

David Hume on Suicide and the Value of Human Life:
A European Legacy

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Abstract

This essay discusses Hume's views on suicide and the value of life, also with an eye to their relevance to the present debate on euthanasia. I will first take a look at some of the more personal remarks Hume made in his letters on these subjects and the role they played in his own life. Next I will discuss his essay "Of Suicide" and look at what Hume aimed at with this, in his days certainly controversial, essay. For further clarification I compare Hume's views, with those of Kant on the same issues and discuss their influence on today's views on (assistance with) suicide and the value of life as found in the European Declaration of Human Rights and in relevant court rulings. Finally, I will illustrate the relevance of the views of both Kant and, increasingly, of Hume to the current debate on some of today's most vital end-of-life questions.

Keywords: suicide, value of life, Hume, Kant, euthanasia, human rights

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All translations from the Dutch and the German are the author's.

Introduction

“Ah, he was an Atheist!... Never mind, he was an honest Man....” This small exchange, tradition has it, took place when the coffin carrying the remains of David Hume left his house on St David Street, to be buried on Calton Hill in Edinburgh. Was David Hume an atheist? Yes, there is little doubt that he was.¹ Was he an honest man? There’s equally little doubt that he was that too, and the epithet “Le bon David” was well-earned as far as we can tell. The young James Caulfield, Lord Charlemont to-be, was in Hume’s company in Turin, Italy, during Hume’s diplomatic stay there and in his memoirs he puts in writing what many people thought about Hume:

Of all the philosophers of his sect, none, I believe, ever joined more real benevolence to its mischievous principles than my friend Hume. ... He was tender-hearted, friendly and charitable in the extreme.²

The “sect” young Caulfield refers to, is the one of the “sceptical atheists,” and as one of them David Hume wrote his *Dialogues concerning Natural Religion* and essays like “Of Miracles,” “Of the Immortality of the Soul,” and “Of Suicide.” Hume’s views on religion and matters connected to it earned him a notorious reputation, and when “Of Suicide” was finally published—posthumously in 1783—an anonymous reviewer wrote:

Were a drunken libertine to throw out such nauseous stuff in the presence of his bacchanalian companions, there might be some excuse for him; but were any man to advance such doctrines in the company of sober citizens, men of plain sense and decent manners, no person, we apprehend, would think him entitled to a serious reply, but would hear him with silent contempt.³

Times have changed, of course, and in what follows I will make it clear that “plain sense” now results in a quite different appraisal of “Of Suicide” and of the relevance of Hume’s views therein on suicide and the value of life.

In His Letters

In 1932 J. Y. T. Greig edited *The Letters of David Hume* in two volumes at Oxford University Press, which was reprinted in 1983 by Garland Publishing. The Introduction opens with this line: “David Hume himself would probably have disapproved of this book,” an assessment that probably comes close to the truth as Hume was not very pleased with the thought that his letters might “fall into idle People’s hands, and be honoured with a Publication.”⁴ But history teaches us that authors have but little to say in these matters, unless they personally see to it that their correspondence is committed to the flames. And even then, as the case of Hume’s good friend Adam Smith illustrates, posterity will always be on the lookout for what is inevitably overlooked

or otherwise left behind. And besides, did not Hume himself, in his will, make it known that his grave should be without any epitaph, except for his name, date of birth and death, “leaving it to posterity to add the rest”? And are we not allowed to conclude that this is exactly what posterity did, by publishing, amongst other things, his (remaining) correspondence?

‘Dismal region of old age’

Hume died in 1776, and after earlier attempts to publish his letters first by Thomas Ritchie (1807) and John Hill Burton (1846 and 1849), Greig did “the learned world” a great service by his still standard two-volume edition of Hume’s letters. Needless to say, there have been new discoveries, additions and corrections, such as the *New Letters of David Hume* edited by Raymond Klibansky and Ernest Campbell Mossner (1954), and the latest, *Further Letters of David Hume*, edited by Felix Waldmann (2014). Undoubtedly there will be Hume letters that we still don’t know of. And “ignorance is bliss,” or is it? Or maybe not always? If you know of the existence of a certain letter, but despite all your efforts it doesn’t surface, then that ignorance may “hurt” after all.

As it happens, Klibansky and Mossner refer to just such a letter, the existence of which they discovered through a catalogue of Sotheby, Wilkinson & Hodge, announcing an auction for the 15th of May 1922 of ‘The Burdett Coutts Library’. Mrs. Angela Georgina Burdett-Coutts supplied the “catalogue of the valuable library, the property of the late Baroness Burdett Coutts, Lady of Grace of the Order of St. John of Jerusalem,” containing a reference to a series of eight letters, written by Hume between the years 1751–1776, to Miss. Stewart of Gillian. In order to stimulate interest in these letters, the *Catalogue* quotes Hume writing in one of these letters thus:

Old age is but sorrow; perhaps even youth is not much better; but extreme old age is certainly misery... may it be my fate for my own sake & for that of all my friends, to stop short at the threshold of old age, and not to enter too far into that dismal region.⁵

“Old age”... and “perhaps even youth”... and not without a sense of understatement Klibansky and Mossner add: “We regret that our efforts to find these letters have so far not met with any success” (NL 228). Hume here seems to stop short of another threshold: the debate on suicide, (physician) assistance with suicide, the value of human life, and the current debate on euthanasia. And it would surely be interesting to read what more he had to say in these—as yet missing—letters about (entering) the “dismal region of old age.”

