Wronging Oneself

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Earlier today, without asking permission, I took a bike belonging to someone in my neighborhood and rode it to work. I later noticed that this same person, who works in my office, was looking tired. So I pinched their arm, opened their mouth, and poured hot coffee inside. As if that weren't enough, I took some cash from their wallet to buy my lunch, and I spent my break thumbing through their private emails, firing off a few replies.

Before you reach for any moral sanctions: this "neighbor" of mine was me.

There is something wonderfully elusive about wronging oneself. We are each just as important as anyone else, objectively speaking, and yet we need not worry when the limbs we pinch and the dollars we spend belong to *us*. So many things can be done to oneself without any moral problem, even though doing the same to others would wrong them, violating their moral rights.

This is a striking fact. Why *aren't* we constantly violating our own rights? The standard answer is that there is nothing there to violate: we do not have the same rights against ourselves that we do against others; our moral relation to ourselves is somehow *sui generis*. The radical alternative—never defended in print—is that we do have rights against ourselves, as we do against any other, but we waive them in the course of making decisions. Pinching one's own arm is not like pinching a stranger out of the blue. It is like pinching someone else's arm with their consent. No one is wronged because there is no unwilling victim.

We are here to defend this alternative view, and more broadly, the conception of moral rights as *Self-Other Symmetric:* one has the same basic rights against oneself as against anybody else.

To many, this will seem like an uphill battle. Not only is the Self-Other Symmetry widely dismissed: the very idea of a right against oneself, which we call a "reflexive right," is often said to

be "paradoxical" or "absurd."[1] For some, the problem is that morality is only about how we treat other people, not ourselves.[2] Others say, more specifically, that it makes no sense to *claim* a right against oneself; one might need a lawyer to recover money from another, but not from one's own wallet.[3] The most infamous problem, however, is that reflexive rights do not seem to be *binding*. "Bindingness" is supposed to be essential to any right. Your bodily rights against me, for example, bind me by making it wrong for me to pinch your arm. I am "bound" in the sense that I cannot get out of the right's grip, since only you, as the holder of the right, have the power to waive it. Now suppose you have a right against yourself. As the holder of the right, can't you waive it whenever you like? But then how could it bind you?

We are not here to convert the skeptic of self-regarding morality.[4] Nor do we think we need

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[1] "Paradoxical" is from Onora O'Neill, "Duty and Obligation." in Lawrence C. Becker and Charlotte B. Becker, eds., *Encyclopedia of Ethics, Second Edition* (New York: Routledge, 2001), pp. 423–28, at p. 428. "Absurd" is from Thomas Hill, "Servility and Self-Respect," *The Monist*, LVII, 1 (January 1973): 87–104, at p. 87. They are joined by others who dismiss the Self-Other Symmetry as intrinsically implausible; see, e.g., Judith Jarvis Thomson, *The Realm of Rights* (Cambridge: Harvard University Press, 1990), at p. 42; Peter Jones, "Human Rights, Group Rights, and People's Rights," *Human Rights Quarterly*, XXI, 1 (February 1999): 80–107, at p. 94; Frances Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (Oxford: Oxford University Press, 2007), at pp. 235, 241; and Michael Cholbi, "On Marcus Singer's 'On Duties to Oneself," *Ethics*, CXXV, 3 (April 2015): 851–53, at pp. 851–52.

[2] For the view that morality only concerns how we treat others, see Kurt Baier, *The Moral Point of View* (Ithaca: Cornell University Press, 1958) and Stephen Finlay, "Too Much Morality," in Paul Bloomfield, ed., *Morality and Self-Interest* (Oxford: Oxford University Press, 2007), pp. 136–54.

[3] See H.L.A. Hart, "Are There Any Natural Rights?" *Philosophical Review*, LXIV, 2 (April 1955): 175–91, at pp. 181–82; Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002), at p. 62; Hillel Steiner, "Directed Duties and Inalienable Rights," *Ethics*, CXXIII, 2 (January 2013): 230–44, at p. 240, fn. 21; Matthias Haase, "Am I You?" *Philosophical Explorations*, XVII, 3 (2014): 358–71; "For Oneself and Toward Another: The Puzzle About Recognition," *Philosophical Topics*, XLII, 1 (Spring 2014): 113–52, at p. 131. For a more sympathetic take on enforcing reflexive rights, see Margaret Gilbert, *Rights and Demands: A Foundational Inquiry* (Oxford: Oxford University Press, 2018), at p. 184.

[4] For defenses of self-regarding morality, see Paul D. Eisenberg, "Duties to Oneself and the Concept of Morality," *Inquiry*, XI, 1–4 (1968): 129–54; Lara Denis, "Kant's Ethics and Duties to Oneself," *Pacific Philosophical Quarterly*, LXXVIII, 4 (December 1997): 321–348; Lara Denis, *Moral Self-Regard: Duties to Oneself in Kant's Moral Theory* (New York: Garland Publishing, 2001); Paul Schofield, "On the Existence of Duties to the Self (and Their Significance for Moral Philosophy)," *Philosophy and Phenomenological Research*, XC, 3 (May 2015): 505–28; "Paternalism and Right," *Journal of Political*

a new solution to the problem of insufficient bindingness, or as it is known, the "Paradox of Self-Release."[5] Our topic is the opposite paradox: that reflexive rights might bind us *too often*. The Self-Other Symmetry implies a shocking number of reflexive rights, threatening an explosion of self-wrongings, even when it comes to actions that are intuitively permissible. We do not just mean simple self-harms like the arm-pinching mentioned above, which can be dealt with by treating self-harm like harm to a consenting other. We have in mind thornier variations where consent is somehow lacking, either because it is inarticulate (§4), invalid (§§5-7), or plain inadequate (§8). In such cases, we seem to violate others' rights but not our own. These cases are mostly familiar; Michael Slote and Michael Stocker presented many of them as counterexamples in their classic

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Philosophy, XXVI, 1 (March 2018): 65–83; *Duty to Self: Moral, Legal, and Political Self-Relation* (Oxford: Oxford University Press, 2021); and Yuliya Kanygina, *What We Owe to Ourselves: An Essay on Duties to Oneself*, Doctoral Dissertation, Central European University, Hungary (2018).

[5] Marcus Singer, in the classic statement of the Paradox, argues that duties to oneself are incoherent because they imply reflexive rights, which imply the impossible power to waive one's own duties. See his "On Duties to Oneself," *Ethics*, LXIX, 3 (April 1959): 202–05; see also his "Duties and Duties to Oneself," *Ethics*, LXXIII, 2 (January 1963): 133–42. In response to Singer, many concede that waivable duties to oneself are impossible, while defending unwaivable duties to oneself. See Warner Wick, "More About Duties to Oneself," *Ethics*, LXX, 2 (January 1960): 158–63, at p. 161; Margaret Paton, "A Reconsideration of Kant's Treatment of Duties to Oneself," *Philosophical Quarterly*, XL, 159 (April 1990): 222–33; Denis, "Kant's Ethics and Duties to Oneself," at p. 335; Alison Hills, "Duties and Duties to the Self," *American Philosophical Quarterly*, XL, 2 (April 2003): 131–42, at p. 135; and Paul Schofield, "Practical Identity and Duties to the Self," *American Philosophical Quarterly*, LVI, 3 (July 2019): 219–32; "Can Duties to the Self Bind if They Are Waivable?" *Australasian Journal of Philosophy*, IC, 1 (2021): 190–95; and *Duty to Self*, *op. cit.*, Chapter 2. Recently, some writers have favored a bolder proposal, arguing that waivable duties to oneself are coherent: they bind *until* they are waived (Conni Rosati "The Importance of Self-Promises," in Hanoch Sheinman, ed., *Promises and Agreements: Philosophical Essays* (Oxford: Oxford University Press, 2011), pp. 124–55, at pp. 128–31; Kanygina 2018; Daniel Muñoz, "The Paradox of Duties to Oneself," *Australasian Journal of Philosophy*, XCVIII, 4 (2020): 691–702; "From Rights to Prerogatives," *Philosophy and Phenomenological Research*, CII, 3 (May 2021): 608–23; Janis Schaab, "On the Supposed Incoherence of Obligations to Oneself," *Australasian Journal of Philosophy*, XCIX, 1 (2021): 175–189. In what follows, we presuppose this bolder move; this paper does not argue that self-release is possible, but rather asks when it happens and why it matters. For more discussion of the Paradox of Self-Release, see Thomas Hill, "Promises to Oneself," in his *Autonomy and Self-Respect* (Cambridge: Cambridge University Press, 1991), pp. 138–154; Cholbi, "On Marcus Singer's 'On Duties to Oneself'," *op. cit.*; and Daniel Muñoz, "Obligations to Oneself," in Edward N. Zalta, ed., *Stanford Encyclopedia of Philosophy* (Summer 2022 Edition), URL = <https://plato.stanford.edu/archives/sum2022/entries/self-obligations/>, at §2.

objections to the Self-Other Symmetry.[6] But these objections have been overshadowed by the Paradox of Self-Release, and so they have gone unanswered until now.

