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THE DEVELOPMENT OF THE ROMAN CATHOLIC TEACHINGS ON SUICIDE

FR. ROBERT BARRY, O.P.*

INTRODUCTION

The French positivist philosopher Auguste Comte claimed that the eternal glory of Catholicism was that it did not permit suicide for any reason.¹ Comte's observation proves accurate, for the only other world religion that protested suicide as vigorously and effectively as Catholicism was Islam. Catholic teachings on suicide, however, did not develop in a vacuum; they emerged from the long traditions of the Old Testament in which suicide was treated in many different ways.

In recent years there has been a great deal of discussion about the morality of assisted suicide, and this has been the cause of great concern for many. As a Roman Catholic, I have moral and jurisprudential concerns about endorsing assisted suicide, and I believe it is immoral as it involves deliberate killing of innocent nonaggressors. I am also concerned about the administration of a policy that supports assisted suicide because I believe such a policy is detrimental to the poor, vulnerable, marginalized, and politically powerless. Finally, I am concerned that morally and legally endorsing assisted suicide would be contrary to the basic aims and objectives of the legal and medical professions.

In what follows, I would like to trace briefly the history of suicide to show how the Roman Catholic position developed and to facilitate understanding of both the historical foundations of this position and the contemporary assisted suicide movement. This survey will show that suicide was a common and intractable problem in ancient society, and that the only western society to become substantially free from suicide was medieval Christian society. Suicide reemerged in the Renaissance, as well as the Rationalist and Romantic eras, and is now one of the great unresolved issues in western, secular, liberal society.

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1. 3 AUGUSTE COMTE, *A SYSTEM OF POSITIVE POLITY* 381 (1968).

I. THE SCRIPTURAL FOUNDATION OF THE CATHOLIC TEACHINGS ON SUICIDE

A. *The Old Testament*

The Scriptural foundation for the Catholic teaching against suicide is found in Genesis, which prohibited the shedding of innocent human blood. Genesis forbade the shedding of blood by anyone, although it did not explicitly exclude reflexively lethal acts: "He who sheds man's blood, shall have his blood shed by man, for in the image of God man was made."² This prohibition was carried rather far in ancient Israel, for the Israelites would execute by stoning to avoid shedding blood. The fundamental reason for this was that innocent human life was not to be destroyed because it was made in the image of God, but some discount this principle. Exodus condemned killing of the *innocent*: "The innocent and just person you shall not put to death."³

The Old Testament saw death as a tragic condition because it condemned the person to the darkness of Sheol, where they experienced mere existence and little else. This tradition interprets the Genesis creation story to mean that humanity was not created to die, but that death came as a result of the primeval offense of Adam and Eve, a view reaffirmed in Ecclesiasticus.⁴ There was a proper dread of death, which was not seen as trivial or frivolous, and Psalms expressed hope that Yahweh would deliver from it.⁵ Some, such as Koheleth, expressed an extremely pessimistic view of death: "Indeed, the fate of man and beast is identical; one dies, the other too, and both have the selfsame breath; man has no advantage over the beast, for all is vanity."⁶ Yet despite this bleak outlook, he still taught that "there is neither achievement, nor planning, nor knowledge, nor wisdom in Sheol where you are going,"⁷ and after telling his readers that "a live dog is better than a dead lion" he reminded them that he who is living has "hope."⁸ Consciousness and our awareness of our dying were the foundations of the human person's majesty, and the nobility of the dying person lay in the fact that he was aware he was dying. "The living know they will at least die, the dead know nothing."⁹ The only desirable death was at the end of

2. *Genesis* 9:6.

3. *Exodus* 23:7.

4. *Ecclesiasticus* 25:24.

5. *Psalms* 49:15.

6. *Ecclesiastes* 3:19.

7. *Id.* at 9:10.

8. *Id.* at 9:4.

9. *Id.* at 9:5.

a long and happy life lived securely in Israel, which took place in the midst of one's family with the fullness of powers still intact.¹⁰ The opposite was a long and slow death after a long illness because it embittered the individual.¹¹

Margaret Battin, one of the leading advocates of rational suicide, sought to show that the Bible not only tolerated self-killing but also positively encouraged it,¹² but a close examination of suicide in the Bible does not confirm this view. The view that God commanded his faithful to kill themselves, even to show obedience to him, is controversial, and in only a few instances was suicide anything but the lot of those who had abandoned or rebelled against God. Despite Professor Battin's claims, a closer reading shows that the Biblical materials strongly support the prohibition of suicide rather than undermine it.

Battin asserts that the prohibition of the Decalogue does not include suicide.¹³ But Genesis forbade the shedding of blood by anyone, and did not explicitly exclude reflexively lethal acts: "He who sheds man's blood, shall have his blood shed by man, for in the image of God man was made."¹⁴ This injunction was purposely general, for it condemned the shedding of blood, be it one's own or that of another. The only instances in which the Bible allowed killing were for either self-defense or the punishment of an individual for a clear, certain, and serious breach of the law.

Professor Battin regards the condemnation of killing of the *innocent* found in Exodus¹⁵ as only applying to homicide. However, this law has usually been understood to mean that no one should be killed who does not deserve to die, including oneself. Relative to modern law and morality, the primitive Israelite law on killing was crude and inarticulate, and by itself, it could not stand as an adequate moral norm for us today.¹⁶ Early Israelite

10. See generally Genesis 25:8.

11. See generally Job 21.

12. MARGARET P. BATTIN, ETHICAL ISSUES IN SUICIDE 28-35 (1995).

13. *Id.* at 28.

14. Genesis 9:6.

15. See *supra* note 3 and accompanying text.

16. In primitive Israelite law, the avenger, or *go'el* was required to avenge injury, harm, or death upon the one who appointed him. This primitive law was instituted to protect whole groups who could be destroyed if anyone thought the revenge meted out to them was unjust. This primitive law permitted relatives to avenge an injury or harm done and it forbade killing to gain revenge, and one who intentionally killed another was to be handed over to the avenger by the city fathers. It distinguished accidental killing from deliberate homicide, and it allowed accidental killers to spare themselves by fleeing to a city of refuge so long as they did not return.

laws held that guilt should be presumed if there was known enmity between the killer and victim.¹⁷ Just as we would hold that its teaching that adulterers should be stoned is crude, cruel, and ineffective, so also would we regard its precepts on killing as not fully developed or articulated. The important point is that these laws were correct in condemning these actions as immoral, but the punishments to be meted out for them were unduly harsh because of the roughness and insensitivity of the Israelites at the time. The Decalogue condemned willful killing of the innocent, but this judgment was not as refined as it could be. And even though the Decalogue clearly prohibited destroying innocent human life, it did not precisely define the object of the culpably lethal action.

To understand the Old Testament view of suicide, it is important to note that that book contained often rudimentary and not fully developed moral teachings on issues. But just because these teachings were not fully explicit, literal, and formal does not mean that the Old Testament expressed no moral judgments on them. In the Old Testament, moral judgments were often shown by the kind of relation created by the action between the agent and God or the agent's neighbor. The Biblical teachings on masturbation and sodomy illustrate this. While sodomy was explicitly condemned by St. Paul,¹⁸ it was only implicitly condemned in the story of Sodom and Gomorrah.¹⁹ But both the explicit and implicit judgments assert that it is the sort of action that brings down divine wrath rather than favor. In contrast, there are no unambiguous condemnations of masturbation in the Bible, although the episode of Onan provides an implicit rudimentary teaching against this action.²⁰ Rather than baldly condemning the action as wrong, the Biblical writers condemn it by associating the action with a severe punishment. It is almost as if the Biblical authors were so ashamed of the topic that they could not mention it, but when they did make mention of it, they spoke of it as contrary to the holiness of God.

There are two perspectives on suicide in the Old Testament. On the one hand, some suicides were condemned in various ways by the Biblical writers. On the other hand, some reflexively lethal acts were commanded or permitted by God to preserve or promote obedience to God, such as the acts of Samson²¹ and

17. See *Deuteronomy* 19:1-13; *Numbers* 35:10-34.

18. *1 Corinthians* 6:9-10.

19. *Genesis* 19:24.

20. *Id.* at 38:4-10.

21. *Judges* 16:23-31.

Razis²², along with Abraham's near-slaying of Isaac. These commanded acts of suicide demonstrated that figures such as Abraham were models of fidelity and loyalty to God, for they would not allow even death to impede their duty to be faithful to God. Both Razis and Samson were examples of this sort of self-killing and their self-sacrifices illustrated their unswerving devotion to God.

The story of Samson is one of an amoral giant with uncontrollable anger and lust who waged a war of private revenge against the Philistines.²³ He was a unique figure with little religious aura, and his feats reached extravagant proportions because he was the only one of his time who could give the Israelites hope when they were wholly dominated by the Philistines. Samson betrayed Yahweh by falling into illicit relationships with Philistine women and this infidelity sapped his strength. He died in an attempt to avenge and punish the Philistines for their irreverence and oppression of the Israelites. But he was able to bring death on them because his strength was restored after he pledged his loyalty and obedience to Yahweh again.

Augustine and Aquinas argued that Samson's suicide was a morally valid killing done under a divine command, and this may have been true. Samson may have directly intended to kill the Philistines under a divine command and thus indirectly killed himself. Samson's death had a double meaning, for it was a sign that Yahweh's favor and power had been restored through the destruction of his enemies, and it also signified Yahweh's punishment of Samson for his infidelity. The purpose of his death was not to show that suicide is justified in some instances, but that his self-sacrifice restored him to favor with Yahweh. The Samson episode showed that Yahweh would grant even physical strength to those who were loyal and obedient to him, and even one as violent and uncontrollable as Samson could still serve Israel and Yahweh.²⁴

22. 2 *Maccabees* 14:37-46.

23. *Judges* 16:25-31.

24. See JOHN L. MCKENZIE, *DICTIONARY OF THE BIBLE* 767 (1965). In Hebrews 11:31-32, Samson was listed among the great men and women of the Old Testament who, although they suffered grave moral faults, were saved by faith. Included in this list were Gideon, who slew his daughter, and Rahab the harlot. They were heroes of the Old Testament, and they showed that God could accomplish his purposes through them despite their sinfulness and lack of moral rectitude. McKenzie's view of Samson's death is unclear. He may not have thought Samson committed suicide and thus did not see any moral problem in the death of this giant, or he may have seen it as a grave fault for which Samson should have been condemned. But it is difficult to believe that McKenzie would have condoned his death if he believed it to be suicidal.

Later Judaism was more tolerant of heroic suicide in defense of the faith, as illustrated by the story of Razis, the temple high priest.²⁵ Nicanor the Greek sought to destroy Judaism and thought the capture of one as noble as Razis would demoralize the Jews. Razis was determined to frustrate this, and rather than suffering capture, he tried to impale himself on his sword, but he missed the stroke and then threw himself from a tower. Not yet dead, he tore out his entrails and threw them among the soldiers.²⁶ Of all the suicides in the Old Testament, this one alone seemed to be approved of because it showed an unswerving fidelity to the Law and hatred for those who persecuted the Jews.

This Biblical attitude was mirrored by others of this era who felt that it was morally legitimate to bring death upon oneself when death was certain and imminent. The episode of Razis illustrates not so much the moral permissibility of suicide as it extols the heroic selflessness, devotion to God, and the resistance of this Jewish leader who would not permit the Gentiles to defile the Jews in any way. The death of Razis was tolerable, not because it was suicidal, but because it was seen as the last and only available means of protecting the faith from dishonor. It was seen as a death virtually commanded by Yahweh, as was Samson's. The episode does not argue as much for the permissibility of suicide as it illustrates the sort of devotion to God the pious Jew should have.

In a number of episodes in the Old Testament, people were tempted to suicide, but did not go through with it. The story of Jonah is the best example of this, a story strikingly similar to the Elijah cycle.²⁷ Jonah's story is one of a reluctant prophet who was called to preach repentance to the Ninevites when the Israelites detested them.²⁸ It tells of the universalism of divine mercy and forgiveness and of God's desire to give life and help to all. Rather than heeding Yahweh's call to preach repentance, Jonah boarded a ship headed in the opposite direction, and when he was in danger of drowning, a giant fish was sent by Yahweh to save his life. When he finally made it to Ninevah and preached a message of repentance, the Ninevites bitterly disappointed him by repenting. Jonah then went outside the city and sulked under

25. 2 *Maccabees* 14:37-46.

26. *Id.* at 14:46.

27. 1 *Kings* 19:1-21.

28. See Jean C. McGowan, *Jonah*, in 1 THE JEROME BIBLICAL COMMENTARY 633, 633-37 (Raymond E. Brown et al. eds., 1968).

a vine hoping that the Ninevites would be punished, and he asked Yahweh for death.²⁹

Whereas Elijah sulked under his broom tree and asked for death because Israel would not repent,³⁰ Jonah sulked because Ninevah had repented. Rather than looking heroic, Jonah appeared ridiculous. Elijah was in despair because the people would not listen to his message. He was given a vision of angels to bolster his spirits and fed by birds. Jonah was given a gourd plant to shade and comfort him, but when it died he became bitter and called on Yahweh to bring him death. Jonah fled the Lord, while Elijah sought him in the wind, earthquake, and fire. Because Jonah asked for death for narrow-minded and selfish reasons, he was not given the comfort of revelations from Yahweh as Elijah was, but was challenged with questions from God. Jonah was in despair because Israel's enemy heeded Yahweh's command and Yahweh asked him the tantalizing question: "Are you right to be angry?" Elijah asked for death because of the obstinacy of Israel, and he was given encouragement and revelations by God. With the death of the vine, Jonah was given a taste of the treatment he asked Yahweh to give the Ninevites. In these two stories, Yahweh did not grant permission for suicide for any reason, neither for the altruistic reasons of Elijah nor the selfish and despondent reasons of Jonah. God did not want to bring death to Ninevah, Elijah, or Jonah, but wanted all to live. God even showed a desire to give life to all by using nature to save them, for the crows fed Elijah and the whale saved Jonah. Jonah and Elijah were like other prophets of the Old Testament who wished for death: Moses,³¹ Tobit,³² and Job.³³ But Yahweh would not grant their wishes, and he either questioned their motives or gave them encouragement, aid, or revelations to help them in their troubles.

A similar approach is found in the story of Tobit and Sarah. This story aims to reassert the validity of faith and virtue at a time when God has apparently abandoned his people.³⁴ It also affirms the need for family support, charity, and religious integrity in times of persecution. Both Tobit and Sarah suffered deeply from the cruel misfortune of the world, for Tobit was mysteriously blinded and Sarah became the victim of the cruel sport

29. *Jonah* 4:9.

30. *1 Kings* 19:4-10.

31. *Numbers* 11:15.

32. *Tobit* 3:6.

33. *Job* 6:9, 7:15.

