

2. Immanuel Kant. The Moral Duty of Self-Preservation

2.1 Contextualizing Kant's Prohibition of Suicide

According to Margaret P. Battin, underlying the two-thousand-year old theoretical debate about how we die and which should be the individual's role in his or her death is the Stoic/Christian divide: "whether one's role should be as far as possible active, self-assertive, and responsible and may include ending one's own life—or, on the other hand, acceptant, obedient, and passive in the sense of being patient, where 'allowing to die' is the most active step that should be taken." (Battin, 2005: 6) Despite his willingness to recognize that there seems to be something moral in the Stoic attitude to suicide and that sometimes suicide is a mark of great heroism, Kant follows the Christian tradition in his consideration of self-preservation as "the *first*, though not the principal, duty of man to himself." (MM, 6: 421)

In recent times, several studies have questioned the conventional reading of Kant as a philosopher who categorically prohibits suicide.¹ This has led Michael Cholbi (2015: 607) to claim that, "thanks to recent scholarship, Kant is no longer seen as the dogmatic opponent of suicide that he appears to be at first glance." Scholars have argued that, in certain situations, Kant's moral philosophy can be read as justifying not only a right but even a duty to suicide. Dennis R. Cooley (2007a, 2007b, and 2015), for instance, defends a Kantian moral duty for the soon-to-be demented to commit suicide. Others scholars focus attention on the casuistical questions presented in the *Metaphysics of Morals* (MM, 6: 423f.), arguing that some of them seem to permit suicide.²

One may wonder why, if Kant thought that in some occasions suicide could be permitted or even considered as obligatory, he is reported to have said that suicide is not permitted "under any condition" (LE, Collins 27: 372) and "under any circumstances." (LE, Vigilantius 27: 603) That Kant was unsympathetic to suicide is also shown by his cold and almost indifferent reply to Maria von Herbert, an Austrian woman and a student of his philosophy who, on the verge of suicide, wrote to him asking for his help and advice. Von Herbert was desperate because of a heartbreak and sought comfort in Kant's philosophy but could not find it. As a result, in August 1791 she wrote to Kant asking for help, for comfort or for counsel to prepare her for death. Kant answered on spring 1792 but was unable to relieve the young woman's grief. Von Herbert wrote again on January 1793

but Kant never replied. Eventually, the woman took her life in 1803.³

To this, one must add that Kant's views of suicide is very derogatory. In the *Lectures on Ethics*, suicide is described as "the most abominable of the crimes that inspire horror and hatred [*das abscheulichste Laster des Grausens und des Haßens*]" (LE, Collins 27: 347) and as "the most dreadful thing [*das schrecklichste*] that a man can do to himself." (LE, Collins 27: 391) By committing it, the human being "puts himself below the beast" (LE, Collins 27: 372) and "makes himself into a monster." (A, 7: 259) How can these categorical and harsh claims be reconciled with the reading according to which "Kant does implicitly and explicitly allow exceptions to the general rule"? (Cooley, 2007a: 38)

In reality, some of the interpretations that defend the view according to which Kant would have allowed exceptions to his categorical prohibition of suicide are based on misunderstandings deriving either from incomplete information or from a lack of philological accuracy. Kant's consideration of Cato's suicide is, in this sense, paradigmatic.⁴ In the *Lectures on Ethics*, Kant introduces Cato's suicide by claiming that, "suicide can also come to have a plausible aspect [*scheinbare Seite*], whenever, that is, the continuance of life rests upon such circumstances as may deprive that life of its value; when a man can no longer live in accordance with virtue and prudence, and must therefore put an end to his life from honourable motives." (LE, Collins 27: 370) Cato only had two options available to him: either to fall into Caesar's hands – something which he considered as dishonourable – or to take his life and preserve his honour. As Kant puts it: "he viewed his death as a necessity; his thought was: Since you can no longer live as Cato, you cannot go on living at all." (LE, Collins 27: 370f.)

According to Kant, Cato's suicide constitutes "the one example [*das einzige Beyspiel*] that has given the world an opportunity of defending suicide." (LE, Collins 27: 371) Scholars often refer to this passage to show that Kant's attitude towards suicide is not as dogmatic as it *prima facie* appears to be.⁵ Surprisingly, the same scholars have failed to remark that later in the same lecture Kant discusses again Cato's suicide. If on the one hand Kant claims that Cato's suicide was a mark of heroism and courage, he also adds, on the other, that "if Cato, under all the tortures that Caesar might have inflicted on him, had still adhered to his resolve with steadfast mind, that would have been noble; but not when he laid hands upon himself. Those who defend and teach the legitimacy of suicide inevitably do great harm in a republic."⁶ (LE, Collins 27: 374) As Yvonne Unna (2003: 464) points out, "Kant's reasoning suggests that it is one thing to sympathize with a person's wish to die an honorable death, yet another to justify the act of suicide. A violation of honor does not justify 'self-murder'."

Another source of misunderstanding stems from the five casuistical questions that follow the section dedicated to suicide in the *Metaphysics of Morals*.⁷ (MM, 6: 423f.) Given the fact that Kant poses the questions but does not provide an answer (at least, not in the *Metaphysics of Morals*), scholars have often taken the casuistical questions either to be open and unanswered, or even to permit suicide in some cases. So, for instance, both Battin (1996: 110) and James (1999: 49, 52) claim that Kant seems to consider Curtius' suicide as morally justifiable. Yet, Vigilantius reports Kant as saying that, "it can never be allowable for me deliberately to yield up my life, or to kill myself in fulfilment of a duty to others; for example, when Curtius plunges into the chasm, in order to preserve the Roman people, he is acting contrary to duty." (LE, Vigilantius 27: 629)

In 2003, Yvonne Unna published a very detailed and compelling study of Kant's casuistical questions in the *Kant-Studien*. Unna's purpose was to put to rest any possible speculation about how Kant would have answered these questions by showing that Kant had actually answered or suggested an answer to four of the five casuistical questions of the *Metaphysics of Morals* elsewhere – more precisely, in the *Anthropology*, in the Vigilantius lectures and in the *Nachlaß*. Unna's conclusion was that "all of Kant's replies confirm that he categorically rejects suicide as immoral."⁸ (Unna 2003: 454) It is unfortunate to observe that Unna's paper has been often ignored by later studies on Kant's view of suicide. For instance, Cooley claimed in various occasions that Kant seems to consider the suicide of the man bitten by the rabid dog (MM, 6: 423f.) not only morally permissible but also morally obligatory.⁹ This cannot be the case, for as Unna (2003: 461f.) rightly points out, Kant dismisses this possibility in a passage from the *Lectures on Ethics*.¹⁰ It is, therefore, not true that "Kant the casuist was more conciliatory than Kant the doctrinarian"¹¹ (De Vleeschauwer, 1966: 254) nor that "many 'casuistical questions' remain."¹² (Cholbi 2000: 172)

As this brief analysis shows, there has been some misunderstanding on Kant's attitude towards suicide in past years due to partial reading of Kant's writings, lectures and *Nachlaß*, incomplete information on existing bibliography and lack of philological accuracy in reading the texts, among other factors. Needless to say, this does not mean that all studies that aim to refute Kant's alleged rigorism are based on false premises or lack philological accuracy. On the contrary, there exist plausible interpretations that point to concrete difficulties in Kant's view of suicide. One of these difficulties particularly concerns the fact that some of the examples chosen by Kant to strengthen his argumentation are in reality ad hoc examples. Another problem concerning Kant's stance on suicide is linked to the intricate relation between suicide and concepts such as dignity and autonomy – concepts that play a pivotal role in Kant's philosophy as well as in contemporary bioethics. I will address these issues later in this chapter. For now, I will present Kant's arguments

for the immorality of suicide and consider some of the critiques that have been addressed or can be addressed to them.

Before I proceed to the analysis of Kant's arguments, however, I must draw attention to a fundamental distinction between *Kant's ethics* and *Kantian ethics*. Following Allen W. Wood (2008: 1), we can say that Kant's ethics is "the theory Kant himself put forward", whereas Kantian ethics is "an ethical theory formulated in the basic spirit of Kant." When considering Kant's attitude towards suicide, it is essential to distinguish between what Kant actually said and what one could say without betraying the spirit of his philosophy. There is a non-negligible difference between claiming that in certain occasions Kant seems to justify a right or a duty to suicide, and claiming that in certain occasions a Kantian right or duty to suicide seems to be justifiable. Thomas E. Hill (1991: 85), for instance, ascribes to Kant a "rigoristic opposition to suicide." He nonetheless finds Kant's position untenable and defends a modified Kantian view according to which "some suicides are justified and even commendable." (*id.*: 95) In what follows, I will only focus attention on Kant's attitude to suicide, leaving aside the rather different question of whether a Kantian right or duty to suicide might be, in certain occasions, justifiable.

With this distinction in mind, we can now consider Kant's several arguments for the impermissibility of suicide. As Seidler (1983: 440) points out, the topic of suicide "is virtually absent in Kant's pre-critical works, but it began to occupy him seriously in the mid-1770s and received explicit treatment in all major ethical writings thereafter." The relevant passages, though not the only ones, can be found in the *Groundwork of the Metaphysics of Morals*, the *Critique of Practical Reason*, the *Metaphysics of Morals*, the lectures recorded by Collins and Vigilantius, and the *Nachlaß*.¹³ The German word that Kant uses to refer to the act of self-killing is *Selbstmord* (he also uses twice *Selbstentleibung* and once *Selbsttödtung*). This choice seems to be significant. Indeed, the German language has an incredibly rich vocabulary for the act of self-killing: *Selbsttötung*, *Selbsttod*, *Selbstvernichtung*, *Selbstentleibung*, *Suizid*, *freiwilliger Tod*, *Freitod*¹⁴ and the already mentioned *Selbstmord*. As Héctor Wittwer (2003: 27) points out, these words are not strict synonyms but rather have different denotations and connotations. The term *Selbstmord* emphasizes the fact that the one who is taking his or her own life is committing a crime.¹⁵ Of all these words, *Selbstmord* was certainly the most commonly used at Kant's time. The words *Selbsttötung* as well as the expression *freiwilliger Tod* were, however, also available (*Selbsttod* and *Selbstat* were used, by contrast, very sporadically).¹⁶ Kant's preference for the word *Selbstmord* does not seem to be determined by the fact that this was the noun commonly used at his time. Indeed, in the *Metaphysics of Morals* Kant clearly characterizes *Selbstmord* as "*homicidium*

dolosum”, and claims that *Selbstentleibung* (literally, “self-disembodiment”) “is a crime (murder) [*ist ein Verbrechen (Mord)*].” (MM, 6: 422)

Beyond this terminological clarification, in order to avoid possible misunderstandings it is important to understand what exactly Kant means or refers to when he employs the term “suicide” (*Selbstmord*). In the *Lectures on Ethics*, Kant draws a clear distinction between a suicide and a victim of fate. This distinction is explained by means of the following example: “he who shortens his life by intemperance, is certainly to blame for his lack of foresight, and his death can thus be imputed, indirectly, to himself; but not directly, for he did not intend to kill himself. It was not a deliberate death.” (LE, Collins 27: 371) In this case, Kant argues, there is *culpa* but not *dolus*, that is, the intention to destroy oneself, which constitutes suicide, is lacking. In other words, contrary to a suicide, the victim of fate does not have the *direct and wilful intention* of ending his or her life.¹⁷

Another example that helps to clarify the distinction between a suicide and a victim of fate is Lucretia’s suicide. Lucretia was a Roman noblewoman who had been raped by Sextus, the son of Tarquinius Superbus. Having confessed to her husband of her dishonour, she decided to commit suicide. Although Kant seems to sympathize with Lucretia’s desire to preserve her honour, he nonetheless morally condemns her suicide. According to Kant, Lucretia “ought rather to have fought to the death in defence of her honour.” (LE, Collins 27: 371) For by doing so, she would have acted rightly, since she would have preserved her honour and, at the same time, she would have not committed suicide. Indeed, as Kant puts it: “to risk one’s life against one’s foes, and to observe the duty to oneself, and even to sacrifice one’s life, is not suicide.” (*ibid.*) Note that the coherence of Kant’s distinction between a suicide and a victim of fate is preserved by the implicit difference existing between fighting to the death in defence of one’s honour and having the direct and wilful intention to end one’s own death.¹⁸

According to Wittwer (2001: 181), Kant’s consideration of Jesus’ death in his 1793 work *Religion within the Boundaries of Mere Reason* points towards a second necessary element for there to be suicide, namely, that one be the *author* of his or her own death:

Not that [...] he [Jesus] *sought* death in order to promote a worthy purpose through a shining and sensational example; that would be suicide. For one may indeed dare something at the risk of losing one’s life, or even endure death at the hand of another, when one cannot avoid it, without betraying an irremissible duty. But one cannot dispose of oneself and one’s life as a means, whatever the end, and thus be the *author* [*Urheber*] of one’s death. (R, 6: 81)

Admittedly, it is not very clear how the phrase “be the *author* of one’s death” should be exactly interpreted. Wittwer (2001:181, 2003: 122) reads this passage as meaning that, for there to be

suicide, one has to give oneself death through one's own action. Consequently, he takes Kant's definition of suicide to exclude passive and indirect suicides. It is also possible, however, that Kant is using the term *Urheber* in a wider sense, meaning that for there to be suicide, one has to *intentionally cause* one's own death, be it directly inflicted by oneself or by another. It is, indeed, unlikely that Kant would have regarded someone who, being weary of life, intentionally and deliberately seeks death by throwing himself into a pit of lions as a victim of fate and not as a suicide. In fact, as Kant puts it in the Collins lectures, "it is the intention to destroy oneself that constitutes suicide." (LE, Collins 27: 371) According to this reading, the passage from the *Religion within the Boundaries of Mere Reason* quoted above should be interpreted as meaning that, in Kant's view, Jesus did not commit suicide, not because he did not give himself his own death but rather because he was not his intention to seek death.

