

The Morality of Suicide

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A pilot alone in a large plane experiences a complete engine malfunction over a heavily populated area. Instead of bailing out to safety and possibly allowing the plane to kill many people, he remains in the plane and steers it into neighboring mountains, killing himself.¹ A man with a large family discovers that he has a long-term illness that will require exorbitant medical care. Lacking medical insurance, or appropriate life insurance, the man kills himself rather than subjecting his family to possible financial ruin.

In time of war, a secret agent is captured by the enemy. Fully aware that torture and truth serums will cause him to reveal information extremely damaging to the cause he believes in, he kills himself. In primitive tribes, old men voluntarily leave the tribe and starve or freeze to death in times of famine so that younger members of the tribe can survive.

Suicide is regarded by contemporary Western man with instinctive horror and dread, primarily because it intransigently rejects our deeply-held impulses of self-preservation. We conceive of suicide in tragic terms, the victim being one who must have acted in a moment of deep despair and great irrationality if not insanity. The suicide troubles and appalls us because his action squarely contradicts our conviction that life must be worth living. For these reasons suicide is presently viewed as a serious social problem and contemporary concern with suicide primarily focuses on its prevalence and prevention.

However, suicide may also be viewed in a moral context: For centuries man has debated over whether or not the intentional killing of oneself may be morally justified. This debate has been recently intensified by the rapid development of modern medicine which, in greatly prolonging the duration of human life, has perhaps made the idea of suicide more attractive to those facing years of grave illness or debilitating old age. Let us attempt to examine suicide from an historic and philosophic perspective to analyze the legal and moral issues raised by the concept of self-destruction.

HISTORICAL PERSPECTIVE

Societal responses to the act of self-destruction in the past have ranged from outright condemnation as absolute sin on the one hand, to acceptance and incorporation into the social and moral code on the other. As a form of human behavior, suicide apparently is as old as man himself. Anthropological studies have established that suicide has been practiced for thousands of years in primitive and historic societies.

During the time of the ancient Greeks and Romans, suicide, although never actually encouraged, nevertheless was often considered socially acceptable. Honor suicides to avoid capture and humiliation by the enemy were apparently frequent and approved of by contemporaries. On the Greek island of Keos, persons over sixty years of age were expected to poison themselves with hemlock when it was obvious that they were no longer socially useful or productive. Furthermore, certain schools of philosophers such as the Epicureans and the Roman Stoics advocated suicide as a reasonable exercise of human freedom.

Suicide was not originally condemned by the establishment of the new religion, Christianity. In fact, suicide may have been fairly common among early Christians since it appeared to provide a quick route to the afterlife of eternal bliss. The eventual Christian doctrine on suicide was originally formulated by St. Augustine (354-430) in *The City of God*. Augustine condemned suicide on three grounds: that it violated the commandment "Thou shalt not kill", that it precluded any opportunity for repentance, and that it was a cowardly act.

Thomas Aquinas (1225-1274) enlarged upon Augustine's views by condemning suicide because it was detrimental to the community and because it usurped God's prerogative to determine man's fate. This Augustine-Aquinas position on suicide remains to this day that of Christianity. Intentional self-destruction is a sin because it is a violation of the fifth commandment, a usurpation of God's prerogative, and a social wrong.

With the gradual emergence of the Renaissance there developed challenges to the orthodox Christian views on the sinfulness of suicide. In 1516, Sir Thomas Moore in *Utopia* recommended suicide for those suffering from incurable and painful diseases. In the early seventeenth century, John Donne published *Biathanatos*, a com-

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prehensive defense of suicide designed to prove that self-destruction was not incompatible with the laws of reason or of God. In the eighteenth century, Voltaire, Montesquieu and Hume all at some time in their careers defended the act of suicide. In the nineteenth century, Schopenhauer vigorously advocated suicide since life was similar to an unpleasant dream, the sooner ended the better. As a gross generalization, one may state that a number of contemporary writers have relegated suicide to a question of personal choice that requires no moral justification.