‘No disagreeable news’

In hindsight, we might say that in the end Hume had his way *and* that he was well-aware of this. He died 65 years old, on the 25th of August 1776, most likely from the effects of (liver) cancer. This, of course, had announced itself earlier, and in his short autobiography, *My Own Life*, dated April 18, 1776, Hume writes:

In spring 1775, I was struck with a Disorder in my Bowels, which at first gave me no Alarm, but has since, as I apprehend it, become mortal and incurable. I now reckon upon a speedy Dissolution. I have suffered very little pain from my Disorder; and what is more

strange, have, notwithstanding the great Decline of my Person, never suffered a Moment's Abatement of my Spirits. (L 1.7)⁶

And maybe to the disappointment of those who, in the current debate on euthanasia and assistance with suicide, would look for Hume's support on the issue of "completed life" and being "tired of living" as sufficient grounds for granting a request for euthanasia, Hume adds to the above that, in spite of his illness and its effects, "were I to name the Period of my Life, which I should most choose to pass over again, I might be tempted to point to this later Period"

Quite in line with the still lost letter, Hume also says: "I consider, besides, that a Man of sixty-five, by dying, cuts off only a few Years of Infirmities." Given the average life expectancy in his days, this was surely to the point. And two weeks before his death he writes to his publisher and good friend William Strahan, in a letter containing also his very last corrections for the new edition of his *Essays and Treatises*:

Dr. Black has promised me, that all shall be over with me in a very little time: This promise he makes by his Power of Prediction, not that of Prescription. And indeed I consider it as good News: for of late, within these few weeks, my Infirmities have so multiplied, that Life has become rather a Burthen to me. Adieu, then, my good and old Friend. (L 2.332)

And the next day, on August 13, he writes to his brother John: "Dear Brother, Dr. Black tells me plainly, like a Man of Sense, that I shall dye soon, which was no disagreeable news to me" (L 2.332).

As it happens, we are well-informed about Hume's sickbed and deathbed and he didn't pass away unnoticed. There was, of course, James Boswell, interviewing Hume on his deathbed, an interview published later in *The Private Papers of James Boswell*.⁷ But also the letters to and from his good friends—among them certainly Adam Smith—are important and informative here.⁸

In the context of my subject of Hume on suicide and the value of life it stands out that in this period of his sickbed and deathbed, we know of no statements or utterances—either from Hume himself, or through his friends or physicians—indicating or suggesting that at any moment Hume considered wanting to end his life himself, not even when he wrote to Strahan "that Life has become rather a Burthen to me." There was, of course, no sign of today's practice of euthanasia and/or physician-assisted suicide, but one knew well enough in those days, too, about what made you die. And besides, had Hume not written that infamous essay "Of Suicide"? And in it, did he not—very much to the point in the current debate—write:

That Suicide may often be consistent with interest and with our duty to *ourselves*, no one can question, who allows that age, sickness, or misfortune, may render life a burthen, and make it worse even than annihilation.⁹

In his letter to William Strahan (already quoted above; italics added here) Hume wrote "my Infirmities have so multiplied, *that Life has become rather a Burthen to me.*" Was he referring to what in today's vocabulary would be "a cumulation of old-age ailments" or "a completed life" or

being “tired of living”? I’ll return to this later, but for now: as far as we know, his circumstances were to Hume no reason for wanting to actively end his own life; they did cause him, however, to fully accept the end that was near, and not only near but eventually welcome too. But still: he *did* write the infamous “Of Suicide”....

Hume’s experience with suicide

Did Hume have any experience with suicides? The examples he uses in “Of Suicide” are examples of historical figures with a “classical” signature, involving “noble” motives for choosing death. But as it happened, he also encountered the phenomenon more directly and personally.

In 1746, unexpectedly and more or less out of the blue, Hume received an invitation from Lieutenant-General James St Clair to join him as his secretary. St Clair’s original assignment in England’s conflict with France was to take his troops to sea and sail to Canada to drive out the French there. Unfavorable winds, however, made sailing impossible or drove the ships back to the English coast. In order to prevent all efforts from being in vain, it was decided to attack the nearby French mainland on the coast at L’Orient, since the troops after all were already on board. The attack ended in a fiasco—with a train of events not without humor—that Hume describes in a letter of October 4, 1746, to his brother John. But in that same letter, Hume also describes an incident that made quite an impression on him.

In his letter he refers to “one of the most tragical Stories ever I heard of, than which nothing ever gave me more concern.” Major Forbes, weakened and exhausted by days of exertion and hunger in the field, was forced to leave his men in the lines to receive some medical attention. He feared that this leaving his men would weigh heavily on his honor, and Hume, who was looking after him, did not succeed in changing his mind. What’s more, so Hume writes:

[R]eturning to his Room early next morning, I found him with small Remains of Life, wallowing in his own blood, with the Arteries of his Arm cut asunder. I immediately sent for a Surgeon, got a Bandage ty’d to his Arm, & recoverd him entirely to his Senses & Understanding. He liv’d above four & twenty hours after, & I had several Conversations with him. (L 1.97)

In those conversations with Hume, the major who had also already written a farewell letter for his family, made it clear that he thought he would not make it very much longer, but that if he did after all, he would with certainty resort to a more effective method of ending his life when all was said and done, a life that to him now obviously had even less value. And Hume? He also writes to his brother John about these conversations with the major, and says:

[N]ever a man express a more steady Contempt of Life nor more determind philosophical Principles, suitable to his Exit. He beg’d of me to unloosen his Bandage & hasten his Death, as the last Act of Friendship I could show him: But alas! We live not in Greek or Roman times. (L 1.97)

Alas, of course most of all for the major, who, for that matter, died shortly thereafter. If Hume had indeed assisted the major in his suicide, it would most likely have caused him serious

problems. The general rejection of the permissibility of suicide obviously also applied to assistance with it. So: no “Greek or Roman times,” no era of Seneca, Cato, Brutus, Arria or Portia. And this plays a role not only in Hume’s letter to his brother John, but also in “Of Suicide.” For what was Hume’s point in writing “Of Suicide”? What did he want to achieve by writing it?

David Hume on Suicide

Today, no longer in “Greek or Roman times,” a large number of Right to Die Societies, most of them united in the World Federation of Right to Die Societies, participate in the current debate on euthanasia and (physician-)assisted suicide. And Hume, with his “Of Suicide” is certainly relevant to this debate. But first, what are we to make of such a “right to die”?