We hope to convince you that, the closer we look, the less decisive the "counterexamples" are, and the more illuminating the Self-Other Symmetry becomes, shedding much-needed light on a range of tricky issues, from unspoken consent to unintentional harm to unwaivable rights.

1. What is a right?

Before we get to rights against oneself, we face the more basic question of what rights are in general. There is no easy answer. Every theory of rights is controversial, and "right" is notoriously polysemous. Thankfully, the debate over the Self-Other Symmetry is theory-neutral and focused on a single kind of right, known as a "claim right"—a right held by someone against someone. All we need is a working concept of this sort of right: something thin enough to skirt controversy, but thick enough to know what our topic is. This concept can be spelled out in two principles.

First, rights are a matter of what we owe. I have a right against you that you not pinch my arm if, and only if, you owe a duty or obligation to me not to pinch it.[7] Now, "duty" and "obligation" might be misleading; they tend to connote laws and institutional roles. One thinks of jury duty and fiduciary obligations. But we are talking about moral obligations, which can be

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[6] Michael Stocker, "Agent and Other: Against Ethical Universalism," *Australasian Journal of Philosophy*, LIV, 3 (December 1976): 206–20; Michael Slote, "Morality and Self-Other Asymmetry," *Journal of Philosophy*, LXXXI, 4 (April 1984): 179–92.

[7] This is Wesley Newcomb Hohfeld's equivalence of duties with "rights in the strictest sense," i.e. claim rights (as opposed to powers, privileges, and immunities); see his *Fundamental Legal Conceptions* (New Haven: Yale University Press, 1919); see also the discussion of moral claims in Judith Jarvis Thomson, *The Realm of Rights*, *op. cit.*, Chapter 1. This paper's use of "rights" is broad; contrast it with Wallace's use of "rights" to refer to legal claims, as well as Feinberg's concept of a right as a valid claim; see R. Jay Wallace, *The Moral Nexus* (Princeton: Princeton University Press, 2019); Joel Feinberg, "The Nature and Value of Rights," *Journal of Value Inquiry*, IV (December 1970): 243–57. We won't define "duty," but note that we have in mind "juridical" duties that imply corresponding rights (setting aside "non-juridical" duties, discussed by Wick, "More About Duties to Oneself," *op. cit.*). This paper is about the rights that imply duties and the duties that imply rights.

informal: we owe each other basic respect and debts of gratitude. These debts aren't meant to be enforced by law, but they are still things owed, and that puts them in the realm of rights.

Second, unlike divine commands and intrinsic values, rights are typically under our voluntary control. In particular, rights can normally be waived by the consent of the right-holder. If I give you permission to pinch my arm, you may go ahead; I can no longer reasonably resent you for doing it, just as I cannot demand an apology from the dentist whom I allow to drill my teeth. Rights thus offer a flexible kind of moral protection; one may lean on them or give them up. They are constraints under one's control.

In this paper, when we talk about rights, we are just talking about obligations under the voluntary control of the person to whom they are owed.[8] The typical case is one in which a person can choose whether to waive their rights by choosing whether to consent. (We will consider atypical cases later.) Now we are ready for the key question: are rights Self-Other Symmetric?

2. The Real Symmetry

On a Self-Other Symmetric view, we have the same rights against ourselves as against others; the self/other difference by itself does not affect who has which rights against whom. Reflexive rights are not fundamentally different from the rest.

As one starts to think about examples, however, rights may seem *obviously* Self-Other

[8] The main theories of rights are interest theories (see, e.g., Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986)), will theories (see, e.g., Hart, "Are There Any Natural Rights?" *op. cit.*), and Gilbert's joint commitment theory. Of these, only the interest theory allows for unwaivable rights. On this basis, L.W. Sumner argues that only the interest theory can allow for reflexive rights. (He rules out waivable rights against oneself, invoking the Paradox of Self-Release.) See his *The Moral Foundation of Rights* (Oxford: Clarendon Press, 1987), at p. 211. Gilbert accepts reflexive rights, but does not discuss Symmetry; see her *Rights and Demands*, *op. cit.*, p. 184. Our arguments below do not rely on any particular theory. A partial exception is §8, in which we express our openness to unwaivable rights, which are anathema to will theories and Gilbert's theory. But unwaivable rights are not essential to our argument, and if they do not exist, that is all the better for Symmetry: the cases in §8 are no longer a problem. (Thanks to a referee for helpful comments here.)

Asymmetric. Most rights appear to be held against everybody but oneself. To return to an example from earlier, if I painfully pinch your arm out of the blue, I violate your right not to have your arms pinched; pinching my own arm, however, is no violation. It is senseless. I should not do it. But it does not violate a right.[9]

Does this really establish a Self-Other Asymmetry? To be sure, it proves:

The Bogus "Self-Other Asymmetry"

In some possible scenario S, I would violate your rights by φ-ing you, even though in some possible scenario S*, I would not violate my own rights by φ-ing myself.

But everyone agrees with this "Asymmetry." Clearly, your rights *in one case* could constrain me less than my rights constrain me *in another case*. The cases might be different.

To illustrate: suppose you are severely allergic to lavender, and I am not. I violate your rights against harm if I spray some lavender oil in the air as you walk by. But I do not violate any rights by spraying lavender around myself when I am alone; the spray, to me, is harmless. Spraying you violates a right whereas spraying myself does not. Obviously, this is not a Self-Other Asymmetry in the sense that philosophers care about. The only asymmetry here is between those who are allergic and those who are not.

To establish a bona fide Self-Other Asymmetry, we cannot just throw out any two

[9] It is easy to think of other examples. Stocker's is putting a hand in a fire ("Agent and Other," *op. cit.*, p. 210). Others discuss killing for the greater good (Slote, "Morality and Self-Other Asymmetry," *op. cit.*, p. 183; Philip Pettit, "Slote on Consequentialism," *Philosophical Quarterly*, XXXV, 144 (July 1986): 399–412, at p. 409). Our case is most like Stocker's, but what we say applies to the other cases just as well. (For yet more examples like the above, see Theodore Sider, "Asymmetry and Self-Sacrifice," *Philosophical Studies*, LXX, 2 (May 1993): 117–32; H.A. Prichard, "Does Moral Philosophy Rest on a Mistake?" in Jim MacAdam, ed., *Moral Writings* (Oxford: Oxford University Press, 2002): 7–21, at p. 10, fn. 11.)

contrasting cases. We need a *minimal pair:* two cases where the only relevant difference between what I do to myself and what I do to you is the difference between self and other; all else is equalized.[10] There is no difference in the patient's desires or allergies, nor any difference in the kind of harm that might result from what the agent does. If there is a moral difference in a minimal pair, there is only one possible explanation: the Self-Other Asymmetry.

To prove an Asymmetry, by the way, it is not enough to establish the *absence* of a minimal pair, by showing that there is some action that wrongs others when done to them but which cannot be done to oneself. There are plenty of problematic actions like this. One cannot override one's own will,[11] steal one's own property,[12] or cut oneself in line. Doing such things to oneself would entail an impossible combination (both getting ahead and behind in line, losing and gaining property, being willing and not willing). That is why everyone should embrace:

The Asymmetry of Possibilities

For some S: I would violate your rights by φ-ing you in S, but there is no possible S* in which I φ myself.

This claim is fully consistent with the Self-Other Symmetry. The point of Symmetry is not that every wrong can be done to oneself. The point is that *if* one can do something to oneself, *then* doing so is morally like doing the same thing to others.

The real contradictory of the Self-Other Symmetry is:

[10] On this point, see Sider, "Asymmetry and Self-Sacrifice," *op. cit.*
[11] Jonathan Parry, "Defensive Harm, Consent, and Intervention," *Philosophy & Public Affairs*, XLV, 4 (Fall 2017): 356–96, at pp. 358–59.
[12] Haase, "Am I You?" *op. cit.*, p. 365.

The Self-Other Asymmetry

For some minimal pair S and S*: I would violate your rights by φ-ing you in S, but I would not violate my own rights by φ-ing myself in S*.

The claim here, defended by Stocker and Slote, is that there is a fundamental difference between reflexive and interpersonal rights: some actions wrong others when done to them, but do not wrong oneself when done to oneself, *even if there is no other relevant difference between the two actions*. Reflexive rights *as such* are less restrictive. (We could also imagine an opposite Asymmetry, where reflexive rights are more restrictive—but since no one argues for this, we set it aside.)