Having provided a preliminary terminological clarification, we can now turn our attention to Kant's arguments for the immorality of suicide. Kant's arguments are often reduced to two or three.¹⁹ In reality, at least seven different arguments against the moral permissibility of suicide can be found in Kant's writings and lectures:²⁰

- 1) The *religious argument* (LE, Collins 27: 375): we cannot freely dispose of our life, for we are God's property and depend on the disposition of His providence.
- 2) The *crime argument* (LE, Collins 27: 372): he, who is ready at any moment to sacrifice his own life, no longer fears punishment; for he knows that, before he will be seized, he can kill himself. To him the door stands open to every crime.
- 3) The *freedom argument* (LE, Collins 27: 369; NF 6801, 19: 165): in committing suicide, we make use of freedom in order to abolish freedom but this is a contradiction.
- 4) The *natural law argument* (G, 4:421f.; CPrR, 5: 44): the suicide maxim cannot be thought as a universal law of nature without contradiction.
- 5) The *disposition argument* (LE, Collins 27: 343; NF 6801, 19: 165; G, 4: 429): when we commit suicide, we dispose of ourselves merely as a thing, that is, as a means to achieve an end. However, since a human being is not a thing but an end in itself, suicide cannot be morally permissible.
- 6) The *subject of duty argument* (MM, 6: 422): as a subject of duty, man cannot renounce his personality; for this would mean to be authorized to withdraw from all obligation.
- 7) The *morality argument* (MM, 6: 423): when we commit suicide, we root out the condition of the existence of morality from the world. This cannot be morally permissible, for morality is an end in itself.

As one can see, Kant's arguments have the peculiarity that, with the exception of the *religious* and the *crime argument*, they all consider the immorality of suicide from the perspective of the duties to oneself. Given the importance that Kant attaches to these duties, this aspect should not be overlooked. In the *Metaphysics of Morals*, Kant acknowledges that suicide can be also regarded as "a violation of one's duty to other human beings", for instance, "the duty of spouses to each other, of parents to their children, of a subject to his ruler or to his fellow citizens, and finally even as a violation of duty to God." (MM 6: 422) He nevertheless sets aside what is commonly known as the *role responsibilities argument*²¹ – often considered as one of the strongest arguments against suicide – and focuses on the moral problem of whether, if a man puts to one side his duties to others, he is still bound to preserve himself.

First, to frame the problem in this way obviously means to presuppose the very existence of such a thing as a duty to oneself. Needless to say, this is not uncontroversial. In *On Liberty*, John Stuart Mill asserts, for instance, that, "self-regarding faults [...] are not properly immoralities [...] they are only a subject of moral reprobation when they involve a breach of duty to others, for whose sake the individual is bound to have care for himself." (Mill, 2003: 142) According to Marcus G. Singer, "it is actually impossible [...] for there to be any duties to oneself, in any literal sense, for, if taken literally, the idea involves a contradiction." (Singer, 1959: 202) Bernard Williams, on his hand, defines duties to oneself as "fraudulent items" (1985: 182) and an "absurd apparatus." (1972: 69)

Without entering the debate on the existence of duties to oneself, which would lead us too far,²² it should be noted that Kant not only does not doubt the existence of such duties but, as the following passage from the *Metaphysics of Morals* shows, he also considers them as playing a *foundational role* for all obligation (Timmermann, 2006: 508):

For suppose there were no such duties: Then there would be no duties whatsoever, and so no external duties either. For I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason; and in being constrained by my own reason, I am also the one constraining myself. (MM, 6: 417-418)²³

As Kant himself acknowledges, the problematic character of the concept of a duty to oneself lies in the fact that this concept seems to produce at first glance a contradiction which consists in that the I that imposes obligation is also the I that is put under obligation, being therefore the I at the same time actively binding and passively bound. As Kant explains, we think of moral duty in terms of a transitive relation where a person *a* actively imposes an obligation on the person *b* who is

passively put under obligation. In this case, no contradiction arises, for the *auctor obligationis*, the one imposing obligation, is different from the *subiectum obligationis*, the one put under obligation. On the contrary, if the *auctor obligationis* and the *subiectum obligationis* are one and the same person, then, the proposition asserting a duty to oneself contradictorily expresses a passive obligation which is, in the same sense of the relation, also an active obligation. Moreover, if the one imposing obligation and the one put under obligation coincide in the same person, then one can always release oneself from the obligation.

Kant resolves this contradiction by pointing out the distinction existing between two different ways of conceiving the human being. On the one hand, man is a *natural being* (*Naturwesen*) that has reason and that can be determined to actions by his or her reason as a cause (*homo phaenomenon*). On the other hand, however, he is also a being endowed with inner freedom, able to be put under obligation to the humanity in his or her person (*homo noumenon*). As Jens Timmermann (2006: 509) points out, the latter is the authoritative “noumenal” self (the *auctor obligationis*), whereas the former is the subjected “phenomenal” self (the *subiectum obligationis*). In this way, Kant explains, a “man (taken in these two different senses) can acknowledge a duty to himself without falling into contradiction (because the concept of man is not thought in one and the same sense).”²⁴ (MM 6: 418)

Having considered how Kant deals with the contradiction that duties to oneself seems to generate, we can now turn our attention to Kant’s arguments for the immorality of suicide. In what follows, I will first focus on the arguments from the *Lectures on Ethics*, and subsequently, on the ones put forward in the published writings.

2.2 Arguments from the *Lectures on Ethics*

Before turning the attention to Kant’s arguments against suicide from the *Lectures on Ethics*, a clarification is needed. All the three arguments that follow are to be found in the Collins lectures. Although Collins’ manuscript gives the impression that the notes were taken during the winter semester 1884-85, in reality, Collins copied the notes from a pre-existing copy based on lectures that Kant held most probably around 1775.²⁵ This means that this set of notes are from the pre-critical period. To avoid anachronism in what follows, I will thus reduce to a minimum references to the critical period. At the same time, however, it must be noted that there is a certain correspondence between the Collins lectures and Kant’s later works. As Manfred Kuehn (2015: 53) points out, “this correspondence can, of course, be approximate only because Kant, in 1775, had not

clearly developed his own conception of ethics. Still, it is surprising how much light the lectures throw on later developments and how far the correspondences go.”²⁶

Besides this chronological clarification, it is also necessary to recall the special status of the *Lectures on Ethics*. As Stefano Bacin (2015: 15) points out, the notes from Kant’s lectures cannot be considered self-standing texts for two reasons: not only because Kant did not author them (the notes were taken by his students) but also because he taught philosophy following Alexander Gottlieb Baumgarten’s *Initia philosophiae practicae primae* (1760) and *Ethica philosophica* (1740, 1751, 1763). These two texts provided the outline for Kant’s *Lectures on Ethics*. This does not mean, however, that Kant’s *Lectures* were a mere commentary of Baumgarten’s texts. On the contrary, as Bacin (*id.*: 32) points out,

An investigation of Baumgarten’s significance for Kant’s moral philosophy cannot show any deep continuity between their views. Baumgarten does highlight some themes that become crucial in Kant’s ethical thought, especially obligation and the related concept of necessitation, along with the necessity of a noneudaimonist understanding of perfectionism. Still, their agreement on fundamental issues in moral philosophy is confined to very specific points. Furthermore, every one of these shared points is combined with serious objections of Kant’s against Baumgarten.²⁷

More in particular, for what concerns the following three arguments against suicide, a quick look to Baumgarten’s treatment of suicide in sections 250-252 of *Ethica philosophica* (*Officia erga te ipsum*, (B) *corpus, quo cura*, (1) *vitae*; Baumgarten, 1751: 130-132) suffices to see how much more nuanced, detailed and original Kant’s own treatment of the same subject in the Collins lectures was.

2.2.1 The Religious Argument

In the *Lectures on Ethics* (Collins 27: 375), Kant considers suicide in regard to religion and justifies the impermissibility of suicide by making reference to one of the most ancient and influential religious arguments, namely the argument based on the property analogy.²⁸ This argument runs as follows: God is our proprietor and we are His property. We cannot freely dispose of ourselves by taking our life, unless we have His express command,²⁹ for this would mean to destroy a property which we do not own. The unstated premise of this argument is that, since God is our creator, he is also our proprietor, exactly in the same way that “an artist creating a painting or sculpture gives the artist property rights in that artwork.” (Cholbi, 2011: 45)

In the same passage from the Collins lectures, Kant develops another line of argumentation which runs parallel to the first one: God has placed us on earth for certain destinies and purposes.

Among these purposes, Kant claims, there is the preservation of our life. This is shown by the fact that our nature has been endowed with “preservative powers [*Erhaltungskräften*].” (LE, Collins 27: 375) By taking our life, we flout God’s intention and upset the wisdom of our nature’s arrangements. In order to clarify his argument, Kant makes use of a metaphor that comes from the military context: human beings are stationed like sentries on earth by God, and should not desert their posts, unless God commends to do so.³⁰ The same metaphor later reappears in the *Metaphysics of Morals*, when Kant claims that suicide can be considered “even as a violation of duty to God, as man’s abandoning the post assigned him in the world without having been called away from it.” (MM 6: 422)

Being a religious argument, Kant’s first argument against the permissibility of suicide has obviously a limited appeal. Indeed, it assumes as a necessary premise the existence of God – more specifically, of a God that owns us as His property and that places us on earth with a specific intention. Needless to say, the belief in God is not universally shared. Therefore, Kant’s argument has no force for those who do not give validity to the necessary premise on which this argument rests. Having pointed this out and leaving aside other well-known problems of analogy-based religious arguments,³¹ it should be noted that Kant’s argument runs into extra difficulties that are related to his philosophy. A major difficulty stems, for instance, from Kant’s claim that man is a property of God. In fact, Kant’s conception of human beings as ends in themselves seems to rule out the possibility that human beings could be considered as things, that is, as properties that can be owned.³² The following passage from the Collins lectures clearly shows that, according to Kant, man cannot be a property:

Man cannot dispose over himself, because he is not a thing. He is not his own property - that would be a contradiction; for so far as he is a person, he is a subject, who can have ownership of other things. But now were he something owned by himself, he would be a thing over which he can have ownership. He is, however, a person, who is not property, so he cannot be a thing such as he might own; for it is impossible, of course, to be at once a thing and a person, a proprietor and a property at the same time. (LE, Collins 27: 386)

Note that in this passage Kant argues not only that man is not his own property but also and more in general that he can never be considered as a property: he is a person, not a thing that can be owned. Indeed, this is precisely the reason for which man cannot dispose of himself. For this, as will be shown, would mean to debase humanity in his own person by treating himself as a thing. It is therefore difficult to say in which sense Kant’s claim that we are God’s property should be interpreted. As Wittwer (2001: 183) points out, a metaphorical reading of this claim would weaken

the argument. On the other hand, a literary reading faces the problem of explaining how the claim that we are God's property can be reconciled with the claim that a person is not a property.

Even the theory of property that Kant later develops in the *Metaphysics of Morals* proves unhelpful. Indeed, the possible analogy between the right that God acquires against man through creation and the right that the couple acquires against children through procreation, points to a fundamental difference, which is also highlighted by the terminology that Kant employs in the *Doctrine of Right*. According to Kant, although a child "belongs to his parents as what is theirs (is still in their *possession* [*Besitz*] like a thing [...])", he "can never be considered as the property [*Eigenthum*] of his parents." (MM, 6: 282) This comes from the fact that "the offspring is a *person*." (*id.*: 280) As a consequence, parents "cannot destroy their child as if he were something they had *made* [*als ihr Gemächsel*]³³ (since a being endowed with freedom cannot be a product of this kind) or as if he were their property." (*id.*: 281) Moreover, when children reach their majority, they emancipate, that is, "they become their own masters [*Herren*] (*sui iuris*) and acquire this right without any special act to establish it and so merely by principle (*lege*). [...] both children and parents acquire or reacquire their natural freedom."³⁴ (*id.*: 282)

As these passages clearly show, Kant thinks that parents cannot consider a child as their own property, for a child is a person, and a person cannot be a property, as already pointed out in the Collins lectures. The ownership right that parents have towards a child is rather that of an *intelligible* possession (*possessio noumenon*), that is, a merely *rightful* (not physical) possession. As we have seen, this possession holds until the child reaches his or her majority. Thenceforth, the child rightfully becomes his or her own master. For all these reasons, the analogy between God creating man and having a property right for this creation, on the one hand, and parents procreating children and having an intelligible possession right against them, on the other, cannot be used to lend support to Kant's religious argument.

To conclude the analysis, following Cholbi (2000: 162), it should be pointed out that in this argument "the wrongness of suicide rests on a heteronomous source." Yet, as Kant will clearly state later in the *Groundwork of the Metaphysics of Morals*, those principles that set up heteronomy of the will as the first ground of morality, miss their mark. (G, 4: 443) Precisely in the relation between religion and morality, however, lies one of the most important differences between the position that Kant holds in the Collins notes and the position that he holds in the critical period. As Kuehn (2015: 58-59) points out, whereas in the critical period religion and philosophy are closely connected together but one does not need to believe in God to be moral, in the Collins notes "religion is indispensable. [...] Morality alone is insufficient to protect us." As Kant puts it: "it is

impossible to cherish morally pure dispositions without believing at the same time that they are linked to a being who observes them. And it is equally impossible to turn to morality without a belief in God. All moral precepts would count for nothing, therefore, if there were no being to oversee them.” (LE, Collins 27: 307)

On the other hand, it should be also mentioned that, in the *Lectures on Ethics*, Kant considers morality as prior to religion.³⁵ Thus, he concludes his analysis of the religious argument by making clear that, “suicide [...] is impermissible and abhorrent, not because God has forbidden it; God has forbidden it, rather, because it is abhorrent.”³⁶ (LE, Collins 27: 375) In other words, as Kant explains in the later lectures recorded by Vigilantius, “the impermissibility of suicide must therefore be presupposed, in order to infer a divine prohibition of it. The ground thereof is thus a law of reason, from which the immorality of this action proceeds.” (LE, Vigilantius 27: 627) Thus, in accordance with his rationalism and embracing the first horn of the well-known Euthyphro dilemma,³⁷ Kant is careful in pointing out that suicide is immoral not because God forbids it but rather because it goes against the moral law. This does not mean, however, that Kant ends up abandoning the religious argument in the Collins lectures (on the contrary, if considered in regard to religion, suicide is for Kant to be condemned) but simply that, given the fact that the moral laws are not to be derived from God’s will, “all moralist must begin by demonstrating its [suicide’s] inherent abhorrency.” (LE, Collins 27: 375) As will be shown in the following pages, the aim of the remaining six arguments is precisely to provide moral reasons for the impermissibility of suicide.

