

Duties of Right to Oneself

Kant BPhil Seminar, MT 2024: week 4

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Kant explicitly tells us that there is at least one duty of right to oneself:

“Be an honorable human being (*honeste vive*). Rightful honor (*honestas iuridica*) consists in asserting one’s worth as a human being in relation to others, a duty expressed by the saying, ‘Do not make yourself a mere means for others but be at the same time an end for them’. This duty will be explained later as obligation from the right of humanity in our own person.” (MM 6:236)

This raises some puzzles. We will look at two:

1. How can duties to oneself be duties of Right?
2. Why are perfect duties to oneself discussed in the Doctrine of Virtue (i.e., why aren’t they all duties of Right)?

1 Puzzle 1: How can there be duties of Right to oneself?

There are two features of Right that appear to rule out duties of Right to oneself:

1. Duties of Right are about the relation we stand in to *others*. Right has to do “only with the external and indeed practical relation of one person to another” (6:230). The structure of a duty of Right thus looks different to the structure of a duty to oneself.
2. Duties of Right are rightfully enforceable, but Kant claims that duties to oneself are not. Coercion is only permissible on Kant’s view when one person is (or is about to) violate the rights of *another*.

Need to distinguish between actions that are coercible and actions that are rightfully enforceable. Duties of right to oneself seem to be the former but not the latter.

1.1 Possible solution: Duties to self and interpersonal wronging

Most of Kant’s examples of violations of duties of Right to oneself concern our relation to others.*

*There is one exception: the prohibition on bestiality (6:363).

Some suggest that consent is not valid (i.e., not normatively transformative) when it violates a duty to self.

Fahmy (2023) argues that we cannot give transformative consent to other to do something to us that we could not do to ourselves without violating a duty to self.

If that is correct, then it seems we are wronged by others in voluntary interactions in which we violate a duty to self.

Example: Kant thinks you violate a duty to self by selling sex. If you cannot give transformative consent to such a practice (i.e., if your voluntary participation does not waive the duty the other is under), then the other wrongs you.

But if we are wronged by a certain practice on Kant’s view, that justifies its coercive enforcement. So on this view, duties to self are included *indirectly* due to their impact on consent.

Questions: Is it true that consent that constitutes a violation of a duty to self is not normatively transformative? Does this tell us how there can be distinctive duties of *Right* to oneself?

1.2 Possible solution: Duties to self and the state of nature

The state of nature is a condition in which others may treat you merely as a means:

“Given the intention to be and to remain in this state of externally lawless freedom, humans do *one another* no wrong at all when they feud among themselves” (6:307).

The state of nature is not a state of *injustice*, but a state *devoid of justice* (6:312).

So, the state of nature is a condition in which our duty of Right to self is not fulfilled.

We are permitted to coerce others into joining a state, a condition in which our rights are secured and thus in which others may not use us merely as means.

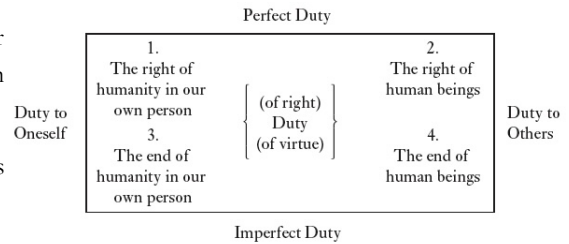
Question: What about all the places in which Kant uses the right of humanity in one’s own person as a delimiting condition on Right in the Doctrine of Right (6:270, 6:276, 6:277)?

“No one is bound to refrain from encroaching on what another possesses if the other gives him no equal assurance that he will observe the same restraint towards him” (6:307).

2 Puzzle 2: Why does Kant discuss perfect duties to oneself in the Doctrine of Virtue?

There seem to be two features of duties of virtue that speak against Kant’s inclusion of perfect duties to oneself in the Doctrine of Virtue:

1. Duties of virtue are duties that concern either i. the happiness of others or ii. one’s own perfection, but perfect duties to self (such as the prohibition on suicide) concerns neither of these ends.
2. Duties of virtue require the adoption of morally necessary ends, but it seems we can satisfy our perfect duties to self regardless of our ends.



2.1 Possible solution: A (modest?) reconstruction of Kant’s categories of duties

Suggestion:

- Duties of right are duties whose fulfilment does not require the adoption of a specific end.
- Juridical duties are a subset of duties of right that can permissibly be coercively enforced.
- Duties of virtue are duties whose fulfilment requires the adoption of a specific end (and so they cannot be coercively enforced).

Kant’s perfect duties to oneself do not require the adoption of a specific end for their fulfilment. This means they are duties of right.

While they are duties of Right, they are not juridical duties because they are not rightfully enforceable by the state.

The fulfilment of perfect duties to oneself does not require the adoption of a specific end, but there are some ends that are opposed to them and the adoption of which constitutes a vice.

“An authorisation to use coercion is connected with any right in the narrow sense (*ius strictum*). But people also think of a right in a wider sense (*ius latium*), in which there is no law by which an authorisation to use coercion can be determined” (6:233-34; cf. 23:381, 23:390).

“Since this chapter deals only with negative duties and so with duties of omission, the articles about duties must be directed against the vices opposed to duties to oneself” (6:421).

3 References and suggestions for additional reading

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