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Suicide and Self-starvation

TERENCE M. O'KEEFFE

A puzzle has been presented in the recent past in Northern Ireland: what is the correct description of the person who dies as a result of a hunger-strike? For many the simple answer is that such a person commits suicide, in that his is surely a case of 'self-inflicted death'.¹ Where then is the puzzle? It is that a number of people do not see such deaths as suicides. I am not here referring to political propagandists or paramilitaries, for whom the correct description of such deaths is 'murder by Mrs Thatcher' or 'killed by British intransigence' (to quote advertisements in the Belfast nationalist press at the time of Bobby Sands' death). I am rather thinking of some theologians who, despite being opposed to the hunger-strike and indeed publicly condemning the whole campaign, refused to describe what the hunger-strikers did as suicide.

Trying to understand the reasoning involved in this judgment will force us to clarify our notion of what is to count as suicide, the role of the intention of the person acting in such a way as to bring about his own death, and through this notion, something about the principle of 'double effect' which seems to be invoked by theologians in cases like this. The following reflections however exclude any consideration of the *politics* of hunger-striking in Northern Ireland, which would require a very different treatment. (Whether it will be possible to exclude entirely any political judgment from a description of the deaths of hunger-strikers will perhaps be clearer by the end of the discussion.)

I have pointed out that there are some people who wish to deny the suicide verdict on the deaths of hunger-strikers. It is clear why they wish to do so. They hold the view that suicide or self-killing is always an extremely grave sin, and if this were the correct description of the hunger-striker, many difficulties would be raised for the pastoral care of such persons, especially their right to be admitted to the sacraments and to the last rites.

Perhaps I should indicate the source of their moral disapproval of suicide, for clearly it is not a verdict shared by all. For some people, there is no more difficulty about the suicide verdict on hunger-strikers than there is about a similar verdict on Socrates, the Christian martyrs, the death of Christ himself, Captain Oates, deaths of heroic self-sacrifice such as the

¹ The medical certificates were amended to record the cause of death as 'starvation', after protests by the families of the dead hunger-strikers at the original pathologist's report which recorded 'self-imposed starvation'. The coroner found that the cause of death was 'starvation, self-imposed'.

soldier who throws himself on a live grenade in order to shield his comrades, etc. There will be no difficulty about accepting a suicide verdict in these sorts of cases because there is in their minds no *moral* disapproval implied by the term ‘suicide’. Disapproval will only arise in cases where it could be suggested that it is not *rational* to end one’s life. The officer who chooses ‘death rather than dishonour’ when exposed as an embezzler of the mess funds and shoots himself, could be said to be acting irrationally in supposing that ‘dishonour’—i.e. living on after quitting the army in disgrace, with one’s reputation destroyed, etc.—is somehow necessarily worse or necessarily less desirable than no life at all. David Hume, in ‘On Suicide’, suggests that it is a proper course of action for those leading a life ‘loaded with pain and sickness, with shame and poverty’. Whatever the propriety of escaping through suicide from intolerable pain and suffering, it is not immediately obvious why a life of shame and poverty is not rationally to be preferred to no life at all.

This form of rational calculation of the merits or demerits of suicide depends on a thesis, which I will call the *humanist* thesis, which is roughly this: that I am the judge of my best interests and that I am in charge of my life. It is a thesis about the moral autonomy of the rational individual. Thus, the decision to end my own life, provided it is taken as a fully human decision, on rational grounds, unclouded by irrational fears and motives, is for me and for me alone to make. Richard Brandt provides a good account of the sort of reasoning one might expect:

[It] is a choice between future world-courses: the world-course which includes my demise, say, in an hour from now, and several possible ones which contain my demise at a later point . . . The problem, I take it, is to decide whether the expected utility to me of some possible world-course in which I go on for another twenty years is greater than or less than the expectable utility to me of the one in which my life stops in an hour . . . We compare the suicide world-course with the continued-life world-course (or several of them) and note the features with respect to which they differ. We then assign numbers to these features, representing their utility to us if they happen, and then multiplying this utility by a number which represents the probability that this feature will occur . . . The world-course with the highest sum is the one that is rationally chosen.²

Brandt goes on to argue that ‘there is a close analogy between the analysis of the rationality of suicide and a firm’s analysis of the rationality of declaring bankruptcy and going out of business’.³

² Richard Brandt, ‘The Morality and Rationality of Suicide’ in *Moral Problems*, J. Rachels (ed.) (New York: Harper and Row, 1971), 375–6.

³ *Ibid.* 376.

