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Historical Attitudes Toward Suicide*

Daniel M. Crone**

Although suicide is an issue that has concerned all cultures\(^1\), the attitude of ancient primitive societies toward suicide is a matter of controversy. Most of the ancient societies seemed to regard suicide with a horror that was often associated with fear of the evil spirits that suicide was believed to set loose.\(^2\) At least some ancient and primitive cultures, however, tolerated or encouraged "altruistic suicide."\(^3\) In ancient China and India, for example, the "suttee," a tradition in which a widow leapt onto the burning pyre of her deceased husband, was widely practiced.\(^4\) It is clear, however, that the roots of the Western Tradition, in which the American constitutional order is firmly embedded, spring primarily from ancient Judaic, Greek, and Roman cultures.

I. ANCIENT JUDAIC CULTURE

There is no Old Testament passage which can be clearly understood as offering explicit judgment on the ancient Judaic view on the morality of suicide.\(^5\) Indeed, the Old Testament contains no expression in Aramaic, Hebrew or Greek that is

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3. Id. at 78-79.
4. Farberow, Cultural History of Suicide, Suicide in Different Cultures 1, 3-4 (N. Farberow ed. 1975).
equivalent to the English term "suicide" as a distinct cause of
death.\textsuperscript{6}

The Old Testament, including the Apocrypha, lists only eight
cases that might be considered as instances of suicide; the Pentateuch\textsuperscript{7} contains none. In the Old Testament, the eight suicide
cases are as follows: (1) Abimelech committed suicide to escape
the disgrace of being slain by a woman;\textsuperscript{8} (2) Samson destroyed
the Philistines and himself by pulling down a Philistine temple;\textsuperscript{9}
(3) Saul, when all hope of victory was lost, died by falling on his
sword;\textsuperscript{10} (4) Ahithophel hanged himself when his counsel was
refused;\textsuperscript{11} (5) Zimri burned himself in the royal citadel, appar-
ently as a self-imposed judgment for his sins;\textsuperscript{12} (6) Hannah, the
mother of seven sons who were tortured and martyred for refusing
to eat pork, threw herself on their funeral pyre;\textsuperscript{13} (7) Ptolem-
emy, a Syrian official who lost respect because of his lenience
toward the Jews, poisoned himself;\textsuperscript{14} and (8) Razis chose to com-
mit suicide rather than fall prey to his enemies.\textsuperscript{15}

With the exception of Samson, none of the eight individuals
who died by suicide in the Old Testament are presented as
heroes. Abimelech and Zimri are presented as evil rulers whose
conduct was displeasing to the God of Israel. Zimri is specifically
said to have "died in his sins . . . doing evil before the Lord."\textsuperscript{16}
Saul and Ahithophel were both enemies of David, who would
become known as the greatest of Israel's kings. Saul, the Lord's
anointed king in his youth, died after turning away from God for
many years and slaying many innocent people in attempts to kill
David. Ahithophel committed suicide in the course of an unsuccess-
ful effort to betray and depose King David.\textsuperscript{17}

Only Samson's suicide is arguably heroic. The writer of the
Book of Judges notes of Samson, "[t]hose [Philistines] he killed at
his death were more than those he had killed during his life-

\begin{itemize}
\item 6. Daube, The Linguistics of Suicide, 1 Phil. & Pub. Aff. 387-437 (1972). Even in
English, the term "suicide", derived from the Latin suicidium, "to kill oneself," was not
used until 1651. Farberow, supra note 4, at 1.
\item 7. The Pentateuch is the first five books of Jewish and Christian scriptures. Web-
\item 8. Judges 9:54.
\item 9. Judges 16:30.
\item 10. 1 Samuel 31:4.
\item 11. 2 Samuel 17:23.
\item 12. 1 Kings 16:18.
\item 13. 2 Maccabees 7:1-42.
\item 14. 2 Maccabees 10:113.
\item 15. Id. at 14:41.
\item 16. 1 Kings 16:18, 19.
\item 17. 2 Samuel 17:19-23.
\end{itemize}
time." As with the other Old Testament suicides, the nature of Samson's suicidal act is neither praised nor condemned. Samson was the only man among the eight who committed suicide, however, who was described as a man whose life was, on the whole, pleasing to God. Samson's primary intent seems to have been the destruction of the Philistines, the arch-enemies of his people. Yet, Samson realized that in destroying the Philistines he would also cause his own death, and Samson gained the strength to commit the act after beseeching God. Since Samson did not appear to directly will his own death, but only the death of the Philistines at the cost of his own life, his intention was arguably not even suicidal.

Razis, like Samson, is seen as a good man in the Old Testament. Yet Razis' suicide, though dramatized, is hardly glorified:

Now as the multitude sought to rush into his house as to break open the door and to set fire to it, when he was ready to be taken, he struck himself with his sword. Choosing to die nobly rather than to fall into the hands of the wicked and to suffer abuses unbecoming his noble birth.

But whereas through haste he missed of giving himself a sure wound, and the crowd was breaking in the doors, he ran boldly to the wall and manfully threw himself down to the crowd. But they quickly making room for his fall, he came upon a place where there was no building and as he had yet breath in him, being inflamed in mind, he arose and while his blood ran down with great stream and he was grievously wounded, he ran through the crowd.

And standing upon a steep rock, when he was now almost without blood, grasping his bowels with both hands, he cast them upon the throng, calling upon the Lord of life and spirit to restore these to him again. And so he departed this life.

According to the Old Testament, evidently the suicide assister in the time of King David was not excused by the suicidal intent of the deceased. For example, King David unhesitatingly orders the death of a young man who claims to have killed Saul at Saul's own request and with the belief that Saul was terminally ill. The facts of the situation are reported as follows:

[The young man tells King David that King Saul said to him]: 'Stand over me, and kill me. For anguish is come upon me, and as yet my whole life is in me.' So standing over him, I killed him; for I knew that he could not live after the fall . . . .

19. 2 Maccabees 14:41-46.
20. Id.
And David said to him: Why did you not fear to put out your hand to kill the Lord's anointed? And David, calling one of his servants, said: "Go near and fall upon him."

And he struck him so that he died.

And David said to him: "Your blood be upon your own head. For your own mouth has spoken against you saying: I have slain the Lord's anointed." 21

Some authors believe that suicide may have been a relatively rare phenomenon in biblical times. 22 It has been suggested that a cultural prohibition toward suicide existed "because it represented a dangerous form of spilling blood, a loss of community control over the blood of a tribal member, and the possibility of an unattended corpse in the wilderness." 23 Choron states that "those who did commit suicide were considered deranged, and no sanctions were taken against suicide." 24 Nevertheless, according to Farberow, "[w]hen the act did occur, the victim and his family were punished by denial of a regular burial and the customary rituals of mourning." 25

The infrequency of suicide among the Hebrews, however, was most probably due to their religious creed's positive emphasis on the value of life and the special providence of God. 26 Such a view is exemplified by Job, who, in his fidelity to God, endured numerous sufferings and spurned the bitter advice of his wife to "curse God and die." 27 As the influence of Hellenism spread, Jewish writers developed a more philosophical posture and became more explicit in their treatment of moral problems such as suicide. The earliest known formal prohibition of suicide among the Jews occurred in the first century A.D. when Josephus, after his army had been conquered by the Romans, forbade his soldiers to kill themselves on the grounds that suicide was a cowardly act contrary to nature and the law of God, who committed man's soul to his body. 28 Josephus' order contrasted with that of Eleazer Ben Jair, who successfully urged his Zealot followers to commit mass suicide at Masada in order to avoid capture by the Romans. 29

21.  2 Samuel 1:9, 10, 14-16.
25.  Farberow, supra note 4, at 4.
29.  Farberow, supra note 4, at 4.
After the Jewish exile, prohibitions of suicide were included in the Rabbinic and Talmudic writings, and they were also expressed in stories and in mourning and funeral sanctions.30

II. ANCIENT GRECO-ROMAN CULTURE

Among the ancient Greeks, the earliest reference to suicide is found in the poems of Homer. In Homer's writings, no attitude of condemnation is expressed toward suicide and the suicides mentioned are of a heroic rather than melancholy nature.31 During this "Heroic Age" of the Greeks, there appears to have been a particular enthusiasm for life and suicide seems to have been an exceptional event.32 While it was not considered an offense against the law, both the cities of Thebes and Athens denied funeral privileges to suicide victims, and it is likely that certain religious sanctions were imposed on individuals who attempted suicide.33

The only clear reference to suicide found among the Pre-Socratic philosophers comes from Pythagoras of Samos (580-500 B.C.) through the writing of Plato. Influenced by the sages of Egypt or India, Pythagoras adhered to the doctrine of transmigration of souls. According to this belief, the immaterial soul is imprisoned in the body where it undergoes expiation and purification, and at death the soul enters another body to repeat the cycle of life and death until it is wholly purified and thus set at liberty to return to its divine source.34 Life in this world is a period of trial and preparation, the conditions of which are ordained by God. For Pythagoras, suicide constituted a violation of this divine order and hence was judged immoral.35

According to Plato (429-348 B.C.), happiness is the supreme aim in life, and the essential constituent of happiness is wisdom. Wisdom unites one with the immutable and transcendent Forms, and in particular, with the all-encompassing and preeminent Form of the Good.36 According to Plato, it is only upon death that the soul, freed from corporeal existence, may aspire to the realm "of the gods and of the Forms, where perfect happiness reigns."37

30. Battin, supra note 22, at 32.
35. Choron, supra note 24, at 108.
36. Thonnard, supra note 34, at 80-81.
37. Id. at 85.
In the *Phaedo*, Plato's narrative of Socrates' last hours, suicide is discussed in light of one's relationship both with oneself and the gods. Socrates, who has been condemned to die by drinking hemlock, recalls to his friends the view passed on from Pythagoras and through the Orphic Mysteries that "we mortals are in a sort of prison, and that a man must not . . . free himself from it, or try to run away," and that "gods are our guardians and that we men are one of the gods' possessions." As the dialogue indicates, however, a paradox arises because the philosopher longs for death so that the soul may be set free from the body and attain direct knowledge of the truth. Socrates is then asked by his friends the following question: "How do you mean, Socrates, that it is wrong to commit suicide, and yet that the philosopher would gladly follow one who was dying?"

