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| THE ETHICAL BASIS OF THE RIGHT TO SELF-HARM

The text analyzes the possibility of ethical justification of legal protection of the self-harm. The introduction presents a problem of a rightful exercise of the Free Will. In the next parts, different aspects of Human nature are analyzed: biological, personal, social, moral and metaphysical. Special attention is given to the understanding of interrelations and compatibility between different aspects in an effort to explain inner purpose of the Human nature seen as a whole. Moral aspect of Human nature and capacities of the Free Will are specifically analyzed. In the final part, problem of Governmental influence on the exercise of the Free Will of citizens is explained and recommendation for the proper measures in accordance with the different aspects of Human nature seen as bearer of unique purpose is given.

Keywords: *Free Will, Self-harm, Aspects of Human nature, Ethics*

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1. Introduction

This paper should try to give some answers to the present and growing questions - Are there or not boundaries to the exercise of the Human Free Will and to what extent political and institutional measures for support of this exercise should go. This is the multilevel problem, because human nature is complex and many different aspects should be taken into consideration. First of all we will try to define different aspects of human existence giving some arguments for or against unconditional use of the Free Will. After that we will try to find to what extent different aspects influence one another trying to establish proper understanding of the relations of aspects defining dimension of Human purposiveness. Problem of purpose will be directly connected to the explanation of the capacity of the use of the Free Will. In the conclusion an answer to the question “To what extent does moral obligation to legal support of self-harm exist?” will be given.

2. Different aspects of Human nature

Anyone trying to give the definition of Human nature will face the problem of its different aspects. Humans share biology and capacity to feel with many other beings (Schmidtz 1998: 62), but composition of the body, complex mind and capacity of use of the Free Will give them some social and moral dimensions incomparable to other creatures on the Earth. This uniqueness is well observed in the complexity and wideness of different human institutions established in the effort of obtaining complete and ultimate purpose for realization of Human nature. Religion, moral, customs, science and many other phenomena are directly connected to the realization of inner Human capacities existing in its nature (Stevanović, Grozdić 2021: 72). If we want to create preconditions for understanding of Human nature we have, at the beginning, to create proper criterion for differentiation of existing aspects of that nature. In this chart different aspects of Human nature are presented with special attention to their specific role.

Chart 1 List of different aspects of Human nature

Aspect of Human nature	The specific influence on Human existence	Providing quality
Biological	Physical bodily existence	Capacity to act in space and time
Personal	Development of personal capacities	Balance of Personal characteristics, personal motives
Social	Social interaction	Harmonious community
Moral	Moral development	Intrinsic values, Purpose beyond strictly personal interests
Metaphysical	Spiritual development	Eternal community

3. Biological aspect of Human nature

Biological aspect of Human nature is basic aspect in obtaining its physical and physiological characteristics. It is well documented that some characteristics of this aspect Humans share with other specimens on Earth (Nikolić, 1968:598). This basic aspect is fundamental in establishing all other aspects of Human nature because it makes inevitable precondition for their expression. Constitution of Human body directly influences physically obtainable aims he is capable to achieve. Birth, growth, aging, physical death are directly connected to the biological aspect of Human, creating unchangeable frame for its capacity to exist in space/time continuum.

Consisting of the ability to possess a body, this aspect provides the first elements of human individuality and uniqueness, creating the starting point for the development of the Personality in the later stages of growth. Only on the base of this aspect further actions of Personal development of Free Will, social integration and spiritual purpose could be established. That means that Biological aspect could not be seen as secondary, but most basic for any use of other Human

characteristic. That means that certain conditions as illness and bodily harm directly endangering biological aspect of existence could be seen as threatening for the Man itself. Without his biological aspect Man would be unable to physically exist and act.