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Such reasoning about suicide, based on the humanist thesis, is very different from the moral reasoning of those who wish to condemn suicide as an extremely evil act. The essential difference is to be found in their contention that one's life is *not* one's own to end or take away. Roy Holland is surely right in calling this standpoint 'religious' and in seeing it as based on some thesis about life as a *gift*. The thesis can be expressed in different ways. Aquinas expresses it as follows: 'Life is God's gift to man and is subject to his power . . . Whosoever takes his own life sins against God even as he who kills another's slave sins against that slave's master. It belongs to God alone to pronounce sentence of life and death' (*Summa Theologica* IIa IIae, q.64, a.5). This echoes Socrates' verdict in the *Phaedo*: 'Mortals are the chattels of the gods . . . Wouldn't you be angry if one of your chattels should kill itself when you had not indicated that you wanted it to die?' (62B). The 'slaves and chattels' imagery can give way to more 'martial' allusions. So Locke argues in the *Second Treatise on Civil Government* that 'everyone is bound to preserve himself and not to quit his station wilfully' (Ch. 2). And Kant argues in similar vein in the *Lectures on Ethics*: 'A suicide . . . arrives in the other world as one who has deserted his post . . . as a rebel against God . . . Human beings are sentinels on earth and may not leave their posts unless relieved by another beneficent hand.'

It is true that other reasons are advanced in this tradition to establish the sinfulness of suicide. Aquinas gives two others. Suicide is a sin against oneself, thus violating a 'natural law' of self-love. And it is a sin against the community and hence a form of injustice, appealing here to a principle that 'every part as such belongs to the whole'. But neither of these arguments carries the same weight as the 'life as a gift' thesis. It is on this that the religious condemnation of suicide rests most strongly.

This condemnation of suicide does not appear to have been central to Christian teaching from the beginning. It is only with Augustine that Christian thinkers begin to specify suicide as the most evil of sins. There are a number of suicides in the Old Testament: Samson, who brought the temple crashing down upon himself with the cry, 'May I die with the Philistines' (*Judges* 16, 30); Abimelech, who ordered his sword-bearer to kill him when he was mortally wounded by a stone dropped by a woman 'So that no one may say of me: a woman killed him' (*Judges* 9, 53); Saul, who said 'Draw your sword. I do not want uncircumcised men to gloat over me' and, when his sword-bearer refused, fell upon his own sword (*2 Samuel* 31, 4); and Ahithophel, who is perhaps the clearest case of suicide in the Old Testament: on having his advice rejected by Absalom, he retired to his home village and 'having set his house in order, strangled himself and so died' (*2 Samuel* 17, 23). Yet these acts were not commented on particularly adversely by early writers. The suicide of the 'arch-criminal' Judas Iscariot is recorded in the Gospel of Saint Matthew without comment—almost, indeed, as a measure of his repentance. It is only later writers who see in

Judas’s suicide the real reason for his damnation. Tertullian appears to have had no difficulty in describing the death of Jesus as suicide (because he voluntarily gave up his life). What spurred Augustine and others to condemn suicide was the suicidal mania of many of the early Christian martyrs, and in particular the sect of the Donatists, for whom, taking the high valuation of martyrdom seriously, the most sensible course after baptism was to preserve the state of grace thus gained by instant death, by martyrdom if possible but by suicide if necessary. It was in opposition to this that Augustine stressed the condemnation of suicide as a frustration of God’s plan and a rejection of God in rejecting his gift of life. Only in the sixth century did Church law incorporate a ban on suicide. Until that time, the promise of escape from temptation and the guarantee of posthumous glory were powerful inducements to martyrdom *and* to suicide.

Despite these caveats, it is clear that after this time a universal condemnation of suicide forms part of the Christian tradition, basing itself on several arguments. Suicide is a type of murder—self-murder—and thus shares the general condemnation of homicide. It is this that gives Aquinas his first argument against suicide, that it is a sin against oneself. It is also seen as an act which in a certain sense forestalls God’s will for us. If death is the final evil and the last crucial test for the believer, it is because it signifies our ultimate helplessness before God. Suicide expresses a fundamental refusal of trust in God. It is a quitting of our station before we have been relieved, a desertion to the enemy. Most centrally, however, the thesis about life as a gift brings out clearly something about the religious person’s vision of the human relationship with God. It is seen as one of dependence on a divine order of things and thus as a rejection of the total autonomy of the human individual. This sense of dependence is comparable to that sense of *contingency* about the world, that feeling of creaturehood and dependence, that provides the context for causal arguments for the existence of God. Just as, in its absence, some philosophers cannot see the point of such argumentation and, like Hume, find it senseless to ‘go one step beyond this mundane system’ to seek a cause and explanation of the world’s existence, so without the essentially religious context of ‘life as a gift’, suicide can appear as a rational option. The humanist outlook is guided by some such principle as that in general life is to be preferred to non-life. But this can yield to prudential considerations in favour of suicide (and of other cases of killing—euthanasia, abortion, infanticide for grossly handicapped infants, etc.) The other view, which insists on transcending the notion of human autonomy and on seeing a meaning in life beyond this world, insists that life is not one’s own. One who ends his own life is thus guilty of denying the religious meaning of life itself. It is in this way that it can be seen as one of the very worst of sins. Holland quotes G. K. Chesterton’s *Orthodoxy*: ‘The man who kills a man, kills a man. The man who kills himself, kills all men; as far as he is concerned he wipes out the whole

