

Dying Young as Tragedy: An Ally of, or an Alternative to, “Fair Innings”?

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Some biographical facts:

My father

- My father passed away one year ago when he was 93.
- He was a good father, and we miss him terribly.
- Yet he had lived a full life, with no regrets.

- Not only did he have a good life, he also had a good death.

My two best friends:

- Two of my best friends died when they were about 40 years old (in 1996 and 2010 respectively).
- They each died with a young child and a spouse left behind.
- They have each taught philosophy for about 10 years.

- Then suddenly they were caught totally by surprise – with the curse of terminal cancer.
- In both cases, there was only one word in my mind: Tragic!
- Why were these cases tragic?

- Understandably, they had many regrets.
- They did not realize their potentiality in philosophy.
- They could not pursue their projects.
- There are perhaps different kinds of tragedies.

- In both cases, my friends were about to flourish in their philosophical endeavors, and to enjoy the growing of their children.
- Yet, they died – contrary to everyone's expectation.
- It is perhaps not necessary to set out the necessary and sufficient conditions for a tragedy.

- There are interesting questions: Was the death of Chopin at the age of 39 tragic?

(The average age then was about 40.)

My question

- Suppose someone is dying at 40 (whereas the normal life expectancy is 70), whereas another person is dying at at 80.
- We can save either, but not both.
- *Everything else being equal*, do we have more reason to save the 40-year old rather than the 80-year old?

Youth as a proxy for other things

- Sometimes, as Tom Walker says, “young age” – compared with “old age” – is a “proxy” (or stand-in) for other things, such as energy, vitality, health, happiness, quality life, etc.
- Therefore, the “everything else being equal” condition is not satisfied.

Perhaps the “everything else being equal” condition can never be totally satisfied.

- Suppose Oldie (an 80-year old person) and Youthful (an 40-year old person) are equal in terms of character and personality, IQ, EQ, industriousness, social utility, personal relation, health, etc.
- Still, some aspect cannot be held constant: Oldie has lived longer, and therefore has more experience in life, than Youthful.

- But suppose if saved, their remaining QALY (quality-adjusted life years) will be the same.
- If we could save either Oldie or Youthful, but not both, whom should we save?

I shall consider 3 answers:

- (1) We could reasonably save either. (Youthful has no priority over Oldie.)
- (2) We should save Youthful, on grounds of fairness. (The “fair innings” argument.)
- (3) We should save Youthful, on the ground that dying young is a tragedy.

- If dying young is a tragedy, it is worse to die at 40 than at 93.
- If dying at 93 is a good death, then dying at 40 is a bad death.
- There is more reason for us to prevent a bad death, than to prevent a good death.

- There is more reason to save Youthful than Oldie, *everything else being (almost) equal*.

Problem of Aggregation

- Suppose we could save A (a stranger), or B&C (two strangers), but not everyone.
- Should you save A, or B&C?
- Almost everyone would save B&C.

- Suppose we could save A, or alternatively B and D's leg (or eyes).
- Whom should we save?
- We should save B&D's leg/eyes.

- Suppose we could save A, or B, then we should save either.
- But suppose we could save A, or E's tragic death. Whom should we save?
- A is 80, has few or no regrets, and more life experience.
- E is 40, and would have major regrets and unfinished projects, and less life experience.

- We should save E.

The “fair innings” argument

The argument:

- Everyone is **entitled** to a “normal” life span (70 years old).
- Everyone who fails to achieve this has been **“cheated.”**
- Those who have already achieved a normal span of life is **“living on borrowed time.”**

- On this view, if there is a clash between Oldie and Youthful for medical resources, and if we can satisfy only one of these claims, we should save Youthful.
- I agree that, everything being (almost) equal, we should save Youthful.

But consider the following case:

- If we save Oldier, he will get 30 quality years (or QALY).
- If we save Youthful, he will get 1 quality year (or QALY).
- Should we still save Youthful?

- I think that the answer is no.
- That is, we should save Oldie instead.
- But does the “fair innings” argument permits out to save Oldie?

- The answer seems to be no, for the following reason:
- “Entitlement” and fairness are very close to justice.
- If Youthful gets the right to medical resources (vis-à-vis Oldie) as a matter of fairness or justice, then the resources could not be given to Oldie instead, even if Oldie could have 30 years instead of Youthful’s one extra year.

Thomas Nagel, "Justice and Nature"
Oxford Journal of Legal Studies (1997)

"Justice plays a special role in political argument: to appeal to it is to claim priority over other values. Injustice is not just another cost; it is something that must be avoided, if not at all costs, then at any rate without counting the costs too carefully. If a form of inequity in social arrangement is unjust, it should not be tolerated, even if that means giving up things that may be very valuable in other ways" (303).

- On Nagel's and most people's understanding of justice, the "fair innings" argument must award Youthful with the medical resources.
- Because this is what fairness or justice requires.
- Yet, giving Youthful the medical resources to earn him 1 QALY, instead of giving it to Oldie (so that Oldie can have 30 QALY) seems wrong.

- What is the alternative?
- “Dying Young as Tragedy” offers a way out.
- According to “Dying Young as Tragedy,” everything (almost) being equal, there is more reason to save Youthful.
- But this reason is only one of the reasons.
- Therefore, if Oldie can get 30 years after he gets the medical resources (whereas Youthful can only have 1 year), we should save Oldie.

Aggregation Problem

- Suppose we can save 1 stranger (A), or 2 strangers (B&C). (Suppose we do not know anything about them, including their age.)
- We should save B&C.
- Suppose we save A instead.
- Can B&C complain that they have been treated unjustly?
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- According to Elizabeth Anscombe, B&C cannot complain that they had been wronged – meaning (I take it) that they had been treated unjustly or unfairly.
- This is correct, but we should say also that we should save B&C.
- So we should treat B&C, but this is grounded in fairness or justice.

- To see this, suppose B and C will each have 1 QALY to live, if saved.
- But A will have 50 QALY.
- Must we still save B&C?
- The answer is no.

- In the present case, we should save Youthful, instead of Oldie.
- But if saving Youthful will only give him 1 QALY, but saving Oldie will prolong his life for another 30 QALY, then we should save Oldie.
- Moreover, the “fair innings” argument cannot do this task.

- How should we decide on this kind of decision in general?
- Suppose saving Youthful will give him 2 QALY, but saving Oldie will give him 5 QALY.
- Who should we save?
- This is no algorithm (or mechanical procedure) for making this kind of decision.

- If we learn anything from Virtue Ethics, it is that there is no algorithm for making ethical decision.
- We must resort to practical wisdom (phronesis), and consider all relevant factors carefully.

There are various other considerations:

- (1) **Benefit**: Youthful may benefit more than Oldie.
- (2) **Need**: In numbers, older people may have greater need. At least, if we multiply the number of beneficiaries, older people will have greater need.

- (3) **Affordability**
- (a) Can the public sector (e.g., NHS, HA) afford it?
- (b) Can private individuals afford it?

Alan Williams vs. J. Grimley Evans

- Seems to talk past each other.
- Evans may be rightly concerned that ageism might be used as an unethical ideology to deny old people from receiving medical care.
- This is possible ONLY if the priority given to younger people is labeled as “fairness,” “justice,” or as a right, or “desert.”

- It is ok if, alongside other considerations, age is one of many factors to be taken into account.
- If this is correct, then justice or fairness would not be the right basis for consideration of age.
- “Dying Young as Tragedy” is just one of many considerations to be taken into account.