It is obvious that biological aspect of Human nature consists of certain physical characteristic concerning nature of the body. At the first sight it is obvious that Human body is not inert and for the purpose of maintenance of existence it constantly functions in many processes which are subconscious (as heart beating, digestion, blood flow etc.) That means that without this processes functioning correctly all other aspects of Human nature would be endangered. It is obvious that without deliberate use of Human Free Will certain aspects of Human nature directly involve inner purpose consisting in the preservation of Life (Human existence) as such. This purpose of preservation of Life in the Biological aspect of Human nature creates fundamental precondition for all other purposes of other aspects.¹ That means that from the sub-consciousness level of Biological aspect Human nature shows some purpose understandable on the level of consciousness life. Observing different elements of Human body we can easily understand immanent purpose in their organic unity that creates the preconditions for its proper physiological existence. Based on the evidence of this objectively existing purpose, we can make an assumption - that Man as a whole is a purposeful being, understanding that other aspects of his nature have an immanent purpose just as his biological aspect has in processing of its elements. At the end we can conclude that Biological aspect of Human nature creates subconscious **Imperative of preservation of Life** (individual existence) through the constant effort in obtaining of proper functioning of physiological processes of the body. That can lead to the possible conclusion that conscious aspects of Human nature have some inner relation in the coexistence with the subconscious Biological aspect and maybe share imperative of Preservation of Life with him.

¹ I think it is not proper to say "Higher aspects" because we should understand Human nature in its aspects, more as the organic unity, and not hierarchy, even if other aspects involve consciousness and deliberate use of Free Will including social and metaphysical values.

4. Personal aspect of Human nature

Conscious aspect of the individuality directly leans on the imperative of the Biological aspect.² Human consciousness in its evolving from the time of the birth shows an innate desire to survive. This natural desire to preserve individual Life creates first fundamental purpose in the existence of Human being. It is obvious that healthy baby in all its actions demonstrates this inner desire to exist in the favorable circumstances as innate purpose (Ivić, 1987:148). This imperative of preservation of Life can be traced in all periods of human existence, even in the creating of certain metaphysical frame in his collision with inevitable fact of physical Death.

Most important element of the Personal aspect of Human nature is the individual exercise of the Free Will. Attributed to moral capacities, Free Will directly influences conscious use of deliberate choice. Free Will as Human inherent capacity to orient himself toward the chosen goals evolved from the inherent imperative of preservation of Life on the subconscious level through the development of higher cognitive capacities. Capacity to choose is directly connected with the capacity to understand. Moral aspect of Human life is based on the proper understanding of certain outcomes including individual responsibility for the consequences of moral decisions.

That means that Personal capacity to exercise Free Will is directly connected to the evolution of understanding through the development of Human Personality in time. Certain goals, as long time planning and decisions made on the basis of complex calculations, demands fully-developed mind.

That means that capacity to create self-proclaimed purpose leans on the capacity to understand what kind of purpose is that, and to accept this purpose as personal purpose.

It is important to emphasize that in Personal aspect of Human nature lies capacity to be responsible for certain deeds. From the early childhood till the end of the life Person understands itself as responsible for the deeds chosen by its Free Will based on its capacity to understand outcomes of its own choice. That

² “Survival reflexes, originating from the brainstem, are involuntary motor responses that are present at birth and facilitate the survival of the neonate” Hajrpal, Kovela, Qureshi 2023 [10.7759/cureus.43757](https://doi.org/10.7759/cureus.43757) (acc 23. 9. 2024)

aspect of Personal responsibility creates sui generis frame for understanding of individual moral worthiness as Personal purpose itself. That kind of purpose is self-created but in direct connection with the system of social values. Because this capacity to set a purpose and take responsibility for the outcomes of personal choice is directly and irrevocably connected to the Social aspect of Human nature we should try to understand what kind of influence on the moral use of the Free Will social circumstances have.

5. Social aspects of Human nature

Social aspect of Human nature was recognized as fundamental in the Antique period. Aristotle's definition of Man is "zoon politikon" (Aristotle 1991: 1253a19-125a39) meaning "being of the society". Without social interaction Man would be disabled in the development of moral and metaphysical aspect. But without social care and nurture he would not be able to survive biologically also.