world'.⁴ Suicide is thus seen as a turning of one's back on God, a deliberate spurning of God's gift, and ultimately a spurning of God himself. For Chesterton, it is 'the refusal to take an interest in existence, the refusal to take the oath of loyalty to life'.⁵ Thus it is not just a narrowly religious sin; it is also a metaphysical sin. For Schopenhauer, suicide is not to be seen as an escape from the will or from the world, though it might appear so. It is in fact a strong *assertion* of the will: 'Just because the suicide cannot cease to will, he ceases to live; and the will affirms itself here even through the abolition of one of its own phenomena because it can no more affirm itself otherwise'.⁶ Even where life is regarded as painful, the metaphysical duty is to endure, to retain that 'first loyalty to things' (to quote Chesterton again).⁷ Life as a gift is not necessarily to be understood as meaning that life is always something pleasant or desirable. Within this 'religious' tradition, it can also appear as a trial and a burden. The notion of gift underlines that it is given to us and that we hold it in trust, whether to enjoy or not. A. Phillips Griffiths pinpoints the meaning of the act of suicide as it is seen within the 'life as a gift' thesis:

Suicide is the paradigm of evil, the 'elementary' sin. To seek death is to reject life (or if it is not, is it really suicide?) and this is fundamentally different from other futile bad strivings of a particular will . . . In all other sinning we fail to accept the world whatever it is—we would not have it as it is. In suicide we would not have it at all. We desire not merely a different meaning but no meaning: no God.⁸

If I wish to comment on the debate concerning the moral judgment on the hunger-striker—whether he commits suicide or not—I must take for granted this religious perspective. Otherwise the judgment could only be based on the question whether it is ever a rational thing to do to give up your life for a cause? In the eyes of many people it is a rational choice in certain circumstances. And if one asks whether on pragmatic grounds it is justifiable, then clearly it has been a useful tool in political struggles in the past in Ireland and elsewhere. (One can think not only of the death by hunger-strike of Terence McSweeney in the 20s, which had an enormous political impact, but even more recently in the early 70s a determined hunger-strike by prisoners like Billy McKee achieved political status for IRA and loyalist prisoners.)

⁴ R. F. Holland, 'Suicide' in *Talk of God* (Royal Institute of Philosophy Lectures Volume 2, 1967–8), 82.

⁵ G. K. Chesterton, *Orthodoxy* (London: Sheed and Ward, 1939), 115.

⁶ Schopenhauer, *The World as Will and Representation*, section 69.

⁷ Op. cit. note 5, 119.

⁸ A. Phillips Griffiths, 'Wittgenstein, Schopenhauer and Ethics', in *Understanding Wittgenstein* (Royal Institute of Philosophy Lectures Volume 7, 1974), 112.

So I wish to pose the question of the suicide verdict on hunger-striking against the religious view which sees suicide as always a gravely evil act. What is to count within this tradition as an act of suicide? With the ‘life as a gift’ thesis, *any* taking of life is problematic (including war, capital punishment, killing in self-defence, etc.). In the case of suicide, it is self-killing that is evil. There are many clear candidates for acts which could be described as self-killings—cutting one’s own throat, poisoning oneself, throwing oneself in front of a train. But there are examples (one is given by Roger Frey)⁹ where, though the killing is done by another person, it was so arranged by the person who dies that it seems more natural to call it an act of suicide than homicide. To commit a ‘self-killing’ then, it is not necessary that one kills oneself or that one dies by one’s own hand. Whether one shoots oneself or so arranges things that one is shot by someone else, it would still count as suicide. Again in certain cases, refusing to act or refraining from acting would seem to count more as suicide than anything else. The person who has swallowed poison, however unwittingly, but who refuses to save his life by taking a simple antidote—would we not count him as much a suicide as the person who swallows poison to kill himself?