34. Demetrius R. Dumm, *Tobit, Judith, Esther*, in *1 THE JEROME BIBLICAL COMMENTARY*, *supra* note 28, at 620, 621-22.

of heartless women who reminded her of her failure as a mother.³⁵ Disconsolate at their cruelty, Sarah went to her room intending to hang herself, but instead offered a prayer to God.³⁶ In her suicidal grief, Sarah declared her innocence, and like Tobit she asked God to let her die. Yahweh did not grant this request. The angel Raphael brought Tobit's son Tobias to Sarah to marry her and he also gave Tobit a cure for his blindness. As is the case with Job, Yahweh did not permit suicide as an escape from the cruelty and misfortune of the world. Instead, Yahweh answered prayer, faith, and virtue with blessings and life. Sarah's prayer was answered by the angel Raphael ("God heals") who came and vindicated his faithful ones.³⁷

The other type of suicide in the Old Testament was performed by those who were utterly alienated from God. These suicides were a sign not of devotion and loyalty to God, but of total alienation from him. People committed suicide either because they rebelled against God or because they alienated themselves from divine favor by violating a grave religious duty. The Scriptures did not explicitly and formally declare suicide to be against the law of God, but they did portray those who deliberately killed themselves without his authority to be alienated from the life and holiness of God.

In a number of different situations, suicide was seen as an alienation from the life of Yahweh. The best example was that of Saul, who violated his divine consecration and was punished for this by rebellion in his kingdom. Saul was specifically anointed by Yahweh to be the great king and unifier of the Chosen People, but he betrayed his mission by falling into sorcery, idolatry, and witchcraft.³⁸ For this, he slowly became entangled in the snares of sin, infidelity, and death until he was so deeply enmeshed that he could not escape. The depth of his involvement was confirmed by his self-killing. His life and actions were in sharp contrast to the Scriptural ideal of the God-fearing Israelite, who lived out the full length of his days and saw his children's children down to the seventh generation.

The stories of Saul, Zimri, Ahithophel, and later Judas Iscariot further illustrate the theme of self-killing as a sign of utter alienation from God. Zimri was an officer of Elah, king of Israel, who assassinated Elah's entire family, but he only reigned for a single week before he was attacked by Omri and committed sui-

35. *Tobit* 3:8-10.

36. *Id.* at 3:10-17.

37. *Id.* at 5:4-22.

38. 1 *Samuel* 28:1-25.

cide in a palace fire.³⁹ His name, hurled at Jehu by Jezebel in scorn and condemnation, became an epithet for assassin.⁴⁰ Ahithophel was a member of David's council, but he advised Absalom to take possession of David's harem, which was a treasonable act. Then he recommended that he pursue David and kill him,⁴¹ and when this plan failed he hanged himself.⁴²

B. *The New Testament*

In the New Testament, sin was regarded as the cause of death.⁴³ St. Paul explicitly held that all die in Adam but will rise in Christ,⁴⁴ and death was the last adversary of Christ. Christ robbed death of its power, which made him Lord of life.⁴⁵ Having risen from the dead, death was powerless over him.⁴⁶ The Christian experiences victory over death by sharing in the death of Christ in this life. In this, the "old person" is crucified and the "new person" is raised up with Christ.⁴⁷ Faith in Christ does not protect the believer from death in this life, but gives him hope that he will not suffer death eternally.⁴⁸

The suicide of Judas Iscariot illustrates the New Testament's critical view of suicide, for he committed suicide in imitation of Ahithophel and apparently was Ahithophel's New Testament counterpart. By committing suicide just prior to the death of Jesus, Judas ironically proclaimed Jesus to be in the line of the Davidic kingship, just as the suicide of Ahithophel ironically proclaimed the kingship of David.⁴⁹ Judas was chosen to be a member of the apostolic community by Jesus, and thus he was given privileged intimacy and knowledge of the Lord. But Judas

39. 1 *Kings* 16:9-10, 16:15-18.

40. 2 *id.* at 9:31.

41. 2 *Samuel* 17:1-2.

42. *Id.* at 17:23; see BATTIN, *supra* note 12, at 29. Battin notes that Zimri and Abimilech also committed suicide and they did so in payment for their sins. *Id.* She fails to see, however, that these Old Testament figures share a deeply rooted sinfulness in common that drives them to self-destruction.

43. *Romans* 5:12.

44. 1 *Corinthians* 15:22.

45. See generally 2 *Timothy* 1:10.

46. *Romans* 6:8-10.

47. *Id.* at 6:1-11.

48. *John* 11:26.

49. There are different accounts of the death of Judas. Matthew, in the only account in the Gospels of his death, claims Judas hanged himself. *Matthew* 27:3-5. Acts of the Apostles suggests that he fell from a window, and there is no hint of suicide. Papias held that he swelled to such monstrous proportions that he could no longer pass where a horse and cart could easily drive through. Kirsopp Lake, *The Death of Judas*, in 5 *THE BEGINNINGS OF CHRISTIANITY* 22, 24 (F. J. Foakes Jackson & Kirsopp Lake eds., 1966).

rejected this call and betrayed Jesus.⁵⁰ Because of this he was not only denied knowledge of the Resurrected Lord, but he was also shunned by the community.⁵¹ Christian tradition has long held that Judas was the only one certainly excluded from the kingdom because he did not repent of his suicide.⁵²

His betrayal and suicide gave new emphasis to the utter gravity of his abandonment of the apostolic call.⁵³ His suicide was a sign of the total destruction of the life of God in him and his complete immersion in death. Rather than being heralded as one of the cornerstones of the Church as were all of the other Apostles, Judas was reduced to shame. The frequency with which he was denounced and rejected signifies the horror with which early Christians regarded him. Jesus was rejected by the people of his own town,⁵⁴ the leaders of his own nation⁵⁵ and even by his own disciples.⁵⁶ He was described as a "diabolos" in John's Gospel, which possibly meant that he was the adversary or "informer."⁵⁷ John also called him a "thief" and credited him with the ungracious and hypocritical remark at Bethany about the anointing of Mary Magdalene.⁵⁸

Judas was portrayed as being so perverse that the meaning of all his actions became twisted and perverted, and his sharing of the Bread with the Lord at the Last Supper became an act of division rather than communion.⁵⁹ The Last Supper was the great prayer of the Christian people, and Judas could not bear being among those who offered it because he had become so

50. *Luke* 6:16; *Mark* 3:19; *Matthew* 10:4.

51. Alvarez interprets the silence of Matthew over the suicide of Judas to mean that he approved of the suicide as an atonement for his sins. This is an eccentric opinion that would be quite out of character for the Evangelist and inconsistent with the views of such suicides expressed elsewhere in Scripture. See generally ALFRED ALVAREZ, *THE SAVAGE GOD* (1971).

52. *Matthew* 27:5. In John 13:27, John stated that Satan entered into Judas and Jesus spoke in a manner that was similar to what was said in Mark 5:12 and Luke 8:30. Raymond Brown reminds us that in the Johannine perspective, Judas was one of those who "preferred darkness to light because their deeds were evil," and he notes that Satan formally entered the drama at the Last Supper in the person of Judas. 29A RAYMOND E. BROWN, *THE GOSPEL ACCORDING TO JOHN* 579 (1970) (quoting *John* 3:19).

53. The only group to venerate Judas was the Gnostic sect of the Cainites, who regarded the God of the Old Testament as the cause of all evil in the world. F. L. CROSS & E. A. LIVINGSTONE, *THE OXFORD DICTIONARY OF THE CHRISTIAN CHURCH* 219 (1974).

54. *Luke* 4:28-29.

55. *Id.* at 11:53-54, 19:47-48, 20:1-19.

56. *Id.* at 6:12-16.

57. MCKENZIE, *supra* note 24, at 463.

58. *John* 12:4-6.

59. *Luke* 22:21-23; *Mark* 14:17-21; *Matthew* 26:20-25.

perverted. Even then he could not enter in the Light of Christ but was driven by the powers of darkness to accomplish his act of betrayal. Taking the Last Supper with the Lord had no effect on him, for after that he still carried out his work of betrayal. Even the kiss of fellowship in Gethsemane⁶⁰ was a kiss of betrayal rather than one of friendship; the act that epitomized friendship became the sign of infidelity. Rather than being a model of Christian life and discipleship, Judas was the paradigmatic treacherous apostate, and his suicide signified that despairing apostates such as he would be utterly cut off from salvation. His infidelity stands in stark contrast to the loyalty of Jesus and Job who were able to maintain fidelity even in the midst of great suffering and trial. Judas was the complete antithesis of obedience and devotion.

The best example of the attitude of the New Testament on suicide is Paul's attempt to stop the jailer of Philippi in Acts of the Apostles from killing himself when Paul and Silas were freed from prison by an earthquake:

Late that night Paul and Silas were praying and singing God's praises while the other prisoners listened. Suddenly there was an earthquake that shook the prison to its foundations. All the doors flew open and the chains fell from all the prisoners. When the gaoler woke and saw the doors wide open he drew his sword and was about to commit suicide, presuming that the prisoners had escaped. But Paul shouted at the top of his voice, 'Don't do yourself any harm, we are all here.'

The gaoler called for lights, then rushed in, threw himself trembling at the feet of Paul and Silas, and escorted them out, saying, 'Sirs, what must I do to be saved?' They told him, 'Become a believer in the Lord Jesus, and you will be saved, and your household too.' Then they preached the word of the Lord to him and to all his family.⁶¹

This passage clearly shows the emptiness of claims that the New Testament does not condemn suicide. In a situation in which suicide would seem to be justifiable, the leading Christian Apostle vigorously denounced self-killing and instead used a potentially tragic situation to call the gaoler to faith.

This scene is important for Christian teaching on suicide because it shows that the Apostolic verdict was clearly against suicide. Standing second only to Peter, the Apostle of the Gentiles issued a thundering condemnation of self-killing and called for

60. *Luke* 22:47.

61. *Acts* 16:25-32.

faith in the place of despair. In the very earliest years of the Christian community, Paul made the Christian view of suicide quite clear: faith in Christ delivers from death and suicide is not acceptable for anyone, even the non-Christian.

II. THE HISTORICAL DEVELOPMENT OF THE CATHOLIC PROHIBITION OF SUICIDE

The Catholic view of suicide developed in the Greco-Roman world where suicide was quite common, easily tolerated, seldom condemned or criticized, sometimes applauded, and quite frequently undertaken for the most trivial of reasons. These teachings developed in protest to the abuse of life manifested in this culture.

A. *Suicidal Practices and Views in Antiquity*

Suicide was probably rather common in Hellenic society, despite the fact that extreme measures were sometimes taken to curb it. Some educated Greeks raised strong moral objections to suicide, but we know of only a few who protested with much vigor. In Homeric times, suicide was often an act of revenge, much as was the case in preliterate society, but suicide often occurred for less vindictive reasons. Many early Greeks seemed to have accepted some suicides to preserve "honor" as perfectly legitimate, and they extolled these suicides in Greek mythology.

Post-Homeric Greek society became quite tolerant of suicide and in many places actually encouraged it, particularly for sickness, egregious crimes, military defeat, or political catastrophes. On the island of Ceos, a supply of poison was stored to enable those over a certain age to self-execute,⁶² and it also seems that the Athenians did this in great numbers.⁶³ In the Greek colony of Marseilles, magistrates kept a supply of poison for those judged to have an adequate reason to kill themselves. The law governing its use was clear:

Whoever no longer wishes to live shall state his reasons to the Senate, and after having received permission shall abandon life. If your existence is hateful to you, die; if you are overwhelmed by fate, drink the hemlock. If you are bowed with grief, abandon life. Let the unhappy man

62. See EMILE DURKHEIM, *SUICIDE* 218 (John A. Spaulding & George Simpson trans., 1951).

63. VALERIAN MAXIMUS, *FACTORUM AC DICTORUM MEMORABILIMUM*, LIBRI NOVI ii 6, 7 (1753). A similar law was instituted during the Reign of Terror. See 2 THOMAS CARLYLE, *THE FRENCH REVOLUTION* 44-51 (1961); CHARLES MOORE, *A FULL ENQUIRY* 238 (1790).

recount his misfortune, let the magistrate supply him with the remedy, and his wretchedness will come to an end.⁶⁴

But as tolerance of suicide developed, so also did a more abusive and degrading view of human life. Athenaeus tells us that the Thracians would play a game of hanging and would

fix a round noose to some high place, exactly beneath which they place a stone . . . then they cast lots, and he who draws the lot, holding a sickle in his hand, stands upon the stone, and puts his neck into the halter. Another person then moves the stone from under him, and if he cannot cut the rope in time with his sickle, he is hung; and the rest laugh, thinking his death good sport.⁶⁵

At certain times individuals were required to commit suicide.⁶⁶ The most famous of these was Themistokles, who offered his services to the Persians after being banished from Athens. When the Persians experienced difficulties defeating the Greek navies, they called on him, but rather than subduing his own country, he supposedly drank bull's blood.⁶⁷ Another horrible story is told of the town of Abydos, which suffered an epidemic of suicides when Philip of Macedon's army approached.⁶⁸ Philip withdrew to prevent the suicides, but when he returned he found all its inhabitants dead.

Greek philosophy and religion were generally critical of suicide, but they did allow it for certain reasons. Pythagoras forbade men to "depart from their guard or station in life without the order of their commander, that is, of God."⁶⁹ The Orphic cult objected to suicide and considered it a deliberate mutilation of the property of the gods.⁷⁰ Apuleius said that "the wise man never throws off his body except by the will of God."⁷¹ In the *Laws*, Plato generally opposed suicide except when one had been struck down with calamity or poverty.⁷² But in the *Phaedo*, he

64. DURKHEIM, *supra* note 62, at 330.

65. HENRY R. FEDDEN, *SUICIDE: A SOCIAL AND HISTORICAL STUDY* 83-84 (1972).

66. See 1 WILLIAM E. H. LECKY, *HISTORY OF EUROPEAN MORALS* 228 (1870).

67. FEDDEN, *supra* note 65, at 59.

68. See *id.* at 292.

69. CICERO, *DE SENECTUTE* xx (J.W. Allen & J. Greenough trans. & eds., Ginn 1886).

70. See KATHLEEN FREEMAN, *THE PRE-SOCRATIC PHILOSOPHERS* 14 (1946); FEDDEN, *supra* note 65, at 71-72.

71. 1 LECKY, *supra* note 66, at 224 (quoting APULEIUS, *DE PHILOS.*). See also PLATO, *LAWS* bk. I.

72. PLATO, *LAWS* bk. 9.

became much less tolerant of it.⁷³ Plotinus admitted that there could be cases of "stern necessity" when suicide would be legitimate, but he was even less tolerant of suicide than Plato.⁷⁴ Socrates was not deterred from killing himself, even though he considered the person to be the property of the gods, and yet when he suspected that Porphyry wanted to commit suicide, he went out of his way to convince him not to do so. Aristotle considered suicide unjust to the state, and he also believed it to be an act contrary to courage, but he nonetheless permitted it in some situations.⁷⁵

The Romans acquired at least some of their views about the value of life from the Greeks, but they gave suicide a scope, dimension, and intensity not seen in the Hellenistic world.⁷⁶ The Roman aristocracy and intelligentsia committed suicide to preserve honor and escape shame, to prove one's patriotism, and to show fidelity, but they also committed suicide for frivolous reasons in far greater numbers than did the Greeks, and they developed a propensity for suicide that was unseen before.⁷⁷

73. PLATO, PHAEDO, 61b-63a.

74. 1 PLOTINUS, THE ESSENTIAL PLOTINUS: REPRESENTATIVE TREATISES FROM THE ENNEADS ix (Elmer O'Brien trans., 1964). He was less tolerant of it probably because he saw it causing a disturbance to the soul. See 1 LECKY, *supra* note 66, at 351.

