A. Cohen, "Review of Wood's *Karl Marx*," in *Lectures on the History of Moral and Political Philosophy* (Princeton, NJ: Princeton University Press, 2013).
- 19 Some may suggest we evaluate capitalism by the ethical standards of communism. However, doing so gets Marx wrong in an upside-down fashion: for Marx, communism is not a state of affairs, but a reversal movement (or the synthetical resolution for the contradictions) of capitalism. Therefore, it is not just epistemologically but ontologically impossible to critique capitalism by communism.
- 20 Marx, "Critique of the Gotha Program," in MER.
- 21 Marx, "Comments on James Mill," in MER, 228.
- 22 For example, by condemning private property as effectively theft (c.f. Proudhon), or the fact that workers trapped in hideous working conditions, or the lack of distributive justice, etc.
- 23 Marx, *Capital*, vol. 1, Ch. 13.
- 24 Brian Leiter, "Why Marxism Still Does Not Need Normative Theory," *Analyse und Kritik* 23, no. 1 (2015): 24, footnote.
- 25 Marx, *Capital*, vol. 3, Ch. 48.
- 26 For example, in "Contribution to the Critique of Hegel's Philosophy of

Right”, Marx comments that whereas Hegelians think of Hegelianism as the highest form of Western Philosophy, it is in truth the worst symptom of abstract, *a priori* thinking of the same tradition.

27 Marx, “Theses on Feuerbach,” in MER, thesis IV.

28 This, I should add, is uniquely consistent with Early Marx’s central rejection of the idea that philosophers have certain privileged standpoints by which they “know better”. They are unlikely to know human nature from practice better than, say, historians or anthropologists.

29 Aristotle, *History of Animals*, in *The Basic Works of Aristotle*.

30 Marx, “Estranged Labor,” in EPM.

31 Marx, *Capital*, vol. 3, Ch. 48.

32 Aristotle, *NE*, I, 2.1094a.

33 Richard Miller, “Marx and Aristotle: A Kind of Consequentialism,” *Canadian Journal of Philosophy* 11, issue sup. 1 (1981), 323-352.

34 They also differ from typical consequentialists in that they do not look at the end of an action alone; rather, they both foreground the action in process, alongside the ending results: Aristotle stresses that a good action must showcase virtuous character, while Marx pushes for the harmonization of ends and means – product-alienation and species-alienation are equal features of alienated labor.

35 Miller, “Marx and Aristotle.”

36 Aristotle, *NE*, I, 1094a; Aristotle, *NE*, I, 1097b22–1098a20.

37 Marx, *Capital*, vol. I, Ch. 7.

# **The Moral Right to Die**

by **Khalid “Kai” Davis**

*Macalester College*



The third article of the United Nations Universal Declaration of Human Rights states that “everyone has the right to life, liberty and the security of person.”<sup>1</sup> This same conception of individual rights is echoed throughout modern political and philosophical literature. If we accept this framework of human rights, the question then arises: what are the extents of this right to life? If one can be said to have a legitimate legal and moral right to life grounded in human dignity and the pursuit of liberty and equality for all people, then a person’s ability to govern their own life must be respected. This decision-making touches all aspects of life, potentially including the time and manner of its termination. Today, this matter sparks contentious debate amongst philosophers, bioethicists, and medical professionals alike regarding the legality of physician-assisted suicide and euthanasia. Although there are those who take issue with the term “physician-assisted dying” (PAD), objecting to its “vagueness,”<sup>2</sup> for the purposes of this essay it will be taken to include the practices of both physician-assisted suicide (PAS) and voluntary euthanasia (VE).<sup>3</sup>

Although many agree that in a limited scope of cases—most often those concerning the terminally ill and hospice care patients—physician-assisted dying may be morally permissible, there remain those who argue that the

practice should be illegal entirely. John Keown, a Christian ethicist and noted opponent of PAD, outlines a common argument against it: the principle of vitalism and the sanctity of life. This principle, Keown says, affirms that because human life is sacred, it “is an *absolute* moral value. Because of its absolute worth it is wrong either to shorten the life of a patient or fail to strive to lengthen it... the vitalist school of thought requires human life to be preserved at all costs.”<sup>4</sup>

Challenging absolutist conceptions of the value of life, advocates for physician-assisted dying posit that if a person possesses the right to live, this necessarily entails the right to die. This freedom, so the argument goes, shall not be infringed, for the way a person chooses to live—or die—solely concerns that individual so long as the rights of others are not violated. In this essay, I will defend the view that PAD ought to be legalized on the basis that the right to life always includes the right to die. I shall argue that the legal protection of this right should encompass all adult persons capable of acting as autonomous moral agents and thus able to make free and rational decisions for their own lives and medical care. With that, they should be ethically and legally empowered to demand physician assistance in ending their own life on any basis whatsoever and without qual-



ification. This articulation of the right to die sanctions both physician-assisted suicide and voluntary euthanasia, generating a duty on the state universally and physicians individually to codify and provide access to these services. Furthermore, the state is also bound by the negative duty not to interfere with the free exercise of PAD yet at the same time conserves the responsibility and authority to strictly regulate physician-assisted dying in conjunction with bodies governing medical ethics to ensure that it is carried out competently and ethically. Action should be taken out of concern for public safety in order to avoid falling down the much dreaded “slippery slope.” To make my case, I will first briefly outline the philosophical value of life and deconstruct the arguments against PAD. I will then establish bases for what constitutes rational decision-making. And finally, I will explain how the slippery slope can be avoided.