Can we then say that to commit suicide is by a negative or positive action or by so arranging the circumstances to put one’s life in danger and die as a result? I hardly think that this would do. The person who attempts to cross the Place de la Concorde on foot would commit suicide not only in the humorous sense but in the morally blameworthy sense. Many accidental actions which cause our deaths would then have to be counted as suicides. We have to add something to the effect that the agent is aware of the possible results of his action. With the addition of this ‘subjective’ factor—knowing the likely results of one’s action—we have an account of suicide that we can call the *objective* account—in fact we have Durkheim’s description: ‘The term suicide is applied to all cases of death resulting directly or indirectly from a positive or negative action of the victim himself which he knows will produce this result’.¹⁰

This account specifically excludes from the definition of suicide any reference to motives, intentions or reasons for taking the action. Durkheim wishes to exclude these in order to give a sociological account of suicide. His definition then will include a large number of actions which have commonly, in the religious tradition we are talking about, been excluded as examples of suicide: martyrs going knowingly to their deaths, soldiers acting heroically and dying to save others, self-sacrifices, etc. Now this is of no significance for Durkheim since he did not wish the description of an

⁹ R. G. Frey, ‘Suicide and Self-inflicted Death’ in *Philosophy* 56 (1981), 193–202.

¹⁰ Emile Durkheim, *Suicide: A Study in Sociology* (London: Routledge and Kegan Paul, 1952), 41–2.

action as suicide to have any *moral* connotation whatever. But for the religious tradition, suicide is always a gravely evil action. So some way has to be found of distinguishing such evil acts from acts in which a person knowingly goes to his death, is capable of avoiding it, does not act to save his own life and yet is not to be counted a suicide and morally condemned. I am not so much thinking of examples like those given by Saint Jerome who, though asserting that it was never permissible to kill oneself to avoid persecution and torture, nevertheless conceded that it was permissible for a virgin to take her own life when her chastity was threatened; rather more of straightforward cases of martyrdom and those deaths commonly called sacrificial deaths.

Consider the case of Fr Maximilian Kolbe who, during the last war, substituted himself in the condemned cell for a fellow prisoner (a Jewish father of a family) and was executed. Did Kolbe commit suicide? If not, on what grounds do we rule out such deaths as suicides? Would we not be inclined to say that, in order to commit suicide, one must not only knowingly and willingly go to one's death, not act to save oneself, be capable of avoiding it—above all, one must *want* to die? The case of Fr Kolbe, and the much discussed case of Captain Oates, are not suicides because they did not *intend* their deaths but rather some other state of affairs—the saving of the Jewish father, the lives of the other members of Scott's expedition.

In other words, the intention to die is the crucial factor in distinguishing suicides from those cases of deaths. To intend to terminate one's own life—this is the distinguishing mark of the act of suicide. To bring about the termination of one's life by so arranging the circumstances that one dies but with the intention of bringing about some other state of affairs, is not suicide. So the person who leaps from the boat, intending to kill himself and succeeding, commits suicide. The person who leaps from the boat which is hopelessly overcrowded and in danger of sinking with the children into a shark-infested sea does not commit suicide because he does not intend to die but rather to lighten the boat. The notion of the agent's intention seems neatly to distinguish the two cases and to enable us to withhold the moral condemnation in the description of the latter act—not suicide but self-sacrifice, a clear case of 'laying down one's life for one's friends' which demands our moral approval.

Another way of discriminating between these types of cases is offered by Roy Holland.¹¹ Holland too wishes to condemn suicide for roughly the reasons I have picked out as the religious view. Equally he approves of the sort of action taken by Captain Oates and refuses the description of it as a suicide. He draws a number of distinctions between what Oates did—walking out of the tent into a blizzard and finally dying—and what he might have done but did not do—kill himself. Had Oates stepped outside the tent

¹¹ Op. cit. note 4, 89–81.

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and shot himself, then according to Holland he would have committed suicide. But it is not what he did but what he *allowed to happen* to him that counts. Oates did not *do* anything, he let it be done to him, a difference then between *doing* and *suffering*. His action (walking from the tent) only indirectly led to his death, whereas had he cut his throat, that would have directly led to his death. The ‘temporal lapse’ between his action of walking from the tent and his death seems significant to Holland. And so too does Oates’s use of ‘natural phenomena’ (the blizzard, the intense cold, etc.) rather than a gun or a knife. And in general Holland appeals to what he calls ‘the context and spirit’ of Oates’s action which makes it possible to say that Oates was no suicide but a self-sacrificing and heroic individual.

