

RULE CONSEQUENTIALIST PERSPECTIVES ON SUICIDE

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RULE CONSEQUENTIALIST PERSPECTIVES ON SUICIDE

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ABSTRACT

Rule Consequentialist Perspectives on Suicide

Suicide has always been a philosophically interesting topic since the ancient times. It is questioned within different branches of philosophy, and moral philosophy is one of them. The moral question of suicide concerns with its moral permissibility as an act; therefore, it can be formulated as the following: Is it morally permissible to commit suicide? There are several ways to answer this question, but I believe most of the current answers are not sufficient. For this reason, I think it would be useful to use an alternative moral theory, what is called 'Rule Consequentialism'. Despite it has roots in the history of philosophy, Rule Consequentialism has become a relatively popular idea only in the second half of the twentieth century. It is a critical approach to the well-known Act Consequentialism claiming that actual consequences of particular actions cannot be reliable sources to determine moral rightness or wrongness of an action. One should appeal to the universal moral rule defined by the Rule Consequentialism to determine if a course of action is morally right or wrong. In this study, I will present an interpretation of Rule Consequentialism. This will be a version of it with a special focus on the problem of suicide. After that, the Rule-Consequentialist answer to the problem of suicide will be presented. This version of Rule Consequentialism suggests that committing suicide is morally permissible.

ÖZET

İntihar Üzerine Kural-Sonuççu Yaklaşımlar

Antik çağlardan beri ‘intihar’ felsefi olarak ilgi çekici bir mesele olmuştur. Felsefenin birçok ayrı alanında incelenmiştir, bunlardan biri de ahlak felsefesidir. Ahlak felsefesinin intihara dair sorusu, onun ahlaki olarak izin verilebilir olup olmadığı üzerinedir; bu yüzden şu şekilde formüle edilebilir: İntihar etmek ahlaki olarak izin verilebilir, makul görülebilir bir eylem midir? Bu soruyu yanıtlamanın birkaç ayrı yolu vardır, fakat önerilmiş yanıtların çoğunun zayıf olduğuna inanıyorum. Bu yüzden, ‘Kural-Sonuççuluk’ diye adlandırdığımız alternatif ahlak teorisini kullanmanın faydalı olabileceğini düşünüyorum. Felsefe tarihinde izleri bulunsa da Kural-Sonuççuluk ancak yirminci yüzyılın ikinci yarısında bilinen bir teori haline gelmiştir. Kural-Sonuççuluk, ahlaki doğruluk ve yanlışlığın eylemlerin edimsel neticelerinden yola çıkılarak belirlenmesine karşı çıkarak Eylem-Sonuççuluğu eleştirmektedir. Bunun yerine, Kural-Sonuççuluğa göre, belirli prensipler üzerinden belirlenmiş ahlak kurallarına başvurmak suretiyle bir eylem biçiminin ahlaki olarak doğru olup olmadığını çıkarsamalıyız. Bu çalışmada size Kural-Sonuççuluğun bir yorumunu sunacağım. Bu yorum, intihar problemine Kural-Sonuççu bir yanıt vermek için özel olarak tasarlanmış bir versiyon olacak. Sonrasında da Kural-Sonuççuluğun intihar problemine verdiği yanıtı sunacağım. Kural-Sonuççuluğun bu versiyonuna göre, intihar etmek ahlaki olarak mazur görülebilir bir eylemdir.

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To my dear mother and father...

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ABBREVIATIONS

AC	Act Consequentialism
AU	Act Utilitarianism
GHP	Greatest Happiness Principle
MC	Moral Contractualism
RC	Rule Consequentialism
RU	Rule Utilitarianism
TE1	Thought Experiment 1
TE2	Thought Experiment 2
TE3	Thought Experiment 3

CHAPTER 1

INTRODUCTION

Suicide as an action has been a huge problem for the humanity. People have been trying to understand it in different aspects. It is a sociological fact that every year a certain amount of people commit suicide. According to WHO statistics, every year approximately 800.000 people die due to suicide.¹ Despite it is a statistically proven fact that it is more common for some certain groups of people (like low-income population), committing suicide is still a common phenomenon for every single group of people in the world.

What we are here going to focus on is suicide as a morally problematic action. In other words, what I am questioning is if committing suicide is a morally permissible action or not. This question has been asked by many philosophers in the history of philosophy and a variety of answers had given. As you will see in Chapter 2, some of these answers are built upon theological arguments. Those moral arguments grant one's right to live or die (if such things exist) to the divine being; therefore, they mostly forbid one's terminating her own life.

There are however arguments also forbidding suicide without referring to God. Kantian argument against suicide, for example, refers to the Kantian moral theory and builds its negative aspect upon it. In response, there are also affirmative arguments like Hume's argument. As you will see in the next chapter, Hume is giving the libertarian answer to the question of suicide.

These are all about the history of moral philosophy. What I want to do in this study is to give an alternative moral approach that may give a better answer to our

¹ World Health Organization (n.d.). *Suicide data*. Retrieved July 10, 2018, from http://www.who.int/mental_health/prevention/suicide/suicideprevent/en/

main question. One of the most popular moral theories, namely Act Utilitarianism (AU from now on) gives a ground for us to develop answers concerning the question of suicide. As I will show, AU answer has some deficiencies. These weaknesses are not directly related to the question of suicide, but about AU in general. Therefore, I find it useful to develop a new version of Rule Consequentialism (RC from now on).

RC is claimed to have its roots back in the ancient times. As you will see, J. O. Urmson claims that J. S. Mill, one of the most popular utilitarians, is indeed a supporter of Rule Utilitarianism (RU from now on). So, the part of RC that is claimed to have a deep historical background is its appeal to the moral rules instead of actual consequences of particular acts. However, RC as a non-utilitarian moral theory is not that old. What I will do when I develop that alternative RC in Chapter 3 is to separate it from the utilitarian account. I will base that theory on Brad Hooker's (2000) formulation of RC. The reason why I am not directly appealing to Hooker but developing an alternative theory is that Hooker's RC is formulated in order to solve several specific problems mostly concerning the wealth inequality. That formulation is not sufficient to use for the question of suicide. Besides, I think Hooker omits some important points that one needs in order to produce a moral rule. For that reason, you will see that in Chapter 3 I will give an updated version of RC with certain principles and criteria that we will use when we formulate our moral rule that we need in Chapter 4.

In Chapter 4, after developing the RC theory, I will derive a moral rule that I call rA and apply it to the main question of my study. Chapter 4, therefore, is the concluding part of this study. In that chapter, I will evaluate three possible answers one can produce to the question of suicide. I will then eliminate two of them and

conclude with the last one, which is the moderate moral judgment. At the end, I will claim that according to RC, committing suicide is morally permissible.

There will necessarily be a lot of assumptions made during the discussion. Appealing to the consequentialist idea is one of them. It is beyond this study to show why consequentialism (and not deontology, for example) is the best way to make moral judgments. It is also another huge discussion how many different Act Consequentialist answers can be given to the question of suicide. In this study, I have taken the most generic and simple version of AC and developed my objections to it. What I criticize is one of the fundamental parts of AC in general, consequently I think it is not that necessary to present a detailed account for AC. Nevertheless, I think it is crucial to hold the principle of charity; therefore, in Chapter 4 I try to give the strongest objections to my version of RC, so that AC (and other oppositions) should be represented better.

It is also a huge debate how to define 'suicide'. When one says it is one's terminating her own life, it may include a variety of actions such as suicide-bombing, assisted suicide, and so forth. These all need some further work to elaborate, but for the sake of this study I will assume that 'suicide' is what the majority thinks it is; it is 'one's terminating her own life' in general. I am leaving discussions concerning specific kind of this action outside of this work. It is useful to mention that what is referred as 'suicide' in this study is nothing more than one's hanging himself or jumping from a bridge to terminate his own life. Therefore, those who criticize my argument in Chapter 4 will be right about it; but this assumption should be made and the relevant discussion on the definition of suicide shall be left to another study.

Another problem may arise concerning terminology used in this study. In the literature, there is no term denominating the ideas supporting the right to commit

suicide. I, therefore, find it useful to use the term ‘suicidist’ to refer to that position. Thus, the term ‘suicidist’ used in this study means ‘the one that supports the moral right to commit suicide’. Abbreviations however used in this study are not completely genuine. They are mostly used in the last 50-years’ literature, but still it would be useful to take a look at the list of abbreviations beforehand.

Another important point before getting into Chapter 2 is the conceptual distinction between RU and RC. It will be clearer in Chapter 3, but briefly what I refer to when I use RC is rule-oriented non-utilitarian consequentialism. Terminologically, RC should include RU and other kinds of rule-oriented consequentialisms. However, because of the recentness of this moral discussion, there is still no established terminological ground. I decided to take it as an advantage and differentiate RC from RU. It will be more useful, for that RC is a known denomination by the majority of moral philosophers and therefore easier to legitimate comparing to a new denomination. Consequently, in this study, RC does not refer to the domain of rule-oriented consequentialist moralities. What RC refers to is described in Chapter 3.

My purpose in this study is to give an alternative moral account that can be helpful to solve one of the major moral problems. There will be several thesis statements within the study, but the main statement that I want to promote is that committing suicide is morally permissible. According to RC, it will be impossible for such a moral theory to forbid one’s terminating his own life. As you will see in Chapter 4, this may seem confusing at first glance. However, what I want to do is to give a moral account which is adoptable by everyone. It is assumed in this study that purpose of the moral philosophy is to give a theory (or a bundle of ideas, arguments, and so forth) that can be used by moral agents to solve moral problems and give a

guidance to the agents. It is therefore aimed to formulate a moral theory compatible with the agents' reasoning. It is not a concern to reveal the absolute truth that agents are obliged to follow. Instead, RC aims to present fundamental principles that moral rules are going to be grounded upon, and at the same time, a structure that coheres with the facts of the real world.

CHAPTER 2

A SURVEY TO THE PROBLEM OF SUICIDE

2.1 A historical survey

Before beginning to present principles of the new RC, I find it useful to answer the question concerning why we need such a new perspective to give a moral analysis of committing suicide. One's terminating one's own life has always been problematic since the Ancient Greek. Plato, for instance, talks about committing suicide² in several fragments as a wrong action that is considered as both cowardice and acting against gods' will, as well as an unjust judgment imposed on one's own self.³ In *Phaedon*, Socrates states that "it is never, as with everything else, better at certain times and for certain people to die than to live." (*Phaedon*, 62a) But if this were the case, then Socrates should have not drunk the hemlock. However, afterwards in the same dialogue he continues: "it is not unreasonable that one should not kill oneself before a god had indicated some necessity to do so." (*Phaedon*, 62c) We hereby see that it is permissible and even the right thing to do under certain circumstances. In *Laws*, it is indicated that committing suicide is permissible (and not subject to a legal punishment) only if it comes from (1) a legal decision made by the state, or (2) an irreparable disgrace that is impossible to handle. (*Laws*, 873c) Otherwise, one who kills oneself shall be subject to a legal penalty.⁴ For example, in *Laws* (854c) it is stated that one who cannot keep oneself from doing wrong may choose death by his

² 'One's taking his own life' or 'self-killing', but not 'suicide' is actually used for many years by these philosophers. I am using 'committing suicide' synonymously for now, though there is a difference that will be mentioned afterwards.

