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No King and No Torture: Kant on Suicide and Law

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Abstract
Kant's most canonical argument against suicide, the universal law argument, is widely dismissed. This paper attempts to save it, showing that a suicide maxim, universalized, undermines all bases for practical law, resisting both the non-negotiable value of free rational willing and the ordinary array of sensuous commitments that inform prudential incentives. Suicide therefore undermines moral law-governed community as a whole, threatening 'savage disorder'. In pursuing this argument, I propose a non-teleological and non-theoretical nature – a 'practical nature' or moral law governed whole – the realization of which morality demands.

Keywords: Kant, suicide, moral law, practical nature, moral community, lawlessness

> *If suicide is allowed then everything is allowed. If anything is not allowed then suicide is not allowed*. (Wittgenstein 1961: 91e)

1. Introduction

Kant's rejection of suicide is alarmed and adamant. Suicide is debasing (*MS*, 6: 423), depraved and worthless (*ApH*, 7: 259), abominable (VE, 27: 343), revolting (VE, 27: 372), and generally 'the most horrifying thing imaginable' (VE, 27: 372).[1] 'Suicide is certainly the most dreadful thing that a man can do to himself' (VE, 27: 391), and 'is the supreme violation of duties to oneself' (VE, 27: 342). 'By committing it', Kant writes, 'the human being makes himself into a monster' (*ApH*, 7: 259). To commit suicide is, indeed, 'to root out the existence of morality itself from the world' (*MS*, 6: 423). So claims Kant.

Many nonetheless argue that Kantian morality ought to permit suicide, at least in certain cases.[2] There is even debate about whether Kant himself

occasionally permits it.[3] But there is consensus on a central point: the argument against suicide that Kant himself considered most canonical fails. That argument is the argument that a suicide maxim cannot be universalized. Kant offers the argument in both the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason* (at *G*, 4: 421–2 and *KpV*, 5: 44). Paul Guyer calls it 'peculiar and not very convincing' (Guyer 2007: 116). Christine Korsgaard denies that it works to rule out suicide (Korsgaard 1996a: 100). Allen Wood claims it 'does not commit you to the immorality of suicide' (Wood 1999: 86). Thomas Hill, in an excellent paper on suicide and Kant, 'intentionally omit[s] Kant's unpersuasive argument' from universal law (Hill 1991: 92, n. 3). 'One of the few truly non-contentious claims in Kant scholarship and interpretation', Henry Allison remarks, 'is that this argument is unsuccessful' (Allison 2011: 184). The universal law argument against suicide would seem beyond saving.[4]

This paper aims to save it. It does this via attention to Kant's use of an idea of 'nature' in discussions of suicide in the *Groundwork* and in the second *Critique*, as well as in the Collins lectures on ethics and the *Metaphysics of Morals*. It proposes that 'nature' in these contexts must be understood as practical. Understanding nature as practical will allow us to see the real heart of Kant's argument: a suicide maxim cannot be universalized because it fundamentally repudiates necessary conditions of a 'practical nature', a whole that is a moral law governed human community. A subject committed to suicide rejects *both* rational allegiance to the ultimate value of free rational willing *and* ordinary (if not the suicide's own) sensuous commitments to self-preservation. But to reject both of these is to reject all bases for practical law, and so to reject necessary conditions of the possibility of a realizable practical nature. A suicide maxim thus represents, for Kant, a dangerous kind of anarchy; universalized, a suicide maxim threatens 'savage disorder' (VE, 27: 344). This, at any rate, is what I will argue here.

Section 2 rehearses Kant's universal law argument against suicide and the interpretations on which it fails. Section 3 reinterprets and defends the argument along the lines just noted. Section 4 concludes by noting some advantages and implications of this reinterpretation.

2. Kant's Universal Law Argument Against Suicide and the Interpretations on which It Fails

Kant's Universal Law Argument Against Suicide

As is well known, Kant's universal law test for maxims is meant to serve as a 'canon', or authoritative standard, for moral judgement (*G*, 4: 424).

In both the *Groundwork* and the second *Critique*, he uses suicide to illustrate the test, and is satisfied that it does its work, ruling suicide out. The test condemns any maxim that, universalized, generates a contradiction. Condemnations of suicide in the *Metaphysics of Morals* and in the Collins lectures do not formally apply the test, but they invoke suicide's contradictoriness, suggesting that Kant has something like it in mind in those texts as well (*MS*, 6: 422 and VE, 27: 369).

Here is Kant in the *Groundwork*, illustrating the test as offered in the first formulation of the categorical imperative, namely, 'act only in accordance with that maxim through which you can at the same time will that it become a universal law' (*G*, 4: 421):

> Someone feels sick of life because of a series of troubles that has grown to the point of despair, but is still so far in possession of his reason that he can ask himself whether it would not be contrary to his duty to himself to take his own life. Now he inquires whether the maxim of his action could indeed become a universal law of nature. His maxim, however, is: from self-love I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness. The only further question is whether this principle of self-love could become a universal law of nature. It is then seen at once that a nature whose law it would be to destroy life itself by means of the same feeling whose destination is to impel toward the furtherance of life would contradict itself and would therefore not subsist as nature; thus that maxim could not possibly be a law of nature and, accordingly, altogether opposes the supreme principle of all duty. (*G*, 4: 421–2)

A suicide maxim, universalized, 'could not possibly be a law of nature' since a nature with such a law 'would contradict itself and would therefore not subsist'. Suicide is ruled out. In the *Critique of Practical Reason*, Kant again uses suicide (along with lying testimony) to illustrate the universal law test:

> It cannot hold with the universality of a law of nature that statements should be allowed as proof and yet be intentionally untrue. Similarly, the maxim that I adopt with respect to disposing freely of my life is at once determined when I ask myself what it would have to be in order that a nature should maintain itself in accordance with such a law. It is obvious that in such a nature no one could end his life *at will*, for such an

> arrangement would not be an enduring natural order. And so in all other cases. (*KpV*, 5: 44)

Here again a maxim of 'disposing freely of my life' (*KpV*, 5: 44) cannot be universalized; an 'arrangement' with such a law 'would not be an enduring natural order'. But why not?