The right to die

It is a rather dim and vague formulation. After all, we know pretty well—the empirical evidence is quite strong—that we will all die. And what does it mean to claim a right to something that will happen anyway, and with maximum certainty at that? Perhaps we can, and ought to, read this “right to die” as a metaphor, referring to the freedom and right to be able to choose for oneself the *moment* and *manner* of dying. Therein lies the importance of Art. 8 of the European Convention of Human Rights (ECHR), the article that protects the right to privacy, a privacy that, according to a verdict of the European Court (we will return to it below), includes the freedom and right to choose the *time* and *manner* of one’s own death—death itself being as inevitable as it has always been (italics added).¹⁰

The right to life

For purposes of clarification, a comparison might be useful with the equally well-known “right to life” (protected in Art. 2 ECHR). Of course, there is and can be such a right for you, only if you are already living. And then it rather turns into something like a “right to *continue* living” albeit with all the unavoidable biological and other limitations that come with living (including the certainty of death). By a “right to life” one rather refers to a general interest and moral value attached to “life,” and then (for the time being?) primarily to human life. A “right to life” thus refers to the fact that people should respect each other’s life and may not needlessly endanger each other’s life, let alone put an end to it.

Our ‘native liberty’

Hume, too, was not concerned with a—actual rather than superfluous—“right to die.” But what we do find in “Of Suicide,” however, is a defense (against “superstition and false religion”) of the freedom and right to choose the *time* and *manner* of one’s own death. Hume, therefore, is actually quite clear in the opening lines of his essay: “One considerable advantage, that arises from philosophy, consists in the sovereign antidote, which it affords to superstition and false religion.” To which he then adds: “when sound philosophy has once gained possession of the mind, superstition is effectually excluded” (580).

And so Hume announces his purpose in writing “Of Suicide” more explicitly as follows:

Let us here endeavour to restore men to their native liberty, by examining all the common arguments against Suicide, and shewing, that That action may be free from every imputation of guilt or blame; according to the sentiments of all the antient philosophers. (580)

So what Hume wants to show is that the moral, religious, ideological and other objections to suicide are unfounded and in violation of our “native liberty” (which we can also see as defended today by the European Convention of Human Rights in the aforementioned Article 8 on “privacy”). Suicide, Hume argues, is not a crime at all, but supposing it were: “If Suicide be criminal, it must be a transgression of our duty, either to God, our neighbour or ourselves” (580). Hume then examines these grounds on which the supposed criminal nature of suicide would rest one by one, only to reject them all as unsound.

God

For a start Hume says: We owe all the means at our disposal to maintain and preserve life to our Creator. And the same is true of all the means by which we might end our lives. If intervening in the course of events and in the course of nature would constitute an offense and presumption on the part of man in regard to his Creator, this would apply equally to activities aimed at preserving life, as to activities aimed at ending it.

Intervening in the natural course of things is something man does all the time. In doing so, he does not offend his Creator, indeed, He Himself has in fact equipped man with the means and faculties to do so. Man, therefore, does nothing but make use of these means and abilities. And, Hume says, when it comes to suicide, it is also a limited intervention concerning one’s own life. And as to the Creator’s providence:

[W]e find, *that* human life depends upon the general laws of matter and motion, and *that* ’tis no encroachment on the office of providence to disturb or alter these general laws. Has not every one, of consequence, the free disposal of his own life? And may he not lawfully employ that power with which nature has endowed him? (582)

If providence has placed me in a certain room, surely I may decide to leave it without reproach. But, it is often said:

[Y]ou are placed by providence, like a sentinel, in a particular station; and when you desert it, without being recalled, you are equally guilty of rebellion against your almighty sovereign, and have incurred his displeasure. (585)

However, if it is Providence that is guiding all this, then the same applies equally to my voluntary termination of life. What is more:

[W]henver pain or sorrow so far overcome my patience as to make me tired of life, I may conclude, that I am recalled from my station, in the clearest and most express terms. (585)

Society

Does my termination of life then constitute a crime or offense against society? Does our suicide involve “a breach of our duty” to society (586)? But, says Hume here, a man does not harm society by withdrawing from life, at the most he ceases to do good. And even then, am I obliged to make my small contribution to the good when it is at the expense of a great harm to myself? Do I have to continue a painful and miserable existence because of an actually negligible and uncertain contribution to society?

As far as society is concerned, then, Hume’s answer is also quite clear. He would therefore certainly put a question mark over the statement—and especially over its conclusions—of the Advocate-General in his advice to the Supreme Court in an important lawsuit in the Netherlands, the famous Brongersma case (2002), where the Advocate-General says:

Within the legal right of life, therefore, two values emerge: on the one hand, the value it has for the society, on the other hand, the value it has for the individual. ... In what relation these two values stand to each other is a philosophical problem. But what is certain is that the legislator has deemed life worth protecting, *even though it no longer has any value to the individual*.¹¹

To this conflict between life as a general value and life as an individual value, we will return shortly. But if the conclusion of this type of reasoning is that *therefore* the individual is obliged to continue to live, Hume opposes it. It is clear from “Of Suicide” that he is concerned with the value of life to the individual.

Neighbor

So much as far as society is concerned. But what about our neighbor? As fellow citizens, they are of course part of society. But “neighbor” also stands for “next of kin,” and Hume is remarkably silent about this. For family, intimates, close friends—“neighbors”—a suicide would often have a deep and lasting effect on their lives. This is not to say that therefore the individual is not allowed to take his or her step out of life, as if it were a crime or offense, but it does mean that the significance of such a step in the lives of our neighbors—our loved ones—must be faced by the individual. Major Forbes, about whom Hume writes in his letter to his brother John, in fact also left a farewell letter for his neighbors.

Ourselves

If God and society can handle themselves, then the question that remains is whether in the case of suicide we are dealing with an omission, offense or crime against ourselves? Hume answers that question in “Of Suicide” with a handsome formulation that fits effortlessly into the current debate on the right to be able to self-determine the end of one’s life:

That Suicide may often be consistent with interest and with our duty to *ourselves*, no one can question, who allows that age, sickness, or misfortune, may render life a burthen, and make it worse even than annihilation. (588)

In this handsome formulation, one may read references to such things as “completed life” (age), serious illness or an “accumulation of old age complaints” (sickness), a life no longer livable (misfortune), as possible reasons for the desire to be able to terminate one’s life. In such circumstances, suicide may indeed be consistent with our interest and duty to ourselves: after all, a person must take good care of himself. It does not mean—just to be clear on this point—that suicide in such circumstances is a duty.