³ See *Phaedon*, 62a-c and *Laws*, 854b-c & 873c-d

⁴ "(a) People who perish in this way must be buried individually, with no one to share their grave (b) They must be buried in disgrace on the boundaries of the twelve territorial divisions, in deserted places that have no name (c) The graves must not be identifiable, either by headstone or title." (*Laws*, 873d)

own hand rather than keeping doing the wrong. Also, as in Socrates' case, one who is sentenced to death by the state may and shall perform that very action regardless of the legitimacy of that sentence considering his claim that it is worse not to respect decisions made by the state even when he is wrongfully persecuted.

Similarly, Aristotle argues against one's taking her own life. In his work *Nicomachean Ethics*, he points out that committing suicide is an injustice against the city. He clearly draws the line between injustice towards one's own self and towards others. It is, committing suicide, not an injustice towards one's own self, for that the perpetrator voluntarily harms himself; but it is still bad to suffer (from death) not as much as perpetrating injustice towards others (in the city) though.⁵ Thus it seems not as bad committing suicide as stealing that which belongs to others. Stealing is injustice towards both the victim and the city, whereas committing suicide is not. Therefore, for Aristotle, one can claim that it is not right and not permitted and thereby forbidden to terminate one's own life, and injustice towards others is actually worse⁶; but it is not the worst thing one can do either.

Within the following centuries, St. Augustine states that God forbids to commit suicide by using God's command 'Thou shalt not kill'.⁷ Together with the heritage of Plato and Aristotle and following Christian philosophers like St. Augustine and St. Thomas Aquinas, the anti-suicidist school of thought becomes apparent.

Despite there have always been alternative and less radical philosophies concerning their attitude towards committing suicide, in Western tradition liberal

⁵ See 1138a in *Nicomachean Ethics* for further details.

⁶ "Nevertheless, acting unjustly is the worse, because it is blameworthy and implies vice that is either complete and without qualification or nearly so (since not every voluntary act of injustice involves injustice), while suffering injustice involves neither vice nor injustice." (1138a)

⁷ See Book I, Ch. 20 in *City of God* for further information.

ideas became apparent only after 16th century. The term ‘liberal’ here mostly means ‘unconditional’, meaning that permissibility of that action is not conditional⁸ but theoretically grounded. In fact, considering Socrates’ death, it is obvious that he is performing the act of ending his own life by drinking the hemlock; though it does not mean that he is willing to die. He does nothing but obeying the rule of the state. Thus, what he did is barely ‘suicide’ in itself. This means that Plato’s ‘exceptions’ for legitimate suicide are hardly to be considered as ‘suicide’. In contrast to this strictly conditional conception of permissible self-killing, David Hume in his essay *Of Suicide*⁹ prominently speaks in favor of one’s natural right to kill herself. He ascribes former arguments considering this action as a disobedience towards God as superstitious: “He doesn’t dare to escape into his shelter but prolongs his miserable existence because of his absurd fear that he might offend God, his maker, if he uses the power that he has been given by that beneficent being.” (Hume, 2008, p. 20)

Here he talks about one’s power to terminate her own life. Then he continues:

At a time when one step -one small action- would remove us from the regions of pain and sorrow, superstition’s threats deter us from taking that step, and chain us down to a hated existence that is made miserable more by superstition than by anything else. (Hume, 2008, p. 20)

For Hume, it is absurd to claim that one will offend God if he takes his own life, for that God determines certain laws of matter and motion through which we can manipulate the ordinary flow of nature, and in fact this is a part of that flow of nature, subjected to the laws of nature. One example he repeatedly uses is that if one is offending God by taking his own life, then he must be offending him by diverting rivers or building houses. “[H]uman life depends upon the general laws of matter and

⁸ The term ‘conditional’ here stands for dependency to certain variables within individual cases. Unconditionality, on the other hand, is to be grounded by a principle or sets of principles instead of actual conditions.

⁹ Written but not published by Hume, first official publication comes in 1783 along with some other writings, years after his death. The edition referred here is Jonathan Bennett’s (2008) edition.

motion, and that you don't encroach on God's office when you disturb or alter these general laws. Doesn't it follow that everyone is free to end his own life?" (Hume, 2008, p. 22)

When it comes to the responsibility towards others, Hume gets to claim that there is no such obligation to do a small good for society in exchange for a serious misery. In case of one has almost nothing to give to the society, he says, it should be lawful, and even praiseworthy to quit everything once.¹⁰ Hume's argument concerning responsibility to the society seems closer to pro-euthanasia arguments instead of suicidist ones because of the assumed condition that the suicidal one has nothing left to give to the society. He indeed uses the example of getting too old to be productive in society. However, it is also clear that he intends to cover not only cases of getting too old and too close to death, but also cases of becoming ill-functioning within society due to some reason. Still, as a consequence of these reasons, I find his latter argument as a weak suicidist argument. The former one, however, has a much more solid ground owing to its metaphysical grounding. It is a solid argument against traditional ones and has a historical meaning as it pulls the discussion right to the ground, i.e. it breaks off the discussion from its deific connotations and presents a rational ground on which philosophers can build a further discussion.

One solid argument against suicide comes from Immanuel Kant. Kant in *The Metaphysics of Morals* (first published in 1797) says that committing suicide is a great violation of duty to oneself and therefore forbidden in any case.¹¹

Man cannot renounce his personality as long as he is a subject of duty, hence as long as he lives; and it is a contradiction that he should be authorized to withdraw from all obligation, that is, freely to act as if no authorization were needed for this

¹⁰ See Hume (2008), p. 24

¹¹ See Kant (1991), pp. 218-219

action. (Kant, 1991, p. 219)

It is therefore a contradiction in conception to authorize someone to kill himself, he briefly says, and continues: “To annihilate the subject of morality in one’s own person is to root out the existence of morality itself from the world, as far as one can, even though morality is an end in itself.” (Kant, 1991, p. 219) In the same text he gives a wider understanding of killing oneself which can mean both total, which is suicide, or partial killing that can be understood as defacing oneself in a way that reduces one’s powers to perform as an animal being.¹² In this sense, not only committing suicide but also one’s harming oneself raises a contradiction.

Kant doesn’t draw a detailed portrait to strengthen his argument against suicide, but the duty not to commit suicide is the one he gives the utmost priority. Michael J. Cholbi in his article *Kant and the Irrationality of Suicide* (2000) points out that Kant’s position against suicide is a quite strict but still not an absolutist one. It is for sure that he disagrees Hume when he claims in *Of Suicide* that “A man’s life has no more importance to the universe than an oyster’s.” (Hume, 2008, p. 22) and as Cholbi points out he gives a man’s life the utmost importance among others; yet he holds that preserving one’s life is not necessary, but the moral duty is: “if I can preserve my life only by disreputable conduct, virtue absolves me from the duty of preserving it; because here a higher duty beckons and passes judgement on me.” (Kant, 1997, p. 151) Hence the permissibility of self-killing under certain circumstances.¹³

Let Kant be the most prominent opponent of the pro-suicide argument. The important point is that he develops his argument without taking it to the religious

¹² See Kant (1991), p. 218

¹³ See Kant (1997), pp. 151-153 for a further discussion on moral duties and body.

connotations.¹⁴ Most moral philosophers talk about suicide, but the ones that philosophers can evaluate are mostly the ones with philosophical premises that can be falsified or at least weakened through further argumentation. Arguments with religious connotations are, on the other hand, harder to philosophically test and almost impossible to falsify considering the fact that God-related premises are mostly unfalsifiable (and unverifiable). David Hume may have given one of the strongest arguments in favor of the right to commit suicide, mentioning one's natural (given) power to end his own life, both holding the natural laws of matter and motion and God's will.¹⁵

Although most moral philosophers more or less concern about suicide, one of the most known moral philosophers, John Stuart Mill, does not say anything directly about it. Mill's philosophy has been influential since then, and he did influence people who speak in favor of the right to commit suicide. He is mostly considered as an act utilitarianism and most commentators accordingly say that he would speak in favor of suicide. It is not concerned in this study whether he would support it or not, but as it will be shown in the upcoming chapters philosophers like J.O.Urmson claim that Mill was a rule consequentialist (or a rule utilitarian, conceptual difference will be discussed in Chapter 3). If Urmson is right in his interpretation of Mill, then Mill could have supported what is discussed in the last chapter of this study.

2.2 Back in today

As of today, when a moral agent raises the question concerning moral permissibility of committing suicide, there can be several possible answers to that. The

¹⁴ He does mention God and gives arguments against permissible suicide referring to God in *Lectures on Ethics* (1997). However his main philosophical argument is derived from the categorical imperative.

¹⁵ See Hume (2008)

deontological view will claim that it is categorically impermissible. It could have non-religious premises like Kant's argument presented above or may have religious connotations especially if it mentions one's responsibility towards God, or sanctity of life. Another argument may claim that giving up is actually an insult to human dignity, whereas some other can say that it is not natural for a human being to commit suicide.

Much can be said, so much that impossible to cover in this study. Libertarian could say that it is a basic right to be able to decide to kill oneself, or the act consequentialist may say its permissibility depends on the particular case and there cannot be one absolute answer to this question. Libertarian answer may be politically attractive for the majority, since most people will have a commonsensical tendency to keep the right to lawfully take their own lives, or to have the power to get the final word. The same majority will have another tendency in favor of the consequentialist perspective. Whether philosophically favorable or not, most people adopt some form of consequentialism in practical life. Some may claim that it is not morally justified but only promoted by the current political system, others may get to say that moral philosophy has nothing to do with common sense. This critique will be held later in this study, but now I would like to get into the classical consequentialist theory I regard as the prominent moral approach adopted by the majority.

The most famous consequentialist view is utilitarianism. It is first presented by Jeremy Bentham in his book *An Introduction to the Principles of Morals and Legislation* (1789) and developed by his successor and critique John Stuart Mill. The idea of hedonistic utilitarianism has its roots back in Ancient times and would have been supported by predecessors of Bentham like David Hume. However, only after

Bentham it began to be a structured and favorable moral theory. Richard G. Henson defines principle of classical act utilitarianism as follows:

An act A is right for a given person to perform in a given situation only if there is no other act B open to him which would produce a more favorable balance of good consequences relative to bad ones; if there is such an act B, then A is wrong. (Henson, 1971, p. 321)

This definition seems accurate for hedonist act utilitarianism in general, or we can say extreme utilitarianism. This form of utilitarianism refers to the actual consequences of the particular act and seeks maximum utility.

One famous counter-argument for AU is given by H. J. McCloskey.

According to McCloskey, AU may promote injustice.

Suppose that a sheriff were faced with the choice either of framing a Negro for a rape that had aroused hostility to the Negroes (a particular Negro generally being believed to be guilty but whom the sheriff knows not to be guilty) and thus preventing serious anti-Negro riots which would probably lead to some loss of life and increased hatred of each other by whites and Negroes or of hunting for the guilty person and thereby allowing the anti-Negro riots to occur, while doing the best he can to combat them. In such a case the sheriff, if he were an extreme utilitarian, appear to be committed to framing the Negro. (McCloskey, 1957, pp. 468-469)

This argument clearly has some deficiencies, for that it is reducing the AU to an absurdly simple moral code. The important point here for us here is that it raises some doubt on the notions of 'utility' and 'actual consequence'. Let me present a new thought experiment and then evaluate some of the most favorable criticisms of AU.