Now back to the arm-pinchings: a sudden pinch from me violates your rights but not my own. Is this a minimal pair proving an Asymmetry, or are the cases just poorly equalized? Clearly, they are not equalized; one case lacks *consent*. When I pinch my own arm, the person being pinched is an active participant, not an unwilling victim; as Slote puts the idea, there is consent "implicit in actions we do to ourselves."[13] When I pinch you out of the blue, consent is not implied. And indeed the moral difference vanishes once we equalize the cases into a minimal pair. Suppose that with your consent, I painfully pinch your arm. It is senseless. I should not do it. But it does not violate a right, just as pinching myself does not. Equalizing the cases thus erases the difference. It seems, in Slote's words, that the freedom to do things to oneself "is not a deep feature of morality but rather derivative from and justifiable in terms of the moral importance of consent."[14]

That is the state-of-the-art Self-Other Symmetry: we have the same basic moral rights against ourselves as against others, but it is (normally) harder to wrong oneself, since we (normally) consent to whatever we do.

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[13] "Morality and Self-Other Asymmetry," *op. cit.*, p. 190.
[14] *Ibid.*, p. 191.

3. Symmetry's Virtues

In a moment, we will consider some abnormal cases that are supposed to be counterexamples to Symmetry. But first, we will explain why Symmetry is worth defending. Strange as the view may sound, it has three distinct theoretical virtues, as well as helpful applications in moral theory.

First, Symmetry makes strong and clear *predictions*. Just as a good scientific theory makes testable predictions, a good moral theory makes predictions that can be tested against our intuitions about examples. If the theory's predictions are trivial or too wishy-washy to evaluate, that is a mark against the theory. Symmetry definitely does not have this problem. Symmetry predicts that any action that wrongs another would, other things equal, wrong oneself (and vice versa). Critics might not find this prediction plausible, but they will be glad that it is easy to test.

Symmetry is also *principled*. It forces us to explain wronging oneself using only principles that apply in the case of wronging others—familiar principles about rights, decisions, and consent. For example, we explain why I may pinch my arm by saying that deciding on the pinch is like consenting to it, and consent waives rights. Symmetry will not let us simply say that the self is special.[15] It will not even let us reserve a special lightweight sense of 'wronging' to describe self-wronging.[16] If wronging others violates a right, so does wronging oneself.[17]

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[15] "The self is simply special" is essentially the view of Michael Slote in "Morality and Self-Other Asymmetry." In this paper, Slote says that he finds the Self-Other Asymmetry intuitive, but admits to the "difficulty of motivating" it (*ibid.*, p. 192). For Slote, the Asymmetry is "not easy to account for" (*ibid.*, p. 191), because typically "the strength of obligation weakens as one gets further from the agent," and yet there is "no direct obligation" when it comes to one's own interests and projects (*ibid.*, p. 185). Slote's view is, in our sense, not "principled," because it bottoms out in an unsatisfying appeal to the moral specialness of self, rather than appealing to an independently motivated principle, like the principle that willing victims are not wronged. (We leave open the possibility that someone will come up with a version of the Asymmetry more principled than Slote's.)

[16] For an example of this, see Hill, "Servility and Self-Respect," *op. cit.*, p. 87.

[17] Some philosophers think you "wrong" me only when you infringe my rights (or infringe them wrongly); see, e.g., Thomson, *The Realm of Rights*, *op. cit.*, p. 52; David Owens, *Shaping the Normative Landscape* (Oxford: Oxford University Press, 2012), at p. 46. Others, like Nico Cornell, think there are special cases where you can wrong me while infringing only the rights of another (suppose you steal my bodyguard's weapon, infringing only his rights, but leaving me defenseless), or while

Finally, Symmetry is favored by Occam's Razor: it is *parsimonious*. This may seem counterintuitive. The Asymmetric view commits us only to interpersonal rights, whereas the Symmetric view commits us to interpersonal rights *and* reflexive rights—a strictly bigger commitment. Wouldn't Occam want us to shave off the extras? No! The parsimonious theory is not the one with the slimmer stock of rights; it is the one with fewer fundamental distinctions. (In the words of David Lewis, there is "no presumption whatever in favor of quantitative parsimony.")[18] We would not say that a theory of rights is more parsimonious because it gives no one rights against Justin Bieber. Such a theory raises a question: why not Justin? If the only answer is, "Because he's *Justin*" (similar celebrities are not exempt), the theory has a fundamental Justin/non-Justin distinction. That makes it *less* parsimonious. Now consider the Asymmetric answer as to why I lack rights against myself: "Because that person is *me*." Again: less parsimonious. A fundamental Self-Other Asymmetry reduces the total number of rights, but bloats basic distinctions.

The Self-Other Symmetric view thus has several things going for it: predictions, principles, parsimony, prerogatives.[19] So why isn't anyone tempted? Why are Symmetry and self-consent dismissed in footnotes while the Self-Other Asymmetry is treated as a *fait accompli*?[20]

The problem is not that the appeal to self-consent is unknown; the move has been

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infringing no rights at all (perhaps by having demeaning thoughts about me). See his *Wrongs without Rights*, Doctoral Dissertation, Harvard University (2014); "Wrongs, Rights, and Third Parties," *Philosophy & Public Affairs*, XLIII, 2 (Spring 2015): 109–43. We do not need to wade into this debate, since the cases in this paper are not special like Cornell's (there are, e.g., no harms to third parties).

[18] *Counterfactuals* (Oxford: Basil Blackwell, 1973), at p. 87.

[19] In addition to its theoretical virtues, Symmetry may be the key to understanding another issue in normative ethics: supererogation. We argue elsewhere that waivable rights against oneself are the ground of the permission not to perform supererogatory acts "beyond the call of duty." See Muñoz, "From Rights to Prerogatives," *op. cit.*, and Daniel Muñoz and Nathaniel Baron-Schmitt, "Why isn't Supererogation Wrong?" unpublished manuscript.

[20] For example: "The presence or lack of consent seems to have little to do with the self-other asymmetry." Douglas Portmore, "Position-Relative Consequentialism, Agent-Centered Options, and Supererogation," *Ethics*, CXIII, 2 (January 2003): 303–32, at p. 311, fn. 16.

understood for decades.[21] Nor are people merely wary of reflexive rights; some are, but even those who are not remain skeptical of Symmetry. These skeptics, such as Stocker and Slote, are mainly concerned with the problem of *counterexamples:* minimal pairs where the Symmetric view seems to entail that we wrong ourselves by doing things that are intuitively innocent. The key cases involve silent consent, impaired decisions, and unwaivable rights. Let us consider these in turn.

4. Waiving, consenting, deciding

The problem of silent self-consent can be illustrated with an example.

I have a right that you not pour hot coffee in my mouth. On a Self-Other Symmetric view, I must also have that same right against myself. And yet, I just drank some piping hot coffee, and my right went untrampled. Somehow I must have waived it. How?

The stock answer is self-consent: by deciding to drink the coffee, I consent to having it poured in my mouth. This sounds almost right, but there is something off about it. When we consent to others, typically we express our will in datable and observable acts: handshakes, thumbs-up, nods, the "OK," clicking "I agree," saying "Go ahead." My barista would be concerned if I started doing these things before my morning cappuccino. It would not help to inform her that I do not want to violate my rights.

Here is the problem, then. Just as I may permissibly do plenty of things to a consenting other, I may do plenty of things to myself. But in the solo case, I can enjoy these permissions even

[21] Stocker writes: "It could be said that it is as wrong to cause oneself pain as it is to cause someone else pain, but that in agent-regarding cases, patients waive their right not to be caused pain" ("Agent and Other," *op. cit.*, p. 213, see also p. 211). Slote writes: "If I harm myself or avoid a benefit, I presumably do this willingly, whereas the agent whom I refuse to benefit does not consent to this neglect (and when she does there is nothing wrong with what I do)" ("Morality and Self-Other Asymmetry, *op. cit.*, pp. 190–91). Pettit notes that "one can consent to one's own deprivation, while the other is not allowed the chance to consent to this" ("Slote on Consequentialism, *op. cit.*, p. 410). Wallace suggests that one can "authorize" oneself via a "voluntary choice" (*The Moral Nexus*, *op. cit.*, p. 258, fn. 10).

when there is no observable event of "giving consent." How am I able to waive my rights in total silence?

On the "mental state" view of consent, the answer is easy. Consent is just a state of mind, perhaps a desire or intention, which can be present even if it is never communicated.[22] I might intend for you to ride my bike even if I forget to give you permission; you might want me to see the inside of your flat even if you never extend the invitation. These can be thought of as unexpressed states of consent, on the mental state view—and the same is true of my intention to drink my coffee. My state of mind, however hidden, counts as consent, and that is why it waives my right. That said, we do not want to take this easy way out. We are sympathetic to the "behavior view," on which hidden willingness is not enough: consent requires an observable expression.[23] The expression can be quietly implied (a knowing nod) or painfully explicit (a tedious contract). Still: no expression, no consent. This view is anathema to the idea that silent inner decisions count as consenting to oneself.