Interpretations of the Argument on which it Fails

Kant's argument that a suicide maxim cannot be universalized finds itself in trouble right away because, on standard interpretations of the universalization test, it *can* be. Recall the *Groundwork* maxim: 'from self-love, I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness' (*G*, 4: 422).[5] How does this maxim fare on 'contradiction in conception' and 'contradiction in will' interpretations of the test suggested by Kant at *G*, 4: 424 and elaborated by Onora O'Neill, among others?[6] A universal resort to suicide when life threatens more trouble than agreeableness would not, on the one hand, generate a 'contradiction in conception'. It would not in any way thwart my own suicide maxim; my success as a suicide does not depend on anyone else's hewing to life as, for instance, my success as a false promisor depends on others hewing to truth (*G*, 4: 422). Nor does a universalized suicide maxim, on the other hand, somehow thwart my interests overall, producing a 'contradiction in will'. My suicidal will is intent on *renouncing* further interests, or has only an interest in eliminating pain, and suicide will accomplish both; a universalized suicide maxim thus would not contradict my general interests the way universalized maxims of neglecting talents or withholding aid, for instance, would (*G*, 4: 422–3 and 4: 423, respectively). The result? While the universalizability test, interpreted along standard lines, produces desired results for Kant's other *Groundwork* examples, it fails for suicide. It seems easy to universalize a suicide maxim without contradiction.

What if, as many have, we attend instead to *nature* in Kant's discussions of suicide and try to interpret the universalizability test accordingly?[7] Perhaps suicide is a case where we test neither for contradiction in conception nor for contradiction in willing, Kant's *G*, 4: 424 remarks notwithstanding, but for contradiction *with nature itself*. Though a version of this strategy will ultimately be mine, we must proceed with caution. This is so for many reasons.

First, if 'nature' is taken as the Newtonian system of spatiotemporal objects and events governed by mechanistic causal law, a universalized suicide maxim generates no contradiction: such a system would not *fail*

to subsist or otherwise be contradicted at all if everyone who wanted to committed suicide. Indeed, it is impossible to imagine *any* human maxim that, universalized, would contradict *this* 'nature', if only because anything that happens in this nature must, perforce, follow some mechanistic causal law, and that law would necessarily fit comfortably within Newtonian nature.[8]

Second, Kant cannot be objecting that the maxim, universalized, contradicts *our* nature, understood as our living animal existence. Morality sometimes requires the sacrifice of just this, as in the case where we should prefer execution to bearing false witness (*KpV*, 5: 30).[9] Kant's moral project as a whole strenuously resists the idea that agreement with our living animal existence is ever by itself an adequate ground for moral claims.[10] If a suicide maxim is ruled out, it cannot be because, universalized, it 'contradicts' life or our own natural existence.

Third and finally, the idea that 'nature' should be understood teleologically here also will not work. It is nonetheless the idea that commentators have found most promising.[11] Granted, the idea is suggested by Kant's own language: 'a nature whose law it would be to destroy life itself by means of the same feeling whose destination [or function or purpose[12]] is to impel toward the furtherance of life would contradict itself and would therefore not subsist as nature' (*G*, 4: 422). Suicide here seems to go against nature's purposes. Further support for a teleological interpretation can be found in the *Metaphysics of Morals*:

> There are impulses of nature having to do with man's *animality*. Through them nature aims at a) his self-preservation, b) the preservation of the species, and c) the preservation of his capacity to enjoy life, though still on the animal level only. The vices that are here opposed to man's duty to himself are *murdering himself*, the unnatural use of his *sexual inclination*, and such *excessive consumption of food and drink* as weakens his capacity for making purposive use of his powers. (*MS*, 6: 420; Kant's emphases)

It looks like murdering oneself (among other things) is condemned here for violating nature's purposes in giving us the impulses it has given us. Is this why a suicide maxim cannot become *a universal law of nature*? Alas, no.

A desire to commit suicide may confound us, given the widespread impulse to self-preservation. But Kant cannot be claiming that suicide, or anything else mentioned above, is actually inconsistent with nature, teleologically

conceived. Teleology is a regulative idea for Kant: it helps organize our investigations of nature, but nature *as we find it*, not as we wish or imagine it to be. We may, and should, ask what nature's purposes are, but where things (e.g. tapeworms, tumultuous dreams) do not fit our story, we must revise that story, not reject the things (*KU,* 5: 379–80); we err profoundly, for Kant, if we start declaring things actually found in nature teleologically unfit or 'unnatural'.[13] Kant is elsewhere eloquent in speculating on self-destructive human drives that, seemingly purposively, propel civilization forward (*KU,* 5: 429–34). A law according to which a quest for agreeableness sometimes tends towards self-preservation and sometimes towards self-destruction presents a teleological puzzle, but does not contradict nature, teleologically conceived, any more than it contradicts the laws of physics. Nature teleologically conceived can withstand a universalized suicide maxim.

3. Kant's Universal Law Argument Revisited

There are, again, other avenues if one simply wants a Kantian argument against suicide, and others have turned up those avenues with success.[14] But can we not find a way to make sense of the argument Kant would have regarded as most canonical, and that he chose to showcase in both the *Groundwork* and the *Critique of Practical Reason*? I think we can.

Attention to remarks in the *Groundwork* and second *Critique* about 'nature in the most general sense' (*G,* 4: 421; *KpV,* 5: 43), together with remarks about suicide in the Collins lectures and in the *Metaphysics of Morals,* reveal, I think, a powerful universal law argument against suicide. While a universalized suicide maxim does not contradict itself or the suicidal agent's will in general, and while it does not contradict nature in any theoretical sense, it *does*, my suggestion here will be, contradict the very possibility of any moral law-governed human community. Such a community constitutes the nature – a 'practical nature'[15] – at stake for Kant in his 'universal law of nature' formulation of the categorical imperative and in the related rejection of suicide. In what follows, I show first why we should take a moral law-governed human community to be the relevant 'nature' at all. I then show how a universalized suicide maxim contradicts conditions of the possibility of *this* nature. This contradiction explains a suicide maxim's failure to be, for Kant, universalizable.