Hume’s “Of Suicide”: Conclusion

Hume therefore ends his essay as follows: “If Suicide be supposed a crime, ’tis only cowardice can impel us to it.” But as we have seen, in “Of Suicide” Hume argues for his conclusion that suicide is certainly not a crime. And so he continues: “If it be no crime, both prudence and courage should engage us to rid ourselves at once of existence when it becomes a burthen” (588).

Are we to read this as a call to end our lives once life has become a burden? Surely whoever wants to read it that way must also note that Hume himself then disregarded his own call, as can be inferred from what he, as we have seen, wrote to William Strahan shortly before his death: “within these few weeks, my Infirmities have so multiplied, that Life has become rather a Burthen to me” (L 2.332).

And so the conclusion remains that Hume—“the Great Infidel,” according to James Boswell in 1775—wrote his “Of Suicide” not to recommend or encourage suicide, but to question, challenge and refute the religious and moral disapproval and condemnation of both the act of suicide and its performer.

The Value of Human Life

This disapproval and condemnation was certainly widespread in Hume’s days, and it still exists today, but the opposition to it is, with equal certainty, gathering strength. This is why the Dutch Advocate-General in the Brongersma-case before the Supreme Court referred to two views that have in time emerged on the value of human life: “on the one hand, the value it has for the society, on the other hand, the value it has for the individual.”

A philosophical problem

As to these “two views,” Hume certainly sides here with the individual, and he wonders in “Of Suicide” about the reasons behind the disapproval and condemnation:

Is it because human life is of so great importance, that it is a presumption for human prudence to dispose of it? But the life of man is of no greater importance to the universe than that of an oyster. (582–83)

To be sure, Hume does not say that the life of man is of no importance, only that its importance *to the universe* is no greater than the importance of the life of an oyster is, *to the universe*.

In the debate, which in his day was very controversial, that Hume seeks to initiate in “Of Suicide,” he rejects the moral and religious objections to suicide. In doing so, he sets out from—

and opposes—the view of suicide as a crime, a view according to which it is an offense against our duty to God, to society or to ourselves. Interestingly, a very similar path, but with a different conclusion, is taken by Immanuel Kant. The difference in their conclusions is due to the difference in their views on the value of life, of human life generally and of the life of the individual—that is, the difference between, on the one hand, life as a general value and, on the other hand, life as an individual value.

The balance between these two values is of importance to the current debate on euthanasia and (physician-assisted) suicide, and to quote the Dutch Advocate-General in the Brongersma case once more: “In what relation these two values stand to each other is a philosophical problem.” And this philosophical problem is adequately illustrated by the respective positions taken by both Hume and Kant.

Immanuel Kant on Suicide

Kant comes to discuss suicide in his *Metaphysik der Sitten* (*Metaphysics of Morals*, 1797), and he too addresses the question of the legitimacy of suicide. To begin with, Kant says, suicide (“Entleibung seiner selbst”) may be called “self-murder” only when we can prove that it is a crime. Contrary to Hume’s view, for Kant this is indeed the case. And although Kant’s main concern here is with suicide as man’s crime toward himself, he also, as Hume did, refers to suicide as a crime toward others: toward one’s partner, parents, children, fellow citizens, government, and, finally, toward God, “whose post in the world entrusted to him, man leaves, without having been commanded to do so.”¹² Kant’s emphasis on suicide as man’s crime toward himself has everything to do with his view of that “self,” of the human person, of the individual and his worth or value.

Volenti

As it happens, Kant first asks a preliminary question: If a person wishes to end his life, if he wants to do this to himself, how could this possibly amount to an injustice, a crime? Here, after all, the legal principle that applies (and Kant also refers to this) is: *volenti non fit iniuria*, what is done to someone with his consent cannot constitute an injustice or a crime—and in this case the principle applies even more, for what is done is done *by* the person himself *to* the person himself.

Homo noumenon

But the crime that Kant envisages here nonetheless, despite the principle of *volenti*, is a crime against something to be rated even higher than the very life of my person, higher than the life of the individual human being, higher than the individual person. Kant refers here to a crime against a being possessing “superior authority over the strongest sensual impulses,” that is, to a crime against “humanity in my person.”¹³ The reason for this lies in the fact that this humanity in my person is the subject of morality, of the moral law, and destroying that subject, that being, in my person, is equivalent to destroying the moral law and morality itself. And this he considers a crime, while it is precisely in this moral law and morality that the value of man lies.

Thus to dispose of yourself in this way amounts for Kant to a devaluation of the humanity in one’s person (*homo noumenon*), while the care of this humanity is in fact entrusted to you as

an individual human being (*homo phaenomenon*). This leads to the conclusion that the empirical man, or man in his phenomenal capacity, may never deprive himself of life because in so doing he is violating that same man, but now as a “higher” man in his noumenal capacity.

Kant therefore makes a very different “appeal” to the individual than David Hume’s. And although he may well appreciate the courage of the Stoic, for example, who steps out of life calmly and confidently, without fearing death,¹⁴ he nevertheless says:

But this very courage, this strength of soul, not to fear death and to be aware of something that man can value even higher than his own life, should have been an even greater incentive for him not to destroy himself, as a being possessing such superior authority over the strongest sensual impulses, and thus not to take his own life.¹⁵

The moral law

In the *Grundlegung zur Metaphysik der Sitten* (*Groundwork of the Metaphysics of Morals*, 1785), Kant first presented the problem of suicide alongside his formulations of the moral law or categorical imperative as the very foundation of morality. Although man as a phenomenal being in the world of appearances (Hume’s empirical reality) is subject to all the causal laws applicable therein (provided by Hume with his well-known question mark), he possesses in addition (and one might say above it) as a noumenal being the capacity to obey the moral law (and thus to resist those same causal laws). And it is also this ability to obey the moral law (which is thus due to man as a noumenal being) that constitutes his value.