According to Socrates, to unravel this paradox it must be understood that although the body is "a sort of prison," the soul needs the body in order to transcend it and attain the vision of truth. The process of dialectics (philosophy) that leads to this vision begins with the data provided by the senses of the body. Thus, while corporeal existence is a troublesome burden to be borne and managed, this life must be embraced insofar as it is the means to spiritual liberation.

Socrates compares the human relationship with the gods to that of slave and master: as the slave is the possession of the master, all humans are the possession of the gods and do not have the right to dispose of their lives. Accordingly, committing suicide would provoke the anger of the gods and thus entail consequent punishment. Even though the choice of death seems preferable to life in some cases, suicide is not morally justified. Rather, as Socrates states, "one should refrain from bringing one's life to an end until God sends some necessity, such as the present one in my case."

In the time of Socrates, suicide was deemed immoral, not simply because it violated the "proprietary rights" of the gods, but because it undermined the attainment of ultimate happiness.

39. *Id.* at *62b.
40. *Id.* at *67c*, 68a-b.
41. *Id.* at *61d.
43. Bluck, *supra* note 38, at *66b*-e.
44. *Id.* at *62b*-c.
45. *Id.* at *62c.
46. *Id.* at *62a.
47. *Id.* at *62c.
Although it was through death that one may behold the Forms, this could only be achieved through a life of virtue and wisdom; the practice of philosophy. Only a life of “purification” could qualify one for true happiness in the life hereafter, and thus Socrates asserted:

So long as we are alive, it seems likely that we shall come nearest to having knowledge if we do our utmost to have no contact or association with the body except insofar as is absolutely necessary, and do not infect ourselves with its nature, but purify ourselves of it, until God Himself gives us the final release.48

... It is not lawful to join the gods without having pursued philosophy, without departing absolutely pure.49

As much as the philosopher prepared for the attainment of the Good, knowledge in this life was always obscured and imperfect. Only the gods knew whether individuals were sufficiently prepared to leave this life, because only the gods had perfect knowledge of individuals.50

In the Laws,51 Plato addresses the problem of suicide in the context of an individual’s relationship with the social order. Plato’s treatment of this matter within Laws can best be understood in light of the ethics he developed in the Republic and Timaeus.52 In these works, Plato stressed an organic interrelationship between the individual person, the state and the universe; morality ultimately being a matter of the human soul’s disposition in the cosmic order of which the social order is an important component.53 Plato’s public policy on suicide stated in the Laws presumed this ethical and cosmic perspective:

But what of him... whose violence frustrates the decree of destiny by self-slaughter though no sentence of the state has required this of him, no stress of cruel and inevitable calamity driven him to the act, and he has been involved in no desperate and intolerable disgrace, the man who thus gives unrighteous sentence against himself from mere poltroonery and unmanly cowardice[?] Well, in such a case, what fur-

49. Id. at *82b-c.
50. Id. at *62c. The “suicide” of Socrates is not evidence of an ancient belief in a “right to suicide,” rather the dialogue in the Phaedo supports the opposite conclusion. The notion that Socrates believed suicide was ethical probably stems from application of traditional definitions of suicide to Plato’s work without an examination of Plato’s own explanation of Socrates’ act. By some definitions, Socrates’ death might be considered a “suicide,” albeit a coercive one, in that he does terminate his own existence by consuming poison. To Socrates himself, however, the act was not a suicide, but an accession to his execution order promulgated by the state.
52. See Plato, Timaeus *47b-c.
53. Id.
ther rites must be observed, in the way of purifications and ceremonies of burial, it is for heaven to say; the next of kin should consult the official canonists as well as the laws on the subject, and act accordingly to their direction. But the graves of such as perish thus must, in the first place, be solitary; they must have no companions whatsoever in the tomb. Furthermore, they must be buried ignominiously in waste and nameless spots . . . and the tomb shall be marked by neither headstone nor name.\(^54\)

Plato was concerned with suicide as a deliberate and reasoned decision rather than the result of passion, compulsion or madness. In the latter case, culpability is lacking and the fault of malice against society is not assumed; hence the state, while not condoning such action, suspends its judgment. When suicide is a rational and deliberate choice, however, it is deemed to be a flagrant act of contempt for the state and an abandonment of duty to society and the divine order.\(^55\)

Aristotle (384-322 B.C.) shared with Plato both the view that society is necessary for the individual to attain happiness and that the individual has a moral obligation to serve society:

The law does not allow a man to kill himself . . . when a man voluntarily — that is, knowing who the victim and what the instrument is — injures another (not by way of retaliation) contrary to the law, he is acting unjustly. But a man who cuts his throat in a fit of anger is voluntarily doing, contrary to right principle, what the law does not allow; therefore he is acting unjustly, but towards whom? Surely not himself, but the state; because he suffers voluntarily, and nobody is voluntarily treated unjustly. It is for this reason that the state imposes a penalty, and a kind of dishonor is attached to a man who has taken his own life, on the ground that he is guilty of an offence against the state.\(^56\)

Aristotle refers again to suicide in a discussion concerning the different virtues and vices. He begins by defining courageous individuals as those who are fearless in the face of honorable death, such as death in battle or any life threatening circumstances,\(^57\) but draws a distinction between this form of death and another:

To kill oneself to escape from poverty or love or anything else that is distressing is not courageous but rather the act of a coward, because it shows weakness of character to run away from hardships, and the suicide endures death not because it is a fine thing to do but in order to escape from suffering.\(^58\)

\(^{54}\) PLATO, supra note 52, at *873c-e.  
\(^{55}\) NOVAK, supra note 42, at 20-21.  
\(^{56}\) ARISTOTLE, ETHICS *200-01 (J. Thompson trans. 1977).  
\(^{57}\) Id. at 128-29.  
\(^{58}\) Id. at 130.
Aristotle postulated that individuals have an obligation to pursue the good moral life and to realize their own nature according to the principle of order and universal finality. Thus, Aristotle deemed suicide as an act of cowardice and a rejection of one’s personal duty, both to society and to oneself.

In the centuries following Aristotle, internal and external factors combined to alter the spirit of Greek life and thought. As the City-States dissolved and Greece was subjected to foreign rule, philosophy turned from metaphysical speculation toward modes of thought such as Stoicism that emphasized individual contentment in an otherwise troubled and unhappy world.

Founded by Zeno of Citium (336-264 B.C.), Stoicism later became popular among the Roman nobility and has since found followers in “every age, particularly since the Renaissance.” Stoicism is essentially a philosophy of freedom as based on rational choice. For the Stoic, the universe is governed by universal determinism; one seeks to live by reason in an effort to know the very principle of universal order, otherwise known as the Logos. It is not enough simply to know the Logos, however,

59. F. Thonnard, supra note 34, at 124.

60. Since man, for Aristotle, is social by nature, Aristotle would not seek justification for suicide under the aegis of “privacy” as many often do today. Rather, Aristotle’s understanding of the private (idios) involves non-public activities that cultivate virtue. These virtue-promoting activities bear a telos which redounds upon an individual’s public life. Aristotle, Politics 126b 22-23. “In Aristotle’s account, privacy is not a right to do as one pleases but an opportunity to do as one ought. In private one can cultivate virtues one cannot in public, because the private offers activities the public cannot.” Judith A. Swanson, The Public and Private in Aristotle’s Political Philosophy 207 (1992). “The main task of laws, schools, and office holders in this respect is to help individuals appreciate that their private conduct bears heavily on that [social] harmony and thereby on the health of the political order.” Id. at 209.

61. See Masaryk, supra note 32, at 129; Thonnard, supra note 34, at 148-49.

The typical Sophist of the fifth and fourth centuries before Christ did not take the health of the soul into his reckoning of success. But if man does not restore order in his soul, Plato reasoned, then order cannot be restored in the state. Opposing the Sophists, Plato offered the decadent Greek society — which had lost faith in its religion, its traditions, its old customs — a means for making possible once more the life of the soul and the life of civilization of Hellas.


It was the clever relativism of the Sophists [however], not the mystical insights of Plato or Aristotle’s aspiration after the Supreme Good, which dominated the classical Greeks in their decadence. The schools of philosophy lingered on long, until in 529 A.D. the Emperor Justinian shut them; but they had ceased long before to say much that was relevant to enduring order.

Plato and Aristotle, nevertheless, would cross oceans in times to come. The leading men of America’s formative years would find Aristotle’s concept of the polity, in particular, still valuable to them.

Id. at 93.

as happiness lies in consciously and voluntarily acquiescing to it.\textsuperscript{63}

For the Stoic, the inevitability of death is the ultimate challenge to liberty. This explains the Stoics' fascination with death and the frequency with which they dealt with the subject of suicide. Seneca, the Roman Stoic, wrote:

What is evil is to live in necessity; but there is no necessity to live in necessity. Why no necessity? Because a path to freedom is open on every side. The ways are countless, short and easy. Let us thank God that no one can be forced to remain alive.\textsuperscript{64}

Also for the Stoic, virtue is a disposition of deliberate will with regard to the fatal development of events. The Stoic strives to be free of anything that would impede the will, never surrendering freedom of the will to passion or compulsion.\textsuperscript{65} Even if certain death should confront the Stoic, imposing itself against an autonomous will to live, the Stoic must, as Seneca asserts, "make death [one's] own in order to be free from it."\textsuperscript{66} Thus, in Stoicism, rational will, pure and simple, constitutes human dignity and justifies, even glorifies, an act such as self-inflicted death.