What now? Consent requires behavior (on this view), but clearly I do not have to behave like a consenter to permissibly drink my coffee. I violate no rights by drinking straightaway. One dubious solution would be to insist that the drinking must involve some subtle, barely perceptible

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[22] Some mental state theorists say consenting is intending (Heidi Hurd, "The Moral Magic of Consent (I)," *Legal Theory*, II, 2 (June 1996): 121–46, at p. 131); some say that consenting is being disposed not to make objections (Larry Alexander, "The Moral Magic of Consent (II)," *Legal Theory*, II, 2 (June 1996): 165–74); some leave open what kind of mental state consent is (Douglas N. Husak, "The Complete Guide to Consent to Sex: Alan Wertheimer's "Consent to Sexual Relations," *Law and Philosophy*, XXV, 2 (March 2006): 267–87). For a helpful overview, see Renée Jorgensen Bolinger, "Moral Risk and Communicating Consent," *Philosophy & Public Affairs*, XLVII, 2 (Spring 2019): 179–207, at p. 181, fn. 3.

[23] On one kind of behavior view, behavior is sufficient for consent; on other versions, inner willingness is also necessary. Bolinger calls these performative and hybrid views, respectively, in "Moral Risk and Communicating Consent," *op. cit.*, p. 182. For some prominent examples of hybrid views, see Emily Sherwin, "Infelicitous Sex," *Legal Theory*, II, 3 (September 1996): 209–31 (which analyzes consent as a speech act requiring intention) and Tom Dougherty, "Yes Means Yes: Consent as Communication," *Philosophy & Public Affairs*, XLIII, 3 (3): 224–53 (which argues that "high-stakes" consent must be communicated to be valid).

"behavior" (like murmuring "Mm, coffee"). But there is a deeper, less desperate reply: consent is not essential to the waiving of rights. Even if I do not quite *consent* to the coffee-drinking, it is enough that the drinking was my *decision*.

Here is the rough idea. When all relevant parties decide together on an action, they waive their rights against each other that the action not be done. Suitably qualified, this principle is hard to deny. If we decide together that you will house sit for me, how could you violate my rights by entering the house? If a community unanimously decides to have quiet hours start at 10pm, whose rights could be violated by a noisy party that ends at 9pm?

We call this rough idea:

The Decision Principle

If B has a right against A that A not φ, and A and B make the decision that A will φ, then this decision waives B's right against A that A not φ.

This provides a sufficient condition, not a necessary condition, for rights waivers. The principle says that decisions are enough to waive rights; it does not say that every rights waiver must constitute a decision, or that every decision that waives rights must involve all relevant parties. (Perhaps B's willingness is enough on its own to waive B's rights against A.)

Given the Decision Principle, we could explain how I waive my rights in silence. I have a right against myself that I not pour coffee into my mouth. But when I decide to drink, the agent and patient are both parties to that decision, so the right is waived. It is like the case where you and I decide that I will pour some coffee into your mouth (perhaps your hands are injured). The common factor is that everyone involved makes a decision; the solo decision is just the special case where I am both the agent and the patient.

The Decision Principle, however, is not quite right; it needs some tweaks. For one thing, decisions can be invalid, as when they are coerced, incompetent, or uninformed. Invalid decisions do not waive rights. Second, some rights may be unwaivable, in which case no decision can waive them. Third, some philosophers, notably Margaret Gilbert,[24] think that when A and B are different people, their decisions must be *unified* if they are to waive rights; it is not enough for A and B to decide separately that A will φ.[25] But we can revise the Decision Principle. The result is:

Unity

If B has a waivable right against A that A not φ, and A and B make the unified, valid decision that A will φ, then this decision waives B's right against A that A not φ.

Unity is the real reason, we claim, why it is fine to do things to oneself without "consent." When I decide to drink coffee, everyone involved is party to that decision; the decision is unified and valid; and my right against having coffee poured into my mouth is a waivable right.

With Unity, we can thus solve the problem of silent self-consent. I do not *need* audible consent when I am doing things to myself; simply making decisions is enough. Of course, everyone can agree that there is a difference between the silent, subtle ways in which we authorize ourselves to act and the expressions of consent by which we authorize others. But there is a deeper common core, as captured by Unity, and this is all that Symmetry needs to explain why I can pour coffee into my mouth without perceptibly consenting to myself.

Unity, however, raises a new problem: silent interpersonal consent. What if I make a valid,

[24] *Rights and Demands*, *op. cit.*

[25] Unity may need further tweaks. For example, one might believe that there are such things as "spontaneous" actions that are intentional though not preceded by any decision. If so, we could revise Unity to say: waivable rights against φ-ing are waived when everyone involved validly, intentionally φs (and if there are multiple agents, they must φ together).

unified decision with someone else to pour coffee into *their* mouth, but they never express their consent? Symmetry and Unity entail that this should be morally fine; it is just like drinking my own coffee, other things being equal. Is that right? Is it really true that you may intrude on someone else's body without their consent? That might sound outrageous, especially for more intimate sorts of intrusions. But it turns out that leading scholars of sexual consent have already argued, for reasons independent of the Self-Other Symmetry, that expressing consent is not always necessary for, and may even be inimical to, good sex.[26] These scholars are not advocating sex against anyone's will. They are just denying that consent is the only way, or the ideal way, to establish willingness.

Gardner, for example, thinks that consent is unnecessary during a "team activity," in which the participants do not just act separately in parallel, but with "an intention that all have jointly."[27] In an ideal tango, you do not need to ask your partner for permission before each twirl. The fact that you are mutually engaged in the dance, responsive to each other's movements and in touch with each other's wants, is enough. Similarly, in ideal sex, Gardner thinks you need not ask or grant consent; the activity is a matter of "teamwork," not one's acquiescence to another's proposal. Gardner's take on teamwork is plausible, and it nicely parallels our view of solo choices. Lovers and dancers in perfect sync do not need observable consent to waive their rights any more than I need self-consent to permissibly drink my coffee. A tango involves teamwork; the drinking happens solo;

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[26] Tanya Palmer, "Distinguishing Sex from Sexual Violation: Consent, Negotiation, and the Freedom to Negotiate," in Alan Reed, Michael Bohlander, Nicola Wake, and Emma Smith, eds., *Consent: Domestic and Comparative Perspectives* (New York: Routledge, 2017): pp. 9–24; John Gardner, "The Opposite of Rape," *Oxford Journal of Legal Studies*, XXXVIII, 1 (Spring 2018): 48–70. See also Karamvir Chadha, "Sexual Consent and Having Sex Together," *Oxford Journal of Legal Studies*, XL, 3 (Autumn 2020): 619–44, at p. 621 (on the Joint Action Premise); Rebecca (now Quill) Kukla, "That's What She Said: The Language of Sexual Negotiation," *Ethics*, CXXIX, 1 (October 2018): 70–97 (on offers, invitations, and other speech acts beyond consent); Jonathan Jenkins Ichikawa, "Presupposition and Consent," *Feminist Philosophy Quarterly*, VI, 4 (December 2020): Article 4 (arguing that "consent" language presupposes that one is acting at another's behest); and Catharine A. MacKinnon, "Rape Redefined," *Harvard Law & Policy Review*, X, 2 (Summer 2016): 431–77 (arguing that inequality of power, not lack of consent, is the crucial concept for analyzing the wrong of rape).

[27] "The Opposite of Rape," *op. cit.*, p. 54.

but in both cases, nobody is wronged, because there is no disunity between the decision of the patient and the decision of the agent. The dancers' decisions are unified by virtue of their teamwork. My decision is unified simply because I am both the patient and the agent.

If consent is a mental state, the problems of silent consent are easy: I consent to drinking by intending (desiring, etc.) to drink, and I consent to being twirled by intending that you twirl me. It is only if we accept the behavior view that silent consent is problematic in the first place. But if we do accept the behavior view, that does not mean we should reject Symmetry; we should instead reject the dogma that consent is the only way to waive rights. Teamwork, or more neutrally, unified decision, can be enough for a waiver, and it works just as well for a "team" of one.[28]

5. Invalidity

We now have a solution to the problems of silent consent: rights can be waived by a valid, unified decision. So far, we have only considered idealized cases, where decisions are clearly sufficient. But there are two further kinds of cases where decisions might not succeed in waiving rights, and which have been thought to be deep and decisive counterexamples to. These are the cases of invalidity and unwaivability.