### The Value of Life

The principal debate around the legalization of physician-assisted dying centers around particular notions of the value of human life. What precisely is the value of human life and how can we attempt to determine it? In justifying the philosophical foundations of human rights, many contemporary philosophers, such as bioethicist S. Matthew Liao, have taken to defending the view that the good life forms the very basis for human rights.<sup>5</sup> This idea proves to be the chief aim of several systems of normative ethics.

By an Aristotelian account, “every art, every science, every action or purpose, aims at some good. The good is that at which all things aim.”<sup>6</sup> For Aristotle, human flourishing, *eudaimonia*, is the highest good. The same can be said of a consequentialist account of morality. Both Jeremy Bentham and John Stuart Mill, the founders of utilitarianism, hold that happiness is not *a* good, but *the* good—that which is to be pursued above all else. In contrast, Immanuel Kant tells us that human beings possess, as ends in themselves, a worth beyond price, an inherent dignity. According to the most influential of normative ethical accounts, human life has some intrinsic value. However, without the possibility of happiness or flourishing, it is questionable, particularly for the consequentialists, whether that life would be worthwhile. To ponder this thought, we can ask ourselves: despite its intrinsic value, if life loses most or all of its instrumental value, does it still retain enough value to be worth living, and who is to make that choice?

### Views Against Physician-Assisted Dying

The primary argument against permitting euthanasia and physician-assisted dying concerns what Keown calls the principle of the sanctity of life. This argument is favored amongst many religious opponents of PAD. Catholic doctrine, for example, prohibits intentional killing as well as suicide. In short, “the simplest moral outlook on suicide holds that it is necessarily wrong because hu-

man life is sacred.”<sup>7</sup> Vitalist organizations such as the Christian fundamentalist group the American Family Association and the Catholic American Life League utterly oppose abortion and euthanasia. The latter espouses strict vitalism in categorically opposing abortion, even in cases of rape and incest, as well as all forms of contraception, embryonic stem cell research and euthanasia: “ALL... is an organization committed to the protection of all innocent human beings from the moment of creation to natural death... That ranges from the single cell human embryo to the elderly, the infirm and others at risk of having the life terminated by acts of euthanasia.”<sup>8</sup> Keown and other opponents of PAD insist that the “immoral” choice to undergo PAD be dismissed outright: “The capacity to choose brings with it the responsibility of making not just any old choice, but choices which do in fact promote, rather than undermine, human flourishing... it is difficult to see why patently immoral choices, choices clearly inconsistent with human well-being, merit any respect.”<sup>9</sup> For Keown, intentional killing is never consistent with human flourishing irrespective of circumstance. In the same vein, vitalists maintain that human life must be preserved at all costs regardless of suffering or quality of life.<sup>10</sup>

Notably, vitalism has had its secular proponents as well. Although elements of modern vitalism have existed since ancient times, there is a scientific aspect to this school of thought that originated in the seventeenth and eighteenth centuries. Early biologists

and chemists such as Francis Glisson and Jöns Jakob Berzelius theorized a sort of non-physical animating force that fundamentally distinguishes living beings from inanimate objects.<sup>11</sup> Later, the French philosopher Henri Bergson proposed an *élan vital* or vital impetus or “force” linked to the idea of a soul or consciousness to explain the essential difference between life and non-life as well as the especial status of the former.<sup>12</sup> Scientific vitalism has fallen out of favor due to advances in understanding of vital phenomena.

In practice, moral vitalism discounts all material conditions, social, economic or personal, in the pursuit of sustaining human life no matter the consequences. The vitalist believes life to be “an intrinsic good, irrespective of whether it is of value to its possessor.”<sup>13</sup> Whereas less extreme advocates for the intrinsic value of human life may concede in certain situations that a person should be allowed to die, a vitalist outlook requires a person to remain alive, whether they wish to or not, whether it is in their best interest or not, whether their advocates believe it is the best path forward or not.

To elucidate the vitalist position, it is useful to examine actual cases. Through policy decisions, governments can also commit themselves to vitalism. In the U.S., there are eight states that most clearly exhibit vitalist tendencies: New York, Arizona, Michigan, Missouri, Ohio, Mississippi, Wisconsin and Hawaii. As Alicia Ouellette, legal scholar and bioethicist, describes, “these states take a vitalist position for

certain classes of patients: life must be maintained whatever the cost to the patient, the families, and the caregivers. Consistently, the states that maintain a vitalist position for some of their citizens claim an unqualified interest in preserving life."<sup>14</sup> Not only is it concerning that these states, all to varying degrees, restrict the ability of surrogates to terminate life sustaining treatment, but doubly so that the courts seem to uphold states' claim of ownership over their citizens' lives. In the case of *Cruzan v. Director, Missouri Department of Health*, Nancy Beth Cruzan, due to severe injuries sustained in a car accident, was rendered permanently incompetent. Yet when her parents sought a court order to passively euthanize their daughter by withdrawing life-sustaining treatment, the Supreme Court of Missouri refused the request, ruling that, in light of her incompetence and the absence of any explicit directive from Cruzan before her accident to make a life-terminating decision, she had no constitutional right to refuse lifesaving treatment, nor did her parents possess ample authority to execute such a decision. And even if such a right did exist, the Court expounded that it would have to be weighed against the state's default, unqualified interest in preserving human life (ironic considering the legality of capital punishment in Missouri).<sup>15</sup> This point of view disregards the impact that intractable pain and severely diminished physical and mental capacities can have on the quality of a person's life. It enforces the belief that "life itself, wholly independent of the happiness of the

individual whose life it is, is valuable."<sup>16</sup> In other words, life is valuable in and of itself by virtue of mere existence alone. Moreover, the Missouri decision demonstrates a refusal to acknowledge the competence of executors and proxies in deciding what is best for the person whose interests they represent. Even the best available medical advice can be trumped by inflexible state law. By committing to vitalist policies, there is an implicit conflation all forms of intentional killing, making no distinction between homicide, physician-assisted suicide, voluntary euthanasia, non-voluntary euthanasia (NVE), involuntary euthanasia (IVE), and any other forms of intentional killing.<sup>17</sup> To do so overlooks the crucial elements of choice and autonomy—and in many cases good sense—which, I argue, are critical in ethical decision-making. To understand the incredible harm that can be inflicted by adopting vitalist viewpoints, one need look no further than the needlessly tragic case of Sheila Pouliot.