One of the most celebrated examples of suicide among the Stoics was that of Cato, who put himself to death for fear of dishonor when his military hopes had been crushed by Caesar. Montaigne said of Cato, "this was a man chosen by nature to show the heights which can be attained by human steadfastness and constancy . . . [s]uch courage is above philosophy."\textsuperscript{67}

In contrast to the Stoics' acceptance of suicide and popular admiration for individuals such as Cato, Roman law forbade suicide and introduced a penalty for suicide which did not prove to be a strong deterrent,\textsuperscript{68} but persisted in Western Civilization for almost two millennia. The penalty was forfeiture of the suicide victim's goods and estates, so that these could not pass to the victim's heirs.\textsuperscript{69}

\textsuperscript{63} T\textsc{honnard}, supra note 34, at 148-50.
\textsuperscript{64} Seneca, Epist. ad Lucilium XII, reprinted in \textsc{Landsberg}, supra note 62, at 43.
\textsuperscript{65} T\textsc{honnard}, supra note 34, at 48-49.
\textsuperscript{67} \textsc{Landsberg}, supra note 62, at 68. Evidently, Montaigne's high regard for Cato and the stoic view of life and death was not deeply embraced by the common Roman of Cato's day. Russell Kirk noted: "[T]he Stoic philosophy, and the integrity of the Good Emperors, could not regenerate the Roman masses. Stoicism was a high and austere creed, too abstract and intellectual for popular acceptance. Even the imported Egyptian cult of Isis had more votaries, in those days, than did Stoicism." \textsc{Kirk}, supra note 61, at 125.
\textsuperscript{68} \textsc{Choron}, supra note 24, at 21.
\textsuperscript{69} \textsc{Farberow}, supra note 4, at 6.
III. Early Christian Culture

The gradual dominance of Christianity in the Roman Empire culminating in the conversion of the Emperor Constantine in the 4th century A.D. worked as a transformation in the cultural attitude toward suicide. Imbuing all strata of the Roman world with its spiritual principles, Christianity provided a view of life that was itself inimical to suicide.70

The New Testament, like the Old, contains no explicit prohibition against suicide. The one suicide that the New Testament describes is that of Judas Iscariot, who ignominiously hanged himself after betraying Christ. Judas' act hardly recommended suicide to the early Christian church.71 The early Christians incorporated Judaic attitudes and Platonist philosophy which both opposed the practice. Indeed, the major church fathers representative of the orthodox Christian community, including Cyprian, Justin Martyr, Tertullian, John Chrysostom and Clement of Alexandria, all rejected suicide.72 Nevertheless, certain schismatic and heretical sects arose which confused the distinction between suicide and martyrdom. To dispel such confusion, St. Augustine (354-430 A.D.), following in the tradition of his forebears which proscribed suicide, made explicit the condemnation of suicide when confronted with the heretical sects which embraced the act and the Stoics, who reproached Christian women for not killing themselves when violated at the hands of barbarians.73

70. Masaryk, supra note 32, at 155-57. As Russell Kirk stated: "In the long run, the Christian faith which Saint Peter and Saint Paul had brought to Rome would renew the moral order, even though it could not save the state. But Christianity was a revered religion, the worship of a crucified God, and it would touch the heart." Kirk, supra note 61, at 125.

71. See Matthew 26:24 (providing: "[W]oe to that man by whom the Son of man shall be betrayed: it were better for him, if that man had not yet been born"); John 17:12 (stating: "Those whom thou gave me have I kept; and none of them is lost, but the son of perdition"). In Compassion in Dying v. State of Washington, the majority of judges stated that "the suicide of Judas Iscariot is not treated as a further sin, rather as an act of repentance." Compassion in Dying v. State of Washington, 79 F.3d 790, 808 n.25 (9th Cir. 1996) en banc, cert. granted sub nom. Washington v. Glucksberg, 65 U.S.L.W. 3085 (U.S. Oct. 1, 1996) (No. 96-110). No serious Christian scholar has suggested, however, that Judas' suicide as described in Matthew's gospel connotes redemptive contrition rather than sinful despair. See Amundsen, supra note 27, at 104 for a discussion on Judas' suicide.

72. Amundsen, supra note 27, at 86-89 (Cyprian); 94 (Justin Martyr); 90, 95-96 (Tertullian); 92 (John Chrysostom); 78, 92, 118 (Clement of Alexandria).

73. Landsberg, supra note 62, at 77. See Amundsen, supra note 27, at 72-73, 117-20 for a discussion of St. Augustine's articulation of the common Christian condemnation of suicide. Amundsen noted: "By removing certain ambiguities, [Augustine] clarified and provided a theologically cogent explanation of and justification for the position typically held by earlier and contemporary Christian sources." Amundsen, supra note 27, at 102 (emphasis added).
Augustine's view combined Greek, Roman and Oriental traditions of divine law, as transmitted through Cicero and Plotinus, with the formulas of the Christian faith. Augustine's perspective was theocentric: all existence, he believed, was created by and wholly dependent upon God. As God embodied creative and unitive love, it was the human purpose in mirroring the Divine life to participate in the free and creative act of love by conferring upon creation the highest possible degree of order and perfection in accordance with the universal and invariant eternal law. While God demanded the accomplishment of order and perfection, humans were free agents. Humans had moral obligations, in their liberty, to conform themselves to the natural law which was itself a product of God's will. Only in a human's free assent and correspondence to this law lies the individual's true happiness.  

From this perspective of moral obligation toward the objective Good (natural law), Augustine addressed the problem of self-imposed death. In the City of God, Book I, Augustine examined the issue of suicide from a variety of different motives and condemned the act as intrinsically sinful on the grounds that it violated the Sixth Commandment:

> It is not without significance, that in no passage of the holy canonical books there can be found either divine precept or permission to take away our own life, whether for the sake of entering the enjoyment of immortality, or of shunning, or ridding ourselves of anything whatsoever. Nay, the law, rightly interpreted, even prohibits suicide, where it says, Thou shalt not kill.  

Augustine recognized two exceptions to this Commandment. The two exceptions are that the taking of a life is tolerated when performed through the justice of the state (as in the case of war and capital punishment), or by special intimation by God (as presumed to be the case with Abraham, Samson and a number of other Saints). In any event, however, individuals do not have the authority to take their own lives. Augustine also discussed the question of suicide committed through fear of punishment or dishonor, noting: "[If] it is not lawful to take the law into our own hands, and slay even a guilty person, whose death no public sentence has warranted, then certainly he who kills himself is a homicide . . . ."  

74. Thonnard, supra note 34, at 215, 230, 262.
75. W. Oates, Basic Writings of St. Augustine 27 (1948) (City of God I, XV).
76. Id. at 28, 32-33 (City of God I, XXI, XXVI).
77. Id.
78. Id. at 23 (City of God I, XVII).
Responding to the case of a woman faced with the choice of suicide or rape, Augustine asserted that virtue, which in this case is chastity, is proper to the soul and is not lost through external circumstances as when one is compelled by force to yield to another:

[A] woman who has been violated by the sin of another, and without any consent of her own has no cause to put herself to death; much less has she cause to commit suicide in order to avoid such violation, for in that case she commits certain homicide to prevent a crime which is . . . not her own.\(^7^9\)

By the same principle, Augustine asserted that suicide can never be permitted to avoid a possible evil,\(^8^0\) rather, he extolled the virtue of fortitude, “which will rather endure all ills than consent to evil.”\(^8^1\) Augustine additionally maintained that suicide jeopardizes salvation as no other mortal sin since it deprives the suicidal individual of time needed for contrition.\(^8^2\)

Augustine also challenged the notion that suicide could ever be an admirable deed:

[If you look at the matter more closely, you will scarcely call it greatness of soul, which prompts a man to kill himself rather than bear up against some hardship of fortune, or sins in which he is not implicated . . . . Again, it is said many have killed themselves to prevent an enemy doing so. But we are not inquiring whether it has been done, but whether it ought to have been done.]\(^8^3\)

In discussing the suicide of Cato, Augustine asked:

But of this notion of his, what can I say but that his own friends, enlightened men as he, prudently dissuaded him, and therefore judged his act to be that of a feeble rather than a strong spirit, and dictated not by honorable feeling forestalling shame, but by weakness shrinking from hardship?\(^8^4\)

As a true example of courage, Augustine offered the example of Marcus Regulus, who submitted to captivity rather than killing himself after facing defeat by the Carthaginians.\(^8^5\) Augustine concluded that if such valiant warriors of earthly kingdoms and false gods had no fear of death and would rather endure slavery than commit suicide, then “how much rather must the Christians, the worshippers of the true God, the aspirants to a heavenly citizenship, shrink from this act.”\(^8^6\)

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79. Id. at 24 (City of God I, XVIII).
80. OATES, supra note 75 at 31, 33 (City of God I, XXV, XXVII).
81. Id. at 23 (City of God I, XXVIII).
82. Id. at 31-32 (City of God I, XXV).
83. Id. at 28-29 (City of God I, XXII).
84. Id. at 29-30 (City of God I, XXIII).
85. OATES, supra note 75, at 30 (City of God I, XXIV).
86. Id. at 31 (City of God I, XXIV).
With Augustine's contribution, the Roman Catholic Church articulated its stance against suicide; its condemnation consistently expressed in canonical directives applied to civil life. The Council of Arles (452 A.D.), for example, incorporated the Roman law's forfeiture of a suicide victim's estate. The Council of Braga (563 A.D.) banned religious rites for suicide victims. The Antisidor Council (590 A.D.) provided penalties for suicide, and the Synod of Nimes (1284 A.D.) denied suicide victims Christian burial. Due to the Church's dominant cultural and ethical influence in Europe, from the time of the late Roman Empire through the period of the Renaissance and Reformation the occurrence of suicide was negligible: "Deliberate suicide seems to have ceased almost entirely with the establishment of Christianity, and to have continued in abeyance until the reign of philosophic skepticism . . . ." 

IV. THE MIDDLE AGES

The Christian world-view that has so greatly dominated Western attitudes throughout the Middle Ages was further developed and synthesized by the most eminent philosopher of this period, St. Thomas Aquinas. Following in the tradition of Augustine, Cicero, Aristotle and Plato, Aquinas grounded his moral and legal philosophy on the natural law. Aquinas' treatment of suicide is found in his Summa Theologica, II-II, question 64, article 5. In Summa Theologica, Aquinas stated that it is unlawful to kill oneself for three reasons: (1) suicide is contrary to the natural inclination toward self-preservation and to charity whereby everyone should love oneself; (2) since each person is a part of a community, the killing of oneself involves injury to that community; and (3) suicide is a violation of God's rights over man as man's Creator. Like Augustine, Aquinas concluded that suicide is always intrinsically sinful.