From the moment of birth, a person relies on other people, first on members of his family, and later on the wider social community. What does an individual get from social interaction? First it gains capacity to communicate with others through the learning of language. This social interaction is fundamental for the Human well-being and social institutions allow him to create social life in accordance with the social customs and values. Complexity of social institutions (informal, educational, political, religious etc.) creates a net off achievable goals and capacities for development and self-promotion(Aristotle 1991: 1103b7-1103b26).

Language as means of communication becomes first element in obtaining knowledge about right and wrong as precondition for acquisition of knowledge of the fundamental moral categories of good and evil. On the later stages of personal development social interaction becomes essential for self-understanding, because through its social identity person becomes conscious about social customs, values and acceptable motives. Personal use of the Free Will is directly connected with the set of socially acceptable values creating frame for its further moral development.

Social customs and values create context of the morality allowing capacity of the Personal Free Will to participate in it. Moral values are induced as desirable, but capacity of Free will allows someone to reject them. But social context creates self-protective punitive measures (of moral condemnation or legal punishment) trying to establish predictable and harmonious social relations. Use of social values and informal and formal institutions supporting them in the effort of creating harmonious social relations remind us on the imperative of the biological aspect consisting in the preservation of Life as such. This analogy could be supported with the inner purpose of values - to form ideal context for development of the moral aspect of the Human nature.

6. Moral aspect

As it was mentioned before, moral aspect of Human nature begins to develop in the early stages of Human life. Even small child is capable to understand that certain acts are not acceptable and could entail punitive measures of some kind. That means that from the beginning of life Person develops awareness that certain motives and acts (even personally desired) would face social condemnation. In this discrepancy of personal motives and desires and socially acceptable and supported behavior exists substantial use of the Free Will. It is obvious that social authority defining acceptable behavior on the early stages of Human life with the development of higher cognitive capacities becomes internal “Voice of conscience” or “Voice of God” as Socrates liked to say (Platon, 2002:157).

This capacity to withstand our internal desires and wishes in obtaining negative feeling of Dignity of our own Personality as Immanuel Kant defined (Kant, 1981:82) makes essential difference between ordinary choice and moral decision. Ordinary choice depends on calculations of different perspectives for desired gains or unwanted losses, but moral decision lays on the capacity of the Person to sacrifice its desires or gains in the name of the greater good. That capacity to transcend personal wishes and perspectives in the name of grater good is fundamental for the moral aspect.

That inherent capacity to transcend direct influence of desires and other instrumental motives in the name of the respect for the moral law Immanuel Kant defined as positive freedom (Kant, 1990:25). Freedom allows us, however, to act

against moral law too. Acting against moral law is direct use of the Free Will in the way that diminish Dignity of our own Personality. Such moral stance puts the Human in the position of the usurper of the objective moral criterion in the name of its own Personal aims. That means that whenever someone acts in the name of its own selfish interests against the moral law inherent to its capacity of Free Will one directly acts as an agent of evil.

Our Reason, capable to think in the unconditional way creates capability to think of the action free of influence of other causes save our own objective moral law. Objectivity of the moral law, as Immanuel Kant claims, is in his capacity to be categorically imperative, internally motivated only by the moral Law created by capacity of our Reason to think unconditionally. That capacity to withstand external motives in the name of the pure moral law grounded in the capacity of the objective and unconditional thought of the Reason creates objective of the Free will in promoting of our capacity to act unconditionally free, excluding all external motives. Moral decision relying directly on the objective criterion of the moral law free of any external motive fundamentally differs from the choosing between two desirable (or undesirable) things motivating us externally demanding only use of prudence.

Evilness thus can be seen as direct and conscious neglecting of the moral law in the name of some external interest produced by our own selfish motives (Kant, 1990:30-31). Internal structure of Moral aspect of the Human nature allows freedom to violate objective moral law inherent to our Personality. But such act makes us directly responsible to the moral law itself. Demand of the moral law cannot be neglected because it lies in the very structure of our being and can be proved by our own Reason.