75. Aristotle, *Nicomachean Ethics*, in THE BASIC WORKS OF ARISTOTLE 935, 977 (Richard McKeon ed., 1941).

76. Fedden and Albert Bayet, upon whom Fedden depends for much of his moral analysis of suicide, demean this "suicide horror," but in doing this they trivialize the scope and intensity of suicide in the Roman world in particular. See generally ALBERT BAYET, *LE SUICIDE ET LA MORALE* (1922). One of the first projects of the post-Constantinian Christians was to curb ancient suicide, which was one of its greatest contributions not only to Western civilization, but also to world civilization. See 2 LECKY, *supra* note 66, at 47-65.

Alvarez holds that the Roman law concerning suicide was simply practical, with little spirit of revenge or vindictiveness. But he mentions only the philosophical suicides, and says little of the desperate suicides of slaves, prisoners of war, impoverished, lovelorn, weak, or immature. ALVAREZ, *supra* note 51. His views are self-contradictory. He laments the deaths of so many artists, poets, and writers, and yet when describing virtually the same phenomenon in Rome, he lauds it as a superb example of liberty and toleration. *Id.*

77. Concerning suicide in the Roman world, the historian of European morality, Lecky, said the following:

A general approval of it floated down through most of the schools of philosophy, and even to those who condemned it, it never seems to have assumed its present aspect of extreme enormity. This was in the first instance due to the ancient notion of death; and we have also to remember, that when a society once learns to tolerate suicide, the deed, in ceasing to be disgraceful, loses much of its actual criminality, for those who are most firmly convinced that the stigma and suffering

Historian Henry Fedden claims that suicide among the upper classes of Roman society was common, but not among the lower.⁷⁸ This view is difficult to accept for two reasons. First, it ignores the fact that suicide was so common in the Roman world that it was known as "Roman death," and it would not have acquired this infamy if it was restricted to the aristocracy.⁷⁹ Second, the poor of Rome suffered hardship, poverty, servitude, cruelty, and ignorance so far beyond that experienced by the upper classes that they would have even more reason for reflexive killing than did wealthy and powerful Romans. Whatever reasons aristocratic Romans may have had for committing suicide were insignificant in comparison to those of the Roman slaves or lower classes. At slave auctions, sellers frequently had to verify that a given slave did not have epilepsy or chronic ill health, and was not prone to theft or suicide.⁸⁰ And when defeated enemy soldiers were taken back to Rome to be sold, they had to be watched closely because so many of them committed suicide.⁸¹ And if these classes along with the upper classes were committing suicide frequently, it is quite likely that the lower classes did so as well.

The suicides of Cato, Seneca, Marc Anthony, Brutus, and Cleopatra are the most famous of the Republican era, and suggest that suicide was widely practiced among the upper classes even during the Republic. It is well known that many nobles committed suicide to escape humiliation or for political reasons. Cornelia killed herself after the defeat and death of Crassus, and Arria killed herself after being discovered in plot against Claudius.⁸² The emperor Otho killed himself in 69 A.D. after he retreated from a battle to prevent sacrificing more Roman

it now brings upon the family of the deceased do not constitute his entire guilt, will readily acknowledge that they greatly aggravate it.

1 LECKY, *supra* note 66, at 226. He writes about Roman suicide:

From an early period, self-immolation, like that of Curtius or Decius, had been esteemed in some circumstances a religious rite, being as has been well suggested, probably a lingering remnant of the custom of human sacrifices, and towards the closing day of paganism many influences conspired in the same direction.

Id. at 228 (footnote omitted).

78. FEDDEN, *supra* note 65, at 65.

79. 1 MOORE, *supra* note 63, at 245.

80. HAROLD WHETSTONE JOHNSTON, *THE PRIVATE LIFE OF THE ROMANS* 104 (1932).

81. *Id.* at 105.

82. PLINY, *EPISTLES* iii, 16 (Bibliophile Society, 1925); DIO'S *ROMAN HISTORY* bk. lx. See also MOORE, *supra* note 63, at 258.

soldiers in a civil war,⁸³ and many of his soldiers were so moved by his death that they killed themselves as well.

Suicides for purely "entertainment" purposes seemed to have become rather common in the Republic and even more so in the empire. Fedden claimed that it was easy to recruit individuals at the time of the Punic Wars who would offer themselves to be executed for rather small amounts of money, which would be given to their heirs.⁸⁴ And for a higher price, others could be found to be slowly beaten and mangled to death, which created an even greater spectacle.

Like some Greeks, Romans also committed suicide for exhibitionist reasons. Peregrinus traveled through the empire preaching contempt for death and claiming that he would commit suicide as a sign of his disdain of death.⁸⁵ He finally did this with great fanfare by throwing himself on a flaming pyre at the start of the Olympic games.⁸⁶ Sardanapalus is reported to have set 150 gold couches and tables on a vast pyre in a room and collected 10 million talents of gold. He summoned his wife and concubines and committed suicide by ordering his slaves to set it on fire with him in the middle of it.⁸⁷ Heliogabalus purchased a rope of purple and gold and a golden sword, and ordered a pavement of jewels to be built between two towers from which he was going to leap after stabbing himself. Unfortunately (from his perspective), he was murdered by his guards before he could do this.⁸⁸

Stoics, Epicureans, and Cynics urged suicide as a rational way of preserving dignity and honor, and even as a duty in some instances.⁸⁹ Epicurus said "that one must weigh carefully whether one preferred to wait for death or artificially to forestall it."⁹⁰ Epictetus said that

[a]bove all things, remember that the door is open. Be not more timid than boys at play. As they, when they cease to take pleasure in their games declare that they will no

83. THE OXFORD CLASSICAL DICTIONARY 763 (N.G.L. Hammond & H.H. Scullard eds., 2d ed 1970).

84. FEDDEN, *supra* note 65, at 84. See also ALVAREZ, *supra* note 51, at 67.

85. THE OXFORD CLASSICAL DICTIONARY, *supra* note 83, at 799.

86. *Id.*

87. SICULUS DIODORUS, THE ANTIQUITIES OF ASIA, ii bk 2, 23-27 (Edwin Murphy trans., 1989).

88. II A DICTIONARY OF GREEK AND ROMAN BIOGRAPHY AND MYTH 7 (William Smith, ed., 1916).

89. See 1 LECKY, *supra* note 66, at 222-33.

90. FEDDEN, *supra* note 65, at 81.

longer play, so do you, when all things begin to pall upon you, retire; but if you stay, do not complain.⁹¹

Seneca permitted suicide, but he admitted that he had to curb the passion for suicide among some of his followers.⁹² He wrote:

As I choose the ship in which I will sail, and the house I will inhabit, so I will choose the death by which I will leave life.⁹³

He believed it was braver to face death than one's troubles, and he asserted that he would not relinquish

old age if it leaves my better part intact. But if it begins to shake my mind, if it destroys its faculties one by one, if it leaves me not life but breath, I will depart from the putrid or tottering edifice. I will not escape by death from disease so long as it may be healed, and leaves my mind unimpaired. I will not raise my hand against myself on account of my pain, for so to die is to be conquered. But if I know that I must suffer without hope of relief, I will depart, not through fear of pain itself, but because it prevents all for which I would live.⁹⁴

Musonius claimed that

[j]ust as a landlord who has not received his rent, pulls down the doors, removes the rafters, and fills up the well, so I seem to be driven out of this little body, when nature, which has let it to me, takes away one by one, eyes and ears, hands and feet. I will not therefore delay any longer, but will cheerfully depart as from a banquet.⁹⁵

The Stoics believed it was brave and honorable to face the knife, for none of the beasts could die in such a way. Attalus advised Marcellinus, who was contemplating suicide:

Be not tormented, my Marcellinus, as if you were deliberating of any great matter. Life is a thing of no dignity or importance. Your very slaves, your animals, possess it in common with yourself: but it is a great thing to die honorably, prudently, bravely. Think how long you have been engaged in the same dull course: eating, sleeping and indulging your appetites. This has been the circle. Not

91. EPICTETUS: THE DISCOURSES AND MANUAL bk. 1, ch. 24 (P.E. Matheson ed, 1938).

92. FEDDEN, *supra* note 65, at 78.

93. *Id.*

94. *Id.*

95. *Id.*

only a prudent, brave, or a wretched man may wish to die, but even a fastidious one.⁹⁶

Marcellinus took his advice and starved himself to death.⁹⁷

The Stoics and Epicureans looked on suicide as a purely personal affair that was permitted under any circumstance and certainly desirable when there were issues of dishonor, old age, or illness at stake. The Epicureans allowed it when one's pain overcame the pleasure to be found in one's life, and the Epicureans were not far behind the Stoics in their disregard for the value of human life. Lucretius the Epicurean poet wrote:

If one day, as well may happen, life grows wearisome, there only remains to pour a libation to death and oblivion. A drop of subtle poison will gently close your eyes to the sun, and waft you smiling into the eternal night whence everything comes and to which everything returns.⁹⁸

B. *Early Christian Views*

The early Christians protested vigorously against many of the cruelties that led others to suicide. But in contrast to their predecessors, they did not commit suicide in protest, and the practices they found objectionable often vanished almost immediately after Christianity was legally tolerated. The Christians abolished the practice of forcing others to commit suicide as did the Greeks and Romans, and the Greek custom of the state holding stores of poison for those who wished to end their lives was also eliminated. Roman exhibitionist suicide vanished, and there is little evidence during the medieval period of people committing suicide to avoid slavery or serfdom as was often the case in antiquity. The uniquely Roman types of suicide found in the coliseums, palaces, and slave camps ended quickly. The Roman practice of generals, political leaders, and nobles killing themselves to avoid disgrace virtually vanished.⁹⁹ In light of all the pagan cruelties abolished by the medieval Christians, the claim that the medievals did not have respect for pagan life dissolves into fantasy.¹⁰⁰

96. *Id.* at 80.

97. *Id.*

98. *Id.* at 81.

99. 2 LECKY, *supra* note 66, at 57.

100. Lecky argues:

Direct and deliberate suicide, which occupies so prominent a place in the moral history of antiquity, almost absolutely disappeared within the Church; but beyond its pale, the Circumcellions, in the fourth century, constituted themselves as the apostles of death, and not only carried to the highest point the custom of provoking martyrdom, by

The early orthodox Christian church issued few official moral condemnations of suicide, or of any action for that matter, even though the great proportion of early Christian writers condemned deliberate self-killing vigorously.¹⁰¹ The lack of "official" condemnations of suicide, however, does not mean that the early Church endorsed or permitted it. The early Church produced many theological and moral writings against suicide, and these views later came to be expressed in councillor and juridical documents after Constantine granted legal status to the Church.

It was against an evident disregard for the treasure of human life that St. Augustine articulated his views on suicide, which rapidly became the mainstream and dominant attitude toward suicide in Latin Christianity. In his *The City of God*, he argued that Christians do not commit suicide in any circumstance and that they have no authority to self-execute. Augustine's arguments here are quite clear: suicide is wrong because it is deliberate killing of the innocent.

For it is clear that if no one has a private right to kill even a guilty man (and no law allows this), then certainly anyone who kills himself is a murderer, and is the more guilty in killing himself the more innocent he is of the charge on which he has condemned himself to death. We rightly abominate the act of Judas, and the judgment of truth is that when he hanged himself he did not atone for the guilt of his detestable betrayal but rather increased it, since he despaired of God's mercy and in a fit of self-destructive remorse left himself no chance of a saving repentance. How much less right has anyone to indulge in self-slaughter when he can find in himself no fault to justify such a punishment! For when Judas killed himself, he killed a criminal, and yet he ended his life guilty not only of Christ's death, but also of his own; one crime led to another.¹⁰²

challenging and insulting the assemblies of the Pagans, but even killed themselves in great numbers, imagining, it would seem, that this was a form of martyrdom, and would secure for them eternal salvation.

2 *id.* at 52.

101. See generally M. ADRIAEN, IN AMOS II, 5 (1963); SAINT BASIL, II LETTERS 188 in THE FATHERS OF THE CHURCH (Agnes C. Way trans., notes by Roy J. Deferarri 1955). BAYET, *supra* note 76, at 322; CASSIAN, DE INSTITUTIS COENOBIORUM bk. ix, ch. 9 (F. Gibson trans., 1894); CLEMENT OF ALEXANDRIA, STROM. bk. IV (1933); JEROME, TO EUSTOCHIUM, Letter 22 (Frederick A. Wright trans., 1933).

102. AUGUSTINE, THE CITY OF GOD bk. I, ch. 17 (Henry Bettenson trans., Penguin Books 1972).

On the grounds that the law against killing forbids destroying all innocent human beings, including oneself, Augustine argued that there was never a legitimate reason to commit suicide. He wrote:¹⁰³

It is significant that in the sacred canonical books there can nowhere be found any injunction or permission to commit suicide either to ensure immortality or to escape any evil. In fact we must understand it to be forbidden by the law 'You shall not kill,' particularly as there is no addition of 'your neighbor' as in the prohibition of false witness, 'You shall not bear false witness *against your neighbor.*' But that does not mean that a man who gives false witness against himself is exempt from guilt, since the rule about loving one's neighbor begins with oneself, seeing that the Scripture says 'You shall love your neighbor as yourself.'¹⁰⁴

Augustine condemned suicide not only because it was culpable killing, but also because it was against the virtue of fortitude. The pagans held up Cato and Regulus as exemplary suicides, but Augustine pointed out that both of them were defeated and beaten men: Cato by Caesar and Regulus by the Carthaginians.¹⁰⁵ He denied categorically that suicide showed greatness of soul or virtue.¹⁰⁶ Instead, he wrote that self-assassination shows that one lacks the strength to endure hardships.¹⁰⁷

Furthermore, Augustine argued that it is not permissible to kill oneself to avoid falling into the hands of one's enemies, for the Patriarchs, Jesus Christ, and the Apostles did not do so.¹⁰⁸

What we are saying, asserting, and establishing by all means at our command is this: that no one ought deliberately to bring about his own death by way of escaping from temporal troubles, for fear that he may fall into eternal afflictions; it is wrong to commit suicide because of the sins of others, for this is to bring upon oneself a heavy burden of sin, whereas another's sin could not defile one or because of one's past sins, for one has more need of this life on their account, so that those sins may be healed by repen-

103. Augustine states "[i]f this is so, it remains that we take the command 'You shall not kill' as applying to human beings, that is, other persons and oneself. For to kill oneself is to kill a human being." *Id.* at bk. I, ch. 20.