Aquinas maintained that the natural inclination toward self-preservation is due to an existent's inherent nature, which is to preserve its existence. Aquinas reasoned that it is virtue that disposes a person to act in accordance with the principles of this aspect of natural law. Through vice, one can alienate oneself from the natural inclination, including the natural inclination to preserve one's life, but Natural Law cannot itself be negated.

87. Farberow, supra note 4, at 7.
89. See T. Aquinas, Summa Theologica 1470 (Dominican ed. 1947) (II-II, 64.5)
90. 2 T. Aquinas, The Basic Writings of St. Thomas Aquinas (A. Pegis ed. 1945) (Summa Theologica II-II, 123.12).
91. Id. at 647 (Summa Theologica II-II, 64.7).
Thus, although one may err in one’s perception of the natural law, which may reduce subjective culpability, an erroneous intent or action is always an objective wrong.

Arguing that suicide is also an offense against the state, Aquinas stressed the moral obligation an individual has as a social creature toward the individual’s community. Aquinas also rejected any utilitarian claim that suicide may be a service to society if the suicidal individual is perceived as a social burden, and argued instead that human sociality is grounded in charity and transcends the exclusive consideration of utility: 92

Man is not ordained to the body politic according to all that he is and has; and so it does not follow that every act of his acquires merit or demerit in relation to the body politic. But all that man is, and can, and has, must be referred to God; and therefore every act of man, whether good or bad, acquires merit or demerit in the sight of God from the fact of the act itself: 93

Although it is true that the community must be served, this is not an end unto itself. Society must not eclipse the human relationship with God by making any “existential demands” on its members in the interest of social expediency: 94

Since, then, the eternal law is the plan of government in the Chief Governor, all the plans of government in the inferior governors must be derived from the eternal law . . . . Therefore all laws, in so far as they partake of right reason, are derived from the eternal law. 95

. . . Consequently, every human law has just so much of the nature of law as it is derived from the law of nature. But if at any point it departs from the law of nature, it is no longer a law but a perversion of law. 96

Thus, the sociality of man imposes a moral prohibition against self-imposed death; suicide can never be justified, whether it be for personal or social considerations. It should be noted that the utilitarian ethic of “the greatest good for the greatest number” is subsumed and transformed within the Thomist outlook: The greatest good is realized in the ultimate purpose of the Law, and the greatest number includes the totality of existence.

Aquinas also condemned suicide on the ground that it is a violation of God’s domain over human beings as their Creator. Since human beings are not individually responsible for conferring life upon themselves, the question of existence is not proper

92. Aquinas, supra note 89, at 365 (I-II, 21.4 ad 3). Cf. id. at 1035 (113.9 ad 2).
94. Aquinas, supra note 90, at 766 (I-II, 93.3).
95. Id. at 784 (I-II, 95.2).
96. Id. at 1469 (II-II 64.5)
to human jurisdiction. Thus, concluded Aquinas, individuals have no right to intend their own death.\textsuperscript{97}

The medieval view of suicide was expressed in dramatic form by Dante. In the \textit{Inferno}, Dante depicted individuals who have committed suicide as trees that are continually tormented by Harpies who feed on them. Flung over the tree branches are the vacant skins of the bodies that the trees once inhabited; unlike the other souls in Hell, the suicide victims do not have the use of their earthly forms which they have wantonly thrown away.\textsuperscript{98}

V. THE RENAISSANCE AND REFORMATION

The firm and unanimous opposition to suicide that prevailed for over ten centuries in the West weakened with the coming of the Renaissance and Reformation. Such weakening, however, was not brought about by the reformers. Martin Luther believed suicide to be the work of the devil.\textsuperscript{99} John Calvin stated that "the faithful should accustom themselves to such a contempt of the present life, as may not generate either hatred of the present life, or ingratitude towards God."\textsuperscript{100} While an individual may be "obnoxious to sin," the individual may not hate life but be "prepared to remain in it during the Divine pleasure . . . [f]or it is a station in which the Lord has placed us, to be retained by us till he call us away."\textsuperscript{101} Believers must "leave the limits of our life and death to his decision."\textsuperscript{102}

Two works that questioned complete condemnation of suicide, however, were published in the Seventeenth Century. In 1621, the Anglican clergyman Robert Burton (1577-1640) published such a work under a pseudonym, \textit{The Anatomy of Melancholy}.\textsuperscript{103} This work explored at length the purported causes, symptoms and cures of melancholy, and questioned the accepted position that individuals who commit suicide are eternally damned.\textsuperscript{104} \textit{Biathanatos}\textsuperscript{105}, authored by another Anglican clergyman, the poet John Donne (1572-1631), was published in 1646. In this work, Donne argued that actions are intrinsically neither good

\textsuperscript{97} Id.
\textsuperscript{98} Dante Alighieri, \textit{The Divine Comedy: Inferno} 166-75 (J. Sinclair trans. 1982) (canto XIII).
\textsuperscript{99} M. Luther, \textit{The Table Talk or Familiar Discourses of Martin Luther} 315 (DLXXXV) (Phila. 1868).
\textsuperscript{101} Id. at 569 (bk. III, ch. IX, para. IV).
\textsuperscript{102} Id.
\textsuperscript{103} Farberow, \textit{supra} note 4, at 9.
\textsuperscript{104} \textit{See generally id.}
\textsuperscript{105} J. Donne, \textit{Biathanatos} 36 (London 1700).
nor evil; rather, the good or evil of an action depends entirely upon God's command. Since circumstances vary, each suicide must be judged individually, and in some cases the suicide is justified and acceptable to God.

There were many Christians in England who were solidly against suicide and opposed views such as the view held by Burton and Donne. Thomas Cranmer (1489-1556), Archbishop of Canterbury and the most influential man in shaping the Church of England, said that self-murder was "cursed of God, and damned forever." Since circumstances vary, each suicide must be judged individually, and in some cases the suicide is justified and acceptable to God.

In 1594, John King, who later became Bishop of London, taught that Scripture expressly commanded against suicide. King specifically approved the positions of Augustine and Aquinas. Likewise, in 1600, George Abbot, later Archbishop of Canterbury, cited the Sixth Commandment as forbidding suicide. John Sym, an Anglican clergyman with Puritan inclinations, wrote Life's Preservative Against Self-Killing in 1637, in which he claimed that self-murders were "certainly and infallibly damned souls and body for evermore without redemption." Sym's concern was with a contemporary increase in suicide and he wrote recommendations for prevention of suicide as well. Another Puritan, Sir William Denny, wrote a volume of poetry against suicide in 1653 called Pelecanicidium: or the Christian Advisor Against Self-Murder. This work was in response to the 1646 publication of Biathanatos. Henry Hammond's popular Practical Catechism, published in many editions from 1645 to 1700, re-emphasized the Anglican opposition to suicide, as did Jeremy Taylor's two volume treatment of suicide in 1660 entitled Doctor Dubitantium, or the Rule of Conscience. In 1655, at the height of the suicide epidemic then in effect, Richard Capel expanded the treatment of suicide in his previously published book, Tentatious. Capel presented the Puritan solution to sui-

106. Id.
107. Farberow, supra note 4, at 9.
109. Id. at 3.
110. Id.
111. Id. at 5.
112. Id. at 42.
114. Id.
115. Id. at 32.
116. Id. at 41.
117. Id. at 40.
118. Sprott, supra note 108, at 46.
cide as an "intensified piety." John Bunyan, in Pilgrim's Progress (1678), had Hopeful advise Pilgrim that suicide was forbidden when Giant Despair held the two individuals captive in Doubting Castle.

Orthodox Christianity in England continued to oppose suicide with the publication of Anglican Thomas Philopot's Self-Homicide-Murther in 1674, Ezra Pierce's A Discourse on Self-Murther in 1662, and Samuel Puffendorf's The Whole Duty of Man According to the Law of Nature in 1691. By 1705, clergymen had ceased to mention Biathanatos in sermons on suicide. Although suicide still continued to increase, the arguments in defense of suicide were becoming atheistic rather than deistic.

In Italy, jurists held an inquiry into the reasonableness of suicide laws during which Montaigne and Charron presented limited defenses of the practice. The theologians of seventeenth century France, however, severely condemned suicide. Such theologians as Malebranche, Nicole, Arnaud, Descartes and La Mothe le Vayer were joined in their suicide condemnation by "theologians of every stripe, Jansenist, Jesuit and Protestant."

VI. THE "AGE OF REASON" AND BEYOND

During the eighteenth century, the controversy between opponents and defenders of suicide became more pronounced. Scholars had become divided and isolated in rival positions on the issue of suicide, and no unifying system of thought prevailed. Individualism and subjectivism inclined philosophers toward the forces of nature and the resources of the thinking-self to explain existence; skepticism and religious indifference began to spread throughout society.

119. Id. at 47. Interestingly, the suicide epidemic from 1640 to 1660, a period when Puritans were in the ascendancy, may have been fostered by popular notions of Calvinist theology. First, one who felt no sense of election was tempted to end his or her life before further sin caused greater punishment in Hell. Second, an emphasis on direct, personal revelations from God led some to feel fleeting impulses to suicide to be God's special direction, as with Samson in the Old Testament. Puritan writers later countered this by arguing that direct revelation could not be contrary to revelation in Scripture. See generally Farberow supra note 4, at ch. II.