A Practical Nature

Just after introducing the *Groundwork*'s universal law formulation of the categorical imperative, Kant writes:

> Since the universality of law in accordance with which effects take place constitutes what is properly called *nature* in the most general sense (as regards its form) – that is, the existence of things insofar as it is determined in accordance with universal laws – the universal imperative of duty can also go as follows: *act as if the maxim of your action were to become by your will a* **universal law of nature.** (*G,* 4: 421; Kant's emphases)

Notice Kant's gloss of 'nature in the most general sense' as 'the existence of things insofar as it is determined in accordance with universal laws' (*G,* 4: 421). Kant describes 'nature in the most general sense' in these terms in the second *Critique* as well: 'nature in the most general sense is the existence of things under laws' (*KpV,* 5: 43). This is crucial. It points to the possibility that the 'nature'– the system of universal law governed existence – that is being nominated to play a role in the universalizability test need not be the spatiotemporal world of material objects described by Newtonian physics nor the system of purposes that makes up nature teleologically conceived. It must be an existence of things under laws, yes. But that existence, those things, that law governed whole, need not be any of Kant's theoretical 'natures' but can be rather, as I will argue, a specifically 'practical nature'.

The idea may be unfamiliar, but is certainly present in Kant's texts. In the second *Critique*, Kant writes about 'a nature under the autonomy of pure practical reason' (*KpV,* 5: 43) and 'the idea of a nature not given empirically and yet possible through freedom, hence a supersensible nature to which we give objective reality' (*KpV,* 5: 44).[16] He notes that where '*teleology* considers nature as a kingdom of ends, *morals* considers a possible kingdom of ends as a kingdom of nature' (*G,* 4: 436n.; Kant's emphases). Indeed, the *Groundwork*'s idea of a realm or kingdom of ends[17] picks out precisely what I am calling 'a practical nature' via the idea of a 'systematic union of rational beings through common objective laws' (*G,* 4: 433). We see in all of this a non-theoretical idea of an existence of things under laws, a community of free, self-legislating rational wills that stands as a lawful whole. Further references to such a nature, under various names, can be found throughout Kant's practical texts.

Such a nature is 'practical' because it is the idea of the world, or a world, as arranged by and understood in terms of *practice*, that is, as arranged by and understood in terms of the free rational activity of our wills. It is thus not conceived theoretically, whether along Newtonian or teleological lines; it is not, that is, a nature we study as a given object.[18]

It is, rather, a nature constituted by our free actions and the practical moral laws governing them, which Kant also frequently calls the 'laws of freedom' (e.g. at *G*, 4: 387, *KpV*, 5: 65, *MS*, 6: 214). Through these laws our wills 'confer on the sensible world the form of a whole of rational beings' (*KpV*, 5: 43). Practical nature is a lawful whole or system of nature not given, but made.

Kant goes quite a way toward articulating the possible shape of such a practical nature in the *Metaphysics of Morals*, which derives various morally demanded forms of ownership, public authority, self-care and attention to the well-being of others. Along the way, he address particulars as specific as the nature of books (*MS*, 6: 289–90), the problem with concubinage (*MS*, 6: 278–9), the role of prayer (*MS*, 6: 441), and legitimate and illegitimate forms of ridicule (*MS*, 6: 467). More work articulating the shape and particulars of a possible practical nature is found, for instance, in the *Religion*'s development of the idea of the church as a kind of ethical government (*Rel*, 6: 93–202) and in essays that imagine global realizations of moral ideals, such as 'Idea for a Universal History with a Cosmopolitan Purpose' (I, 8: 15–31) and 'Perpetual Peace: A Philosophical Sketch' (ZeF, 8: 341–86). Depending on the degree to which we comprehensively develop, refine and adhere to an articulated system of moral laws, or laws of freedom, a practical nature will be realized in our institutions, practices, self-understandings and relationships.

In *this* nature *we*, qua creatures with free rational wills, together with the actions, events, mutual understandings and other objects that issue from the activity of our free rational wills, are the things the existence of which is determined in accordance with universal (practical) laws.[19] In the *Metaphysics of Morals*, for instance, morally demanded systems of property rights and contract law give rise to practical entities like deeds (*MS*, 6: 273–6), money (*MS*, 6: 286–9) and marriages (*MS*, 6: 277–80). Sales, paydays, weddings and the people who have them are thus also all among the things whose existence is determined by the laws of a practical nature.[20]

As must now be clear, the practical nature I sketch here traffics intimately with empirical, theoretical facts, incorporating current empirical givens into the determination of its objects. This is because laws of freedom determine moral relations between wills that are not only free and rational but also embodied in particular ways with particular needs in particular environments. This can be confusing, but is essential: a practical nature, a 'kingdom of ends on earth', relies on empirical facts

without being a fundamentally theoretical entity. The ultimate justification for laws in a practical nature, and so its deep shape and structure, will never rest on empirical facts, but always on considerations of pure practical reason. Nonetheless, any effort at *articulating* a practical nature cannot ignore empirical facts, on pain of being a merely formal exercise. Kant is not ultimately interested in a merely formal exercise, but rather in the possibilities for a systematic whole of free rational wills *who are also* embodied human beings.

Thus empirical, anthropological facts play an important role. Despite individual differences, there is a fairly predictable common array of sensuous pleasures and pains to which human beings are subject and, accordingly, a fairly predictable common array of corresponding desires and fears. This will be crucial for a system of reliable moral incentives. In a practical nature populated by, say, angels, the free rational wills whose activity is to be coordinated would all always do the right thing simply because it is right. But we – free rational embodied human wills – are not like that, and the moral law's sway is too unreliable to neglect the other resources at our disposal.

We can indeed read the *Metaphysics of Morals* as elaborating a system of imperatives, discovered by practical reason and expressing laws of freedom, that are suitable to be enforced by juridical law, social norms, conscience and whatever other forces can be brought to bear without violating fundamental respect for free rational self-legislation (see *MS,* 6: 214–18). Kant explicitly describes good juridical law as a system of mutual coercion (*MS,* 6: 232–3), and insists we cultivate emotional and psychological skills that can assist rational responsiveness to moral considerations (*MS,* 6: 387, 419). Widespread success in coercing, cajoling and encouraging ourselves and others to do the right thing thus requires systems of incentives that reckon on anthropological facts. Failure to establish and institute such systems would render human moral community only fleetingly, locally, realizable – a temporary practical nature of particularly good people. But for Kant, full respect for the moral law and for ourselves demands more.[21]

Thus the viability of a practical nature depends not only on our commitment to moral law but also on the reliability of a set of back-up incentives based in broad anthropological facts about common sensuous pleasures and pains, desires and fears. This will become very important below. We must grant the necessity of such incentives even as we resist collapsing the moral idea of a practical nature into a theoretical idea, or

collapsing specifically moral judgement into theoretically informed prudential judgement. But we are used to resisting this collapse when we think with Kant.

