

# Two Types of Killing in Kant

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1. In this paper, I will examine Kant's position regarding suicide and death penalty. I will argue that Kant's position is coherent. More specifically, I will address three issues:
  - a. First, I argue that suicide for Kant is morally wrong in all circumstances, and that this position is consistent with his moral philosophy.
  - b. Second, I argue that Kant is in support of death penalty and that this is consistent with his moral philosophy.
  - c. Finally, I will consider how Kant might answer this question: what if the murderer committed suicide in jail before he was executed by the death penalty?

These issues are worth examining because, for many critics, Kant's position is by no means clear and for some his views are either internally incoherent, or externally inconsistent with his overall moral philosophy. I will defend my interpretation by addressing some of the critics' objections.

2. Let's begin with Kant's views (1997) of suicide. I will start with his position advanced in his *Lectures on Ethics*. One of the problems, however, is Kant's style in exploring the pros and cons on suicide. He constantly mixes his narrative of the opponents' views and his own, sometimes even putting himself in the opponents' shoes and assuming the tone of his opponents in elaborating their arguments in detail. As a result, he might appear ambivalent at some points to the critics, as I will show below. I will explain why, despite his style, Kant's position on suicide is consistent.
3. Now, in "Of Suicide," Kant declares that "suicide is not permitted under any condition." He further adds, "Those who defend and teach the legitimacy of suicide inevitably do great harm in a republic. Suppose it were a general disposition that people cherished, that suicide was a right, and even a merit or honour; such people would be abhorrent to everyone. For he who so utterly fails to respect his life on principle can in no way be restrained from the most appalling vices; he fears no king and no torture." The implicit assumption of this long quote is that, for Kant, one cannot perform the moral duties to others well if one does not perform the duties to oneself properly. Suicide goes against the self-regarding duties, as will be explained below.
4. To unfold Kant's argument, let's consider his definition of suicide. For Kant, apart from the fact that, in suicide, one takes the action to bring about one's death, there are two more factors that need to be spelt out:

- a. One has the *intention* to end one's life
- b. One's death is *premeditated* as the sought-after outcome of the action.

In this way, besides ending one's life, intention and premeditation are essential for an act to be called suicide. By this Kantian definition, suicide is considered as the action whereby the agent has a clear intention to bring about the end of his own life, no matter what other motive may also be involved in the action, be it a motive for revenge or the protection of one's honour. Second, the agent has preconceived and planned ahead how to end his own life through the action. This definition, based on intention and premeditation, sounds intuitive enough, but there is a reason why Kant spells it out this way. For this helps him distinguish another type of action whose consequence may also lead to one's death but it is not considered by Kant as suicide.

5. Before going into this important distinction, I would mention another aspect of Kant's argument first. This aspect helps explain why some critics are confused with Kant's actual position, and why the distinction Kant makes is so crucial for his position. In his argument against suicide, Kant keeps emphasizing that life is not the highest value. He even claims that it is better to give up life than keeping a life which is immoral or bereft of human dignity. Thus, Kant claims, "life is in no way to be highly prized, and I should seek to preserve my life only insofar as I am worthy to live." "It is therefore far better to die with honour and reputation, than to prolong one's life by a few years through a discreditable action." In his lecture "Of Care for one's Life," which immediately follows his lecture on suicide, Kant is even stronger and clearer in this regard: "In the cases where a man is liable to dishonor, he is duty bound to give up his life, rather than dishonor the humanity in his own person.... If a man can preserve his life no otherwise than by dishonouring his humanity, he ought rather to sacrifice it." By the terms "giving up" and "sacrifice," does Kant suggest that one could, or even should, commit suicide if this were the only way to maintain one's dignity or honour?
6. Some critics think so. For instance, Harter (2011) argues that there should be two types of self-killing in Kant. For one type, it is simply morally wrong. For the other type, it is morally praiseworthy because it is done by the call of duty. According to Harter, for this second type of self-killing, though it is praiseworthy because it fulfills a moral call, it is also morally blameworthy from another perspective because it does not square with Kant's (1996a) general moral position in the *Groundwork*, where Kant clearly argues, as will be shown below, that suicide violates the Categorical Imperative. In a nutshell, Harter argues that self-killing for Kant is either completely morally wrong, or a mixture of being morally praiseworthy and blameworthy. Harter's interpretation actually puts Kant in a difficult position, because this sounds like Kant is making inconsistent and ambivalent claims on the moral status of suicide, and it is not fully consistent with the *Groundwork* or what Kant says in the lectures on ethics either. Harter's attempt to deviate from Kant's official approach is by no means an isolated case, if we take Kant's official approach to be his statement, as quoted above, that "suicide is not permissible under any condition."
7. Apparently anticipating the sort of difficulty Harter faces in coming to terms with Kant's position, another critic Hill (1983) adopts a more radical position. Hill argues