In certain non-Western societies, suicide has not traditionally been regarded as a moral wrong or sin. For example, in Japan and India, voluntary self-destruction (*hari-kari* or *settee* in the respective countries) was once viewed as a somewhat honorable act, often available to the nobility as a means to remove the stigma for past misdeeds. In certain Eskimo civilizations, aged members were expected to voluntarily leave camp and freeze to death so that others could exist within available food supplies.

Thus, even a cursory examination of suicide as practiced in the past reveals that by no means have all people considered suicide as an absolute moral wrong. In contrast to the Christian condemnation of suicide, some societies have accepted and even approved of the act of intentional self-destruction.

LEGAL PERSPECTIVE³

In accordance with religious condemnation of suicide, the English common law subjected the person who of sound mind took his own life to severe post-mortem penalties. First, the suicide was declared to be guilty of a felony. Next, the suicide was subject to civil penalties which included forfeiture of land and goods to the Crown. Finally, as Blackstone reports in his *Commentaries* (Oxford: IV, 190), the suicide was buried not in the churchyard, but in the highway with a stake driven through the body. The last practice was a pagan tradition to keep the ghost from returning to earth. Blackstone's presentation of the reasons behind the common law condemnation of suicide is instructive as to the importance of religious considerations.

And also the law of England wisely and religiously considers that no man hath a power to destroy life, but by commission from God, the author of it; and as the suicide is guilty of double offence, one spiritual, in invading the prerogative of the Almighty, and rushing into his immediate presence uncalled for; the other temporal, against the King, who hath an interest in the preservation of all his subjects, the law has therefore ranked it among the highest crimes, making it a peculiar species committed on one's self. (*Commentaries: IV, 189*).

Since suicide was a felony at common law, an attempt to commit suicide was a misdemeanor. Also, one who encouraged and assisted another to commit suicide was guilty of a felony, as a principal if he was present at the act which caused death, and as an accessory before the fact if he was not present when the suicide was committed. Thus, at common law, if two entered into a suicide pact and only one was successful, the other would be guilty of murder.

Present English law still classifies suicide as a felony although no forfeiture of goods nor ignominious burial are involved. The major legal effect is the avoidance of life insurance policies on the principle that a man may not profit by his own criminal act. Attempted suicide is still viewed as a common law misdemeanor and aiding and abetting suicide will result in severe criminal penalties.

Unlike other areas of the common law, the English rules on suicide were not generally adopted in the United States. In 1660, Massachusetts passed a statute proscribing a Christian burial for suicides and decreeing that they should be buried in the highway with a cartload of stones on the grave as a mark of infamy. However, the statute was not adopted in other states and was eventually repealed.

The present law on suicide in the United States has many points of conflict and confusion. In the majority of the states, suicide is not a crime, while a small minority of states such as New Jersey still classify suicide as a felony. In the case of attempted suicide, the majority rule is that it is not criminal, although a minority classify it as a misdemeanor. Since a majority of states do not make

suicide criminal, then theoretically aiding and abetting it should not be either; but the majority of states have avoided this logical conclusion by making the assistance of a suicide a separate criminal offense. In fact, in some states, aiding, abetting or inciting a suicide may be murder in the first degree.

In evaluating Anglo-American law on suicide, one is impressed most of all with the basic irrelevance of the criminal law to the subject. It is obvious that making suicide a criminal offense serves no social purpose whatsoever, since a man soon deceased could not possibly be deterred by the threat of penal measures. In the case of attempted suicide, having the law promise to punish the potential suicide if he should fail in his attempt may only serve the purpose of insuring that the person genuinely intending to end his own life will do a good job of it. Thus, it appears absurd to talk in terms of deterrence in relation to suicide or attempted suicide since it is inconceivable that a potential suicide or attempted suicide would seriously consider the possibilities of criminal punishment.

The only other possible argument for the retention of the crime of attempted suicide is that it may enable medical treatment to be given to the attempter. However, there are obviously ways of insuring that needy people receive medical attention other than first making them criminals. Furthermore, although this paper will not discuss the causes of suicide, recent studies have refuted past contentions that all suicides are insane and have found, that in fact, only a very small percentage of suicides are caused by insanity.