We have seen, then, that the nature in Kant's requirement that a maxim be suitable to be a universal law of nature need not be theoretical but can be practical. We have also seen that any conception of a realizable practical nature must take empirical facts into account, and in particular must use anthropology to devise incentives. Now, how does any of this help save Kant's universal law argument against suicide?

Can a Suicide Maxim Become a Universal Law in a Practical Nature?

My argument will be that a practical nature could not sustain universalization of a suicide maxim because a suicide maxim represents the rejection of two basic commitments that are necessary conditions of the possibility of such a nature. Or, in short: a suicide maxim rejects all bases for practical law.

The first problem is that a suicide maxim subordinates a person to happiness; it represents a subject's preference for the experience of 'agreeableness' over existence as a creature with a free rational will. The maxim thus eschews commitment to the only thing – the value of humanity, or personality, or the capacity for free rational willing itself – that must be committed to above all else, as a non-negotiable end in itself. The second problem is that, in eschewing self-preservation and the array of ordinary sensuous commitments it entails, it undermines the reliability of practical incentives designed to back up moral motivation. A suicide maxim thus cannot be universalized without wreaking havoc on conditions of the possibility of a system of practical law.

This, at any rate, is what I aim to show below. In showing this, and as my comments already suggest, I do in a sense look beyond universalizability as a stand-alone test. On my view, to ask seriously about universalizability is always to ask about it *in conjunction with* the idea of a system that (a) actively respects all free rational wills as ends in themselves *and* that (b) sees them all as potential rational legislators in a shared practical world (*G*, 4: 436–8).[22] Universalizability, in other words, is always tested against a backdrop of considerations that are brought to the fore in other formulations of the categorical imperative (the formulas of humanity and the kingdom of ends). As Kant himself remarks, the three *Groundwork* formulations of the categorical imperative are 'at bottom the same' and express the same law (*G*, 4: 437). I take him at his word, and understand

each formula to have its own forte: the universal law test is particularly useful in displaying the self-undermining or otherwise morally incoherent features of problematic maxims.[23] My aim here thus cannot be to show that the universal law test will do all the work of barring suicide 'by itself', but rather to show, contra the literature, that it nonetheless displays the morally incoherent, and so immoral, features of suicide, and indeed does so in a way that is interesting and illuminating.

The following passage from the Collins lectures provides a starting point. Kant's topic is suicide, and he makes an aside. 'Freedom', he says, is 'the inner value of the world' (VE, 27: 344). 'But':

> on the other hand, insofar as it is not restrained under certain rules of conditioned employment, it is the most terrible thing there could ever be. All animal acts are regular, for they take place according to rules that are subjectively necessitated. In the whole of non-free nature we find an inner, subjectively necessitated *principium*, whereby all actions in that sphere take place according to a rule. But if we now take freedom among men, we find there no subjectively necessitating *principium* for the regularity of actions; if there were, it would not be freedom, and what would follow from that? If freedom is not restricted by objective rules, the result is much savage disorder. For it is uncertain whether man will not use his powers to destroy himself, and others, and the whole of nature. Given freedom, I can imagine every kind of lawlessness, if it is not objectively necessitated. (VE, 27: 344)

What is Kant saying here? Unless he gives himself rules, 'it is uncertain whether man will not use his powers to destroy himself, and others, and the whole of nature'. The viability of any large-scale order for us depends on our following freely adopted laws. If, like 'the whole of non-free nature', we had no choice about which laws governed us, our individual choices would be ordered by theoretical principles of pleasure and survival. But we are free, and if we refuse to adopt and restrict ourselves according to 'objective' rules, that is, rules suitable to be held in common by rational wills,[24] all kinds of lawlessness will result.[25]

It is crucial that Kant cannot here be worried about lawlessness in nature theoretically conceived, since nature theoretically conceived will always be lawful. He can only be worried about practical lawlessness, lawlessness in a practical sense. Back to the context: suicide, Kant is suggesting here, is paradigmatic of the refusal of rules that can keep *human order*. Only in this

sense can the use of freedom threaten 'savage disorder'. This is how I read the passage; what follows shows how it illuminates Kant's universal law argument against suicide.

A Suicide Maxim Rejects a Non-Negotiable, Come-What-May Commitment to Free Rational Willing

Recall the maxim Kant proposes: 'I make it my principle to shorten my life when its longer duration threatens more troubles than it promises agreeableness' (*G*, 4: 422). Here is the first problem. The suicide's maxim proposes that the life of an embodied free rational will is only worthwhile as long as it promises agreeableness. But this subordinates the value of free rational willing *per se* to agreeableness, and any maxim that does this will, universalized, violate the conceptual foundation of a possible practical nature. The maxim thus cannot be thought as a universal law of (practical) nature without contradiction.

The reason for this is that a practical nature, to be a systematic whole, needs an unconditioned end. An unconditioned end is one with intrinsic, ultimate and therefore non-negotiable, value; it is an end that cannot be swapped for another, or subordinated, or regarded as a mere means to further ends. This end needs to be something determinate, not a generic grab bag open (like happiness or agreeableness) to idiosyncratic and conflicting interpretations, and it needs to be an end everyone both *can* and *must* adopt (*G*, 4: 399–400). Only thus can it inform the objective rules needed to keep savage disorder at bay. For Kant, free rational willing itself alone fits this bill (*G*, 4: 401; see also *G*, 4: 393, 396, 436–8). Its status as unconditional value organizes the entire system that honours it, the practical nature that is the system of morality, governed by laws of freedom, lending the whole conceptual coherence and stability.

This demand is not just architectonic. The aim of Kant's moral philosophy is to bring into being what we can now see as a 'nature' that respects each as an end in herself, refusing to regard free rational willing as something that can be traded off against other goods. Besides ruling out suicide from despair, this consideration explains Kant's controversial rejection of heroic and Stoic suicide. Both heroic and Stoic suicides represent failure, for Kant, to recognize a non-negotiable end and defend it to the death, come what may; both engage in unacceptable cost/benefit analyses, putting pay-off above a struggle that would convey a non-negotiable commitment to the activity of free rational willing itself. Kant accordingly rejects the suicides of Cato, Lucretia and Curtius, as well as Stoic 'time to depart' suicide generally (VE, 27: 374, 371, 629; *MS*, 6: 422).