Start with invalidity. A decision is *invalid* when it is incompetent, involuntary, or ill-informed in a way that undercuts its power to waive rights.[29] Here is the problem for Symmetry. What if we

[28] Also interesting is that other speech acts seem to waive rights. For example, if I command the private to scrub my shoes, it is a stretch to say that I "consent" to the scrubbing, but I do waive my right not to have my shoes touched. (We might still wish to say that the scrubbing is "consensual," or at least, that it isn't non-consensual; see Chadha, "Sexual Consent and Having Sex Together," *op. cit.*, 621, fn. 8, and Ichikawa, "Presupposition and Consent," *op. cit.*)

[29] These are the standard conditions for invalid consent in bioethics (Ruth R. Faden and Tom L. Beauchamp, *A History and Theory of Informed Consent*. (New York: Oxford University Press, 1986), at p. 155; Franklin G. Miller and Alan Wertheimer, "Preface to a Theory of Consent Transactions: Beyond Valid Consent," in Franklin Miller and Alan Wertheimer, eds., *The Ethics of Consent: Theory and Practice* (Oxford: Oxford University Press, 2009): 79–106, at pp. 80–1). These conditions are standard also in the law (Faden and Beauchamp, *A History and Theory of Informed Consent*, *op. cit.*, p.

make invalid decisions about what to do to ourselves? Then, it seems, we should end up violating our own rights—just as if we were messing with another person without their valid consent. Symmetry's critics say that this is an intolerable implication.

Are they right?

6. Incompetence

Some agents are incompetent because they are cognitively immature; others are temporarily not of sound mind. One source of incompetence, in particular, is thought to make trouble for the Self-Other Symmetry: *intoxication*.

Clearly, intoxication due to alcohol and other drugs can invalidate consent (or, more generally, decisions). This seems to yield Self-Other Asymmetric minimal pairs straightaway. The most striking example—never given in print, but often raised by our audiences in person—is sex. There is an long-running effort in universities to persuade students that it is seriously wrong to have sex with drunk people even with their (apparent) consent. There is not, to our knowledge, any comparable campaign against drunken masturbation. Intoxicated sex acts do not appear to wrong anyone in the "intrapersonal case."

Does this prove a Self-Other Asymmetry? We are surprised that so many people seem to think so—as if there could be no difference between sex and masturbation besides the sheer number of participants.

To take just one example, consider a stereotypical case of drunk, invalid consent to heterosexual sex. A young man meets a young woman at a party; the man wants sex, whereas the woman does not; the woman drinks as the man cajoles her into going home with him; the woman

38). When we state the conditions, we say "decision," not "consent," in light of issues in §4. We set aside voluntariness (but see fns. 31 and 32, below).

then consents to things that she would not have consented to while sober, and which she later sincerely and painfully regrets. There is a lingering psychological harm, as well as problematic pressure during the encounter itself. The man wrongs his partner despite her consent, and yet no one is wronged in the typical "intrapersonal case."

This is a problem for Symmetry only if it is a minimal pair, and it is a minimal pair only if all else is held equal besides the self/other difference. But the cases differ in at least three further respects: pressure, regret, and harmony.

There is an element of coercive pressure in the man's behavior towards the woman: he tries to get her to do something she does not want to do. It is not possible, however, to literally coerce oneself at a single moment.[30] Unless one is psychologically fragmented, one cannot both want and not want the very same thing at the very same time.[31] Second, the woman in the example comes to painfully regret what happened, as she comes to see her choice as compromised. When people dismiss the idea that it could be immoral to do things to oneself while drunk, they are probably assuming that one has no such regrets, and that there is no lasting psychological harm.

Third, and most important, notice that when people do things to themselves, the agent and patient act in a kind of harmony. They want the same things; their beliefs and desires are common knowledge; and above all, if the patient decides it's time to stop, the agent stops. This harmony is often missing in joint actions. But it is a sure thing when I am *both* the agent and patient. I know,

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[30] If self-coercion is impossible, we have another Asymmetry of Possibilities, as opposed to a genuine Asymmetry. But as a referee points out, there may be a perfectly coherent sense in which I can "coerce" myself if we use "coerce" in a looser sense that does not require the agent to be fully willing and the patient fully unwilling at the same time. (On diachronic coercion, see fn. 32, below.)

[31] Shelly Kagan makes this point in a similar context; see his *The Limits of Morality* (Oxford: Oxford University Press, 1989), at p. 213. As a counterweight, consider Derek Parfit's "Russian nobleman" example, where an agent seems to wrong himself by forcing himself in the future to act as he now prefers; the case is introduced in *Reasons and Persons* (Oxford: Oxford University Press, 1984), at pp. 327–28. Paul Schofield provides an illuminating discussion in "On the Existence of Duties to the Self," *op. cit.*, p. 506; *Duty to Self*, *op. cit.*, pp. 72–3, 99.

more or less, what I want and what I believe, and I know that I know these things, and so on. If I decide to stop, I stop. None of this is true in the case of the drunk man and woman, which is why the man's actions are likely to cause harm, and part of why they seem problematic. The situation is utterly different when a couple acts in harmony. Imagine a couple blissfully drunk on the night of their honeymoon. They want the same things; their beliefs and desires are common knowledge; and if either party decides it's time to stop, they both stop. No one is harmed. In this case, it is far from obvious that the couple are wronging each other by having sex, even if they are quite drunk. Intoxication creates an incapacity to consent, but that incapacity is unlikely to invalidate consent when two agents are harmlessly in harmony, as we are with ourselves.

In stereotypical cases, intoxicated sex is morally problematic in a way that self-touching simply is not. This is just a fact. But to explain this fact, we need not resort to a Self-Other Asymmetry. There is a better explanation: compared with one's relation to a stranger, one's relation to oneself is more harmonious, and there is no comparable threat of coercion and regret.

7. Ignorance

Next, we turn to decisions made in ignorance. Since the Nuremberg Trials, it has become a truism that we wrong people when we harm them, or mess with their bodies, without their informed consent. But we do not wrong ourselves, Stocker thinks, when we make uninformed decisions.

Consider:

> [E]ven if because of ignorance nothing happens which can be taken as waiving a right, causing oneself pain is not wrong.[32]

[32] Stocker, "Agent and Other," *op. cit.*, p. 213. We assume that Stocker here means ignorance of important non-moral facts, like the fact that a certain drug causes kidney damage.

Does Symmetry really entail that you wrong yourself, and deserve blame, when you harm yourself out of ignorance?

The question is not as simple as Stocker's passage suggests. When agents act in ignorance, we have to distinguish three notions of wrongness.[33] An act is wrong in the *fact-relative sense* if it is wrong in light of the facts about the agent's situation; wrong in the *belief-relative* sense if it is wrong in light of the agent's beliefs about the facts; and wrong in the *evidence-relative* sense if it is wrong in light of what the agent's evidence tells her about the facts.

Let us illustrate with a spin on an earlier example. Suppose you have just developed a nasty allergy to lavender and no one knows it. I then make the reasonable mistake of pouring some lavender oil into our diffuser to freshen up the room. This act is wrong in the fact-relative sense, since it will in fact harm you. But it is not wrong in any other sense, since I believe on the basis of my evidence that lavender oil will not harm anyone. Belief- and evidence-relative wrongness are sensitive to my reasonable ignorance; fact-relative wrongness are not.

Now, is it more wrong, in any of these senses, to unwittingly harm others than it is to unwittingly harm oneself? It does not seem to be. Suppose *you* pour lavender oil into our diffuser, unaware of your new allergy. This seems just like my act: wrong relative to the facts, but not relative to your beliefs and evidence. It may sound extreme to say that you do something wrong here even in the fact-relative sense. But that is not as extreme as it sounds. The act is still permissible in both of the other senses, and it is excused by your ignorance. There is no need to add that the act is *also*

[33] What follows is Derek Parfit's take on the classic distinction between objective and subjective moral judgments; see his *On What Matters, Volume 1* (Oxford: Oxford University Press, 2011), Chapter 7. For more on subjective and objective judgments, see e.g. W. D. Ross, *Foundations of Ethics* (Oxford: Oxford University Press, 1939), at pp. 146–47; Thomson, *The Realm of Rights*, *op. cit.*, pp. 172–73; Daniel Muñoz and Jack Spencer, "Knowledge of Objective 'Oughts': Monotonicity and the New Miners Puzzle," *Philosophy and Phenomenological Research*, CIII, 1 (July 2021): 77–91.

permissible relative to the facts.[34]

So much for reasonable mistakes: they are excusably wrong relative to the facts but permissible in the other two senses. They are not straightforward wrongings, in the sense that they do not involve a blameworthy violation of rights. But what about *unreasonable* mistakes, like negligent harms? Stocker does not discuss them, but they deserve a closer look.

Consider a twist on our last example: you have warned me several times of your serious lavender allergy, but I irresponsibly failed to pay attention while you were talking, so I activate the diffuser. This sort of harm feels morally worse than an innocent mistake; I have at best a weak excuse for my negligence. The explanation for the worseness is that my act is now wrong in the *evidence-relative sense*: it is wrong given the beliefs I *ought* to have. Moreover, your act is wrong in the same way if *you* carelessly trigger your own allergy, and you have the same grounds to blame yourself.