that Kant should modify his overall position so that some types of suicide are simply justifiable, like those motivated by protecting one's honour, while others are not. Hence, these critics either think that Kant actually admits of two types of suicide with different moral values, or that, although Kant had not, he should have revised his conception of suicide to cover different moral values for suicide.

8. Now, my interpretation is that Kant can (and does) consistently hold that all sorts of suicide are morally wrong, even though he also claims that it is better to die than lead an immoral, dishonorable life. So, exactly, what is Kant's position? His distinction that we going to elaborate becomes very decisive. Kant argues that we have to make a distinction between suicide and what he calls "a victim of fate." A victim of fate is one who dies as a result of risking one's life for a cause, be it a personal or moral cause. Killing oneself and risking one's life could have the same outcome, namely one's own death. But, in Kant's eyes, the two are different in nature. And the main difference lies in the intention. Kant asserts, "What constitutes suicide is the intention to destroy itself." In suicide, the intention to kill oneself is indisputably clear. But in the case of risking one's life for a cause, the intention to destroy one's life is absent. Or else, it would have been identified as suicide. So, to follow this line of reasoning, even in a very dangerous situation where one can foresee that one may *very likely* die as a result of the action, still this does not mean that one has the intention deliberately to end one's life. A simple way to show the difference at issue here is to imagine asking the same question to the victim of fate and the suicidal person. That is, one might ask the victim of fate: if he had survived the risky action and had not died as a result, would he rather have been dead in the action? His answer is evidently negative. From first to last, the victim of fate does not intend to kill himself. He is only willing to take the risk and that is all. However, if we ask the same question to the suicidal person, unless he had changed his mind, he would certainly answer that he would rather have ended his life if he failed to kill himself in the first instance, because his intention is simply to destroy his own life. In short, for the suicidal person, he wants to end his life but for the victim of fate, he only thinks that it is worth taking the action, risking his life and even very likely leading to his death.
9. Once this distinction is clarified, one can see how Kant differentiates suicide from risking one's life. Risking one's life could lead to death as a consequence. And the death could be occasioned by oneself, such as in the case of indulgence like alcoholism. Kant would not call the premature death caused by alcoholism as suicide, so long as the alcoholic does not intend to kill himself through the indulgence. At most, the alcoholic dies by taking the risk of dying for indulgence. If death due to indulgence is morally wrong, it is still not suicide.
10. On the other hand, by risking one's life, one's death could be occasioned by others, instead of by oneself. Kant calls this type of death sacrifice if it is done for a moral cause. Now, sacrifice is not suicide. It is at most an unfortunate death, possibly owing to one's resistance to immoral or dishonorable acts. In this case, one might rather take the risk of being harmed, tortured or even killed. In such a case where one is killed, it is sacrifice, not suicide. We might consider three examples from Kant

and see how he can consistently elaborate on risking one's life as distinct from committing suicide.

