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# The Gallows Alien: Extending the Concept <Person> to Non-Human Organisms

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### Abstract

Immanuel Kant maintained throughout his life that non-human persons likely exist but he failed to specify how we could recognise them. In this article, I argue (a) that non-human organisms can be considered non-human persons if they can be judged as belonging to a species with a moral vocation, and (b) a species can be judged as having a moral vocation if at least one of its members is able to make what I will call a “moral sacrifice” in which that member sacrifices its physical life for the sake of its moral life.

### Résumé

Tout au long de sa vie, Immanuel Kant a soutenu que les personnes non humaines existent probablement, mais il a omis de préciser comment nous pourrions les reconnaître. Dans cet article, je vais démontrer (a) que les organismes non humains peuvent être considérés comme des personnes non humaines s'ils peuvent être envisagés comme appartenant à une espèce à vocation morale, et (b) qu'une espèce peut être considérée comme ayant une vocation morale si au moins un de ses membres est capable de faire ce que j'appellerai un « sacrifice moral » dans lequel il sacrifie sa vie physique pour le bien de sa vie morale.

**Keywords:** Immanuel Kant; non-human persons; recognition; ethics; suicide; sacrifice

## 1. Introduction

Imagine one night you are suddenly confronted with an alien being. What would make you recognise it as an alien *person* and not merely an alien *animal*? Would it

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have to communicate with you? If so, what message would it need to communicate? Would it need to perform a specific set of behaviours? If so, which ones? Or could you immediately infer that it is a person, and not a mere animal, from simply observing its artifacts?<sup>1</sup>

My aim in this article is to suggest a method for extending Immanuel Kant's concept <person> to non-human organisms. Imagining how this concept could be expanded to non-human — and even non-terrestrial — organisms is not as far-fetched or out of line with Kant's own project as it may initially seem. Throughout his work, Kant maintains that it is merely a contingent fact that we have only experienced one species of rational beings, and he argues that the existence of extraterrestrial rational life is a real possibility (see, e.g., Part 3 of *UNH*, *CPR*, A825/B853, *Anthro.*, 7:322).<sup>2</sup> Unlike Kant, however, I am not concerned with the ability to recognise other species contained under the genus <rational animal>; I am concerned

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<sup>1</sup> Pointing to an alien species' technologically advanced artifacts or the complex signs left behind in the form of crop circles is a common way of signalling the presence of extra-terrestrial life, at least in popular culture. Take, for example, the characters in M. Night Shyamalan's film "Signs." They were able to infer the presence of intelligent aliens from the complex geometrical signs carved into the surrounding cornfields. Had Kant watched "Signs," he would likely agree that the inference was justified. Indeed, Kant argues that whenever we happen upon a geometric figure — even a relatively simple one like a hexagon — we *must* judge that the shape was caused by a rational artificer and must not judge that anything in nature (e.g., the wind, sea, or the footprints of some animal) caused the figure (*CPJ*, 5:370). Kant takes for granted that anything capable of creating a precise geometric form would have to have a concept of that shape and thus must be a rational being. Typically, we would assume that the rational artificer in question is human but, in cases where it is clear that the figure could not have been created by humans, Kant would agree that the characters in "Signs" were correct to infer the existence of a non-human artificer. I am not concerned with the inferences we would make were we to encounter an alien artificer. Many non-human animals make precise, complex geometric shapes: bees make honeycombs comprised of precise hexagons; pufferfish make underwater "crop circles" comprised of circles with symmetrical, radially aligned ridges. Yet, despite these abilities, Kant considers neither bees nor pufferfish to be rational organisms, capable of creating these shapes using concepts according to self-imposed rules. Moreover, I am not concerned here with the ability to designate non-human organisms as rational beings; I am concerned with the ability to designate them as rational *and* responsible beings — that is, persons (*Rel.*, 6:26). Although it is contingently the case that every person we have experienced is also rational, Kant is clear that the two need not necessarily be found together. That is, even if we were to designate bees or pufferfish as rational on the basis of their figure-making skills, this would not necessarily indicate that either are moral persons.

<sup>2</sup> The *Critique of Pure Reason* is cited in the customary fashion: the page number in the 1781 edition (A) followed by the page number in the 1787 edition (B). Kant's other works are cited by volume and page number in the *Akademie* edition. English translations follow translations from the Cambridge Editions. I use abbreviations of Kant's works, tracking their English titles as follows:

*Anthro.*: *Anthropology from a Pragmatic Point of View*

*CPJ*: *Critique of the Power of Judgment*

*CPR*: *Critique of Pure Reason*

*CPrR*: *Critique of Practical Reason*

*GMM*: *Groundwork for the Metaphysics of Morals*

*LE*: *Lectures on Ethics*

*MM*: *Metaphysics of Morals*

*Rel.*: *Religion within the Boundaries of Mere Reason*

*UNH*: *Universal Natural History*

rather with the ability to recognise non-human species contained under the genus <*moral person*>.

All moral persons have what Kant calls “personality.” Kant’s use of this term does not map onto to our usual, everyday understanding of the word: e.g., of a persisting character, a set of behaviours, ways of thinking, etc. By “personality,” Kant means a rational and responsible being who is not only aware of what the moral law demands, but who also has the ability to determine herself with respect to what that law demands. In essence, freedom (understood as the ability to act from duty) is the essential character of personality and I will suggest here that we are justified in extending the concept of personality to any organism that displays freedom.<sup>3</sup>

But what behaviour could be used as a marker of personality? I will suggest that any organism capable of making a special type of self-sacrifice, wherein the organism acts with respect to its duty at the expense of its happiness, ought to be judged as having personality. I will call such a sacrifice a “moral sacrifice.”

Extending personhood to bodies given in experience is possible if and only if the organism in question has been identified as a member of a species with a moral vocation — in short, as a species that has as its end a moral life — and a species’ vocation can be deemed moral if and only if at least one of its members is capable of sacrificing its physical life for the sake of its moral life. When it comes to human persons, making this judgement is easy. I can judge that any human is capable of making such a sacrifice because I have already identified the human species as having a moral vocation. And I am justified in making this judgement on the basis of my first-personal experience — I am aware of my own consciousness of the moral law and I affirm my ability to freely determine myself with respect to its demands. Even in cases where I fail to act dutifully, I am aware that I could have done what the law demands. These capacities I witness within myself are presented not as something idiosyncratic, but as capacities which necessarily belong to the human species as a whole. In the case of non-human organisms, however, the judgement “this organism is a person” is not immediately justified, even in cases where it seems as if the organism has acted dutifully, precisely because we are not warranted in drawing an analogy between ourselves, and our inner capacities, and the non-human organism. Determining that an alien species is in fact capable of determining itself with respect to the moral law, and does not merely appear capable of dutiful action, requires that at least one member of that species is witnessed sacrificing its physical life for the sake of its moral life. More concretely, I will suggest that only those organisms who have been witnessed committing suicide for the sake of preserving the