104. *Id.* at bk. I, ch. 20.

105. *Id.* at bk. I, ch. 23-24.

106. *Id.* at bk. I, ch. 22.

107. *Id.* at bk. I, ch. 22. In Cato and other noble Romans who suicided to preserve honor and dignity, Augustine found "weakness in a mind which cannot bear physical oppression, or the stupid opinion of the mob." *Id.*

108. *Id.* at bk. I, ch. 22.

tance; or through longing for a better life, hoped for after death, for those guilty of their death are not received after death into that better life.¹⁰⁹

Augustine did not believe suicide to be "irrational" in some instances and situations, but he believed that the Christians had better examples of coping with suffering and defeat in the figures of Job, the Apostles, and Jesus himself than in suicidal figures.¹¹⁰

There are however certain exceptions to the law against killing, made by the authority of God himself. There are those whose killing God orders, either by a law, or by an express command to a particular person at a particular time. In fact one who owes a duty of obedience to the giver of the command does not himself 'kill' — he is an instrument, a sword in its user's hand. For this reason the commandment forbidding killing was not broken by those who have waged wars on the authority of God, or those who have imposed the death-penalty on criminals when representing the authority of the State in accordance with the laws of the State, the justest and most reasonable source of power. When Abraham was ready to kill his son, so far from being blamed for cruelty he was praised for his devotion; it was not an act of crime, but of obedience. One is justified in asking whether Jephtha is to be regarded as obeying a command of God in killing his daughter, when he had vowed to sacrifice to God the first thing he met when returning victorious from battle. And when Samson destroyed himself, with his enemies, by the demolition of the building, this can only be excused on the ground that the Spirit, which performed miracles through him, secretly ordered him to do so. With the exception of these killings prescribed generally by a just law, or specially commanded by God himself — the source of justice — anyone who kills a human being, whether himself or anyone else, is involved in a charge of murder.¹¹¹

To avoid defilement, some women in Augustine's time committed suicide, and their acts were extolled by some Fathers,

109. *Id.* at bk. I, ch. 26. In this condemnation, Augustine is striking at two of the most common motives for suicide: desire for a better life, and guilt, ostensibly over the wrongful actions of others, but more probably and realistically over one's own guilt.

110. *Id.* at bk. I, ch. 24.

111. *Id.* at bk. I, ch. 21 (citations omitted).

while others were highly critical of them.¹¹² These sorts of suicide were very difficult to condemn, for the motives were exceptionally laudable even though the acts were reprehensible.¹¹³ Augustine, however, would not countenance these acts even to protect virginity, for even though these women would be ravished, they could retain their innocence, and self-murder would be far worse than being molested.¹¹⁴ Augustine and others thought that a virgin who committed suicide to prevent being raped committed a crime far worse than what the rapist would do and brought guilt on herself that she could have otherwise avoided:

But how was it that she [Lucretia] who did not commit adultery received the heavier punishment? For the adulterer was driven from his country, with his father; his victim suffered the supreme penalty. . . . The highly extolled Lucretia also did away with the innocent, chaste, outraged Lucretia. Give your sentence. Or if you cannot do this, because the culprit is not present to receive the punishment, why do you extol with such praises the killer of the chaste and innocent Such has not been the behavior of Christian women. When they were treated like this they did not take vengeance on themselves for another's crime. They would not add crime to crime by committing murder on themselves in shame because the enemy had committed rape on them in lust.¹¹⁵

Augustine thought it worse for a woman to commit self-murder than to suffer rape. Despite the seeming harshness of his judgment, there is a persuasive consistency to his reasoning. Moreover, he believed that the early Christian virgins who committed suicide to preserve their chastity were either acting under divine command or were simply mistaken in their judgment.¹¹⁶

112. The most famous of these cases was that of Pelagia who was abducted by soldiers, but excused herself before they ravished her, and went to her room, where she threw herself from her window to escape being attacked. Augustine condemned this even though it was approved by St. Ambrose. *Id.* at bk. I, ch 26, n.70.

113. Alvarez attributes rejection of suicide to preserve one's virginity by the early Church to Augustine's authority. Augustine argued that if one killed oneself to atone for one's sins, one was usurping the authority of the Church and the state. And if one suicided while innocent and to avoid sin, one was putting blood on one's hands, which was wrong. And Augustine considered suicide worse than other sins because one could not repent of it. *See* ALVAREZ, *supra* note 51, at 70.

114. AUGUSTINE, *supra* note 102, bk. I, ch. 18.

115. *Id.* at bk. I, ch. 19.

116. *Id.* at bk. I, ch. 26.

Augustine rejected the idea that one should commit suicide to avoid committing sin, for if that was permissible, confessors could urge penitents to kill themselves after being absolved of their sins to avoid falling into further sin.¹¹⁷

There remains one situation in which it is supposed to be advantageous to commit suicide; I have already begun to discuss this question. It arises when the motive is to avoid falling into sin either through the allurements of pleasure or through the menaces of pain. If we agree to allow this motive we shall not be able to stop until we reach the point when people are to be encouraged to kill themselves for preference, immediately they have received forgiveness of all sins by washing in the waters of holy regeneration. For that would be the time to forestall all future sins — the moment when all past sins have been erased. If self-inflicted death is permitted, surely this is the best possible moment for it! When a person has been thus set free why should he expose himself again to all the perils of this life, when it is so easily allowed him to avoid them by doing away with himself? And the Bible says, 'A man who is fond of danger will fall into it'. Why are men so fond of all these great dangers, or at any rate are willing to accept them, by remaining in this life, when they are allowed to depart from it? If a man has a duty to kill himself to avoid succumbing to sin because he is at the mercy of one man, who holds him prisoner, does he suppose that he has to go on living so as to endure the pressures of the actual world, which is full of temptations at all times, temptations such as that which is dreaded under one master, and innumerable others, which are the necessary accompaniment of this life?¹¹⁸

Augustine argued that this would be the most persuasive argument for suicide possible, and yet he denied it was sound. He would not endorse suicide as a means to escape disgrace or avoid punishment, regarding that means as an illicit attempt to atone for guilt.¹¹⁹ The guilt of one who kills himself to escape punishment increases in relationship to his innocence.

Margaret Battin suggests that the basis of the traditional Catholic teaching on suicide was Augustine's opposition to the practices of the Circumcellions and Donatists, who killed themselves or had themselves killed to gain salvation, and not an argu-

117. *Id.* at bk. I, ch. 27.

118. *Id.* (citation omitted).

119. *Id.* at bk. I, ch. 17.

ment against the morality of suicide.¹²⁰ The implication here is that Augustine would not have argued against the practice if these fanatics had not made the orthodox Christians look bad. But in claiming this as the basis of Augustine's views, Battin is reducing the Catholic moral objection to suicide to a political objection: the orthodox Christians were trying to protect the reputation of true and legitimate martyrs against the fanatical, suicidal Circumcellions. In fact, Augustine was the first Christian author to write extensively about suicide, even though he was hardly the first to condemn it, and he did so for many reasons, not just because the Circumcellions and Donatists were practicing self-murder in the name of Christ. Had the Circumcellion extremists never arisen, orthodox Christians still would have condemned suicide vigorously because it was direct killing of the innocent and because it was so widespread in the empire. Augustine's condemnation thus was not merely an aspect of an overall anti-Donatist political strategy. Furthermore, Augustine's position was endorsed in the Middle Ages, not because of Christian opposition to the Donatists or Circumcellions, but because of the perceived moral correctness of his teaching. Certainly the peculiar nature of the Donatists, Circumcellions, and the Church in North Africa made suicide a problem that the Church had to resist aggressively. However, before and after the emergence of the Circumcellions and Donatists, there was such a clear and strong aversion to killing among the orthodox Christians that suicide was not a major problem for them.

Without doubt, there is some truth in the view that Augustine condemned suicide partly because of fanatics, and partly because it challenged and threatened Catholic integrity, orthodoxy, zeal, and ardor. But that is not the whole story. Augustine also argued with pagans who presented their heroes like Cato and Seneca as so virtuous that they committed suicide to preserve their virtue. Battin misunderstands the threat of the Circumcellions and Donatists to the Church, and she overstates their threat. In fact, they were strong only in small areas of North Africa. The famous Augustine scholar, Peter Brown, correctly shows that the threat of the Donatists and Circumcellions was relatively insignificant because they were inordinately concerned with preserving the purity of the Christian faith against the new Christians admitted to the post-Constantinian church.¹²¹ They had more of an effect on Catholic sacramental theology than on Catholic moral teaching, and Orthodox Christianity condemned

120. BATTIN, *supra* note 12, at 64-65.

121. PETER R.L. BROWN, *AUGUSTINE OF HIPPO* 213-24 (1969).

Donatist and Circumcellion suicides as part of its overall attempt to stop the abuses of human life that were so common in the latter Roman Empire. If the Donatists and Circumcellions posed any threat to orthodox Christians, it was because they made the more moderate Christians appear lax, sinful, and tepid in comparison to those who were willing to kill themselves as a twisted symbol of their devotion to God. However, this was not a great problem for the orthodox. Their lack of scruple about self-execution threatened to make the orthodox Christians who rejected suicide as a sign of faith appear uncommitted and morally lax. The orthodox Latin Christian resistance to suicide expressed itself in forgiveness of those who apostasized and sought penance and forgiveness; and this spirit of forgiveness angered the fanatic Donatists and Circumcellions, for they believed that handing over the sacred books to the Romans was intolerable, that salvation could be found only through martyrdom, and that any refusal of martyrdom was equal to apostasy. The Donatists' suicidal tendencies were too extreme for most Christians, and they posed less of a threat to the credibility of the Church than did their unfounded claim that the Christians suffered from loose morals.

The continuation of the ancient Christian prohibition of suicide into Medieval Christianity was extraordinarily effective. What is striking about the history of suicide in the Middle Ages is that there were few notable suicides between 400 and 1400 A.D. among orthodox Christians.¹²² Catholic doctrines and attitudes had so permeated society during this era that individuals did not find suicide to be an efficient means of resolving personal, financial or political issues. Medieval Catholicism had given such emphasis to repentance, confession, and penance that suicide to escape shame virtually disappeared. In antiquity, suicide on account of poverty was not uncommon, but medieval society removed the stigma of poverty far more than other societies, and, as a result, there were an insignificant number of suicides.¹²³ Catholicism's emphasis on the value of the life of poverty and

122. See 2 LECKY, *supra* note 66, at 56.

123. Fedden, hardly a friend of medieval Catholicism, writes the following:

Poverty carried no moral stigma: you were not bad, or stupid, or undesirable, simply because you were poor. In the capaciousness of an all-comprehensive Church, and at his particular post within the feudal hierarchy (that state of life to which God had called him), the poor man could feel a certain equality and sense of fellowship with the richest. He was acknowledged to be a part of the whole. Property involved duties first and foremost; it was primarily a trust rather than a source of income. Poverty on the other hand had acquired, from

simplicity destroyed the grounds of suicide to escape the shame of poverty.

Medieval Christianity did not allow suicide as an escape from suffering. It believed a better way of dealing with suffering than self-execution was to face it in a spirit of Christian faith, hope, and charity. Medieval Christians asked why one should self-execute to escape suffering when acceptance of suffering in Christian faith, hope, and charity could bring one eternal life. These Christians were not insensitive to the needs of the suffering, but they objected to what they saw as the profitlessness of suicide. The old Roman practice of philosophical, political, and military suicide almost totally vanished in medieval Christian Europe.¹²⁴ Heterodox Christians, however, seemed to have committed suicide with much greater frequency than did the orthodox, for they were more isolated and were less influenced than the orthodox by the Christian teachings on suicide.

The canonical and ecclesiastical punishments of suicide became stronger through the centuries, and these worked to limit the practice of suicide. The Council of Nimes refused to grant those who killed themselves a Christian burial.¹²⁵ The Council of Orleans in 533 forbade burial of those who killed themselves while standing accused of crimes,¹²⁶ and the Council of Braga in 563 similarly forbade Christian burial to anyone who committed suicide.¹²⁷ This prohibition was affirmed by the Council of Auxerre fifteen years later,¹²⁸ and the Council of Arles forbade families to commit suicide.¹²⁹ In 590, the Council of Antisidor held that no one could make offerings to expiate

religious associations, a certain mystical importance and glamour. . . .

For these reasons, poverty rarely seemed a sufficient cause for suicide.

FEDDEN, *supra* note 65, at 200.

124. According to O'Dea, "[d]eliberate suicide seems to have ceased almost entirely with the establishment of Christianity, and to have continued in abeyance until the reign of philosophical skepticism." J.J. O'DEA, *SUICIDE: STUDIES IN ITS PHILOSOPHY* 85 (1970). This is a judgment few philosophers or historians would disagree with. See also 2 LECKY, *supra* note 66, at 52. Alvarez notes that John Donne in his *Biathanatos* was the first Renaissance thinker to challenge the Christian teachings on suicide in a thousand years, which is a backhanded compliment on the power of the medieval prohibitions of suicide. He admits that the medieval Christian was brutal in condemning suicide, but this probably came from a concern for the soul of the suicidal person. ALVAREZ, *supra* note 51, at 153-161.

125. XXIV GIOVAN DOMENICO MANSI, *SACRORUM CONCILIORUM NOVA ET AMPLISSIMA COLLECTIO* 546 (1960).

126. ALVAREZ, *supra* note 51, at 71.

127. XVI MANSI, *supra* note 125, at bk. IX, 779.

128. XVII MANSI, *supra* note 125, at bk. IX, 913.

129. LII MANSI, *supra* note 125, at bk. VII, 884.

their suicide,¹³⁰ and in 878, the Council of Tryoes permitted the burial of those who committed suicide. Later, Pope Nicholas I, who died in 867, required the burial of all people who had killed themselves.¹³¹ Early canon law was as severe in condemning suicide as were the decrees of Councils; the *Decretals* of Gratian condemned suicide,¹³² and the great medieval canonists Burchard of Worms, Ivo of Chartres, and Gratian all upheld this condemnation.¹³³

In addition to developing canons on this issue, the Church urged secular rulers to take measures against suicide, and their cooperation created more effective curbs on suicide than had ever been seen in European history. Medieval civil laws against suicide initially imposed few penalties, probably because suicide was so infrequent, but also because the preaching of the era was so effective against it. Over time, kings and rulers began to impose penalties, fines, and punishments for suicide, and by the High Middle Ages, virtually all European kingdoms imposed some sort of penalty or forfeiture on those who attempted or committed suicide, even though the civil law of most of these kingdoms made concessions to those who attempted suicide because of insanity or extreme duress.¹³⁴ Various social customs emerged to deter potential suicides, even though few of these customs can be countenanced today.¹³⁵ The custom of humiliating the corpse to deter future possible suicides developed at this time. The bodies of those who committed suicide were beaten, hung out in public, or sent down rivers in barrels, and the inheritances of their families were confiscated.¹³⁶

130. FEDDEN, *supra* note 65, at 134.

131. See BAYET, *supra* note 76, at 409; XV MANSI, *supra* note 125, at 401 (1960). This relaxation did not continue, however, probably because an increase in suicides resulted from this relaxation of strictures.