11. Kant's first example is about the general Cato. When Cato foresaw that he would be caught by Caesar, what should he do? He might have two choices. One is to commit suicide before he was caught by Caesar. And this happened in history. Many people think that Cato had died for honour in this case. But Kant disagrees. He argues that if "Cato, under all the tortures that Caesar might have inflicted on him, had still adhered to his resolve with steadfast mind, that would have been noble; but not when he laid hands upon himself." Kant's point is that Cato should rather persevere and set an example to his soldiers by never succumbing to Caesar. He should even take the risk of being tortured, punished and even very likely killed by Caesar, instead of "laying hands upon himself," committing suicide. If Cato were killed by Caesar in this way, he would have been sacrificed for honour. But if he committed suicide, he would be blameworthy for taking a short cut by surrendering himself to the lure of suicide.
12. Let's move on to the second example. When commenting on the case of Lucretia, who was a victim of rape and committed suicide, Kant also shows the same attitude towards her suicide. That is, Kant does not think that she should commit suicide as a way of protecting her honour. Instead, "she ought rather to have fought to the death in defence of her honour, and would then have acted rightly, and it would not have been suicide either." "Fighting to death in defence of her honour" against the scoundrels of course is different from committing suicide, as indicated by Kant. In that case, Lucretia would rather show her moral courage in preserving her dignity, even taking the risk that she might be killed. Although either by suicide or by fighting to death, the outcome is the same: namely death. But it makes a whole lot of difference for Kant insofar as the intention of the action is concerned. In suicide, one intends one's death. In risking the life for a moral cause, one does intend to destroy one's life, even though one could foresee the probable consequence of being killed and dare to take the risk.
13. Finally, we might consider one more case, which Kant (1996b) also discusses in his account of death penalty in the *Metaphysics of Morals*. Now, in the *Lectures on Ethics*, Kant asks the reader to imagine the situation. Suppose a group of people had been falsely accused of treason, and they were given two choices: either to be "condemned to die," or given "life-sentence with penal servitude." What should a person with inner worth choose? Kant argues that "the man of inner worth is not afraid of death, and would sooner die than be an object of contempt and live among felons in servitude." Now, one might debate whether the choice suggested by Kant is the best, i.e., whether it is better to be condemned to die than life-sentence with penal servitude. But it is clear that, for Kant, if one maintains dignity by not making any compromise for a honourable life, this is morally praiseworthy, even though the consequence is that one would be killed. In an adverse situation such as the false accusation of treason, Kant claims, "[w]e must await our death with resolution," meaning that, on the one hand, one should not commit suicide and, on the other hand, one should not exchange one's honorable life for the prolongation of a life which is demeaning and dignity-undermining. One should rather be executed if this

is the only choice one has without compromising one's moral integrity. This is the gist of Kant's point, to reiterate, that "life is in no way to be highly prized, and I should seek to preserve my life only insofar as I am worthy to live."

14. After clarifying Kant's views of suicide and the distinction, we may go into two of his arguments against suicide. First, for Kant, suicide would degrade people to things. His rationale is this. True, people may dispose of things at will. But they should not dispose of their life unless they had treated their existence as a thing at their disposal. But treating one's life as a thing is to disrespect humanity in oneself, turning an end in itself into a means. Kant contends that in this case the worth of the people's existence would be lower than animals because even animals, Kant notes, would seek self-preservation. In short, suicide would take away human dignity from a person by objectifying and dehumanizing one's existence. Second, suicide would violate the limits to freedom. Suicidal people use freedom to destroy freedom. After committing suicide, the agent would be dead and have no more freedom to exercise. However, the moral worth of a human for Kant is exactly to exercise freedom rationally so as to fulfill moral duties autonomously. Suicide would annul the possibility of fulfilling any moral duty. This is the reason why suicide is immoral under all conditions.
15. As a result, Kant argues that one should never shorten one's life by committing suicide, no matter how miserable or torturous one's life has become. On the other hand, Kant insists that there is something more important than life, which is human dignity. Therefore, one should not trade dignity for the prolongation of life. Yet, one should not take one's life by one's hands either. At most, one might take the risk of being killed by others for a moral cause. Now, this interpretation squares with Kant's discussion of suicide in the *Groundwork*. There Kant argues that one's decision to live on would be praiseworthy if one's life had become very miserable and one had lost the interest to live on and yet one does not commit suicide. In that case, one is proven to live from a sense of duty, despite the miserable condition one is facing.
16. In addition, in the *Groundwork*, suicide is considered to be in violation with the categorical imperative. Kant asks whether a rational person is willing to stay in a society where everyone would commit suicide whenever they desired to do so. Kant does not think that a rational person would choose to stay in such an unstable, unreliable and volatile society. If a rational person would not want this to happen to the society in which he lives, he should not allow himself to do the same to other people nor to commit suicide whenever he thinks there is a need. For this would contradict the categorical imperative, which is supposed to be the universal law applicable to all human beings and no one should make an exception to it, not even for the one who wants to escape from the misery and suffering of life.
17. In this way, Kant's position of suicide is shown to be internally coherent, and it is consistent with Kant's moral philosophy at large.
18. Next, I will discuss Kant's argument for death penalty, and see how his views on suicide and death penalty are consistent and connected with each other. In *Metaphysics of Morals*, Kant holds that punishment, including death penalty, is adopted by the court not for any considerations external to the crime committed.