Better, he thinks, to have gone down fighting. This makes sense: without a strict ban on suicide, Kant would open his system to competing, different-in-kind ultimate aims. Because a suicide maxim subordinates free rational willing to agreeableness, its universalization violates a conceptual condition of the possibility of a coherent, stable moral law-governed human community; a system containing a universalized suicide maxim could therefore not 'subsist as nature' (*G*, 4: 422).

As some will already have noted, this account significantly recasts the universalization test. The maxim fails to universalize *not* in terms of the suicide's own actual interests, whether in suicide or in general, but in terms of an interest in a realizable practical nature that she necessarily *ought* to have as a free rational will. The maxim fails as a law she can regard herself as making as a legislator *already committed to such a nature*. In this regard, the account pulls away from some constructivist readings, relying on the thought that there is a good – free rational willing itself – to which we must be committed not as a result of good practical reasoning, but as its condition.[26] Commitment to this good entails commitment to whatever practical nature is needed to respect and realize its value; we all have 'objectively necessitating' reasons to commit to a practical nature, even if we are subjectively unimpressed by the prospect. This account is therefore not moved by the suicide's own insistence that she really wants to die, or that she would be more than happy to quit the practical demands of moral community altogether. Such insistence, far from troubling the Kantian case against suicide, would serve as further evidence of suicide's immorality – to want to die, and to want out of moral community altogether, is to want to quit morality itself.[27]

There may seem to be a tension between my focus on practical nature and the fact that Kant always addresses suicide as a *duty to self* (*G*, 4: 421–2; *MS*, 6: 421; VE, 27: 340). My account may seem to cast suicide as an affront to a kind of community, making suicide sound like a violation of a duty to others. But for Kant, all moral duties have the same root and same fundamental justification. Distinguishing duties to self from duties to others is, in my view, just a way of classifying and getting a grip on particular obligations to particular objects, not a way of distinguishing fundamentally distinct kinds of obligation. If we are moral, we command ourselves to respect, preserve and promote the complex of freedom, rationality and will that is distinctive of human beings and that lends us our unconditional worth. A failure to command ourselves thus with respect to our own lives – a violation of a duty to self – is also always, for Kant, a failure to commit to the possibility of morality, and so of moral community (see *MS*, 6: 417–18).

Put another way: my focus on a practical nature shows how universalization entails commitment to a kingdom of ends, and how commitment to a kingdom of ends entails duties to self. This, I hope, makes clear why I think the tension here is only apparent.

A Suicide Maxim Rejects an Anthropologically Typical Commitment to Self-Preservation

We now have an interpretation on which a universalized suicide maxim contradicts a necessary conceptual condition of a practical nature. But there is both more to want and more to be had. We might, for example, want more explanation of Kant's alarmed and harsh condemnation. It seems unlikely to issue entirely from the conceptual point. After all, we subordinate the value of the unconditioned end to agreeableness in all sorts of violations and, though morally blameworthy, these violations do not occasion the same apoplectic response: a suicide maxim may place agreeableness over free rational willing, but is this really tantamount to threatening *savage disorder*? Kant himself even grants that agreeableness by itself, when subjected to careful prudential calculations, can produce quite a bit of order, perhaps enough for us to live reasonably good lives; he concedes arguments advanced by both Hobbes and Hume, acknowledging in his famous remark that even a nation of devils could solve the problem of setting up a state (ZeF, 8: 366).[28] Kant of course wants more, and endorses acting towards the agreeable only when this does not involve subordinating free rational will, but, as we have also seen, prudentially enforced incentives play an important supporting role in establishing moral community (see also e.g. ZeF, 8: 366–7). Prioritizing agreeableness does not have to lead to out-and-out catastrophe, even if it is always morally suboptimal. The conceptual claim does not seem to fully explain Kant's alarm.

We might also want to understand why suicide is among the very few cases where Kant reliably invokes not only 'universal laws of nature' (read now as practical nature), but also violation of something like our sensuous, animal nature. The other cases are self-mutilation (*MS*, 6: 421, 423), overindulgence in food and drink (*MS*, 6: 420, 427), and bestiality and non-heterosexual sex (*MS*, 6: 277, 420, 425) (see also VE, 27: 345–7 and 385–92 on all these cases). Kant cannot, as we have already seen, consistently claim that any of these contradicts nature in any theoretical sense. They all occur in that nature, after all. But he is clearly tempted to make something of traditional claims about their 'unnaturalness'. This may in part explain why so many suppose he turns to teleology as a moral touchstone – something the same readers quickly note as a problem.

I think we can, in fact, explain why Kant so often invokes our sensuous, animal nature in his condemnations of suicide, and I think we can do this in a way that helps explain his alarm.

Over and above his concern with the conceptual demand for an unconditional end, Kant's invocations of 'unnaturalness' and his alarm both stem, I think, from the suicide maxim's rejection of the ordinary array of sensuous desires that flow from an anthropologically typical commitment to self-preservation. My claim here will be that a failure to have this commitment is tantamount to rejecting a condition of the possibility of a realized practical nature.

The following passage from the Collins lectures is helpful:

> Suicide evokes revulsion with horror, because everything in nature seeks to preserve itself: a damaged tree, a living body, an animal; and in man, then, is freedom, which is the highest degree of life, and constitutes the worth of it, to become now a *principium* for self-destruction? This is the most horrifying thing imaginable. For anyone who has already got so far as to be master, at any time, over his own life, is also master over the life of anyone else; for him, the door stands open to every crime, and before he can be seized he is ready to spirit himself away out of the world. (VE, 27: 372)

What is Kant's thought here? The passage opens in a way that feels teleological: suicide is wrong because it goes against the natural drive to self-preserve. But the topic, again, is really the free choice of rules to live by. Damaged trees, animals and other living bodies are not free; they follow natural laws, pursuing their own growth, sustenance, reproduction and preservation relentlessly and without choice. We, in contrast, live freely; we are not forced by nature to pursue self-preservation, though we typically have an impulse to. The thing that evokes revulsion with horror here is the use of freedom to pursue a self-destructive deviation from this typical impulse. Such a use of freedom is horrifying because it coincides with being utterly ungovernable, master of everyone but subject to none, free from any restraint whatsoever: 'for anyone who has already got so far as to be master, at any time, over his own life, is also master over the life of anyone else'. A subject who opts to use freedom for self-destruction is immune to coercive incentives: 'for him, the door stands open to every crime, and before he can be seized he is ready to spirit himself away'. As I read it, this passage offers the beginning of an argument that suicide is inconsistent with the possibility of a moral law-governed human community.