132. See Alphonse van Howe, *Commentarium Lovaniense in CODICEM IURIS CANONICI* tom. 1, ch. X, 4 (2d ed. 1945).

133. See P. FOURNIER, UN TOURNANT DANS L'HISTOIRE DU DROIT 129 (1917).

134. 2 LECKY, *supra* note 66, at 53-65.

135. King St. Louis (1214-1276) ordered confiscation of the property of people who had committed suicide. The Council at Braga forbade interring them in consecrated ground, and some countries did not permit the removal of a person who had committed suicide through the door of a house, meaning they could only be removed by making a hole in the wall. Elsewhere, people who committed suicide were dragged through the streets, thrown into sewers, or transixed on a stake along public highways. 2 *id.* at 53.

136. A credible account of the measures taken by civil authorities in the Middle Ages is given by Bayet. BAYET, *supra* note 76, at 437-39. See also FEDDEN, *supra* note 65. Fedden, who is hardly sympathetic to the medieval approach to

Devoting an entire question of his *Summa Theologica* to that of suicide, Aquinas gave the Church's teachings on this issue their best expression. In response to five specific Objections to the ban on suicide,¹³⁷ Aquinas writes:

I answer that, It is altogether unlawful to kill oneself, for three reasons. First, because everything naturally loves itself, the result being that everything naturally keeps itself in being, and resists corruptions so far as it can. Wherefore suicide is contrary to the inclination of nature, and to charity whereby every man should love himself. Hence suicide is always a mortal sin, as being contrary to the natural law and to charity.

Secondly, because every part, as such, belongs to the whole. Now every man is part of the community, and so, as such, he belongs to the community. Hence by killing himself he injures the community, as the Philosopher declares (*Ethic*, v. 11).

Thirdly, because life is God's gift to man, and is subject to His power, Who kills and makes to live. Hence whoever takes his own life, sins against God, even as he who kills another's slave, sins against that slave's master, and as he who usurps to himself judgment of a matter not entrusted to him. For it belongs to God alone to pronounce sen-

suicide, admits that it was civil authorities and not ecclesiastical authorities who called for punishments as a deterrent to suicide.

137. The objections were as follows:

Objection 1. It would seem lawful for a man to kill himself. For murder is a sin in so far as it is contrary to justice. But no man can do an injustice to himself, as is proved in *Ethic*. v. 11. Therefore no man sins by killing himself.

Obj. 2 Further, it is lawful, for one who exercises public authority, to kill evildoers. Now he who exercises public authority is sometimes an evildoer. Therefore, he may lawfully kill himself.

Obj. 3 Further, it is lawful for a man to suffer spontaneously a lesser danger that he may avoid a greater: thus it is lawful for a man to cut off a decayed limb even from himself, that he may save his whole body. Now sometimes a man, by killing himself, avoids a greater evil, for example an unhappy life, or the shame of sin. Therefore, a man may kill himself.

Obj. 4 Further, Samson killed himself, as related in Judges vcxvii., and yet he is numbered among the saints (Heb. xi). Therefore it is lawful for a man to kill himself.

Obj. 5 Further it is related (2 Mach. xiv 42) that a certain Razis killed himself, *choosing to die nobly rather than to fall into the hands of the wicked, and to suffer abuses unbecoming his noble birth.* How nothing that is done nobly and braely is unlawful. Therefore suicide is not unlawful.

THOMAS AQUINAS, *SUMMA THEOLOGICA*, II-II quest. 64, art. 5 (Fathers of the English Dominican Province trans., 1947).

tence of death and life, according to Deut. xxxii, 39, *I will kill and I will make to live.*

Reply Obj. 1. Murder is a sin, not only because it is contrary to justice, but also because it is opposed to charity which a man should have towards himself: in this respect suicide is a sin in relation to oneself. In relation to the community and to God, it is sinful, by reason also of its opposition to justice.

Reply Obj. 2. One who exercises public authority may lawfully put to death an evildoer, since he can pass judgment on him. But no man is judge of himself. Wherefore it is not lawful for one who exercises public authority to put himself to death for any sin whatever, although he may lawfully commit himself to the judgment of others.

Reply Obj. 3. Man is made master of himself through his free-will: wherefore he can lawfully dispose of himself as to those matters which pertain to this life as ruled by man's free-will. But the passage from this life to another and happier one is subject not to man's free-will but to the power of God. Hence it is not lawful for man to take his own life that he may pass to a happier life, nor that he may escape any unhappiness whatsoever of the present life, because the ultimate and most fearsome evil of this life is death, as the Philosopher states (*Ethic.* iii, 6). Therefore, to bring death upon oneself in order to escape the other afflictions of this life, is to adopt a greater evil in order to avoid a lesser. In like manner it is unlawful to take one's own life on account of one's having committed a sin, both because by so doing one does oneself a very great injury, by depriving oneself of the time needful for repentance, and because it is not lawful to slay an evildoer except by the sentence of the public authority. Again it is unlawful for a woman to kill herself lest she be violated, because she ought not to commit on herself the very great sin of suicide, to avoid the lesser sin of another. For she commits no sin in being violated by force, provided she does not consent, since *without consent of the mind there is no stain on the body*, as the Blessed Lucy declared. Now it is evident that fornication and adultery are less grievous sins than taking a man's life, especially one's own life: since the latter is most grievous, because one injures oneself, to whom one owes the greatest love. Moreover it is most dangerous since no time is left wherein to expiate it by repentance. Again it is not lawful to take his own life for fear he should consent to sin, because *evil must not be done that good may*

come (Rom. iii, 8) or that evil may be avoided, especially if the evil be of small account and an uncertain event, for it is uncertain whether one will at some future time consent to a sin, since God is able to deliver man from sin under any temptation whatever.

Reply Obj. 4. As Augustine says (*De Civ. Dei* i, 21) *not even Samson is to be excused that he crushed himself together with his enemies under the ruins of the house, except the Holy Ghost, Who had wrought many wonders through him, had secretly commanded him to do this.* He assigns the same reason in the case of certain holy women, who at the time of persecution took their own lives, and who are commemorated by the Church.

Reply Obj. 5. It belongs to fortitude that a man does not shrink from being slain by another, for the sake of the good of virtue, and that he may avoid sin. But that a man take his own life in order to avoid penal evils has, indeed an appearance of fortitude (for which reason some, among whom was Razis, having killed themselves thinking to act from fortitude), yet it is not true fortitude, but rather a weakness of soul unable to bear penal evils as the Philosopher (*Ethic.* iii, 7) and Augustine (*De Civ. Dei* i. 22, 23) declare.¹³⁸

In contrast to Augustine, Aquinas argued against suicide because it was contrary to nature and the virtues. He presented some new arguments against suicide and, following Augustine, he held that it was not only against love, but also against fortitude, temperance, hope and faith, prudence, our obligations in justice to the community and God, and ultimately our natural inclination to life. Suicide is contrary to charity, proper self-love, justice, fortitude, the legitimate prerogatives of the common good, the demands of a proper relationship with God, and is an evil means to a good end when it is performed to escape suffering, shame, or an occasion of sin.

Suicide is contrary not only to the moral but to the theological virtues as well, according to Aquinas. He writes that the aim of Christian life was to grow in both the cardinal and theological virtues and develop our powers to act well and virtuously in all situations, and the virtues that bring this about are prudence, temperance, justice, fortitude, faith, hope, and charity. Prudence requires us to form our actions in such a way that true and greatest good comes from them.¹³⁹ Temperance enables us to

138. *Id.*

139. *Id.* at quest. 67, art. 6.

restrain our drives and tastes for pleasure so that they do not do evil in their pursuit.¹⁴⁰ Justice enables us to give others what is their due, and it equips us to effect what is good in complicated situations.¹⁴¹ Finally, fortitude gives the ability to do what is good in spite of trying and difficult circumstances.¹⁴² Aquinas condemned suicide as contrary to fortitude because the suicidal person does what is evil, when doing what is right and good is difficult. All have a responsibility to develop their ability to do what is right, not only when this is easy, but also when this involves some difficulty. Fortitude enables one to do what is good in spite of the pain, suffering, or loss that one might experience in seeking to do the good action. The demands of fortitude differ from case to case, but one who deliberately kills another innocent person because of fear violates the virtue of fortitude. Less proximately, suicide is contrary to the virtues of temperance and prudence. Often, individuals kill themselves by letting emotions of self-pity get the best of them, and they violate temperance, which requires people to not let disorderly emotional states lead them into sin. It violates prudence as well because it is not a morally good means (deliberately destroying innocent human life) to a morally legitimate end.

For Aquinas, suicide was against justice because deliberately destroying innocent human life is not an act that is properly due one who is innocent of unjust aggression. Innocent human life deserves to be protected, and justice demands that it only be indirectly and unintentionally destroyed if absolutely necessary for the sake of other proportionate goods or values. Aquinas also objected to suicide because it was against the virtue of hope that gave individuals the motivation to seek to do what was truly good, especially in difficult circumstances.¹⁴³ In a suicidal action, one reacts to stress, threats, and demands so violently that one destroys life to escape, while hope prohibits allowing even desperation or despair to justify acts of self-destruction. For Aquinas, suicide also compromised the virtue of faith.¹⁴⁴ In the

140. *Id.* at quest. 141, art. 4.

141. *Id.* at quest. 58, art. 1.

142. *Id.* at quest. 58, art. 1.

143. *Id.* at quest. 20, art. 4. An action is against hope if the person brings a greater evil on himself or herself than the evil they are seeking to avoid. Suicide is thus contrary to hope because in a suicidal act, the person commits a greater evil than what is feared and avoided, and for this reason the common morality would argue against it.

144. Aquinas holds that suicide is against the virtue of faith because it is against love. And as faith is a species of love, suicide would also be against faith. *Id.* at quest. 4, art. 3. Charity is the "form" of faith, as it is of all the virtues, so an act against charity, such as suicide, would also be contrary to faith.

Catholic perspective, all evils have been placed under the power of Christ, and while this does not imply freedom from all temptation, it does mean that the grace and power of Christ will not allow us to be ultimately overwhelmed by evil. To self-execute in the face of evil is to implicitly deny that Christ has finally and definitively overcome it. Suicide implies that sin, despair and death ultimately triumph over him, and that Christ's victory was incomplete or empty.

Suicide also violates charity, the virtue requiring one to do good to all, even to oneself.¹⁴⁵ One must always do good and never deliberately do harm; but in a suicidal act, one inflicts the greatest physical harm possible on oneself. This command means that destroying oneself to avoid pain, suffering, despair, or death is against authentic love of self. Just as taking mind-altering drugs that can seriously impair one's mental and emotional ability to exercise love and charity is against this form of love, so also is killing oneself.

Aquinas' evaluation of suicide was reaffirmed by numerous medieval and early modern Catholic moral writers, and even today it is endorsed by virtually all modern Catholic moralists. Henry Davis, for example, held that it was never morally permissible to kill oneself directly, even as a means to a good end.¹⁴⁶ Koch-Preuss held that euthanasia (and suicide) were the destruction of the temple of God, and "a violation of the property rights of Jesus Christ."¹⁴⁷ In 1975 Thomas O'Donnell said that

[t]he Catholic Church has consistently taught that suicide is a totally indefensible and gravely sinful injection of disordered self-reference determination into the providential plan of God's love. It is seen as the ultimate violation of the divine prerogative of the Author of life. We might add that the divinely endowed rights which the Founding Fathers of American democracy held to be self-evident . . . carry with them certain corresponding fundamental responsibilities. The most profound of these responsibilities is drastically and definitively abandoned in the act of self-destruction, and, indeed, in this context euthanasia and suicide are very much of a piece, and present the same theological distortion of the right order.¹⁴⁸

145. Aquinas holds that every creature loves itself, and that suicide is contrary not only to this natural love of self but also to charity and the love a person is required to show himself or herself. *Id.* at quest. 64, art. 5.

146. 2 HENRY DAVIS, *MORAL AND PASTORAL THEOLOGY* 142 (1956).

147. 2 ANTON KOCH, *A HANDBOOK OF MORAL THEOLOGY* 76 (1921).

148. THOMAS O'DONNELL, *MEDICINE AND CHRISTIAN MORALITY* 49-50 (1991).

The *Declaration on Euthanasia*, issued by the Congregation for the Doctrine of the Faith in 1980, brought Catholic teachings on the morality of suicide to a culmination:

1. No one can make an attempt on the life of an innocent person without opposing God's love for that person, without violating a fundamental right, and therefore without committing a crime of the utmost gravity.
2. Everyone has the duty to lead his or her life in accordance with God's plan. That life is entrusted to the individual as a good that must bear fruit already here on earth, but that finds its full perfection only in eternal life.
3. Intentionally causing one's own death, or suicide, is therefore equally as wrong as murder, such an action on the part of a person is to be considered as a rejection of God's sovereignty and loving plan. Furthermore, suicide is also often a refusal of love for self, the denial of the natural instinct to live, a flight from the duties of justice and charity owed to one's neighbor, to various communities or to the whole of society — although, as is generally recognized, at times there are psychological factors present that can diminish responsibility or even completely remove it. However, one must clearly distinguish suicide from that sacrifice of one's life whereby for a higher cause, such as God's glory, the salvation of souls or the service of one's brethren, a person offers his or her own life or puts it in danger. (cf. Jn 15:14)¹⁴⁹

This passage is representative of contemporary official Catholic teachings on suicide, and it sums up well the reasons for the Catholic tradition's rejection of suicide. Some might contend that Catholic teaching is inconsistent in its rejection of suicide, but while the issue has been debated at length, traditional Catholic thought on this issue (as we saw in the last two parts) clearly has strongly opposed it. Catholic opposition to suicide in this statement is based on its belief that innocent human life is to be immune to deliberate killing, and hence, it regards suicide as intrinsically evil. It denies that there are ever adequate reasons for deliberately destroying an innocent human life, just as there are never adequate reasons for deliberately raping or torturing others. In the classical Catholic perspective, actions have an

149. Vatican Congregation for the Doctrine of the Faith, *Declaration on Euthanasia*, in MORAL RESPONSIBILITY IN PROLONGING LIFE DECISION 290, 290-96 (Donald G. McCarthy & Albert S. Moraczewski eds., 1981) [hereinafter *Declaration on Euthanasia*].

intrinsic moral nature, and if an act is immoral it should not be done in any circumstance.

Official Catholic teachings have held that suicide is intrinsically immoral when considered in and of itself because it involves a direct attack on innocent human life. Allowing direct and deliberate killing of the innocent would run counter to virtually everything in classical western Christian moral tradition which held that innocent human life should not be deliberately destroyed in any circumstance. This tradition sought to protect the innocent by proscribing abortion, infanticide, killing of non-combatants in war, suicide, killing of hostages, and terrorist killing; allowing deliberate self-killing would undermine arguments against all these other forms of killing.