Kant says, "It must be inflicted upon him [i.e., the criminal] only because he has committed a crime." In other words, the criminal deserves to be punished for what he has done, and not for any other purposes. If one were punished for other purposes than the crime committed, the criminal would be used as a means to achieve those purposes, instead of being treated as an end in itself, according to Kant. The first comparison here is that, in arguing against suicide, one of Kant's reasons is that this would turn the agent into a thing. Here in arguing about punishment, Kant specifies that the idea of punishment, including death penalty, has to be linked to the crime and nothing else, or else the culprit would become a means and not an end in itself.

19. According to Kant, the principle of punishment is based on the principle of equality and the categorical imperative. Let's consider the principle of equality first, which Kant elaborates in this way: "whatever undeserved evil you inflict upon another within the people, that you inflict upon yourself. If you insult him, you insult yourself; if you steal from him, you steal from yourself; if you strike him, you strike yourself; if you kill him, you kill yourself." From the viewpoint of social justice, the concern is always public in that it addresses the civil relationship among citizens. The proportion between the crime and the punishment is supposed to be equal in order to be fair to the culprit and the victim. For the crimes involving insults, stealing, fighting and killing, Kant argues that the punishment should take the same form as the crime. This principle of equality, when applied to punishment, is based on the "the law of retribution." Kant notes that in some cases the crime and the punishment could not be equal in form, such as the cases of rape and bestiality. He suggests that, for those crimes, the punishment as a form of retribution could only be equal in spirit: castration for the rapist and deportation for bestiality.
20. Now, let's consider Kant's discussion of the categorical imperative, of which one of the versions in the *Groundwork* reads, "Act only on that maxim whereby you can at the same time will that it should become a universal law." In the *Metaphysics of Morals* Kant discusses the question whether death penalty could be supported by the categorical imperative. He considers an objection there. The objection suggests that death penalty aiming to serve the penal justice could not issue from the categorical imperative because no person would ever support the execution of oneself, even in the case where one has committed murder. In other words, no one would ever will that one be executed due to a crime. For humans are afraid of their own death. Then, to follow the categorical imperative, a rational being in this case should not will that it would happen to other people either on pain of inconsistency.
21. The way Kant answers this objection comes close to what John Rawls advances in the argument from the veil of ignorance. Here Kant agrees that "it is impossible to *will* to be punished." In fact, Kant even claims that the very spirit of punishment is to inflict upon the culprit something that he would not will to happen to him. There is a sense in which the punishment is against the will of the culprit in order to be punishment. It would not be punishment, Kant says, "if what is done to someone [i.e. the culprit] is what he wills." In this sense, Kant explains why punishment, especially death penalty, is something likely not willed by any person to happen to them. However, Kant points out that, to consider whether death penalty should be

supported by and issue from the categorical imperative, one should adopt “pure reason” in abstraction from the individual considerations of one’s self-interests, so that the conclusion would follow purely from the pure reason. The actual terms Kant uses are *homo noumenon* and *homo phaenomenon*. When one considers death penalty from the noumenal perspective, that is from the perspective of pure reason in this context, one would will that “I subject myself together with everyone else to the laws,” including the penal laws. “Consequently, when I draw up a penal law against myself as a criminal, it is pure reason in me (*homo noumenon*), legislating with regard to rights, which subjects me, as someone capable of crime and so as another person (*homo phaenomenon*), [that is, as the criminal] to the penal law.” Kant emphasizes that there is no need to get a promise from anyone as a criminal to support the death penalty under the social contract. Why not? The answer is that, if death penalty can be implemented only with the promise by the criminal to accept it, then the criminal would at the same time become the judge, deciding whether he should be executed. But this is certainly absurd. As a result, Kant thinks that death penalty, as a form of retribution, can issue from the categorical imperative on the basis of pure reason, because it is essentially based on the principle of equality, which is what the categorical imperative would formulate.