In December 1999, Pouliot, a terminally-ill, severely physically debilitated, partially blind, muscularly degenerate, acutely mentally disabled forty-two-year-old woman, was admitted into a hospital in New York state for internal bleeding in her gastrointestinal tract and pneumonia.<sup>18</sup> She could neither eat, speak, read, nor walk; she communicated pain through grunts and groans. On the advice of doctors, the family decided that it would be best to withhold all treatment, effectively passively euthanizing her so as not to prolong her unbearable suffering. However,

New York state intervened and forced the hospital to continue treatment, including nutritional care and hydration, which, due to Pouliot’s terminal illness, caused only projectile vomiting and intractable hiccups. At this time, the court battle began in earnest, yet even as injunctions and enjoinders were issued and trials held, the restrictions in New York law prevented “a third party, even a court appointed guardian or loving family member, from making the decision to terminate life-sustaining treatment for another person.”<sup>19</sup> The developments in Pouliot’s case were such that her physicians eventually described her as a “living corpse” and testified that the order to proceed with artificial hydration was “inhumane and is causing suffering... From a medical standpoint, it is outside the bounds of... medically indicated care”; in fact, they were inducing “grotesque harm.”<sup>20</sup> By all accounts, she was in abject agony. Pouliot’s pain continued unabated for months. After visiting her bedside, New York’s Supreme Court justice took the drastic action of issuing an illegal order to terminate all treatment, explaining, “There’s the law, and there’s what’s right.”<sup>21</sup> Nevertheless, the state would not relent. Beseched by the Attorney General’s office to resolve the impasse, an appellate court on March 3, 2000 terminated nutrition and hydration until a full panel could be held on March 7. Pouliot passed a day before the hearing. The description here cannot accurately capture the extent of her suffering. Had treatment been ceased in accordance with medical advice and the family

and guardian’s wishes, her life expectancy would have spanned only three to fourteen days.<sup>22</sup> Instead, she suffered for months on end. The vitalist policies of New York state and the reprehensible handling of this case forced Sheila Pouliot to endure torturous treatment that can only be described as inhumane.

### **Rationality, Competence, and Mental Illness**

Counter to the vitalist principle that living is the sole and ultimate good, I argue that a robust vision of human rights and human dignity must include considerations for quality of life and a right to die. I maintain that a euthanasia policy based on personal autonomy—one that emphasizes individual rights and moral agency—is more reasonable and humane than one that categorically disregards circumstance in favor of an absolute principle. In this context, an important question emerges: what constitutes a rational decision, and would such a choice be morally compelling when requesting life-terminating care? This paper sets forth that a voluntary request of sound, reasoned judgment commands sufficient moral force to make permissible physician-assisted dying. Proxies, too, can be recognized as rational agents. An autonomous request from a competent individual is thereby compelling enough to legalize PAD and to widen the scope of existing laws on the subject. I additionally claim that the right to make this request is not subject to imminence-of-death or terminal qualifications, nor does it even require

that a patient be actively suffering or experiencing intractable pain to bear legal and moral weight. Current laws governing PAD, even the most nonrestrictive, stipulate some terminal illness or active suffering in order that the patient receive physician assistance in dying. For example, the Dutch government allows for physician-assisted suicide in nonterminal cases of “lasting and unbearable” suffering. Similarly, Belgium authorizes physician-assisted suicide for patients when suffering can be categorized as “constant,” unable to be alleviated.<sup>23</sup> Why must this be the case? This logic sustains life well past the point of pursuing happiness or conceptions of the good life. Furthermore, stipulations of terminal illness and physical agony potentially exclude those suffering from psychological conditions (who are often indiscriminately construed as being incapable of making authentically rational decisions) as well as the non-abled considering that many laws only permit physician-assisted suicide provided that the patient themselves issues the *coup de grâce*.

Recent action by the Swiss Federal Supreme Court has challenged some of these notions, upholding “the right of those suffering from ‘incurable, permanent, severe psychological disorders’ to terminate their own lives.”<sup>24</sup> Under Article 115 of the Swiss Criminal Code regarding “Homicide / Inciting and Assisting Suicide”:

Any person who *for selfish motives* [emphasis added] incites or assists another to commit or attempt to commit suicide is, if that other per-

son thereafter commits or attempts to commit suicide, liable to a custodial sentence not exceeding five years or to a monetary penalty.<sup>25</sup>

Swiss law therefore permits assisted suicide but prohibits VE because, even for “commendable motives” and at the person’s “own genuine and insistent request,” one’s actions cannot directly cause someone else’s death.<sup>26</sup> Based on this, both physicians and non-profit organizations (since the 1980s) are able to at least provide the means to make life-terminating decisions by dispensing life-ending medication. This extends to non-citizens. The Dutch, too, have liberal laws on the subject. Conforming to *de facto* guidelines set since 1973 and following the landmark *Schoonheim* case in 1984 wherein a doctor facilitated the suicide of his elderly patient at her request, the “Termination of Life on Request and Assisted Suicide (Review Procedures) Act” went into effect in 2002, legalizing PAD under certain circumstances that meet specified conditions:

- (i) The request for euthanasia [i.e., VE] must come only from the patient and must be entirely free and voluntary;
- (ii) The patient’s request must be well considered, durable and persistent;
- (iii) The patient must be experiencing intolerable (not necessarily physical) suffering, with no prospect of improvement;
- (iv) Euthanasia must be a last resort. Other alternatives to alleviate the patient’s situation must have been considered and found wanting;
- (v) Euthanasia must be performed by a physician;
- (vi) The physician must

consult with an independent physician colleague who has experience in this field.<sup>27</sup>

These conditions also stipulate that children as young as 12 (with parental consent) may undergo PAD. Patients must furnish their informed consent and be unencumbered by the influence of other people, psychological illness, or drugs. In spite of this, psychiatric patients are not entirely excluded from this law, for “a voluntary and well-considered request for assisted suicide may be prompted by a persistent wish to die resulting from unbearable suffering with no prospect of improvement caused by a psychiatric condition.”<sup>28</sup> While bioethicist Jacob Appel agrees that a “higher threshold of competence” must be required due to the finality of the decision to receive PAD, he disputes the common notion that mentally ill people cannot be rational actors.<sup>29</sup> He observes that “one can be both deeply depressed and capable of making rational decisions.”<sup>30</sup> Hence, it is arguably unjust to deny to psychologically suffering patients the opportunity to exercise the right to make life-terminating decisions. Irrespective of the type of suffering, the affected agent may conceivably desire nothing less than a permanent solution. The Dutch act is groundbreaking in that it breaks past the bounds of terminal illness as well as helps to alleviate the cumbersome burden of old age and debilitating psychiatric ailments. This has been the rule of thumb for decades but only recently codified, a step forward in protecting compassionate doctors.

Despite evidence to the con-

trary, there are those who resist the idea that a person can make a genuine request PAD because “we can never have sufficient evidence to be justified in believing that a dying person’s request to be helped to die is competent, enduring and genuinely voluntary.”<sup>31</sup> Again, this claim relies on the presumption that life is valuable in itself regardless of its quality or a person’s suffering. This objection exemplifies an undue mistrust of any who would make such a request, precipitating the paradoxical train of thought of refusing access to physician-assisted dying on the grounds that it was requested in the first place. In my view, this position devalues the right to life, reducing it to no more than a protection against intentional killing, sustaining life merely because it is not death. Further, Keown raises another salient counterpoint in regards to the judgment exonerating the doctor in the *Schoonheim* case, proffering, “the judgment failed to explain why the doctor’s duty to alleviate suffering overrode his or her duty not to kill.”<sup>32</sup> I would respond in the same vein as any doctor who has provided or would provide PAD: the overriding factor is patient autonomy.

### The Slippery Slope

A valid concern regarding physician-assisted dying stems from worry for vulnerable classes of people—the disabled, the mentally ill, the elderly, and the like. Opponents of assisted suicide generally articulate their objection as follows: “Any loosening of the absolute

and unqualified prohibition of assisted suicide risks weakening the effectiveness of the protection afforded under the current law to vulnerable persons.”<sup>33</sup> There is a fear that the vulnerable will face imminent danger or that people whose situations are deemed hopeless or their care futile will be coerced to request death prematurely. Additionally, proponents of a continued prohibition on PAD also point out the possible hazard that a wish to die may only be fleeting due to temporary circumstances or treatable bouts of mental illness. Admittedly, there is some real danger in regards to transitory desires eliciting permanent consequences; however, that is not to say that this concern cannot be reasonably mitigated by implementing certain regulatory measures in order to ensure that the patient’s wish truly constitutes an enduring, sincerely voluntary and autonomously enacted decision. This essay does not itemize specific regulations and procedures. Nonetheless, it is certainly plausible that informed, sensible guidelines can be put in place through collaboration between government officials, medical professionals, mental health professionals and bioethicists to allay disquiet surrounding the potential abuses of physician-assisted dying.

Fundamentally, opponents to PAD fear falling down the so-called “slippery slope.” There exists a misplaced apprehension that if society allows for the legalization of voluntary euthanasia, we will somehow cascade down a “slippery slope” that will ultimately and inevitably lead us to accept other forms of in-

tentional killing, namely non-voluntary euthanasia.<sup>34</sup> Keown details the slippery slope at length in *Euthanasia, Ethics and Public Policy* and injects the worry that physician-assisted dying will come to be accepted as a “premature alternative to palliative care.”<sup>35</sup> While this worry is understandable, I argue that it is ultimately unfounded. In a chapter entitled “Dutch in Denial?”, Keown discusses a Dutch documentary, *Death on Request*, which recounts the story of Cees van Wendel de Joode, a man diagnosed with ALS, a motor neuron disease, who obtained VE in 1993.<sup>36</sup> He raises concerns about this film and its positive portrayal of the state of euthanasia in the Netherlands, opining that the production was misleading. Keown argues that de Joode was not given a real choice but instead a “deceptively bleak prognosis” which urged him to decide between either terrible pain or euthanasia.<sup>37</sup> Contrasting British medical professionals to Dutch ones, Keown cites palliative care in the English healthcare system, arguing that it is more developed and has seen some success in improving the pain of patients with similar motor neuron diseases. Reading this section of the book, one might get the impression that Keown thinks Dutch physicians and officials want patients to die. This seems patently absurd. Doctors have no incentive to kill their patients. More importantly, de Joode did in fact voluntarily request euthanasia; there is no indication that he experienced any pressure or was presented with VE as his only option. His own doctor noted, “I can give him wonderful equipment so he can make