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<sup>3</sup> *Nota Bene*, naming an organism a person is not an act of determination (i.e., does not involve a schematism of the understanding); it requires an act of reflecting judgement. Even the ability to deem that a body given in experience ought to be considered an organism is grounded in such an act of judgement. Bodies are not given as organisms. Naming something as an organism requires that the subject make a judgement of reflection. The specifics of how such a judgement is made is outside the scope of this article but I raise it here as a means of highlighting that intersubjectivity requires a set of judgements on the part of the subject — a body is never given directly as a moral person, it is not even given directly as an organism. Judging that something is an organism or a person requires that the subject posits a specific end towards which that body is directed and the positing of this end will always be an act of reflecting judgement, not determining judgement.

dignity of their person can be judged as belonging to a species with a moral vocation and thus, as being non-human persons.

## 2. Sacrifice

When I speak of “sacrifice,” I am referring to the most common, everyday understanding of the word: the act of suppressing an inclination or destroying an object for the sake of something deemed more valuable. Let’s call this species of sacrifice a “suppressive sacrifice,” which can be broken into one of two kinds:

1. A sacrifice for happiness      an act of sacrifice done for the sake of gaining an advantage.
2. A moral sacrifice              an act of sacrifice done for the sake of acting from moral principles.<sup>4</sup>

### 2.1 Sacrifices for Happiness

A sacrifice for happiness is done for the sake of accomplishing an end, typically an end expected to satiate a desire or inclination. For example, in chess, a sacrificial move is one where a piece or advantageous position is sacrificed for the sake of securing a better advantage later. Here, the player performs a cost-benefit analysis and determines that allowing a piece to be taken now will help her achieve her end: winning the game. A sacrifice for happiness can also be made by suppressing one’s immediate inclination for the sake of a hoped-for future reward. For example, a shopkeeper may suppress her immediate inclination to overcharge an inexperienced customer for the sake of ensuring that the customer will continue to patronise her store in the future, thereby sacrificing her immediate desire to acquire money in the short term for the sake of securing more money in the long term.

Most, if not all, organisms are able to make the kinds of decisions that underpin sacrifices for happiness. These sacrifices require that the subject can compare competing inclinations and choose which option is likely to have the best pay-off. Even relatively simple organisms, like insects, routinely need to make decisions about how to proceed, and these decisions require that the insect sacrifices one option for the sake of another. For example, when foraging for nectar, the bumblebee must decide whether it should continue to exploit its current cluster of flowers or move on to a

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<sup>4</sup> Here, acting in accordance with moral principles must be understood as either acting with respect to *actual* moral principles or with regards to those principles the subject may represent as moral but that are not, according to Kant, strict moral duties — e.g., ancient Greeks would make sacrifices of grain, incense, and wine to their gods, ancient Egyptians and Jews would give libations, sacrificing wine, oil, or food to their deceased, and modern Christians would give tithing, not because (or not only because) doing so is thought to gain the favour of the gods or ancestors but because such a sacrifice is represented as fitting, or the right thing to do even when the subject expects nothing in return. Although these sacrifices do not represent Kantian moral duties, it is important to include these acts within the category of “moral sacrifice,” as the ability to make such a sacrifice demonstrates that the subject is able to (a) represent supersensible laws with which she ought (or thinks she ought) to comply, and (b) is able to act in accordance with those laws she imposes upon herself. Even in cases where the subject acts with respect to a principle she has mistakenly designated as a strict duty, she has nevertheless demonstrated a capacity to act in accordance with self-imposed, supersensible laws.

new patch. Both options have potential benefits and drawbacks: on the one hand, continuing to exploit a proven food source may be the best way to proceed if the organism's goal is to harvest a large amount of nectar in a short amount of time; on the other hand, moving from flower patch to flower patch is the best course of action if the bee hopes to collect only the best nectar. This second option will satisfy the bee's desire to gain the best quality nectar the environment has to offer but it will require that the bee invests more time and energy flying between flowers. Despite the potential rewards and drawbacks associated with each strategy, the bumblebee is able to make a decision and will not become paralysed by indecision or continuously waiver back-and-forth between the two options.<sup>5</sup> The bee is able to make a decision and, in doing so, it chooses to sacrifice one inclination for another.

The ability to make these sorts of decisions is needed not only in foraging situations, but in all areas of an organism's life. Organisms routinely need to decide between competing inclinations and desires, for example, they need to balance their desire for food, fun, or mates with their fear of predators and competing conspecifics. Ultimately, choosing to act in one way rather than another will always involve sacrifice: in choosing option A, the organism is giving up the ability to act on option B.

Non-human animals will even suppress an immediate desire for the sake of securing an expected future reward. Although my dog shows a deep mistrust of the mailman, he will, on occasion, overcome his desire to bark at the mailman for the sake of securing praise or a treat. My dog's sacrifice here is no different in kind from that made by the shopkeeper, as both are deciding to give up something of value right now (either the desire for money in the short term, or the desire to stand guard) for the sake of potential happiness in the future.

At this point, my reader may question whether these animals are indeed making a *sacrifice*, as a sacrifice implies that the actor *knows* that she is making a sacrifice and makes this sacrifice precisely because she *intends* to do what is in her best interest. Acting in one's best interest seems to require that the subject has a concept of her own best interest, and such a concept requires that the subject can (a) represent her future possible states, and (b) be motivated by the abstract concept of her long-term wellbeing (cf. Korsgaard, 2009, p. 102). If the animal has no concept of what is in its best interest and does not understand that it has suppressed one inclination for the sake of another precisely because it intended to do what is in its best interest, it becomes unclear as to whether we ought to properly call the animal's act an act of "sacrifice." It would seem rather, so this objection goes, that the animal's behaviour is wholly determined by instincts and mechanisms that lie outside of its control.

I do not think that there is a deep discontinuity between the sacrifice made by the chess player or shopkeeper and those made by animals. There is likely a difference in the degree to which humans and animals are able to reflect on the concept of their own wellbeing and the extent to which they are in fact acting in accordance with a principle that will bring about their long-term wellbeing, but ultimately, this will be a difference in degree and not in kind. I also think that it should be clear that animals intend their actions. An animal's behaviour is guided by its perceptions: my dog

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<sup>5</sup> For an overview of animal decision-making practices in foraging situations, see David Stephens (2008).

barks *because* he hears the mailman's distinctive footsteps. Moreover, an animal's perceptions of its environment ought to be thought of as intentional. That is, when my dog barks at the mailman, it is because he perceives this person *as* a threat. If he did not, there would be no way to explain why he barks at the mailman, but not at other people. My dog's ability to perceive the mailman as a threat indicates that he has at least a vague concept of his own wellbeing and in some sense must represent the mailman, and the letters he slides through the letterbox, as a threat to his safety, family, and territory.