2.2.2 *The Crime Argument*

In the Collins lectures, Kant defines suicide as “the most horrifying thing imaginable” (LE, Collins 27: 372) and justifies his claim as follows:

For anyone who has already got so far as to be master, at any time, over his own life, is also master over the life of anyone else; for him, the door stands open to every crime, and before he can be seized he is ready to spirit himself away out of the world. (*ibid.*)

The same point is reiterated a few pages later. Before putting forward the religious argument considered in the previous section, Kant argues that:

Those who defend and teach the legitimacy of suicide inevitably do great harm in a republic. Suppose it were a general disposition that people cherished, that suicide was a right, and even a merit or honour; such people would be abhorrent

to everyone. For he who so utterly fails to respect his life on principle can in no way be restrained from the most appalling vices; he fears no king and no torture.³⁸ (*id.*: 374-375)

As Battin (1996: 80) points out, this is an uncommon but not uninteresting argument, to which scholars have given less attention.³⁹ According to Kant, suicide cannot be morally permitted, because the disposition to it brings with it a loss of moral restraint that cannot be but harmful to society. Indeed, the thought of being punished no longer restrains the would-be suicide from committing even the worst crimes. For he knows that, before he will be seized, he will take his own life, going thus unpunished for his crimes. In his analysis of this argument, Wittwer (2001: 184-185) draws particularly attention to two elements. First, the prohibition of suicide deriving from this argument is not unconditional but rather conditional. Indeed, the immoral character of suicide is dependent on the consequences that this act could have for society. In other words, the prohibition following from this argument would not be valid, for instance, for a man stranded on a desert island. Secondly, precisely the fact that the immorality of suicide derives from the consequences of this act makes this argument as morally irrelevant if judged from the (later) perspective of Kant's critical ethics. In fact, as Kant clearly puts it in the *Groundwork* (G, 4: 403), a maxim that cannot be willed as a universal law must be rejected "not because of some disadvantage to you, or to others, that might result but because it cannot fit as a principle into a possible universal legislation."

Besides these considerations, the argument put forward by Kant seems *prima facie* intuitively plausible. Indeed, one might ask, what does refrain a man who is willing to take his life from committing even the worst crimes? Surely, not the fear of punishment. For, as Kant himself points out, the same man can at any moment resort to suicide in order to avoid getting caught and being obliged to pay for his crimes. Suppose, for instance, that I am willing to commit suicide but I am in no hurry to die. What does deter me from robbing a bank and spending the money in the nearest casino? If I get caught, I will take a poison pill. If not, I will anyway commit suicide but I will spend my last night having great fun or pleasure.

Plausible as it may seem, however, Kant's argument disregards several important factors. To begin with, my willingness to take my own life could cause a loss of fear of *earthly* punishment but I could nevertheless refrain from immoral acts because of my fear of *divine* punishment. Furthermore, I could care for my post-mortem moral reputation, finding unacceptable to be remembered by posterity as a bank robber. Moreover, Kant seems to overlook the fact that my refraining from crime could be motivated by moral reasons and thus be completely independent from legal consequences. I may judge paedophilic rape to be morally disgusting. Will the fact that I have decided to take my own life affect or change my moral attitude towards it? It seems highly

implausible to think so – exactly in the same way that it is implausible to suppose that, *mutatis mutandis*, a man who has been diagnosed with terminal illness will change his moral attitude and begin to commit even the worst crimes, only because he knows that he has short time left to live.

As Wittwer (2003: 376) rightly points out, in order to consider Kant’s argument as cogent it should be shown that and explained how the disposition to suicide implies the disposition to immoral behaviour. One way to establish this link would be to look for some empirical evidence in recent studies on two specific subsets of the phenomenon known as “murder-suicide” or “homicide-suicide”,⁴⁰ namely school shootings followed by suicide and suicide terrorism. In his analysis of the well-known Columbine High School shooting,⁴¹ Thomas Joiner calls attention to the fact that the shooters’ suicidality formed first, well before plans for the shooting: “suicide came first for both of them; homicide came later, and developed as a function of their perverted views of glory.” (Joiner, 2014: 174) According to Joiner, this primacy of suicide over murder in the murder-suicide equation would be an underappreciated aspect not only of many other cases of school shooting but also of suicide terrorism:

There is evidence that many suicide terrorists struggle with depression, develop suicidal wishes, and channel their suicidality into terrorism. [...] the logic of the suicide terrorist is very similar to that of the murder-suicide perpetrator: “I have decided on suicide, but as long as I am to die, it is dutiful, just, and glorious that I kill others on behalf of my people.” Here, suicide terrorism is personal and only incidentally political. (Joiner, 2014: 175)

Although Joiner’s analysis seems to provide some empirical evidence of the link established in Kant’s argument between the disposition to suicide and the consequent disposition to immoral behaviour, however, it must be said that homicide-suicide remains a relatively rare event with an incidence rate approximately oscillating between 0.05 and 0.02/0.03 per 100.000 persons.⁴² If we consider that, according to the World Health Organization (2014: 7), the worldwide suicide rate in 2014 was of 11.4 per 100.000 persons, we obtain a rate of 1 homicide-suicide every 228 suicides (that is, 0.43%).⁴³ This rate is surely insufficient to provide substantive empirical evidence for Kant’s argument. Furthermore, one should not overlook the fact that the category of “murder-suicide” or “homicide-suicide” also includes all those cases in which suicide is, so to say, a post-hoc decision, that is, a decision which is taken only after having committed a murder. In many cases, it is simply not possible to establish whether the decision to commit suicide was taken before or after the murder. Kant’s argument, however, precisely requires that the decision to commit suicide be taken *before* the decision to commit murder, given that crime is presented in the argument as the possible consequence of the loss of moral restraint caused by the disposition to take one’s life.

What is more, as Battin (1996: 81) points out, there is some evidence that the kind of lawlessness that Kant fears can be paradoxically encouraged by strict sanctions against suicide, rather than by permissive attitudes toward it. Battin mentions, for instance, the case of individuals that, belonging to cultures that strictly prohibit suicide, perpetrate serious crimes in order to be killed:

For example, in traditional Muslim culture, as sociologist and criminologist Ruth Cavan points out, self-murder is very strictly prohibited, but the murder of “infidels” is not. “Running amok,” she claims, is a fairly highly institutionalized behavior in which a believer commits a series of murders of nonbelievers, and continues to do so until he himself is killed. Since direct suicide is prohibited, the individual is forced to resort to murder in order to bring about his own death. (*ibid.*)

Battin recognizes that these practices may be outdated and find no place in contemporary Islam. However, “they do illustrate a counterargument to the Kantian claim.” (*ibid.*) She also adds that the same practices may theoretically occur in contemporary American society where, as Joel Feinberg (1978: 111) points out, the inalienability but forfeitability of the right to life may involve the paradox that the would-be suicide must take someone else’s life in order to get rid of his or her own’s:

There is at least one striking paradox in the traditional view that the right to life can be forfeited (by the condemned murderer where capital punishment is permitted by law) but not voluntarily alienated. The would-be suicide can lose the right to life he no longer wants only by murdering someone else and thereby forfeiting the right that keeps him from his desired death. The inalienability of his right to life permits him to shed that unwanted life only by taking the life of someone else and thereby forfeiting it. Those who believe in the inalienability of the right to life, therefore, might well think twice before endorsing its forfeitability. (Feinberg, 1978: 112)

In conclusion, Kant’s appeal to the dangerous social consequences that may derive from a defense of the legitimacy of suicide seems to fail to survive critical scrutiny. Although *prima facie* plausible, Kant’s argument disregards several important factors that can cause a would-be suicide to refrain from immoral acts or crime. On the other hand, the numerical correlation between homicide-suicides and suicides of all kinds clearly shows that the link that Kant establishes between the disposition to suicide and the disposition to immoral behaviour is far from being supported by empirical evidence. Furthermore, as Battin points out, strict sanctions against suicide can paradoxically encourage the very kind of lawlessness that, according to Kant, may be caused by permissive attitudes toward suicide.

2.2.3 The Freedom Argument

Given the considerable attention that Kant's view of suicide has received over the years, it is surprising to observe that almost no attention has been paid to one of his most interesting arguments, namely the argument according to which suicide would imply a self-contradiction of freedom. This argument deserves all the more attention if we consider that a similar line of argumentation is sometimes advanced within the context of the debate on assisted suicide.⁴⁴ Kant's argument, also mentioned in passing in the note 6801 (NF 6801, 19: 165), is to be found in the Collins lectures, more precisely in the section "Of Duties to the Body, in regard to Life." In this section, Kant considers the question of whether we have the right to dispose of our life. Kant approaches this question by pointing out that the body does not belong to life in a contingent way but is the "total condition of life", so that the use of freedom is possible only through it. Therefore, if we dispose of our life, we make use of freedom in order to destroy the body, which is the condition of freedom. This means that we employ freedom in order to abolish freedom. But this, Kant argues, is a contradiction:

So far, then, as anyone destroys his body, and thereby takes his own life, he has employed his choice [*seine Willkühr*] to destroy the power of choosing [*die Macht seiner Willkühr*] itself; but in that case, free choice [*freye Willkühr*] is in conflict [*widerstreitet*] with itself. If freedom [*Freiheit*] is the condition of life, it cannot be employed to abolish life, since then it destroys and abolishes itself; for the agent is using his life to put an end to it. Life is supposedly being used to bring about lifelessness [*Leblosigkeit*], but that is a self-contradiction [*welches sich aber widerstreitet*]. (LE, Collins 27: 369)

As Paul Guyer (2005: 180) points out, "this argument depends on the supposition that life is the condition of freedom as well as the fact, which Kant emphasizes, that freedom is the condition of life: freedom is the condition of life in that it is what gives life its value, but life is the condition of freedom in that it is what makes freedom possible." Whereas one can easily understand why Kant maintains that life is the condition of freedom – indeed, in order to exercise freedom, one must be alive –, the opposite claim calls for explanation. In Kant's view, freedom is what gives life its value because freedom is what distinguishes humans from the other animals, giving to the former the capacity to choose according to rational rules. If in the *Critique of Practical Reason* Kant defines freedom as "the *ratio essendi* of the moral law" (CPrR, 5: 4), in the Collins lectures, freedom is characterized as "the highest degree of life. It is the property that is a necessary

condition underlying all perfections.” (LE, 27 Collins: 344) In short, freedom is “the inner worth of the world, the *summum bonum*.” (*ibid.*)

This clarification allows us to understand why, according to Kant, the use of freedom to destroy ourselves is problematic in two regards: (1) it is self-contradictory, for we employ freedom in order to abolish freedom, and (2) it cannot be permitted, for freedom has an “inner worth” and is what gives value to the world. This second argumentative line is very akin to the one developed by Kant in the *Metaphysics of Morals* (MM, 6: 423). When we commit suicide, so Kant argues, we annihilate the subject of morality in one’s own person. As a consequence, we root out the condition of the existence of morality from the world. However, this cannot be morally permissible, for morality is an end in itself. Similarly, in the Collins lectures Kant claims that when we commit suicide, we destroy the body. As a consequence, we root out the condition of the existence of freedom from the world. However, this cannot be morally permissible, for freedom has an inner worth (is a *summum bonum*). Given this similarity and since the argument developed in the *Metaphysics of Morals* will be examined in depth in the section dedicated to Kant’s *morality argument*, in what follows I will exclusively pay attention to the alleged self-contradiction of freedom implied in the act of suicide.

The first thing that strikes the attention in Kant’s claim that “the suicide also displays freedom in the greatest opposition to itself” (NF 6801, 19: 165) is that this conception of suicide is exactly antithetical to the one defended, for instance, by Seneca in his *Moral Letters to Lucilius*, where suicide is defined as “a path to freedom [*libertatis viam*].” (Seneca, 1925: Vol. 2, 65) Contrary to Kant, Seneca conceives suicide as an affirmation, rather than a denial or a self-contradiction of freedom. This neat opposition can be easily explained: whereas Seneca is interested in placing emphasis on the freedom that can be achieved through suicide (for instance, freedom from a demeaning condition or from physical suffering), Kant rather underlines the fact that freedom is a *summum bonum*, which man is deprived of when he commits suicide.

Strictly speaking, the act of suicide cannot bring with it freedom nor can it be a road or a path to freedom. For death marks the exact moment in which the suicide ceases to exist. Certainly, the choice of committing suicide, which precedes death, can be free and, to that extent, the act of suicide can be regarded as symbolizing a (last) affirmation of the suicide’s freedom.⁴⁵ But this freedom ends as soon as the suicide takes his own life. To make this point clear, let us consider the case of a slave who commits suicide because he can no longer endure his enslaved condition. It is certainly possible to claim, in a metaphorical way, that this slave has freed himself from his chains. However, this does not obviously mean that he continues to live as a free individual but rather that

he no longer lives as an enslaved individual, that is, as an individual who is not free. His suicide can be considered as an affirmation of freedom but this expression should be then interpreted as meaning, for instance, that, by taking his life, the slave has asserted the primacy of the value of freedom over all other values (better to die than to live without freedom).

In the same way in which, strictly speaking, suicide cannot bring with it freedom, it cannot destroy or abolish freedom either. For this would imply the continued existence of a person whose freedom has been destroyed or abolished as a consequence of a suicidal act. This, however, is not possible, since death is precisely the moment in which one ceases to exist. In other words, in order to have a self-contradiction (as Kant claims in the passage from the Collins lectures) it is necessary that the suicide continues to live a life deprived of freedom (or of the power of choosing, as Kant also puts it) *after* having committed suicide. However, since this is not possible, no self-contradiction arises. As Wittwer (2003: 145) plainly puts it: “The act of suicide is carried out before death and ends with it. As long as the suicide lives, he does not undermine his freedom. As soon as he is dead, he does no longer exist, so that he cannot be defined as ‘not-free’.”