Thought Experiment I: Suppose that there is a person A who suddenly develops a physical disorder causing his immediate death if he doesn't get touched. This happens when he is on a bus. There is this stranger person B who accidentally touches the person A because of the crowd. Then the sickness comes in, and they somehow find out that person A will survive if and only if B keeps touching him, and no one else. B surely doesn't wish to keep touching A, but also doesn't like if he

dies; A on the other hand just wants to stay alive. Here the question arises: Is it morally wrong if B quits touching A?

According to AU, if actual consequence of B quitting touching is worse, then it is morally wrong to do that. If B pulls his hand, then one innocent person will be dead. Thus, AU will say that he should keep touching. Let us bring McCloskey's question back: is it just to burden such a moral obligation to B?

Another problem about AU's answer is that it presupposes death of A is worse than the other option. Not only AU but AC in general presupposes that it is possible to have a sufficient consideration of possible outcomes and calculate possible harm. Daniel C. Dennett in his book *Darwin's Dangerous Idea* (1995) criticizes AC by pointing out the impossibility of calculating values of outcomes. He calls it 'The Three Mile Island Effect'¹⁶ for that it seems impossible to say whether the meltdown in that nuclear central¹⁷ had positive or negative consequences. Same argument works for the case in TE1. If it seems impossible to have an idea on the moral value of the overall consequence, then AU shall stay silent. In TE1, B has the right to have a free, honorable life; violation of this right may have terrible consequences. Similarly, death of A may be a terrible outcome. It seems thereby AU has a dilemma.

Even if it were possible to calculate whether the outcome is good or bad, it would be practically challenging to expect all -or most moral agents to have the capacity to do that calculation. For the most popular formulations of AU impartiality is required when one is to make moral judgments.¹⁸ It means that AU requires most

¹⁶ See Dennett (1995), pp.498-499 for further information

¹⁷ In 1979, there happened a meltdown in a nuclear central in Three Mile Island (USA) resulted with much more strict safety regulations and public awareness of the nuclear threat, but also release of radioactive gases. Dennett points out that it is impossible to compare these outcomes and come to a conclusion to say that it was good or bad what happened on that island.

¹⁸ See Mill (2005), Chapter 2 for a detailed formulation.

people to be (1) knowledgeable enough to have the best judgment possible in a certain situation, and (2) wise enough to keep themselves away from making subjective partial judgments. AU here would respond as indicating that it seeks ‘the greatest possible good’ and not the best; yet then there will be moral agents adopting AU and acting in accordance with it as well as their capacity permits, and still act immorally, for that when the agent X concludes that the action P is morally right where it is not, he will be acting immorally due to his lack of capacity to make that moral judgment.

Same problems arise when a person questions moral permissibility of committing suicide. AU will hold the idea that if committing suicide has better consequences (in this case, produces less harm) than staying alive, then it is morally right to do it. AU works much plausibly if we use cases of committing suicide involving people with terminal diseases and unbearable pains. However, in order to have a valid moral argument, philosopher needs to give ordinary examples to show that theory works. Unusual examples are good to show that a theory is weak or it has deficiencies; but they are no good to justify a moral claim. The reason is that radical examples are not representative for everyday decisions that majority may experience. They are even less representative for the case where the agent wills to commit suicide without giving any solid reason. Let me now present my second thought experiment to see how AU responds.

Thought Experiment II: Suppose that there is a person C whose intention is not to violate her moral code which is based on AU. C wants to commit suicide because she believes that it will be the only way for her to get some peace. Suppose that she is right about that. She has no one she is supposed to take care of. She is young and healthy. She is trying to calculate the possible harm she will produce by

committing suicide and compare it to the harm she will get in the rest of her life if she chooses to stay alive. At what stage she can be sure that she has a reliable amount of data to make a moral judgment?

In such a case which is not an extraordinary scenario¹⁹ C can count in the pain that her relatives, friends and other people near her will suffer after she passes. She can consider the effect of her suicide on other people in the society who will hear about it through news. She can even think about possible lives she can accidentally or willingly save in the next 40-50 years. On the other side, she knows that she will suffer and we assume that there is no solution for it.²⁰ I believe AU has no objective answer here. It is possible to defend both options. It can justify both doing and not doing it. The reason is that it is not always easy -or possible to compare different kinds of sufferings. Suppose that three friends of C will be traumatized, 10 more friends will be really sorry, 50 more people will be sorry, and over one thousand people will be slightly upset for 15 minutes. What are the suffering-values of these variables? When you gather them together, how do you know that it is more than what you will suffer?

Such problems of AU make it less favorable. It is for sure that this is still an ongoing debate. There are different and evolved versions of AU claimed to have solutions for these fundamental problems. However, I see the problem at the core of the idea, namely that rightness or wrongness of an action depends on the actual consequences of that particular situation. This is a less popular position among the consequentialist moral philosophers, but I believe a considerably younger version of consequentialism presents stronger arguments, which is rule consequentialism. In the

¹⁹ Except that the suicidal person seeks a moral justification for her action, but otherwise there would be no need for such a discussion. That is why I need to assume that the person C requires a moral justification and will make her choices with respect to that moral justification.

²⁰ Even if we don't, suicidal person at this stage will.

next chapter I will give a detailed explanation of RC. I will make use of anti-AU arguments given in this chapter as well as TE1 and TE2.

CHAPTER 3

RULE CONSEQUENTIALISM

RC in 20th century mostly functions as a critique of AC. Essentially it is not a wholly new idea; consequentialist theories referring to certain laws or rules exist in the history of philosophy. Yet it was not a moral theory until 20th century. Its becoming a separate moral theory begins with J.O.Urmson's attempt to claim that J.S.Mill was a supporter of RU. Before that, what we call RC was only known as RU as a less favorable form of utilitarianism.

Urmson in his article *The Interpretation of the Moral Philosophy of J. S. Mill* (1953) claims that unlike Bentham, Mill was a rule utilitarian. He says that according to Mill, an action is right if and only if it promotes happiness, and wrong if it promotes not-happiness. This is what *Greatest Happiness Principle* (GHP from now on) requires. However, according to Urmson, Mill talks about courses of action instead of particular actions of individuals: "But note that strictly one can say that a certain action tends to produce a certain result only if one is speaking of type- rather than token-actions." (Urmson, 1953, p. 37) This means according to Mill's GHP one sort of action may be good for a particular situation, but still not promote happiness as a whole, or vice versa. For Urmson, what Mill means by promoting happiness as an ultimate end is not promoting particular moral judgments that has the best outcome after careful consideration but promoting right moral rules which ultimately brings the best possible outcome.²¹

Urmson's attempt to reformulate Mill's account excluding actual consequences of particular acts has not become the most popular argument. In fact,

²¹ See Urmson (1953), pp. 35-37 for further information and a detailed explanation of his interpretation of Mill's utilitarianism.

anti-RU arguments seem strong enough to weaken it. The problem of RU seems to me that it brings two incompatible notions together: ‘moral rule’ and ‘utility maximizing’. The reason I regard them incompatible is that the objection defending the impossibility of interpersonal comparisons of utility becomes more powerful when these two come together. It is already problematic to claim that (within AU) actual consequences of a certain act A for a certain person P in a certain situation S are agreeable by the majority (i.e. other agents). It becomes more complicated when RU claims that expected utility-oriented consequences of a certain course of action CA for a certain person P with respect to rule R are agreeable by the majority.

It is surely beyond doubt that it is a problem for utilitarianism, not consequentialism as a whole. Both AU and RU suffers from giving a convincing account of utility calculation. As it will be held in the upcoming parts of this chapter, RC may be a solution to this problem. In this chapter I will present Hooker’s understanding of RC and its objections. It is for sure that abandoning utility-oriented consequentialism will give us some flexibility, but it is hard to say that Hooker himself is safe from this major objection concerning the incalculability of the expected outcomes. I believe it is important to mention that most moral philosophers in 20th century use RU and RC interchangeably. The reason is that even though there is an ongoing discussion about ‘utility’ for several decades, RC haven’t been recognized as a distinct theory. Utilitarians are also consequentialists for sure, but I believe it is necessary to promote the conceptual denomination. It may be more reasonable to use a new term such as ‘non-utilitarian RC’ but it is easier to isolate RC from RU considering that RC already has a place in philosophical discussions even if it is not completely recognized as a distinct position.

3.1 Definition of rule consequentialism

Let me first present Brandt's definition of RU, so that the difference between RC and RU will be clearer.²²

RU: A rule-utilitarian thinks that right actions are the kind permitted by the moral code optimal for the society of which the agent is a member. An optimal code is one designed to maximize welfare of what is good (thus, utility). (Brandt, 1983, p. 38)

Brandt's formulation surely overcomes some of the problems of AC in general for that it does not expect moral agents to make utility calculations, but it brings two (if not more) other problems. One of them is about determination of the optimal moral code. In the definition, Brandt says that those moral codes shall be optimal for the society. In the very same text, he goes on and adds that there may be different moral codes optimal for different groups of society.²³ Hooker on the other hand says that moral codes (rules, for Hooker) must be 'fairly general' otherwise RC will be threatened to collapse into AC.²⁴ In other words, if there can be moral rules for specific groups of people like a society, then there may be more specific ones for sub-communities, occupational groups, and even for individual families, and consequently for every single human being. Yet Hooker is not a radical supporter of completely universal rules either, but Brandt's account is much more vulnerable to this objection.

Another problem is about equal and fair distribution of the outcome of the claimed-to-be morally right action. RU argues that the right moral code is that which maximizes the welfare. However, for Hooker, it is required to abandon utilitarianism to get to an equal and fair definition of moral code: "While the right act is still just

²² Richard B. Brandt is one of the well-known supporters of RC. He is influential especially on Hooker's formulation of RC. Brandt's definition of RU seems to be representative for the rest of rule utilitarians.

²³ See Brandt (1983), p. 39

²⁴ See Hooker (1990), p. 70

whatever one will bring about the best outcome, outcomes are to be ranked in terms of not only how much well-being they contain but also how equally or fairly it is distributed.”²⁵ (Hooker, 1990, p. 68, also see Hooker, 1995, p. 30)

Let me then present the non-utilitarian definition:

dRC₁: An act is morally permissible if and only if allowed by the rules whose universal predominance could reasonably be expected to result in as good consequences (impartially considered) as would result from any other code identifiable at the time. (Hooker, 1995, p. 20)

In dRC₁ there is a fundamental update as the expected result is not the maximum welfare anymore but only ‘good consequences’. It is vague enough at the first glance to claim that it is not a non-utilitarian account. That is why it requires some further discussion. Considering primary objections of RC to RU and AC that are briefly mentioned before, dRC₁ is required to be updated. An appropriate definition for what named as ‘good consequences’, as well as ‘universal predominance of rules’ should be given. After that, we can have a better understanding of these notions.

