

Lectures 17 & 18:

Central Themes

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1. Who This Theme Is For

If you are feeling suicidal or grieving for a loved one, this is not a good theme for you. The philosophers' ideas will not help you. Nor will your experiences help you in doing philosophy. Please leave the lecture and stick to the other five themes.

2. The Question

Is suicide intrinsically ethically impermissible?

2.1. What is suicide?

'It is often unclear whether a certain act counts as suicide ... Let us say that an agent commits suicide if he dies as a consequence of acting with the intention of bringing about his own death. This allows that suicide can be either by act or by omission. It thus treats as an instance of suicide the act of a person who dies as a result of refusing a life-saving medical treatment on the ground that he wished to die rather than to continue to live' (McMahan 2002).

According to Van Orden et al. (2010, p. 576), suicide is 'self-initiated, potentially injurious be-

haviour' with a fatal outcome in the 'presence of an intent to die'.

These characterisations of suicide are regarded as only roughly right as they would appear to include cases that are commonly not thought of as suicide, such as the deaths of those who have jumped from high places in a flaming building (Joiner 2007, p. 27).

2.2. A negative answer

McMahan gives a negative answer:

'There are [...] no good reasons for thinking that suicide [is] [intrinsically] wrong—that is, wrong for reasons other than those concerned with merely contingent effects' (McMahan 2002, p/ 463).

(Note that McMahan's view is shaped by a degree of ignorance about the causes of suicide.)

3. Background

3.1. Legal issues

'competent patients have been permitted to refuse even life-saving treatment 'for any reason, rational or irrational, or for no reason at all' (Re MB [1997], para. 16)' (Freyenhagen & O'Shea 2013, p. 54).

But: Being a threat to yourself can result in you being sectioned under the Mental Health Act, 1983.

3.2. Why people kill themselves

'The vast majority of people who die by suicide (i.e., approximately 95%) suffer from mental disorders (Cavanagh et al. 2003)—and it is quite possible that the remaining 5% suffer from subclinical variants of mental disorders or presentations of disorders not detected by methodologies such as psychological autopsies (Ernst et al., 2004)' (Van Orden et al. 2010, p. 577).

The Interpersonal Theory (van Orden et al, 2010):

1. Suicidal desire and suicidal capability are distinct.
2. Suicidal desire is characteristically caused by a combination of thwarted belongingness and perceived burdensomeness.
3. Suicidal capability is often built through experiences which habituate you to pain, and events which reduce your fear of death.

3.3. Never trust a philosopher!

According to McMahan (2002, p. 460), 'Most people who desperately want to die are capable of killing themselves'. In fact the opposite is true:

most people who desperately want to die are *incapable* of killing themselves (Van Orden et al. 2010).

4. An Inalienable Right to Life

(The notion of a right that we're discussing here is also relevant to the Responsibility for Global Poverty theme from earlier lectures: recall that Pogge (2005)'s argument hinges on the idea that poor people's human rights are being violated.)

4.1. What is a right to life?

'Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states' (Wenar 2020).

So your right to life is an entitlement you have to live. What does this amount to?

'by "the right to life" we can mean a right not to be killed or allowed to die which can be claimed against all other private individuals and groups for their forbearance and performance, and against the state for its enforcement' (Feinberg 1978, p. 103).

What does it mean to say that this is a human right? 'The right to life, as I shall understand it here, also belongs to that subclass of moral rights that are said, in virtue of their fundamentally important, indeed essential, connection with hu-

man well-being, to belong equally and unconditionally to all human beings, simply in virtue of their being human. It is, therefore, what the United Nations called a human right.' (Feinberg 1978, p. 97).

Anything else I need to know?

'The right to life [...] is generally thought, at least in our time, to be a *claim-right* as opposed to a right in the sense of mere liberty, privilege, or absence of duty to refrain ... A claim-right [...] is a liberty correlated with another person's duty (or all other persons' duties) not to interfere.' (Feinberg 1978, p. 95).

4.2. What is an inalienable right?

One which you cannot surrender, transfer or voluntarily give up.

Note that saying a right is inalienable is not the same thing as saying that it cannot be forfeited. It is logically consistent to combine the view that all humans have an inalienable right to life with the view that those who kill others thereby forfeit their rights to life.