To make this clear, it is helpful to compare the case of a man who commits suicide with that of a man that decides to become a slave. John Stuart Mill discusses the latter case in chapter 5 of *On Liberty*. More precisely, Mill examines the grounds for limiting man’s power of voluntarily disposing of his own life. According to Mill (2003: 164), although man’s voluntary choice is evidence that what he so chooses is desirable to him,

by selling himself for a slave, he abdicates his liberty; he foregoes any future use of it, beyond that single act. He therefore defeats, in his own case, the very purpose which is the justification of allowing him to dispose of himself. [...] The principle of freedom cannot require that he should be free not to be free. It is not freedom, to be allowed to alienate his freedom.

The comparison of the two cases shows that, whereas the man who sells himself for a slave employs freedom to abolish freedom and, as a consequence, will live as a man deprived of freedom, the man who commits suicide makes use of freedom in order to put an end to his life. To that extent, he will no longer exist, either as a free man, or as a man who is not free. In other words, whereas the man who decides to become a slave continues to exist under the constraint of a loss of freedom⁴⁶, the man who commits suicide does not suffer any loss of freedom, for, as already mentioned, as soon as he voluntarily takes his life, he ceases to exist.

Following the distinction made by Korsgaard (1996a: 78) between three different interpretations of the kind of contradiction (logical, teleological and practical) arising from the

universalization of the maxim according to the categorical imperative, it may be argued that what Kant has in mind in the passage from the Collins lectures is not a logical but rather a teleological contradiction.⁴⁷ Accordingly, to make use of freedom in order to abolish freedom (as in the case of suicide) would imply a self-contradiction in that freedom is used against its natural purpose or in a way that is inconsistent with it. Kant seems to have precisely this in mind when he claims that the abominable nature of suicide resides in the fact that “a man uses his freedom to destroy himself, when he ought to use it solely to live as a man.” (LE, Collins 27: 343)

To make this clear, consider Kant’s definition of freedom in the practical sense (in the *Critique of Pure Reason*) as “the independence of the power of choice [*Willkühr*] from necessitation by impulses of sensibility.” (CPR, A 534/ B 562) The human power of choice is an *arbitrium sensitivum* (it is pathologically affected through moving-causes of sensibility), yet not *brutum* but *liberum*, because “sensibility does not render its action necessary, but in the human being there is a faculty of determining oneself from oneself, independently of necessitation by sensible impulses.” (*ibid.*) We can find a similar distinction in the Collins lectures, when Kant explains that “all animals have the capacity to use their powers according to choice. Yet this choice is not free, but necessitated by incentives and *stimuli*. Their actions contain *bruta necessitas* [*animal necessity*].” (LE, Collins 27: 344) Conversely, the human power of choice is free, that is, it is not necessitated to act by sensible impulses. In other words, man differs from the animals in that the choice of the latter is *subjectively* necessitated, i.e. necessitated by sensory drives, whereas the former has the capacity to use his powers according to a choice that is free. At the same time, however, this choice must be *objectively* necessitated, i.e. restricted by objective rules or objectively necessitating grounds, otherwise lawlessness follows, and it is “uncertain whether man will not use his powers to destroy himself.” (LE, Collins 27: 344)

The abovementioned distinction allows to understand why Kant is so strongly opposed to suicide. In his view, when man commits suicide, he freely follows his inclinations (*Neigungen*), that is, he allows his person to be governed by them, instead of determining them through freedom. (*id.*: 345) In so doing, however, he subordinates his humanity to animal nature, and his understanding “is under the sway of animal impulse.” (*id.*: 1428) This, however, implies that man uses freedom contrary to its natural purpose, that is, he uses it in a self-contradictory way: instead of setting his own ends, he has them imposed by inclination.⁴⁸ As Kant puts it: “Anyone who allows his person to be governed by his inclinations is acting contrary to the essential end of mankind, for as a free agent he must not be subject to his inclinations, but should determine them through freedom.” (*id.*: 345) This is precisely the reason for which Kant considers the nature of the act of suicide as “inherently

abominable.” (*id.*: 343) By committing it, one is “lower even than the animals, for in that case there arises in him a lawlessness that does not exist among them.” (*id.*: 345)

It is not difficult to see that the problematic aspect of Kant’s argument lies in his view of the act of suicide as accomplished “under the sway of animal impulse.” Indeed, Kant’s view according to which a man who commits suicide would follow his inclinations can be seen as biased, too reductive and even contrary to empirical evidence. As a matter of fact, there is little doubt that at least some men take the decision to commit suicide, not under the sway of inclination but rather following rational deliberation. This is a possibility that Kant seems not willing to take into account precisely because, for him, suicide breaks the supreme rule from which the objectively necessitating grounds that restrict freedom must be derived. Kant states this supreme rule as follows: “in all self-regarding actions, so to behave that any use of powers is compatible with the greatest use of them.” (*id.*: 346) Suicide is contrary to this rational rule because in this act freedom comes into collision with itself, that is, the self-consistency of freedom, which the rule prescribes, is violated.⁴⁹

Kant’s claim that the suicide acts following his inclination and, therefore, is not using freedom properly must be thus not understood as an empirical claim. This claim is rather based on the fact that a rational use of freedom implies to act according to objectively necessitating grounds that restrict the use of freedom. The supreme rule of these objectively necessitating grounds is that any use of freedom be self-consistent and non-contradictory. As we have seen, this contradiction is not to be understood as a logical but rather as a teleological contradiction. Here, however, Kant’s argument seems to run into a circle. Indeed, recall that according to the teleological interpretation of Kant’s argument (or to be more precise, the teleological interpretation of the self-contradiction arising from the use that the suicide makes of freedom), the answer to the question of whether a man can use his freedom to take his own life depends on whether this use of freedom can be consistent with its natural purpose. This natural purpose consists in the use of freedom according to objectively necessitating grounds, the supreme rule of which prescribes that freedom be used in a self-consistent and non-contradictory way (that is, that the use of freedom be compatible with the greatest use of it). Kant claims that suicide breaks this rule, for if man takes his own life, he deprives himself of the ability to use freedom (hence, the contradiction). As shown, this contradiction can be interpreted either as a logical or a teleological contradiction. In the former case, the (logical) contradiction is only apparent for the reasons already mentioned above: the man who commits suicide does not suffer any loss of freedom, for as soon as he voluntarily takes his life, he ceases to exist. In the latter case, the (teleological) contradiction derives from the fact that the suicide makes use of freedom in a way that is considered by Kant to be inconsistent with its

natural purpose. However, that the use of freedom to commit suicide is inconsistent with its natural purpose is precisely what the argument was supposed to establish. Thus, in both cases Kant's appeal to self-consistency of freedom seems to fail to show that suicide is morally impermissible: if the inconsistency is interpreted in logical terms, the same inconsistency is merely apparent, whereas if the inconsistency is interpreted in teleological terms, the argument begs the question.

2.3 Arguments from the Published Writings

2.3.1 The Natural Law Argument

If in the Collins lectures Kant condemns suicide arguing that man should not freely follow his inclinations but rather act according to objective moral rules, in the *Groundwork of the Metaphysics of Morals* he maintains that man should not preserve his life because he is naturally inclined to do so but rather because it is his moral duty to do so. Here Kant introduces a key distinction between actions that *conform with duty* and actions that are *done from duty*. This distinction is clarified in the first section of the work by means of the example of someone who is weary of life and still preserves it. (G, 4: 397-398) According to Kant, all humans have a natural inclination to preserve life. This is why, when we attend to it with anxious care, we act in conformity with duty but not from it: in this case the maxim of our action has no moral content. On the contrary, when we long for death and still decide to preserve our life not from inclination or fear but because we are morally required to do so, we act from duty. In this case our maxim has a moral content. Kant puts forward two arguments in the *Groundwork of the Metaphysics of Morals* to justify the moral duty to preserve one's life, or more precisely, to show that when we take our own life we act contrary to duty: the *natural law argument*, which can be also found in the *Critique of Practical Reason* (CPrR, 5: 44), and the *disposition argument*. In what follows, attention will be devoted to the former argument, whereas the latter will be the focus of next section.

In order to introduce the natural law argument it is necessary to take into consideration the formula of the law of nature, namely one of the various formulations of the categorical imperative. In the second section of the *Groundwork*, having laid the basis for the distinction between hypothetical and categorical imperatives, Kant introduces the following well-known formula of universal law for the categorical imperative: “*act only according to that maxim through which you can at the same time will that it become a universal law.*” (G, 4: 421) By analogy with this first formulation of the categorical imperative, Kant derives the abovementioned formula of the law of

nature: “so act as if the maxim of your action were to become by your will a UNIVERSAL LAW OF NATURE.” (*ibid.*)

In order to show how a maxim should be tested to see whether it can be universalized, Kant puts forward four examples, the first of which concerns a perfect duty to oneself, namely self-preservation. Kant imagines the case of a man who, feeling weary of life “because of a series of ills [*Übeln*] that has grown to the point of hopelessness” (*ibid.*), asks himself whether it is contrary to a duty to oneself to take one’s life. According to the test of universalizability the answer to this question depends on whether the man’s maxim can be thought as a universal law of nature. Kant synthesizes this maxim as follows: “from self-love [*Selbstliebe*] I make it my principle to shorten my life if, when protracted any longer, it threatens more ill than it promises agreeableness.” (G, 4: 422) The question is, therefore, whether this principle of self-love can become a universal law of nature. According to Kant, this cannot be the case, for “a nature whose law it were to destroy life itself by means of the same sensation the function of which it is to impel towards the advancement of life, would contradict itself and would thus not subsist as a nature.” (*ibid.*)⁵⁰ Thus, Kant concludes, the suicide’s maxim fails the test of universalizability.

Natural law arguments, a classical formulation of which can be found in St. Thomas Aquinas’ *Summa Theologica* (II, II, Q. 64, Art. 5),⁵¹ have been the subject of strong criticism, particularly in the wake of Hume’s refutation of this kind of arguments in his essay *On Suicide*.⁵² The basic problem lying at the heart of natural law arguments can be best synthesized as follows: why should the fact that an action is contrary to a natural purpose or a natural law make the same action morally impermissible? Indeed, as Battin (1996: 47) points out, there are several human behaviours that we regard as “natural” and yet we tend to disapprove of:

[...] stealing, intimidation, and outright aggression may be “natural” behaviors, and yet are severely discouraged. Arguments against suicide that hold that it is “unnatural” because it runs counter to ordinary human inclinations are inadequate as moral arguments against suicide; such arguments move from “is” to “ought,” arguing that because human beings do generally attempt to remain alive rather than kill themselves, they ought always to do so.

Although different from traditional formulations in several regards, Kant’s own articulation of this argument has had no better fortune. The judgment given by Herbert J. Paton, one of the most prominent Kant scholars, can be here regarded as paradigmatic. Paton (1947: 154) does not hesitate in defining the natural law argument as “the weakest of Kant’s arguments”, and conjectures that Kant answers negatively to the question of whether the maxim of suicide is consistent with the formula of the law of nature precisely because he already assumes suicide to be wrong. As much as

this may seem too harsh a judgment, it is undeniable that Kant's argument can be regarded as problematic in several regards.

To begin with, it should be pointed out that many difficulties derive from the fact that Kant introduces the formula of the law of nature abruptly, without much explanation, deriving it by a formal analogy with the formula of universal law. It is not clear why Kant offers this formulation.⁵³ As Mihailov (2013: 58) puts it: "What does the conformity with a law of nature inform from a normative perspective, especially for a philosopher who is a champion of the facts – norms distinction?"⁵⁴ Kant justifies the analogy between the two formulas of the categorical imperative by reason of a formal similarity: "the universality of the law according to which effects [*Wirkungen*] happen." (G, 4: 421) How this analogy should be exactly interpreted it is, however, far from clear.⁵⁵ Furthermore, Kant does not clarify whether the laws of nature, to which he refers, are *causal* or *teleological* laws of nature.⁵⁶

According to Paton (1947: 149), there is no doubt that Kant is not concerned with causal laws and that he appeals to teleological considerations. The analogy between nature and human nature would thus be based on the fact that purposiveness characterizes both the former and the latter. As Paton (*id.*: 151) puts it, "when we are asked to conceive a proposed maxim as a law of nature, we must conceive it as a teleological law of nature; for it is a maxim of *action*, and action as such (quite apart from moral considerations) is essentially purposive." As Korsgaard (1996a: 90-92) points out, the main problem of the teleological interpretation of the contradiction deriving from the universalization of the suicide's maxim is that, in order to be normatively binding, Kant's argument requires that the moral agent should have a previous commitment to the natural purpose in question. Without a rational argument that explains why one should be committed to such purpose, the moral duty to self-preservation based on teleological considerations loses its force.

To see this, let us suppose with Kant that there exists a sensation (self-love) whose natural purpose is to impel towards the furtherance of life. The problem with the suicide case is that this same sensation is oriented towards the abolition of life, that is, against its natural purpose. The teleological system of nature resulting from the universalization of the suicide's maxim would be, thus, a self-contradictory system; for, as already mentioned, "a nature whose law it were to destroy life itself by means of the same sensation the function of which it is to impel towards the advancement of life, would contradict itself and would thus not subsist as a nature." (G, 4: 422) But, why should the suicide be committed to this natural purpose? As Korsgaard (1996a: 90) puts it:

If Kant's point were that the suicide cannot will the teleological system in question because *qua* teleological system it has a contradiction in it, Kant would simply be committed to the view that a rational being as such wills a well-

functioning teleological system, regardless of whether he wills the purposes that it serves. But then it is hard to see how the argument can go through. This instinct would be malfunctioning with regard to *this* purpose, but nothing prevents the suicide from willing that both the instinct and its purpose be scrapped.