The argument is this. A maxim generally committed only to agreeableness is bad enough, but a maxim that specifically misses or overrides the ordinary sensuous commitment to self-preservation presents, for Kant, a special kind of danger. A person acting on such a maxim cannot be motivated to comply with any law: such a person turns away not only from moral considerations, but also from ordinary prudential ones. The best and most reliable order-producing principle in human affairs is the moral law, but prudential self-preservation is a powerful second. A maxim, a will, that turns away not only from a commitment to free rational willing but also from a commitment to self-preservation turns away from *all* possible sources of practical order, exploiting freedom to, as it were, introduce lawlessness.

A strong desire for self-preservation can either be missing or be overridden. A subject missing the inclination is profoundly and problematically idiosyncratic; it will be nearly impossible for others to know what, if anything, could reliably serve as a sensuous incentive for such a subject, making her a kind of wildcard, 'master over the life of anyone else' (VE, 27: 372). A subject who uses freedom to *override* an inclination for self-preservation is just as bad. This subject uses freedom against sensuous nature (in the inclination for life) only to allow sensuous nature (in the desire to avoid the disagreeable) to best (the moral demands of) freedom. While empirically and theoretically possible, this last strategy is practically incoherent, oscillating as it does between commitments to sensuous nature and freedom in the same act. Either way, in missing or in actively overriding the ordinary background inclination for self-preservation, a suicide maxim rejects an attachment to life that is a necessary condition of a system that depends on our collective ability to push and pull each other in reliable ways. A maxim that rejects the attachment to life in the name of agreeableness cannot be universalized if a practical nature is to be realized.

How does attention to this second problem help explain Kant's willingness to invoke suicide's 'unnaturalness'? I think we should take the term loosely and colloquially, as picking out anthropological facts, related to embodiment, that we neither expect nor can readily explain. Here a failure to have, or a willingness to override, a fierce animal attachment to life is 'unnatural'. Its deviance from the norm thwarts our efforts to use the anthropological facts that are generally true about people in formulating effective, widely available, collectively enforced aids to moral self-governance. Suicide, like overindulgence or non-heterosexual sex, is thus not in any philosophically serious sense 'unnatural'. But the deviation suicide anyway represents makes

reckoning on incentives for suicidal subjects impossible. Suicide's 'unnaturalness', in *this* sense, is thus itself part of the problem.[29]

A suicide maxim represents both a failure to properly value what is most valuable and, adding insult to injury, rejects the sensuous basis for a system of incentives that could at least constrain action. Kant remarks in the lectures that 'those who defend and teach the legitimacy of suicide inevitably do great harm in a republic' (VE, 27: 374). This is so, my interpretation would suggest, because they advocate free rejection of the crucial sensuous bases for a system of incentives in a realizable practical nature. Such a free rejection is alarming, striking a blow at the very possibility of order in human affairs. A maxim that threatens this in principle is indeed, for Kant, horrifying.

4. Conclusion

In another vivid suicide passage from the lectures Kant says, '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' (VE, 27: 375).[30] If we play a bit with this remark, we might say that for Kant, in accordance with what I have argued in this paper, the suicide rejects – 'utterly fails to respect' – the necessary conditions of a practical nature by rejecting both its chief organizing principle (he respects no 'king') and the motivational springs and pulleys that could make such a nature work when push comes to shove (he fears no 'torture'). This combination, I have argued, is what makes suicide monstrous: loosed from biological imperatives, the suicide, via his maxim, orients himself neither toward a rational use of freedom, one that promises to respect, preserve and promote free rational willing itself, nor towards prudential self-preservation, which could at least be enlisted to produce reliable order. Instead, the suicidal subject is, at least temporarily, a subject resistant to all law, guided by a maxim that is oriented towards anarchy.[31]

In the second *Critique*, as we saw and apropos 'a nature under the autonomy of pure practical reason' (*KpV,* 5: 43), Kant writes this: 'It is obvious that in such a nature no one could end his life *at will*, for such an arrangement would not be an enduring natural order' (*KpV,* 5: 44; Kant's italics). My argument has been that this is obvious only if the claims made here are granted. The nature at stake is a practical nature. A practical nature requires subjects whose maxims respect the unconditional value of free rational willing and who also, thanks to sensuous commonalities, are generally susceptible to sensuous incentives and so governable as embodied human beings. A suicide maxim entails rejection

of at least one and often both of these commitments. This is why, for Kant, a suicide maxim 'could not possibly be a law of nature' (*G*, 4: 422).

I believe this account has much to recommend it. It saves us, for starters, from simply abandoning as shoddy an argument the soundness of which Kant thought 'obvious' and which he repeatedly chose to showcase. It makes sense, further, of Kant's formulation of the universalizability test in terms of universal laws *of nature* by showing that 'nature' here need not be read theoretically. At the same time, it makes sense of Kant's references to impulses of theoretical nature in discussions of suicide. Finally, it makes sense of Kant's adamant and alarmed censure, showing that adoption of a suicide maxim does not merely index lamentable despair, but a whole orientation towards life that is inimical to morality itself.

The quotation from Wittgenstein given at the outset thus captures the Kantian hunch: 'If suicide is allowed then everything is allowed. If anything is not allowed then suicide is not allowed' (Wittgenstein 1961: 91e). Kant's deep objection to suicide can be read as a concern that suicide maxims, in rejecting the commitments that make practical order possible, condone anything and everything, ruling out nothing; if there is to be a practical nature at all, suicide must be the first prohibition. Permitting suicide represents an embrace of lawlessness and so, for Kant, a terrifying prospect.[32]

A feature that will also recommend this account to some but not to others: it pulls away, as noted above, from some constructivist readings of the universalization test. It does this insofar as it insists on the objective value of free rational willing and on a duty to will in ways that respect it, including a duty to will realization of a practical nature. It rejects, that is, any strong view that no substantive conception of the good lies at the heart of Kantian practical reasoning, and it complicates matters for any account of the universalization test that insists relevant contradictions must be with individual agents' commitments, as opposed to with agent-neutral commitments that all free, rational agents *should* have. I see this as recommending the account, but know some will see things differently.