himself understood. I can give him the finest wheelchair there is, but in the end, it is only a stopgap. He’s going to die and he knows it.”<sup>38</sup> On the one hand, I acknowledge that involuntary euthanasia is morally impermissible under all circumstances and is essentially murder; on the other hand, non-voluntary euthanasia *may* be permissible. Alone, the fear of this specific occurrence is not enough to strip every person of their right to PAD, especially considering that NVE may be morally permissible on a case-by-case basis. For example, it would be acceptable if a person in a persistent vegetative state, previous to succumbing to their condition, issued an explicit directive indicating their wishes and a competent proxy deemed it appropriate to go through with the course of action on the patient’s behalf. Many laws already account for this scenario. Ultimately, de Joode made a free, informed choice. Yet in a letter to *The Times*, various members of the British House of Lords wrote a scathing criticism of the film: “Having embraced the practice of euthanasia, the Dutch now find themselves on a slippery slope which not only involves euthanasia for those who are not dying but also euthanasia without request.”<sup>39</sup>

Despite their outrage, actual statistics can corroborate the success of the legalization of PAD in the Netherlands occasioned by the 2002 law. According to Dr. Bregje Onwuteaka-Philipsen, professor of life-termination research at the Vrije University Medical Center in Amsterdam, “... the number of cases of this type of life ter-

mination [VE] has actually decreased since the introduction of the law.”<sup>40</sup> Dr Onwuteaka-Philipsen led an extensive study on the trends of life-terminating practices in the country before and after the introduction of the law. Analyzing the number of reported cases (legally, all instances must be reported to the Public Prosecutor’s office and the cause of death to the municipal coroner)<sup>41</sup> the study found that occurrences of PAD remained low and any increases were due to explicit requests:

The frequency of euthanasia increased between 2005 and 2010... The frequency of physician-assisted suicide remained low over the years... the increase in the number of instances of euthanasia is related to both an increase in the number of explicit requests for euthanasia (from 4.8% [95% CI 4.4-5.2; 503 of 9,965] of all deaths surveyed in 2005 to 6.7% [6.1-7.3; 766 of 6,861] in 2010) and the proportion of requests that were granted (from 37% [252 of 503] to 45% [496 of 766] of requests). The frequency of ending of life without an explicit patient request decreased over the years (from 0.8% [95% CI 0.6-1.1; 45 of 5,197] of all deaths in 1990 to 0.2% [0.1–0.3%; 13 of 6,861] in 2010).<sup>42</sup>

Based on 2010 statistics, “The number of cases was therefore comparable to that just before the introduction of the Euthanasia Act in 2002.”<sup>43</sup> The study also found that in “7% (20 of 270) of deaths in which the patient had made a ungranted euthanasia request, the



patient hastened death him or herself” through an act of voluntary starvation.<sup>44</sup> When governments are unresponsive to citizens’ needs, people will take their fate into their own hands. Although it is troubling that there are any patient deaths without their explicit request as indicated by the survey, the numbers are minimal: less than one percent and falling every year. Notably, the study is somewhat unclear, labelling incidents under these circumstances as “ending life without explicit request” without specifying whether it was done involuntarily or non-voluntarily. The only clarification offered in the analysis was: “in half of these cases the decision [had] been discussed with the patient and in a quarter of cases the physician did not discuss the decision with either patient, relative, or other physicians.”<sup>45</sup> Again, to which results and precisely which country this explanation referred, considering that the Netherlands, Belgium and the United Kingdom were all discussed in that same paragraph, was unclear. In any event, this fraction of a fraction of a percent is likely the result of a transitional lapse and not, as some critics wish to frame the issue, a rampant problem. If there is a genuine issue, then it lies with a diminutive number of rogue doctors who fail to comply with the letter of the law and not with the exercise of the right itself.

Moreover, I reject the defense that palliative care is always the moral, desirable alternative to physician-assisted dying. Contrary to Keown’s thoughts, there is nothing “premature” about PAD. Despite improvements in

palliative care, these measures should only account for *an* option, not the *only* option. Those who choose to terminate their own lives should be free to do so, for end-of-life palliative care drugs the mind and keeps the body in a state of listlessness, wasting away for no other end than to linger in anticipation of an inevitable and certain death—not even to forestall death, but merely to make the pain of dying somewhat more bearable. Palliative care at this stage is not an end in itself, and it is certainly not a *good* end, only a means of eventually dying more comfortably.

### Conclusion

Reasonable skepticism to legalizing physician-assisted suicide and voluntary euthanasia is understandable. Nonetheless, if we acknowledge that a person has a right to die, society has no reason to fear an evolution in the way we discuss death; on the contrary, we should embrace it. The right to PAD respects the dignity of human beings as rational agents and stresses the moral weight of an individual’s autonomy. As Christine Korsgaard, a scholar of Kant, writes:

But the distinctive feature of humanity, *as such*, is simply the capacity to take a rational interest in something: to decide, under the influence of reason, that something is desirable, that it is worthy of pursuit or realization, that it is to be deemed important or valuable, not because it contributes to survival or instinctual satisfaction, but as an

end for its own sake.<sup>46</sup>

This idea directly conflicts with the line of thinking of many opponents of PAD, who suggest that life-terminating choices are “patently immoral” and merit no respect.<sup>47</sup> However, I maintain that the decision to undergo PAD can be wholly voluntary, freely chosen, of one’s own autonomous volition. The British academic Nicola Padfield offers valuable insight by detailing the case of *Pretty v. United Kingdom* wherein the European Court of Human Rights upheld *Pretty*’s right to make choices regarding the manner and time of her death as being “protected by Article 8 para. 1 [of the European Convention on Human Rights] as one of the integral aspects of respect for private life.”<sup>48</sup> She continues, “The reason why we ought to respect [*Pretty*’s] choice is the same reason that makes us respect the choice of able-bodied persons to commit suicide: not that it is the *right* choice, but that it is *her* choice.”<sup>49</sup>