III. THE COLLAPSE OF THE CATHOLIC PROHIBITION OF SUICIDE

The first major breach of the barrier against suicide constructed by Latin Christianity was made not by the Reformers, for they were generally supportive of the ban, but by Renaissance philosophers.¹⁵⁰ The Renaissance shattered the esteem medieval Christianity gave to the life of poverty, and it initiated the age of commercialism, which gave more emphasis to the economic worth of the individual than to other values. The first attack on the medieval reverence for life came with Pico della Mirandola (1463-1494) and his *Oration on the Dignity of Man*, which made suicide a mark of human dignity.¹⁵¹ This was the era when melancholy was regarded as the mark of genius and William Shakespeare (1564-1616), perhaps the most melancholic of all Renaissance figures, forced classical Stoic views of suicide into an Elizabethan mold.¹⁵² Dramatists after Shakespeare did not make suicide an obligatory or central part of their productions, even though Dryden (1631-1700) and Otway (1652-1685) both constructed some of their dramas around suicide.

Renaissance thinkers revived many of the old pagan views of the world and philosophical principles in support of suicide, and they turned the light of critical reason to Christian teachings on suicide. John Donne wrote the first principled moral justification of suicide in his *Biathanatos*.¹⁵³ He did not consider suicide

150. See 2 LECKY, *supra* note 66, at 57.

151. Pico della Mirandola, *De Hominis Dignitate*, in PICO DELLA MIRANDOLA 58-68 (E. Garin, ed., 1942).

152. See generally FEDDEN, *supra* note 65, at 175-76.

153. See JOHN DONNE, *BIATHANATOS* (Michael Rudick & Margaret Pabst Battin eds., 1982). For examples of responses to his work, see W. DENNY, *PELICANICIDIUM* (1653); JOHN SYM, *LIFE'S PRESERVATIVE AGAINST SELF-KILLING* (Michael McDonald ed., 1988).

rational or good, but only necessary when people found life intolerable, and he believed sympathy demanded it be allowed in those instances. Bourgeois suicides for practical reasons emerged with much greater frequency during the Renaissance, and Montaigne (1533-1592) illustrated best of all the spirit of these suicides:

All comes to one period, whether man make an end of himself, or whether he endure it; whether he run before his day, or whether he expect it: whence soever it come, it is even his owne, where ever the thread be broken, it is all there, it's the end of the web.¹⁵⁴

He also cast a more pragmatic and less principled light on death:

Death is a remedy against all evils: it is a most assured haven, never to be feared, and often to be sought . . . The voluntarist death is the fairest. Life dependeth on the will of others, death on ours.¹⁵⁵

Laws against suicide began to relax at the end of the Renaissance, and the traditional Latin Christian prohibitions of Christian burial were relaxed or abolished in many places.¹⁵⁶ Both Protestant and Catholic rulers continued to oppose suicide during this era and call for strong civil penalties for suicide.

Many eighteenth-century Enlightenment philosophers demeaned the value of human life in relation to other values in a way that had not been seen since the Roman Empire. They developed a tolerance of idealistic suicide, and in the early part of the century, there was a notable increase in literary and philosophical suicide, as many of the English and French scholars ended their academic careers by this means. During the eighteenth century, suicide for purely economic reasons increased, as the growth of capitalism forced many people unexpectedly and undeservedly into poverty.¹⁵⁷

Although his essay on suicide was published posthumously, David Hume (1711-1776) exemplified the spirit of many English intellectuals of this time claiming that most suicide prohibitions were ridiculous. He cynically claimed that, viewed cosmically, the life of an individual was of no more significance than that of

154. 2 THE ESSAYS OF MICHAEL LORD OF MONTAIGNE 25 (John Florio trans., 1991).

155. *Id.*

156. 2 LECKY, *supra* note 66, at 61. Laws against suicide were still defended by Hugo Grotius, but Beccaria and Montesquieu began to challenge them, and no laws against suicide existed in France by the end of the revolution.

157. See generally FEDDEN, *supra* note 65, at 237-39.

an oyster, which made one's suicide insignificant.¹⁵⁸ The obligations of individuals to society ceased when they no longer derived benefits from their fulfillment, and suicide was justified when existence became a burden, for one was not obliged "to prolong a miserable existence, because of some frivolous advantage which the public may perhaps receive."¹⁵⁹ But in making this claim, he did not directly deal with assertions that one often had obligations to one's friends, spouse, or children, for these relationships were often most effective in deterring one from committing suicide.

Hume made the mainstay of his argument the claim that suicide was not contrary to nature:

Were the disposal of human life so much reserved as the peculiar province of the Almighty that it were an encroachment on his right, for men to dispose of their own lives; it would be equally criminal to act for the preservation of life as for its destruction. 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.

A hair, a fly, an insect is able to destroy this mighty being whose life is of such importance. Is it an absurdity to suppose that human prudence may dispose of what depends on such insignificant causes? It would be no crime in me to divert the *Nile* or the *Danube* from its course, were I able to effect such purposes. Where then is the crime in turning a few ounces of blood from their natural channel?

'Tis impious, says the old Roman superstition, to divert rivers from their course, or invade the prerogatives of nature. 'Tis impious, says the French superstition, to inoculate for the small pox, or usurp the business of providence, by voluntarily producing distempers and maladies. 'Tis impious, says the modern *European* superstition, to put a period to our own life, and thereby rebel against our creator; and why not impious, say I, to build houses, cultivate the ground, or sail upon the ocean? In all these actions we employ our powers of mind and body, to produce some innovation in the course of our nature; and in none of

158. Hume argued that suicide should be "free from any imputation of guilt or blame, according to the sentiments of all the ancient philosophers." ALISDAIR MACINTYRE, *HUME'S ETHICAL WRITINGS* 301 (1963).

159. *Id.* at 304.

them do we any more. They are all of them therefore equally innocent, or equally criminal.¹⁶⁰

Notice that he justified suicide by claiming it is not against nature but he did not confront Augustine's assertion that it was immoral because it was deliberate taking of innocent human life. Few proponents of suicide, including Hume, directly confronted this argument, for the simple reason that assailing it would have brought down the whole moral edifice that protected the innocent from direct and willful killing. Justifying suicide, not because nature allowed it, but because it is legitimate to kill the innocent, would have legitimized all sorts of violence against the undeserving, and Hume probably knew he could not make a persuasive argument for suicide on those grounds.

Under the bludgeoning of rationalism, legal punishments of suicide quickly began to collapse, and under the influence of the libertinism, rationalism, and secularism of this era, religious prohibitions of self-killing were broken.¹⁶¹ D'Holbach (1723-1789) challenged the notion that human life had an extraordinary value by claiming that death was the remedy given by nature to despair.¹⁶² Nature did not object to one ending an unhappy life, and one's duties to society were based only on the social contract. But if society could not prevent intolerable misery, it would not be wrong to commit suicide as an act of last resort.¹⁶³ Voltaire (1694-1778) approached suicide in a very pragmatic manner. He rejected any religious or romantic reasons for self-killing and argued that circumstances should determine when suicide should be allowed.¹⁶⁴ He considered confiscation of the property of a person who committed suicide mere brigandage, and he became a symbol of growing popular resentment of punitive measures taken to prevent suicide.¹⁶⁵ He defended certain forms of "rational" suicide, but had no sympathy for the romantic suicides that were often associated with his cause.

Rousseau (1712-1778) was tolerant of suicide in many different situations, and he gave best expression to the idealistic and

160. DAVID HUME, *ESSAYS MORAL, POLITICAL, AND LITERARY* 411-12 (1898).

161. Dueling was quite common during this era, and if the number of deaths from suicide were comparable to those from duelling, there must have been a great many suicides.

162. 1 BARON D'HOLBACH, *A SYSTEM OF NATURE* ch. 14 (Boston, Mendun, eds., 1869).

163. See generally VIRGIL W. TOPAIZO, *D'HOLBACH'S MORAL PHILOSOPHY: ITS BACKGROUND AND DEVELOPMENT* (1956).

164. *Id.* at 273. For a discussion of Voltaire's cynical attitude, see NORMAN L. TORREY, *THE SPIRIT OF VOLTAIRE* 218-20 (1938).

165. TOPAIZO, *supra* note 163, at 224.

romantic attitude of the age. The twenty-first letter in his *Nouvelle Heloise* argued vigorously for the moral legitimacy of romantic suicide, and he felt that only a madman would endure what he could escape.¹⁶⁶ Montesquieu (1689-1755) also favored suicide when life did not give pleasure, for the prince could not expect one to remain a subject when he gained no benefit from servitude.¹⁶⁷ Diderot (1713-1784) initially condemned suicide, but showed sympathy for Donne's *Biathanatos* and finally agreed that it should not be considered criminal when the person who committed suicide was insane.¹⁶⁸

The French Revolution revived virtually all of the forms of suicide that were found in ancient Greece and Rome: political, philosophical, military, romantic, analgesic, exhibitionist, and egotistical suicide to preserve honor. The incidence of suicide increased markedly as revolutionaries attacked not only the Catholic church and its prohibitions of suicide, but also the secular laws banning it. This was the era of the guillotine, the first appearance of national armies, and mass suicides by both aristocrats and revolutionaries. With the prevalence of political executions, civil rebellion, and international warfare, many killed themselves for a wide variety of reasons. So many aristocrats and revolutionaries died by their own hand that suicide became commonplace and banal, and the only suicides that provoked any sort of reaction were the patriotic suicides of the Republicans, which harkened back to the ancient Roman suicides. Petion committed suicide, as did Roland, Buzot, and Clavie' res, and like the suicide of DuFrieche-Valez, their deaths caused little commotion.¹⁶⁹ Military suicide also reappeared with the suicide of General Beaurepaire after the battle of Verdun.¹⁷⁰ Even Napoleon carried a dose of opium with him and used it on April 12, 1814 after being driven from Paris, even though it was not strong enough to end his life.¹⁷¹

166. JEAN-JACQUES ROUSSEAU, *NOUVELLE HELOISE* 263-65 (1968).

167. BARON DE MONTESQUIEU, *LETTRES PERSANES* 60-61 (1954); *see also* BARON DE MONTESQUIEU, *SPIRIT OF LAWS* 159-60 (1900).

168. DENIS DIDEROT, *ENCYCLOPEDIE, OEVRES complètes* 20, 140-50 (Jean Varloot ed., Hermann 1975).

169. FEDDEN, *supra* note 65, at 243-44; 1 GEORGE LAFEBRE, *THE FRENCH REVOLUTION* 176 (Elizabeth M. Evanson, trans., 1962); 2 *id.* at 70.

170. FEDDEN, *supra* note 65, at 244. His death was met with approval, for a street was named after him, and he was buried in the Pantheon. His death set a pattern, for "captains scuttle[d] their ships; and many officers [blew] themselves up in their last redoubt." *Id.*

171. PAUL JOHNSON, *THE BIRTH OF THE MODERN* 76 (1991). *See also* J. CHRISTOPHER HEROLD, *THE AGE OF NAPOLEON* 330 (1963).

In England, late eighteenth-century suicide became an act of aristocratic boredom and people usually committed suicide for money rather than love, finding greater shame in impoverishment than was usually the case in the Middle Ages.¹⁷²

In the nineteenth century, more conservative forces reemerged and sought to curb suicide by legal measures. Stringent measures were enacted in France to stop suicide because of the excesses of the revolutionaries, and many of the traditional prohibitions that existed prior to the revolution were restored. By the middle of the century, legal penalties for suicide, amended during the revolution, were reestablished, and the Church denied Christian burial to those who committed suicide.¹⁷³ This succeeded in curbing many suicides, but it also promoted concealment of acts of self-murder.

The Romantic era of suicide began when the English poet Thomas Chatterton (1752-1770) killed himself because he was unable to support himself financially, and his death became a model for Romantic self-destruction. He was a gifted poet who was thrust into poverty as a child because of his father's death. He wrote his own poetry, claiming to have discovered it in a medieval church and attributing it to a fictitious medieval poet, Thomas Rowley. Chatterton's reputation spread, and even though he published widely, he was never given proper recognition or remuneration for his work. He struggled to avoid financial ruin, and finally failing, he was driven to madness and he killed himself. Ensuing generations idolized Chatterton and transformed his suicide into a martyrdom and model for Romantic suicide, and they regarded him as the epitome of the Romantic genius who was persecuted, misunderstood, impoverished, and ultimately driven to despair and death because of his gifts. Chatterton was the new saint-genius of the Romantics, not only possessing all of the virtues they revered (remarkable insight, creativity, and imagination), but also suffering all the horrors they condemned (poverty and persecution by a pedestrian aristocracy and the bourgeoisie). He was the perfect Romantic poet who emerged briefly from nowhere to enlighten the darkness of the world and then disappeared in self-inflicted death. The new Romantic secular saint-genius was a playwright, actor, poet, scholar, or artist who was driven by forces and powers not shared by others. Alone and misunderstood, he suffered poverty, alienation, and destitution precisely because of his gifts. The Rationalists of the previous century had given suicide a moral legitimacy,

172. ALVAREZ, *supra* note 51, at 101.

173. See 2 LECKY, *supra* note 66, at 62; FEDDEN, *supra* note 65, at 264.

but the Romantics saw suicide as a mark of the new secular holiness. The Rationalists were the moral reformers who destroyed the credibility of the old arguments against suicide, but it was the Romantics who became the saints and heroes of the new movement.

To die by one's own hand was the road to fame, and suicides were reported in newspapers in great detail. Virtually all of the great Romantic figures ended their writing careers at a young age, either by suicide or by other equally destructive means. Byron (1788-1824), Keats (1795-1821), and Shelley (1792-1822) all died as young men, and even though Coleridge (1772-1834) lived into his sixties, he committed *litterateuricide*, admitting that his latter years were virtually posthumous existence and utterly unproductive. Gustave Flaubert (1821-1880) claimed that he dreamed of suicide, and he and his friends

lived in a strange world, I assure you; we swung between madness and suicide; some of them killed themselves . . . another strangled himself with his tie, several died of debauchery in order to escape boredom; it was beautiful.¹⁷⁴

There was another side to Romantic suicide that involved frustrated love, *ennui*, and the boredom of youth. The Romantics made death infinitely sweeter by glossing over its more hideous aspects, and the worthiest death two lovers could hope for was to plunge over a cliff arm in arm, which was epitomized in *Indiana* by George Sand (1804-1876).¹⁷⁵ Indiana was a woman who was ruined by a man for whom she sacrificed everything, and she was rescued by her devoted cousin Ralph. Sand seems to have wanted to have the two of them commit suicide together by throwing themselves from a cliff, but ultimately they did not do this. For Sand, lovers such as Indiana and Ralph could legitimately commit suicide because of a general malaise from which they suffered on account of their love and misfortune.