First formulation

The first formulation of the categorical imperative reads: “*Act only according to that maxim by which you can at the same time will that it should become a universal law,*” as well as: “*Act as if through your will the maxim of your action were to become a universal law of nature.*”¹⁶ To these familiar formulations Kant then connects the discussion of some of the duties we as human beings have to ourselves and to other human beings. And in that context, he also discusses the possibility of suicide. First of all, Kant then states:

A person who, because of a series of troubles that have grown to the point of despair, has become tired of life, is still so far in possession of his reason that he is able to ask himself whether it would not be contrary to his duty to himself to take his own life.¹⁷

In other words, Kant assumes—rather interestingly—the mental competence (“im Besitze seiner Vernunft,” “in possession of his reason”) of the person contemplating to terminate his life; and he speaks—like, but differently from, Hume—of a “duty to himself” of this person. And then, for Kant, the key question is that of the possibility of “universalizing” the maxim underlying the intended act of suicide or ending one’s own life.

As we have seen, Hume argued “[t]hat Suicide may often be consistent with interest and with our duty to ourselves, no one can question”; Kant contrasts this with saying of the person contemplating suicide: “His maxim, however, is: I make it my principle out of self-love to shorten my life when its longer duration threatens to offer me more evils than it promises

agreeableness.” And he then adds that this “Selbstliebe” cannot be “universalized” because by virtue of the same maxim you cannot simultaneously affirm life and end it:

But one soon sees that a nature whose law it would be to destroy life itself by the same feeling whose purpose it is to impel to the furtherance of life, would contradict itself and therefore would not subsist as nature, for which reason that maxim could not possibly be a general law of nature and consequently would absolutely contradict the supreme principle of all duty.¹⁸

Second formulation

Kant bases the second formulation of his categorical imperative on the assumption that “man, and in general every rational being, *exists* as an end in itself, *not merely as a means* for arbitrary use by this or that will.” Based on this premise, the second formulation of the moral law reads: “*Act in such a way that you use humanity, whether in your own person or in the person of any other, at all times also as an end, never merely as a means.*” And so Kant raises the question of how suicide relates to man as an end in himself:

If, in order to escape from a trying condition, he destroys himself, he thus uses a person merely *as a means* to maintain a tolerable condition up to the end of life. But a man is not ... something that can be used *merely* as a means, but must in all his actions always be regarded as an end in itself.¹⁹

Kant on suicide: Conclusion

And so the self-murderer can be blamed morally: he treats his life as a means only, not also as an end. In other words, and to sum up: for Kant, the person who decides to take his own life acts in violation of the moral law and thus in violation of what constitutes the general value of man and human life, a value that transcends the value that life has for a human being solely as an individual. And *this*—the moral reproach thus made—is precisely what Hume opposes, Hume whose view of suicide is based primarily on the value that life has for the individual.

Hum(e)an and Kantian Rights

When in The Netherlands the new Penal Code came into force in 1886, the government wrote in its *Report to the King* that it founded the penalization of assistance with suicide on “the respect for human life even as regards him, who for himself wishes to dispense with it.”²⁰ And when, much later, in 2002—the year in which in The Netherlands the (in)famous “Euthanasia-law” came into force—the Supreme Court gave its verdict in the well-known Brongersma-case (mentioned above, a case of “a completed life” or “tired of living”), the Advocate General argued among other things that

[t]he term respect for life... must be taken to refer to the high rank of life as a right. Dealing with this right will then involve reluctance to infringe on this right *regardless of the good reasons one might have for doing so*. ... Within life as a right, therefore, two

values emerge: on the one hand, the value it has for the community, on the other hand, the value it has for the individual. ... In what relationship these two values stand to each other is a philosophical problem. But it is certain that the Legislature has deemed life worth protecting, *even if it no longer has any value for the individual*. It is also the duty of the physician to guard life as a *collective or community value*. His service to his patient is also *service to the community*. This will also have to affect his attitude toward a patient who despairs of life.²¹ (italics added)

It certainly does not seem unreasonable, as I noted above, to associate the names of Immanuel Kant and David Hume with the discussion of this “philosophical problem.” Kant was—I am obviously not saying anything special—an extraordinarily influential philosopher with an impact on many a social debate in Europe. And Kant here outweighed (and outweighs?) Hume, who for a long time was better known as a historian than as a philosopher.

But times are surely changing, and there is in many countries now a serious debate about the relationship in which those two values stand to each other: life as a general, collective, or community value (the ‘Kantian’ angle), compared to the value life has for the individual (the ‘Humean’ angle). In this debate, Hume’s case is gaining strength, supported by the ruling of the judges of the European Court of Human Rights and their explanation of the meaning and relevance of Art. 8 ECHR, defending the “right to privacy”; but Kant still continues to supply an important addition in terms of the meaning and relevance of Art. 2 ECHR, defending the “right to (continue) life.”

‘The manner and time’

With his “Of Suicide,” Hume, as he explained, wanted “to restore men to their native liberty.” The question is, were the judges of the European Court actually trying to do likewise? Anyway, as Govert den Hartogh recently wrote:

It was therefore a bold step when the European Court of Human Rights in *Haas v. Switzerland* (2011) admitted that the right to respect for a private and family life (Art. 8 of the *European Convention of Human Rights*) implies “the right to determine the manner and time of one’s own death.” The Court added that this right, like any other right, is “concrete and effective,” not merely “theoretical and illusory.”²²

‘A bold step’

In taking this “bold step,” the European Court clearly sides with the (ongoing) ‘Humean’ process of restoring to men “their native liberty.” And following this ruling, the Supreme Court in both Germany and Austria recently ruled according to this “bold step,”²³ as did a lower court in The Netherlands.²⁴ But in all these cases, making the right to this liberty “concrete and effective” was and is not an easy thing, given the necessity of the “protection of the rights and freedoms of others.” Due to this necessity the government also has a duty, under Art. 2 ECHR, to protect the “right to life,” life as a ‘Kantian’ *collective or community value*, by preventing, as much as possible, vulnerable individuals from deciding to end their lives on an impulse, and by preventing suicides from occurring without a voluntary and fully informed decision to do so. And in order to be able to fulfill this obligation, the judges of the European Court clearly allow

the governments of the member states a very wide “margin of appreciation.” The dispute over this “philosophical problem” is therefore far from over, even though Hume’s defense of our “native liberty” is gaining ground.