Can we use these three accounts of suicide to comment on the deaths by hunger-strike? Under the ‘objective’ or non-intentional label, the only factor which becomes significant is whether the hunger-striker can be said to *know* that his action will lead to his death. If he does, then he is a suicide. A lot will depend on what one wants to put into the term ‘know’ here. Obviously in one sense, a person embarking on a hunger strike *knows* that he will die after a (variable) period without taking food (normally somewhere between 40 and 75 days). It could however be argued that, since his decision is to continue on the hunger-strike until the government yields to his demands and since he does not know whether or when the government will give in, then in *some* sense he does not know whether he will die or not. But of course in this sense almost every suicide does not know that the act will be successful—he may be rescued and revived in time, he may only wound and not kill himself, etc. The point seems too slender to serve as an exoneration of the hunger-striker from the suicide verdict. (We must remember that the point of this account was to remove any moral condemnation from the description anyway.) And finally since this account included both positive and negative actions, there seems little to be gained by attempting to say that the hunger-striker does not *do* anything to kill himself (such as cutting his throat) but simply does nothing in refusing food.

Holland’s account at first sight looks a more promising candidate for those who wish to deny the suicide description to the hunger-striker. After all, a number of the features of the Oates case are directly paralleled in the case of the hunger-striker. Hunger-striking is arguably a ‘suffering’ rather than a ‘doing’. The prisoner *does* nothing, he ‘allows’ the lack of food to kill him, he ‘suffers’ death rather than inflicts it upon himself. His death is thus not the direct result of his action but indirect, just as Oates’s was. There is a temporal lapse between the decision to undertake the hunger-strike and death itself. The hunger-striker uses a ‘natural phenomenon’ of hunger like Oates. And finally it is surely plausible that the ‘context and spirit’ of the hunger-strike, which has to be seen within the political struggle in Northern Ireland, is a context quite different from our ordinary understanding of suicides.

Now here, unlike the case of the 'objective' account, there is something at stake. Holland wants to use his analysis of suicide to *acquit* Oates of the charge of suicide which is morally blameworthy. Could we similarly acquit the hunger-striker? The trouble is, I think, that, examined individually, the various discriminating features suggested by Holland may not do their job. Take the doing-suffering distinction. In the sense that Oates places himself in a position where he will surely die, he encompasses his own death, he so arranges it that he dies. I cannot see that this is not a case of 'doing'. Holland will not allow that the man who places his head on the railway line could be said simply to allow the train to crush him, thus suffering death rather than doing something like cutting his throat. Nor that the man who drowns himself could equally claim that he was merely 'letting the water kill him'. But why not? In the latter case, we have *all* Holland's features—indirectness, lapse of time, natural phenomenon. And the appeal to the 'spirit and context' of the event looks like no more than a decision that we are not going to count certain cases as suicides. It does not seem to me that Holland's analysis is the most profitable line to take for those seeking to acquit the hunger-striker.

Surely, it might be argued, just what is missing from the debate is a clear reference to the *intention* of the hunger-striker. The intention of Oates was not to end his life but to save his companions. The intention of Fr Kolbe was to save the Jewish father. The intention of the soldier who throws himself on the grenade is to save the lives of his comrades. And the intention of the hunger-striker is to put pressure on the government to accede to his demands. The suicide simply intends his death—by shooting himself, drowning himself, by not acting to save himself from life-threatening circumstances, by so arranging the circumstances that his death is brought about. And this is what distinguishes suicide from these cases of heroic self-sacrifice or legitimate protest.

But this is not sufficient. In Oates's case, he must surely be held to intend his death in *some* sense. If he did not knowingly and intentionally go to his *death*, he would not have accomplished his purpose: if his companions thought that he might survive, they would perhaps have risked their lives to go out and search for him. It is only his death that absolves them from this obligation. In a real sense, Oates intended to terminate his life. Similarly, Kolbe intended to go to execution in the other's place, he must have intended to present himself for execution—otherwise he would not have succeeded in his purpose. Must not the hunger-striker too intend his death—particularly if, as in present circumstances, the first death did not cause the government to waver. (It appears that the hunger-strikers were prepared to have three or four die before they hoped for victory.) And the hunger-striker who, before lapsing into a coma, instructs his family not to have him revived by medical intervention—surely he must in some sense intend his death as further pressure on the government?