Although I think that it is clear that animals have some means of calculating what to do in a given situation and at least a vague sense of what is in their best interest, it is equally clear that they cannot represent their options or understand their motivations for acting to the same extent that humans can. However, an ability to fully understand one's motivations or practical principles is not a necessary condition for making a sacrifice. A sacrifice is made whenever a subject suppresses one inclination for the sake of another, or destroys something of value for the sake of securing something deemed even more valuable. Fully understanding why or how the sacrifice was made is not integral to making the sacrifice itself. As such, it appears that all organisms, be they human or non-human, are capable of making what I have called "a sacrifice for happiness." Indeed, the ability to make these types of sacrifices is likely a necessary requirement for the ability to flexibly deal with one's environment and thus we should not be too surprised to find that all self-moving organisms are able to make this type of sacrifice. Yet, at the same time, if all self-moving organisms are capable of making sacrifices of this kind, sacrifices for happiness cannot be that marker by which we judge whether non-human organisms are persons.

## 2.2 Moral Sacrifices

A moral sacrifice, on the other hand, is performed not because the subject thinks the action will secure her some future advantage, but because she thinks that she *ought* to make the sacrifice, regardless of the potential consequences. For example, a subject may choose to give up wealth, power, or even her own life rather than renounce her religious or political beliefs; someone may risk mutilation or her life by going to war for the sake of her country; or a caregiver may postpone her own career goals and life plans to care for a family member.

Of course, in most cases, a single act of sacrifice can be seen as serving multiple purposes — the soldier may enlist because she thinks that any citizen ought to risk her life for her country while also expecting to receive a future benefit (e.g., a secure job or admiration from friends and family), and the caregiver may postpone her career ambitions to care for her ailing mother not only because doing so aligns with her representation of what she owes her mother, but also because she expects that this selfless act will give her a leg up on a sibling who refused to make the same sacrifice. In any particular case, it may be difficult to determine the agent's genuine motivations, but these two forms of sacrifice do conceivably come apart, as it is possible to conceive of an agent making a sacrifice for the sake of doing what is right while also expecting to receive no recognition for her act, or perhaps even expecting to be punished for it.

The distinction I have been drawing here between *sacrifices for happiness* and *moral sacrifices* are highlighted in Kant's example of the Gallows Man. As we will see, the Gallows Man's status as a free and responsible person is only highlighted when he is called to make a moral sacrifice.

### 3. The Gallows Man

The case of the Gallows Man runs as follows: suppose someone tells you that he is completely unable to overcome his lustful inclinations. He tells you that his desires are so strong that he cannot help but act on them whenever he is presented with the opportunity to do so. In response, you ask whether, if gallows were erected and he were to be hanged on it immediately after gratifying his lust, would he still be unable to control his inclination? Of course, we would expect that any sane person would answer that he could in fact squash his lusty desires for the sake of another desire: the desire to remain alive. Now imagine that you ask this same pleasure-seeking man if he would choose to be hanged or give false testimony against an honourable man his prince would like to destroy. The Gallows Man may be unable to say with certainty whether he would in fact overcome his love of life to do what the moral law demands, but Kant says that this man knows that he *could* (CPrR, 5:30).

The Gallows Man's dilemma maps onto the two types of suppressive sacrifice I outlined above. In the first case, the Gallows Man is asked to sacrifice one inclination (lust) for the sake of another (his love of life) and as such, he is being asked to make a sacrifice for happiness. When the Gallows Man decides to suppress his lusty desires for the sake of satiating another, stronger desire, his sacrifice is no different in kind from a sacrifice a non-human animal may make. For example, consider the analogous case of a cheese-loving mouse. A mouse may have such a strong desire for cheese that it cannot help but gorge itself whenever it is presented with the opportunity to do so. However, if that cheese were placed next to a particularly adept mouse-hunting cat, the mouse surely *could* overcome its lust for cheese, precisely because its desire to remain alive is stronger, and judged as more likely to bring about its happiness and wellbeing, than its desire for cheese.

This potential for suppressing one desire for the sake of another, stronger desire does not indicate that the mouse should be judged as being a free and responsible agent; the mouse has shown that it has the ability to self-direct according to empirical principles — i.e., the principle “I ought not risk my life simply for the sake of satiating my hunger,” but not that it can self-direct according to *moral* principles. The ability to self-direct according to empirical principles may indicate that the animal can act on the basis of its representations and is capable of weighing the potential rewards and risks associated with acting on either inclination in its current situation, but its ability to choose one option rather than the other does not indicate that it is a moral agent. That is, since the mouse's choice is grounded in an inclination, the mouse can be judged to be an organism, but not a person. Likewise, in the first half of the example, the Gallows Man has shown that he has an ability to act on the basis of a strong inclination, but not that he can act for moral reasons.

In the second case, the Gallows Man is asked to choose to prioritise either his love of life or his duty. The thought experiment is carefully set up such that the Gallows

Man must choose to act either morally (i.e., refuse to tell a lie and allow himself to die) or prudentially (tell the lie and continue to live). There is no possible action the Gallows Man could perform that would satisfy both his desire and his duty. Although the Gallows Man is free to choose whether he determines himself morally or prudentially, it should be clear to any reader that he ought to act dutifully, even though it means allowing himself to die. The Gallows Man is thus being asked to make what I am calling a “moral sacrifice.”

The Gallows case is set up such that *every* reader will conclude that it would be best if the pleasure-seeking man acted dutifully. The thought experiment is able to elicit this universal response from its reader because, Kant states, any properly set up thought experiment can be used to show something necessary about consciousness. Indeed, Kant states that properly setup thought experiments are analogous to scientific experiments in the sense that both are capable of demonstrating a necessary relation:

When an analysis adds alkali to a solution of calcareous earth in hydrochloric acid, the acid at once releases the lime and unites with the alkali, and the lime is precipitated. In just the same way, if a man who is otherwise honest (or who just this once puts himself only in thought in the place of an honest man) is confronted with the moral law in which he cognizes the worthlessness of a liar, his practical reason (in its judgment of what he ought to do) at once abandons the advantage, unites with what maintains in him respect for his own person (truthfulness), and the advantage, after it has been separated and washed from every particle of reason (which is altogether on the side of duty), is weighed by everyone, so that it can enter into combination with reason in other cases, only not where it could be opposed to the moral law, which reason never abandons but unites with most intimately. (*CPrR*, 5:92–3)

As Owen Ware states, the Gallows Man’s dilemma in the second half of the example is set up as just such a thought experiment: “adding a pure determining ground (‘the alkali’) to the man’s empirically affected will (‘a calcareous earth in hydrochloric acid’) in order to see what must result” (Ware, 2014b, p. 12). In much the same way as the chemist’s experiment shows a necessary relation between chemicals, Kant’s thought experiment indicates that consciousness of one’s duty is necessary; whenever a human, even one who tends to think of himself as wholly unable to overcome his desires, is thrown into a position where he must choose between his inclination and his duty, he will always become conscious of the universally binding nature of his duty, even if he ultimately fails to act with respect to it.