120. SPROTT, supra note 108, at 52.
121. Id. at 68.
122. Id. at 69.
123. Id. at 84.
124. Id. at 92.
125. SPROTT, supra note 108, at 93.
127. Id. at 50.
128. THONNARD, supra note 34 at 453-54.
129. Id. at 476-77.
Among the apologists for suicide was John Robeck, a Swede, who wrote a 1736 treatise defending suicide, and who thereafter promptly killed himself.\textsuperscript{130} Other defenders were Montesquieu, Voltaire, Helvetius, Vauvenargues, D'Holbach, Condorcet, Chartron, Saint-Cyran and J.M. Merian.\textsuperscript{131} Other individuals condemned suicide from a religious point of view, whether from the standpoint of conviction or caution, but held that suicide was justified from a purely human perspective. These individuals included Bayle, D'Alembert and Maupertuis.\textsuperscript{132} Yet, the individuals who espoused the traditional condemnation of suicide were, if anything, more numerous and prolific. These individuals included Spinoza, Moses Mendelsohn, Jean Jacques Rousseau, Formey, Jean Dumas, John Adams, Charles Moore, Robinet, J.B. Meriso, Deliste de Sales, Richard Hey, Holland, Bergier, Dupont de Nemours, Chaudon, La Mettrie, Sabatier de Castres, d'Argens and Turgot.\textsuperscript{133} Mme. de Stael began as a supporter of suicide in the eighteenth century,\textsuperscript{134} but in the nineteenth century became an ardent opponent to suicide.\textsuperscript{135} Perhaps the most illustrious contestants in the two camps, however, were David Hume and Immanuel Kant.

Faithful to the empiricism for which he is best known, Hume (1711-1776) believed that it is impossible to found morality either on God, because individuals are ignorant of God's existence, or on reason, because the proper domain of reason is merely speculation.\textsuperscript{136} The foundation of morality for Hume, then, lies in a natural sentiment that distinguishes the good from the bad. The good is that which is useful to sensible life, satisfies life's aspirations, and is approved by others; the bad is either what is opposed to sensible life or what society holds in disapproval. Hume thus advocated a morality based on a natural inclination toward general utility,\textsuperscript{137} and his view on the question of suicide conformed to this ethic:

If suicide be supposed a crime it is only cowardice can impel us toward it. If it be no crime, both prudence and courage should engage us to rid ourselves at once of existence when it becomes a burden. It is the only way that we can be useful to society — by setting an example which, if imitated, would preserve to everyone his chance for happi-

\textsuperscript{130} Crocker, supra note 126, at 54.
\textsuperscript{131} Id. at 63-65.
\textsuperscript{132} Id. at 50-59, 64-65.
\textsuperscript{133} Id. at 50-68.
\textsuperscript{134} Id. at 53, 60.
\textsuperscript{135} Crocker, supra note 126, at 55, 56, 58, 59.
\textsuperscript{136} THONNARD, supra note 34, at 642-44.
\textsuperscript{137} Id.
ness in life and would effectually free him from all danger of misery.\textsuperscript{138}  

Hume further argued that no individual is obligated to society if the obligation entails great suffering to the individual. If, by living, there is no mutual benefit for both the individual and society, there ceases to be any moral imperative for continuing the individual's life. As Hume states:

\begin{quote}
All our obligations to do good to society seem to imply something reciprocal. I receive the benefits of society and therefore ought to promote its interests, but when I withdraw myself altogether, can I be bound any longer?\textsuperscript{139}
\end{quote}

Thus, when an individual removes himself or herself from society by committing suicide, argues Hume, the individual can no longer derive any benefit from the community and is no longer obliged to provide any benefit in return.

With respect to the claim that suicide is a violation of natural law, Hume replied that society interferes with the laws of nature consistently, and does so as a matter of necessity:

\begin{quote}
[A]ll animals are entrusted to their own prudence and skill for their conduct in the world and have full authority, as far as their power extends, to alter all the operations of nature. Without the exercise of this authority they could not subsist a moment; every action, every motion of man, innovates on the order of some parts of matter and diverts from their ordinary course the general laws of motion.\textsuperscript{140}
\end{quote}

Hume thus claims that to commit suicide is to be as much a disturbance to the laws of nature as postponing the suicidal individual's death by treating a disease or defending the individual against an assailant:

\begin{quote}
If I turn aside a stone which is falling upon my head, I disturb the course of nature, and I invade the peculiar province of the Almighty by lengthening out my life beyond the period, which, by the general laws of matter and motion, he had assigned it.\textsuperscript{141}
\end{quote}

Hume argued that if interference with the laws of nature is granted as permissible, then suicide cannot be held to be wrong on the grounds of disturbing such laws.\textsuperscript{142} If God is able to use natural events to bring about an individual's death, Hume asked, why can God not use suicide?\textsuperscript{143}

To assume that the action of an individual is an encroachment on Divine providence or a disturbance of the universal order was,

\begin{footnotes}
\textsuperscript{138} Hume, \textit{On Suicide}, in \textit{BATTIN, supra note 22, at 95.}
\textsuperscript{139} D. Hume, \textit{On Suicide}, \textit{THE PHILOSOPHICAL WORKS} 566 (1826).
\textsuperscript{140} \textit{Id.} at 561.
\textsuperscript{141} \textit{Id.} at 562.
\textsuperscript{142} \textit{Id.}
\textsuperscript{143} \textit{Id.} at 563.
\end{footnotes}
to Hume, absurd in that such an assumption presupposed that individuals have a special importance in the scheme of things. Hume did not believe in the sanctity or significant importance of human life: "The life of a man is of no greater importance than that of an oyster."\(^{144}\)

As opposed to philosophers such as Plato and Aquinas, who based morality on an objective Good, and empiricists such as Hume who based morality on sensual or material interest, Immanuel Kant (1724-1804) sought to ground morality in the form of law that he believed was inherent in the moral subject. Kant maintained that practical reason possesses an \textit{a priori} form, or "category" that parallels the categories of understanding. The operation of this \textit{a priori} category is rooted in the basic structure of human nature that is common to all individuals. Therefore, the category could be used to build a necessary and universal morality. For Kant, the foundation of an individual’s morality depends upon the nature of the individual.\(^{145}\) In Kant's view, the moral law recognizes no "hypothetical imperative" in the conscience, as, for example, when an individual considers whether he or she "ought" to purchase one coat or another. Such imperative is but an inclination based on caprice of sensibility. True morality, rather, is distinguished by the "categorical imperative" of \textit{pure obligation}, wherein an action is performed solely for the sake of duty.\(^{146}\)

In \textit{Fundamental Principles of the Metaphysic of Morals}, Kant proposed three formulations of the categorical imperative for determining the morality of any practical maxim. Briefly stated these formulations are: 1) individuals should act in such a way that their actions could serve as a universal law; 2) individuals should always act so that they treat humanity, whether in their own person or in that of another, as an end and never merely as means; 3) individuals should act in such a way that the individuals' will could consider itself as making universal laws by its maxims.\(^{147}\) To illustrate his general moral principles, Kant applied these formulations to the example of suicide:

A man reduced to despair by a series of misfortunes feels wearied of life, but is still so far in possession of his reason that he can ask himself whether it would not be contrary to his duty to himself to take his own life . . . . His maxim is: From self-love I adopt it as a principle to shorten my life when its longer duration is likely to bring more evil

\(^{144}\) \textit{Hume, supra} note 138, at 562.

\(^{145}\) Thonnard, \textit{supra} note 34, at 689-91.

\(^{146}\) \textit{Id.} at 691.

than satisfaction. It is asked then simply whether this principle founded on self-love can become a universal law of nature. Now we see at once that a system of nature of which it should be a law to destroy life by means of the very feeling whose special nature it is to impel to the improvement of life would contradict itself, and therefore could not exist as a system of nature; hence that maxim cannot possibly exist as a universal law of nature . . . .

. . . He who contemplates suicide should ask himself whether his action can be consistent with the idea of humanity as an end in itself. If he destroys himself in order to escape from painful circumstances, he uses a person merely as a means to maintain a tolerable condition up to the end of life. But a man is not a thing, that is to say, something which can be used merely as means, but must in all his actions be always considered as an end in himself.\(^\text{148}\)

Kant also stated:

. . . To destroy the subject of morality in his own person is tantamount to obliterating from the world, as far as he can, the very existence of morality itself.\(^\text{149}\)

Nevertheless, Kant further asserted that the duty of self-preservation is subordinate to yet a higher duty:

[T]here is much in the world far more important than life. To observe morality is far more important. It is better to sacrifice one's life than one's morality. To live is not a necessity; but to live honorably while life lasts is a necessity.\(^\text{150}\)

Mindful of the Stoic's similar attitude towards human dignity, Kant would not allow his notion of self-sacrifice to be confused with suicide. Challenging the Stoics' motive for suicide, Kant argued that true courage in not fearing death ought rather to compel an individual to preserve that very life which is capable of triumphing over the most extreme of emotions:

And yet this very courage, this strength of mind — of not fearing death and of knowing of something which man can prize more highly than his life — ought to have been an ever so much greater motive for him not to destroy himself, a being having such authoritative superiority; consequently, it ought to have been a motive for him not to deprive himself of life.\(^\text{151}\)

To suffer death in the fulfillment of moral obligation is, in Kant's view, quite different from committing suicide. In the former case, death is a consequence of disinterested moral duty; in the

\(^{148}\) Id. at 46.