Native liberty vs the right to life?

Given that my “right to life” actually refers to my “right to continue living” (i.e., other people should respect my life, not needlessly endanger my life, let alone put an end to it), how could this conflict with my “native liberty” (i.e., to determine the manner and time of my own death)? Is it not the case that, once my mental competence is not disputed, I might choose to refrain from my right to continue living, make use of my native liberty and determine the manner and time of my own death? In many countries legal provisions have been made or are being made, to allow competent individuals to make precisely this choice, while receiving help in the process, but with all the necessary conditions and safeguards.²⁵

A Hotly Debated Problem

What then is the extent of this “native liberty” that Hume wanted to restore to us and about which Kant raised his moral doubts? And where are we in the dispute about, on the one hand, life as a general value, the supra-individual value life has for the community and, on the other hand, life as an individual value, the value it has for the individual?

That there still is a lot to dispute about, I’d like to make clear by ending this essay with the—legally and morally—hotly debated problem, presented by requests for euthanasia in the case of advanced dementia, requests that have to be granted on the authority of an advance directive.²⁶

Advance directives

Granting a request for euthanasia in answer to a patient’s advance directive, while the patient is no longer mentally competent, is indeed currently possible within the terms of the Dutch “euthanasia-law,” but it is a very seldom affair. And an affair that presents us with a dilemma.

This dilemma, besides its legal aspect, also has a strong moral component. It is about life and death, or perhaps better, about killing, or ending another individual’s life, and this in the precarious circumstance in which the individual whose life is being ended no longer understands anything about the situation he or she is in, nor, for that matter, about what is to happen to him/her.

Tragedy

It is with the confirmation of the dreaded disease that the tragedy begins: Alzheimer’s.²⁷ Often the diagnosis of “dementia” is what causes the patient to draw up an advance directive. The motive for doing so is a strong wish and will, a strong conviction and determination “never to reach that state”—the state of *advanced* dementia. What is to be prevented at all costs, is the state in which one, for instance, no longer recognizes one’s partner, one’s children; in which one’s own home is changed for a nursing home, maybe even a locked ward; a state in which one no longer is the person one was before, that person having mentally disappeared.

What concerns us here, is the “philosophical problem” we have come across, both sides of which are exemplified by the individual—or maybe it is better to say, by the individuals—in the case of (a request for) euthanasia in answer to a patient’s advance directive, while the patient is no longer mentally competent. This is what happens:

Early onset dementia: Jones-One

After a period of “increasing forgetfulness” Mr. Jones-One is diagnosed with the onset of dementia. Now, over a period of years he witnessed the dementia process in both his parents, including their total and tragic disappearance as persons in their advanced dementia. It all made a deep impression upon him and left him with a strong conviction: “That’s not going to happen to me! I don’t ever want to become such an advanced demented Jones-Two! That’s not me, that’s not the Jones who I am!” And Jones-One also makes it known that he “would do absolutely everything” in order *not* to reach that state of advanced dementia.

Not to reach the dreaded state of advanced dementia is clearly a “critical” or “ulterior” interest for Jones-One.²⁸ One would therefore actually expect him to consider safeguarding that interest as his own and prime individual responsibility. You would certainly *not* expect him to start writing down what *others* were supposed to do after he allowed it to get that far and thus reach the dreaded state after all. But like so many others, Jones-One decides to do precisely that: “I’m going to fill out an advance directive, also in view of my dementia, and then I don’t have to request an end to my life before the advanced dementia anyway. After all, I can put it in writing that the doctor should put an end to my life when I, having disappeared into my advanced dementia, am no longer there myself.”

And so Jones-One now does something that, given his “strong conviction,” he should never have done: feeling reassured by his advance directive, he decides to wait. And over the course of three or four years or so, he becomes Jones-Two, of whom he had previously said with so much conviction, “That’s not going to happen to me! I don’t ever want to become such an advanced demented Jones-Two! That’s not me, that’s not the Jones who I am!”

Fortunately, Jones-One doesn’t experience any of this at all. He is no longer there. He no longer exists. He has disappeared. There is now only Jones-Two, in his state of advanced dementia.

Advanced dementia: Jones-Two

Taking into account his advanced dementia, Jones-Two is actually doing reasonably well. Living in the nursing home, he has his good days but also his bad days. But what he doesn’t know—he doesn’t “know” much anyway—is that Jones-One who is totally unknown to him and has by now disappeared, has written down in his advance directive that he, Jones-Two, must die because of his “unbearable suffering”: because he has advanced dementia, is in the nursing home and no longer recognizes his partner and children. Jones-Two doesn’t stand a chance. He is mentally incompetent and his will therefore doesn’t really matter, and what he says does not count either.²⁹

Food for thought

Jones-One could not, would not, or dared not, take a decision to have his life end at the right time, that is, in the early stages of his dementia, while he was still in a state of mental

competence. He did have the “native liberty” to do so (Art. 8 ECHR). But that he could not bring himself to make the decision is entirely understandable. Despite his “critical” or “ulterior” interest and “strong conviction,” it remains a difficult decision and the price it comes with is a high and serious one: time of life.

But that Jones-Two should therefore be denied the protection of his “right to continue living” (Art. 2 ECHR), as part of our legacy and moral civilization, just because he is in a state of advanced dementia, should really be food for further thought.

Mental competency

Does an advanced demented person lose certain rights due to his or her illness and associated mental incompetence, and if so, which ones? In any case, numerous rights disappear that do have an important role in social intercourse and life, but for which mental competence is a prerequisite. (Things like marriage, buying a house, certain medical decisions, legal agreements, etc.).

But is mental competence a prerequisite for enjoying the “right to life,” or rather, “the right to continue living”? A precondition, therefore, for protection by Art. 2 ECHR? And for the preservation of that right?

If we say ‘yes’, then the growing number of mentally incompetent persons do have a problem, despite the support of the European Law and Court. It would certainly be beneficial and contribute to clarity if it were confirmed out loud that mental incompetence not only means the loss of the right to marry, to buy a house, and make medical decisions, but also the loss of the “right to life” (to continue living).