Thus, capacity of evilness creates substantially specific position of the Moral aspect of Human nature. Biological aspect defined by its Imperative of Preservation of Life is not capable to harm itself, and Social aspect (nominally) exists as a specific set of values and institutions with imperative effort to establish harmony and justice between members of the society. But Moral aspect and capacity of Free Will to set selfish motives (evilness) and diminish its own nature of obtaining moral goodness in transition from the Free Will to the Good Will looks like catastrophic anomaly of Human nature. That is fundamental point where capacities of Human nature are capable to destroy this same nature.

That means that capacity of the Free Will, through evil motives based on selfishness, is capable to destroy Human nature in all its aspects. That capacity to act evilly looks like an anomaly in the use of the Free Will. Instead of setting motives out of respect of the moral law given to us through our Reason and moral feeling, evil represents conscious breaking of morality for the fulfilling of selfish interests out of pleasure. That is transmission of the moral authority from the inherent moral law to the selfish interests out of satisfying personal desire for pleasure. Instrumentalization of the subjectivity out of selfish motives based on desired feeling of pleasure with conscious breaking of the boundaries of inherent moral law becomes a way to establish absolute criterion of personal moral authority.

On the contrary, our capacity to use our Free Will creating its maxims out of pure respect for moral law unaffected by any other motives represents Dignity of our Personality going beyond our own personal wishes and feelings and any possible external cause. That is the only way of doing morally through the capacities of the Moral aspect of Human nature that opens us a dimension which goes infinitely further than any gains obtainable by our own selfish interests, dimension of the Eternity, Metaphysical aspect of Human nature.

7. Metaphysical aspect

Eternity as such cannot be presented by our senses, but thinking of Eternity lies on unconditional capacities of our Reason capable to present Space or Time as infinite continuums (Kant 1970: 285-286). Metaphysical aspect of Human nature represents our capacity to understand our own and Personalities of other Human as inherent eternal values going beyond any utilization. That means that we are capable to admit existence of higher causes than our selfish interests and desires.

Religion itself represents system of values capable to give capacities for infinite perfecting of our morality by creating metaphysical aspect of our nature. Religion and morality create spiritual dimension of action of twofold manner. Morality through the authority of moral law establishes Dignity of Human Personality as the timeless category and Religion facilitates Eternal frame of further moral perfection through the Will and the authority of God. That specific and unique metaphysical relation between God and Man resembles in some manner

to the relation of the parent and a child. Relying on Personality of God as authority of final purpose that is presented in him through his capacity to fulfill unconditional obligations of the moral law, Person creates specific context of communion with other Humans.

Religion represents willful cession from the capacity of selfish establishing of Personal Subject as an ultimate moral authority and accepting of the God`s authority as fundamental source of eternal and unchangeable values. That cession from the selfish interests and acceptance of the God as ultimate moral authority allow us to establish eternal communion with other people as God`s creatures capable for Goodness itself. Metaphysical aspect of Human nature relies on our capacity to communion with others on the base of our own will to use Free Will as an instrument of God`s Will itself. That means that Moral aspect of Human nature would lose any purpose without Eternal perspective established through the Metaphysical aspect. On the other side, inherent Dignity of our Personality capable to fulfill Will of God allows us to introduce ourselves as members of the Eternal community of the Good people under the rule of God. That is the reason why many philosophers understood inherent dignity of the moral law as the “Voice of God” within us (Kant,1979:105).

That kind of communion creates specific responsibility of one Human for another, not just as a mean for some utilitarian purpose, but as a final end. Other version of categorical imperative of Immanuel Kant underlines that (Kant, 1981:73-74). That means that metaphysical aspect of Human nature provides context for justification of higher purpose for Human personality and creates specific responsibility not toward selfish interests of our needs but toward eternal and final aims. In that context our responsibility for other Humans goes beyond fulfilling certain mutual interests and agreements toward unconditional care for Human Personality as final aim. Moral aspect of Higher purpose of our own Personality directly relies on Metaphysical aspect of the Eternal purpose established by the authority of God creating unconditional responsibility for other Humans as bearers of that Eternal purpose even for all beings as God`s creatures too.