Ultimately, what the Gallows Man in fact decides to do is unimportant. What is important for Kant (and for my purposes here) is that both the reader and the Gallows Man recognise that the moral imperative “never tell a lie” is presented (a) as an immediate ground of choice, completely *a priori* and independent of any sensible data, and (b) as something that is universally binding, even in cases where acting morally is stripped of all promise of reward or indeed, as in the Gallows Man’s case,

comes at a great personal cost.<sup>6</sup> That is, the Gallows Man is not conscious of a prudential rule — i.e., he is not aware of a rule like “I ought only lie when my life is at risk” — he is aware that he *ought* to overcome his love of life for the sake of doing his duty simply because he understands himself to be a subject of the moral law and thus is forbidden from lying in any circumstance. By attending to the necessity with which reason prescribes moral principles, the Gallows Man is moved to see that he does in fact affirm both his categorical obligation to the moral law and his capacity as a free agent to do what the law demands (cf. Grenberg, 2013, p. 163). In doing so, Kant says, the Gallows Man “cognizes freedom within him, which, without the moral law, would have remained unknown to him” (*CPrR*, 5:30).

Kant refers to the consciousness of the moral law as a “fact of reason” (*CPrR*, 5:31n). By a “fact” of reason, Kant means that it is something that “forces itself upon us” but which cannot be reasoned out from antecedent data of reason (*CPrR*, 5:31n). The fact of reason “forces” itself upon us in a manner analogous to the way in which facts of our empirical awareness “force” themselves upon us. For example, that there is a cup of coffee on the table is a fact of my experience. I cannot choose not to perceive the cup when perceiving the table, and I cannot decide how the cup appears to me — e.g., I cannot choose its shape, colour, etc. Likewise, I do not gain an awareness of the cup by means of a process of inferential or deductive reasoning (cf. Grenberg, 2013, p. 193; Ware, 2015 p. 302). I cannot choose what is given to me in perception; the cup of coffee on the table is simply given as a fact of my empirical experience.

Likewise, the Gallows Man’s consciousness of what the moral law demands via the feeling of respect is a fact of his experience.<sup>7</sup> He may wish that he was not conscious of his duty, as this would make it much easier to act prudentially, but the consciousness of the binding nature of the moral law and one’s own ability to do what that law demands cannot be wished away. It is simply a fact of our experience as persons. It is this fact of our experience as persons that is crucial here. The Gallows Man feels a

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<sup>6</sup> In fact, Kant argues that a dutiful act is all the more praiseworthy when it requires an act of self-sacrifice and is accompanied by no reward whatsoever:

[...] the degree to which an action *can be imputed* (*imputabilitas*) has to be assessed by the magnitude of the obstacles that had to be overcome. — The greater the natural obstacles (of sensitivity) and the less the moral obstacle (of duty), so much the more merit is to be accounted for a *good deed*, as when, for example, at considerable self-sacrifice I rescue a complete stranger from great distress. (*MM*, 6:228)

<sup>7</sup> Kant refers to the ability to grasp what the moral law demands as the feeling of respect. Respect is indeed a *feeling* and, as a feeling, it appeals to our sensible nature. Yet, this does not mean, as Grenberg (2013) argues, that respect for the moral law is empirical. Kant explicitly states that respect is not empirical (see *CPrR*, 5:31). Respect is marked out from all other feelings — which we can call “empirical emotions” — insofar as it is not grounded in our sensible nature. Respect is a feeling of a special kind, as it is “a feeling self-wrought by means of a rational concept” (*GMM*, 4:401n). That is, whereas all empirical emotions are caused purely from the influence objects exert upon one’s senses, respect cannot be aroused through the perception of an object. Respect can only be aroused by the awareness of a law that has supreme authority over me (cf. *GMM*, 4:401n). For a more in-depth account of respect than can be provided here, see Ware (2014a, 2014b) and Schönecker (2013).

conflict between his inclination (what he wants) and his duty (what he ought to do). An awareness of this tension is crucial, because it, and it alone, reminds the Gallows Man (and the reader) that he has the capacity to rise above his immediate, animal inclinations.

At this juncture, we may want to ask what the role of the reader as spectator is. Until this point, I have been describing the Gallows Man's awareness of the demands of the moral law first-personally. But what I am interested in here is our ability to recognise this tension in another agent, especially in those cases where the other agent may fail to act with respect for the moral law.

As Jeanine Grenberg (2013) and Ware (2014b) have argued, judging that another is conscious of the moral law is likewise experienced immediately and first-personally. Ultimately, we can only become aware of such a tension in another if we project or imagine ourselves in the other's position. That is, when I read about the terrible decision the Gallows Man must make in the second half of the example, I cannot help but imagine myself in his position nor can I help but imagine what I would feel were I in that position. I may not *know* what I would do were I in his situation, but I know that I would feel a conflict and I use my imaginings as evidence for what any normal person would likely feel in such a position.<sup>8</sup> Compare what Kant is doing here with his