Arguments that Kant was wrong to oppose suicide in all cases will, I am sure, continue to be made. My aim here has been less to take a stand on this question and more to argue that Kant's much-maligned universal law argument against suicide in fact works, and in an interesting way. That said, I do think there is something right about Kant's blanket condemnation. His scolding tone is uncomfortable given the evident psychic pain of those contemplating suicide. But it may be worth trying to register Kant's harsh

condemnation as an expression of how upsetting and disturbing suicide is. A suicide's detachment and disconnection from ordinary commitments, be they moral commitments to free rational willing or sensuous commitments to the pleasures and satisfactions of embodied life, *is* terrifying. It is hard to know how to trust or to count on or to make common cause with someone who is really considering suicide.

Of course, a person really considering suicide may not feel in control of those commitments (who among us really does?), and harangues about the value of free rational willing, prudential self-preservation or realizing a practical nature are not likely to help. A person really considering suicide needs to reorganize a whole relationship with life, which is not done easily and is never, I suspect, a simple matter of making an individual, conscious choice. But that is a topic for another paper. Here, I have just tried to show that Kant's universal law argument against suicide, and indeed his horrified alarm, is ultimately grounded in the degree to which suicide repudiates the conditions of the possibility of morality itself. Kant's otherwise puzzling universalization argument works, I have argued, if it is interpreted in this way.[33]

Notes

1 References to Kant's works use abbreviations listed below followed by Akademie volume and page number; all quotations are from the English editions listed below: *ApH* = *Anthropologie in pragmatischer Hinsicht* (1798) (Kant 2006); *G* = *Grundlegung zur Metaphysik der Sitten* (1785) (Kant 1997b); I = 'Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht' (1784) (Kant 1970a); *KpV* = *Kritik der praktischen Vernunft* (1788) (Kant 1997a); *KU* = *Kritik der Urtheilskraft* (1790) (Kant 2000); *MS* = *Metaphysik der Sitten* (1797) (Kant 1991); *Rel* = *Die Religion innerhalb der Grenzen der bloßen Vernunft* (1793) (Kant 1998); VE = Vorlesungen über Ethik (posthumous) (Kant 1997c); ZeF = 'Zum ewigen Frieden' (1795) (Kant 1970b).

2 Here see Cholbi 2010; Guyer 2007: 118–19; Harter 2011; Velleman 2008; Wood 1999: 152–3. Not surprisingly, the suicide that most think Kant ought to permit is that of the terminally ill (Guyer, Harter, Velleman, Wood), though some also wish to defend depressive suicide (Cholbi). An extreme view, found in Cooley 2007, suggests that there are cases of Kantian duty *to* commit suicide (for instance, when severe dementia is inevitable). The applied and biomedical ethics literature on these topics is extensive (see e.g. Brassington 2006; Cholbi 2002; Gunderson 2004; Tonkens 2007).

3 See for instance Unna 2003; Latham 2007; Cholbi 2010. Cholbi denies that Kant rejects all suicides (Cholbi 2010: 489, n. 1), contra Unna and Latham. I side with Unna and Latham. 'By the rule of prudence', Kant says in the Collins lectures, 'it would often be the best course, to remove oneself from the scene; but by the rule of morality it is not allowed under any condition' (VE, 27: 373); later in the same passage: 'misery gives no man the right to take his life' (VE, 27: 373). Kant rejects Lucretia's suicide, committed out of 'modesty and vengeful rage' following a rape: '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' (VE, 27: 371). As far as I can tell, suicide will never be the right course for Kant.

4 Hill, Korsgaard and Guyer all think Kant has resources elsewhere for arguing against some suicides. See especially Hill (1991) and Korsgaard (1996b). Another helpful treatment is Cholbi 2000. Cholbi there defends a Kantian view that suicide is impermissible as it destroys the source of value.

5 The second *Critique*'s otherwise unspecified 'maxim I adopt with respect to disposing freely of my life' is presumably something like this (*KpV,* 5: 44).

6 See O'Neill 1975: ch. 5; 1989: 81–104.

7 Cholbi, Guyer, Korsgaard, Sedgwick, Timmermann and Wood are among the many commentators who turn to the role of nature in trying to work out Kant's universal law argument against suicide (Cholbi 2000; Guyer 2007: 116; Korsgaard 1996a: 88–9; Sedgwick 2008: 113–15; Timmermann 2007: 80–1; Wood 1999: 82–6).

8 Something like this thought is at the heart of Hume's 1755 argument that suicide cannot go against nature since it occurs in nature (Hume 1984: 577–89). Hume also rejects arguments that suicide goes against God. If suicide occurs, Hume sensibly argues, it must be consonant with both. The essay caused controversy and circulated without attribution until 1783, when it was first published under Hume's name.

9 Kant is explicit that fighting or even simply suffering to the end is preferable to suicide in all cases: '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' (VE, 27: 374). For a similar thought regarding Lucretia, see n. 3 above (VE, 27: 371).

10 In the Collins lectures, we find the following telling remarks: 'there is much in the world that is far higher than life. The observance of morality is far higher. It is better to sacrifice life than to forfeit morality. It is not necessary to live, but it is necessary that, so long as we live, we do so honourably … But he who is ready to take his own life is no longer worthy to live' (*VE,* 27: 373). It must be allowed that Kant's final comment here has the potential to render suicide self-warranting (the person who would commit suicide is not worthy of life, so his suicide is not immoral), though Kant does not go this route. Cholbi (2010), as I read him, does. The 'suicidally depressed', Cholbi writes, are 'deteriorated human wills with a specific past but no specific future with which they identify or to which they aspire' (2010: 505). For this reason, their prudentially motivated suicides are morally justifiable. Again: 'Agents like [Maria] von Herbert (or other agents undergoing severe depression or persistent pain) do not have lives the destruction of which destroys something priceless' and so their 'self-destruction would not constitute a loss of value that Kantians should lament' (Cholbi 2010: 507). I think Kant would disagree.