\(^{151}\) Kant, *Metaphysics*, *supra* note 149, at 83.
latter case, death is the very end sought from a motive of personal interest.\textsuperscript{152}

The eighteenth century controversy over suicide also touched on an issue of central importance to the autonomy theorists of the twentieth century. As supporters of suicide, Montesquieu and d'Holbach argued that society is founded for mutual advantage, and when there is no longer an advantage for the individual to remain living in society, society has broken the contract and the individual is freed from social obligations including any obligations not to commit suicide.\textsuperscript{153} Hume added that at times, the individual's existence is a burden on society, and in such instances suicide serves the social good.\textsuperscript{154}

Critics of suicide, like Dumas, Delisle, and Bergier argued that such evaluations and decisions cannot be made unilaterally. "If d'Holbach's argument were to be accepted," wrote Bergier, "then we must conclude that a man has no social duty at all, except when he finds it to his advantage."\textsuperscript{155} As Lester Crocker observed:

Other harmful consequences to society were pointed out, often repetitiously, by Bergier, Delisle, Dumas, Sabatier de Castres, d'Argens, Chaudon, Robinet, Du Pont de Nemours, Moore, Hey and Adams and others. Suicide prevents reparation of injuries and cuts off any further good action . . . . It causes deep sorrow and lasting disgrace to one's family, and thereby does irreparable harm precisely to those to whom we owe the most . . . . Worst of all, approval of suicide would make each man the judge of his own actions and destroy public order. It would teach a man not only to die when he pleases, but also to live as he pleases, since it secures him from all dread of human punishment; thus it would nullify the penal laws. It could logically be extended to the right of murder: if we may kill ourselves to end our unhappiness, why may we not dispose of the person who is causing our unhappiness? We might even kill our family, to spare them the chagrin of our suicide. In addition, suicide would decimate the population.\textsuperscript{156}

Such claims struck suicide proponents as inflated. "The republic," Voltaire laughed, "will do very well without me after my death, as it did before my birth."\textsuperscript{157}

It is noteworthy, however, that the lines drawn over the ethics of suicide were not preserved intact in debates about the existing laws against it. While suicide opponents such as Hutcheson, Hey, Dumas, Formey and J.B. Merian defended anti-suicide

\textsuperscript{152} Id. at 84.
\textsuperscript{153} Crocker, supra note 126, at 63-64.
\textsuperscript{154} Id. at 64.
\textsuperscript{155} Id.
\textsuperscript{156} Id. at 65.
\textsuperscript{157} Id.
laws, suicide proponents like Voltaire and Concorcet were joined by suicide opponents like Moore and Deliste de Sales in denouncing such laws. The latter group accepted the argument of Beccaria that “[p]unishment of a suicide is unjust and tyrannical, since it affects only an insensible body and innocent people. To be just or effective, punishment must be personal. The present law was no more than whipping a statue, and could have little influence in preventing the crime.”

The opposition of the English Church to suicide continued unabated throughout the eighteenth century. Numerous books, pamphlets and sermons were issued throughout the period in efforts to stem the recurring epidemic of suicide. The names of Isaac Watts and John Wesley are especially well known. In 1726, Watts published *A Defence Against the Temptation of Self-Murther*, in which he saw the main problem with respect to suicide as the growing atheism of the period. Wesley, in 1790, called self-murder a “horrid crime,” and proposed publicly hanging suicide victims in chains to discourage the practice. Wesley considered the consistent finding of insanity by coroners’ juries to be an abuse of the law. In 1772, John Jorton, while opposing suicide, wrote that the juries on suicide cases were correct to incline “on the merciful side” because this reduced the suffering of the suicide victim’s relatives, and because he did not believe that God would judge an individual by one action but rather by the individual’s whole life. This more lenient tendency eventually became the prevailing view. Hume’s writing on suicide was not generally discussed until after it was published in the 1783 edition. George Horme, Bishop of Norwich, replied to Hume’s writing in 1784 with *Letters on Infidelity*, wherein he attacked Hume’s failure to distinguish between natural principles and moral ends and blamed suicide partly on the writings of philosophers. One other English product requires mentioning due to its comprehensive approach and size. In 1790, Charles Moore wrote *A Full Enquiry into the Subject of Suicide* in two quarto volumes. This work remains one of the most

158. Crocker, supra note 126, at 66.
159. See generally Sprott, supra note 108, at ch. IV.
160. Id. at 117.
161. Id.
163. Id.
164. Sprott, supra note 108, at 140.
165. Id. at 143.
166. Id. at 144.
167. Id. at 145.
168. Id. at 152.
detailed works on suicide in the English language. Within the
work, Moore attacked the Stoics, Donne and Hume.169

The Church in America continued the opposition to suicide
although fewer writings from the colonial period evidence this
fact. A clear example of this attitude is found, however, in a ser-
mon by Timothy Dwight entitled, *Depravity of Man - It's
Degree*.170 Dwight was the grandson of Jonathan Edwards, and
was a member of Edwards' church when Edwards was the pas-
tor. Dwight served in the Continental Army and was also a pas-
tor, professor of Divinity and president of Yale University from
1795-1817. He "did more than any one man in the newborn
United States of America to stem the tide of atheism and
advance the cause of the Christian faith."171 Dwight spoke of sui-
cide as a testimony of "enormous corruption" in his sermon.172
His statement that it was unnecessary to dwell on the subject
other than to give some statistics indicated a general
consensus.173

VII. SEVENTEENTH AND EIGHTEENTH CENTURY POLITICAL
PHILOSOPHERS AND THE AMERICAN FOUNDERS

Russell Kirk noted that American political culture draws
deeply from the historical tradition of the West:

>[T]he thinking of Americans [at the time of the Revolution] found
their principles of [civil] order in no single political philosopher but
rather in what has been called the "Great Tradition," drawn from
Hebrew and classical and Christian teaching, and tested by the per-
sonal and national experience of their British ancestors and their own
colonial life.174

American political thought has also been subtly and increasingly
influenced by seventeenth century positivistic currents, and by
the ideas of the eighteenth century statesmen, lawyers,
polemists and theorists who interpreted, developed or criti-
cized the historical West tradition.

Thomas Hobbes (1588-1679), who is said to be the founder of
modern political philosophy, replaced the time-honored idea of
society as a providentially-ordained covenant governed by love with the idea of self-interested individuals, protected from one another through social contract by the sword of an absolute sovereign. While Hobbes' positivistic philosophy was inimical to the American colonists, his individualist teachings nevertheless worked upon the colonies where a strong sentiment of individualism prevailed. Indeed, Hobbes' concept of the social contract among otherwise asocial individuals has now become common in modern American political discourse. What was Hobbes' view of suicide? Although he never discussed the topic explicitly, Hobbes seemed exclusively concerned with portraying the fear of a violent death at the hands of others as humanity's motive passion. Though one modern student of Hobbes' thought maintained that Hobbes believed a life might be so miserable as not to be worth living, it should be noted that although life in Hobbes' hypothetical state of nature was quite wretched, human beings in the natural state nevertheless sought to preserve their existence.

In Hobbes' theory, the overwhelming natural desire to preserve one's existence became a natural right. The commonwealth was indeed created and the sovereign endowed with immense power for the purpose of effecting this right. Therefore, the sovereign could not command the self-destruction of any individual. The natural right to self-preservation remained

175. KIRK, supra note 61, at 271; THONNARD, supra note 34, at 575-78.
176. THONNARD, supra note 34, at 565-68.
177. KIRK, supra note 61, at 270. George Sabine comments on Hobbes' individualism succinctly:
This individualism is the thoroughly modern element in Hobbes, and the respect in which he caught most clearly the note of the coming age. For two centuries after him, self-interest seemed to most thinkers a more obvious motive than disinterestedness, and the enlightened self-interest a more applicable remedy for social ills than any form of collective action.

GEORGE H. SABINE, A HISTORY OF POLITICAL THEORY 403 (1937). The colonial American understanding of individualism connoted self-initiative and liberty from government oppression without eclipsing the sense of obligation to God, family and the community; however, due to the influence of Hobbes and Locke, the term has become increasingly associated with the concept of self-interest to the point where, in the name of individualism, natural obligations are practically denied. On this point, Toqueville warned that individualism "at first, only saps the virtues of public life; but in the long run it attacks and destroys all others and is at length absorbed in downright selfishness." ALEXIS DE TOQUEVILLE, 2 DEMOCRACY IN AMERICA 98 (Francis Bowen & Phillips Bradley eds. 1963).
179. Id. at 16.
180. T. HOBBES, LEVIATHAN 82 (M. Oakeshott ed. 1947). See also id. at 84, 86-87.
181. Id. at 84.
182. Id. at 109-13. See also id. at 113-20, 129-36.
183. Id. at 142-43.
vested in each subject. If the subject had any duty in Hobbes' system, it was a duty to keep his or her covenants and this duty was intimately connected with a duty to preserve oneself. Hobbes stated that, "[j]ustice, that is to say keeping of covenants, is a rule of reason, by which we are forbidden to do anything destructive to our life; and consequently a law of nature." 

John Locke (1602-1702) was also a philosopher of individualism. In opposition to Hobbes, however, he followed more closely, at least in a provisional manner, to the natural law tradition of Hooker and Thomas Aquinas. In his Second Treatise of Government, Locke intended to restrain government to the smallest possible compass lest government interfered with the right to property. Society, Locke argued, is a product of voluntary contract among men equal in a state of nature. Hence, Locke's philosophy was not accepted in toto by the colonial Americans; rather, they made selective use of this thinking with respect to how it supported the God-given right of rebellion against the arbitrary exercise of governmental powers. Just as self-interest and utility are now predominant values of the modern American culture, John Locke's teachings are undeniably an important part of this nation's political consciousness. Locke consistently

184. Id. at 144-45.
185. Hobbes, supra note 180, at 96. A strong case can be made for the thesis that Hobbes did not consider self-preservation a duty in the strictest sense. Rather, Hobbes' rule of reason was merely a prudential maxim counseling self-preservation. See L. Strauss, Natural Right and History 1 (1953).
186. Copleston, 4 A History of Philosophy. Copleston suggests:

Locke had maintained the doctrine of natural rights, that is to say, the natural rights of individuals, which are not derived from the State and cannot legitimately be abolished by the State. This theory, which has its antecedents in medieval thought and which was applied in the American Declaration of Independence, was influential also on the Continent.

Id. at 40. See also Becker, supra note 174, at 74.
188. Id. Note that in this connection, in the rough draft of the Declaration of Independence, Jefferson wrote: "[A]ll men are created equal and independent." (emphasis added). However, the term independent is deleted from the final draft. Evidently the committee (including, among others, Jefferson, Adams, and Franklin) appointed to prepare the document decided, after careful reflection, against making the claim that man is created as an independent creature. They apparently recognized that all men are created as essentially social creatures and not as isolated atoms. Becker, supra note 174, at 161; Kirk, supra note 61, at 48. Accordingly, one can infer that the drafters of the declaration would consider sociality, and not the "emanation" of privacy, as a fundamental human right.