Moreover, a substantial number of suicides may be called "rational suicides" since the competent individual involved carefully weighs the attractiveness of life and death and opts for the latter. In such situations, medical treatment would not appear to be extremely helpful.

Thus, the criminal law is basically irrelevant in regard to the potential suicide, since criminalizing the acts of suicide or attempted suicide serves no real social purpose. However, in regard to the criminalizing of the acts of aiding, abetting or inciting a suicide, the law may be relevant. The individual assisting a suicide, if he is not also attempting to commit suicide as part of a suicide pact, obviously plans to survive the suicide and hence deterrence may be a factor. Assuming there is a social interest in the life of the individual, the legal system is justified in making assistance of a suicide a crime since it may prevent a suicide that would otherwise be committed. However, outside this limited area of assistance of a suicide, the law appears to be basically irrelevant to the concept of self-destruction.

MORAL PERSPECTIVE

In examining suicide from a moral perspective, it appears impossible to generalize categorically on the morality of the act of intentional self-destruction. While in the past certain theologians and philosophers such as St. Augustine and Immanuel Kant have posited that suicide in all circumstances is morally wrong, it would

appear that, upon careful consideration, such an absolute position would today have to be qualified by even the most adamant moral critic of suicide.

In each of the deaths described at the beginning of this article, there are acts of suicide or intentional self-destruction. However, it would appear that few of us would characterize all these actions as morally wrong. In fact, regardless of the wisdom of the specific acts involved, most of us would probably characterize at least several of them as heroic self-sacrifices to save others. Thus, it is impossible to stereotype all suicides categorically as immoral actions.

Acknowledging that suicide may not always be morally wrong, may one state that it is morally wrong for an individual to take his own life for reasons of his own personal welfare? Putting aside religious considerations, the morality of an act would seem to be determined by its social consequences. Suppose an individual without acquaintances or family drowns himself in the middle of the ocean. The action is so far removed from society that there is no problem of a social nuisance, and actually no one else is affected at all since no one knew of either the man or his suicide. One may argue that society has lost a potentially useful citizen and in fact this appears to have been Blackstone's "temporal" reason for denouncing suicide. However, in these days of overpopulation such a contention would appear frivolous. The action may realistically be viewed as void of significant social consequences and for this reason a morally neutral action. In other words, since the individual's action has neither hurt nor harmed anyone else, his suicide would not necessarily appear to be morally wrong.

Perhaps the best generalization that can be made concerning the morality of suicide is that intentional self-destruction is not justified when made for personal reasons *and* where the act adversely affects third persons. For example, suppose a supporter of a large family decides that because of the tensions and frustrations of modern society he will kill himself. However, by killing himself he voids his life insurance policies and leaves his dependents totally without financial support. Moreover, he leaves his friends and family with deep and permanent feelings of sorrow, pain, guilt and even embarrassment. Here the suicide may be viewed as a selfish and immoral act. For the purpose of permanently relieving his anxieties, the individual has directly caused others serious financial and emotional problems. Thus, the argument that suicide is morally wrong when it is committed for personal reasons and when it adversely affects other people may have some logic to it. Still, even this generalization may fall in certain circumstances, and an appropriate area in which to examine this proposition is that of euthanatic suicide.

"Euthanatic suicide", or "active euthanasia" stands for the intentional self-destruction of individuals suffering from an incurable disease or facing impending death who choose suicide rather than endure extended suffering. Euthanatic suicide is really suicide to escape a miserable life.

The moral problems raised by euthanatic suicide are easily resolved if everyone involved agrees that the individual should be encouraged to take his own life. For example, if the family and friends of the gravely-ill individual decide that he should be allowed to commit suicide rather than face extended and unnecessary agony, it would be difficult to characterize the suicide as a moral wrong. However, difficulties will arise if the euthanatic suicide will adversely affect third persons, and merely by characterizing the death as suicide may trouble and embarrass next of kin and close acquaintances.