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<sup>8</sup> Martin Sticker objects to this reading, arguing that the Gallows case does not require the reader to project herself into the position of the Gallows Man. Rather, Sticker argues that Kant is using the Gallows case to show that we can learn about awareness of the moral law by attending to what a neutral third-party (the Gallows Man) admits about his own experience (Sticker, 2016, p. 351). If this is the case, then Kant is indicating that awareness of the moral law is not only available first-personally — moral reason is, at least to a certain extent, intersubjectively accessible and I can learn about another's reasons for acting and her experience of the moral law by engaging her in dialogue. Although it is true that Kant does not explicitly ask the reader to project herself into the Gallows Man's position, it is not clear that the case of the Gallows Man is third-personal in the relevant sense. That is, just because Kant mentions a person other than himself or the reader does not indicate that he intends for the reader to reflect on that person as if she were encountering him third-personally in the world (Grenberg, 2018, p. 371). Sticker also worries more generally that any attempt to restrict awareness of the moral law to the first-person perspective — something he thinks Grenberg (2013) attempts to do — may unwittingly incorporate mere idiosyncrasies into one's understanding and, as such, the first-personal perspective is insufficient for establishing the possibility of a pure practical philosophy (Sticker, 2016, p. 350; see also *Anthro.*, 7:133, 7:128). It is likely true that my first-personal perspective is not always sufficient for affirming my awareness of my obligation in a particular case. As Grenberg notes, “[s]ometimes it is necessary to get knocked out of my unthinking or stubborn way of proceeding by some significant unexpected encounter with someone directly” (Grenberg, 2018, p. 372). But I am not convinced that this entails that first-personal awareness is not a necessary component of my awareness of the obligation. If I could gain an awareness of the other's reasons for acting by merely attending to what she says of those reasons and without imagining what I would feel in her position, there would be no good way to determine whether another is lying to me, or merely appearing to act with respect for the moral law. For example, consider the following: in an attempt to justify his failure to act dutifully, the Gallows Man tells you that he neither feels the pull of the moral law nor does he affirm his ability to act with respect to it. Surely this conversation would not inspire you to conclude that this man is wholly unaware of the moral law and its demands; you would likely conclude that this man is trying to deceive you or even himself, and you could draw such a conclusion because you already have experience of yourself making these sorts of justifications for bad behaviour. Even in the Gallows case as laid out by Kant, we cannot solely rely on the Gallows Man's testimony. In order to feel respect for the Gallows Man's dutiful action, we need to judge that he is moved by the same moral principles that move us and this cannot simply be done by listening to what he says of his motivations. Indeed, Kant tells us that no example of the moral law can be given in experience (*CPPrR*, 5:47). Determining that another has acted morally, rather than

attempt to show that space is necessary *a priori* in the first *Critique*. In the first *Critique*, Kant asks the reader to imaginatively remove everything empirical from an object (e.g., its colour, impenetrability, etc.) as a means of showing that space cannot be abstracted away from the object. Ware (2014b, p. 13) contends that Kant is asking the reader to do something similar in the case of the Gallows Man; the only difference is that Kant is now applying this strategy to the perspective of another person: when we think of someone in the Gallows Man's position in the second part of the example, we cannot think of any empirical factor that would make him refuse his prince's order (*viz.*, there is no desire nor inclination that is strong enough to account for the decision to allow himself to die). As such, should the Gallows Man decide to be truthful, the reader is immediately moved to judge that he must be using a principle other than that of his own happiness. In short, consciousness of what the moral law demands is a necessary part of the Gallows Man's consciousness, and his potential refusal to tell a lie cannot be explained without it.

Although respect for the moral law is felt first-personally, it is not idiosyncratic. The awareness of an unconditional obligation, and the conflict such an obligation creates with one's pursuit of subjective happiness, is shared by all finite agents with a rational nature. For Kant, there is but one reason. Any agent who is reasoning correctly from correct principles will come to the same moral judgement. Any reader is thus entitled to study her own reason, imagine how she would react, and to use these imaginings to work out how things must stand for the Gallows Man. As long as the reader is using sound reason, drawing an analogy between herself and another agent poses no problem, as all human agents must reason in the same manner.

When it comes to the behaviours of non-human animals, this type of analogy cannot be made. Consider again the cheese-loving mouse. Even if the mouse were to refrain from stealing another's cheese when it had the opportunity to do so, we would only be justified in thinking that its reasons for acting are grounded in inclination. We are not warranted in thinking that the mouse is considering the moral principle "I ought not interfere with others' property without their consent" precisely because we have not yet judged that the mouse is capable of living a moral life. As such, even if the mouse refrains from taking the other's cheese, we cannot justifiably conclude that the mouse has affirmed the demand of the moral law or its ability to act with respect to it.

A small knot needs to be untied here. Why do the Gallows Man's actions arouse a sense of respect within a human onlooker, but the mouse's decision not to take the cheese does not? The simple answer to this question is that the Gallows Man, but not the mouse, has already been judged as being a member of a species with a moral vocation. The Gallows Man has already been judged as a member of the human species and, on the basis of that judgement, it has already been determined that he has rational-moral capacities. How do I know that all humans have such capacities? It is on the basis of my own experience, in particular my experience of myself. Through first-personal experience, I see that I am necessarily a self-conscious,

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prudentially, will always require an act of judgement on the part of the reader or onlooker, and such a judgement will require that she draw an analogy between herself and the other.

rational being who is able to determine herself on the basis of her rationality and I have judged that these capacities are not particular to me; they are particular to the species.

I am warranted to infer that a single, essential property (freedom) posited in a single member of the species (in this case, myself) generalises to all members of the species. My own freedom is not presented as merely subjective or as a capacity that is unique to me alone; it is presented as a capacity that belongs to any member of a moral-rational species and, indeed, it is presented as a capacity that *must* be posited if we are to make sense of human actions.<sup>9</sup> Insofar as the human species must already be judged as having a moral vocation, we are warranted to judge that any member of the human species possess a capacity for freedom.<sup>10</sup> As such, although I may not be able to say with certainty whether every human in the Gallows Man's position would in fact consider the demands of the moral law simply because I think I would were I in his position, I can nevertheless judge that all humans have the inner capacity to recognise its demands and are thus persons. When it comes to the sacrificial acts of non-human animals, I am not justified in claiming that the act is motivated by moral feeling. Although I may have a tendency to anthropomorphise non-human animals by imbuing their real or imagined actions with human-like characteristics, feelings, or intentions, since I have not identified the animal in question with a species capable of living a moral life, any imaginings that the animal has an inner life or capacities similar to my own is unjustified. As such, should I imagine that the mouse decides not to take the cheese because it is motivated by a moral principle, I am in fact only imagining what I (or perhaps another human) would feel in the mouse's position.

Since neither I nor Kant want to unduly restrict the concept *<person>* to the human species, there must be a way to identify the capacity to live a moral life in non-human species. I will now turn to the question of how such a capacity could be demonstrated by an alien being in the Gallows Man's position, and I will argue that making a moral sacrifice where one sacrifices her physical life for the sake of her moral life immediately indicates that the organism in question must be judged to be a person.

#### 4. The Gallows Alien

Imagine that a newly discovered alien is asked to make the same decision as the Gallows Man: either tell a malicious lie (give false testimony) or be hanged. If the

<sup>9</sup> Kant makes a similar inference in Part One of *Religion Within the Boundary of Mere Reason*, where he moves from the empirical case (the evil act committed) and the corresponding judgement that an inner disposition or propensity for evil must exist within the acting subject to the judgement that humanity as a species must have such a propensity for evil. Although Kant fails to provide a clear account of how this inference is made, Stephen Palmquist (2008) offers a helpful reconstruction of the argument.