Indeed, jurisdictions which have already legalized the practice of PAD have yet to stumble down the slippery slope into involuntary euthanasia or legalized murder. As apprehensively remarked by a member of the House of Lords Select Committee on Medical Ethics, “legislation to permit euthanasia would in the long run bring about profound changes in social attitudes towards death, illness, old age and the role of the medical profession.”<sup>50</sup> But that is precisely the point. As human society progresses in medicine, science and technology, our cultural attitudes must change as well. As our understanding

of human rights, equality and justice evolves, we must not allow reactionary politics and overzealous fears to cloud our judgment about the articulation and defense of individual rights. Just as attitudes towards gay marriage, women’s suffrage and reproductive rights have shifted in the past, so too can our attitudes towards death and dying. I urge that our cultural values ought to shift on the subject of PAD. In reality, physician-assisted death is a humanism. The practice respects human dignity, lessens suffering in the world, and empowers individuals by concretely establishing a right to death. Courts in Europe have already defended the right as an essential component of health and private life. Furthermore, Belgium, the Netherlands, Switzerland and Luxembourg have demonstrated the very real possibility of enacting effective measures to police the safety, reliability and ethical administration of PAD.

I believe a prohibition of PAD serves to disenfranchise humanity of a vital human right. And while concern for the vulnerable is noble, the answer is not to constrain the freedoms of the rest of the population, but rather to strive to ameliorate the circumstances that would drive a person to seriously contemplate suicide in the first place. This essay should not be construed as promoting suicide or disregarding the seriousness of mental illness or the real hazards of the slippery slope. Rather, this essay calls for an expanded understanding of the right to life. PAD proves a valuable tool to promote compassion and respect for the sincere choices of

others, the most important consideration for ethical decision-making. The right to die is an essential component in protecting human dignity, and the legalization of PAD is the only morally conscionable path forward. ●

## Bibliography

- Appel, Jacob M. "A Suicide Right for the Mentally Ill? A Swiss Case Opens a New Debate." *Hastings Center Report* 37, no. 3 (2007): 21-23. <https://doi.org/10.1353/hcr.2007.0035>.
- Aristotle. "Nicomachean Ethics." Translated by J.E.C. Welldon. United Kingdom: Macmillan and Company, 1902.
- Bechtel, William and Robert C. Richardson. "Vitalism." Edited by E. Craig. In *Routledge Encyclopedia of Philosophy* (1998). <http://mechanism.ucsd.edu/teaching/philbio/vitalism.htm>.
- Cholbi, Michael. "Suicide." In *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition). Edited by Edward N. Zalta. <https://plato.stanford.edu/archives/fall2017/entries/suicide/>.
- Ede, Andrew. *The Rise and Decline of Colloid Science in North America, 1900-1935: The Neglected Dimension*. United Kingdom: Ashgate, 2007.
- "Euthanasia Law Did Not Lead to More Euthanasia." *Nu.nl*, July 10, 2012. <https://www.nu.nl/gezondheid/2856077/euthanasiewet-leidde-niet-meer-euthanasie.html?redirect=1>.
- "Home: About." *American Life League*. <https://www.bibme.org/chicago/website-citation>.
- Liao, S. Matthew. "Human Rights as Fundamental Conditions for a Good Life." In *Principles of Moral Philosophy: Classic and Contemporary Approaches*, edited by Steven M. Cahn and Andrew T. Forcehimes, 79-100. New York: Oxford University Press, 2017.
- Lillehammer, Hallvard. "Voluntary Euthanasia and the Logical Slippery Slope Argument." *Cambridge Law Journal* 61, no. 3 (2002): 545-550. <https://heinonline.org/HOL/P?h=hein.journals/cambjl61&i=561>.
- Keown, John. *Euthanasia, Ethics and Public Policy: An Argument Against Legalisation*. Cambridge: Cambridge University Press, 2002.
- Korsgaard, Christine M. "Kant's Formula of Humanity." In *Principles of Moral Philosophy: Classic and Contemporary Approaches*, edited by Steven M. Cahn and Andrew T. Forcehimes, 161-176. New York: Oxford University Press,

2017.