Definition of RC’s understanding of ‘good consequences’ is already given here in part 3.1. To put it briefly, it is the maximization of the overall good in terms of an equal and fair distribution of total welfare. One may be confused about its difference to RU’s definition. Let us suppose that we have the power to redistribute all welfare (goods and services required to improve well-being). In a society, let there be two groups of people, one of them is quantitatively greater (G), and the other one is smaller (S). It is possible to make decisions that will make S worse-off but G well-off through unequal distribution of goods. Overall welfare will be greater if we decide in favor of the G but not the whole society. If we don’t have equal and fair distribution of welfare as a fundamental component of our definition of ‘total

²⁵ Hooker (1995) asserts that RU may permit such a rule promoting that smaller groups in a society may suffer if greater groups with greater numbers of people will benefit, hence the problem of fairness that will be held in 3.2

good', we may end up with a morally justified yet unfair decision. Therefore, we shall seek equal and fair consequences even if it brings quantitatively less welfare, pleasure, or happiness.

For the second part of the required update regarding the 'universal predominance', David Copp (2001) says and Hooker agrees the following:

To subscribe to a moral code realistically, one must desire that it be the social moral code. That is, one must desire it to be socially enforced, culturally transmitted, and generally subscribed to as a moral code in one's society. (Hooker, 2000, p. 1)

Thus, according to this form of RC, 'universal predominance' refers to a general adoption of a moral code that which is desired to be adopted, enforced and promoted by the majority. Let the moral code P be 'you shall not kill'. P is an ideal moral code if and only if it is, by the agent, desired to be a generally accepted code, whose adoption by the majority is expected to bring the best possible consequences. I will come back to this in section 3.3. Let me now give an updated formulation of RC:

dRC₂: An act is morally permissible if and only if allowed by the rules whose acceptance by the majority could reasonably be expected to (1) bring the best possible consequences (impartially considered) in term of well-being, equality, and fairness; and (2) be (impartially) desired by the agents as a universal moral code to be socially enforced.

I will stick with dRC₂ as it seems like an appropriate definition for the version I will use in Chapter 4. Hooker in his main writings on RC uses multiple definitions for the sake of his argumentation. (Hooker 1990, 1995, 1996, 2000) dRC₁ seemed to be the simplest and most comprehensive definition given by him, thus it is chosen to be reformulated in accordance with my understanding of RC. Let me

continue with the next section. Sections 3.2 and 3.3 will significantly contribute to a better understanding of dRC₂.

3.2 Impartiality, fairness and equality

One of the most attractive features of RC (or non-utilitarian consequentialism in general) is that it provides an understanding of ‘moral good’ considering both equality and fairness as well as total well-being. It is also provided that not only RC, but also RU and AU shall be built on impartial moral considerations, whereas other forms of consequentialism (like ethical egoism) can well be partial and thus fundamentally unfair. In this section I will clarify why we need such notions as well as how we understand them. Let me begin with the impartiality of RC which is fundamental to equality and fairness.

As Hooker points out, impartiality is defined in three separate stages: application, scope, and justification of the moral code.²⁶ Hooker gives Bernard Gert’s (1998) definition for impartiality in applications of the moral code: “A is impartial in respect R with regard to group G if and only if A’s actions in respect R are not influenced by which members of G benefit or are harmed by these actions.” (Hooker 2000, p. 23) In other words, a moral rule is applied impartially if the agent is not biased regarding positive or negative consequences expected to affect some group or people.

This idea at first glance seems to be conflicting with the principle of fairness²⁷. First thing comes into mind when one mentions fairness is a false belief holding that a fair moral rule should not make anyone suffer. Suppose that we are given the ultimate power in order to fight poverty. Regulations required to do that

²⁶ See Hooker (2000) chapter 1.7 for the original discussion.

²⁷ Which is to be explained later in this section.

will not contribute to the well-being of the well-off, and in fact, they may ‘suffer’ from their subjective perspective when most of their belongings are taken away. So, if we suppose that we have a moral rule justifying (or more properly, necessitating) to extinguish poverty, it is not unfair to act impartially and lessen the well-being of the well-off. It is in fact a must. Therefore, it does not violate the principle of fairness.

However, it might well be said that such an impartiality is counterintuitive and practically useless, for that in the best scenario only a great minority of people will be able to make such objective and impartial moral judgments. Committing suicide may be one of the best examples for it. As we will see in Chapter 4, I support the idea that even the best formulation of impartiality needs some room for partial judgments.²⁸ However, I disagree with Hooker and say that this permissibility of some sort of partiality should not affect our formation of the moral rightness.²⁹ I will come back to this later.

Impartial application of a moral code is not enough to claim a moral theory to be impartial. According to Hooker, moral rules should be impartial in their scope as well.³⁰ Impartiality in scope requires the target domain of that moral rule not to be limited to a group of people. Suppose the following statement is being evaluated as a moral code: ‘French people should not kill.’. One may say that it is morally right to adopt this rule, since it is indeed morally right to support it than not to support. However, even if it is actually right that French people should not kill, it is not a generally adoptable rule that seeks better overall consequences. It is only the most

²⁸ See Hooker (2000), p. 28-29

²⁹ Hooker seems to have a more accommodationist point of view in order to be less vulnerable to the intuitivist objections, but I believe that the conceptual distinction between moral rightness and moral permissibility will give a satisfactory account to hold both the intuitivist argument and total impartiality of the ideal moral code. See Ch. 4 for further explanation.

³⁰ Hooker (2000), p. 23

generalized version, historically known as the Sixth Commandment, ‘Thou shalt not kill’ seems like a well-formed rule when it comes to murder.

The third stage of impartiality is impartiality in judgment. Impartiality in judgment requires well-formed moral rules whose justifications can be universally acceptable. In other words, the moral code should appeal to everyone regardless of any kind of specific groups they belong to.³¹ This may immediately cause an objection, indicating that how come, then, an equality-oriented moral code that may upset the well-off to be even considered as an ideal code? The answer is here going to assume an ideal RC world theoretically under RC domination and say that well-off RC supporters would already agree on that code (assuming that that rule satisfies other conditions on RC). In other words, in an ideal RC world, people would follow what is promoted by RC. An alternative and more favorable answer without such a demanding assumption would however indicate that impartiality in judgment does not mean that every single agent will agree on each moral rule. It is rather that RC moral code should be agreeable by everyone³². I prefer to favor the second answer.

Another conceptual component of RC is fairness. There has been a great debate on the definition of fairness or justice for centuries. Thus, I believe it would be extravagant to claim a clear definition. Yet we do not need a clear definition. We can use common sense to determine unfairness when we see it.³³ Let us come back to the case in which we had the power to redistribute all welfare and we were committed to do it equally. A simple calculation would say that every single person shall have the same amount of well-being. It would be plausible if everyone were

³¹ Hooker (2000), p. 25-26

³² ‘being agreeable’ here may be confusing considering the assumption that the well-off would not agree, but this term rather indicates some sense of possibility of being agreed upon. RC may say that it is the right thing to agree on a rule, but sometimes it may be understandable (or permissible, as will be defined later) to some extent not to follow the morally right way.

³³ Under normal circumstances.

contributing in the same amount. However, that seems practically impossible. If we add a principle of fairness ensuring that everyone will be treated proportional to their contribution, then most people would say that it is fair. Thereby principle of fairness ensures that moral rules are not formulated unfairly.

Following from a different example presented by Derek Parfit (1997):

“[S]uppose that equality between people who are blind and people who can see could be achieved only by blinding those who could see.” (Hooker, 2000, p. 45) In such a case, it would be ridiculous to support blinding everyone. However, it points out a technical necessity to define ‘equality’. One may say then the principle of equality shall not reduce total well-being. But it is also the case for RC that total well-being can be reduced in order to provide equality and fairness. Then one can say that equality shall provide a better well-being to those who suffer from inequality. If it is impossible, then the only way to equalize blind people and people who can see is to provide a blind-friendly life environment. In other words, if it doesn’t make the average well-being any better, then it is not justifiable for RC. Principle of equality thereby ensures that this improvement of the average well-being (not the total) is done equally.

3.3 Defining rules

Back in 3.1, dRC₂ has indicated that rules to be adopted are reasonably expected to be desired by the agent herself as a universal rule. This means moral rules are expected to be internalized. These internalized rules are directly concerned with the maximization of average well-being. Hooker indicates and I agree that rules are evaluated “only in terms of how much aggregate well-being . . . results from the internalization of these rules.” (Hooker, 2000, p. 33) This means that the number of

‘good acts’³⁴ resulted by those rules is not a concern.³⁵ There may be, for instance, more rude actions in number as a result of adopting that moral code; but it doesn’t affect validity of that code. Philosophically speaking, it is not welcomed in RC to take certain acts as if they have intrinsic moral values. Only rules can have moral values for which there can be rational explanations with or without references to practical constraints.

If it is only rules that have moral values in themselves, then the immediate question arises: what about different rules with different moral values? In other words, how would one choose among rules when he needs to? One of the fundamental premises of RC that I have been formulating is that harm is not calculable, nor the well-being defined so far. It is not possible to say that rule rA scores 1033 points of well-being, where rule rB only gets 1020. This causes a problem that both RC and deontological moral theories subject to suffer: the problem of conflicting moral rules.

Take the famous example of the jealous neighbor asks for his saw that you’ve promised to give back.³⁶ In this example, your neighbor is going to kill someone with that saw. You have adopted two rules, one is rule rA indicating that ‘One should promote life against death.’ and the other is rule rB, which is ‘One should keep her promises.’. In such a case, rules rA and rB will conflict. If you give the saw knowing that it will cause someone’s death, you will have been violated rule rA. If you don’t, you will have been given a false promise, which violates rule rB.

In such a case, AC will definitely say that you should not give the saw. It is indeed what the commonsensical morality says and most people with no doubt would

³⁴ Notions that we commonsensically evaluate as good, like kindness, promise keeping, etc.

³⁵ See Hooker (2000), p. 33

³⁶ See Plato, Republic 331c

agree with it. It is easier for RC to support the general conviction for that it is also claimed to be sufficiently comprehensive to the common moral inclinations, which have a relatively significant place in RC. However, that answer is not convincing at all, at least for this case. Let me give another example with a harder solution even for the commonsense morality.

This case is given by Hooker (2000). Suppose that the only way to save the entire humanity (and even every other species)³⁷ from a painful death is to torture a child to death. Suppose that you have adopted rA as a rule, which requires you to promote life. Torturing a child to death clearly violates it, as well as not-torturing. Common sense morality would again say that it is morally right to torture the child at the end, or that majority of people would choose to torture the child to death at the point where they need to decide. AC would also support it. Such cases are those from which actual-consequence morality takes its power. How would RC formulated in this study will challenge this dilemma?

Hooker seems to stay considerably silent about this particular case. He however points out that for some extreme cases it is possible to override moral rules. (Hooker, 2000, p. 131) RC theoretically allows us to put a hierarchy among all adopted moral rules where needed. Compliance with all moral rules is normally what RC promotes; but if there is a conflict, then RC encourages agents to hold the stronger moral rule. In our case, it would be to save the humanity what RC would (for now) encourage one to do.

If it were two separate rules in conflict, this explanation would need no more further discussion. But in this case, unlike the jealous neighbor case, there is one single rule rA which is to be violated for sure. ‘Torture’ might be confusing, but at

³⁷ Except you and that child.

the end killing a child is a violation of rA. What Hooker omits here is the problem of a necessary violation of one moral rule; not for the sake of some other ‘stronger’ rule, but for the sake of itself (or to protect that very rule which is violated at the same time). If we were holding AC, then it would be easy to say that ‘rA’ promotes the agent to kill the child. However, RC does not make quantitative calculations to get the best total benefit out of the situation. Does it not correspond to sacrificing minority, in order to increase the average expected well-being? In what sense is it different to kill the child from sacrificing 1000 people by killing them and collecting their organs to save 10.000 patients who is about to die?