Besides these problems deriving from the teleological interpretation, it should be noted that Kant's argument remains unconvincing for other reasons. One of the main problems with the argument stems from the way in which Kant describes the suicide's maxim. In order to obtain the necessary contradiction stemming from the universalization of the maxim, Kant must necessarily presuppose that it is one and the same sensation (*Empfindung*) – namely, self-love – that impels towards both self-preservation and self-destruction. Kant is able to do this because he assumes that both sensations (the one that impels towards self-preservation and the one that impels towards self-destruction) can be subsumed under the same category: self-love. However, it suffices to call into question this assumption and replace the wide term “self-love” with more specific expressions – such as, for instance, “instinct of self-preservation” and “inclination to avoid harm” – to avoid the contradiction. For in this case, the natural sensation that impels towards the furtherance of life differs from the one that impels towards the abolition of life. Furthermore, even if we accept Kant's use of the term “self-love,” it could be argued that a nature would be self-contradictory *only if* it would assign to self-love both the function of preserving and destroying life *at the same time*. In other words, there would be no contradiction in a nature in which self-love would have the function of preserving life during the time AB and that of destroying it during the time BC.⁵⁷

Two more considerations can be put forward. First, Kant's argument rests on the assumption that there exists a sensation or, to use a more common expression, an instinct the function of which it is to impel towards self-preservation.⁵⁸ Needless to say, this is an assumption that it is far from being self-evident, as the abundant secondary literature on this topic clearly shows.⁵⁹ Secondly, taken as an argument against the moral permissibility of suicide (and not as a guiding example of how to apply correctly the formula of the law of nature), Kant's *natural law argument* has a limited scope; for, at least so formulated, it is ineffective against all those kinds of suicides, which are not motivated by self-love. In the case of unselfish suicides, for instance, no contradiction would arise from the universalization of the suicide's maxim (recall that the contradiction depends from the fact that, in Kant's example, it is *one and the same* sensation (self-love) that impels towards both self-preservation and self-destruction), so that there are no good reasons to suppose that a nature containing this altruistic principle would not subsist as a nature, unless proven so.

To conclude, it must be noted that, as Timmermann (2007: 81) points out, the maxim rejected in Kant's example is one that rests on inclination. We have already seen in the previous

section that this is precisely the reason for which Kant is so strongly opposed to suicide in the Collins lectures. Indeed, in his view, the suicide follows his inclinations, instead of determining them through freedom, in accordance with the principle of reason. The argument against suicide from the *Groundwork* is based on similar, although perhaps less evident reasons. To see this, it is necessary to mention briefly the background of this argument, which is constituted by Kant's view of happiness as a natural end subordinated to reason. In the first section of the *Groundwork*, Kant assumes as a principle that nature works purposively in the distribution of its predispositions, that is, that the natural predispositions of each organized being are the most fitting and suitable for its ends. Given that nature has endowed man with practical reason, Kant argues that happiness cannot be his natural end – for if that had been the case, nature would have endowed man only with instinct (a more reliable and secure guidance than reason). Since reason is not sufficiently fit to guide the will reliably in relation to man's needs, and given that nature has yet endowed him with a practical reason meant to influence the will, Kant concludes that man's natural end is “to produce a *will that is good*.” (G, 4: 396)⁶⁰ This means that “happiness *is* a natural end for humans, but only a subordinate one. The strife for happiness is a natural fact of human life, but it has to be put under the limiting conditions of morality.” (Horn, 2006: 47) Now, recall the example put forward by Kant in his discussion of the formula of the law of nature. The man from the example is willing to commit suicide because the furtherance of his life “threatens more ill than it promises agreeableness.” (G, 4: 422) If the man took his life, he would subordinate his moral duty to happiness. By so doing, however, he would act contrary to his natural end, which is not to fulfil his needs and interests but rather to produce a good will.

2.3.2 *The Disposition Argument*

The second argument that Kant puts forward in the *Groundwork of the Metaphysics of Morals* to show that suicide is contrary to one's own moral duty is what can be called the *disposition argument*. To introduce this argument, it is necessary to take into consideration another formulation of the categorical imperative, namely the formula of the end in itself. As Kant famously puts it: “*So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means*.” (G, 4: 429) The assumption on which this formulation of the categorical imperative rests is that “a human being and generally every rational being *exists* as an end in itself, *not merely as a means* for the discretionary use for this or that will, but must in all its actions, whether directed towards itself or also to other rational beings, always be

considered *at the same time as an end.*” (*id.*: 428) This assumption rests, in turn, on a second key assumption, namely that “morality is the condition under which alone a rational being can be an end in itself.” (*id.*: 435) Being endowed with freedom and rationality, therefore, with the capacity to give himself a moral law, man exists as an end in itself.

In order to see whether the formula of the end in itself can be put into practice, Kant keeps to the four examples already used to test both the formula of universal law and the formula of the law of nature. As we have already seen, the first of these examples concerns a man who is contemplating to kill himself in order to escape from a troublesome condition. Whereas in the case of the formula of the law of nature the problem is to know whether the man’s maxim can be thought as a universal law of nature, in the case of the formula of the end in itself the question that this man will ask himself is whether the action of taking one’s life can be consistent with the idea of humanity as an end in itself. According to Kant, this cannot be the case, for:

If to escape from a troublesome condition he destroys himself, he makes use of a person, merely *as a means*, to preserving a bearable condition up to the end of life.⁶¹ But a human being is not a thing, hence not something that can be used *merely* as a means, but must in all his actions always be considered as an end in itself. Thus the human being in my own person is not at my disposal, so as to maim, to corrupt, or to kill him. (*id.*: 429)

Kant’s claim that “a human being is not a thing” is based on the distinction between objects and non-rational beings (plants and animals), on the one hand, and rational beings, on the other. According to Kant, the former have only a *relative* or *conditional* worth. This is because they derive their worth from their being an object of inclinations: if the inclinations did not exist, objects and non-rational beings would not have any worth. Having only a relative or conditional worth, objects and non-rational beings are called *things* and can be used merely as a means. On the contrary, human beings, *qua* rational beings, have an *absolute* worth, that is, they are end in themselves. Having an absolute worth, rational beings are called *persons* and cannot be used merely as a means. This necessarily limits our choices, both with regards to ourselves and to others.

One of the examples that Kant puts forward in order to test the formula of the end in itself concerns lying promises. According to Kant’s explanation, when I make a lying promise to others, I treat another rational being merely as a means: “For the one I want to use for my purposes by such a promise cannot possibly agree to my way of proceeding with him and thus himself contain the end of this action.” (*id.*: 430) This, however, goes against the categorical imperative that prescribes to treat every rational being “*always at the same time as an end, never merely as a means.*” (*id.*: 429) Here, the particular emphasis put on “*never merely [bloß] as a means*” should not be overlooked.

Indeed, it is important to note that the categorical imperative does not prohibit that a person be used as a means but rather that a person be used *merely* or *only* as a means, that is, with no regard to its being an end in itself. Kant himself clarifies this point in the following passage from the Collins lectures: “A person can, indeed, serve as a means for others, by his work, for example, but in such a way that he does not cease to exist as a person and an end. He who does something, whereby he cannot be an end, is using himself as a means, and treating his person as a thing.” (LE, Collins 27: 343)

As mentioned, according to Kant, the absolute worth of every rational being necessarily limits our choices, both with regards to others (as in the case of a lying promise) and to ourselves. This means that the prohibition to use a person merely as a means concerns not only other rational beings but also ourselves. Examples of this kind abound in the *Lectures on Ethics*: a man who, for the sake of profit, lets himself be used in everything, like a ball, throws away his worth as a man (*id.*: 341); someone who barter his own freedom for cash, acts contrary to his manhood (*id.*: 342); a person who lets himself be used as an object of sexual enjoyment, for money or any other purpose, throws away the worth of humanity, allowing to be used as a tool or a thing (*ibid.*). What these examples have in common is that they describe a use of oneself that is contrary to the absolute worth that every rational being has. Allowing to be treated merely as a means, the men in these examples disregard the fact that a human being is a person, not a thing. By so doing, they act contrary to their moral duty and degrade their humanity.

Whereas in these cases it is easy to understand why the acts described above imply a degradation of humanity (self-imposed slavery or prostitution entail the use of one’s own person merely as a means or a tool of another’s ends), things get more complicated when we consider the case of a man willing to take his own life. Indeed, although in the *Lectures on Ethics* Kant considers “the offences against oneself that are called *crimina corporis* [crimes of the body]” (*ibid.*), especially suicide, to be analogous to the examples mentioned above – he argues that they are deemed indecent for the same reason, that is, because they dishonour the worth of humanity in one’s own person, in that one allows to be used as a tool –, it is far from clear in which sense and why a suicide makes use of his own person *merely as a means*, as Kant puts it in the passage from the *Groundwork*.

As Wittwer (2001: 187-189) points out, Kant’s argument rests on the analogy between the way one treats something or someone as a thing and the way a suicide treats himself by committing suicide. According to Wittwer, this analogy is deceptive, for when we treat something or someone as a thing, we do not attribute any will or ability to self-determination to it/him/her, that is, we do not consider it/him/her as a rational subject. Clearly, this is not the case of the suicide, who kills

himself in order to reach his *self-given* end.⁶² In other words, if a man who takes his own life follows his will, so the argument goes, he cannot be treating himself like an object without a will. Thus, it would be wrong to claim that a suicide disposes of himself as a thing. A similar criticism is made by Cholbi (2011: 67), who compares the case of a person who sells herself into slavery, typically treating herself as a thing, to the case of a person who commits suicide. According to Cholbi, whereas the former makes herself a tool of another person's happiness and denies herself her dignity, the latter (at least, someone who considers suicide thoughtfully and rationally) does not seem to make herself tool of anyone's happiness, including her own, nor does she deny herself her dignity.

To clarify these objections, it may be helpful to consider the following three different cases: (1) *a* makes use of *b* merely as a means to reach the end *x* (for instance, *a* makes a lying promise to *b*); (2) *a* makes use of *a* merely as a means to *b*'s end (for instance, *a* sells himself into slavery to *b*); (3) *a* makes use of *a* merely as a means to *a*'s end (for instance, *a* takes his own life in order to escape from a troublesome condition). As one can see, whereas in the first case the relation is *transitive* (the subject and the object of the action are different), both in the second and in the third case the relation described is *reflexive* (the subject and the object of the action are the same).⁶³ However, whereas in the second case the person *a* makes use of herself as a means to the person *b*'s end, in the third case the person *a* disposes of herself in order to reach a self-given end, something which seems to exclude the possibility that she is treating herself as a thing.

In order to make sense of Kant's argument, one might be tempted to have recourse to the abovementioned distinction between *homo phaenomenon* and *homo noumenon*. Indeed, although Kant does not directly employ these terms in the passage in question from the *Groundwork*, he implicitly resorts to the same distinction in the final part of the book, when he considers the apparent contradiction existing between free will and natural necessity.⁶⁴ Moreover, in the *Lectures on Ethics*, Kant explicitly claims that, "suicide violates the law of the noumenon, and respect for the latter." (LE, Vigilantius 27: 594) The problem is nonetheless that, as already indicated, *homo phaenomenon* and *homo noumenon* should not be understood as two different metaphysical entities but rather as two different ways in which man views himself as a subject of duty.⁶⁵ That being the case, however, we would obtain once again a reflexive, not a transitive relation, so that if it is one and the same person who is disposing of herself in order to reach a self-given end, it is difficult to see how that same person is supposed to treat herself *merely as a means*.

Part of the difficulty in understanding Kant's argument stems from the obscure terminology he employs in the abovementioned passage from the *Groundwork*. As a matter of fact, in order to

indicate who or what is used merely as a means by the man who is contemplating self-murder, Kant makes use of three, different expressions: “a person [*einer Person*]”, “a human being [*der Mensch*]”, and “the human being in my own person [*den Menschen in meiner Person*].” (G, 4: 429) The way in which the categorical imperative is formulated in the formula of the end in itself makes, however, clear that what must not be used merely as a means is the “*humanity, in your own person [die Menschheit [...] in deiner Person]*.” (*ibid.*) Thus, when Kant introduces the first of the four examples, he asks whether the action of the self-murder can be consistent with “the idea of humanity, as an end in itself.” (*ibid.*)

Now, as shown, the key feature of humanity is rationality and it is *qua* rational beings that human beings are ends in themselves. In Kant’s view, this status imposes certain constraints on human actions. As Richard Dean (2009: 89) points out, Kant makes a distinction between *contingent* (or *subjective*) and *necessary* ends. Ends based on desires and feelings have only *relative* or *conditional* value. This means, among other things, that the end *x* cannot be satisfied if this implies the thwarting of the satisfaction of the more important contingent end *y* or, *a fortiori*, the sacrifice of the only necessary and unconditional end, that is, rational nature, from which derives the capacity for morality. In other words, one cannot chose “to place higher priority on contingent desires than on morality.” (*id.*: 94) But this is precisely what the man from Kant’s example would do, if he took his life. Indeed, his end is based on his contingent desire “to escape from a troublesome condition.” The satisfaction of this subjective, sensible end would imply, however, the disposal of his humanity, the key feature of which is rationality, merely as a means – a disposal that cannot be morally permitted. In other words, the man from Kant’s example would “violate the demand of treating humanity as an objective end” by undermining or destroying it “for the sake of achieving desire-based ends.” (*ibid.*) The key to Kant’s argument thus lies not so much in whether the suicide’s end is self-given but rather in the contingent, desire-based nature of the same end.

Here, two considerations can be put forward. In both arguments from the *Groundwork* (as well as in the *freedom argument*), Kant seems to lay much emphasis on the fact that the suicide’s maxim rests on inclination. From this derives a clear dichotomy between sensuality and rationality. To put it bluntly: the suicide follows his inclinations and, in satisfying his desires, he sacrifices rationality. As already mentioned, this seems to be too reductive and polarized a view of suicide, which excludes the possibility that suicide might be committed as a consequence of a rational deliberation (although Kant would probably object here that there are simply no rational grounds that might justify suicide). This consideration brings with it the question of how Kant’s *disposition argument* should be exactly interpreted. According to a first, more conservative interpretation,

Kant's argument has a limited scope: its aim is not to put forward an absolute prohibition of suicide but only a prohibition of those suicides whose maxim rests on inclination. This would exclude other kinds of suicide, which are not motivated by one's desires or needs. According to a second, less conservative interpretation, Kant's intention is to put forward an absolute prohibition of suicide, based on the fact that to dispose of one's life inevitably means, *ipso facto*, to dispose of one's own humanity merely as a means. Given that humanity is an end in itself, this is, however, something which cannot be morally permitted. The idea behind this view is that every human being possesses something sacred, which has absolute worth, that can never be violated or disposed of. As will be shown, this is precisely the assumption on which Kant's last and seventh argument, the *morality argument*, is based.