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But suppose we accept that in these cases they all in some sense intend to die but that this is secondary to their primary intention—saving lives, pressuring the government, etc. They perhaps accept that they will die, thus intending it in this sense, but their overriding intention is otherwise; for we can have actions with multiple intentions. It is the overriding intention which gives the act its moral character. In the cases of self-sacrifice, the overriding intention is clearly not to die but to save others—borne out by the fact that, if there had been any *other* way of saving them, the act would not have been performed. We might consider that, because these deaths were in some sense not ends in themselves but instrumental in achieving other ends and purposes, they are not to be counted suicides. This would permit us to define suicide as a self-killing in which the overriding intention is simply to end one’s life and there is no further independent objective involved in the action. Let us call such self-killings *non-instrumental* in order to distinguish them from *instrumental* self-killings where the acts are performed for some other purposes such as heroism, the salvation of others, political protest or whatever.¹²

This is an attractive thesis. It allows us clearly to distinguish the cases of Oates, Kolbe and others—all instrumental self-killings—from the true cases of suicide. The hunger-striker too is clearly acquitted of the suicide verdict since his is an instrumental self-killing, undertaken for the purpose of political protest or whatever. Notice however that we now have to include in our definition of non-suicidal self-killings all sorts of cases. The Buddhist monk who burns himself to death in front of the American Embassy is not a suicide. The person who shoots himself on learning that he is incurably ill in order to save his family from the pain and trouble of looking after him is not a suicide. Anyone who acts to bring about his own death for *any* reason other than that of simply bringing about his own death is not a suicide.

I am prepared to accept these self-killings as non-suicidal, but many people who invoke the intention of the agent to discriminate between suicide and non-suicide would be unhappy with these cases. Let me quote what a Maynooth theologian, Denis O’Callaghan, wrote in the *Irish Times* *à propos* the present hunger-strike. ‘The suicide verdict turns on a fact—does the hunger-striker intend his death (as the Czech student Jan Palach did when he burned himself to death in protest against the Russian invasion of his country) or is he prepared to accept death possibly as the inevitable

¹² This is the definition of suicide given by Joseph Margolis in ‘Suicide’ in *Ethical Issues in Death and Dying*, T. L. Beauchamp and S. Perlin (eds) (Englewood Cliffs, NJ: Prentice-Hall, 1978), 92–97. Margolis wishes to distinguish the case of the person who rationally and non-instrumentally wishes to end his life from cases where the person acts irrationally (e.g. mental illness) or instrumentally (e.g. self-sacrificing deaths).

side-effect of a protest action on which he has embarked?' Clearly the implication is that, while Jan Palach necessarily intended his death (even though his is a case of instrumental self-killing) and hence committed suicide, the hunger-striker *may* be described as not intending his death at all but merely accepting it as an unintended side-effect of the protest.

What I take to be implied here is the principle of double effect as it has been invoked by Catholic theologians, particularly though by no means exclusively in cases involving the killing of others, especially in abortions. There has been an enormous amount of discussion of this principle and of the sorts of cases to which the principle claims to apply. I am thinking not only of the classic cases from obstetric practice (as treated by Philippa Foot and Jonathan Bennett)¹³ but all those complicated examples in the recent literature: the 'trolley problem' where Edward is on a runaway railway trolley whose brakes have failed and who can only steer the trolley so as to kill five people on the main line or one person on a branch line; the potholers trapped in the cave with water rising and the only exit blocked by a fat man, where the alternative to drowning for the party is to blow the fat man out of the hole with dynamite; the miraculous health pebble floating towards the island where the only alternative is to direct it to one beach saving thereby five lives or to another where it will save only one.¹⁴

The principle of double effect is primarily about acts and their effects, and not primarily about agents' intentions, as is sometimes asserted. The principle can be stated roughly as follows: when an agent is faced with an action which he foresees has two effects, one good and other evil, he may perform the action under the following conditions:

1. The action must itself be a good action or at least morally neutral;
2. The performance of the action must bring about at least as much good as evil;
3. The evil effect must not be a means to achieving the good effect;
4. The agent must have a justifying and sufficient reason for acting rather than refraining from acting.

That the action must not itself be an evil action is clearly demanded by the context of the whole principle—a morality where there are certain actions which are absolutely forbidden. Thus we cannot suppose that we can perform *any* morally evil act no matter what the good which will come about. Within this tradition direct killing of an innocent person may never

¹³ Philippa Foot, 'The Problem of Abortion and the Doctrine of the Double Effect' in *The Oxford Review* 5 (1967); Jonathan Bennett, 'Whatever the Consequences' in *Analysis* 26 (1966).

¹⁴ E.g. Judith Jarvis Thomson, 'Killing, Letting Die and the Trolley Problem' in *The Monist* 59 (1976); R. A. Duff, 'Intentionally Killing the Innocent' in *Analysis* 33 (1973).