It is then a necessity to conceptually differentiate what is morally right and what is morally permissible³⁸. This is not serious problem as most moral philosophers within last 200 years -including RC supporters like Hooker and Brandt seem to have such a conception. The reason why I need it especially here is that it is necessary to clarify this distinction in order to define moral rules. A course of action is morally right if and only if it is promoted by a moral rule. A course of action is morally permissible if and only if it is not forbidden by a moral rule. Given that we have these definitions, then it follows that a course of action is morally wrong if and only if it is forbidden by a moral rule.

In the light of these definitions, what can one say about the case with torturing and murdering a child? The moral rule rA seems not satisfactory anymore. Thus, we need derivations of rA:

rA₁: It is morally right to promote life against death.

rA₂: It is morally permissible to kill in order to promote life.

³⁸ Moral permissibility is an everyday concept that we use for many different situations, but what I want to do is to give a special definition for it within RC in order to use it as a special domain of courses of actions whose diameter may, one can say, be wider than its equivalents.

rA₃: It is morally wrong to promote death.

Given that rA₁, rA₂, and rA₃ are derivations of rA, one can say that it is morally permissible to torture and kill the child in order not to violate rA₁ and rA₃. So, it is not violating the rule for the sake of it, but just following it.

It is then why not the same for killing 1000 people and collecting their organs to save 10.000? Following moral rules in accordance with their consequences shows its benefit right here. First of all, it is against the principle of fairness. In the child-murdering case, there is no ground to hold the principle of fairness. If all the people except the perpetrator and the child dies, then there will be no ground for morality³⁹. In addition to this conceptual constraint, it is given in the torture case itself that there will be unfair deaths no matter what, so there is no ground for the agent to hold the principle of fairness. When it comes to the organ-collecting case, we see 10.000 people suffer and technically it would increase the number of living people by 9000 if we kill 1000 for their organs. But it is against the principle of fairness, for that it is not fair to burden those people for something that they are not responsible for; yet it is not unfair not to kill 1000.

How do we define rules then? Gathering what I have been covered so far with additional points, here are the criteria for a moral rule:

A moral rule must be

- i. In accordance with the principles of impartiality, equality, and fairness,
- ii. A universal moral code expected to be desired by the majority,
- iii. In accordance with other moral codes, and
- iv. In accordance with general moral intuitions recognized by the majority.

³⁹ I leave this controversial claim here and not go further on it for the sake of this study; but it briefly holds that morality requires a society of sentient beings.

There is no need for a further discussion on i and ii. What this study has been dealing with so far should provide an understanding for them. For iii, one can say that it is no surprise. We said that it is possible sometimes a course of action may violate one rule in order to follow the other, stronger one. However, RC still requires that moral rules themselves should not conflict with each other. A moral theory needs to be consistent in order to give a reliable account, therefore it is crucial to have consistency among moral rules.

When it comes to iv, there begins a tough discussion indicating that RC shall hold subjective intuitions of individuals without violating the principle of impartiality. The problem is that, as indicated in section 3.2, RC requires impartiality in both scope, application, and justification of rules.⁴⁰ But it is also obvious both for Hooker and Brandt (and me) that one cannot expect every human being to apply a moral rule completely impartially regardless of their psychological and even rational attachments towards some people or group of people⁴¹. It would not be too demanding to say that a moral agent should be impartial regarding ethnical, religious, national, or political groups. Yet it is not plausible to expect every human being to be impartial when it comes to their family, friends, or their very selves. There should be a trace of flexibility in order not to become practically implausible. This would not be a consistent point if there were no conceptual separation between moral permissibility and moral wrongness. In other words, we need to burden that flexibility to the moral permissibility in order not to be flexible about what we regard as morally wrong. If something is claimed to be morally wrong, there cannot be

⁴⁰ Full definition: “A is impartial in respect R with regard to group G if and only if A’s actions in respect R are not influenced by which members of G benefit or are harmed by these actions.” (Hooker, 2000, p. 23). See Hooker (2000) Ch.1.6 for the rest of the discussion.

⁴¹ This is discussed by both Hooker and Brandt in many respects, especially when Hooker mentions taking money from the well-off to give worse-off, which is his major concern in most of his writings. Especially see Hooker (1990, 1995, 2000) for further information.

exceptions for it regardless of particular conditions. This is how RC put limits of moral wrongness and moral permissibility.

Let us formulate a moral rule rC indicating that ‘One should not aid or abet a crime.’ Suppose that P is a criminal person committed murder and wanted throughout the country. If the other person R helps her to hide, then he will be violating the rule rC. But if P is R’s child, then it would be implausible to claim that R is morally wrong and should be punished proportionally even when we assume that R is aware of P’s crime.

Key point here is that courses of action regarded as ‘morally wrong’ are expected to be punished in order to be discouraged. This little flexibility provided by the criteria iv makes us able to say that for R, it is morally permissible but not encouraged to hide his daughter. I hope this example helps us to have a better understanding on what moral permissibility is (maybe at its closest level to the moral wrongness).

I believe moral permissibility as a concept is more important than it seems to be. In the Chapter 4, we will see that it will help us to give a stronger account concerning moral permissibility of committing suicide. Also, for TE1 (the case where the person A will die if the person B stops touching him) back in Chapter 2, it seems now easier to find a solution. It is still hard to say that it is morally wrong for the person B to quit touching A, or vice versa. However, even if one believes that B’s keeping touching A is the morally right thing to promote life, it can be said that it is morally permissible if B quits. Criteria iv indicates that such moral judgments are hard to be impartial and RC needs to be at peace with it. For B, it is understandable that she has 30-40 more years to live at least and living as an independent member of the society is her fundamental right. It definitely does not promote life or aggregate

well-being, nor is it morally justified; but it is morally permissible and therefore not subjected to a proportional punishment. In Chapter 4 where we will see its application to ‘committing suicide’ this subject will become clearer. Now let me continue with the next section involving main objections to RC.

3.4 Critiques of rule consequentialism

3.4.1 Partial compliance and demandingness

A prominent objection to RC is that it requires total or general compliance to the moral code in order to operate correctly. The problem is that sometimes compliance to the moral code might produce harm for the individual agent or the majority due to partial compliance of others. Suppose that you adopt RC and comply to the rule rD which indicates that ‘You should aid the poor’. Suppose a person H who in fact has a great amount of well-being lies to you and asks you to help him. Under normal circumstances, rD is expected to produce well-being; but H does not comply with rD and causes you to suffer at the end. Sooner or later you realize that and quit aiding the poor. Or, let H be honest, but others be insensitive about wealth inequality. In such a case, you should aid both H and the others who need, at the point that you have nothing more to give away and become one of the persons who need help of others.

Your decision to suspend aiding violates rD. However, under such circumstances compliance to rD does no contribution to the average well-being and harms you. Argument follows from here is that RC is either implausible or too demanding.

Hooker’s solution to this problem is as follows:

[W]e should obey the code of rules . . . if everyone complied with it, except when our following that code would result in great harm because of others’ non-

compliance, and that in those cases we should do what would prevent that harm. (Hooker, 1990, p. 76)

This may give a practical solution to the problem of partial compliance but makes RC too demanding. As Hooker says and I agree that first of all, demandingness is a vague notion, harder to estimate its limits. (Hooker, 1990, p. 77) Secondly, is not it the case for any other moral theory? Even AC does not hold if majority is ethical egoist, for example. RC needs majority to be rule consequentialist, just as AU requires majority to be utilitarian in order to maximize overall utility. Therefore, I say, it is true that there is no clear answer to this objection; but it is not a problem specific to RC. Additionally, it is morally permissible to violate rules for the sake of a stronger rule. If we use this flexibility, then we can be a rule consequentialist who violates rules within a non-RC society.

3.4.2 Rule consequentialism versus contractualism

Contractualism is a considerably old idea that is rooted from at least the Early Modern times. T. M. Scanlon in his book *What We Owe to Each Other* (1998) develops a moral theory that can be called Moral Contractualism. Moral Contractualism (MC from now on) is briefly an application of the historical Contractualism to the moral problems, but it also offers an upgraded understanding of the classical theory. R. Jay Wallace defines Scanlon's Moral Contractualism as "essentially concerned with what we can justify to other people; 'thinking about right and wrong is, at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject'" (Wallace, 2002, p. 430)

Given that MC concerns with 'what we can justify to other people' on a ground that they 'could not reasonably reject', one may say that RC, considering its

principle of impartiality, may in fact be a form of MC. It is a wholly different discussion whether there is any place to the universal norms within MC; but in principle RC would reply that MC and RC are fundamentally dissimilar. RC is a normative moral theory holding that the general moral code is expected to be desired by the majority impartially. For MC, however, it seems that a common conviction, a general agreement on a moral judgment is fundamental to the theory. It is not the case for RC. Therefore, even if they overlap for some parts, I claim that this is not a legitimate objection.⁴² RC fundamentally requires compliance to the moral rule in order for an action to be morally right (or wrong) regardless of its justifiability to other people. It is however true that within the formation of rules it is a matter of concern (among others) to seek a general acceptability. Yet not every theory seeking general conviction is contractualist, just as not every theory seeking good consequences is consequentialist.

3.4.3 Rule consequentialism versus intuitionism

Another objection to RC is that it is actually a form of intuitionism. It is not a direct objection if one does not agree with anti-intuitionist arguments (and it is not my main concern here) but an indirect one claiming that it is nothing but a moral intuitionism. Today when such a question arises, the critique is assumed to refer to Rossian intuitionism, for which there are self-evident prima-facie moral duties.⁴³ Hooker's understanding of intuitionism also rests upon the same theory.⁴⁴

It seems correct that RC has some intuitionist sides. As Hooker says "I admit that we are more certain of some intuitions (moral verdicts) than we are of any

⁴² See Hooker (2000) Ch.4.4 for Hooker's interpretation of this critique.

⁴³ See Ross (1930) and also Audi (1998)

⁴⁴ See Hooker (2000), pp. 104-108

theory. So I admit that, in moral theorizing our confident shared intuitions are central.” (Hooker, 2000, p. 104) It has also been shown earlier that forming moral rules in accordance with our moral convictions or tendencies is a part of RC that I handle in this study. Rule Consequentialist definition of moral permissibility may be the most intuitionist side of it, along with several other things. However, does it make RC a form of moral intuitionism?

My answer is no. Such moral pluralist theories are fundamentally incompatible with RC, because there is one grounding moral principle that RC accepts regardless of intuitions or any other subjective mechanism: rightness or wrongness of an action is determined by moral rules formulated under the principles of impartiality, fairness, and equality in order to bring the best consequences.⁴⁵ Plurality in RC is found in terms of moral rules; but it is not a pluralistic morality in terms of foundational principles.