189. Kirk, supra note 61, at 291. Kirk noted: "The Americans would make use of Locke, but they would not worship him. In general, American leaders accepted neither the determinism and absolute sovereignty of Hobbes, nor yet the doctrines of the origins of society and of the human understanding as put forward by Locke." Id.
190. See B. Bailyn, The Origins of American Politics 1 (1965) (noting that Locke's theories formed the "skeleton" of revolutionary political discourse). See also, L.
opposed a right to suicide. Locke’s argument against suicide was intertwined with an essential feature of his political theory; limited government grounded on the consent of the governed. Locke derived both the prohibition of suicide and the idea of limited government from one and the same source, natural law. In Locke’s writings, the limitations on the liberty to dispose of oneself were closely linked with limitations on the government’s authority to dispose of the individual’s affairs.

In an early work entitled *Essay on the Law of Nature*, Locke adduced suicide to illustrate the thesis that the law of nature cannot be known from the general consent of humanity. Locke proposed that just because suicide has been practiced in and sanctioned by different societies at different times, this is no proof that the practice is sanctioned by natural law, for, “if any law of nature would seem to be established among all as sacred in the highest of degree . . . surely this is self-preservation . . . . But in fact, the power of custom and opinion based on traditional ways of life is such as to arm men even against their own selves.”

As Locke’s philosophy waxed hedonistic, he turned away from the explication of natural law. Nevertheless, Locke’s position against an individual’s right to commit suicide remained unchanged. In Locke’s *Second Treatise of Government*, his argument against suicide was incorporated with his discussion of the state of nature, treatment of slavery and theory of circumscribed governmental power. In Locke’s state of nature, individuals were equal and free. Nevertheless, though individuals were in a state of liberty:

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*Strauss, supra* note 178 at 165; *The Life and Selected Writings of Thomas Jefferson* 719 (A. Koch and W. Peden eds. 1944) (letter from Patterson to Henry Lee).

191. *J. Locke, Essays on the Law of Nature* 173 (W. Von Leyden ed. 1954). In Locke’s view, this was not surprising, for “men have already shown so much ingenuity in the corruption of morals and such a variety of vices that . . . it is impossible to commit any crime whatsoever of which there has not been an example already.” *Id.* at 165. For instance:

What is one to believe about duty towards parents if whole nations have been met with where grown-up offspring kill their parents, where children . . . take away the life which the Fates continue to bestow . . . where no ripe old age . . . [is] to be expected, where each is the executioner of his parent and parricide is considered as one of the duties of piety.

*Id.* at 171. Given this, Locke concluded “that if anyone wants to judge moral rectitude by the standard of such accordance of human actions among themselves, and thence to infer a law of nature, he is doing no more than if he bestowed his pains on playing the fool according to reason.” *Id.* at 165.


Historical Attitudes Toward Suicide

[It is not a state of license, though man in that state [of nature] have an uncontrollable liberty to dispose of his person or his possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession but where some nobler use... calls for it.]

The reason for this was that "men being the workmanship of one omnipotent... makes all servants of one sovereign master, sent into the world by his order and about his business — they are his property, whose workmanship they are, made to last during his, not on another's pleasure."

Locke reiterated this argument in his chapter on slavery. An individual could not give himself or herself over into slavery for the same reason that the individual could not kill himself or herself: the individual does not possess that sort of power over his or her life. Locke stated, "[n]obody can give more power than he has over himself; and he that cannot take away his own life cannot give another power over it." In Locke's view, however, an individual could commit a crime by which his or her life was forfeited. Such an individual might submit to slavery rather than face deserved execution. Locke seemed to sanction a form of indirect suicide for these "slaves." Locke found that "[f]or whenever [the individual] finds the hardship of his slavery outweigh[s] the value of his life, it is in his power by resisting the will of his master to draw on himself the death he desires." This doctrine appears to be contrary to Locke's general prohibition of suicide and is regarded as an inconsistency by one Locke scholar. It should be kept in mind that Locke believed these "slaves" to have already forfeited their natural right to life through the commission of some capital crime, however, and that suicide and slavery seemed consistently conjoined in Locke's thought.


194. Id. at 5.
195. Id. at 14. Tully points out that this "workmanship model' is a fundamental feature of all Locke's writings." J. TULLY, A DISCOURSE ON PROPERTY: JOHN LOCKE AND HIS ADVERSARIES 4 (1980). See also id. at 35-50. The argument from God as maker was common in Locke's day. Id. at 41-42. Though Strauss, in a much disputed thesis, argued that Locke's traditional natural law arguments were merely cautious writing that did not reflect his own beliefs, the fact that Locke felt compelled to make the argument consistently shows that the ideas behind it were firmly rooted in English political and legal thought. See L. STRAUSS, supra note 178, at 202-30. Moreover, even if the ground of Locke's anti-suicide argument were to shift, it does not follow that Locke's position against suicide would change.
196. LOCKE, supra note 193, at 14.
197. Id.
also permitted people to enslave themselves by covenant.\textsuperscript{199} From the freedom to enslave oneself, Hobbes deduced the freedom to agree to the establishment of an absolute and arbitrary sovereign power. Locke saw this approach as dangerous and opposed it as self-defeating; Locke argued that this sort of sovereign posed as great a threat to individual security and self-preservation as the hazards of the state of nature.\textsuperscript{200} Unlike Hobbes, Locke had recourse to the anti-suicide argument as a reason for prohibiting the alienation of an individual’s liberty and for limiting the power of the sovereign.\textsuperscript{201} As has been observed, Locke employed the workmanship argument to show that an individual has no right to self-slaughter. Locke redeployed this argument to prove that there is no right to enslave oneself. Finally, Locke again pressed the argument as a justification for limiting the sovereign power. In Locke’s view, civil power was derived from individual power. The individual power, however, was limited. It necessarily follows therefore that the grant of the individual’s power to the government was also limited.

\begin{quote}
[N]obody can transfer to another more power than he has in himself; and nobody has an absolute arbitrary power over himself \ldots{} to destroy his own life \ldots{} A man, \ldots{} as has been proved, cannot subject himself to the arbitrary power of another; and having in the state of nature \ldots{} only so much [power] as the law of nature gave him for the preservation of himself \ldots{} this is all he doth, or can give up to the commonwealth, and by it to the legislative power \ldots{} \textsuperscript{202}
\end{quote}

This argument descended from Locke to the American political tradition through the much less prosaic language of the Declaration of Independence.\textsuperscript{203} In the Declaration of Independence, the maker who proscribes society’s self-destruction became a creator who endows individuals with a right to life which individuals themselves cannot alienate. While the author of the Declaration nowhere commented on Locke’s anti-suicide argument, Thomas Jefferson categorically stated that “[t]he care of human life and

\begin{quote}
\textsuperscript{199} Hobbes, supra note 180, at 132.
\textsuperscript{200} Locke, supra note 198, at 9.
\textsuperscript{201} As noted, Hobbes did not employ an anti-suicide argument in any explicit way.
\textsuperscript{202} Locke, supra note 198, at 68. See also id. at 73-74. Locke stated: Despotical power is an absolute, arbitrary power one man has over another to take away his life \ldots{} This is a power which neither nature gives, for it has made no such distinction between one man and another, nor compact can convey; for man, not having such an arbitrary power over his own life, cannot give another man such a power over it \ldots{}. \textit{Id.} at 87. For a discussion of the relationship between the rule of law, liberalism, and judgments about whose lives are worth living, see Sherlock, \textit{Liberalism, Public Policy and the Life Not Worth Living: Abraham Lincoln on Beneficent Euthanasia}, 26 Am. J. Juris. 47 (1981).
\textsuperscript{203} See The Life and Selected Writings of Thomas Jefferson, supra note 190, at 719.
\end{quote}
happiness, and not their destruction, is the first and only legitimate object of good government." 204 Jefferson offered further opinions on the problem of suicide in a footnote to a bill that he drafted for the general reform of Virginia laws. 205 The bill, entitled a Bill for Proportioning Crimes and Punishments in Cases heretofore capital, provided that in the case of suicide, "the law will not add to the miseries of the party by punishments or forfeiture." 206 Jefferson joined with both proponents and opponents of suicide in accepting Beccaria's argument against contemporary anti-suicide laws and elaborated on his objection to these laws with arguments based on the need for logical consistency in meting out punishments and with arguments based on various practical considerations:

The suicide injures the state less than he who leaves it with his effects. If the latter then be not punished, the former should not. As to example, we need not fear its influence. Men are too much attached to this life to exhibit frequent instances of depriving themselves of it. For if one can be found who can calmly determine to renounce life, who is so weary of his existence here as rather to make experiment of what is beyond the grave, can we suppose him, in such a state of mind, susceptible to influence from the losses to his family by confiscation? That men in general disapprove of this severity is apparent from the constant practice of juries finding the suicide in a state of insanity; because they have no other way of saving the forfeiture. 207

Jefferson opposed forfeiture as a punishment for suicide not only because he regarded it as draconian to punish the innocent heirs of the suicide victim, but also because he regarded forfeiture as a form of rapacity practiced by the government on the citizenry. In 1782, Jefferson petitioned the Governor of Virginia on behalf of a relative and potential heir of a suicide not to enforce the forfeiture law. He reminded the Governor that the British Crown, "in mitigation of the rigors of the law," was accustomed to "regrant . . . such property as had lapsed by the misfortunes of individuals to the families from which the property had

204. Thomas Jefferson, Speech to the Republican Citizens of Washington County, Maryland (March 31, 1809), reprinted in J. BARTLETT, FAMILIAR QUOTATIONS 472-73 (14th ed. 1968). It should be noted that Jefferson did not qualify human life as only that which was meaningful, wanted, or which met some arbitrary criterion of viability.


206. Id. at 496. The purpose of the revision was to temper the severity of the laws, and to bring them into line with the spirit of moderation regarded as necessary for the success of republican government. See id. at 492-507. In the preface to the bills, the "Plan Agreed Upon by the Committee of Revisors at Fredericksburg," suicide is classed "as a disease." Id. at 325.