A later version of the *disposition argument*, which is to be found in the lectures recorded by Vigilantius, shows that the second interpretation is as plausible as the first. In this version of the *disposition argument*, Kant puts the emphasis not so much on the fact that the one who takes his life uses his own person merely as a means but rather on the fact that there is a kind of hierarchical relation between the *phaenomenon* and the *noumenon*. As *phenomenon*, man can *never* have the authorization to dispose of the humanity in his own person:

A man cannot dispose over his own substance, for he would then himself be master over his very personality, his *inner freedom*, or humanity in his own person. These, however, do not belong to him; he belongs to them, and as phenomenon is obligated to the noumenon. He is therefore not *dominus* over his personality, considered as an *objectum reale*. (LE, Vigilantius 27: 601)

The relation between the phenomenon and the noumenon is clarified by Kant in a previous passage by means of the technical distinction between *proprietary* (owner) and *dominus* (master). According to Kant, we are the *proprietary* of our body – we govern and rule over it – but we are not its *dominus* – we cannot treat it as *res nostra* (our own property): the noumenon restrains here the phenomenon. From this follows that the principle “*homo est mancipium sui* [a man is his own possession]” is wrong, for “the *jus disponendi de re sua* [right to dispose of one's own] never holds in regard to the person.” The correct principle is rather: “*homo non est dominus sui ipsius, sed tantum proprietate gaudet* [a man is not master over himself, but enjoys a sort of proprietorship].” (*id.*: 601) Accordingly, man can never be allowed to dispose of himself.

2.3.3 The Subject of Duty Argument

A recurring element in Kant's discussion of suicide is the reference to the Stoics.⁶⁶ This reference is to be explained not only by Kant's "lifelong love of and respect for the ancient Greek and Latin authors" (Seidler, 1983: 429) but also by the fact that the Stoic position serves as counterpoint to his own. This can be clearly seen in the *Metaphysics of Morals*, where Kant introduces his sixth argument against suicide by contrast to the Stoic position. Kant mentions that the Stoic sage "thought it a prerogative of [...] his personality to depart from life at his discretion (as from a smoke-filled room)⁶⁷ with peace of soul, free from the pressure of present or anticipated ills, because he could be of no more use in life." (MM 6: 422) Here, as in the Collins lectures (LE, Collins 27: 374), Kant is willing to recognize that this attitude is a mark of courage. However, he claims that "this strength of soul not to fear death and to know of something that man can value even more highly than his life" (*ibid.*) would have been better used to preserve life rather than to renounce it.

The allusion to "something that man can value even more highly than his life" is made explicit in the following passage, which follows directly after the reference to the Stoic position:

Man cannot renounce his personality as long as he is a subject of duty [*so lange von Pflichten die Rede ist*], hence as long as he lives; and it is a contradiction that he should be authorized to withdraw from all obligation [*aller Verbindlichkeit*], that is, freely to act as if no authorization were needed for this action. 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. Consequently, disposing of oneself as a mere means to some discretionary end is debasing humanity in one's person (*homo noumenon*), to which man (*homo phaenomenon*) was nevertheless entrusted for preservation. (MM, 6: 422-423)

Kant's use of the logical connector "consequently [*mithin*]" in the final sentence may lead one to read this passage as containing just one single argument. On a closer scrutiny, however, it is possible to distinguish three different arguments, each of which corresponds to one sentence. I will call the first argument the *subject of duty argument*, and the second one the *morality argument*. The third argument is clearly a *disposition argument*, which has been already the focus of the previous section – therefore, it will be not necessary to dwell on it. In this section I will consider the subject of duty argument, leaving for the next section the analysis of the morality argument.

Kant begins the passage quoted above by pointing out a contradiction lying in the permission to take one's life. As we have already seen, this kind of argumentative strategy appears both in the Collins lectures, with regard to freedom, as well as in the *Groundwork*, with regard to the suicide maxim thought as a universal law of nature. This time the contradiction arises when we

think of man as a subject of duty. According to Kant, as a rational being endowed with a self-legislating will, man, as long as he lives, is a subject of duty. To renounce one's personality, however, would mean to withdraw from all obligation. But this is something that man cannot have the authorization to do; for he cannot consistently be a subject of duty and at the same time be authorized to withdraw from all obligation.

David N. James (1999: 47) has drawn attention to the fact that "by suggesting that justified suicide requires a specific authorization, Kant is once again echoing the traditional view of Plato, the Stoics, and Augustine." This view is the so-called *divine command theory*, according to which an action (in this case, suicide) can be considered as morally permitted or justified if commanded by God. As we have seen, Kant alludes to the divine command theory not only in the Collins lectures, where he argues that human beings are stationed like sentries on earth by God and should not desert their posts unless God commends to do so (LE, Collins 27: 375), but also in the *Metaphysics of Morals*, when he claims that suicide can be considered "even as a violation of duty to God, as man's abandoning the post assigned him in the world without having been called away from it." (MM 6: 422) Although these lines almost immediately precede Kant's subject of duty argument, it is important to recall that in the *Metaphysics of Morals* Kant is considering the moral permissibility of suicide only with regard to the duties to oneself (as Kant himself puts it: "the question is whether [...] man is still bound to preserve his life simply by virtue of his quality as a person and whether he must acknowledge in this a duty (and indeed a strict duty) to himself"; MM, 6: 422). This means that the moral authorization required to justify suicide, to which Kant makes reference in the passage quoted above, is neither a divine authorization nor can it depend from the duties one has towards other human beings (Kant has set aside one's duties to others) but can be only self-given according to what the moral law prescribes in regard to the duties to oneself. Thus, the question that needs to be asked here is: why cannot man give himself the moral authorization to take his life in regard to the duties that he has towards himself?

Kant's argumentation can be summarized as follows: as long as he lives, man is a subject of duty (as we have seen, he has both duties to oneself and duties to others). The obvious precondition for the possibility to fulfil these duties is self-preservation; conversely, suicide implies the withdrawal from all obligation. In order to withdraw from all obligation, however, man needs a moral self-authorization. Yet, he cannot give himself this authorization, precisely because, *qua* rational being, he is a subject of duty, the fulfilment of which is possible only through self-preservation. Therefore, man cannot take his life, or as Kant puts it in the passage quoted above, he cannot renounce his personality, for this would mean to withdraw from all obligation.

The fact that each man has moral duties (both to oneself and to others) is admittedly a strong argument against the moral permissibility of suicide. Nonetheless, the key question here is whether man cannot withdraw from his obligations – and, therefore, commit suicide – *whatever* the situation he faces. Indeed, one might argue that there are limits to our obligations and to the amount of suffering that we can impose on ourselves for the sake of fulfilling our duties to ourselves and to others. Consider, for instance, the man from the *Groundwork* “who feels weary of life because of a series of ills that has grown to the point of hopelessness.” (G, 4: 421) Suppose that, being “so far in possession of his reason” (*id.*: 421-422), this man can still fulfil his duties to himself and to others. Should this man hopelessly go through unbearable suffering only in order to comply with his obligations? Kant leaves no doubt as to his position. As he writes in the section of *The Metaphysics of Morals* dedicated to the happiness of others: “adversity, pain, and want are great temptations to violate one’s duty”; still, “the end is not the subject’s happiness but his morality.” (MM, 6: 388) A passage from the *Vigilantius* lectures is even more categorical: “nor the most excruciating pains and even irremediable bodily sufferings can give a man the authority to take his own life, to escape from anguish and enter earlier upon a hoped-for higher happiness.” (LE, *Vigilantius* 27: 628)

Needless to say, nowadays this position may undeniably appear to many as too severe. Beyond this aspect, however, it is important to note that Kant’s view entails a categorical prohibition of suicide only if we suppose with Kant that man is a subject of duty *as long as he lives*. In other words, Kant is assuming that, as long as he lives, man is always able to fulfil his duties, that is, *whatever situation he faces*. Wittwer (2001: 202-203) has called into question this premise imagining the case of a man who suffers from an incurable and mortal illness that confines him to bed (thus making him completely dependent on assistance from others) and causes a painful decline of the body, while leaving the mind untouched.⁶⁸ Taking into consideration that Kant is considering suicide exclusively from the perspective of the duties to oneself, it seems that the only duty that this man still has is self-preservation. As Wittwer points out, the result is a highly paradoxical situation: this man is obligated to preserve himself because this a necessary condition for the fulfilment of his duties. However, since the only duty to oneself left to him is self-preservation, this man “is obligated to preserve himself because this is a necessary condition to preserve himself!” (Wittwer, 2001: 203)

The hypothetical case suggested by Wittwer can help us not only in showing the paradoxical character of Kant’s reasoning but also in pointing out a problem in the argument. Recall that, according to Kant, man cannot renounce his personality, that is, he cannot withdraw from all obligation, for, as long as he lives, he is a subject of duty. That among these duties is a duty to

oneself to self-preservation is, however, something that the argument is designed to establish (recall that the aim of the argument is to provide an answer to the question mentioned above of whether “man is still bound to preserve his life simply by virtue of his quality as a person and whether he must acknowledge in this a duty (and indeed a strict duty) to himself”; MM, 6: 422). This means that the existence of a duty of self-preservation cannot be the hidden premise of the argument but must rather be its conclusion. Keeping this in mind, let us consider again the man from Wittwer’s example. Given the impossibility to fulfil his duties to oneself and to others, this man is bound to preserve his personality *only if* we presuppose that he has a duty of self-preservation (which would be the only duty to oneself that this man still has). However, as already mentioned, we cannot circularly presuppose what the argument is supposed to establish, namely the existence of a duty to oneself to self-preservation. Hence, in extreme cases such as the one described by Wittwer, Kant’s *subject of duty argument* seems to fail to establish a prohibition of suicide.

2.3.4 The Morality Argument

Does Kant’s *morality argument* do the job needed here for a categorical, universal prohibition of suicide? Recall the argument: “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.” (MM, 6: 423) As we have seen, Kant considers that, as a rational and autonomous being able to act upon a self-given law, man is a subject of morality (he is bound by the moral law but he also binds other moral subjects). When he annihilates himself, man destroys the condition of the existence of morality, which exists in the world only through rational living beings, rooting out it from the world. However, morality is an end in itself and, *qua* end in itself, has an absolute worth. This means that it cannot be rooted out from the world. Therefore, since the annihilation of oneself entails the rooting out of morality from the world, suicide cannot be morally permitted.

A problematic aspect of this argument is that it is not clear how it is possible “to root out the existence of morality itself from the world.” As David N. James (1999: 47-48) puts it:

If Kant is talking about the existence of morality itself, and not just the long-term commitments of a particular individual, then the premise [by killing oneself one is destroying a necessary condition of morality as it exists in the world] is simply false: Morality will survive any one individual’s death. Morality itself is not mortal in any sense.

James’ concern seems to be *prima facie* justified. Indeed, the use of the pronoun “*selbst*” after the noun “*Sittlichkeit*” in the German text seems to leave no doubt that Kant is not making reference to

“the long-term commitments of a particular individual”, to use James’ expression but rather to morality *itself*. But as James rightly argues, the existence of morality itself in the world is obviously independent from any one individual’s death. Kant, however, carefully specifies that the annihilation of the subject of morality in one’s own person is tantamount to the rooting out of the existence of morality itself from the world “*so viel an ihm ist*”, that is, as far as he (man) can. This addition is symptomatic. For Kant is not claiming that one single suicide can root out the existence of morality from the world (so that, *per absurdum*, morality will completely disappear from the world after it) but rather that man, by taking his life, annihilates that part of morality that is in him. As Elke E. Schmidt and Dieter Schönecker (2017: 157-158) put it:

Morality is real; but it is real only *in* human beings. He, who takes his life, does not “annihilate” morality itself; for morality is real also in other human beings. But insofar as “morality” finds its realisation in human beings, the suicide “roots out” the moral laws “as far as he can” – insofar as they find realisation in him – “from the world.”

Besides the problematic character of Kant’s assumption that to commit suicide entails the rooting out of the existence of morality itself from the world, as far as one can,⁶⁹ it is important to note that the morality argument clearly shows how radical Kant’s consideration of the relation between morality and life is. As Wittwer (2001: 207) puts it: “life is at the service of pure practical reason, since the former constitutes a necessary condition for morality’s self-preservation.” In other words, if on the one hand Kant recognizes that human life is intrinsically valuable, on the other hand he thinks that this value is something *secondary* and *derivative* that implies a prior element, namely, morality. Accordingly, Kant establishes a *primacy of morality over life*. This means not only that man is not free to dispose of his own life when he so wishes (he cannot root out the existence of morality from the world) but more importantly that, should he be forced to choose between life and morality, priority must be given to the latter, as the following passage from the Collins lectures clearly shows:

[...] there is much in the world that is far higher than life. The observance of morality is far higher. It is better to sacrifice life than to forfeit morality. It is not necessary to live, but it is necessary that, so long as we live, we do so honourably; but he who can no longer live honourably is no longer worthy to live at all. (Collins 27:373)⁷⁰

As Battin (1996: 106) points out, Kant’s value-of-life view “assigns value not directly to human biological processes or the mental capacities associated with them, but to human *moral* life.”⁷¹ In other words, human biological life is valuable insofar as it is the necessary condition for

the realization of human moral life. This is why Kant accepts the possibility of sacrificing one's life for the sake of morality, that is, for the sake of something which must be valued higher than mere biological life.⁷² The most important implication following from this conception is that it is not clear how Kant's concept of the intrinsic but derivative value of human life helps supporting the prohibition of suicide (or assisted suicide) in extreme cases such as the one described in the previous section, that is, where there still is biological life but the realization of *moral* life is made impossible by reason of sickness or physical inability. Indeed, once the latter is no longer possible, what is the reason to *unconditionally* preserve the former?⁷³

The answer to this question largely depends on how we interpret Kant's view of human dignity. As already mentioned, Kant leaves no doubt in the *Groundwork* that human dignity follows from the human being's ability to act according to the moral law. As he puts it: "Morality is the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a lawgiving member in the kingdom of ends. Hence morality, and humanity insofar as it is capable of morality, is that which alone has dignity." (4: 435) But if human dignity depends on the capacity for morality, how should we consider, for instance, those living human beings who are losing or have lost this capacity?⁷⁴ In her commentary to Cooley (2007a), Rosamond Rhodes (2007: 47) argues, for instance, that, "the human life of dignity is not co-extensive with biological human life. Only during a portion of the life of some living organisms with human DNA is the organism capable of 'autocracy of the human mind.' Hence, only that portion of human life has dignity, only that portion is worthy of respect." Needless to say, this claim is far from being uncontroversial. In a recent study on Kant's conception of human dignity, Oliver Sensen, for instance, acknowledges that there is a tension within Kant's text itself,⁷⁵ but he also points out that Kant puts forward a twofold conception of dignity: "All human beings are said to have dignity in virtue of freedom, but only one who uses his freedom in a certain way has the second form of dignity too." (Sensen, 2011: 168) In other words, Kant's conception of dignity would allow for two stages: an initial one, common to all human beings, and a realized one, only common to those human beings who make a proper use of freedom.