I absolutely admit that when it comes to plurality in moral rules, such as rule rA or rB, when there is a conflict between two rules, moral intuitions will be helpful to determine the stronger and consequently higher-level rule. It is stated that for RC, harm is not calculable. In some obvious cases, an agent can see the better way to follow; but sometimes it may be challenging to see the best choice among two conflicting rules, and that is the point intuitions will help. In the famous Trolley Problem for instance, where one is required to choose between death of one and ten, the answer on what to do seems not that obvious for RC as it is for AC. For such dilemmas, the agent has her intuitions to rely on, even though such intuitions may easily roll back to the point where AC stands. It is not the RC way of making moral

⁴⁵ See dRC₂ in Ch.3.1. Also see Hooker (2000), p. 105 where he considers his understanding of RC and intuitionism as two incompatible moral theories.

judgments; but if RC has no solution to offer, then it also has no right to claim that that action is immoral. Hence the wider sense of moral permissibility.

3.4.4 The ideal world objection

A powerful idea comes right after most theoretical attempts in moral philosophy is that theoretical claims may and probably will not work in the real world. Not everyone would accept that this is a major concern for morality, but a consequentialist would and should. The objection most recently raised by Sanford Levy (2014) is that RC makes moral judgments within an ideal world and aims to apply it to the real world. In an ideal world, a rule may pass from the RC test, but it may not end up with a better real world (even better in RC's understanding).

Consequently, Levy says, even though RC is claimed to be 'attractive'⁴⁶ due to the incompatibility between the idealized moral world and the real world, the attractive optimific moral rules may result unattractive consequences. (Levy, 2014, pp. 609-611)

Levi seems to consider several available answers as weak solutions. One representative RC attempt to overcome this problem is to add real world qualifications like 'You shall never lie *unless...*'. (Levy, 2014, p. 609) Levy does not find this attempt successful, and I agree with him. In an ideal RC world with an assumed rule 'You shall not lie' none will need to violate the rule either for the sake of that rule or any other stronger rule. But in the real world, such an idea of rule-dependency may feel unattractive at the end if we need to give countless exceptions.

As you may realize, what this kind of RC criticized by Levy lacks has already been given in my interpretation of RC. Levy's objection is an outstanding one for

⁴⁶ Attractive in the sense that it recognizes general moral convictions, intuitions, real consequences etc.; in other words it does not offer an 'alien' approach.

that it compounds most of the theoretical points given so far in this chapter.⁴⁷ I have been mentioning that RC has an intuitive side which fills in most of the blank lines within the argumentation. This level of intuitionism is not welcomed by other RC defenders; but just as they (Hooker and Brandt) prefer to keep making quantitative calculations to show that a course of action brings better rule-consequentialist outcomes, I think it is better to rely on intuitions to find out what fits better to the RC. We have talked about a hierarchy among different rules in terms of their strength and one may think that there is an absolute hierarchy of rules, though there is not.

Let the rule be ‘You shall not kill’.⁴⁸ Back in the case where you were supposed to torture and kill a child, RC were encouraging you to do that. The reason was not that there is a derivation of this rule indicating ‘you shall not kill unless the whole world is in danger’. It was rather that there is a hierarchy of rules (or hierarchy of derivations of the same rule) that supports our intuitional tendency to kill the child in order to save the world. Therefore, we are able to kill the child without violating that rule or adding infinitely many exceptions. But this explanation does not go further as long as we keep ignoring the fact that this rule is not well-formed. It just hangs in the air. For the well-formed version of it, see the rule rA in Chapter 3.3.

In the light of Levy’s objection, let me briefly conclude what I find necessary for a moral rule. In Chapter 3.3, principles of moral rules are explained as i, ii, iii, and iv. Affirming the idea that a moral rule must hold these four qualifications will necessitate a certain formation for moral rules. A justified moral rule is well-formed

⁴⁷ Levy in fact builds his objection upon the narrow and middle equilibrium methods used by Hooker in different discussions (see Hooker. 1996, 2000, Levy, 2014) but I am not willing to go over that discussion for the sake of this study.

⁴⁸ This is not a moral rule accepted in my interpretation of RC. Instead, I will defend the rule rA ‘You should promote life’ in Chapter 4 where I begin to make moral judgments.

if its formation lets us easily derive three different statements considering three moral categories of courses of actions, namely morally right, morally wrong, and morally permissible actions, like rA_1 , rA_2 , and rA_3 for the rule rA .

* * *

In Chapter 3 I have aimed to give the sufficient amount of theoretical arguments for the sake of my discussion in Chapter 4. There can be several definitions for RC for sure, but I find it sufficient to stick with dRC_2 for the sake of the entire work. The most important task is maybe to present principles and requirements of a moral rule within RC framework; thus, I have mostly focused on points that I consider relevant. In the upcoming chapter we will see an application of RC to the moral problem of committing suicide.

CHAPTER 4

COMMITTING SUICIDE

It is an interesting fact that only a few people during and after modern times paid attention to this fundamental moral question: how do we morally evaluate the act of committing suicide? Even those who carried a discussion on this topic, like Rule Consequentialist philosopher Richard Brandt with his 1992 work *Morality, Utilitarianism, and Rights*, refrain to end up with a normative statement. I believe, on the other hand, there can be an answer in order to enhance the dimensions of the discussion.

A Rule Consequentialist answer will be given at the end of this concluding chapter. It is important once again to indicate the fact that RC presented in the former chapter is not solely Brad Hooker's or Richard Brandt's account but instead a new variation of RC that I believe will make it much easier to give normative statements for controversial moral questions. Normativity mostly regarded as a huge burden when one needs to make judgments; and it is completely understandable considering the high possibility of unaffordable demandingness it brings. However, I claim that RC outcomes this problem.

In light of RC, the first step is to put the moral rule that committing suicide seems to violate at the first glance. The reason is that a moral problem arises when a certain act or a course of action seems to be violating a general conviction or a norm that is supposed to be true. Therefore, a proper and a careful definition of that specific moral rule will be important to develop the rest. Then we need to derive possible moral statements one can make for or against that very act. Using an

argument by elimination, we will be able to make a conclusion. What we get at the end of this process will be an adoptable moral judgment for a Rule Consequentialist.

4.1 The moral rule

It seems obvious that committing suicide seems to be violating the rule rA that I have briefly defined in Chapter 3.3. The rule rA is defined as the following:

rA: One should promote life against death.

Where does this rule come from? It comes from the most fundamental intuition, and even from (one can say) the evolutionary inclination of all sentient beings, that life is better than death. In most cases, people intuitively tend to promote life. It may seem contradictory considering the fact that there are a lot of pro-death attitudes (or ideas seem to support death in different ways) observed both in the history of humanity and among the members of the society. However, even then those people seem to believe that killing certain people (enemies, so-called terrorists, etc.) will promote life. This contradiction may well be explained with ideological re-definition of concepts like 'life', 'humanity', and 'death'. Therefore, it is a completely different discussion when and how the most basic notions are ill-defined through state apparatus. For the sake of my argument, I will assume that members of the human society mostly seek to find the right moral path. Otherwise, morality itself would be undermined.

It is then reasonable to assume that most people have a tendency to adopt the rule rA. Thus, one can say that it can be the founding moral rule of RC for that it deals with the most basic concepts: life and death. Anything else will come only after these concepts. Next step is to run the RC test for rA. Let me quote from Chapter 3.3:

“A moral rule must be

- i. In accordance with the principles of impartiality, equality, and fairness,
- ii. A universal moral code expected to be desired by the majority,
- iii. In accordance with other moral codes, and
- iv. In accordance with general moral intuitions recognized by the majority.”⁴⁹

It seems that rA is in accordance with principles of impartiality, equality, and fairness. It is formed in a way that is impartial both in formation and expected application. It has no component to violate other two principles as well. It does not violate the principle of equality for that it seeks to promote ‘life’ in general and does not specify any other thing that would cause unequal consequences. Same compatibility works for the principle of fairness, considering the fact that it is not possible to promote life in general unfairly unless unfair consequences are necessary as in the case with torturing a child to death. It also seems to hold ii, since it is the expected consequence that majority will seek to promote life assuming the fact that they are willing to act in a morally right way. For iii, there is no other defined moral code here for now; thus, it is in accordance with other moral codes. Even if there were any, rA would be the founding moral rule and any possible conflict would only endanger other rules. When it comes to iv, there may be controversies. However, I have already asserted that we will dismiss that side for the sake of the whole discussion. For any other rule, it is perfectly fine to make this assessment that iv requires; but for rA, it will undermine morality if majority of people could not even be expected to desire it. In other words, we need to assume that humans have an intuition to promote life; even if they present it in a diversity of different and unjustifiable ways.

⁴⁹ See Chapter 3.3 of this study for more about these criteria.

The rule r_A is thereby regarded as a legitimate universal moral rule for RC. Such universal moral statements are mostly vulnerable to objections claiming that they are either too demanding or self-contradictory. Let me quote again from Chapter 3.3, these are derivations of r_A :

r_{A1} : It is morally right to promote life against death.

r_{A2} : It is morally permissible to kill in order to promote life.

r_{A3} : It is morally wrong to promote death.⁵⁰

As a universal moral rule, r_A consists of three primary moral statements: r_{A1} , r_{A2} , and r_{A3} . They define the moral coverage of the rule r_A , or possible interpretations of r_A that one may derive from it. For instance, as an agent I wonder if it would be morally acceptable if I kill a person because she killed my aunt. In that situation, I consult to the rule r_A and it says that it would be morally wrong and therefore subjected to a proportional punishment according to r_{A3} . The reason is that it would not be a promotion of life but exactly the opposite. In another scenario, when I need to torture and kill a child to save the rest of humanity, it says it is morally permissible to do that according to r_{A2} . In a third scenario, let me suppose that there is a button and if I push it, I will save several people's lives with doing no harm. For that case, rule will say that it is morally right and therefore an obligation to push the button according to r_{A1} .

This structure of RC -its ability to appeal to the same universal rule with different applications makes it immune to the demandingness and more importantly inconsistency objections. The demandingness objection is mentioned several times before this chapter and therefore was not a new topic for us, but I believe by now we are also able to successfully give a consistent account. It is also important to clarify

⁵⁰ See Chapter 3.3 of this study.

that not only moral rules and founding moral statements of those rules, but also particular moral judgments are grounded by three fundamental principles of RC, which are principles of impartiality, equality, and fairness. Otherwise, one could easily say that it is permissible to kill 1000 healthy people in order to transplant their organs to 5000 other patients by referring to rA₂ (see Chapter 3.3 for further discussion on this example). Let me now go on to my main question concerning committing suicide.

4.2 The moral assessment

In order to answer our major question concerning committing suicide, I find it useful to give three possible moral statements one can give as an answer:

S₁: It is morally right to commit suicide.

S₂: It is morally wrong to commit suicide.

S₃: It is morally permissible to commit suicide.

And let me present a third thought experiment similar to the second one, so that we can establish our discussion on it:

Thought Experiment III: Suppose that there is a person X who is willing to commit suicide because he thinks that it is the only way to get some peace. Suppose that he is right. X believes he is a moral person and wants to morally evaluate what he is about to do. Suppose that any other variable -like his position in society, his relationships, his belongings etc.- is not significantly different comparing to another regular person. He consults RC to get a convincing argument. What would the Rule Consequentialist say?