Even though Goethe was skeptical of the whole suicide craze, his *Trials of Young Werther* gave a particularly Romantic tinge to this sort of death.¹⁷⁶ Rather than committing suicide

174. CHARLES CARLUT, *LA CORRESPONDANCE DE FLAUBERT: ÉTUDE ET RÉPERTOIRE CRITIQUE* 58, 191 (1968). L. S. Shanks, in his biography of young Flaubert, notes that he was highly neurotic, suffered a nervous breakdown, and was filled with pessimism in his youth. See generally LEWIS PIAGET SHANKS, *FLAUBERT'S YOUTH* (1927). Flaubert defined suicide as "Proof of Cowardice." GUSTAVE FLAUBERT, *DICTIONARY OF PLATITUDES* 135 (1954).

175. GEORGE SAND, *INDIANA* (1852).

176. JOHANNE WOLFGANG GOETHE, *THE TRIALS OF YOUNG WERTHER* 23-129 (Hutter ed., Signet Books 1962) (1787).

because of poverty, boredom, or passionate love, Werther broke the thread of life because of his failed love for Lotte.¹⁷⁷ This character transformed Chatterton into a Romantic figure who was driven to suicide, not by poverty and rejection, but by passion, love, and genius. Suicide, much like Werther's blue coat and yellow waistcoat, enhanced the personality of the poet, and *Werther's* progress was measured in the number of bodies counted. It is estimated that suicides in France doubled between 1820 and 1840, and this is primarily due to the influences of these Romantics.¹⁷⁸

Like the Circumcellions of old, the Romantics made suicide mandatory for secular canonization, and what these people did in their lives was less important than what they did in their deaths. The Circumcellions could believe almost anything they wanted, provided they died by their own hand. The Romantic poets did not necessarily have to display any artistic gifts or creativity, provided they posed as geniuses and ended their lives by suicide. The secularization of society was complete.

Suicide in the post-Romantic era ceased to be the result of desperate passion, but of boredom.¹⁷⁹ Suicide was no longer regarded as a sinful or immoral act, and the worst that was said of it was that it was a betrayal of one's family and caused disgrace. It soon lost its criminal character as well, and the primary argument against suicide in this era was that it harmed one's family and brought shame and malicious gossip.¹⁸⁰ Suicide was believed to run in families, and it could radically impair one's social standing.

This era marked the end to virtually all prohibitions of Christian burial, and in England in the 1820s people who committed suicide were allowed to be buried on consecrated ground, although this had to be done at night.¹⁸¹ By the early 1880s, suicide was removed from the legal category of homicide, and the penalty for attempted suicide was reduced to two years imprisonment, although assisting suicide carried a penalty of life imprisonment.¹⁸²

Some authors at this time rejected the romantic views. The pessimist philosopher Arthur Schopenhauer (1788-1860) initially

177. The Romantics committed suicide in the belief that they would be present at their final dramatic and artistic act, which shows the schizophrenia and unreality of the movement.

178. ALVAREZ, *supra* note 51, at 43.

179. FEDDEN, *supra* note 65, at 280.

180. See 1 JAMES JOYCE, *ULYSSES* 197 (Garland Books, 1975).

181. See FEDDEN, *supra* note 65, at 261; 2 LECKY, *supra* note 66, at 62.

182. FEDDEN, *supra* note 65, at 261-62.

gave strong support to suicide as a fundamental human right, but he would only allow it as an expression of human freedom because it alone definitively overcame the will to live. In the end, however, he found the desire for death to be merely an expression of the will to live and became more critical of it.¹⁸³ Dostoyevsky argued vigorously against accepting suicide, and he believed it was imperative to reject suicide to be able to look beyond the absurdity of the world to see a coherent cosmology and anthropology. He was diametrically opposed to the Rationalists and saw that suicide was not a "part of life" but was its cessation, and he concluded that the arguments for it were ultimately absurd. To accept the rationality of suicide was to accept the absurd, and this was a factor in his return to Christianity.

In Dostoyevsky's *The Possessed*, Kirilov committed what is called "logical suicide,"¹⁸⁴ which Dostoyevsky regarded as nothing but a logical absurdity. He understood that regarding suicide as rational and logical made our existence absurd and only marginally above cattle. This was irrational, for it insulted us by imputing meaninglessness to our lives and it forced him to believe in God to make sense of our existence. He saw that if there is no God to condemn suicide, then man is a god, not as Nietzsche saw *Übermensch*, but straight-forwardly and baldly. If God did not exist, we were divine and we had to kill ourselves to be the lord of the living and the dead, which in itself is illogical. Suicide was logical if death was merely tomorrow's zero with nothing standing beyond it. This is the kernel of the rationalist argument for suicide, but Dostoyevsky saw this reduction of death to the final zero point of life as making life absurd and illogical. He sided with the rationality and coherence of life and existence itself and concluded that the argument for suicide, "logical suicide," is itself illogical.¹⁸⁵ Wittgenstein, like Dostoyevsky, understood the absurd logic of suicide quite well:

If suicide is allowed then everything is allowed.

If anything is not allowed then suicide is not allowed.

This throws a light on the nature of ethics, for suicide is, so to speak, the elementary sin.

And when one investigates it, it is like investigating mercury vapors in order to comprehend the nature of vapors.

Or is even suicide in itself neither good nor evil?¹⁸⁶

183. ARTHUR SCHOPENHAUER, *STUDIES IN PESSIMISM* 43-50 (1903).

184. AURAHY YARMOLINSKY, *DOSTOYEVSKY: WORKS AND DAYS* 357-58 (1971).

185. *See generally id.*

186. LUDWIG WITTGENSTEIN, *NOTEBOOKS: 1914-1916* 90 (E.N. Anscombe et al. eds., 1961).

Dada gave suicide its own peculiar twist. The Romantics treated life as worthless in the face of passionate love, but the Dadaist movement saw even this love as worthless. Life was so trivial and meaningless that Dadaists did not even try to justify suicide, and even required self-assassination for admission into the artistic avant-garde. Suicide fit the Dadaist movement well because it espoused destructive agitation against everything. Dada ridiculed the absurdity of existence and it believed that sustaining this ridicule was more important than art or even existence itself. Dada bludgeoned existence and asserted the meaninglessness of its values. Dada was anti-art, anti-everything, and ultimately anti-itself.

Dada treated life itself as worthless, and it ridiculed it as much as it did art.¹⁸⁷ But Dada did not consider the valuelessness and ridiculousness of human existence to be tragic, and it stripped away the despair surrounding the absurdity of existence by making a joke of it. The Romantics needed to justify suicide because of the inability of life to sustain passionate love, but the Dadaists needed no such reasons, for merely the patent absurdity and senselessness of life justified suicide. Jacques Vache was the Dadaist *par excellence*, and as a cruel joke he ended his life by a lethal overdose of opium, which he also administered to two of his friends without their knowledge. Jacques Rigaut was called an "empty suitcase" by a friend, implying that beneath the shell of his exterior existence there was nothing but emptiness and absurdity. Rigaut considered suicide a vocation, and his own suicide ended the Dadaist period. While the Rationalists challenged the notion that human life must always and everywhere be protected, the Dadaists regarded life as something so absurd, farcical, and empty that it was always and everywhere legitimate to destroy it. While modern suicide advocates consider suicide eminently rational, Dada saw it as the most absurd and irrational action possible to express the irrationality and absurdity of human existence. Post-Enlightenment thought rejected theological condemnations of suicide, but Dada made suicide an artistic and moral value. In many respects Dada was thoroughly modern, for it glorified destructiveness and saw it as the greatest of human accomplishments. Dadaists made death part of their art, just as the Romantics did, but their art was to be anti-art and ultimately anti-everything.

187. See generally ALVAREZ, *supra* note 51, at 224-34.

IV. THE CONTEMPORARY ASSISTED SUICIDE MOVEMENT AND CATHOLIC TEACHINGS

To justify its call for endorsement of assisted suicide, the contemporary assisted suicide movement has adopted many arguments and claims of earlier suicide advocates. From the Catholic perspective, few of the arguments and claims the contemporary assisted suicide movement now makes are new, as only those involving issues involving contemporary technology seem to be in any way novel. The contemporary assisted suicide movement has invoked arguments that were previously made by Stoics, Epicureans, Rationalists, Romantics and irrationalists, but it also has proposed justifications that have not been seen before. In what follows I will show where these arguments can be found in the contemporary justifications for assisted suicide.

1) *Stoicism*.¹⁸⁸ The Stoic arguments justifying suicide in the present movement are seen in claims that one should have absolute and unrestricted power to determine one's fate. The Stoics stressed absolute self-determination in much the same way that Seneca did when he claimed that life should be ended when it becomes painful and burdensome. Another facet of Stoic thought that has been incorporated into the suicide movement is the view that suicide is utterly rational when mental powers deteriorate.¹⁸⁹ Contemporary claims that life should be ended when physical life decays also echo this view. The view proposed by contemporary advocates of suicide that suicide is "natural" is reflected in Attalus the Stoic's advice to Marcellinus that death was nothing and was not to be feared.¹⁹⁰ Present-day suicide advocates claim that life without certain valued qualities is also without dignity, faintly echoing of Attalus' denials that life itself had dignity, and suicide was permitted whenever this became evident.¹⁹¹

2) *Epicureanism*. Elements of Epicureanism can be seen in the current debates that life which has become empty should be ended. While the Epicureans understood this void primarily in terms of the finer and higher pleasures, contemporary hedonistic advocates of suicide view this in terms of the pleasures of a dignified life.¹⁹² Modern suicide proponents trivialize both the

188. See *supra* notes 96-98 and accompanying text.

189. See Eliot Slater, *Choosing the Time to Die*, in *SUICIDE: THE PHILOSOPHICAL ISSUES* 199 (Margaret Pabst Battin & David J. Mayo eds., 1980).

190. *Id.* at 204.

191. See Margaret Pabst Battin, *Suicide: A Fundamental Human Right*, in *SUICIDE: THE PHILOSOPHICAL ISSUES*, *supra* note 189, at 267, 272-77.

192. *Id.*

life and death of one whose mental and physical powers have deteriorated. This trivialization mirrors Epicurean views that life devoid of certain pleasures is without value.¹⁹³ Lucretius held that taking death upon oneself was not a great matter and death itself was not something to be feared. He declared that it is a good thing to take a "gentle poison" which brings life to an end when pleasure is lost. This emphasis on the sweetness and gentleness of death is seen today in both Derek Humphry's modern manual for suicide, *Final Exit*, which describes various methods for bringing death swiftly and painlessly, and in Dr. Jack Kevorkian's suicide machine, which is designed to bring death softly, silently and mechanically.¹⁹⁴ Epicureans demanded control over one's life, particularly in times of suffering and pain, and Kevorkian and Humphry justify much of their efforts by claiming that they enhance control over one's life.¹⁹⁵

3) *Rationalism*. Arguments justifying suicide today employ many claims made by rationalist suicide advocates such as David Hume.¹⁹⁶ He argued that restrictions on suicide were ridiculous, and this claim is echoed by Dr. Kevorkian, who claims that any and all objections to suicide are based on mere superstition, and asserts that his own arguments are "scientific" and "empirical" while those of others are based on "taboos".¹⁹⁷ Pro-suicide writings such as those of Joseph Fletcher also echo Montaigne's rationalist view that voluntary death is the most rational. These writings assert that death which comes by natural forces is less voluntary, less rational, and therefore human.¹⁹⁸ Plotinus held that suicide was impermissible except in the case of "stern necessity", and many contemporary advocates of rational suicide share in his rationalism and would consider terminal illness, loss of dignity, and imminent death to be such a necessity. Plato believed suicide acceptable when one was struck with calamity or tragedy, and most advocates of assisted suicide would agree.

4) *Romanticism*. Romantic themes are also seen in contemporary arguments in favor of assisted suicide, for one can justify inflicting death on a suffering individual only if death itself is

193. See BETTY ROLLIN, *LAST WISH* 208-36 (1985).

194. See DEREK HUMPHRY, *FINAL EXIT: THE PRACTICALITIES OF SELF-DELIVERANCE AND ASSISTED SUICIDE FOR THE DYING* (1991). See also Lisa Belkin, *Doctor Tells of First Death Using His Suicide Device*, N.Y. TIMES, June 6, 1990, at A1, B6.

195. DEREK HUMPHRY & ANN WICKETT, *THE RIGHT TO DIE: UNDERSTANDING EUTHANASIA* 229, 313-14 (1986).

196. See *supra* notes 158-60 and accompanying text.

197. Belkin, *supra* note 194, at A1.

198. JOSEPH FLETCHER, *HUMANHOOD: ESSAYS IN BIOMEDICAL ETHICS* 141 (1979).

romanticized to a certain extent. Few advocates today would promote suicide for frustrated love, as often done by nineteenth-century Romantics. Rather than claiming that suicide was an act of genius, or an act expressive of the irrationality of existence, as did the eighteenth- and early nineteenth-century Romantics, contemporary Romantics are more restrained. They stress that suicide is a proper reaction to the cruelty of terminal illness and untreatable pain.¹⁹⁹ They do not see it as a condemnation of existence itself. D'Holbach considered death by suicide the proper cure for despair. This is echoed by contemporary suicide advocates, who hold that the suffering of ill and dying patients is too great a burden for existence to sustain, and that therefore suicide is justifiable.²⁰⁰ This position is similar to statements of the Romantics, who argued that the suffering of love was too great for existence to bear. Contemporary suicide advocates do not claim that their frustrated genius justifies their suicide, but only that their decisions for death are more enlightened than those who suffer and wait for death to come naturally.²⁰¹

5) *Irrationalism*. Ordinarily, the law enters into areas of life to give it an order and regulation that coordinates action and makes it more efficient and productive.²⁰² Usually, this is not resisted, but is welcomed because the order and regulation granted by the law brings prosperity, protection, and harmony. But suicide advocates are divided as to whether this should be accepted or not.²⁰³ There are elements of irrationalism in the contemporary suicide movement. These elements are seen in the aversion of some segments of the movement to any controls, regulations, or norms without respect to the beneficial consequences that might come from them. Some assisted suicide proponents argue vigorously against any involvement by the state, family, or community, even though these individuals and groups might have valid and legitimate interests in being involved in the decision.²⁰⁴ There is a strain of irrationalism in this approach because it places undue and unjustifiable hope in the power of pure and contentless autonomy to bring fulfillment and happiness. It fails to see that depriving the law of any power to control

199. See Richard B. Brandt, *The Rationality of Suicide*, in SUICIDE: THE PHILOSOPHICAL ISSUES, *supra* note 189, at 117, 123.

200. See JOSEPH MARGOLIS, NEGATIVITIES: THE LIMITS OF LIFE 23-36 (1975). See also *supra* notes 161-65 and accompanying text.

201. See FLETCHER, *supra* note 198, at 141-43.

202. JOHN FINNIS, NATURAL LAW AND NATURAL RIGHTS 267-70 (1980).

203. BATTIN, *supra* note 12, at 75-113.

204. Thomas S. Szasz, *The Ethics of Suicide*, in SUICIDE: THE PHILOSOPHICAL ISSUES, *supra* note 189, at 185, 191-97.

this sort of action could doom any program because of the harm that could come upon unsuspecting individuals.