- Netherlands Ministry of Foreign Affairs. “The Termination of Life on Request and Assisted Suicide (Review Procedures) Act in Practice” (2010). <https://cdn.factcheck.org/UploadedFiles/faq euthanasia.pdf>.
- Onwuteaka-Philipsen, Bregje D., Arianne Brinkman-Stoppelenburg, et al. “Trends in End-of-life Practices Before and After the Enactment of the Euthanasia Law in the Netherlands from 1990 to 2010: A Repeated Cross-sectional Survey.” *The Lancet* 380, no. 9845 (2012): 908-915. [https://www.sciencedirect.com/science/article/pii/S0140673612610344?casa\\_token=cKnbNo3LPdIAAAAAA:rSJHav4IvW8WoLgiITkecOt5Z\\_RHLIUuRfbj8LzheKWY87w1ldD\\_VqgR\\_x9G7AxdXDTDZCXYX\\_o](https://www.sciencedirect.com/science/article/pii/S0140673612610344?casa_token=cKnbNo3LPdIAAAAAA:rSJHav4IvW8WoLgiITkecOt5Z_RHLIUuRfbj8LzheKWY87w1ldD_VqgR_x9G7AxdXDTDZCXYX_o).
- Ouellette, Alicia R. “When Vitalism is Dead Wrong: The Discrimination Against and Torture of Incompetent Patients by Compulsory Life-Sustaining Treatment.” *Indiana Law Journal* 79, no. 1 (2004): 1-55. [http://www.repository.law.indiana.edu/ilj/vol79/iss1/1?utm\\_source=www.repository.law.indiana.edu%2Fij%2Fvol79%2Fiss1%2F1&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](http://www.repository.law.indiana.edu/ilj/vol79/iss1/1?utm_source=www.repository.law.indiana.edu%2Fij%2Fvol79%2Fiss1%2F1&utm_medium=PDF&utm_campaign=PDFCoverPages).
- Padfield, Nicola. “Assisted Suicide and Personal Autonomy.” *Cambridge Law Journal* 61, no. 3 (2002): 511-514. <https://heinonline.org/HOL/P?h=hein.journals/camblj61&i=527>.
- Swiss Criminal Code. SR 311, Article 114 § 1, Article 115 § 1 (1937). <https://www.admin.ch/opc/en/classified-compilation/19370083/index.html>.
- United Nations General Assembly. Resolution 217 A, Universal Declaration of Human Rights (1948). <https://www.un.org/en/universal-declaration-human-rights/>.
- Young, Robert. “Voluntary Euthanasia.” In *The Stanford Encyclopedia of Philosophy* (Fall 2019 Edition). Edited by Edward N. Zalta. <https://plato.stanford.edu/archives/fall2019/entries/euthanasia-voluntary/>.

## Endnotes

- 1 United Nations General Assembly, Resolution 217 A, Universal Declaration of Human Rights (December 10, 1948), <https://www.un.org/en/universal-declaration-human-rights/>.
- 2 John Keown, *Euthanasia, Ethics and Public Policy: An Argument Against Legalisation* (Cambridge: Cambridge University Press, 2002), 20.
- 3 In this paper, physician-assisted death or dying (PAD) is taken to mean any procedure wherein a patient voluntarily requests a physician’s aid in terminating the patient’s life. Whether that request be the traditional method of a physician prescribing a fatal dose of medication meant to be taken by the patient (PAS)

or by lethal injection (active VE) or suspension of life support (passive VE), the two are essentially equivalent and directly comparable. The difference lies in the administering agent—the patient (PAS) or the doctor (VE).

4 John Keown, *Euthanasia*, 37.

5 Matthew S. Liao, “Human Rights as Fundamental Conditions for a Good Life,” in *Principles of Moral Philosophy: Classic and Contemporary Approaches*, ed. Steven M. Cahn and Andrew T. Forcehimes (New York: Oxford UP, 2017): 79-100.

6 Aristotle, *Nicomachean Ethics*, trans. J.E.C. Welldon (United Kingdom: Macmillan and Company, 1902), 1094a1-2.

7 Michael Cholbi, “Suicide,” in *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/fall2017/entries/suicide/>.

8 “Home: About,” *American Life League*, <https://www.bibme.org/chicago/website-citation>.

9 Hallvard Lillehammer, “Voluntary Euthanasia and the Logical Slippery Slope Argument,” *Cambridge Law Journal* 61, no. 3 (2002): 548-549.

10 Keown, *Euthanasia*, 37.

11 Andrew Ede, *The Rise and Decline of Colloid Science in North America, 1900-1935: The Neglected Dimension* (United Kingdom: Ashgate, 2007), 23.

12 William Bechtel and Robert C. Richardson, “Vitalism,” *Routledge Encyclopedia of Philosophy* (1998), ed. E. Craig.

13 Alicia R. Ouellette, “When Vitalism is Dead Wrong: The Discrimination Against and Torture of Incompetent Patients by Compulsory Life- Sustaining Treatment,” *Indiana Law Journal* 79, no. 1 (2004): 21.

14 Ouellette, “When Vitalism,” 10.

15 Ouellette, “When Vitalism,” 11.

16 Cholbi, “Suicide.”

17 Non-voluntary euthanasia (NVE), which can be either active or passive but normally the latter, is the terminating of lifesaving treatment or the administering of life-terminating medication(s) to a patient who is incapable of consenting, most often due to infancy or a persistent vegetative state. Involuntary euthanasia (IVE) concerns the euthanizing of a competent person against their wishes, either because they do not wish to die or were not consulted, viz. murder. IVE is a crime in all legal jurisdictions.

18 Ouellette, “When Vitalism,” 14-15.

19 Ouellette, “When Vitalism,” 17.

20 Ouellette, “When Vitalism,” 17-18.

21 Ouellette, “When Vitalism,” 18.

22 Ouellette, “When Vitalism,” 17.

23 Jacob M. Appel, “A Suicide Right for the Mental III? A Swiss Case Opens a New Debate,” *Hastings Center Report* 37, no. 3 (2007): 21.