11 Guyer, Sedgwick, Timmermann and Wood, all mentioned in n. 7 above, are among the many who have sought to read Kant thus. They also, however, all point out problems, which I rehearse here. Korsgaard also rejects the teleological reading, but for a different reason, namely its irrelevance for the agent: 'The contradiction in the teleological system is, after all, that a mechanism designed for the protection of life is malfunctioning, but the suicide doesn't want the mechanism to function well in his own case, and he may be indifferent about other cases' (1996a: 90).

12 The term Gregor translates as 'destination' is *Bestimmung*.

13 This even though Kant himself uses 'unnatural' to describe various vices (e.g. in the passage above, and at *MS,* 6: 425). I try to make sense of this toward the end of the paper.

14 See n. 4 above.

15 I thank an anonymous *Kantian Review* referee for offering this apt phrase, along with many other very helpful suggestions.

16 Kant here discusses a 'realized' (*nachgebildete*) counterpart of an 'original' (*urbildliche*) moral, rational archetype, significantly glossed '***natura*** *ectypa*' and '***natura*** *archetypa*',

respectively (*KpV* 5: 43; my bold). Kant writes that the realized counterpart, the *natura ectypa,* exists 'in the sensible world but without infringing upon its laws', and 'contains the possible effect of the idea of [the rational archetype, or *natura archetypa*] as the determining ground of the will', i.e. contains the effects that issue insofar as our wills are actively determined by moral law (*KpV* 5: 43). Puzzling out the full relationship between moral originals and empirical counterparts is, alas, beyond the scope of this paper. (Note that my translations above depart from Gregor: for *urbildliche*, I prefer 'original archetype' to 'archetypal world', and for *nachgebildete,* I prefer 'realized counterpart' to 'ectypal world'.)

17 The German for 'kingdom of ends' is *Reich der Zwecke*. Despite debate in the literature about whether *Reich* would be better translated as 'realm', not least because Kant's kingdom of ends is decidedly not a monarchy, I stick here with 'kingdom' because it highlights the realm's law-governedness.

18 Kant points out this distinction in the *Groundwork* note already mentioned: '*Teleology* considers nature as a kingdom of ends, *morals* considers a possible kingdom of ends as a kingdom of nature. In the former the kingdom of ends is a theoretical idea for explaining what exists. In the latter, it is a practical idea for the sake of bringing about, in conformity with this very idea, that which does not exist but which can become real by means of our conduct' (*G,* 4: 436n.). Timmermann helpfully comments on this note, pointing out that in it 'Kant declares moral philosophy to be a kind of "inverted" teleology because moral action consciously places a purposeful structure on nature' (Timmermann 2007: 113).

19 For additional things, beyond those noted below, the existence of which is determined by moral law, see *MS,* 6: 221–8, where Kant discusses concepts preliminary to a metaphysics of morals.

20 A fuller account of considerations motivating my claims here can be found in Uleman 2004.

21 A very persuasive, full-length treatment of this idea can be found in Moran 2012.

22 Many others have argued that Kant's universalizability requirement will never succeed if it is read just as a logical algorithm or stand-alone test. There is Hegel's famous emptiness worry (1991: 162–3, §135); there are Herman (1993) and Korsgaard (1996a); and there are many others.

23 A fuller defence of these claims about universalizability can be found in Uleman 2010, esp. ch. 6, 'The Categorical Imperative: Free Will Willing Itself' (pp. 111–43).

24 A defence of this reading of 'objective rules' can be found in Uleman 2010, ch. 3, esp. pp. 44 and 51–3.

25 In a passage that closely follows the one above, Kant says this: 'All the evils in the world spring from freedom. Animals act according to rules because they are not free. But free beings can act in a regular fashion only insofar as they restrict their freedom by rules' (VE, 27: 345).

26 A full defence can be found in Uleman 2010.

27 Thanks to an anonymous reviewer for pressing me on this point.

28 But cf. *KpV,* 5: 28, where Kant writes that if we pass off 'the desire for happiness as a universal *practical law* … the most extreme opposite of harmony would follow, the worst conflict, and the complete annihilation of the maxim itself and its purpose'. This is due to happiness's fundamental indeterminacy, which makes it inherently open to idiosyncratic and competing interpretations. This is of course why we need the unconditioned end to structure practical nature.

29 Likewise, perhaps, with excessive use of food and drink, where a failure to self-regulate could signal compulsive, overriding thrall to one's appetites. Non-heterosexual sex? This analysis could in fact lead to a Kantian defence. The claim: Kant was himself wrong to think same-sex desire or sexual activity, for instance, renders a person dangerously

unpredictable or illegible. Where it might seem to – where secrets must be kept, desires hidden, double-lives led, etc. – unpredictability or illegibility is a result of misplaced social censure, not of the desire itself.

30 As an anonymous reviewer aptly notes, suicide bombers come to mind here.

31 The position I attribute to Kant here prefigures some of Hegel's remarks. Suicide, for Hegel, represents what is dangerous and destructive about 'negative freedom'. Negative freedom, per Hegel's *Elements of the Philosophy of Right*, is freedom of will abstracted from every limitation. Hegel also calls this freedom 'the freedom of the void', and writes that, 'if it turns to actuality, it becomes in the realm of both politics and religion the fanaticism of destruction ... annihilating any organization'. He comments: 'It is inherent in this element of the will that I am able to free myself from everything, to renounce all ends, and to abstract from everything. The human being alone is able to abandon all things, even his own life: he can commit suicide' (Hegel 1991: 38, §5).

32 In re: lawlessness, see Seiriol Morgan's wonderful paper, 'The Missing Formal Proof of Humanity's Radical Evil in Kant's *Religion*' (Morgan 2005). Morgan there pursues the thought that our propensity to evil consists in our attraction to 'untrammelled license' (80–1), i.e. to freedom as sheer wilfulness, rather than as fully rational autonomy. When we let this attraction have the upper hand, we choose wilfulness and whim *in the name of freedom*, though *in fact this choice can always only amount to choosing the satisfaction of some inclination* (82). Choosing this way is choosing evil. Thanks to Desmond Hogan for pointing me to Morgan's work.

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