<sup>10</sup> See Part Two of *Critique of the Power of Judgment* for an account of the vocation of the human species. An account of why we must judge that the human species has a moral vocation and how such a judgement is made lies outside the scope of this paper. What is important for my purposes here is that (a) Kant argues that judging any group of organisms to be a species requires, in part, that we posit a vocation (an end or life-trajectory) shared by all members of that group and (b) the human species as a whole is aimed at bringing about a moral community that will, as far as is possible, organise nature into a rational and moral system.

alien appears to waiver between the two options, could an onlooker reasonably judge that the alien feels a conflict between its love of life and its respect for the moral law?

I maintain that even if the alien refrains from telling a lie and is hanged, no human onlooker could justifiably conclude that the alien feels the same conflict I, or any other person, would feel in its situation unless it has already been judged as belonging to a species whose vocation it is to live a moral life. Without this earlier judgement, we would be no more justified in thinking that the Gallows Alien made a moral sacrifice than we would if a non-human animal, say a pig, were at the Gallows. Asking a pig to decide whether to lie or be hanged would, of course, be absurd. We already know from experience that a pig should not be thought of as recognising what is being asked of it and cannot act for moral reasons. But what I want to stress here is that even if the Gallows Alien was hanged, it would be just as absurd to think that it had made a moral sacrifice unless we already had evidence that it (or another member of its species) is capable of such a sacrifice. I suggest that the Gallows Alien's action would only arouse a feeling of respect within us if that alien had already been identified with a species whose vocation it is to live a moral life. This vocation is most clearly demonstrated if the members of that species would choose to die over living a life unworthy of a person.

#### 4.1 Self-Sacrifice and Personhood

Imagine the following situation. You come across a small but hardy group of aliens. You determine that they would make excellent labourers and that they are small and tame enough that they are unlikely to prevent you from dominating them. Initially, from your perspective, these aliens show no outward displays of freedom, so using them as you would an animal on your farm appears morally justifiable. Now imagine that rather than living as slaves these aliens decide to take their own lives. If the aliens do not tend to risk their lives haphazardly for the sake of mere interest or private end, would their actions not arouse a feeling of respect within you, and would any action aimed at using them as mere means not arouse in you a feeling of disgust?

I submit that the ability to commit suicide is an indication of personhood, but only if it is grounded in the right reasons. Let's consider what Kant considers to be the *wrong* reasons for taking one's own life. Consider Cato the younger's suicide after Caesar's victory at the Battle of Thapsus, where he is said to have killed himself because living subjected to Caesar's will was intolerable. At first glance, Cato's act may look like it was done for the sake of preserving his freedom; if Caesar became emperor, Cato could no longer continue living as Cato — that is, as a senator with the freedom to impact politics — and so he thought he could not go on living at all (cf. *LE*, 27:371).

But why would living in a Rome governed by Caesar prove so intolerable? Cato would have surely lost the special powers afforded to him as a senator, but he had very little reason to fear that Caesar would have enslaved him. During the Roman civil war, Caesar was well known for pardoning his enemies if they remade allegiance to Rome and would even allow old enemies to keep property and high social offices. In effect, Cato could have continued to live the good life of a free Roman citizen under Caesar had he agreed to give up some social power. So why was apologising

seen as a fate worse than death? Likely because apologising to and serving an old enemy would cause Cato to lose face. Cato's sacrifice is then grounded in inclination and done for the sake of preserving a type of freedom connected with hierarchical dignity, not the inherent dignity of one's person. Cato's act of self-sacrifice is thus not a moral self-sacrifice but a sacrifice for happiness.

Kant is typically read as strictly condemning all forms of suicide for at least two reasons: (1) in committing suicide, the subject uses her humanity as a mere object, and (2) the subject uses her freedom to flee from freedom and responsibility.<sup>11</sup> I will briefly review Kant's reasons for condemning suicide and then argue that they do not apply in instances where one's duty to preserve one's physical life conflicts with the higher, unconditional moral duty to respect one's person.

In terms of (1), suicide makes use of the humanity in oneself "*merely as a means to maintaining a tolerable living condition up to the end of life*" (CPrR, 4:429). That is, Cato (and anyone committing suicide for similar reasons) uses himself as a mere object that can be used and, if needed, destroyed to achieve a subjective end. Since using oneself as a mere means to an end debases one's humanity and violates a perfect duty to oneself, suicide is forbidden.

Kant's justification for (2) is more complicated. Here, he argues that suicide violates the categorical imperative by using one's freedom to destroy the very grounds that make freedom and agency possible. That is, as finite embodied beings, if we destroy our bodies, we simultaneously destroy the possibility of personal autonomy. So, were I to will the maxim "out of self-love, I will kill myself when life is no longer

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<sup>11</sup> In his lectures, Kant offers a third reason for thinking that suicide is abominable — it goes against God's plan: "[w]e have been placed in this world for certain destinies and purposes; but a suicide flouts the intentions of his creator. He [who commits suicide] arrives in the next world as one who has deserted his post and must therefore be seen as a rebel against God" (LE, 27:375; see also MM, 6:423). Since God is our creator, Kant says that He is "our owner; we are His property" and to kill oneself is to act as if we enjoy sole dominion over our lives. I will not be considering this argument here as it not clear that we could ever be considered God's property. Kant argues, in the *Metaphysics of Morals*, that a person can belong to another "by a right that is like a right to a thing" (MM, 6:283). But this sort of relation only applies to temporary relations between persons, namely it refers to the right parents have over their children and the right employers have over their servants. That is, if a child or servant were to run away, the head of the household or caregiver could retrieve them against their will, "impounding them as things (like domestic animals that have gone astray)" (MM, 6:282). The right one has over a servant stems from the contract signed by the servant. A more modern understanding of this form of right would be that one cannot renege on a contract; once a contract has been made, one can be forced to carry out its terms even if one no longer wishes to do so. The contract, however, is only applicable for a limited amount of time and requires the consent of both parties. Likewise, the rights parents have over their children terminate once the children have developed their rational faculties and can adequately care for themselves. Our relation to God does not seem to be similar to either of these relations: as free and rational persons who have not made a contract with God, He should have no right over our lives that precludes suicide (cf. Cholbi, 2000). Instead, it is more consistent with the rest of Kant's system to think that suicide is abhorrent not merely because God forbids it, but that God forbids suicide because it violates one's duty to herself (cf. LE, 27:375). If suicide were forbidden merely because God forbids it, or because He exercises some right over our lives, this would conflict with Kant's claim that moral obligation is derived from one's own rational will and not from an external moral authority capable of demanding right actions from us. Suicide is morally impermissible, on Kant's system, because it violates the duties we have given to ourselves (namely, not to use our humanity as a mere means and not to flee from our moral responsibility). These reasons are dealt with in Kant's other two arguments against suicide.

tolerable" (GMM, 4:422), I am in fact willing that I use my freedom and responsibility to "withdraw from all obligation" and to "root out the existence of morality itself, as far as one can, even though morality is an end in itself" (MM, 6:422–3). This principle cannot be consistently willed as universal law because it entails a contradiction: if one wills suicide, one wills that life brings about lifelessness.