Kant's claim in the *Metaphysics of Morals* (MM, 6: 436) that man "possesses an inalienable [*unverlierbare*] dignity (*dignitas interna*)" is of primary importance here. Indeed, much of the contemporary debate about the moral permissibility of suicide focuses precisely on the problem of whether under certain conditions human dignity can be considerably undermined. J. David Velleman (1999), for instance, argues that from a Kantian viewpoint suicide could be morally justified if unbearable pain has disintegrated the patient's person and undermined his dignity.⁷⁶

Other scholars have defended the idea that in some cases suicide might be not only compatible but even required by the preservation of our own dignity.⁷⁷ These views share a common premise: they admit the possibility that dignity might be in extreme cases undermined, deteriorated or even destroyed.⁷⁸

Cholbi (2010: 495) has recently called into question this common premise by pointing out that “dignity is neither earned nor relinquished, according to Kant, and is not a function of cognition, self-control, physical independence, or any other factor associated with the common understanding of dignity.”⁷⁹ According to Cholbi (*ibid.*), views that maintain that “dignity is a property that human beings can lose as a result of such conditions as pain, mental dysfunction, etc. (and that can be preserved or protected by means of suicide)” rely upon a more Aristotelian notion of dignity.⁸⁰ This suggests, Cholbi (2010: 496) concludes, that “there may be a plausible Aristotelian argument for prudential suicide on the grounds of loss of, or threat to, one’s dignity. But there is no credibly Kantian argument resting on such a premise.”

To circumvent this difficulty, it is certainly possible to point out with Wittwer (2001: 208) that Kant’s notion of dignity is not the only one available to us.⁸¹ Wittwer himself (*ibid.*), for instance, points out that Seneca considered the slowly wasting away of a terminally ill person as incompatible with the dignity of a free man.⁸² Similarly, in his analysis of moral life in the concentration camps, Tzvetan Todorov (1996: 61-65) points out how suicide, conceived as an act of self-determination, can be considered in extreme situations as the only way to preserve one’s own dignity. For his part, Jean Améry (1999: 61), who went through the experience of the concentration camps, argues that “not to have to live [...] becomes a commandment wherever dignity [*Dignität*] and liberty forbid abominable conditions to the anti-nature of a living toward death, of a life in *échec*. The subject decides for itself in full sovereignty.” These examples clearly show that the concept of dignity can be so construed so as to morally justify suicidal acts in specific situations. On the other hand, however, as long as we stick to Kant’s notion of dignity, it seems that, for the reasons mentioned above, we cannot use this notion to support the moral permissibility of suicide in extreme cases in which there still is biological life but the realization of moral life is extremely difficult, if not impossible.

Concluding Remarks

In his study on the ethics of suicide, Cosculluela (1995: 64) argues that, “any plausible moral theory must allow for obligatory suicide. The reason is that it is easy to construct examples in which it

seems clear that a person is morally required to commit suicide.” One can find similar construed examples in secondary literature on Kant’s view of suicide.⁸³ These examples usually aim at showing that Kant’s prohibition of suicide is not as dogmatic as one may believe and that his moral theory can be so read as to justify a right or even a duty to suicide in certain specific occasions. A detailed assessment of these examples go beyond the aim of this chapter. Nevertheless, two considerations can be put forward. First, it has been rightly pointed out that Kant seems to propose sometimes *ad hoc* examples. Tom L. Beauchamp (1989: 211) points out, for instance, that “Kant avoids treating cases in which a refusal [to being coerced to morally degrading acts] will lead to *degradation* (by rape, say) but *not to death*.” In the *Lecture on Ethics* (LE, 27: 377), Kant is reported to having said that, “if a man can preserve his life no otherwise than by dishonouring his humanity, he ought rather to sacrifice it.” Accordingly, how should we consider the case of a woman, who is about to be raped and who faces only two alternatives: either sexual violation (and, thus, according to Kant, moral degradation) or suicide? Should we suppose that Kant would have probably considered this and related types of suicide as morally permitted, as both Cosculluela (1995: 40) and Battin (1996: 109) suggest? Or, would he have still argued against them? I will leave these questions open.

Second, although these examples can help us imagine possible situations, which Kant did not consider and which could have possibly led him to soften his position on the moral impermissibility of suicide, we should not overlook the important distinction between what Kant *might* have written or said and what Kant *actually* wrote or said. We can certainly speculate on how Kant would have considered, for instance, the suicide of a scientist who, knowing how to manufacture a deadly pandemic virus, which could threaten humanity’s existence, is tortured by a misanthropic madman who is both able to reproduce and willing to use the virus. On the other hand, however, we should always keep in mind that even in the *Anthropology* (7: 259), where Kant seems to sympathize with those “honor-loving men” that sought to forestall unjust execution by law through suicide, he claims that “suicide will always remain horrible” and that “by committing it the human being makes himself into a monster.” A passage from the *Vorarbeiten* (23: 405), quoted by Unna (2003: 457), seems to leave few doubts about Kant’s strict denial of the existence of a right to suicide: “NB. It is a duty to refrain from something to which man has no right. [...] he has no right to dispose of his life [...]. – The duty to oneself is here unconditioned.”⁸⁴ It is precisely this inflexibility and rigidity that has led a number of Kantian scholars to search for a less strict alternative and to propose a modified Kantian view of suicide.

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¹ See Cosculluela (1995: 39), James (1999), Cholbi (2000, 2010, 2015), Brassington (2006), Cooley (2006, 2007a, 2013, 2015), Rhodes (2007) and Harter (2011). See also Gregor (1963: 135-136) and Battin (1996: 108-112). On the other hand, for a reading of Kant as opposing suicide in all circumstances, see de Vleeschauwer (1966), Brandt (1975), Wittwer (2001), Unna (2003) and Schüssler (2012). Hill (1991: 85) ascribes to Kant a “rigoristic opposition to suicide.” He nonetheless finds Kant’s position untenable and claims that, “the spirit of his idea of humanity as an end in itself [...] leads to a more tenable position.”

² See, particularly, James (1999).

³ On this, see Langton (1992).

⁴ Cato the Younger or “Uticensis” (95-46 BC) was a Roman statesman and Stoic, known for his moral integrity. He was one of the defeated of the Great Roman Civil War (49-45 BC). Unwilling to live in a world governed by Caesar, whom he considered a tyrant, Cato decided to commit suicide, thus becoming a symbol of virtue.

⁵ See Battin (2006: 107), Cooley (2006: 333, 336; 2007a: 38; 2013: 367) and Harter (2011).

⁶ On this, see Seidler (1983 : 446).

⁷ The first three questions refer to the following historical figures: Curtius (hurling oneself to certain death to save one’s country), Seneca (killing oneself to preserve one’s honour) and Frederick the Great (carrying lethal poison in war to be able to commit suicide rather than be captured and forced to agree to conditions that would prove harmful to the state). The fourth question is about a man bitten by a mad dog, who prefers to take his life rather than cause harm to others.

The fifth and final question concerns the moral permissibility of smallpox inoculation, which at that time could cause death.

⁸ See also Schüssler (2012: 77-81).

⁹ See Cooley (2006: 333; 2007a: 38-39; 2013: 367; 2015: 284). In his reply to Cooley's paper (2007a) on a Kantian moral duty for the soon-to-be demented to commit suicide, Stephen R. Latham (2007: 50) draws the attention to Unna's paper. Apparently, this reference has gone unobserved by Cooley.

¹⁰ See LE, *Vigilantius* 27: 603: "To destroy oneself, therefore, through an act voluntarily undertaken by the sensory being, can never be permitted, so that a suicide (*autocheiria*) can never, under any circumstances, be regarded as allowable. Suppose, if you will, such cases as that of a slave, for example, who should lose his life in consequence of an attempted but abortive bid for freedom; or that one bitten by a mad dog should feel quite plainly the effects of madness; can either of them take his own life? The first considers a life of slavery to be no such life as is suited to humanity; the second foresees his own death, and the possibility, likewise, of harming others through his urge to bite. Nevertheless, they both frustrate all attempts whereby they might be freed from their unhappy condition and are preserved from harm, e.g., by having themselves tied up at the appropriate time; quite recently a remedy for the mad dog's bite has been found, in administering oil to the victim internally, and trying to anoint him completely on the outside."

¹¹ As a general rule, I have personally translated all citations in languages other than English.

¹² I acknowledge my mistake in Stellino (2015: 98, n. 48; due to an unfortunate misunderstanding with the publisher, this article was not published in its final and revised version). According to Schmidt and Schönecker (2017: 164-165), "The crucial point of [Kant's] casuistry is not the question whether there are exceptions to the rule, that is, whether suicide 'in specific cases' can be permitted, but rather whether concrete cases of self-*disembodiment* [Selbstentleibung] entail self-*murder* [Selbstmord]."

¹³ See G, 4: 421-422, 429; CPrR, 5: 44; MM, 6: 422-424; LE, 27: 190-192, 208-210, 342-347, 369-378, 601-603, 627-630; NF 6801, 19: 165-166. See also § 77 of the *Anthropology from a Pragmatic Point of View* (7: 258-259).

¹⁴ This term was coined after Nietzsche's "free death" (*freier Tod*). On this, see section 4.2 of this book.

¹⁵ *Mord* means "murder", (*er*)*morden* means "to murder". *Selbstmord* literally means "self-murder".

¹⁶ See Daube (1972: 429-430).

¹⁷ On the distinction between running (*gerathen*) and wilfully venturing (*begeben*) into danger of death, see Unna (2003: 469).

¹⁸ Battin rightly points out that Kant construes the case so that being killed is the only apparent alternative to moral degradation caused by rape. "Suppose, however," Battin writes, "that the woman's assailant did not threaten to kill her: The possible alternatives in this situation are now only consent, or forcible subjection to rape. Provided the assailant is physically stronger than she, he can impose sexual violation (and, thus, Kant holds, moral degradation) upon her without killing her. The choice to let herself be killed is not an option." (Battin, 1996: 109) Battin suggests that, in this case, Kant's theory may permit suicide. For a similar criticism, see Beauchamp (1989: 211) and Cooley (2006: 336-337). On this, see note 74 below.

¹⁹ According to de Vleeschauwer (1966: 260), there are only three different versions of just one main argument, whereas in Cholbi's opinion (2000: 159) Kant offers "three distinct lines of argument against suicide." Quoting Cooley (2007: 38), Robert Sharp (2012: 232) affirms that, "Kant's arguments against suicide actually fall into two categories." Similarly, Schmidt and Schönecker (2017: 135) identify two different reasons for which Kant opposes suicide.

²⁰ I here follow Wittwer (2001: 182).

²¹ As Cholbi (2011: 62) points out, "according to the role responsibilities argument, suicide is an indirect wrong, in that it makes impossible for a person to fulfil the moral responsibilities she has toward specific other individuals." Consider, for instance, the following passage from Voltaire's *Zadig or, Destiny* where a soldier who has lost his mistress decides not to take his life precisely because of his moral responsibilities towards his mother: "Then he [the chief satrap] introduced a soldier, who in the Hyrcanian war had given a still nobler example of generosity. Some of the enemy's troops were laying hands on his mistress, and he was defending her from them, when he was told that another party of Hyrcanians, a few paces off, were carrying away his mother. With tears he left his mistress, and ran to rescue his mother; and when he returned to the object of his love, he found her dying. He was on the point of slaying himself, but when his mother pointed out that she had no one but him to whom she could look for succour, he was courageous enough to endure to live on." (Voltaire, 1907: 68)

²² For a defence of Kantian duties to oneself, see Paton (1990), Denis (1997) and Timmermann (2006).

²³ See also LE, Collins 27: 341: “So far from these duties [duties to oneself] being the lowest, they actually take first place, and are the most important of all; for even without first explaining what self-regarding duty is, we may ask how, if a man degrades his own person, anything else can be demanded of him? He who violates duties toward himself, throws away his humanity, and is no longer in a position to perform duties to others. [...] the infringement of self-regarding duties takes all his worth from a man, and the infringement of duties to others deprives him of worth only in that respect. Hence *the former are the condition under which the others can be observed.*” (my italics)

²⁴ Kant’s use of the word *Wesen* might suggest that the natural being and the intelligible being are two distinct metaphysical entities belonging respectively to the phenomenal and noumenal world. As Wood (2008: 172) points out, however, “to understand the distinction here with the ‘two worlds’ metaphysical baggage would make no sense. The point is rather that as a subject of obligations to myself I think of myself as an empirical agent, while when I think of myself as the being to whom the obligation is owed I bring myself under a moral idea grounded on an *a priori* moral principle. No noumenal metaphysics is needed for that distinction.”

²⁵ See Kuehn (2015: 51). The notes recorded by Vigilantius, also quoted in this chapter, date instead from 1793/94. For an overview of the chronology of the notes on moral philosophy, see the very useful webpage *Kant in the Classroom*: <https://users.manchester.edu/FacStaff/SSNaragon/Kant/Home/index.htm> (accessed 7 April 2020).