22. But why should the murderer be punished by the death penalty in order to fulfill the law of retribution and the principle of equality? Kant’s answer is this: “If, however, he has committed murder he must die. Here there is no substitute that will satisfy justice. There is no *similarity* between life, however wretched it may be, and death, hence no likeness between the crime and the retribution unless death is judicially carried out upon the wrongdoer”. Now, one difficulty associated with Kant’s support for death penalty is how to flesh out its relationship to his argument against suicide in absolute terms. For some of the critics, like Ataner (2006), for whatever reason one should not take one’s life by one’s hands, the same reason should be applicable to the third party so that no one’s life should be destroyed. For instance, if suicide is morally wrong because it takes away one’s humanity and the possibility of fulfilling moral duties, then how can death penalty be accepted within Kant’s moral philosophy. Ataner poses the objection in this way: “Put simply, practical reason, as self-legislating will (*Wille*), cannot posit its own annihilation without contradiction. This principle is found in Kant’s arguments regarding the irrationality of suicide.” Ataner further explains, “how could that aspect of humanity that constitutes our utmost dignity ever be justifiably extinguished, even by way of doing justice in the form of the *ius talionis* – i.e., even by way of punishing that aspect of humanity that constitutes the greatest possible evil?”
23. Are Kant’s arguments against suicide and for death penalty consistent with each other? I argue that they are. What is crucial for my purposes is Kant’s distinction noted above between suicide and sacrifice, and his reminder that there is something more important than life, that is, human dignity. The notion of human dignity is the key concept from which Kant goes against suicide and for death penalty. If one destroys one’s life for whatever reason one had, whether it is a good or bad reason, one had actually, according to Kant, treated oneself as a means and not an end in itself. And the self-regarding duty to preserve one’s life and honour would be violated if one killed oneself. For this reason, if one is given the choices of life and

morality, one should opt for morality even though this would mean one takes the risk of being killed by others. In this scenario, at least one's freedom is not used to destroy one's own freedom, though it may be destroyed by the other party.

24. When Kant argues about death penalty, as we have seen, he emphasizes that there could be only one reason why the murderer should be punished: it is because of the crime he commits. No external consideration should be; or else the murderer would be considered on that count merely as a means to something else, and his dignity as a human is violated. He would have been degraded into a thing. Now, in the case of death penalty, the central question is how the killing of the murderer can be a way of respecting his human dignity. His freedom and source of moral worth would be destroyed by the death penalty. Then, how can his dignity be then respected?
25. I think Kant's answer can be unraveled from his explanation of death penalty as an application of the categorical imperative, as briefly discussed above. The distinction between *homo noumenon* and *homo phaenomenon* is important. It explicates two related but different dimensions of the same human being. On the one hand, no person with his animal inclinations and selfish desires is willing to be executed by the death penalty (as all things in nature, Kant says, seek self-preservation). On the other hand, for Kant, everyone should admit that the murderer ought to be executed because death penalty corresponds to the crime he commits. This is the theoretical consequence of accepting the law of retribution, issued as a penal law from the principle of equality, which is in turn licensed by the categorical imperative. To follow through the categorical imperative through the principle of equality to the law of retribution, one displays the noumenal dimension of pure reason, which would be disinterested and detached from the consideration of personal interests. From the theoretical perspective, therefore, the implementation of death penalty follows the categorical imperative as a manifestation of pure reason that even the criminal, at the noumenal dimension of pure reason, would accept. Human dignity, as Kant argues in the *Groundwork*, is the respect of the moral law. For this reason, the execution of the murderer can be considered as the manifestation of pure reason that even the criminal at his noumenal dimension would accept, though at the phenomenal level he is understandably unwilling to apply this to himself, unless he is a man with inner worth, as Kant would say.
26. Now, recall Kant's position that suicide is not permissible under any condition. But life is not the highest value either because it is rather morality and human dignity to be the most important values. Combining these considerations, one can see how, for Kant, death penalty becomes the necessary way for the murderer to repay what he has done, and more importantly, to display his noumenal participation in the moral law which everyone, including the criminal, should respect and follow so as to gain the dignity unique to humans. Taking away the life from the murderer through death penalty, therefore, is a way of respecting the dignity of the murderer as a human.
27. All in all, it is clear that Kant would consider the murderer as doubly wrong morally if he commits suicide by his own hands before the execution of the death penalty by the state: the murderer uses his freedom to destroy his own freedom and escapes from the law of retribution, which should be carried out by the state and not at the personal level, especially not by hands of the murderer himself.



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