- 24 Appel, “Suicide Right,” 21.
- 25 Swiss Criminal Code, SR 311, Article 114 § 1, Article 115 § 1 (1937), <https://www.admin.ch/opc/en/classified-compilation/19370083/index.html>.
- 26 Swiss Criminal Code, SR 311, Article 114 § 1, Article 115 § 1 (1937).
- 27 Keown, *Euthanasia*, 95.
- 28 Netherlands Ministry of Foreign Affairs, “The Termination of Life on Request and Assisted Suicide (Review Procedures) Act in Practice” (2010): 14.
- 29 Appel, “Suicide Right,” 22.
- 30 Appel, “Suicide Right,” 22.
- 31 Robert Young, “Voluntary Euthanasia,” in *The Stanford Encyclopedia of Philosophy* (Fall 2019 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/fall2019/entries/euthanasia-voluntary/>.
- 32 Keown, *Euthanasia*, 94-95.
- 33 Nicola Padfield, “Assisted Suicide and Personal Autonomy,” *Cambridge Law Journal* 61, no. 3 (2002): 512.
- 34 Young, “Voluntary Euthanasia.”
- 35 Keown, *Euthanasia*, 67.
- 36 Keown, *Euthanasia*, 145.
- 37 Keown, *Euthanasia*, 146.
- 38 Keown, *Euthanasia*, 145.
- 39 Keown, *Euthanasia*, 146.
- 40 “Euthanasia Law Did Not Lead to More Euthanasia,” *Nu.nl*, July 10, 2012.
- 41 Netherlands Ministry of Foreign Affairs, *op. cit.*, 9.
- 42 Bregie D. Onwuteaka-Philipsen, Arienne Brinkman-Stoppelenburg, et al., “Trends in End-of-life Practices Before and After the Enactment of the Euthanasia Law in the Netherlands from 1990 to 2010: A Repeated Cross-sectional Survey,” *The Lancet* 380, no. 9845 (2012): 908-915.
- 43 “Euthanasia Law Did Not Lead to More Euthanasia,” *op. cit.*
- 44 Onwuteaka-Philipsen et al., “Trends.”
- 45 Onwuteaka-Philipsen et al., “Trends.”
- 46 Christine M. Korsgaard, “Kant’s Formula of Humanity,” in *Principles of Moral Philosophy: Classic and Contemporary Approaches*, eds. Steven M. Cahn and Andrew T. Forcehimes (New York: Oxford University Press), 166-167.
- 47 Keown, *Euthanasia*, 53.
- 48 Padfield, “Assisted Suicide,” 511-512.
- 49 Padfield, “Assisted Suicide,” 514.
- 50 Keown, *Euthanasia*, 68.

# The Seed

by **Spencer Janney**

*Colorado College*



*The truth is the whole. The whole, however, is merely the essential nature reaching its completeness through the process of its own development. Of the Absolute it must be said that it is essentially a result, that only at the end is it what it is in very truth; and just in that consists its nature, which is to be actual, subject, or self-becoming, self-development.*

– Hegel

First there was the seed.  
The seed of the world which was the seed of everything.  
The seed was all, but the seed was closed,  
dark. Then, everything and nothing were the same.  
There was nothing that the seed was *not*... and thus the seed *was*  
nothing.

The seed, in its desire to know itself  
split.  
From its primordial totality came two incomplete energies...  
feminine and masculine  
which, in the embryonic darkness,  
met and merged, fertilizing  
the seed and through their love  
creating light.

The seed drank from its light and grew... becoming  
a bud. The bud was Unity;  
basking in the light  
of the encompassing love of its feminine and masculine energies.  
The bud, Unity, was complete  
but still sealed... Now a turning circle. So to know itself  
it drank more and more of its light and  
it bloomed... It unfolded. Unity bloomed into the flower of  
the World and its inexorable blossoming was Time.  
To know its eternity, the petal of finitude unfurled, for to *live*  
is to face death. Simultaneously, to explore its own unity,  
the bud differentiated... the One became Many, and the world  
in all of its objects emerged.



To plumb the depths  
of the boundless waters, the dry lands rose above them... To feel  
the sensual vitality of heat, out grew the petals of frost and cold. Thus came  
night and day,  
the ground and sky,  
the sun and moon,  
the mountain and the valley,  
the desert and the oasis...  
each mutually creating the other  
through their originary opposition.

After some time... this *ding-an-sich* of countless petals flowered  
in a singular way. To truly discover itself it needed subjects to *know*  
its objects... and in the cold morning, as darkness and night receded  
and the warm light of the young sun slid across the petals  
of the world flower... the dew of consciousness, trickled down the flower's  
stalk, and across its leaves, and once more,  
One became Many... the petals of the Knower and the Known the signposts  
of the dew's fluid track. Thus came conscious subjects,  
harboring their own internal contradiction, judging everything  
through the terror and ecstasy of  
self-awareness. Subject and object... cloven  
from the same bloom, the world endowed finally with  
innumerable eyes to open and experience  
the marvel of itself.

These in-looking subjects were the flower's great self-explorers.  
They differentiated with voracity, each a unique self-originating point  
of the world's particularity. Endlessly complexifying... endlessly dividing and creating  
new, deeper unities. Each discovering reality through its discovery of itself. These subjects  
were both in and of the world, both caused and  
causing. Determined objects suffused  
with the flower's own ichor – subjectivity.  
Biological and transcendent, rational and intuitive, analytical and creative,  
Creatures lashing the raw clamor of being into veins of intersecting  
experience. Each isolated in their perception yet unified  
through life's own creationary force,  
love: The quest for self-completion which vitalizes  
the eternal Movement. The self-world actualization  
which only manifests  
through self-negation.

Affirmation, negation and creation... not a world of static essence but a world of robust insubstantiality. Self and *other* mutually revealed through the ignorance and self-discovery obscuring their elemental sameness.

Like a man who stumbles across a cold spring in the desert, these vibrant, contradictory animals gulp experience with rapacity for they revel in their embodied unification of subject and object, mind and body, self and world, and they know that they must inevitably face their ultimate negation: Non-being. The final *other* through which to realize self. Beings immortalized through their very transience, the eternal and finite are sundered, consciousness bleeding from its object-vessel, nourishment for new growth. The petal shed, only for its substance to be cultivated, its legacy the worlds it united through its unique particularity. Its essence reclaimed, imbibed by the flower's roots, carried up the stalk into the true wholeness of the world-body; eternal, infinite in the void once more.



