

# Duties of Virtue to Oneself

Kant BPhil Seminar, MT 2024: week 5

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## 1 Are duties to self paradoxical?

“One can also bring this contradiction to light by pointing out that the one imposing obligation (*auctor obligationis*) could always release the one put under obligation (*subiectum obligationis*) from the obligation (*terminus obligationis*), so that (if both are one and the same subject) he would not be bound at all to a duty he lays upon himself. This involves a contradiction” (6:417).

Kant seems to be saying (in more familiar language):

- i When one person has a right that corresponds to a duty in another, the right bearer always has the option to release the duty bearer from the duty.
- ii In cases of duties to self, the same person is both the right and duty bearer.
- iii In cases of duties to self, the duty bearer always has the option to release themselves from their duty by waiving their right.
- iv So, in cases of duties to self, the person “would not be bound at all” to the duty.

In contemporary literature, this gets called the “waivability objection”. An answer to this objection is important for any account of duties to self.

Marcus Singer is the most notable contemporary(ish) proponent of this objection: “a duty to oneself, then, would be a duty from which one could release oneself at will, and this is self-contradictory. A “duty” from which one could release oneself at will is not, in any literal sense, a duty at all” (Singer, 1958, 202-03).

### 1.1 Kant’s solution

Kant’s solution denies that the ‘same self’ is both the right and duty bearer. Rather we view ourselves from two perspectives:

1. As natural beings that have reason but are not subject to practical reason.
2. As rational beings capable of obligation.

“So the human being (taken in these two difference senses) can acknowledge a duty to himself without falling into contradiction (because the concept of a human being in not thought in one and the same sense)” (6:418).

This solution raises some problems:

1. The argument problematically relies on Kant’s notoriously contested distinction between the phenomenal and noumenal realms.
2. How is the obligation meant to work? Kant seems to suggest that *homo phaenomenon* is bound by *homo noumenon*. But he also tells us that *homo phaenomenon* is not the subject of moral duty.
3. The distinction Kant draws still does not tell us why a person cannot, from the point of view of their rational nature, waive the duty they are under.



Recall the distinction between duties that are merely self-regarding and duties that are owed to oneself. We are only interested in the latter here.

“When a human being is conscious of a duty to himself, he views himself, as the subject of duty, under two attributes: first as a *sensible being*, that is, as a human being (a member of one of the animal species), and second as an *intelligible being*” (6:418).

“As intellectual beings we are free and can therefore impose obligations upon ourselves as natural beings that can be determined by rational considerations” (Timmermann, 2013, 217).

The noumena/phenomena distinction is “famously obscure, universally controversial, and appeals almost exclusively to thoroughgoing Kantians” (Schofield, 2021, 57). Maybe not a strong basis for defending duties to self *in general*.

## 1.2 Denying waivability

A different solution opts to deny that all directed duties are waivable.

One version of this strategy proceeds roughly as follows:

1. There are some reasons for action that equally ground duties to others and to self.
2. At least some of the duties grounded by those reasons are not waivable.

Think about duties not to torture or kill. Plausibly, those are duties whose corresponding rights cannot be waived.

3. So, we can argue for duties to self on the same grounds as unwaivable duties to others.

Example:

1. “everyone has a duty to promote others’ well-being: the well-being of others has a particular normative significance”.
2. “the duty to promote others’ well-being is at least sometimes unwaivable”.
3. “reasons for action are universal”.
4. “Anyone who accepts the three premises is committed to duties to the self to promote one’s own well-being” (Hills, 2003).

This solution also raises some problems:

1. It owes us an explanation of why some duties are unwaivable.
2. It significantly reduces the number of duties that can be duties to self (and rules out self-promising altogether).

## 1.3 Why can’t we release ourselves from duties?

Kant asserts that because the right bearer could release the duty bearer from the duty, the duty bearer is not “bound at all to a duty he lays upon himself”. Why? Consider:

- I promise to meet you for lunch tomorrow.
- Due to the promise, I have a duty, corresponding to your right, to meet you at the time and place we’ve specified.
- You can waive your right, and so release me from my duty.

QUESTION: Am I not bound at all by the duty because you *could* waive it?

If not, then why think that duties to self are contradictory just because we could waive them? G.A. Cohen makes this point against Hobbes:

“The big mistake in [Hobbes’] argument is the supposition that if I can repeal the law, then it fails to bind me even when I have not yet repealed it. Hobbes is wrong that, if you can free yourself at will, then you are already free, that ‘he is free, that can be free when he will’. But other important things do follow from my being able to free myself at will, for example, that I cannot complain about my unfreedom.”

“Reasons for action are universal in the sense that, if some consideration is a reason in certain circumstances, *ceteris paribus*, it will also be a reason in relevantly similar circumstances” (Hills, 2003, 136).

“But there are at least some duties to others respecting well being from which one cannot be released. For example, duties protecting fundamental human rights, such as the duty not to torture cannot be waived” (ibid., 135).

2 is only really a problem if you are interested in defending an expansive notion of duties to self.

(ANSWER: Obviously not! — But, what about if I *know* that you will waive it if I ask?)

“The Sovereign of a Common-wealth, be it an assembly, or one man, is not subject to the civil laws. For having power to make, and repeal laws, he may when he pleaseth, free himself from that subjection, by repealing those laws that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will” (Leviathan ch.26). This passage, and the Cohen, cited in Muñoz (2020)

But does this capture the worry?

Plausibly those who raise the worry about waivability do so not just because they think a duty doesn't bind because it is in principle waivable, but because waiver is always an option.

That is, they worry that we could just opt out of the duty.

POSSIBLE RESPONSE: We need to distinguish between valid waiver and opting out. See Kanygina (2022).

## 2 References and suggestions for additional reading

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