Moreover, in his *Lectures on Ethics*, Kant argues that committing suicide out of self-love conflicts with the duty of self-preservation:

Every living thing 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 a *principium* for self-destruction? That is the most horrifying thing imaginable. (LE, 27:372; see also GMM, 4:422)

Suicide is the most horrifying thing Kant can imagine because human freedom, which is the final end of life itself, is being used to destroy life. Thus, not only can suicide not be willed as universal law, but it also undermines the vocation of life in general, and thus suicide attempts to pervert the ends of nature.

Although Kant tends to be read as strictly condemning any form of suicide, I find that he does leave room for morally permissible acts of intentional self-killing. Just because suicide cannot be willed as one's end does not entail that we have an absolute duty to preserve our bodies in any situation, and I will now argue that suicide is morally permissible if it is used as a means of preserving the inherent dignity of one's person.

Kant clearly does not think that we have an absolute duty of self-preservation. There are principles worth dying for and chief among them is the principle of freedom and self-autonomy. In his *Lectures on Ethics*, Kant argues:

If somebody, for example, can preserve life no longer save by surrendering their person to the will of another, they are *bound rather to sacrifice their life, than to dishonour the dignity of their humanity in their persons*, which is what they do by giving themselves up as a thing to the will of somebody else. (LE, 27:377, emphasis added)

Here, and in cases like that of the Gallows Man's, Kant is indicating that the duty to preserve our lives can conflict with other, higher duties, and when this happens, we must choose which duty to prioritise. Consider again the Gallows Man's dilemma. There is no way to simultaneously preserve his life and refrain from telling a lie. The Gallows Man must choose whether to preserve his physical or moral life, but not both. In such cases, it becomes clear, Kant says, that our mere physical lives are "[...] in no way to be highly prized, and I should seek to preserve my life only insofar as I am worthy to live" (LE, 27:372). That is, the type of life one ought to preserve is one's moral life as a person and not one's mere life as an embodied animal; the duty to preserve one's physical life is only binding insofar as it is used to preserve the life and dignity of one's person. As such, if the Gallows Man told a malicious lie that resulted in the death of an honourable man, he may no longer consider himself worthy to live *as a moral person* and, in this case, he would be permitted to allow his physical body to be executed to ensure that his moral life is saved. In this case, allowing himself to die would be to act with respect to his duty to himself.

I think this reading matches our common-sense moral intuitions. If the Gallows Man allowed himself to die in this situation, he would be elevated to the status of a moral hero: someone who is to be emulated because he had the courage to do his highest duty even at great personal cost. No one could justifiably think that the Gallows Man acted viciously or failed to act in accordance with his obligation to preserve his life because he allowed himself to die. On the contrary, the Gallows Man's sacrifice would demonstrate that he recognised himself as more than a mere animal. It indicates that he recognises himself as a rational being who is bound completely by his rational obligation.

It should be equally clear that Kant would not consider the Gallows Man's sacrifice an act of suicide. There are many cases where an agent's act may shorten her life that do not count as suicide. She, like the Gallows Man, may allow herself to be executed rather than tell a lie, or she may shorten her life through acts of intemperance and imprudence. But even in those cases where the subject could have reasonably foreseen that her acts would bring about her death — e.g., fighting to the death, or eating nothing but artery-clogging, high-fat foods — if the subject did not will her own death as her explicit end, she did not commit suicide (*LE*, 27:372). Thus, although some (e.g., Cooley, 2013) may characterise the Gallows Man's case as an act of assisted suicide, Kant would not. The act would instead be characterised as a means to an end (doing one's duty).

For Kant, there is a difference between allowing oneself to be killed and killing oneself. But why is this difference worth focusing on? If the subject kills herself to do her duty, she has neither killed herself from self-love nor made suicide her end. She has killed herself as a means of doing her highest, moral duty; suicide itself was not the subject's end and thus the problems with committing suicide raised above do not arise in such cases. I find, then, that Kant does implicitly allow for some forms of morally permissible acts of suicide, so long as the suicide is done for the sake of preserving one's moral life.

Consider once more the aliens facing the possibility of enslavement. If these aliens were to commit suicide as a means of avoiding becoming slaves, their self-incurred deaths would be done to preserve the dignity of their persons, something that could not be preserved were they made to live under the absolute will of another (cf. *LE*, 27:377). Thus, the alien who kills itself rather than become a slave is acting on the following maxim: "if I can only preserve my moral life by sacrificing my physical life, I will." This maxim can be made into a universal law of nature without entailing a contradiction (cf. Cooley, 2013, p. 368).

Although the alien would be using its physical life as a means to an end (namely, the end of preserving its moral life), this causes no problem. The type of life that must be preserved at all costs is one's moral life, not one's mere physical life. Since one's mere physical life has no absolute worth in itself, in cases where an agent commits suicide to preserve her moral life, she is not using her humanity as a mere means to an end, nor is she using her freedom to destroy the grounds of her own freedom. She is instead using her freedom to ensure her own dignity. Even though she sacrifices her bodily freedom and her physical life, in choosing suicide rather than living the life of a slave, the alien is showing that it is aware that it has an absolute duty to preserve its moral life, but only a conditional duty to preserve its physical life.

Kant would likely object to my position by arguing that the alien ought to allow itself to die rather than take its own life. For example, he may argue that the aliens

ought to fight to the death rather than submit to the would-be enslavers (see Kant's comments on Lucretia's suicide, *LE*, 27:371) or perhaps the aliens should, once enslaved, refuse food and drink thereby allowing themselves to die rather than live as slaves. I imagine that Kant would argue that taking one's own life immediately upon being enslaved, rather than stoically going on a hunger strike or valiantly fighting to the death, would only result in destroying one's autonomy faster than the slave owner could (cf. Latham, 2007 p. 51).

In response, I agree that perhaps there are, in some cases, other actions the aliens could take that would allow them to die without committing suicide. However, it is unclear that either option would always be available to enslaved beings, nor is it clear that enslaved beings would be afforded the autonomy needed to take their own lives. In terms of fighting to the death, typically, by the time it is clear that one is being enslaved, she is already shackled and there is no possibility of fighting one's enslaver. Likewise, it's unclear that the alien would be given the opportunity to behave in a manner that would result in its death. We need not look far to find examples of enslaved persons who attempt to flee their situations by causing their own deaths but were prevented from doing so. For example, during the transatlantic slave trade, slaves were not even granted the freedom to refuse food and drink. Those slaves who attempted to end their lives by refusing to eat were forced to wear the *speculum oris*, a tortuous implement used for force-feeding. More likely than not, the alien would not be permitted to refuse food and drink and were it to disobey the enslaver, in the hopes that disobedience would lead to its death, its actions would likely result in severe punishments not just for that alien, but also those close to it. As such, we can ask: would it be moral to disobey in a manner that not only causes your own death but also increases the suffering of those near and dear to you? Likely not.