Negligent self-harm is our first straightforward case of wronging oneself, our first case of violating one's own rights in a blameworthy way. The negligent self-harmer fails to waive their rights; infringes them wrongly (in both the fact- and evidence-relative senses); and does so with no valid excuse. We might say the same about other ways of harming oneself due to ignorance of, or inattention to, the non-moral facts, such as letting oneself drift into an unhealthy addiction.

We started from Stocker's claim that cases of factual ignorance prove a Self-Other Asymmetry. But, on reflection, it seems that the cases actually line up with what Symmetry predicts. Negligent self-harm *is* problematic, and self-harm due to reasonable mistakes is at worst a gray area. Symmetry's predictions are plausible. By contrast, Asymmetric views do not make strong, plausible predictions about these cases. The view that there are no reflexive rights predicts, implausibly, that negligent self-harm is morally fine. The view that reflexive rights are *sui generis* must be supplemented

[34] One might doubt that fact-relative wrongness is even a genuine kind of wrongness. Muñoz and Spencer, for example, argue that fact-relative obligations are not normative in the sense of being an authoritative guide to action; see "Knowledge of Objective 'Oughts'," *op. cit.*

with other claims if it is to make any predictions at all.[35]

There is, however, a third and final kind of ignorance we should discuss: ignorance of *moral* facts. In a pivotal paper, Thomas Hill, Jr. argues that we can display a lack of self-respect ourselves when acting in ignorance of our own moral rights.

Consider Hill's example of the Deferential Wife, who is "utterly devoted to serving her husband. She buys the clothes *he* prefers, invites the guests *he* wants to entertain, and makes love whenever *he* is in the mood."[36] The wife enthusiastically consents to her husband without being threatened, deceived, or physically harmed; she may also know full well what she is choosing to consent to.[37] And yet, Hill thinks, the wife's consent is morally defective because she does not realize that the choice is really hers to make. Servile agents like the Deferential Wife fail "to acknowledge fully [their] own moral status" because they do not "fully understand what [their] rights are" and "how they can be waived."[38] If you do not know that you are allowed to say "no," saying "yes" does not have the same validity.

Hill is on to something here. The Deferential Wife, it seems, is wronged not just by her

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[35] The view that we have *unwaivable* rights against self-harm does make predictions, but they are absurd; this view would say that it is wrong, rather than supererogatory, to harm oneself for the greater good. (A supererogatory act is one "beyond the call of duty.")

[36] Hill, "Servility and Self-Respect, *op. cit.*, p. 89. Hill also discusses the Uncle Tom, who is "an extremely deferential" Black man, and the Self-Deprecator, whose "shame and self-contempt make him content to be the instrument of others," *ibid.*, p. 88.

[37] At least, this is true for one way of filling out the example. Hill considers other possibilities:

> The Deferential Wife *says* that she understands her rights vis-á-vis her husband, but what she fails to appreciate is that her consent to serve him is a valid waiver of her rights only under certain conditions. If her consent is coerced, say, by the lack of viable options for women in her society, then her consent is worth little. If socially fostered ignorance of her own talents and alternatives is responsible for her consent, then her consent should not count as a fully legitimate waiver of her right to equal consideration within the marriage. (*ibid.*, p. 94)

The passage then continues with the possibility that we explore in the text: that the wife consents only because she thinks, falsely, that consenting is morally obligatory. Later Hill considers what it would mean if the wife remained deferential even after curing her moral ignorance (*ibid.*, pp. 95–7).

[38] *Ibid.*, pp. 93–4.

husband, but by herself.[39] That said, it is not clear that Hill himself can (or would) say that the wife wrongs herself.[40] "The servile person does not, strictly speaking, violate his own rights," on Hill's view.[41] But paradigmatic wrongings *do* violate rights. So what makes the Deferential Wife's decisions count as wrongings?

Symmetry provides an answer—it can not only accommodate but *explain* what is going on in Hill's example. It is a truism that consent can be invalid when the consenter does not know their rights; more generally, decisions can be invalid when the decider is morally ignorant. The Deferential Wife is making decisions about her life that are marred by exactly this kind of ignorance. She does not know that she can say "no." For example, when the wife consents to and engages in sex acts only because she thinks that she is obligated to do so, her consent does not properly waive her rights. Because of this, Symmetry would predict that the Deferential Wife infringes her own bodily rights. This is the result that we wanted: she wrongs herself. To put this in terms of "infringing rights" may sound a bit exaggerated. But remember, infringements do not have to be blameworthy. Maybe someone else is to blame for the gaps in the wife's knowledge. The only cases where she herself *might* deserve some blame are those where she "should have known better,"[42] but instead was complicit in her own brainwashing.

Stocker cites a case of factual ignorance as a counterexample to the Self-Other Symmetry.

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[39] Marcia Baron agrees: she thinks the Deferential Wife violates a duty to herself "not to be servile." See her "Servility, Critical Deference and the Deferential Wife," *Philosophical Studies*, XLVIII, 3 (November 1985): 393–400, at p. 394. We might soften this by saying that the Deferential Wife's self-wronging is "less grave," because her decisions are *partially valid*. On partial validity, see Tom Dougherty, "Sexual Misconduct on a Scale: Gravity, Coercion, and Consent," *Ethics*, CXXXI, 2 (January 2021): 319–44.

[40] Rather than talking in terms of wrongings and violations, Hill describes a servile character using terms like "defective" ("Servility and Self-Respect," *op. cit.*, p. 87), "objectionable" (p. 95), and "morally undesirable" (p. 94). But elsewhere, Hill does sympathetically consider the idea of promissory rights against oneself; see his "Promises to Oneself," *op. cit.*, pp. 148–150.

[41] "Servility and Self-Respect," *op. cit.*, p. 93.

[42] *Ibid.*, p. 95.

We have argued that, on reflection, Symmetry actually fits Stocker's case, and it gives a principled, unified take on several varieties of action under ignorance. When agents harm themselves due to non-culpable ignorance of fact, they act wrongly only in the fact-relative sense, though they are not blameworthy because their ignorance is an excuse. If they should have known better, they wrong themselves *and* deserve blame. Much the same is true in cases of moral ignorance. If I do not realize that I am allowed to say "no," and do things to myself anyway, I can infringe my own rights. The act is blameworthy if I should have known better, but otherwise, my ignorance is an excuse.

8. Unwaivability

For our final category of would-be counterexamples, we turn to rights that cannot be erased even by the soberest and savviest agents: unwaivable rights.

A right is unwaivable, in a certain context, if it cannot be suspended, in that context, by the right holder's decision—not even if the decision is competent, informed, and voluntary. No matter how ideal the consent, it seems that I violate a right if I kill or torture an innocent person for no good reason.[43] Consenting to slavery does not waive your rights against your "master."

Unwaivable rights, if they exist, give rise to a final kind of hard case for Symmetry. The first to notice this problem was (we think) Michael Slote.[44] But since his discussion is ambiguous, we will

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[43] See, e.g., Rosati, "The Importance of Self-Promises," *op. cit.*

[44] Slote writes:

> If someone irrationally asks me to harm or kill him, it will presumably be irrational and wrong of me to kill him, more wrong at any rate than if I irrationally choose to kill myself; yet the consent seems equal in the two cases. ("Morality and Self-Other Asymmetry, *op. cit.*, p. 191)

This passage is open to interpretation. What does "irrational" mean? If Slote is just saying that the choices are *unreasonable*, he must be thinking of the case as one of unwaivable rights. If, on the other hand, Slote is thinking of "irrationality" as *insanity*, he must be thinking of waivable rights, which the incompetent consenter fails to waive. We suspect that Slote has unwaivability in mind, since he emphasizes the decision's irrationality, not the agent's.

use a pair of examples from Carl Elliott. Suppose a patient offers to give up his heart for a transplant, and Elliott must decide whether to operate:

> …the puzzle is why I, for instance, might have the dual intuitions that in this case it is morally praiseworthy for a person to offer to donate his heart, and that it would be morally wrong for me to assist him.[45]

On Elliot's view, if the donor could somehow transplant his own heart, killing himself in the process, that would be fine, but he cannot authorize a surgeon to perform the transplant, even with competent and informed consent. The right is present in the duo case, absent in the solo case.[46]

Is this the killer pair? We agree with Elliott that it may be wrong to take a patient's life to save someone else, whereas it is not wrong to give one's own life for the same purpose. But his cases are not a minimal pair. There are other relevant differences, besides whether the surgeon *is* the donor, that make a difference.

The crucial difference is that it is often much harder to discern somebody *else's* mental states.[47] To be authorized to do something as drastic as taking someone's heart, the surgeon would need to be extremely confident that the donor is sincerely willing and of sound mind. But the surgeon does not enjoy the same easy access to the donor's mind that the donor himself enjoys.