And if we say ‘no’, as I clearly think we should, isn’t it time to abolish the advance directive or to limit its use to those cases in which, due to special circumstances, an otherwise still mentally competent individual is temporarily not able to express his/her will?

Conclusion: Native Liberty and Right to Life, a European Legacy

The loss of mental competency, as in advanced dementia, does indeed imply the loss of one’s “native liberty” to determine the manner and time of one’s own death, mental competency clearly being a precondition of this liberty; at the same time, though, the same loss of mental competency ought not, and cannot, imply the loss of the “right to life.”

And so, because of this “discrepancy” as regards the role of mental competency, there need not necessarily always be a conflict between, on the one hand, the general value of human life or life as a community value, and the associated “right to (continue) life” (‘Kant’); and, on the other hand, the value that life has for the individual, the “right to privacy” and the native liberty that goes with it, including the right to determine the manner and time of one’s own death (‘Hume’).

These rights and values go together and form part of our European legacy, that is, both ‘Kant’ and ‘Hume’ have their legitimate part to play. However, the developments in today’s debate on euthanasia and assistance with suicide, illustrate the growing importance attached to our “native liberty” as it was already defended by David Hume against the religious and moral disapproval and condemnation, in his “Of Suicide.”

List of Abbreviations of Hume's Works

FL = *Further Letters of David Hume*

L = *The Letters of David Hume*, 2 vols.

NL = *New Letters of David Hume*

Notes

1. As I have argued in "David Hume: Sceptical Atheist or Religious Conservative," 107–23.
2. Hardy, *Memoirs of James Caulfield*, 16–17.
3. Anonymous reviewer of "Of Suicide," *The Monthly Review* 70 (1784): 427–28.
4. Greig, Introduction to *Letters of David Hume*, 1.xxi. Hereafter references to Hume's letters are cited in the text using the abbreviations listed above.
5. Sotheby, Wilkinson and Hodge, *Catalogue of The Burdett Coutts Library*.
6. Cf. also Mossner, *Life of David Hume*, 615.
7. Scott and Pottle, eds., *Private Papers of James Boswell*, vol. 12, 227–32.
8. See, for instance, Dennis Rasmussen, *The Infidel and the Professor*, 246–51.
9. Hume, "Of Suicide," in *Essays: Moral, Political and Literary*, 588. Hereafter references to this essay, citing page numbers, are given in the text.
10. Thus was decided by the verdict of the European Court of Human Rights in *Haas v. Switzerland* in 2011; ECLI:CE:ECHR:2011:0120JUD00313220.
11. ECLI:NL:HR:2002:AE8772, conclusion of the A-G, under nr. 10, p. 14 of 42. This concerns the still relevant, final verdict in the Brongersma-case, shortly before the Dutch "euthanasia-law" came into force.
12. Kant, *Metaphysik der Sitten*, 268–69 (AA 422–23).
13. Kant, *Metaphysik der Sitten*, 269 (AA, 422/3).
14. *Ibid.*, 270 (AA, 423); and Kant, *Anthropologie in pragmatischer Hinsicht (Anthropology from a Pragmatic Point of View)*, 192–95 (AA, 258–59). This "classical" type of suicide Kant is prepared to condone, though reluctantly and as a real exception.
15. Kant, *Metaphysik der Sitten*, 269 (AA, 422): "Aber eben dieser Mut, diese Seelenstärke, den Tod nicht zu fürchten und etwas zu kennen, was der Mensch noch höher schätzen kann, als sein Leben, hätte ihm ein um noch so viel größerer Bewegungsgrund sein müssen, sich, ein Wesen von so großer, über die stärkste sinnliche Triebfedern gewalthabenden Obermacht, nicht zu zerstören, mithin sich des Lebens nicht zu berauben."
16. Kant, *Grundlegung zur Metaphysik der Sitten (Groundwork of the Metaphysics of Morals)*, 42–43 (AA, 421): "handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, das sie ein allgemeines Gesetz werde"; and "handle so, als ob die Maxime deiner Handlung durch deinen Willen zum allgemeinen Naturgesetze werden sollte."
17. *Ibid.*, 43 (AA, 421–22): "Einer, der durch eine Reihe von Übeln, die bis zur Hoffnungslosigkeit angewachsen ist, einen Überdruß am Leben empfindet, ist noch so weit im Besitze seiner Vernunft, dass er sich selbst fragen kann, ob es auch nicht etwa der Pflicht gegen sich selbst zuwider sei, sich das Leben zu nehmen."
18. *Ibid.*, 43/4 (AA, 422): "Seine Maxime aber ist: ich mache es mir aus Selbstliebe zum Prinzip, wenn das Leben bei seiner längeren Frist mehr Übel droht, als es Annehmlichkeit verspricht, es mir abzukürzen." ... "Da sieht man aber bald, dass eine Natur, deren Gesetz es wäre, durch

dieselbe Empfindung, deren Bestimmung es ist, zur Beförderung des Lebens anzutreiben, das Leben selbst zu zerstören, ihr selbst widersprechen und also nicht als Natur bestehen würde, mithin jene Maxime unmöglich als allgemeines Naturgesetz stattfinden könne und folglich dem obersten Prinzip aller Pflicht gänzlich widerstreite.”

19. Ibid., 50, 52 (AA, 428–29): “der Mensch und überhaupt jedes vernünftige Wesen *existiert* als Zweck an sich selbst, *nicht bloß als Mittel* zum beliebigen Gebrauche für diesen oder jenen Willen.”... “Handle so, dass du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst.”... “Wenn er, um einem beschwerlichen Zustande zu entfliehen, sich selbst zerstört, so bedient er sich einer Person bloß als *eines Mittels* zu Erhaltung eines erträglichen Zustandes bis zu Ende des Lebens.” “Der Mensch ist nicht... etwas, das bloß als Mittel gebraucht werden kann, sondern muss bei allen seinen Handlungen jederzeit als Zweck an sich selbst betrachtet werden.”