I take it, however, that such an objection is not concerned with pinpointing specific behaviours that would allow the aliens to die without committing suicide in the imaginary situation I have outlined above. As I see it, this objection belongs to a larger class of objections that are centered around the intuition that there are actions other than suicide that can highlight one's personhood. Indeed, moral sacrifices are not limited to acts of suicide. A subject commits a moral sacrifice, and thereby displays her freedom and personality, *whenever* she acts from moral principles at the expense of her happiness, and my reader would be right to point out that many behaviours should count as moral sacrifices. For example, if a subject refuses to tell a lie that would secure her a hoped-for promotion, she has made a moral sacrifice, as she has given up something she wants (the promotion) for the sake of doing her duty (refusing to tell a lie). Suicide may be an especially vivid instance of a moral sacrifice, but my reader may wonder why I am not considering a broader range of behaviours.

Although I agree that many behaviours other than suicide could be included under the heading "moral sacrifice," I want to stress that these behaviours only display an organism's freedom if a prior judgement has been made determining that the subject in question is capable of acting from moral principles. By themselves, behaviours like fighting to the death, refusing food and drink, and refraining from lying cannot be used to indicate that the subject is a person rather than an animal, as an onlooker can always read such behaviours as grounded in instinct. But I maintain that suicide is a behaviour that persons alone are able to commit and thus that committing suicide

will always indicate that the organism in question ought to be considered a person. Why? Because committing suicide requires that the agent has a representation of the type of life she ought to be living and the ability to judge that she is not living that life, and likely never will. The very possibility of making sense of the alien's act of suicide requires that we posit moral-rational capacities in them, as there is nothing empirical that could ground such an act. Thus, in order to explain the alien's self-sacrifice, we *must* think that it is a free subject that is conscious of the moral law and affirms its ability to do what that law demands. I can think of no other action that can *only* be explained by means of positing freedom in the individual.

To conclude this section, I believe that, despite Kant's own strict condemnation of suicide, there is some allowance that makes suicide, in some rare circumstances, morally permissible. The case of the would-be enslaved aliens is just such a case. More importantly for my purposes here, were these aliens to commit suicide rather than live as slaves, their behaviour would arouse a feeling of respect within a human onlooker as their act of destroying their physical lives would be interpreted as done not out of self-love or imprudence, but out of a respect for the moral law and a desire to preserve the dignity of their personhood. My suggestion that the alien's suicide would arouse a feeling of respect in onlookers should not be too shocking. Towards the end of the 18<sup>th</sup> century and into the 19<sup>th</sup>, similar stories of self-destruction were used to demonstrate the personhood of enslaved humans and the contradiction inherent in using persons as property.<sup>12</sup> See, for example, Thomas Day and John Bicknell's popular 1775 poem, *The Dying Negro*. This poem, based on a true account, recounts the story of an ex-slave in England who killed himself when he was seized and prepared for transportation back to America. This poem was widely reprinted in both England and America and was used (along with other similar accounts) to show that the suffering experienced by enslaved persons and the willingness to kill oneself rather than live as a slave marked out their humanity (or, what in Kant's language would be called "personality").

In these depictions of suicide, we see that there is a move from witnessing a single individual committing suicide to the judgement that every member of that individual's race is capable of making the same moral sacrifice. Namely, the individual depicted in the poem shows that he has an inbuilt capacity for reason, including practical reason, and this capacity is taken as not merely a contingent, individual trait. It is taken as a necessary capacity and thus it extends to all members of his group. Likewise, we would not need to see that every single alien would commit suicide rather than live as a slave. Onlookers need only see that *one* would make this sacrifice in order to judge that the species as a whole has the capacity.

## 5. Conclusion

I have argued here that a non-human organism can be considered a non-human person if and only if it has been identified as a member of a species with a moral vocation

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<sup>12</sup> Such a reaction towards slave suicides was not always the case. Earlier suicides committed by either free or enslaved persons were typically seen as acts of cowardice or as a means of avoiding work. See Terri Snyder (2010, 2015) for a more in-depth account of the evolution of Anglo-American attitudes towards the self-destruction of enslaved persons than can be provided here.

and that a species' vocation can be deemed moral if and only if at least one of its members can sacrifice its physical life for the sake of its moral life.

This ability to make a moral sacrifice is inherent to Kant's ethics. In his 1914 essay "Le dualisme de la nature humaine et ses conditions sociales" ("The Dualism of Human Nature and its Social Conditions"), Émile Durkheim noted that a sacrifice is made each time someone acts morally:

There is no moral act that does not imply a sacrifice, for, as Kant has shown, the law of duty cannot compel obedience without humbling our individual, or, for him, our "empirical" sensibility. This sacrifice we might well accept without resistance, and even with enthusiasm. But even when carried out with a joyous élan, it is still real. (Durkheim, 2005, p. 37)

Even when one happily determines herself with respect to the moral law, she is nevertheless engaging in a form of self-denial. Choosing to do one's duty will always require that the subject overcome and deny the "dear self" — the self-conceited part of oneself that acts from selfish goals (cf. *GMM*, 4:408). That is, the limits I feel I ought to place upon myself require that I suppress my own subjective, animal desires, and it is precisely this ability to squash one's animal desires or instincts for the sake of doing what one ought that arouses a feeling of respect within onlookers. In sacrificing the ends and desires that belong to her as an animal, the subject has been able to show that she is, in part, independent from nature and ought to be considered an end in herself.

The connection I have been drawing between sacrifice and moral action too, I think, matches our common-sense understanding of what makes an action so praiseworthy and deserving of our respect. Virtuous acts arouse a feeling of respect within an onlooker precisely because acting with respect for one's duty tends to bring with it a high price. As we saw with the Gallows Man and the enslaved aliens examples, acting from duty may require that the agent make the ultimate sacrifice by giving up her life. But it is precisely the *cost* of the sacrifice here that makes the act worthy of praise: "virtue is here worth so much only *because it costs so much*, not because it brings any profit" (*CPrR*, 5:156, emphasis added). If moral action cost nothing, if it were merely a means by which one could secure a future advantage, we would likely not feel awe and respect when watching someone do what is right in difficult circumstances. We will only be able to feel the respect needed to recognise another species of rational animal, and so extend the concept beyond that of the human species, if the organism in question shows that it is willing to pay the price.

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