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[45] Carl Elliott, "Constraints and Heroes," *Bioethics*, VI, 1 (January 1992): 1–11, at pp. 1–2. See also Stocker, "Agent and Other," *op. cit.*, p. 213, where Stocker claims that it is easier to justify risking one's own life for a cause than it is to justify imposing the same risk on somebody else.

[46] Often in bioethics the focus is on cases where the patient's decision to die is not for the benefit of others, but for her own benefit or perceived benefit. Our arguments should easily extend to such cases, which include "voluntary euthanasia" (killings carried out by one's doctor) as well as "physician-assisted suicide" (killings carried out by oneself, with help from one's doctor). For an overview of the ethics of voluntary euthanasia, see Robert Young, "Voluntary Euthanasia," In Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (Spring 2020 Edition). URL = <https://plato.stanford.edu/archives/spr2020/entries/euthanasia-voluntary/>.

[47] Young, "Voluntary Euthanasia," *op. cit.*, §4.2.

Even if the donor is in fact competent, informed, and sincerely willing, it will be harder for the surgeon to be sure. This is especially true when lives are on the line. The very fact that a donor is proposing extreme self-sacrifice is a reason to wonder if they truly appreciate the stakes.

When we try to control for these factors, our intuition is that a patient could, in principle, validly authorize a surgeon to perform the transplant. The right to keep one's heart is not essentially unwaivable, whether the right is held against oneself or others. That said, the right might not be waivable in a context where infringing it would be a grave error. What if the donor's surgery is lethal torture and the benefits to the recipient are minor? Suppose I volunteer my healthy heart to help a stranger suffering from a mild arrhythmia. Even if my consent is voluntary, competent, and informed, the surgeon who obliges me is a murderer. Both actions violate a right: the surgeon wrongs me, and I wrong myself.

You might disagree about this case, or more generally about where to draw the line between waivable and unwaivable rights. Maybe you think that we can never waive our rights to life;[48] maybe you think that we can waive any rights we want, in principle. That is all fine. We can disagree about where the line is drawn while still agreeing on the Self-Other Symmetry, so long as you think that rights against others and rights against oneself are *equally* waivable. And there is some pressure to believe in equality here. If you think that it is always wrong to kill an innocent other, why not extend the view to suicide? If you think that it is never wrong to end one's own life (ignoring effects on others), why not extend the view to the killing of consenting others?[49]

There is indeed something puzzling about a Self-Other *Asymmetric* view of unwaivable rights. If I may kill myself, but you may not kill me even with my consent, then I am authorized to do

[48] Rosati, "The Importance of Self-Promises," *op. cit.*, p. 130.
[49] Hills argues for an unwaivable duty to oneself not to inflict upon oneself a grave, pointless harm ("Duties and Duties to the Self," *op. cit.*, pp. 135–38), but she does not accept Symmetry; she rejects waivable duties to oneself (*ibid.*, p. 133).

things to myself that I cannot possibly authorize others to do on my behalf, no matter how much I would like to. Why should that be? How could my own authority, vis-à-vis myself, outstrip that which I can lend to cooperating others? Authority is not a liquid that gets diluted as it spreads. Whenever I can't authorize you as effectively as I can myself, there must be some reason why, something like a language barrier, a lack of trust, or a dead cell phone battery. But these reasons are of course *contingent*. To support the Self-Other Asymmetry, we would need a reason why other-authorizing is *essentially* harder—that is, harder even in minimal pairs, where knowing the other is just as easy as knowing oneself. We have not been able to find such a reason.

The Symmetric view, thankfully, obviates the search. Symmetry needs only one mechanism, decisions, by which I can authorize either myself or someone else. My powers of authority will be equal either way, if all else is equal. My authority ends where unwaivability begins.

9. Further Cases: Privacy and Promising

We have now dealt with the main supposed counterexamples to the Self-Other Symmetry.[50] In these cases, Symmetry gives not only plausible verdicts, but powerful explanations, pointing us towards a deeper link between the ways of wronging oneself. The examples at first may seem unrelated. What could unite servility, negligence, extreme altruism, and drunken decisions? Symmetry's answer is that they all involve failures to waive one's rights. Some failures can be blamed on the invalidity of one's decisions; others may be due to the inherent unwaivability of one's rights. Either way, there is

[50] Slote has one last pair of cases. He says: (1) I may endure a big pain to spare you a small one, and yet (2) I may not spare myself a small pain rather than spare you a big one, since "you will presumably not consent" to this ("Morality and Self-Other Asymmetry," *op. cit.*, p. 191). But this is no minimal pair: only in (1) is the big pain suffered willingly. Stocker says, relatedly, "even if a person asks us to cause him or her pain, it may be wrong for us to do so. And here, at least as much has been done to waive the right against us as we do *vis-à-vis* ourselves when we deliberately cause ourselves pain" ("Agent and Other," *op. cit.*, p. 213). But if the pain is puny, what's wrong with inflicting it on a willing other? If it is huge, why is self-infliction fine?

nothing mysterious here. We do not need to complicate our theory of rights with ad hoc postulations or one-off exceptions. We can just take our best views of rights in general and apply them—carefully, with an open mind and attention to detail—to the case of rights against oneself.

The realm of rights, however, is a large domain, extending well beyond the sorts of rights discussed above, which mostly involve harms and bodily intrusions. What does Symmetry say about other rights? For instance, do we have a reflexive right that we keep promises to ourselves? What about a right that we not invade our own privacy? A Symmetric view of these (very important) issues might seem absurd. But we can make sense of them in a Symmetric way with the same conceptual tools we have been using this whole time.

Consider three issues raised by privacy. First, there seems to be something silly about a privacy right against oneself, if the right forbids actions that simply make no sense in the reflexive case: eavesdropping, stalking, and so on. But this does not prove a Self-Other Asymmetry. It is another Asymmetry of Possibilities. I cannot eavesdrop on my own monologues. I cannot stalk myself by walking in a circle. If an action can only be done to others, not to oneself, that is the absence of a minimal pair, not the presence of a minimal pair with a moral difference. To prove an Asymmetry, we would have to show that (1) I can eavesdrop on myself, (2) eavesdropping on others would wrong them, but (3) eavesdropping on myself, even holding all else equal, would not wrong myself.

Second, on some views, privacy rights do not involve special acts like eavesdropping, but more generic actions like looking at someone's body or reading from their diary, which can be done either to oneself or to another.[51] Here there is no Asymmetry of Possibilities. To be sure, it would be ludicrous if one could violate a right just by looking at oneself or one's things. But a Symmetric view

[51] Judith Jarvis Thomson, "The Right to Privacy," *Philosophy & Public Affairs*, IV, 4 (Summer 1975): 295–314.

can easily explain why: one is not the unwilling target of one's own gaze. (What about accidental glimpses of oneself? They are no more wrong than perfectly harmless accidental glimpses of somebody else.)

Finally, what if some privacy rights *cannot* be waived? A view of this type has been defended by Anita Allen,[52] who argues that we have unwaivable duties to ourselves to protect our own privacy; she discusses examples like uploading the sequencing of one's genome.[53] If Allen is right, one can wrong oneself by oversharing private information. But that is no problem for Symmetry, since, on views like Allen's, one can also wrong a consenting other by oversharing *their* information.

Privacy rights seem to be no problem for Symmetry. The same is true, we think, of the rights that come from promises.

As with privacy rights, a promissory right against oneself seems strange because it seems impossible to violate. The first problem is that the act of self-promising may itself be incoherent. Binding promises (on some views) involve a behavioral back-and-forth: a promisor offers to do something, a promisee accepts, and as a result, the promisor is bound.[54] This back-and-forth does not make much sense when the promisor *is* the promisee. Making offers to oneself can seem absurd in the same way as verbally giving oneself permission.[55] But if self-promising is simply absurd, that is no Self-Other Asymmetry; it is an Asymmetry of Possibilities. It is not that promise-breaking is wrong when done to others and fine when done to oneself; it *cannot* be done to oneself.

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[52] Anita L. Allen, "An Ethical Duty to Protect One's Own Information Privacy?" *Alabama Law Review*, LXIV, 4 (2013): 845–66; "The Duty to Protect Your Own Privacy," in Adam D. Moore, ed., *Privacy, Security, and Accountability: Ethics, Law, and Policy* (New York: Rowman & Littlefield, 2016): pp. 19–38.

[53] "An Ethical Duty to Protect One's Own Information Privacy?" *op. cit.*, p. 847.

[54] Not everyone thinks that promises must be taken up by the promisee in order to be binding, but some major writers do. See, e.g., Thomson, *The Realm of Rights*, *op. cit.*, pp. 297–301; Gilbert, *Rights and Demands*, *op. cit.*, Chapter 6.3.