207. JEFFERSON, supra note 205, at 496.
been derived."\textsuperscript{208} Jefferson then attributed the rigors of the forfeiture laws to a "spirit of rapine and hostility by princes towards their subjects."\textsuperscript{209} He advocated that such laws, common in "barbarous times . . . [are] inconsistent with the principles of moderation and justice which principally endear a republican government to its citizens."\textsuperscript{210}

This critique of Anglo-Saxon anti-suicide laws is similar to Montesquieu's criticism of the Roman anti-suicide law under the first emperors.\textsuperscript{211} In Montesquieu's view, the Roman law was simply an outgrowth of the Emperor's avarice, and thus a purely fiscal measure designed to enrich the Emperor through the confiscation of the suicide victim's property.\textsuperscript{212} Montesquieu felt that unlike the Greek anti-suicide law based on "fine ideas" and which had the formation of character as its goal,\textsuperscript{213} the Roman law had no natural relation to any legitimate public purpose.

Montesquieu suggested that this was also true of English anti-suicide laws. He believed that in England, suicide was "the effect of a distemper."\textsuperscript{214} The English, Montesquieu explained, "destroy themselves most unaccountably . . . often in the very bosom of happiness."\textsuperscript{215} Therefore, "[i]t is evident, that the civil laws of some countries may have reasons for brandishing suicide with infamy: But in England it cannot be punished without punishing the effect of madness."\textsuperscript{216} Montesquieu's views on suicide were actually more subtle than appears from his apparent reduction of the issue to commentary on national temperaments.

In his \emph{Persian Letters}, Montesquieu articulated both sides of the suicide debate in a succession of fictional epistles. In the seventy-sixth letter, an eastern potentate named Usbek who was visiting Paris complained to a friend that "European laws are ferocious against those who kill themselves."\textsuperscript{217} Usbek made a political assault on these laws by arguing that no duty is owed to society by the individual and, therefore society cannot proscribe

\begin{itemize}
\item \textsuperscript{208} 6 T. Jefferson, The Papers of Thomas Jefferson 155 (J.P. Boyd ed. 1952).
\item \textsuperscript{209} Id.
\item \textsuperscript{210} Id.
\item \textsuperscript{211} See Montesquieu, \textit{The Spirit of Laws} 276 (1802).
\item \textsuperscript{212} Id.
\item \textsuperscript{213} Id.
\item \textsuperscript{214} Id. at 271. At the request of the Sorbonne Faculty of theology, Montesquieu added a footnote to this chapter in the 1757 edition of \textit{The Spirit of Laws}: "Suicide is contrary to the natural law and revealed religion." M. Richter, \textit{The Political Theory of Montesquieu} 338 n.11 (1977).
\item \textsuperscript{215} See Montesquieu, supra note 211, at 271.
\item \textsuperscript{216} Id. at 217.
\item \textsuperscript{217} Montesquieu, The Persian Letters 129 (G.R. Healy trans. 1964).
\end{itemize}
Usbek then attempted to refute the belief that suicide is a violation of God's Providential order. "What can this mean?" he asked. "Do I disturb the Providential order when I make a ball square, a ball that the first laws of movement have made round? Certainly not, I simply use a right given to me, and in that sense I can disrupt all of nature as I will." Prohibitions against suicide, Usbek concluded, "have no other source but our pride."

In the next letter of his *Persian Letters*, Montesquieu turned the tables on Usbek. Usbek's friend argued that it was suicide rather than the laws prohibiting it that stemmed from pride. An individual's trials in life and his or her impatience with such trials only "show us that we want to be happy independents of Him who grants all felicity . . . ." Usbek's friend concluded that if the "necessity of preserving unity [of body and soul] is the best guarantee of men's actions then it should be made a civil law."

On what side did Montesquieu come down in this dispute? Letter 104 in Montesquieu's *Persian Letters* points to a possible resolution. In this letter, Usbek, the supporter of a suicide right, criticized Locke's argument for limited, consensual government, which, as we have seen, rested on Locke's assumption that suicide was illegitimate. Usbek implied that Locke's doctrine was responsible for the instability of English politics and the insubordination of the English people. Thus, with Letter 104, Montesquieu affirmed the connection between a liberal constitution and the belief that the individual's power over his or her own life is limited. Significantly, Montesquieu linked the desire for absolute rule of the eastern autocrat with the belief in an individual's freedom to commit suicide. According to Montesquieu's Usbek,

218. See id. at 130 (noting: "Society is based on mutual advantage; but when the society becomes onerous to me, who is to prevent my renouncing it . . . . Will the prince demand that I remain his subject if I receive no advantages from subjugation?").
219. Id. at 130.
220. Id. at 130-31.
221. Id. at 131.
222. MONTESQUIEU, supra note 217, at 131.
223. Id. at 173. As the writer notes:
But if a prince, instead of making his subjects happy, tries to oppress and destroy them, the obligation of obedience ceases . . . . They [British subjects] maintain that no absolute power can be legitimate because it could never have had a legitimate origin. For we cannot, they say, give to another more power over us than we have ourselves. Now we have not absolute power over ourselves; for example, we cannot take our own lives. Therefore, they conclude, no one on earth has such power.
224. Id. at 173.
the real cause of English political unrest could be found in "the impatient temper of the English."225 Of course, this is consistent with Montesquieu's English suicide theory in Spirit of Laws.

The works of Jean Jacques Rousseau were not unknown in America. In fact, Rousseau's novel La Nouvelle Héloïse received some attention from both American statesmen and the American public.226 The novel, written in the form of a series of letters, is pertinent because like Montesquieu's book it contains two letters debating the validity of suicide.227 In one of the letters, Rousseau's Werther-like Saint Preux wrote, among other arguments, a classic apology for suicide based on individual autonomy and the distinction between self-regarding and other-regarding conduct.228 The response to this argument came from Rousseau's character called Lord Bomston, who Rousseau employed not only to argue against suicide229 but also to contradict Montesquieu's theory about the suicidal English temper. Bomston replied to Saint Preux's argument by stating: "I have a firm soul; I am English." He also stated: "I know how to die, for I know how to live and suffer . . . ."230

An examination of Rousseau's political works indicates that he opposed suicide. In an attempt to restore some civic virtue to the modern liberal state, Rousseau grafted the duty-based anti-suicide arguments of the ancients onto the Lockean arguments. In Rousseau's Social Contract, he asked "how individuals who have no right to dispose of their own lives can transmit to the Sovereign this right which they do not possess."231 Rousseau claimed

225. Id.
226. See P. Spurline, Rousseau in America, 47-56 (1969). Both John Adams and Thomas Jefferson read the novel. Id. at 50-51, 55-56. John Adams made notes in the margins of his copy of the novel, cryptically commenting on the relative merits of Saint-Preux' arguments on behalf of suicide. Saint-Preux contended that the Lockean argument "that God has placed us in this world and therefore we have no right to leave it without permission," is false because God "has placed us also in our city and yet we need no permission to leave that." "Excellent sophistry," Adams commented, "If the word excellent may be used."

Saint-Preux also argued that "once the weariness of life conquers the horror of death . . . life becomes intolerable." Adams thought that this argument was "rather better." See Z. Haraszitt, John Adams and the Prophets of Progress 97 (1964).

228. Id. at 264.
229. Id. at 265.
230. Id.


[As the right of property is only conventional . . . every man can dispose at will of what he possesses. But it is not the same for essential gifts of nature, such as life and freedom, which everyone is permitted to enjoy and of which it is at least doubt-
that suicide is a "crime" primarily because the suicide victim shirks the duty he or she owes to the state. Rousseau was obviously not persuaded by the argument summed up in Voltaire's sarcastic comment that the republic would do very well without him, for Rousseau asserted that "[t]here is no man so worthless that he cannot be made good for something." 

In his Second Discourse, Rousseau condemned suicide as one of the many evils attendant on civil society. Rousseau stated: "I ask if anyone has ever heard it said that a savage in freedom even dreamed of complaining about life and killing himself. Let it then be judged with less pride on which side [civil society or the state of nature] true misery lies." Rousseau developed a theme prominent in his works in Second Discourse, which is the distinction between the pride (amour propre) that drove humanity to its present state of woe and amour de sol, the natural and salutary instinct that urges an individual in the state of nature to preserve himself or herself. For Rousseau, suicide was a bitter fruit of civil society that grew out of the evil of human pride. Therefore, Rousseau regarded suicide as an unnatural outgrowth of pride.

Thomas Paine (1737-1809) was a partisan of both America's Lockean and France's Rousseauist revolutions. Paine composed a theme on suicide in the form of a letter to Lady Smyth, who had written Paine while he was in a prison in Luxembourg. Paine shared the common conviction that suicide is contrary to reason. Paine stated, "[h]ow dismal must the picture of life appear to the mind in that dreadful moment, when it resolves on darkness, and to die! One can scarcely believe such a choice possible." Significantly, this ardent opponent of tyr-
anny compared the "necromantic nightmare" that seizes a suicide's mind with tyranny.\textsuperscript{241}

Paine insinuated that the instinct of self-preservation is strong not because death is so terrible, but because life is, or can be, sweet. Paine captured the optimism about life that was characteristic of the new democratic age.\textsuperscript{242} He observed that "[i]t is often difficult to know what is misfortune."\textsuperscript{243} Further, Paine noted, "[t]hat which we feel is a great one today may be the means of turning aside our steps into some new path that leads to happiness yet unknown."\textsuperscript{244} Paine believed that even though individuals cannot know what the future holds, life is the only rational choice to make regarding the future. Paine concluded his letter to Lady Smyth noting his expectation that his own past disappointments, now transformed into a "condition which is sweet," would grow even "more so" when Paine arrived in America.\textsuperscript{245}

\textsuperscript{241} \textit{Id.}
\textsuperscript{242} \textit{Id.}
\textsuperscript{243} Paine, \textit{supra} note 238, at 1124.
\textsuperscript{244} \textit{Id.}
\textsuperscript{245} \textit{Id.}