8. Responsible Government and moral capacities for establishing of legal frame for self-harm

After analyses of different aspects of Human nature we are now able to conclude on certain regularity existing in its wholeness. Implicit Imperative of the Preservation of Life in Biological aspect correspond to the compatibility of different capacities of Personal aspect (emotions, intellect and will) and harmonious relations of Social aspect correspond to the proper use of the Free Will in moral aspect. All of these aspects have justification and fulfillment in the eternal perspective of the metaphysical aspect of Human nature. Understood in such manner Human nature can be seen as functionally united and purposive in all of its aspects. That mutual connection of all aspects can be proved in the way that violation of one of them certainly violate all of the others.

What is most interesting is that conscious and deliberate violation (not induced by inevitable Death, disease or some natural cause) is possible only through the misuse of the Free Will in the Moral aspect of Human nature. That abuse of Free Will, as explained earlier, is the negation of the inherent Dignity of our own Personality, by placing our motivation to satisfy all personal desires as the ultimate moral authority instead of fulfilling inherent demands of the moral law presented in our innate capacities.

Now we can establish certain recommendation for proper use of the Human nature in all its aspects: **May the proper use of biological aspect allow us to the create compatibility of Personal capacities which will through the proper use of the Free Will in Moral aspect create harmonious relations of Social aspects in accordance to the eternal values of the Metaphysical aspect of our Nature as our Final aim.**

On the other side, making our own interests of satisfying personal desires ultimate aim and supreme moral authority directly and irrevocably endanger all other aspects of our Nature. Such stance would inevitably harm biological integrity through unrestrained pursue for satisfaction, harm harmonious social relations through persistence on selfish interests and totally disable Moral aspect by diminishing Dignity of Personality reducing it on the mechanism of constant pleasure destroying thus eternal capacities of the Metaphysical aspect.

One of the most interesting questions in contemporary Philosophy of justice is - what is the purpose and where do the boundaries lie for intervention of the State and responsible Government toward the exercise of the Free Will of its citizens (Dworkin, 1978:255)? Understanding role of the State not only toward fully developed adults but toward education and pedagogy of undeveloped children and young people too, we cannot deny important role of the social and governmental institutions in preparation of the proper use of different aspects of Human nature. That means that Government should not encourage any use of different aspects of Human nature that would lead to harm or inability of the Persons on their underdeveloped age, and would protect them and sanction their violation on the stage where Person could be understood as fully responsible for its deeds.

Considering that Human nature should be understood as the wholeness based on the mutual influence of its different aspects, at the end, we can give certain recommendations for responsible attitude toward developing of Human Personality as such:

Chart 2: List of Governmental measures for proper development and preservation of Human nature

Aspect of Human nature	Preservation of the	Governmental measures and restrictions
Biological	Biological life	Protection of bodily integrity Restriction of bodily harm including self-harm
Personal	Compatibility of different personal characteristic	Improving care for developing of different capacities of the Person
Social	Capability of the Person to interact and develop in the society	Social care, fair distribution of wealth and the possibility of social mobility
Moral	Proper use of the Free Will	Development of virtues and capacities for benevolence; suppression of selfishness and insensitivity to others
Metaphysical	Orientation toward ultimate purpose	Protection of the Religion

Through this chart certain recommendation are given for taking measures by the Government. It is obvious that certain contemporary (sometimes legally supported) acts as abortion or euthanasia should be suppressed because they directly violate essential processes of the biological aspect. In the same way social phenomena as body implants or tattooing can be perceived as barbaric and unnecessary because they change the integrity of our body compromising our physical health to some extent and should not be encouraged or promoted. In the same way, education based on the prospect of pure utilization of the Person (professional life) should be replaced by the education that would develop all capacities of the Person. In the social aspect, inclusion, acceptance and care for socially suppressed (poor, disabled etc.) should be present. In moral aspect, culture of the use of the Free Will consisting of developing of virtues, benevolence and responsibility toward self and others should be promoted allowing us to, at the end, reach the final perspective of Unconditional and Eternal in our Nature. Complexity of Human nature should be developed in compatibility of the wholeness to obtain complete and final reason of its existence.³

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