[55] Haase ("Am I You" *op. cit.*, p. 365) expresses his skepticism with a question: "Now, suppose I venture to promise myself to cut my hair on Monday. Can I refuse to accept the offered promise?"

But suppose self-promising is possible, or at least, that one can do something *close* to self-promising, like making a resolution.[56] A second problem is that such acts arguably cannot give rise to reflexive *rights*. The worry is that such rights would not be binding, since one could waive them at will. For example, if I promise myself to start a garden, and I sour on the idea, I can simply undo that promise. (Indeed, given Unity (§4), my reflexive right will be waived so long as I validly decide not to garden; I do not have to look myself in the eye and say "You are released.") But this is not a new problem for Symmetry. It is just a special instance of the Paradox of Self-Release, which, in our view, has been adequately treated in recent work.[57] It is perfectly coherent to say that a self-promise binds until the moment of release;[58] it is like a promise made to an accommodating other, who is happy to release you whenever you like.[59]

Finally, what about unwaivable promissory rights? Do they pose a problem for Symmetry? It is controversial whether promises can be unwaivable, but consider an example from Hill:

> Suppose A promises B to give B no hard drugs no matter what B says. A and B, let us say, agree that the promise is for all time, not just for a momentary period of stress. It seems that B cannot release A, under any circumstances, for if A takes what B says as a release A will violate the original promise.[60]

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[56] One way that self-promising might be possible, despite requiring some kind of back-and-forth, is if agents are psychologically fragmented; see e.g. Charles Larmore, *Morality and Metaphysics* (Cambridge: Cambridge University Press, 2021), at p. 56, but see also Hill, "Promises to Oneself," *op. cit.*, p. 144.

[57] See the citations in fn. 5, above. For arguments in favor of genuine promises to oneself, see Hill, "Promises to Oneself," *op. cit.*; Allen Habib, "Promises to the Self," *Canadian Journal of Philosophy*, XXXIX, 4 (December 2009): 537–58; Rosati, "The Importance of Self-Promises," *op. cit.*; and Kyle Fruh, "The Power to Promise Oneself," *Canadian Journal of Philosophy*, LII, 1 (March 2014): 61–85. For a skeptical take, see Singer, "On Duties to Oneself," *op. cit.*; Hills "Duties and Duties to the Self," *op. cit.*; and Haase, "Am I You?" *op. cit.*

[58] Rosati, "The Importance of Self-Promises," *op. cit.*, pp. 134–35.

[59] For more on this analogy, see Muñoz, "The Paradox of Duties to Oneself," *op. cit.*, p. 699.

[60] "Promises to Oneself," *op. cit.*, p. 147.

Since A's promise includes, in effect, a pledge not to accept B's release of A, it seems that B gains an unwaivable right against A in this context.[61] But this is no problem for Symmetry, since a self-promise could *also* include a pledge not to accept release. If B promises himself not to use hard drugs next week no matter what he decides later, then B seems unable to self-release, and so he acquires an unwaivable reflexive right.[62]

We have only scratched the surface, but by now, you should have a sense of how to analyze new cases in a Symmetric way. When dealing with a right that *seems* Asymmetric, the first thing to ask is whether this is a genuine Self-Other Asymmetry (a minimal pair with a moral difference) or just an Asymmetry of Possibilities (the absence of a minimal pair). Next, make sure the pair really is minimal, by equalizing factors like harm and willingness. Finally, take a closer look at the apparent moral difference; you may find that it has dissolved. This procedure is not meant to be an algorithm for moral discovery. There is no such algorithm. All we can offer is a survival guide for the defender of Symmetry who wants to venture deeper into the realm of rights.

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[61] Singer ("Duties and Duties to Oneself," *op. cit.*, p. 134) would say that such a promise is waivable, as it is really two promises in one: (1) a promise not to give B the drugs, and (2) a promise not to waive the first promise. A can simply waive the second promise first. Nor would it help to have a third promise not to waive the second; indeed, no finite set of such further promises would be enough. But Hill argues that we can resist Singer's reinterpretation. Instead of two promises in one, we can think of A's promise as a single pledge with a special content: "to refuse-to-give-B-drugs-no-matter-what-B-says" (Hill, "Promises to Oneself," *op. cit.*, pp. 147–48). We take no stand on this debate; our point in the text is just that Hill's view is consistent with Symmetry.

[62] Rosati argues that one cannot be released from a promise, whether to oneself or to another, unless one has undergone a change of mind; it is essential that "one has freely thought about the matter and now decides differently for what one takes to be a good reason" ("The Importance of Self-Promises," *op. cit.*, p. 135). A self-promise, on Rosati's view, is not essentially unwaivable, but it cannot be waived willy-nilly. We are inclined to agree. If one has self-promised not to smoke cigarettes (say), one wrongs oneself by smoking *without having had the right kind of change of mind.* As we interpret Rosati, her point is that such a decision to smoke would be invalid. This is no problem for Symmetry, however, since Rosati thinks the same is true in the two-person case (*ibid.*, p. 135). Suppose A promises B not to smoke, and then the two of them decide on a whim that A will smoke a pack. Rosati thinks A wrongs B.

10. Conclusion

The Self-Other Symmetric view of rights is almost universally dismissed. Some say it is incoherent; others say it is coherently ridiculous, demanding that we treat ourselves like non-consenting others, on pain of wronging ourselves.

We have argued that Symmetry does not have this ridiculous implication. The view does imply that we have many reflexive rights. Moving limbs, pouring coffee in our mouths, pinching arms—we have rights against everyone, including ourselves, that they not do these things to us. But that does not inevitably make these actions wrong. We waive rights against ourselves simply by making decisions; that is why it is harder to wrong oneself than an unwilling other. What I do to myself is, from a moral point of view, more like what I do to a willing other, someone who has decided with me what shall be done.

Still, even when you are just making decisions about your own body, a waiver is not always guaranteed. In non-ideal cases, where decisions are invalid or rights are unwaivable, we can infringe our own rights and wrong ourselves. When is a self-regarding decision invalid? What happens when we act without self-authorization? Here is where Symmetry shines. We can reuse what we already know about wronging other people, since the limits of what we may do to ourselves *just are* the limits of what we may do to a relevantly similar other.

This gives Symmetry an explanatory edge over its rivals. One kind of Asymmetric view is that we never wrong ourselves[63]—but this view struggles to explain our moral revulsion to extreme or negligent self-harms. Another view, our main target in this paper, has it that duties to oneself are fundamentally inexplicable in other terms[64]—but this leaves us wondering *why* self-wronging happens when it does. Symmetry's answer to this question is principled and elegant. We wrong

[63] See, e.g., Singer, "On Duties to Oneself," *op. cit.*
[64] See, e.g., Hill, "Servility and Self-Respect," *op. cit.*, p. 87.

ourselves when our decisions fail to waive reflexive rights.

The Self-Other Symmetry remains, undoubtedly, strange. There is something almost Lovecraftian about the idea that so many moral rights lurk just below the surface of ordinary life. And yet, on reflection, these rights don't seem to entail any perverse prohibitions; instead, they underpin the things we already believed about the freedom to use and even damage one's own body within reasonable limits. To understand the special elusiveness of wronging oneself, we might be better off without the moral specialness of selves.[65]

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[65] The core idea of this paper dates back to a conversation between in the authors in January 2015. Some of the material draws on Daniel's PhD thesis at MIT, *What We Owe to Ourselves* (in particular Chapter 2, "Rights Against Oneself"), now a book project under contract with Oxford University Press. (Some examples have been left in the first-person singular because there was no good way to change them.) The authors have many people to thank (and we apologize to anyone we may have forgotten). For comments on drafts: Tamar Schapiro, Kieran Setiya, Caspar Hare, Kerah Gordon-Solmon, Thomas Byrne (several times), Ginger Schultheis, Will Cailes, Steph Slack, and Jack Spencer. For helpful conversation: Conni Rosati, Renée Jorgensen, Seth Lazar, Kirun Sankaran, Brad Skow, Michael Cholbi, David Sobel, Joe Bowen, Daniel Wodak, Al Hájek, Quinn White, Marty Drobot, William Tuckwell, Paul Schofield, Janis Schaab, Yuliya Kanygina, and Ryan Preston-Roedder. Thanks also to audiences at MIT's Work in Progress Seminar, Kerah Gordon-Solmon's ethics seminar at Queen's University, the Vienna workshop on obligations to self ("What We Owe to Ourselves"), UNC Chapel Hill's "Philosophy in 15 Minutes," UNC Chapel Hill's WIP Seminar, the University of Warwick's Centre for Ethics, Law and Public Affairs, the CU Boulder Center for Values and Social Policy, and the Ethics Reading Group at Monash University. We are also sincerely grateful to the referees and editors who have given us such helpful comments. Finally, we owe a special—or perhaps not so special—debt of gratitude to ourselves, for actually finishing this paper.