20. Smidt and Smidt, *Geschiedenis van het Wetboek van Strafrecht*, vol. 2, 465.

21. ECLI:NL:HR:2002:AE8772; Supreme Court Brongersma, 14 of 42 Dutch courts, high and low, have since then the habit of referring to the “euthanasia-law” in similar terms, for instance: “In it ... the legislature has continued to hold respect for life as a collective value to be of higher significance than the value that life has exclusively for the individual” (LJN: AF7260, 14. LJN AL8866, 4. LJN: AR8225. LJN BI5890, 16).

22. Den Hartogh, *What Kind of Death*, 32.

23. Germany: ECLI:DE:BVerfG:2020:rs20200226.2bvr234715. Austria: Verfassungsgerichtshof Österreich, VfGH, Az. G 139/2019, 11.12.2020.

24. Court of The Hague ECLI:NL:RBDHA:2022:13394, at 5.15.

25. A substantial number of countries have created their legal possibilities, but leaving room for substantial differences. See, for instance, The Netherlands, Belgium, Luxemburg, Switzerland, Oregon, Washington, Canada, Australia.

26. Since the “euthanasia law” came into force in the Netherlands in 2002, only one physician has (recently) been prosecuted, after more than 80,000 euthanasia cases were reported to the review committees. In this case the review report is also available in English. Download the full text (pp. 54–58) of the 2016 report at <https://english.euthanasiecommissie.nl/the-committees/annual-reports>.

27. There are different varieties of dementia. For a more detailed treatment, see Vink, “Dementia & Euthanasia,” 33–47; and Vink, “Self-euthanasia, the Dutch Experience,” 681–88.

28. For “critical interest,” cf. Dworkin, *Life’s Dominion*, 235; for “ulterior interest,” cf. Feinberg, *Harm to Others*, Vol. 1, 37.

29. In the only euthanasia-case brought to court in the Netherlands so far, the physician also appeared before the Medical Board. There, among other things, she stated that due to the advanced dementia “*if prior to the actual euthanasia the patient had said that she did not want to die, she would still have gone through with it.*” ECLI:NL:TGZRSGR:2018:165, p. 10. A quite remarkable statement that the Court and the Supreme Court passed by in equally remarkable silence.

Bibliography

Anon. Review of “Of Suicide” by David Hume. *The Monthly Review* 70 (1784): 427–28.

Burton, J. H. *Letters of Eminent Persons, Addressed to David Hume*. Edinburgh: W. Blackwood & Sons, 1849.

Burton, J. H. *Life and Correspondence of David Hume*. 2 vols. Edinburgh: W. Tait, 1846.

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- Den Hartogh, Govert. *What Kind of Death: The Ethics of Determining One's Own Death*. New York: Routledge, 2023.
- Dworkin, Richard. *Life's Dominion: An Argument about Abortion, Euthanasia and Individual Freedom*. New York: A.A. Knopf, 1993.
- Feinberg, Joel. *Harm to Others: The Moral Limits of the Criminal Law, Vol. 1*. Oxford: Oxford University Press, 1984.
- Greig, J. Y. T., ed. *The Letters of David Hume*. 2 vols. Oxford: Oxford University Press, 1932. Reprint, New York: Garland Publishing, 1983.
- Hardy, Francis. *Memoirs of James Caulfield, Earl of Charlemont*. 2d ed. London, 1812.
- Hume, David. *Dialogues concerning Natural Religion*. 1779. In *David Hume on Religion*, edited by A. W. Colver and J. V. Price. Oxford: Oxford University Press, 1976.
- Hume, David. *My Own Life*. 1776. In *The Letters of David Hume*, edited by J. Y. T. Greig, vol. 1, 1–7.
- Hume, David. "Of Suicide." 1783. In *Essays: Moral, Political and Literary*, 577–89. Indianapolis: Liberty Fund, 1987.
- Kant, Immanuel. *Anthropologie in pragmatischer Hinsicht*. 1798. Hamburg: Felix Meiner Verlag, 1980.
- Kant, Immanuel. *Grundlegung zur Metaphysik der Sitten*. 1785. Hamburg: Felix Meiner Verlag, 1965.
- Kant, Immanuel. *Metaphysik der Sitten*. 1797. Hamburg: Felix Meiner Verlag, 1966.
- Klibansky, Raymond, and Ernest Campbell Mossner, eds. *New Letters of David Hume*. Oxford: Oxford University Press, 1954. Reprint, New York: Garland Publishing, 1983.
- Mossner, Ernest Campbell. *The Life of David Hume*. 2d ed. Oxford: Oxford University Press, 1980.
- Rasmussen, Dennis C. *The Infidel and the Professor: David Hume, Adam Smith, and the Friendship that Shaped Modern Thought*. Princeton, NJ: Princeton University Press, 2017.
- Ritchie, Thomas Edward. *An Account of the Life and Writings of David Hume, Esq.* London: T. Cadell & W. Davies, 1807.
- Scott, Geoffrey, and Frederick A. Pottle, eds. *The Private Papers of James Boswell*. Oxford: Oxford University Press, 1931.
- Smidt, Hendrik Jan, and J. W. Smidt. *Geschiedenis van het Wetboek van Strafrecht*. 4th ed. Haarlem, The Netherlands, 1891–1901.
- Sotheby, Wilkinson and Hodge. *Catalogue of The Burdett Coutts Library*. London: Dryden Press, 1922.
- Vink, Ton. "David Hume: Sceptical Atheist or Religious Conservative?" In *David Hume: A Tercentenary Tribute*, edited by Stanley Tweyman, 107–23. Ann Arbor, MI: Caravan Books, 2013.
- Vink, Ton. "Dementia & Euthanasia: Doubts Regarding Advanced Dementia and Advance Directive." *Journal of Medical Law and Ethics* 8, no. 1 (2020): 33–47.
- Vink, Ton. "Self-euthanasia, the Dutch Experience: In Search for the Meaning of a Good Death or *eu thanatos*." *BioEthics* 30, no. 9 (2016): 681–88.
- Waldmann, Felix, ed. *Further Letters of David Hume*. Edinburgh: Edinburgh Bibliographical Society, 2014.