One last thing before moving on to the moral evaluation is that in order to have a strong argument, we need to use the most regular case as the sample case. It

would be easier for extreme cases to get a moral judgment. However, forming an argument on a simple case with regular characteristics will make the judgment stronger. It is also possible to have a moral theory that only works for regular cases but fails in extreme ones; but still it seems more important to be consistent for regular cases before those extreme ones. Thus, I take TE3 as this simple and regular case, and X as the regular sample moral agent with the most usual motivations that a suicidal person can have.

4.2.1 Statement I: The positive moral judgment

S_1 asserts that it is morally right to commit suicide, which means it is promoted (or encouraged to do) by the moral rule to do that rather than not to do. Let us take the relevant moral rule r_A defined in the beginning of this chapter. S_1 promotes committing suicide, which is an obvious violation of the statements r_{A1} and r_{A3} of the rule r_A . Therefore, accepting S_1 as a valid moral judgment is not what RC would permit. In other words, it is immoral to accept S_1 . Assume that it somehow passes the requirements of rule r_A and committing suicide becomes an action encouraged by it. This would mean that the agent thinks it is expected to be desired as a universal moral law by the majority. It seems absurd, because that law does not produce any better outcome and radically worsens the current well-being of humanity (in any terms). Thus, even if there were no rule r_A , it would contradict fundamentals of RC (and even morality in its most sense) for that it universally promotes committing suicide. It is indeed not a popular idea at all, and I believe no one would expect a more detailed account on why S_1 is not welcomed in RC. Therefore, let me continue with the other two statements which make much more sense.

4.2.2 Statement II: The negative moral judgment

Negative moral statements in general are more common than the other two, because they give a more fundamental answer concerning what not to do in order not to be immoral. For an agent, if there is no negative moral judgment on an action, then it will at least be morally permissible to do, and the problem will disappear. This seems true for most cases except ones like committing suicide as I will claim at the end of this part. First, let us see how RC would react to S_2 at first glance.

Stating that an action is morally wrong means it should be discouraged and/or even punished. Thus, S_2 actually indicates that those who commit suicide are doing an immoral act and should be punished. Of course, throughout the history there are regulations that legally punish people for committing suicide (when they fail, apparently)⁵¹. It is still the case for countries like Kenya, Singapore, and Cyprus.⁵² However, let us here assume that the only punishment for committing suicide is to become an immoral person by violating one of the most fundamental moral rules within RC, namely rA .

S_2 seemingly does not violate any of four criteria for moral rules and consequently it is in accordance with three principles of RC. It seems, at the first glance, in accordance with the rule rA which is fundamental to other rules. A world in which no one commits suicide seems to have better consequences for the entire humanity; those who stay alive instead of committing suicide may live more decent lives to contribute humanity as agents who act morally. They can produce and follow certain moral rules in order to solve other moral problems in the world. Furthermore,

⁵¹ In fact, it is possible to see that even dead people are punished for committing suicide. See Chapter 2.1.

⁵² Suicide legislation. (n.d.), Retrieved July 9, 2018, from Wikipedia: <http://www.wiki-zero.net/index.php?q=aHR0cHM6Ly9lbi53aWtpcGVkaWEub3JnL3dpa2kvU3VpY2lkZV9sZWdpc2xhdGlvbg>

other people will not grieve over them; this means less harm and therefore a good result not only for RC, but for consequentialist moralities in general.

I believe it is not that simple. This way of reasoning may work pretty well for some other courses of action, but suicide is a special case (and in fact, this is what makes it problematic and philosophically interesting). It is true that X as a moral person can do many things to promote life. There are too many things to do if you really adopt the rule rA. But the problem is that affirming S₂ as a legitimate moral judgment means morality can regulate agents' autonomy on their own bodies. This will cause a more fundamental problem.

RC does not assume a divine being to which one can grant the control over herself. It instead offers a guideline for agents who are willing to make the right moral judgments. Thus, it assumes that the agent has the total right to conduct herself; so that she can adopt RC and apply it where she is in an interaction with other sentient beings. Is it, then, possible for RC to forbid one's cutting his own ear, or arm? It may well be a violation of the rule rA. However, RC has no right, or power, to forbid it. RC requires moral agents to be autonomous, so that it will be adopted by those agents. If there is no autonomous moral agent, and no other agent is assumed to legitimize RC (such as God), then there will be no ground for RC to perform. Take a legal regulation and try to imagine it to have any legitimacy where there is no apparatus it is performed through. Is it possible? Is it, for that regulation, possible to exist if there is no institutional body to accept and apply it? I would say no. Hence the necessity of autonomous moral agents.

We can take the discussion one step further and say that in light of this fundamental requirement of RC, S₂ is a violation of the rule rA. It is possible to defend this in two ways: we can say that (1) it undermines RC and therefore demotes

the theoretical effort given in order to promote life, or (2) it does not promote and even demote what is required to be promoted by the rule rA, 'life'. First one is already clarified in the last paragraph. Second one on the other hand, is a different way of reasoning. It is true that a living person is more desirable than a dead one for RC. But understanding the 'promotion of life' as having quantitatively more living people in the universe would fail. It is the hallmark of RC that it does not define well-being solely by looking at the quantity. It also seeks quality. Consequently, the life promoted by RC should have some quality other than being alive. It is a necessary but yet not sufficient condition 'to be alive' in order to say that 'this is life promoted by RC'. A fundamental quality of life for the alive sentient being is to have an autonomy to make judgments about herself and other things⁵³, so that she will be able to willingly adopt a moral code. The agent should be recognized as an agent whose power within the limits of her body is not questioned. Only then a governing moral code can be offered as a guideline to follow in interactions with others. It may be confusing to say that one has to have the authority within the limits of his own body. One may claim that if so, then an individual's actions are not questionable at all, given that I as an autonomous being can throw a knife wherever and whenever I want. Furthermore, it may follow that I can use a bomb to kill myself in the middle of the İstiklal street and RC will not be able to forbid it. What we need to understand when we say 'autonomy within the limits of the body' is that there is a border of the agent's body and she is autonomous only when it is her own body the subject of the discussion and nothing else. It seems only my problem when I cut my finger but no one else's. Therefore, even if this action does not promote life (considering that I may be less productive with a missing finger) RC has no judgment on it. It is like a

⁵³ When possible, of course.

contract between the agent and the theory: I, as RC, will recognize your autonomy on your own body; and you, the agent, will recognize my validity concerning outside of your body.

Consequently, it turns out that S_2 violates fundamental requirements of RC. It is important to underline that not all moral theories have such a requirement. It is not a claim about the 'nature' of morality either, but instead a cardinal point that is not mentioned a lot. Moreover, the same argument works for TE1⁵⁴. In TE1, the person B has two options. He will either continue touching the person A for the rest of either A's or B's life, or he will leave A there to die. The first option seems like a promotion of life; it keeps two people alive instead of one. However, it takes away B's right to have an autonomous life. On the other hand, if B quits, then A dies. Morality in a rule consequentialist way should stay one step aside before imposing a prohibition to a certain action if the situation involves a serious amount of undesired consequences for the agent. It would again be too demanding and theoretically undermining to necessitate an agent to give up some fundamental components of her life. It is the same thing as necessitating someone to reveal his criminal son; it is too demanding that majority of people would intuitively oppose. RC cannot obligate B to renounce his autonomy over his own body for such an accidental happening. It would not be the same if B in the first stage chose to touch A. In that case, it would be B's responsibility to keep touching if he's willingly and consciously done it. It is the same when a person adopts a dog, for instance. If that person consciously adopts that dog, then he is responsible to maintain dog's life even if he thinks that that dog has started to seriously restrict his life.

⁵⁴ The case in which the person A will die if the person B quits touching. See Chapter 2.2.

Same argument works for the case where the agent is expected to torture and murder a child in order to save the rest of humanity. Not-killing the child seems like not a promotion of life and indeed a promotion of death. It is therefore certainly not the right thing to do. However, torturing a child to death cannot be a moral obligation either. Forcing an agent to actively involve such an action is clearly counter-intuitive. Within a moral framework an agent should have the freedom not to perform such terrible actions regardless of their consequences. In Chapter 3.3 it is explained how RC deals with this case presented by Hooker. Let me now move on to the third statement.

4.2.3 Statement III: The moderate moral judgment

S_3 indicates that it is not encouraged to commit suicide, yet not forbidden either. One cannot be morally judged because he has attempted (or succeeded) to commit suicide, but it is not a morally right action to commit suicide either. According to S_3 committing suicide, just like several other actions like one's harming oneself, is immune to moral forbiddance. This is what S_3 states; and by the argument by elimination, RC seems to support this one instead of S_1 and S_2 .

In a Rule Consequentialist framework, S_3 actually says that one has the right to harm himself albeit it is not morally advised. Thus, a person who has adopted RC is not expected to do that. By this way, RC is being both respectful to the agent's control over her body and guiding her to the way it claims to be better than others. This is why I take moral permissibility as an important moral classification of courses of action. There are some serious actions that can put morality against one's basic rights concerning his own body. It seems like the right way offering a moderate solution in order to maximize RC's adoptability. It is the same for the one who wants

to cut off his arm. He is objectively better with two arms but no moral theory can forbid one's cutting his own arm. This approach has a lot to deal with in other discussions of (especially) applied ethics like euthanasia, abortion, etc.; but I preferred to leave them for some other study and only focus on the suicide case.

So far, we have been actually talking about the ordinary person X in TE3. The person X does not give any solid reason why he wants to commit suicide. Even then, I say, X's suicide seems permissible according to my assessment concerning S₁, S₂, and S₃. For other kinds of cases where the agent has serious reasons to commit suicide, it will be easier to defend the excusableness of this action.

One can say that an action can be both wrong and excusable after a serious consideration. It can be said that killing is wrong but excusable if it is done for self-defense; or maybe suicide is wrong but excusable if there is a good reason behind it. This is the way common-sense morality superficially offers: 'It is wrong to kill!' but it is the right thing if done for a good purpose/consequence; 'Thou shalt not kill' but still it is right to kill so-called harmful people, and so forth. This contradictory account takes its strength from the most basic intuitions of people. People generally think that killing is not 'good', but there are some cases where they allow it. This is the source of that confusion between moral wrongness and moral permissibility. It is closer to a kind of reflective morality, but still the most common way to make moral judgments. What RC offers in this study is to give a new understanding of moral rightness and wrongness, so that this moral reasoning will still be in accordance with those basic intuitions but will be regulated and governed by certain universal principles. Thus, for the one who claims that there can be both morally wrong and excusable actions, RC would reply that there certainly cannot. If it is not a morally punishable (or blameworthy) action, then that action is either permissible or morally

right. Therefore, if this objection claims that committing suicide is morally wrong but excusable, then I believe we both mean the same thing. It is a way of behaving out of the right way morality advises. However, domain of actions that are not morally right is not equal to domain of morally wrong actions. That is why formulation of rA appeals to a promotion of life instead of a prohibition of death.

So far it is clear what kind of a moral permissibility RC affirms, but the way behind permissibility of committing suicide requires further clarification. As it is stated within the assessment of the negative moral judgment, RC seems to be presupposing an autonomous moral agent, so that it cannot interfere that autonomy. There are different understandings of the notion 'autonomy'. What RC presupposes as 'autonomy' is indeed a consequence of its own existence: autonomy is necessarily presupposed to get RC work. Let us talk more about it.