In such situations, it appears that the moral problem can only be resolved by a difficult balancing process. On the one hand, it is true that an euthanatic suicide may have moral consequences in that third parties can be adversely affected. On the other hand, a euthanatic suicide may save the individual from an extremely painful and miserable death. In some circumstances, the individual may feel that it is morally required for him to endure this painful death. He may know that suicide would void insurance policies his family desperately requires, or that suicide would cause irreparable emotional damage to his family. On the other hand, there may be circumstances in which euthanatic suicide would not appear to categorically be a moral wrong. If serious financial considerations are not relevant, and if the feelings and dispositions of friends and family would be only marginally affected, the euthanatic suicide would cause grievous social consequences. In certain circumstances then, even when third parties are adversely affected it would be difficult to characterize the euthanatic suicide as morally wrong when a great deal of agony and suffering may be avoided. Resolution of the moral issue will depend upon the specific circumstances involved.

Very similar to, and perhaps included in, the concept of euthanatic suicide is intentional self-destruction to avoid debilitating old age. In this situation, the individual involved may have led a happy and productive life; but with the oncoming of old age and its corresponding severe limitations, the individual may wish to die in peace and with dignity. Such feelings may be more common today as, with rapid development of medical technology, people may be kept alive longer than they really desire.

A much-publicized example of such a suicide was that of Dr. and Mrs. Henry P. Van Dusen in early 1975. Dr. Van Dusen, the former president of Union Theological School, and his wife swallowed overdoses of sleeping pills in an effort to carry out a suicide pact. In a suicide note, the Van Dusens explained that they had entered a pact rather than face the prospect of old age. At the time of her death, Mrs. Van Dusen was lame because of an arthritic condition, and Dr. Van Dusen had been rendered virtually speechless and inactive because of a stroke suffered years earlier.

Otherwise, the Van Dusens were not in such poor health as to be facing impending death. However, both the Van Dusens had been vigorous scholars, and their recent physical handicaps had totally deprived them of the useful and active lives to which they had become accustomed. With only the prospect of slow deterioration for the future, they decided they would die together rather than face enfeebling old age.

As with any suicide, a suicide to avoid debilitating old age such as the Van Dusens does not appear to be morally wrong if there are no significant social consequences. If the suicide does not adversely affect anyone else, then it is difficult to see why the act is wrong in itself. On the other hand, if the suicide does somewhat injure third persons, it appears that again a balancing process is required to weigh the benefits sought by the suicide against the supposed adverse effects suffered by third parties. As with euthanatic suicide, there does appear to be some legitimacy and justification for suicide to avoid debilitating old age. It is natural for one to wish to die in dignity; many people accustomed to active useful lives would not relish the idea of years of a demeaning and meaningless existence as one merely a burden upon others. Perhaps in certain situations these considerations would outweigh any slight discomfort or embarrassment suffered by friends or family of the suicide. The moral evaluation must be determined upon consideration of the specific circumstances involved.

Man's attitudes on suicide have varied drastically over the centuries, usually according to socio-cultural factors. The concept of intentional self-destruction has been categorically condemned on the one hand, and accepted and approved of as part of a social code on the other. Perhaps only two basic conclusions can be reached concerning suicide: First of all, because of its extreme and permanent characteristics, suicide does not appear to be effectively subject to man's legal systems. Second, because of its complexity, suicide does not appear to be effectively subject to moral generalizations. The morality of suicide can only be judged in specific factual situations after careful consideration of the personal reasons and social consequences involved.

FOOTNOTES

1. See R. B. Brandt, *The Morality and Rationality of Suicide*, in *A HANDBOOK FOR THE STUDY OF SUICIDE* 64-65 (1965).
2. SEE NORMAN ST. JOHN-STEVAS, *LIFE, DEATH AND THE LAW* 246-52 (1964); JACQUES CHORON, *SUICIDE* 9-33 (1972); H. R. FEDDEN, *SUICIDE: A SOCIAL AND HISTORICAL STUDY* 49-246 (1972); George Rosen, *History of Suicide, A HANDBOOK FOR THE STUDY OF SUICIDE* 3-30 (1975).
3. See ST. JOHN-STEVAS, *supra*, at 232; ROLLIN M. PERKINS, *PERKINS ON CRIMINAL LAW* 82-86 (2d Ed. 1969).