The irrationalism and despair of Dada were certainly radical, and there is little trace of this radicalism in the contemporary suicide movement. But some of its less extreme elements can be found in the doctrines of the contemporary assisted suicide movement. The despair of the Dadaists is faintly reflected in those suicide advocates today who spurn all attempts by pastors, psychiatrists, and social workers to bring aid, comfort, and consolation to those contemplating self-execution.²⁰⁵ They are adamant in their claims that these efforts to bring hope, aid, and comfort to the suffering are futile and probably even insulting. In previous generations, their efforts were seen as noble and virtuous, but many contemporary proponents see them as fruitless and an unjustifiable interference in the privacy of suicidal individuals. Their implicit belief seems to be that little or nothing can be done in situations of great suffering or distress.

In spite of the fact that there are historical precedents for the contemporary assisted suicide movement, there are features in the present movement to legalize suicide that are historically unique. For the sort of suicide most seek today is what I call "analgesic-technological" suicide, and this is new in some respects. In the past 75 years, technology, medicine, and science have all combined to vastly increase our powers to sustain human life. Consequently, some suicide advocates want legal and social endorsement of suicide to liberate the dying from unrelenting and inescapable pain or profound physical debilitation resulting from the application of "ordinary life-saving treatments." Some people fear the possibility of being trapped in these conditions by modern technology, and they would not consider a swift and painless suicide an extreme response to their plight. It is not merely the physical pain and imminence of death that prompts them to call for swift and painless death, but also the loss of dignity they feel in these circumstances. Life in this condition, no matter how long it might endure, compromises or destroys their dignity, advocates argue. Many suicide proponents believe that deliverance from this through suicide is justified and proportionate.

V. THE CATHOLIC PROHIBITION OF ASSISTED SUICIDE TODAY

Just as the contemporary assisted suicide movement has incorporated elements of earlier thought into its arguments on

205. *Id.* at 193-95. Thomas Szasz objects vigorously to professional interventions to stop suicide attempts.

behalf of the morality and rationality of suicide, so also has the contemporary Catholic position adopted some arguments from the past in its dispute with suicide advocates. Just as suicide advocates have selectively suppressed certain arguments, so also has the Catholic Church in the contemporary suicide debate. The Catholic argument against suicide that has survived with the greatest force from the past has been Augustine's argument that killing the innocent is never morally permissible. This argument located the malice of suicide in the direct intention against the life of an innocent human being, and it remains the cornerstone of contemporary Catholic arguments against suicide. Aquinas' claim that suicide was against virtue or charity has been transformed into an assertion that it is the ultimate act of selfishness. His assertion that suicide was contrary to the justice owed to God has been changed into an argument that suicide is a violation of the rights of others who have an interest in the life of the suicidal person. Aquinas' view that suicide was contrary to prudence has been transformed in the contemporary controversy into an argument that in a suicidal act, one refuses to acknowledge that the individual, bound in unity with others in charity, can work through virtually all problems and difficulties. His view that self-assassination is contrary to the virtue of hope has been retained in contemporary Catholic teachings in support of contemporary suicidology which regards suicide as the ultimate act of despair. However, his claims that suicide was contrary to other virtues such as fortitude have fallen by the wayside and do not have much prominence in the current debate.

Arguments that are relatively new have also emerged in contemporary Catholic thought. The first of these holds that suicide violates not so much the dignity of human life as its sanctity. This new perspective owes a great deal to the classical *imago Dei* doctrine, for the sanctity of human life is grounded on this theological doctrine. Because of the *imago Dei*, genuine sanctity resides in human existence. As such, a sacred zone surrounding human life had to be recognized that forbade deliberate killing of the innocent. This argument has proven to be quite persuasive in the twentieth century on account of the profound disrespect and even scorn or hatred shown toward human life in this astonishingly murderous century.

The second new element in Catholic teachings against suicide asserts that self-killing should not be approved because it is not a genuinely rational action as it is driven by the dark psychological forces of passion, guilt, fear, revenge, self-hatred, and

despair which overwhelm the judgment of reason.²⁰⁶ More than claiming, as Aquinas did, that suicide is an act contrary to the virtues and implicitly an act resulting from a gross character defect Catholic arguments against suicide now stress that it is a capitulation to these dark and eminently irrational forces and should not be regarded as rational. The twentieth century is remarkable for its advances in understanding human psychology. Far better than any previous century, we understand the irrational forces that often drive our actions and how we need to master these forces to achieve psychological wholeness. The Catholic argument that suicide is irrational because it flows from these destructive and irrational forces is quite powerful in a century which has awakened to the power of subconscious forces in our actions. Catholic teachings have shown a greater openness to these sorts of theoretical advances of suicidology than have suicide advocates, and this has strengthened Catholicism's arguments against suicide.

In comparison to arguments on behalf of the morality of suicide, contemporary Catholic arguments have been much more open to modern developments in philosophy, psychology, theology and morality than have those of suicide advocates. And in response to the horrors of twentieth-century warfare, genocide in its various contemporary forms, and international abortion and contraception, Catholic teachings have vigorously affirmed the transcendence of human life,²⁰⁷ while suicide advocates have continued to ascribe only a limited and utilitarian value to it. Catholic teachings on the morality of suicide have argued mightily against twentieth-century devaluations of the value of life by vigorously and repeatedly affirming its sanctity while suicide advocates have continued to insist on only a limited and fragile valuation of human life.

The contemporary Catholic arguments against suicide have also shown a remarkable responsiveness to modern trends and developments. In the high middle ages, the Catholic Church granted the speculative and theoretical permissibility that capital punishment could be justly and fairly imposed. It simply declared that the state had the moral right to visit a sentence of death on some individuals for certain capital crimes.²⁰⁸ But this teaching has been substantially qualified in this century because it has become more and more clear that this sentence could not

206. See ROBERT L. BARRY, *BREAKING THE THREAD OF LIFE: ON RATIONAL SUICIDE* 201-10 (1994).

207. See *Declaration on Euthanasia*, *supra* note 149, at 290-91.

208. 2 EBERHARD WELTY, *A HANDBOOK OF CHRISTIAN SOCIAL ETHICS* 277 (1963).

be imposed in most circumstances without bias.²⁰⁹ A similar verdict has been made of the insight that suicide too is uncontrollable, and unlike suicide advocates, Catholic teachings now hold that liberal suicide laws cannot control suicide in practice and protect the innocent from it. This was the hard lesson not yet fully learned from the Romantics, Dadaists, Nazis, and contemporary Dutch, who attempted to institute suicide programs that degenerated into uncontrollable suicide epidemics.²¹⁰ And just as many now protest capital punishment because it cannot be administered with adequate protection for the innocent or with sufficient controls against bias, so also suicide programs cannot be instituted with sufficient controls or protection for the innocent. This has been ignored by contemporary suicide advocates, who claim that their proposals contain measures to control suicidal practices and protect the innocent.

Contemporary Catholic teachings also confront the claim made that advances in technology have made legal and social endorsement of suicide a necessity. Catholic teachings concerning the administration of analgesia hold that it is morally legitimate for health care providers to offer adequate analgesia to patients in deep and unremitting pain, even if this would shorten their lives.²¹¹ And Catholic teachings hold that life-sustaining measures that are radically painful or burdensome, exceptionally expensive, or clinically ineffective need not be accepted by a patient.²¹² Rather than making suicide more necessary now than in previous decades, advances in therapy, health care, pastoral care, and analgesia have abolished many of the justifications suicide advocates invoke to warrant self-killing. Pieter Admiraal, a leading contemporary suicide proponent in Holland, admits that pain is not a sufficient reason for choosing suicide any more.²¹³ The only reason that suicide advocates can now invoke to justify suicide is loss of dignity, but Catholic theology counters this by arguing that a dignity and value exists in all forms of human existence, even human suffering.

The Catholic arguments against assisted suicide actually have a great deal of support at the present time, even though

209. U.S. Catholic Bishops, *Statement on Capital Punishment*, 10 ORIGINS 373, 376 (1980).

210. For a discussion of the Dutch experience, see CARLOS F. GOMEZ, *REGULATING DEATH: EUTHANASIA AND THE CASE OF THE NETHERLANDS* (1991).

211. See Robert Barry & James E. Maher, *Indirectly Intended Life-Shortening Analgesia: Clarifying the Principles*, 6 ISSUES IN L. & MED. 117, 117-51 (1990).

212. *Declaration on Euthanasia*, *supra* note 149, at 294-95.

213. He made this point in a debate with me on *Nightline* (ABC television broadcast, Feb. 3, 1987).

many opinion polls do not clearly reflect this. Most contemporary polls concerning assisted suicide ask whether a person who is suffering and terminally ill should be able to end their life to preserve his or her dignity or escape pain and suffering, and a large portion, but not a majority, of the population supports this.²¹⁴ There is abundant support among the disabled for measures to prohibit suicide.²¹⁵

There is, however, little support for the view that suicide should be permitted for the irrational persons.²¹⁶ This is an important finding, for the opinion of psychiatrists and medical professionals is that there are very few, if any suicides, that can be truly called rational.²¹⁷ The general public, however, has increasingly come to believe that the suicides of gravely or terminally ill persons are not irrational, but are intelligent and free choices that are different from other suicides. Experts in treating the suicidal deny this, and see all of the elements of irrational suicides in those who are terminally ill and gravely suffering.²¹⁸

Greater support for the Catholic prohibition of assisted suicide could develop if it was more clearly seen that such a prohibition aims at protecting the vulnerable from doing harm to themselves. The Catholic prohibition of suicide was directed at protecting the weak, vulnerable, and despairing from doing harm to themselves, for suicide is not the choice of the happy, healthy, prosperous, and successful.²¹⁹ Suicide is the great temp-

214. The November 5, 1994 referendum endorsing assisted suicide in Oregon passed only with the slimmest of margins. This cannot be used to argue that a majority of opinion is in favor of assisted suicide because Oregon is one of the most liberal and secularized states in the nation.

215. See Carol J. Gill, *Suicide Intervention for People with Disabilities: A Lesson in Inequality*, 8 ISSUES IN L. & MED. 37, 37 n.1 (1992); Paul S. Miller, *The Impact of Assisted Suicide on Persons With Disabilities—Is It a Right Without Freedom?*, 9 ISSUES IN L. & MED. 47, 47 n.1 (1993). See also *Background: Quotes and Comments on Assisted Suicide*, 3 LIFE AT RISK no. 4 (1993) (quoting Bill Bolte, President of Barrier Busters, criticizing measures endorsing assisted suicide because of their impact on the disabled).

216. See Jerome A. Motto, *The Right to Suicide: A Psychiatrist's View*, in SUICIDE: THE PHILOSOPHICAL ISSUES, *supra* note 189, at 212, 215-16; Erwin Ringel, *Suicide Prevention and the Value of Human Life*, in SUICIDE: THE PHILOSOPHICAL ISSUES, *supra* note 189, at 205.

217. See BARRY, *supra* note 206, at 201-10. Robert E. Litman, *Suicide as Acting Out*, in THE PSYCHOLOGY OF SUICIDE, 293, 297-99 (Edwin S. Shneidman et al. eds., 1970).

218. See also DAVID J. MAYO, "Contemporary Philosophical Literature on Suicide: A Review" in SUICIDE AND ETHICS 318, 340 (David Mayo ed., 1983); David J. Mayo, *Irrational Suicide*, in SUICIDE: THE PHILOSOPHICAL ISSUES, *supra* note 189, at 138; George E. Murphy, *Suicide and the Right to Die*, 130 AM. J. PSYCHIATRY 472, 472 n.4 (1973).

219. See BARRY, *supra* note 206, at 291-98.

tation of those whose lives are not going well, or who are sick, destitute, defeated, shamed, lonely, or despairing. The Catholic prohibition aims at protecting them from doing even greater harm to themselves.

The existence of strong support for the Catholic prohibition can be seen most forcefully in the fact that American communities of law and medicine have not spoken out in its favor.²²⁰ Assisting in suicide is still a criminal action in half of the states in the U.S. and it is by no means clear that many physicians have assisted in suicides in recent years.²²¹ The German medical profession suffered extraordinary moral opprobrium for their tolerance and cooperation with the German euthanasia and suicide movement. One of the purposes of the Catholic prohibition of suicide is to protect the medical profession of this generation from suffering the same opprobrium in future decades.

VI. CONCLUSION

The Catholic teachings on suicide have a certain authority simply because of their antiquity, but one has to wonder if they have been rendered obsolete and if it is not time to consider them relics of a bygone age. There is still substantial support for the Catholic prohibition of suicide, but even if there was not, the Catholic prohibition of suicide would remain the same. This is because sooner or later, the American assisted suicide movement will degenerate into one allowing the unconsented killing of the incompetent as did the Nazi and now the Dutch movements. When this happens, the Catholic Church does not want to be defending those who will be doing this, but rather wants to be on

220. See Nancy W. Dickey, *Euthanasia: A Concept Whose Time has Come?*, 8 ISSUES IN L. & MED. 521, 521 n.4 (1993). The Oregon initiative passed by a very narrow margin, and a judge has blocked its implementation pending a challenge of the initiative's constitutionality. *Lee v. Oregon*, 869 F. Supp. 149 (D. Ore. 1994). The strength of Catholic opposition to assisted suicide is seen in the fact that the American Medical Association joined with the Oregon Catholic Conference to oppose the Oregon measure. See *AMA Rejects Assisted Suicide*, 3 LIFE AT RISK no. 10, at 2 (1993); *Medical Groups Slam Oregon's Measure 16*, 4 LIFE AT RISK no. 8, at 2 (1994); *Oregon Debate Shifts Into High Gear*, 4 LIFE AT RISK no. 7, at 1 (1994). This is significant because the American Medical Association has regularly and consistently opposed most of the judgments made by the Catholic bishops on bioethical issues in recent decades, but its house of delegates voted against it.

221. Besides Dr. Kevorkian, only Dr. Timothy Quill has publicly admitted to having assisted in a suicide. See Timothy E. Quill, *Death and Dignity — A Case of Individualized Decision Making*, 324 NEW ENG. J. MED. 691, 691 n.10 (1991). The only other publicly admitted case was that involving the killing of a patient by an anonymous physician. See *It's Over, Debbie*, 259 JAMA 272 (1988).

the side of people who see it as sentimental homicide. We should not think that the Dutch or Nazis were terribly different from our contemporary suicide advocates, for part of their propaganda was the call to allow self-killing as a means to avoid profound and intractable pain and suffering. In their misguided attempts to do this, their movement was driven by the logic of its principles to permit deliberate and unconsented killing of the incompetent.²²²

222. See generally C. Ann Potter, *Will the "Right to Die" Become a License to Kill? The Growth of Euthanasia in America*, 19 J. LEGIS. 31 (1993); Leo Alexander, M.D., *Medical Science Under Dictatorship*, 241 NEW ENG. J. MED. 39-47 (1949), reprinted in DEATH, DYING AND EUTHANASIA 571, 584 (Dennis J. Horan et al. eds., 1977).