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be justified. The second condition requires that the good and evil consequences must be at least balanced. The principle could not be invoked in cases where an act leads to a trivial good and a great evil. The third condition merely states that the end can never justify the means. We are not therefore discussing doing evil acts which have good results but rather acts which are morally permissible where the good resulting is co-terminous with the evil, or, we might say, at least as immediate. Finally the fourth condition makes it clear that it is only in rare cases, where we have serious and morally convincing reasons for acting rather than not acting, that the principle can be invoked.

Now one of the points I want to bring out in this account of the double effect principle is that, though I believe it to be an adequate account, it has not brought into the reckoning the *intention* of the agent. It is true of course that, if the agent is permitted to do the action by the principle, he must not intend the evil consequences but only the good. But this intention is not the morally specifying feature of the action. It is not simply because he can exclude from his intention the evil consequences of the act that the act is permissible. Rather it is because it is an act of a certain sort—good or at least morally neutral, with two effects, etc.—that he is permitted to perform it, and of course we can add that in its performance he must not will the evil.

Let me construct a story to try to bring this point out. A submarine with a full crew of 125 men is holed under water in the forward section. If a certain bulkhead door is not closed immediately, the submarine will lose its buoyancy and will sink, making rescue impossible because of the depth and all will be lost. Behind the bulkhead door are five crewmen who will certainly be killed by drowning should the door be closed. The captain may act to close the door according to the principle of double effect. Why? The act—closing the bulkhead door—is not evil in itself, rather morally neutral. Clearly the good effect (saving 120 men) is not outweighed by the evil effect. Nor is the good effect achieved by means of the evil effect. The proof of this is that the door would still be closed even if the men were not there. It is not their *deaths* that save the other men. And clearly the captain has a morally justifying reason for acting rather than doing nothing. Notice that the captain’s *intention* is not really all that relevant—we need not talk about his only intending the good and excluding from his intention the evil effects to permit the action. Of course he must not intend their deaths or take pleasure in their suffering (for example in the case where one of the five has been his wife’s lover). But it is not *this* which makes the act permissible.

Compare this story with another in which the principle would not apply. The submarine is holed on the bottom but is awaiting rescue. Unfortunately air is running out and, in order to save the majority of the crew, the captain shoots five crew members and disposes of their bodies through torpedo

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tubes. This would I think violate the principle in a number of ways. The act—shooting them—would be held to be directly evil, thus contradicting the first condition. Even though the good results would outweigh the evil, as in our first story, the third condition would be violated. It is by their *deaths* that he brings about the good effect (sufficient air for the rest). The proof is that unless the five die—that is, stop breathing—the good effect cannot come about. So despite having a good reason for acting, he must refrain from shooting them. What he cannot do, I think, is say: I am shooting them but of course I do not intend their deaths. only the saving of the others.

Let me apply this interpretation of the principle of double effect to the case of the potholers and the fat man. We could argue that blowing the fat man to pieces is directly killing him and therefore is ruled out as a candidate for the act of double effect—since it violates our first condition. The act is not morally neutral or good; as a direct killing, it is evil. This is why, in abortion cases, provided we view the foetus as a fully human person, operations like craniotomy (crushing the skull of the foetus and removing it) cannot be justified by the principle of double effect—they are held to be direct killings of the innocent and therefore absolutely wrong, regardless of the doctor's intention, or the good which will result.

I do not of course wish to exclude intention from the description of the act. The acts themselves—closing the bulkhead door, shooting the crew members, blowing up the fat man, etc.—must of course be voluntary intentional acts in order to be candidates for the principle of double effect. What I am saying is that the principle is concerned about the *act which is intended*—how it can be described, its effects, etc.—and not, as is commonly thought, about the *intention of the act* itself.

But notice what we have to take for granted here. In the abortion case, it is presupposed that the act of killing the foetus is intrinsically evil while the act of letting the mother die is not. In the potholing example, we must make a similar judgment. But could it be argued that we have in both these cases an act—performing an operation, causing an explosion—which has two effects, one good and the other evil, and that the act itself is morally neutral? It is here that the principle of double effect as I have outlined it gets confused with a quite different set of problems, those of describing an action—what proximate effects are to be counted as part of the description of the action itself (I did not kill him, I only moved my hand with a knife in it)? What moral difference is there between positive and negative actions, between acting and refraining, between killing and letting die? All these have been receiving considerable attention in the literature and I content myself with merely referring to them.¹⁵ (Clearly Catholic theology tries to

¹⁵ E.g. Daniel Dinello, 'On Killing and Letting Die' in *Analysis* 31 (1971); Bruce Russell, 'On the Relative Strictness of Negative and Positive Duties' in *American Philosophical Quarterly* 14 (1977).