4.3. Feinberg's question

'how could my suicide violate my own right to life? Is that right a claim against myself as well as against others? Do I treat myself unjustly if I deliberately end my life for what seem to me the

best reasons?' (Feinberg 1978, p. 119).

As we will see later, Velleman (1999, 2008) argues for a positive answer.

4.4. Mandatory vs discretionary rights

A '*mandatory right* confers no discretion whatever on its possessor: only one way of exercising it is permitted. It leaves one path open to him but no genuine "option" between paths. It imposes a correlative duty on others to provide that path and leave it unobstructed [...]. If I have a mandatory right to do X then it follows logically that I have [...] a duty to do X. In the case of mandatory rights, duty and right are entirely coincident.' (Feinberg 1978, p. 105).

'Any discretionary right to something is a right to take it or leave it, as one chooses' (Feinberg 1978, p. 105).

Plausible examples of mandatory rights: the right of a child to education; the right of a citizen to serve as a juror.

'I have a *discretionary right* in respect to X when I have an open option to X or not to X correlated with the duties of others not to interfere with my choice' (Feinberg 1978, p. 105).

Property rights (if they exist) are plausibly discretionary rights.

4.5. Never trust a philosopher, seriously

‘Another way in which people frequently articulate their opposition to killing is to claim that it violates the victim’s right to life. But, as many rights theorists have pointed out, rights can be waived. [...] Hence suicide and voluntary euthanasia cannot be objectionable on the ground that they violate the right to life’ (McMahan 2002, . 464).

Note that McMahan here misrepresents ‘rights theorists’ (clue: he gives no citations but mentions ‘many rights theorists’; avoid doing this in your essays by always specifying who says what) and ignores the elementary distinction between mandatory and discretionary rights.

4.6. If the right to life is discretionary ...

... then ‘[t]he right to die is simply the other side of the coin of the right to live. The basic right underlying each is the right to be one’s own master, to dispose of one’s own lot as one chooses, subject of course to the limits imposed by the like rights of others. Just as my right to live imposes a duty on others not to kill me, so my right to die, which it entails, imposes a duty on others not to prevent me from implementing my choice of death, except for the purpose of determining whether that choice is genuinely voluntary, hence truly mine’ (Feinberg 1978, p. 121).

4.7. Feinberg’s conclusion

If there is an inalienable and mandatory right to life, then suicide is intrinsically ethically impermissible.

If any right to life is discretionary, then the fact that such a right exists implies there is a right not to live. This suggests that suicide cannot be intrinsically ethically impermissible.

5. Velleman on Suicide

The key sources for this argument are Velleman (1999, 2008).

5.1. Velleman’s answer

It is intrinsically ethically impermissible to shorten your life for the sake of your own good.

5.2. Key distinction

what is what is good for a person vs the value of the person herself.

What is good for a person ‘is identical to her well-being. It is this [...] we have in mind when we say that Anita’s life is going badly for her, or Bill’s for him, by virtue of the suffering that they are currently enduring and the further suffering in prospect for them’ (Sumner 2011, p. 82).

The value of a person herself is something that

‘belongs to all persons by virtue of their rational nature; following Kant, Velleman calls this dignity, and it is for him the secular version of the sanctity of human life’ (Sumner 2011, p. 83).

5.3. Loose reconstruction of Velleman’s argument

Steve’s own reconstruction, a *reductio* of the supposition that a person has a right to shorten her life:

1. A person’s good matters only insofar as she, the person, has value.

Therefore:

2. A person’s right to shorten her life would be a right to destroy her value, which is that in virtue of which her own good matters.

Therefore:

3. Preventing a person from exercising such a right would not be intrinsically wrong.

Therefore:

4. There is no such right.

But:

5. Any right to life is not discretionary.

Can we conclude, further, that there is a mandatory right to life? This depends on whether (i) there is a right to life, and (ii) not being discretionary is sufficient for being mandatory.

Note that there are several arguments you could extract from Velleman (1999, 2008); this is just one. And because Steve wanted to make a connection to Feinberg (1978) and is unpersuaded by Velleman's view that value is tightly linked to rationality, his reconstruction was not trying to be entirely true to Velleman.