RC is defined through three main principles: equality, fairness, and impartiality. Beyond that, there is an underlying principle depending on consequence-oriented justification of moral concepts. The 'best' consequence therefore is defined concerning a universal well-being with respect to three main principles. The best consequence is acquired if and only if it is in accordance with those principles, this is what justifies them. Same process works for the presupposed autonomy of the agent. RC claims that the best consequences are acquired if and only if RC and its principles are adopted by 'doers'. To be adopted is therefore a necessary condition for RC. Hence, the consequentialist justification of autonomy.

It may be confusing especially when such terms like 'principle', 'autonomy', or 'duty' are used within a consequentialist framework. However, it is always beneficial to keep in mind that RC does not appeal to anything beyond the defined well-being. All moral concepts are defined within RC for the sake of the best

consequences, whose, let us say, ‘maintainer’ is nothing but RC itself. The only proposition RC unconditionally affirms is that a moral theory is the one that seeks the best consequences. Starting from the definition of these ‘best consequences’, RC builds itself upon that proposition. Anything else, including fundamental principles and respect to one’s autonomy, is affirmed for the sake of that postulate.

It is, therefore, justified that RC is unable to interfere one’s autonomy to govern her own body and consequently the moderate moral judgment is the only valid Rule-Consequentialist answer can be given to the problem of suicide. Let me go on with several possible objections.

4.3 Objections

I will now go over several possible objections regarding RC’s answer to the moral problem of suicide, so that I can clear some fundamental problems and get one step closer to have a well-established understanding.

Objection 1: In TE3, a regular person with regular motivations to commit suicide is chosen in order to give a stronger answer that will also cover more radical cases. However, that system works only partially; in other words, only the regular person and ones that already have some considerable motivation to commit suicide are considered. How about the person who has a serious amount of responsibility to take care of other people’s lives? What about, let’s say, a single parent with three kids whose lives entirely depend on their parent’s life? Is it also permissible for him to commit suicide?

This is a strong objection expected to come from an AU-kind of perspective. In such cases, even if we accept that it is not possible to calculate the real outcome with all related variables, it seems that the unknown outcome is worse if he commits

suicide. AU generally accepts that it is impossible to objectively calculate the overall harm, one can do her best to get a reliable answer. However, RC presented in this study will respond that such a subjective and groundless method cannot be valid within a universal moral theory. Nevertheless, it is true that the specific case given in the objection has an objectively agreeable outcome, which is obviously negative. RC seems like having trouble with giving a convincing and intuitively acceptable answer here. However, within RC, it is still a valid argument that one needs to have the power to manage her own body in order to be a moral agent.

This objection is in fact no different than the one with torturing a child to death, or the one we saw in TE1. If the person with three kids is obliged to stay alive, then the other person is obliged to torture and kill a child in order to save the world. But we have already stated several times that such an obligation will undermine morality, and therefore cannot be acceptable. If so, then it is not acceptable to forbid committing suicide.

The same objection can be put for celebrities known by millions. If a celebrity commits suicide in front of millions of people, then the outcome will probably not be in accordance with RC's premises. One can even say that becoming a celebrity (just as becoming a parent) is a choice for which one makes permanent sacrifices. Then why not committing suicide is not considered as a corresponding duty chosen by the agent? RC here would give the same answer with indicating that that duty can only be one's duty to oneself (to act in accordance with a duty assigned and adopted by himself) but not to others, and therefore, cannot be a moral duty. The reason is that within RC framework, when we assign duties through moral rules, those duties will be duties to others. Such a duty indicating not-committing suicide will not be a duty to others. If it is a duty to one's own self, then it again corresponds

to a restriction of one's autonomy. Therefore, such a duty derived from a moral rule indicated by RC cannot be acceptable. It is only possible if the agent himself adopts that duty not through moral rules of RC but through his own reasoning. In other words, one's having a moral duty to oneself defined and imposed by RC is not possible in this sense.

Objection 2: When there is a moral dilemma, Rule Consequentialism seems to stay silent by arguing that it is permissible to do the controversial act given in that specific moral dilemma. Isn't it therefore a cheap morality that takes the easy way out when it comes to major problems? In other words, RC seems like avoiding to make prescriptive judgments and taking the middle-way.

It is a high-level philosophical debate what morality is; but here if we draw limits of the discussion with the sole act of committing suicide, RC will be able to respond. Let it be so. When a moral dilemma like the problem of committing suicide arises and there is no convincing answer to rule out that dilemma, morality is expected to undertake the prescriptive role.⁵⁵ However, it does not mean that RC (or any other moral theory) should always support radical judgments. Prescriptive role of morality does not necessitate a two-poled judgment-making process. Furthermore, it is already stated that courses of action directly related to the agent's own limits of sovereignty are beyond morality's 'legislation'; that is why the moderate moral judgment is promoted. When one says that something is permissible, this also means that the moral value assigned to that very action is zero, where it would be positive if it were morally right, and negative if it were morally wrong.

⁵⁵ It would be beneficial to see Richard Hare's famous 1955 article *Universalisability* and his respondents like MacIntyre (1957) for further information on prescriptivity and universalizability of moral judgments.

Suppose that a person Y accidentally kills another person. He had no intention to commit murder, and he is certainly more beneficial to the world when he is outside. On the other hand, he committed a crime. Should he be sentenced to life in prison? Should he get punished, or is it an excusable action? Such a dilemma would have been evaluated in a different way within RC's moral framework. It is directly related to interpersonal manners and at the same time a major moral dilemma that theoreticians have been discussing about. For such a case, it would be understandable to expect a non-moderate answer; and RC would not say that 'well, what he did is not right but not wrong either'. There would be different dimensions of this case and RC would probably give a prescriptive answer. However, when it comes to our subject, RC theoretically shows that the moderate answer is the only one RC can hold.

Objection 3: RC is a moral theory expected to be prescriptive and it is given that being a consequentialist prescriptive theory with RC's principals automatically requires a 'purpose' to make the world a better place. How come then RC will fulfill this purpose without forcing agents to give up their power to govern inside the limits of their own body, given that those limits can well be indefinite and therefore flexible? In other words, how come RC will prevent everybody's committing suicide and undermine everything morality has ever dealt with?

I think this is a strong objection for that it points out another possible scenario permitted by RC that will end up with the considerably worst outcome human society can ever get. It is fundamental to RC that whatever passes for permissible is permissible for everyone. If it is permissible to kill in order to promote life according to rule rA, it is permissible for everyone who kills in order to promote life.⁵⁶ If

⁵⁶ See Chapter 3.2 and 3.3 for further details on three principles of RC as well as four criteria for moral rules.

everyone kills in order to promote life, life would not perish; but if everyone commits suicide by the authority granted by RC, then life will perish and RC will become contradictory, useless, and therefore meaningless.

As far as I am concerned, if we accept premises of this objection, then RC is always contradictory. If it permits committing suicide, it becomes contradictory. If it forbids, then again it is contradictory⁵⁷. This means that there is something missing in this objection. The missing part is the assumption RC makes at the very beginning: moral agents are willing to be morally right. For the one who is not willing to be morally right -or at least not morally wrong- any kind of moral argument is off-topic. RC has to assume that the person willing to kill himself is also willing not to be morally wrong.

Assuming that agents are willing not to be morally wrong leads us to the conclusion that the contradiction resulted by permitting suicide is not the same kind as the contradiction appears when every agent commits suicide just because it is morally permissible. In an ideal Rule Consequentialist world, probably no one would commit suicide for that they would seek for the morally right way by adopting the rule rA. However, even then RC would not be able to forbid committing suicide; because that would be a contradiction in the very conception of the Rule Consequentialist morality. In the latter kind though, there is no such fundamental contradiction. It is rather a contradiction resulted by agents' lack of willingness to be morally right; so, the contradiction actually is the coexistence of RC's moral judgment on this course of action and agents' lack of willingness. If RC is the valid moral framework, then moral agents would willingly choose not to commit suicide in order to promote life and obviously not because a moral duty they morally obliged to

⁵⁷ For that it violates agents' autonomy recognised by RC as a consequentialist necessity. See Chapter 4.1.2.

follow, but because they would independently will to follow what their moral code encourages them to do. It would be good here to say one more time that RC strongly encourages moral agents to promote life. It is also obvious that the reason why committing suicide is not morally wrong is completely conceptual; RC does not say that consequences would not be bad if one commits suicide.

Objection 4: Considering the answer given by RC to the moral problem of committing suicide, would it be too outrageous to say that RC's answer is not genuine to RC but instead an answer given in the name of the whole consequentialist tradition? In other words, is it then redundant to adopt RC instead of, let us say, AU to get to this solution? What makes RC authentic concerning this problem?

It is a predictable objection to such an answer for the problem of suicide given by RC. RC's answer is built upon a theoretical constraint caused by agents' autonomy on their own body. It is not grounded by an expected outcome as it mostly is (within the consequentialist tradition). However, it is an equally predictable response that theories based on actual consequences has some fundamental problems on which one cannot build such a moral framework as RC does. A form of AU may well justify the moderate moral judgment concerning suicide with using its own premises; but RC claims that some of those premises are weak. If so, then the answer would not be reliable. Principles of RC presented in Chapter 3 may seem a little bit off-topic concerning the question of suicide, because we are not directly using them to build the moderate answer. However, the key point of the reasoning behind the moderate moral judgment relies on the principles of RC. RC holds that moral rightness or wrongness of an action depends on its compliance with moral rules. Those rules are expected to be adopted by agents and therefore agents are expected to have the power to solitarily govern their decision-making process on matters that

does not exceed the limits of their own bodies. Otherwise, moral rules would not be rules to adopt but become commands to follow. A moral rule may well command too, but in formation they are rules expected to be adopted by conviction, not by imposition.

CHAPTER 5

CONCLUSION

In this study, the primary concern was to answer the moral question concerning suicide. In Chapter 2, there was a short survey of ideas related to the problem of suicide throughout the history of philosophy. They are presented to give an understanding of the problem itself. After that in Chapter 3, an alternative version of RC is presented with some required details. Those details were the ones we needed in order to formulate a rule that we used to answer the question concerning suicide. It was not only the rule rA , but the structure behind it, what I have referred to when I claim that the moderate moral statement is the right answer to the question according to RC.

In Chapter 4, I have presented three possible moral statements one can develop to answer the question of suicide. One could either say that it is morally right, or wrong, or permissible. Then I have eliminated the first two, namely the negative and positive moral statements by referring to rA . The moderate answer was therefore the only option left for us to hold. It is not only the argument by elimination, but also RC's foundation required us to hold S_3 as the only reliable answer. It is stated that RC requires autonomous moral agents to perform. If it rejects one's autonomy within the limits of her own body, then it would be rejecting the mechanism it requires to be adopted. Just as RC supporters appeal to the rA , RC itself appeals to the agent's autonomy. RC grants it in manners only related to one's own self and has no claim to restrict it.

Moral judgments, according to RC, are made to conduct acts with interpersonal effects. Some acts however may both have secondary interpersonal

effects and still be untouchable, like committing suicide. The reason is that these kind of actions (like one's cutting his own finger) are primarily related to the agent's autonomy. Therefore, they can only be discouraged by stating that they are not morally right actions. However, deriving moral obligations on such matters will undermine RC's necessary condition by overruling agents' autonomy within the limits of their own body. Hence the permissibility of suicide.

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