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draw a distinction between craniotomy (direct killing) and hysterectomy of a diseased womb which contains a living foetus (indirect killing) on some such grounds.) What I am saying is that the principle of double effect is mis-stated if it is held to differentiate between acts on the agent’s intention alone.

Incidentally this is the source of the worry that Anscombe has about the principle of double effect, when she asserts that the denial of the principle has been the corruption of non-Catholic thought and its abuse the corruption of Catholic thought.¹⁶ The notion of the agent’s intention which could be ‘directed’ like a searchlight, on to the good effect but missing out the bad effects, she suggests, owes a lot to Cartesian psychology, with the intention viewed as an interior state of mind which could be produced at will.

Thus I find that O’Callaghan’s attempt to distinguish the hunger-striker (not intending his death but merely accepting it as a necessary consequence, an inevitable side-effect of his action) from the case of Jan Palach (who directly intends his death) begs too many questions. I would prefer to define suicide as the act of a person who non-instrumentally intends his death, and allow all instrumental self-killings to evade the verdict on suicide. After all, in the religious tradition we are presupposing as background, what makes the suicide that most evil of persons is that he simply wants to turn his back on life, to reject the gift of life whatever happens.

We could devise a sort of post-mortem verification of this. Suppose that the dead person is miraculously revived for an instant after death. What would his reaction be? The ‘true’ suicide, the non-instrumental self-killer, will ask to be put back to death, so to speak—he literally does not wish to continue living. The self-sacrificer—Oates, Kolbe—would not react in this way at all. They would be delighted with revivification. (They would of course ask whether their actions had their desired effect—were the others saved? And they might say that they were prepared to do it again if necessary. But their *deaths* were not what they wanted.) The hunger-striker is perhaps a slightly different case. He would presumably ask—did the government give in? If the demands had been granted, then there would be no question of ‘redying’. If not? Well, the very determined person would not say—put me back to death. He would say—I shall begin another hunger-strike unless the government . . . And it is this difference which makes him not a case of the ‘true’ suicide.

Thus, I would say that the real act of suicide is non-instrumental self-killing in which the horror, for the religious person, of the rejection of God’s gift and indeed of God himself are manifest. I recognize that the religious sin of suicide becomes, on this definition, an almost inconceivable act. The

¹⁶ G. E. M. Anscombe, ‘War and Murder’ in *Nuclear War and Christian Conscience*, Walter Stein (ed) (London: Merlin Press, 1961), 50.

suicide is the person who kills himself for no other reason than to terminate his life. His motives must be curious—a sort of black, ‘religious’ pessimism, arising from a hatred of self, of the world, of *existence* itself, which is presented as a total and final rejection of meaning and of God. (The desire for annihilation is difficult for the person who believes in an immortal soul or in an afterlife—because such a person believes that you *cannot* actually end your existence. I can only suggest that such is the rejection of God by this true anti-theist that he must be seen as saying: I reject existence utterly and I destroy deliberately, out of a sort of disgust at life, all that I can destroy—my bodily existence.) Such a suicide seeks an end to self-hood out of disgust at existence. Another conceivable motivation is that of a suicide who kills himself as the ultimate act of egotism, the final and irrevocable act of freedom in which he asserts his ego against the world and against even a non-existent god. So Kirillov, in Dostoyevsky’s *The Devils*, shoots himself as an act of self-will. ‘I cannot understand how an atheist could know that there is no god and not kill himself at once . . . I am bound to shoot myself because the most important point of my self-will is to kill myself . . . I am killing myself to show my defiance and my new terrible freedom.’ Out of these barely conceivable cases, we can begin to discern the depth of the religious condemnation of suicide as the worst and most ultimate of sins.

These are of course extremely *rare* cases—almost all the acts which are commonly called ‘suicide’ are not of this type at all. Most are what I am calling instrumental self-killings. We must remember however that this does not of itself mean that they are all morally permissible. Clearly, within the ‘life as a gift’ thesis, one can only put one’s life at risk for a grave and justifying cause, for a morally worthy cause. Oates and Kolbe did so in order to save others at the expense of their own lives. The moral judgment on the hunger-striker we have been considering may not turn on the suicide question, but it does turn on the morally worthy cause, on the grave and serious reasons for acting in this way. My personal opinion is that the recent hunger-strike was never justified within that religious tradition. To back up this judgment would require a consideration of the political and military struggle in Northern Ireland at the present time, and the detailed reasons for the hunger-strike—and a very different paper.¹⁷

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¹⁷ This paper was first read to the Philosophy Staff Seminar at the University of Warwick, and a revised version to the Staff Seminar at the New University of Ulster. I am grateful for the helpful discussion and criticism I received.