5.4. Young's summary

'Velleman (1999) [...] considers that a person's well-being can only matter if she is of intrinsic value and so that it is impermissible to violate a person's rational nature (the source of her intrinsic value) for the sake of her well-being.'

It follows that no one, not even you yourself, is permitted to violate your rational nature in order to improve your own well-being.

Since killing yourself would be one way of violating your rational nature, it follows that you may not kill yourself *in order to improve your own well-being*.

Note that Velleman's position allows that there may be other grounds for killing yourself (that is, grounds other than improving your own well-being). His argument is neutral on whether killing yourself on other grounds is ethically im-

permissible.

5.5. McMahan's summary

Velleman's position is nicely summarised by McMahan, who writes that on Velleman's view (which he opposes), 'To kill a person for a reason other than to respect his rational nature is to treat his rational nature as commensurable in value with, and sacrificeable for, some other value—and this is to violate the person's worth' (McMahan 2002, p. 478).

5.6. Never trust a philosopher (again)

Young (2019) suggests that Velleman's 'position appears to be at odds with the well-established right of a competent patient to refuse life-prolonging medical treatment, at least when further treatment is refused because she considers that her life no longer has value for her and further treatment will not restore its value to her' (Young 2019).

Is this a good objection? No sources are given for the claim about the 'well-established right'. Is this claim true?

As mentioned above, British law makes no reference to the patient's considerations about the value of her life ('competent patients have been permitted to refuse even life-saving treatment 'for any reason, rational or irrational, or for no

reason at all' (Re MB [1997], para. 16)' (Freyenhagen & O'Shea 2013, p. 54)). The existence of this legal right is not 'at odds' with Velleman's position: and there are plenty of cases in which people have legal rights to do things which would often but not always be ethically impermissible. Young (2019)'s objection requires a well-established right exercising which would, on Velleman's view, *invariably* be ethically impermissible.

6. Objections to Velleman on Suicide

6.1. Objection 1

In the Loose Reconstruction (see section 5.3), premise #1 is that a person's good matters only insofar as she, the person, has value.

Objection, version 1: We can imaginatively construct an animal that lack value but whose good matters (McMahan, 2002 p. 275).

Such an imaginary animal's 'mind is so simple that it altogether lacks either synchronic or diachronic psychological unity. That is a reasonable basis for claiming that the creature, as an individual, does not matter at all [so it has no value]. It is, as Singer would say, replaceable without loss by another creature of its sort whose experiences would be equally good. But [...] it seems wrong to suppose that the sequence of the creature's mental states cannot matter at all. It matters impersonally whether, for exam-

ple, the creature's experiences are pleasurable or painful' (McMahan 2002, pp. 475–6).

Objection, version 2: 'Velleman got the order of explanation between his two values reversed. It's not that the welfare of animals matters because the animals matter but the other way around: animals matter because they have a welfare—that is, because they can be harmed or benefited' (Sumner 2011, p. 84).

6.2. Objection 2

Deny that #3 follows from #2 in the Loose Reconstruction (see section 5.3):

'to respect a person is to show appropriate acknowledgment that his good is important in the same way that any other person's is, and to defer to his autonomous will in certain matters, principally those concerning how his own life should go' '[...] we honor or show appropriate respect for the person's worth precisely by ministering to his good, provided that this is also what he autonomously wills, even when what is required by a concern for his good is that his life should be ended' (McMahan 2002, p. 482).

Note that McMahan sometimes misconstrues what is at issue in his argument with Velleman. For instance, in summarising the issue he puts his position as the view that '[t]here is simply no sense in which a person's worth is upheld or affirmed by his mere persistence through suffer-

ing' (McMahan 2002, p. 482). But this is something Velleman could also accept.

7. Conclusion

Is suicide intrinsically ethically impermissible?

From Feinberg (1978) we conclude:

1. If there is an inalienable and mandatory right to life, then suicide is intrinsically ethically impermissible.
2. If any right to life is discretionary, then the fact that such a right exists implies there is a right not to live. This suggests that suicide cannot be intrinsically ethically impermissible.

From Velleman (or Steve's reconstruction), we conclude:

3. No right to life is discretionary.

Therefore: we don't know what the answer to the question is, but we do know that some standard attempts to defend a negative answer are unsuccessful.

For an opposing view: McMahan (2002) is one source for the view that suicide is ethically permissible.

References

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