²⁶ See also Kuehn (2015: 54): “The Collins lectures cover only the material of the second part of the *Metaphysics of Morals*. It is, however, surprising how closely the content of the ‘*Ethica*’ in the Collins notes correspond to the book that appeared in 1797, that is, more than twenty years later.”

²⁷ See also Schneewind (1997: xxii): “Kant disagreed with Baumgarten on many fundamental philosophical matters, as well as on various points of morality. [...] Although Kant sometimes summarized his ‘Author,’ he far more often criticized him or simply presented his own views instead.”

²⁸ See Plato’s *Phaedo* (62b-c).

²⁹ This is the so-called “divine calling” used by Socrates in order to justify his suicide (see *Phaedo*, 62c).

³⁰ De Vleeschauwer (1966: 263-264) calls attention to the similarity between Kant’s military expressions and the words used by Saint-Preux in Rousseau’s *Julie, or the New Heloise* (1997: 311): “They consider man living on earth as a soldier on sentry duty. God, they say, has placed you in this world, why do you quit it without his leave?”

³¹ See Cosculluela (1995: 14-19), Battin (1996: 31-41), and Cholbi (2011:45-53).

³² As will be shown, one of the reasons for which Kant considers suicide as morally impermissible is precisely the fact that, by taking his own life, man disposes of him as a thing, thus debasing humanity in his own person (see the *disposition argument* in section 2.3.2).

³³ *Gemächsel* literally means “artefact”.

³⁴ For a detailed analysis of Kant’s theory of property, see Gregor (1988).

³⁵ See LE, Collins 27: 307: “All religion presupposes morality; hence this morality cannot be derived from religion.” In this, Kant fundamentally disagrees with Baumgarten (see Bacin, 2015: 24-29).

³⁶ See also LE, Collins 27: 342-343.

³⁷ See Plato’s *Euthyphro* (10a): “Is the pious being loved by the gods because it is pious, or is it pious because it is being loved by the gods?” See also Kuehn (2015: 62).

³⁸ Kant’s assumption that he, who commits suicide, utterly fails to respect his life, is obviously questionable. Indeed, there is little doubt that many individuals decide to take their lives precisely because of the respect they hold for their own lives. On this, see section 2.3.4 of this book.

³⁹ More than twenty years have passed since Battin wrote her book and things have not changed. Indeed, this argument is almost universally ignored by secondary literature. A rare exception is represented by Wittwer (2001 and 2003).

⁴⁰ According to the definition given by Marieke Liem (2010: 153), “homicide-suicide is a generic term referring to a homicide and a subsequent suicide by the same actor.”

⁴¹ The Columbine High School shooting occurred on 20 April 1999 at Columbine High School, Colorado. The shooters, Eric Harris and Dylan Klebold (respectively aged 18 and 17) killed 13 people and injured 24 others. They subsequently committed suicide.

⁴² See Eliason (2009) and Liem (2010).

⁴³ I here consider the conservative rate of 0.05 homicide-suicides per 100.000 persons.

⁴⁴ See, for instance, Doerflinger (1989: 16) and the United States Conference of Catholic Bishops (2011: 4).

⁴⁵ It is precisely in this sense that, in the first part of *Thus Spoke Zarathustra*, Nietzsche uses the adjective “free” (German: *frei*) in order to characterize his conception of voluntary death.

⁴⁶ See Doerflinger (1989: 17).

⁴⁷ Another way of arguing against the possibility of interpreting the self-contradiction of freedom as a logical contradiction would be to introduce the distinction between logical opposite (*contradictorie oppositum*) and real opposite (*contrarie s. realiter oppositum*) mentioned in *The Metaphysics of Morals* (Kant, 6: 384; see also the 1763 pre-critical writing *Attempt to Introduce the Concept of Negative Magnitudes into Philosophy*). *Qua* vice, suicide is opposed to virtue as its real opposite, not as its logical opposite. I owe this remark to Lorena Cebolla Sanahuja.

⁴⁸ See Guyer (2015: 187).

⁴⁹ To clarify why suicide breaks the supreme rule, Kant puts forward two analogous examples: “if I have drunk too much today, I am incapable of making use of my freedom and my powers; or if I do away with myself, I likewise deprive myself of the ability to use them.” (LE, Collins 27: 346) In both cases, Kant claims, freedom is used in a self-contradictory way. It might be argued that the two examples put forward by Kant are disanalogous exactly in the same way as the two cases mentioned above (the man who commits suicide and the man that decides to become a slave) are. Indeed, whereas a drunkard makes use of his freedom to (temporarily) abolish freedom and, as a consequence, lives as a man deprived of freedom (as long as he is drunk), the man who commits suicide makes use of freedom in order to put an end to his life. To that extent, he ceases to exist. But since he is dead, he has no possibility to deprive himself of the ability to use freedom. However, even in this case Kant seems to understand the contradiction not in logical but in teleological terms. Accordingly, the suicide would deprive himself of the ability to use his freedom and his powers because he follows his inclinations and, thus, makes use of his freedom in a way that is inconsistent with its natural purpose – exactly in the same way as the drunkard does.

⁵⁰ See CPrR, 5: 44: “Similarly, the maxim that I adopt with respect to disposing freely of my life is at once determined when I ask myself what it would have to be in order that a nature should maintain itself in accordance with such a law. It is obvious that in such a nature no one could end his life *at will*, for such an arrangement would not be an enduring natural order.”

⁵¹ See Aquinas (2007: 1463): “Everything naturally loves itself, the result being that everything naturally keeps itself in being, and resists corruptions so far as it can. Wherefore suicide is contrary to the inclination of nature, and to charity whereby every man should love himself. Hence suicide is always a mortal sin, as being contrary to the natural law and to charity.”

⁵² See Hume (1996).

⁵³ According to Timmermann (2007: 78-79), “the target of the first variant formulation is easily identified. It is the Stoic idea that a morally good life is a life in harmony with nature, which was still popular with philosophers like Alexander Gottlieb Baumgarten and Christian Garve, whose annotated translation of Cicero’s *De officiis*, published in 1783, is said to have inspired Kant to write the *Groundwork*.”

⁵⁴ For a reading of Kant’s *natural law argument* as naturalistically fallacious, see Brassington (2006: 572). On the erroneous conflation of the Humean is/ought problem and Moore’s naturalistic fallacy, see Joyce (2006: 146-152).

⁵⁵ On this, see Mihailov (2013).

⁵⁶ According to Wittwer, in both cases the analogy between the two formula would be problematic. See Wittwer (2003: 125-128, 154-165).

⁵⁷ See Paton (1947: 154; my italics): “Why should it not be a merciful dispensation of Providence that the same instinct which ordinarily leads to life might lead to death *when* life offered nothing but continuous pain?” See also Cosculluela (1995: 33-34).

⁵⁸ See also MM, 6: 420 (“There are impulses of nature having to do with man’s *animality*. Through them nature aims at a) his self-preservation”) and MM, 6: 424 (“love of life is destined by nature to preserve the person”).

⁵⁹ See, among others, Battin (1996: 45-46), Wittwer (2003: 360-368) and Cholbi (2011: 43-44).

⁶⁰ On the several questions arising from Kant’s teleological view, see Horn (2006). As Horn points out, the fact that Kant develops an account of the teleology of human nature “is surprising since Kant, at least in his ‘critical period’, is well known as a philosopher who rejects traditional teleological claims, in particular the famous teleological argument for God’s existence.” (*id.*: 45).

⁶¹ This claim is somewhat puzzling. For if the would-be suicide destroys himself, by putting an end to his life, how can his will be that of “preserving a bearable condition up to the end of life [*zu Erhaltung eines erträglichen Zustandes bis zu Ende des Lebens*]”?

⁶² See also Cosculluela (1995: 37): “In committing suicide, one carries out one’s own intentions. It is hard to see how carrying out one’s own intentions could involve using oneself merely as a means.”

⁶³ See Wittwer (2001: 188).

⁶⁴ See G, 4: 456: “we think a human being in a different sense and relation when we call him free from when we take him, as a piece of nature, to be subject to its laws, and that both not only *can* very well coexist, but also must be thought *as necessarily united* in the same subject.” See also CPrR, 5: 99-103, more specifically CPrR, 5: 100, where Kant distinguishes between “the intelligible subject [*das intelligibele Subject*]” and the “subject also belonging to the sensible world [*Subject, das auch zur Sinnenwelt gehörig*].”

⁶⁵ See note 24.

⁶⁶ On this, see Seidler (1983) and James (1999). For an analysis of the Stoic view of suicide, see Rist (1977: 233-255).

⁶⁷ See Epictetus (*Discourses* I, XXV, 18). See also Marcus Aurelius, *Meds.*, V, 29.

⁶⁸ As much as uncommon and rare this case might be, it is not impossible. In a footnote, Wittwer (2001: 202, n. 36) mentions the case of Noel Earley, a 48-year-old man, who suffered from the amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig’s disease. As the webpage of the ALS association explains, “the progressive degeneration of the motor neurons in ALS eventually leads to their demise. When the motor neurons die, the ability of the brain to initiate and control muscle movement is lost. With voluntary muscle action progressively affected, people may lose the ability to speak, eat, move and breathe.” See <http://www.alsa.org/about-als/what-is-als.html> (accessed 10 April 2020).

⁶⁹ On this, see also the objection advanced by Cooley (2015: 297). In order to show that there is no inconsistency with killing the body to preserve the moral agent, Cooley points out that, according to Kant’s ontological view of the soul, “the moral agent does not end with her suicide” (the reference is to the immortality of the soul as a postulate of pure practical reason; see CPrR, 5: 122-124).

⁷⁰ See, particularly, the section “Of Care for One’s Life” in the Collins lectures. (LE, Collins 27: 375-378)

⁷¹ See Altman (2011: 99): “Kant is no vitalist; he does not value life simply for its own sake.” See also Hill (1991: 93, n. 5).

⁷² Note that the sacrifice of one’s life for the sake of morality neither contradicts Kant’s prohibition of suicide (as mentioned above, Kant carefully distinguishes between a suicide and a victim of fate) nor implies the moral justification of suicides committed in order to achieve morally good ends. According to Cholbi (2000: 169), for Kant, “there is no wrong in submitting to what we might call ‘indirect’ or ‘passive’ suicide” for moral reasons. To support his claim, Cholbi quotes the following passage from the Collins lectures: “If I cannot preserve my life except by violating my duties toward myself, I am bound to sacrifice my life rather than violate these duties.” (LE, Collins 27: 372; Cholbi quotes Louis Infield’s translation of Kant’s *Lectures on Ethics*) In reality, in this passage, Kant is not justifying suicide for moral reasons but he is rather arguing that the preservation of life is of subordinate value when compared with the observance of morality. As a matter of fact, the passage quoted by Cholbi continues as follows: “But suicide is in no circumstances permissible.” According to Cholbi (2011: 66), it is also not clear how unselfish suicides (as, for instance, those in which the suicidal individual sacrifices her life in order to save another human being’s life) should be considered from a Kantian perspective. Kant’s consideration of Curtius’ case (LE, *Vigilantius* 27: 629) seems to indicate, however, that unselfish suicides constitute no exception to his strict prohibition of suicide. On this, see Unna (2003: 459, 472). See also Ho (2010: 372-375).

⁷³ Battin (1996: 112) goes as far as arguing that “Kant’s theory might be read to permit or even to require preemptive suicide for those who are ill or approaching old age, if there is reason to think that physical or mental infirmity will diminish their adherence to the moral law – a risk presumably especially great in diseases which involve progressive mental deterioration.”

⁷⁴ On the question of who or what counts as a moral agent, see chapter 10 of Altman (2011).

⁷⁵ See Sensen (2011: 53-54): “On the one hand, Kant seems to be saying that all human beings as such are ends in themselves and should be respected (see *GMS* 4:428; *TL* 6:463). On the other hand, he says that morality is the condition for something’s being an end in itself (see *GMS* 4:435), and that only a morally good will has an absolute value (see e.g. *GMS* 4:393).”

⁷⁶ For a criticism of Velleman’s position, see Cholbi 2010.

⁷⁷ See Wood (2008: 172): “[...] it is equally true that in other cases suicide might be not only compatible with the preservation of our own dignity but even required by its preservation – as when we face the prospect of a life deprived (by disease or by mistreatment by others) of the conditions under which our human dignity can be maintained.” According to Wood (2008: 173), “suicide is a topic on which [...] the position Kantian ethics should take is quite distinct from (in many cases diametrically opposed to) the position Kant himself takes.” Compare with what Korsgaard writes in her *The Sources of Normativity*: “The ravages of severe illness, disability, and pain can shatter your identity by

destroying its physical basis, obliterating memory or making self-command impossible. Suicide, in such cases, may be the only way to preserve your identity, and to protect the values for which you have lived". (Korsgaard, 1996b: 162) See also Brassington (2006: 573): "Kant's denial of the permissibility of suicide is found wanting; this leaves the way clear for an argument for the permissibility of suicide on the basis of appeals to autonomy (which is also founded in our intelligible sides). There need be no clash between respect for autonomy and absolute inner worth, and it would, in fairness, be surprising if there were a clash – the two are, after all, ways of making sense of the same noumenal characteristic."

⁷⁸ As Velleman (1999: 616-617) points out, "the phrase 'dying with dignity' is potentially misleading. We don't think that a person's death is morally acceptable so long as he can carry it off with dignity. Rather, we think that a person's death is acceptable if he can no longer live with dignity. The operative concept is undignified life, not dignified death."

⁷⁹ In his paper Cholbi refers to Gertzler (2003: 463), who argues that "on Kant's view, the autonomous nature which serves as the basis for our dignity is not empirically manifest: we can know *a priori* that it is something that we all necessarily possess as long as we are alive [...]. Since this capacity remains whether or not it is exercised, Kantian human dignity cannot be earned and cannot be taken away. Since all human beings, as such, possess the same capacity for autonomous action, all human beings have equal dignity."

⁸⁰ See Gertzler (2003: 475-480).

⁸¹ For a survey of the history and meaning of the concept of dignity, see Rosen (2012).

⁸² Wittwer makes reference to the letter 77 of Seneca's *Epistulae morales ad Lucilium*.

⁸³ See, particularly, Cooley (2006, 2007a).

⁸⁴ My translation.